



30 August 2019

To All Councillors

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that the next Ordinary Meeting of Council will be held in the Council Chambers, on Wednesday, 4 September 2019 at 6.30 pm, for the purposes of transacting the undermentioned business.

AGENDA:

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- (1) **OPENING PRAYER**
- (2) **ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**
- (3) **RECEIPT OF APOLOGIES**
- (4) **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
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- (6) **PETITIONS**
- (7) **ADDRESS BY INVITED SPEAKERS**
- (8) **CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBO OR INDIVIDUALLY WITH NOMINATED EXCEPTIONS**
- (9) **NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION**
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(19) COUNCILLORS' REPORTS

**(20) REPORT OF THE CONFIDENTIAL SESSION OF THE ORDINARY COUNCIL
MEETING ON 4/09/2019**



Principles for Local Government

Exercise of functions generally

The following general principles apply to the exercise of functions by Councils:

- a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- e) Councils should work co-operatively with other Councils and the State government to achieve desired outcomes for the local community.
- f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- g) Councils should work with others to secure appropriate services for local community needs.
- h) Councils should act fairly, ethically and without bias in the interests of the local community.
- i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

Council's Values

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

Our Community's Vision

Cessnock will be a cohesive and welcoming community living in an attractive and sustainable rural environment with a diversity of business and employment opportunities supported by accessible infrastructure and services which effectively meet community need.

Cessnock – thriving, attractive and welcoming.

Our Community's Desired Outcomes

- A connected, safe and creative community.
- A sustainable and prosperous economy.
- A sustainable and healthy environment.
- Accessible infrastructure, facilities and services.
- Civic Leadership and effective governance.



Council Model Code of Conduct

Council adopted its current Code of Conduct on 17 April 2019. This Code provides details of statutory requirements and gives guidance in respect of the way in which pecuniary and conflict of interest issues must be disclosed.

Generally, the Code outlines the following issues:

1. Councillors are under an obligation at law to disclose any interest they may have in any matter before the Council and to refrain from being involved in any consideration or to vote on any such matter
2. Councillors must disclose any interest in any matter noted in the business paper prior to or at the opening of the meeting
3. The nature of the interest shall be included in the notification
4. Councillors shall immediately and during the meeting disclose any interest in respect of any matter arising during the meeting which is not referred to in the business paper
5. All declarations of interest shall be recorded by the General Manager
6. All disclosures of interest shall as far as is practicable be given in writing
7. Any member having a pecuniary or non-pecuniary significant conflict of interest shall leave the meeting and remain absent while the subject of the interest is being considered by Council
8. The meeting shall not discuss any matter in which a Councillor has a pecuniary or non-pecuniary significant conflict of interest while the Councillor is present at the meeting



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**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 21 AUGUST 2019, COMMENCING
AT 6.30 PM**

PRESENT: His Worship the Mayor, Councillor R Pynsent (in the Chair) and Councillors Olsen, Dunn, Fagg, Stapleford, Suvaal, Fitzgibbon, Gray, Dagg, Burke, Sander and Lyons.

IN ATTENDANCE: Interim General Manager (Director Corporate and Community Services)
Director Planning and Environment
Acting Director Corporate and Community Services (Human Resource Manager)
Director Works and Infrastructure
Senior Media & Communication Officer
Corporate Governance Officer

APOLOGY:

MOTION

Moved: Councillor Dagg

Seconded: Councillor Suvaal

928

RESOLVED that the apology tendered on behalf of Councillor Doherty, for unavoidable absence, be accepted and leave of absence granted.

FOR

AGAINST

Councillor Olsen
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (12)

Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION

Moved: Councillor Dagg

Seconded: Councillor Lyons

929

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 7 August 2019, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

Councillor Olsen
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (12)

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI16/2019

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.

BN22/2019 Multi-Level Parking Station Cessnock Central - Councillor Fitzgibbon declared a Non Pecuniary Less Than Significant Conflict for the reason that she is a Vincent Street business owner. Councillor Fitzgibbon advised that she would remain in the Chamber and participate in discussion and voting as the conflict has not influenced her in carrying out her public duty because it will have no bearing on her decision in regard to this matter.

BN19/2019 Bee Friendly Tree Giveaway - Councillor Olsen declared a Non Pecuniary Less Than Significant Conflict for the reason that his brother is a bee keeper. Councillor Olsen advised that he will remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because it will not have any impact on his hobby as he lives on 120 acres.

BN20/2019 Keep Clear Regulatory Line Marking at the Intersection of Wollombi Road and Ivan Street, Cessnock – Councillor Olsen declared a Non Pecuniary Less Than Significant Conflict for the reason that he lives in Sergeant Street, Cessnock which runs into Ivan Street. Councillor Olsen advised that he will remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because there are many road users who will benefit from improvements more than himself.

BN22/2019 Multi-Level Parking Station Cessnock Central – Councillor Burke declared a Pecuniary Interest for the reason the he is associated in Businesses within the Cessnock Chamber. Councillor Burke advised that he will leave the Chamber and take no part in discussion and voting.

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

The following person has been invited to address the meeting of Council:

Speakers	Company	For / Against	Report	Page No.	Duration
Mr Brad Fenning	Cessnock Regional Art Gallery	For	CC66/2019 - Lease of 16 Vincent Street to Cessnock Regional Art Gallery and request for financial support	81	3 mins

CORPORATE AND COMMUNITY NO. CC66/2019

SUBJECT: LEASE OF 16 VINCENT STREET TO CESSNOCK REGIONAL ART GALLERY AND REQUEST FOR FINANCIAL SUPPORT

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Fitzgibbon
930

RESOLVED

1. That Council enter into a new 12 month lease agreement with Cessnock Regional Art Gallery Incorporated for the premises it occupies at 16 Vincent Street, Cessnock on terms similar to the current lease.
2. That Council not provide financial support to the Cessnock Regional Art Gallery Incorporated for the building insurance \$2,723 and land rates \$5,363.
3. That Council not provide financial support to the Cessnock Regional Art Gallery Incorporated for an Art Director noting the investigations for a Cultural Hub at Cessnock Performing Arts Centre will also need to consider financial implications associated with operating any newly created arts and cultural space.
4. That the Cessnock Regional Art Gallery Committee continue to be provided with opportunities to engage in the investigations for a Cultural Hub at Cessnock Performing Arts Centre including potential operational models and that the Cultural Facilities Committee be updated quarterly on progress.

FOR

AGAINST

Councillor Olsen
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (12)

Total (0)

CARRIED UNANIMOUSLY

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

MOTION

931

Moved: Councillor Suvaal

Seconded: Councillor Burke

RESOLVED

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

NI9/2019	Notice of Intention to Deal with matters in Confidential Session.	
	GMU17/2019 - 2020 Conference - Hosting Opportunity	55
‡ CC64/2019	Investment Report - July 2019.....	69
‡ CC65/2019	Innovate Reconciliation Action Plan Progress Report.....	76
CC67/2019	Minutes of the Cultural Facilities Committee Meeting of Cessnock City Council held 24 July 2019	90
‡ CC68/2019	Resolutions Tracking Report	93
WI52/2019	Lovedale Road, Lovedale - Intersection with Wilderness Road	140
‡ CO18/2019	IPART Report - Review of Local Government Election Costs – Request for Submissions.....	167

Council adopt the recommendations as printed for those items.

FOR

AGAINST

Councillor Olsen
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (12)

Total (0)

CARRIED UNANIMOUSLY

NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION

NOTICE OF INTENTION NO. NI9/2019

**SUBJECT: NOTICE OF INTENTION TO DEAL WITH MATTERS IN
CONFIDENTIAL SESSION.**

GMU17/2019 - 2020 CONFERENCE - HOSTING OPPORTUNITY

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
932

RESOLVED

1. That Council consider in Confidential Session the following matters in accordance with Section 10A(2) (di) of the Local Government Act 1993:

Report No. GMU17/2019 – 2020 Conference – Hosting Opportunity as is deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

2. That Council request 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
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Councillor Olsen	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	

Total (12)

Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES

MAYORAL MINUTES NO. MM13/2019

SUBJECT: EMERGENCY SERVICES LEVY INCREASE 2019-20 - GOVERNMENT RESPONSE

MOTION **Moved:** Councillor Pynsent

933

RESOLVED

1. That Council note the advice from the Hon. Shelley Hancock MP that the government has agreed to provide funding for the first years increase in the Emergency Services Levy for all local councils to meet the costs of the new workers' compensation scheme in 2019-20.
2. That Council commend the Government for listening to the concerns raised by Council and LG NSW regarding the negative impacts on the timing and financial impost of the announcement
3. That Council notes the stated intention of the Government to continue to consult with the sector to better manage the impacts of the Emergency Services Levy on annual budgeting cycles.

FOR	AGAINST
Councillor Olsen	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU14/2019

SUBJECT: MOTIONS OF URGENCY

NIL

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE57/2019

**SUBJECT: DEVELOPMENT APPLICATION PERFORMANCE MONITORING
REPORT - JUNE 2019 QUARTER**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Gray
934
RESOLVED

That Council receives the report and notes the information.

FOR	AGAINST
Councillor Olsen	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC64/2019

SUBJECT: INVESTMENT REPORT - JULY 2019

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
935
RESOLVED

That Council receive the report and note the information.

FOR	AGAINST
Councillor Olsen	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC65/2019

SUBJECT: INNOVATE RECONCILIATION ACTION PLAN PROGRESS REPORT

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke

936

RESOLVED

That Council note the progress of the Innovate Reconciliation Action Plan.

FOR	AGAINST
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Councillor Olsen	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	

Total (12)

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC67/2019

**SUBJECT: MINUTES OF THE CULTURAL FACILITIES COMMITTEE MEETING
OF CESSNOCK CITY COUNCIL HELD 24 JULY 2019**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
937
RESOLVED

That the Minutes of the meeting of the Cultural Facilities Committee held on 24 July 2019 be adopted as a resolution of the Ordinary Council.

FOR	AGAINST
Councillor Olsen	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC68/2019

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke

938

RESOLVED

That Council receive the report and note the information.

FOR	AGAINST
Councillor Olsen	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI51/2019

**SUBJECT: ENGINEERING REQUIREMENTS FOR DEVELOPMENT - IMPACT OF
WIDER ROADS**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
939
RESOLVED

1. That Council note the potential impacts of changing Section 4.0 Road Design, 4.5.9 Urban Roads - Carriageway Widths of Council's existing *Engineering Requirements for Development* to require wider roads for all future developments.
2. That Urban Road Carriageway widths is included in the current review and update of Cessnock Council's Engineering Guidelines for Development in order to better align the requirements with adjoining Councils.

FOR	AGAINST
Councillor Dunn	Councillor Olsen
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (1)

CARRIED

WORKS AND INFRASTRUCTURE NO. WI52/2019

**SUBJECT: LOVEDALE ROAD, LOVEDALE - INTERSECTION WITH
WILDERNESS ROAD**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke

940

RESOLVED

1. That Council note the completion of short term works and actions to improve the road environment at the intersection of Lovedale Road and Wilderness Road.
2. That Council note the preferred channelised right-turn intersection treatment.
3. That Council consider inclusion of the preferred intersection treatment in the Delivery Program 2021-25, subject to grant funding.

FOR

AGAINST

Councillor Olsen
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (12)

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI53/2019

SUBJECT: QUARRY STREET CESSNOCK PARK NAMING

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Fitzgibbon
941

RESOLVED

- 1 That Council notes the submissions received by the Geographical Names Board of NSW in relation to the proposed renaming of Quarry Street Park Cessnock.
- 2 That Council advises the Geographical Names Board of NSW that it wishes to formally name the park in Cessnock locally known as Quarry Street Park as "Freemasons Park" subject to gazettal by the Geographical Names Board of NSW.
- 3 That if approval is received from the Geographical Names Board of NSW, Council install appropriate signage.
- 4 That the Lodge Cessnock, as the applicant for the naming be notified of the outcome of the application.
- 5 That the General Manager bring a report on the revised Naming of Council Assets Policy back to Council within two months.
6. That Council continues to recognise on the site the significance of Quarry Street Park in Cessnock's Coalmining history.

FOR

Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (11)

AGAINST

Councillor Olsen

Total (1)

CARRIED

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN18/2019

SUBJECT: ENCOURAGE KAUFLAND SUPERMARKETS TO SET-UP A STORE IN CESSNOCK

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Burke

942

RESOLVED

That Council write to the Kaufland supermarket chain encouraging them to look at setting up a store in Cessnock and that the strong economy and population growth of Cessnock be outlined to them and a copy of the Cessnock LGA prospectus be included.

FOR	AGAINST
Councillor Olsen	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN19/2019

SUBJECT: BEE FRIENDLY TREE GIVEAWAY

Councillor Olsen declared a Non Pecuniary Less Than Significant Conflict for the reason that his brother is a bee keeper. Councillor Olsen remained in the Chamber and participated in discussion and voting.

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Gray

That the Interim General Manager bring back a report outlining how Council can modify the free plant giveaway to extend it to rural property holders to give them bee attracting plants.

AMENDMENT **Moved:** Councillor Stapleford **Seconded:** Councillor Fitzgibbon

That Council ask the General Manager to request a briefing with National Parks to discuss ways Council can improve the local ecology and biodiversity including threatened species such as Bees and Regent Honey Eaters.

FOR	AGAINST
Councillor Olsen	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

The Amendment was **PUT** and **CARRIED** and as such became the **MOTION**.

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

MOTION**Moved:** Councillor Stapleford **Seconded:** Councillor Fitzgibbon

943

RESOLVED

That Council ask the General Manager to request a briefing with National Parks to discuss ways Council can improve the local ecology and biodiversity including threatened species such as Bees and Regent Honey Eaters.

FOR**AGAINST**

Councillor Olsen
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (12)**Total (0)****CARRIED UNANIMOUSLY**

BUSINESS WITH NOTICE NO. BN20/2019

SUBJECT: KEEP CLEAR REGULATORY LINE MARKING AT THE INTERSECTION OF WOLLOMBI ROAD AND IVAN STREET, CESSNOCK

Councillor Olsen declared a Non Pecuniary Less Than Significant Conflict for the reason that he lives in Sergeant Street, Cessnock which runs into Ivan Street. Councillor Olsen remained in the Chamber and participated in discussion and voting.

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Suvaal
944

RESOLVED

1. That the General Manager report back to Council within 4 months on the resourcing implications and timeframes associated with reviewing the existing Traffic and Transport Strategy and developing an implementation program.
2. That the General Manager investigate the installation of regulatory “KEEP CLEAR” line marking at the intersection of Wollombi Road and Ivan Street, Cessnock and if such treatment is appropriate, present a proposal to the Local Traffic Committee recommending installation.

Councillor Dagg left the meeting, the time being 7.49pm

FOR	AGAINST
Councillor Fagg	Councillor Olsen
Councillor Stapleford	Councillor Dunn
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (2)

CARRIED

BUSINESS WITH NOTICE NO. BN21/2019

SUBJECT: PURCHASE OF CROWN LAND AT CESSNOCK CLAY TARGET CLUB INVESTIGATION

Councillor Dagg returned to the meeting, the time being 7.51pm

MOTION **Moved:** Councillor Olsen **Seconded:** Councillor Stapleford
945

RESOLVED

That the General Manager provide a report to Council within 3 months outlining the process and implications of requesting the State Government to transfer to Council, at no cost, the Crown Land on which the Cessnock Clay Target Club currently leases.

FOR	AGAINST
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Councillor Olsen	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN22/2019

SUBJECT: MULTI-LEVEL PARKING STATION CESSNOCK CENTRAL

Councillor Fitzgibbon declared a Non Pecuniary Less Than Significant Conflict for the reason that she is a Vincent Street business owner. Councillor Fitzgibbon remained in the Chamber and participated in discussion and voting.

Councillor Burke declared a Pecuniary Interest for the reason the he is associated in Businesses within the Cessnock Chamber. Councillor Burke left the Chamber and took no part in discussion and voting.

Councillor Burke left the meeting, the time being 8.12pm

MOTION Moved: Councillor Olsen **Seconded:** Councillor Stapleford

That the General Manager investigate the design and location of a Multi-level Parking Station in Central Cessnock shopping centre as our next priority.

AMENDMENT Moved: Councillor Suvaal **Seconded:** Councillor Fitzgibbon

1. **That Council recognises the importance of improving car parking in the Cessnock CBD as a high priority.**
2. **That Council promote the number of free and untimed council parking spaces available within the Cessnock CBD.**
3. **That Council, in consultation with the Business Chamber, investigate signage publicising locations of car parks and the number of spaces within the Cessnock CBD.**
4. **That the General Manager undertake an audit of Cessnock CBD street parking to identify any possible multiple use of zones to increase the number of parking spaces available.**
5. **That Council note the cost estimates for building a multi-level parking station outlined in the 2017 Cessnock Precinct Public Domain Plan with Keene Street being \$6.65 million and Charlton Street being \$16.56 million.**

FOR	AGAINST
Councillor Suvaal	Councillor Olsen
Councillor Fitzgibbon	Councillor Dunn
Councillor Gray	Councillor Fagg
Councillor Dagg	Councillor Stapleford
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (7)	Total (4)

The Amendment was **PUT** and **CARRIED** and as such became the **MOTION**.

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

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Fitzgibbon
946

RESOLVED

1. Council recognises the importance of improving car parking in the Cessnock CBD as a high priority.
2. Council promote the number of free and untimed council parking spaces available within the Cessnock CBD.
3. Council in consultation with the Business chamber investigate signage publicising locations of car parks and the number of spaces within the Cessnock CBD.
4. The General Manager undertake an audit of Cessnock CBD street parking to identify any possible multiple use of zones to increase the number of parking spaces available.
5. That Council note the cost estimates for building a multi-level parking station outlined in the adopted 2017 Cessnock Precinct Public Domain Plan with the Keene Street carpark estimated at \$6.65 million and Charlton Street carpark estimated at \$16.56 million.

FOR	AGAINST
Councillor Suvaal	Councillor Olsen
Councillor Fitzgibbon	Councillor Dunn
Councillor Gray	Councillor Fagg
Councillor Dagg	Councillor Stapleford
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (7)	Total (4)

CARRIED

Councillor Burke returned to the meeting, the time being 8.48pm

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ78/2019

SUBJECT: **GINGERS LANE, WESTON - PROJECT UPDATES**

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ79/2019

SUBJECT: **CESSNOCK - ALCOHOL FREE ZONE SIGNS**

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ80/2019

SUBJECT: **LOOK BOTH WAYS SIGNAGE**

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ81/2019

SUBJECT: **UPDATE ON RICHMOND MAIN**

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ82/2019

SUBJECT: **OWNERSHIP OF LANEWAYS RUNNING OFF VINCENT STREET**

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ83/2019

SUBJECT: TOURISM RELATED PROJECT FUND

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ84/2019

SUBJECT: CHRISTIAN COLLEGE DROP OFF AND PICK UP

The answer was noted.

QUESTIONS FOR NEXT MEETING

Councillor Ian Olsen

GALLAGHER STREET QUESTIONS

Councillor Olsen asked why he has not received a response to his questions regarding Gallagher Street, Cessnock.

Councillor Ian Olsen

MAYORAL CAR

Councillor Olsen asked why did Council fit electric brakes to the Mayor's car.

The Mayor advised that he was not aware of that.

Councillor Mark Lyons

CESSNOCK DCP COMMERCIAL PRECINCT 2010

Councillor Lyons asked when the Cessnock DCP Commercial Precinct 2010 will be reviewed.

Councillor Anthony Burke

MOBILE BLOOD VAN

Councillor Burke asked if Council can contact the Mobile Blood van, currently in Charlton Street, to discuss and investigate whether that is the ideal site for them or whether there is a more suitable location for them.

Councillor John Fagg

DIAGRAM ON PAGE 148 IN ORDINARY AGENDA

Councillor Fagg asked whether the diagram on Page 148 of the Agenda can be circulated to the general public.

The Director Works and Infrastructure advised that yes, the document can be circulated to the general public as it is part of the open agenda.

CORRESPONDENCE

CORRESPONDENCE NO. CO18/2019

SUBJECT: IPART REPORT - REVIEW OF LOCAL GOVERNMENT ELECTION COSTS - REQUEST FOR SUBMISSIONS

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke

947

RESOLVED

That the correspondence be noted.

FOR	AGAINST
Councillor Olsen	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

COUNCILLOR'S REPORTS

NIL

8.50PM

Confidential reports (closed session)

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Suvaal
948

RESOLVED

That the meeting move into Closed Session in order to consider confidential items.

FOR	AGAINST
Councillor Olsen	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

8.52PM

Open Session

The meeting moved back into open session and the Interim General Manager reported on the outcome.

GENERAL MANAGER'S UNIT NO. GMU17/2019

SUBJECT: 2020 CONFERENCE - HOSTING OPPORTUNITY

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 Dagg **Seconded:** Councillor Gray
949

RESOLVED

1. That Council accept the opportunity as outlined in the report and that the General Manager execute the Stakeholder Agreement.
2. That Council commit to the provision of in-kind staffing resources in the lead up to and during the event.
3. That Council allocate \$38,100 towards the delivery and planning of the conference in the 2020-21 Operational plan, with funding to be sourced from the Tourism Related Project funding.
4. That a further report be presented to Council in the lead up to the event to provide an update on anticipated costs and if necessary make recommendations for any variations to the cost estimates.

FOR

Councillor Olsen
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (12)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

The Meeting Was Declared Closed at 8.53pm

CONFIRMED AND SIGNED at the meeting held on 4 September 2019

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI17/2019

Corporate and Community Services



SUBJECT: *DISCLOSURES OF INTEREST*

RESPONSIBLE OFFICER: *Finance and Administration Manager - Andrew Glauser*

RECOMMENDATION

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

SUMMARY

The provisions of Chapter 14 of the Local Government Act, 1993 regulate the way in which Councillors and nominated staff of council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

ENCLOSURES

There are no enclosures for this report.

Notice of Intention to Deal With Matters in Confidential Session

Report No. NI10/2019

Corporate and Community Services



SUBJECT: *NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION.*

PE60/2019 - MINUTES OF THE CONFIDENTIAL EXTRAORDINARY STRATEGIC PROPERTY AND COMMUNITY FACILITIES COMMITTEE - 21 AUGUST 2019

RESPONSIBLE OFFICER: *Finance and Administration Manager - Andrew Glauser*

RECOMMENDATION

1. That Council consider in Confidential Session the following matters in accordance with Section 10A(2) (di) & (dii) of the Local Government Act 1993:

Report No. PE60/2019 - Minutes of the Confidential Extraordinary Strategic Property and Community Facilities Committee - 21 August 2019 it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council.
2. That Council request 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.

SUMMARY

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the "Confidential" business paper which has been circulated to Councillors.

The Local Government Act, 1993 requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the Local Government Act, 1993.

ENCLOSURES

There are no enclosures for this report.

Mayoral Minute

Report No. MM14/2019

General Manager's Unit



MAYORAL MINUTE No. MM14/2019

SUBJECT: TESTERS HOLLOW PROJECTS - REVIEW OF ENVIRONMENTAL FACTORS - SUBMISSION

RECOMMENDATION

- 1. That Council makes a submission on the Review of Environmental Factors for the Cessnock Road upgrade at Testers Hollow project, outlining its preferred position; being to build a four lane road, with two lanes in each direction.**
- 2. That Council is supportive of the works in principle to mitigate flood impacts on Testers Hollow.**

REPORT/PROPOSAL

NSW Roads and Maritime Services (RMS) is proposing to upgrade Cessnock (Main) Road (MR195) at Testers Hollow, between Gillieston Heights and Cliftleigh. The proposal would raise the height of Cessnock Road at Testers Hollow to provide a more reliable connection during certain flood events.

A key feature of the proposal is a new two lane 60 and 80 kilometre per hour road, one lane in each direction with two metre shoulders.

The RMS currently has out on exhibition the Review of Environmental Factors (REF) for the Cessnock Road upgrade at Testers Hollow project.

The REF is on display for comment until 17 September 2019.

Council has an opportunity to make a submission on the proposal and seek to have the project expanded to include a four lane road with two lanes in each direction.

ENCLOSURES

There are no enclosures for this report

Motions of Urgency

Report No. MOU15/2019

Corporate and Community Services



SUBJECT: *MOTIONS OF URGENCY*

RESPONSIBLE OFFICER: *Finance and Administration Manager - Andrew Glauser*

RECOMMENDATION

That Councillors now indicate if there are any matters of urgency which they believe should be conducted at this meeting of Council.

SUMMARY

Under Clause 10.5 of Council's Code of Meeting Practice, business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. This can only happen if a motion is passed to have the business transacted at the meeting, the Mayor rules that the business is of great urgency and the business notified in the agenda for the meeting has been disposed of.

Only the mover of such a motion can speak to the motion before it is put.

ENCLOSURES

There are no enclosures for this report.

Planning and Environment

Report No. PE59/2019

Planning and Environment



SUBJECT: *DEVELOPMENT APPLICATION 8/2019/146/1 PROPOSING REDEVELOPMENT OF AN EXISTING SERVICE STATION COMPRISING DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A NEW SERVICE STATION WITH 24 HOUR TRADING*

18-20 ALLANDALE STREET, KEARSLEY

RESPONSIBLE OFFICER: *Development Services Manager - Janine Maher*

APPLICATION NUMBER:	8/2019/146/1
PROPOSAL:	Redevelopment of an existing service station comprising demolition of existing structures and construction of a new service station with 24 hour trading
PROPERTY DESCRIPTION:	Lot 11, Section 15, DP 758555 Lot 12, Section 15, DP 758555
PROPERTY ADDRESS:	18-20 Allandale Street, Kearsley
ZONE:	R2 – Low Density Residential
OWNER:	Messers K S & P K Kerai & N P & P P Mavji
APPLICANT:	MCHP Architects Pty Ltd

RECOMMENDATION

1. That:

- (i) Development Application No. 8/2019/146/1 proposing the redevelopment of an existing service station comprising demolition of existing structures and construction of a new service station with 24 hour trading at 18-20 Allandale Street Kearsley, be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
 - The proposed redevelopment of the existing service station is facilitated through the establishment of existing use rights in accordance with the requirements of the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation 2000*.

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- The proposal is consistent with the relevant provisions contained within the following State Environmental Planning Policies:
 - o *State Environmental Planning Policy No. 55 – Remediation of Land*
 - o *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*
 - o *State Environmental Planning Policy No. 64 – Advertising and Signage*
- The proposal is generally compliant with the provisions of *Cessnock Development Control Plan 2010*, and any variations are considered minor in nature.
- The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the natural and built environments.
- The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the social and economic locality.
- Satisfactory measures are proposed with respect to the nature and capacity of infrastructure including the management of stormwater generated by the development.
- The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts in respect of amenity, overshadowing, noise, odour and light spill.
- The proposal is suited to the site, having regard to its bulk and scale.
- The proposal is suited to the site having regard to the existing use of the site.
- The proposal is consistent with the public interest having regard to providing services in the locality on a 24 hour basis, which subsequently addresses variations in working hours i.e. shift workers.
- The proposal is in the public interest as the development will result in positive impacts with respect to the natural and built environments.
- The redevelopment of the subject land for the same use as currently existing will ensure the re-use of the land without the need to develop an additional site for a potentially hazardous/contaminating land use.

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

No submissions were received in response to the public exhibition period in relation to the Application.

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

REASON FOR REPORT

Development Application No. 8/2019/146/1 is being referred to Council for determination as it has been called-up by three (3) Councillors in accordance with the provisions of Development Practice Note G3 – Delegations for Determination of Development Applications.

EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 8/2019/146/1 seeking approval for the redevelopment of an existing service station comprising demolition of existing structures and construction of a new service station with 24 hour trading, at 18-20 Allandale Street, Kearsley.

The Development Application has been assessed against the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulations 2000*, relevant Environmental Planning Instruments and Council policies. The outcome of this assessment is detailed further in this report.

The proposed development is considered appropriate given that the assessment of the application has concluded that the proposal is compliant with the provisions of relevant State Environmental Planning Policies, most notably *State Environmental Planning Policy No 33 – Hazardous and Offensive Development*, and *State Environmental Planning Policy No 64 – Advertising and Signage*. In addition, the proposal satisfies the provisions of *Cessnock Local Environmental Plan 2011*, and matters for consideration prescribed under Section 4.15 of *Environmental Planning and Assessment Act 1979*.

The Development Application was publicly exhibited and no submissions were received.

The proposed redevelopment of an existing service station includes the demolition of the existing built improvements located on the subject land and the removal of existing underground fuel storage systems. The redevelopment proposes the reconstruction of the forecourt area of the service station including stormwater drainage, bunding, canopy over fuel dispensing area, new sales building, signage and landscaping. The design of the redevelopment has taken into consideration the existing development located within the locality. The redevelopment proposes to increase the setback of the built components which will assist in reducing the visual impact of the proposal on the streetscape. The location of the development is considered suitable given the existing use of the site as a service station.

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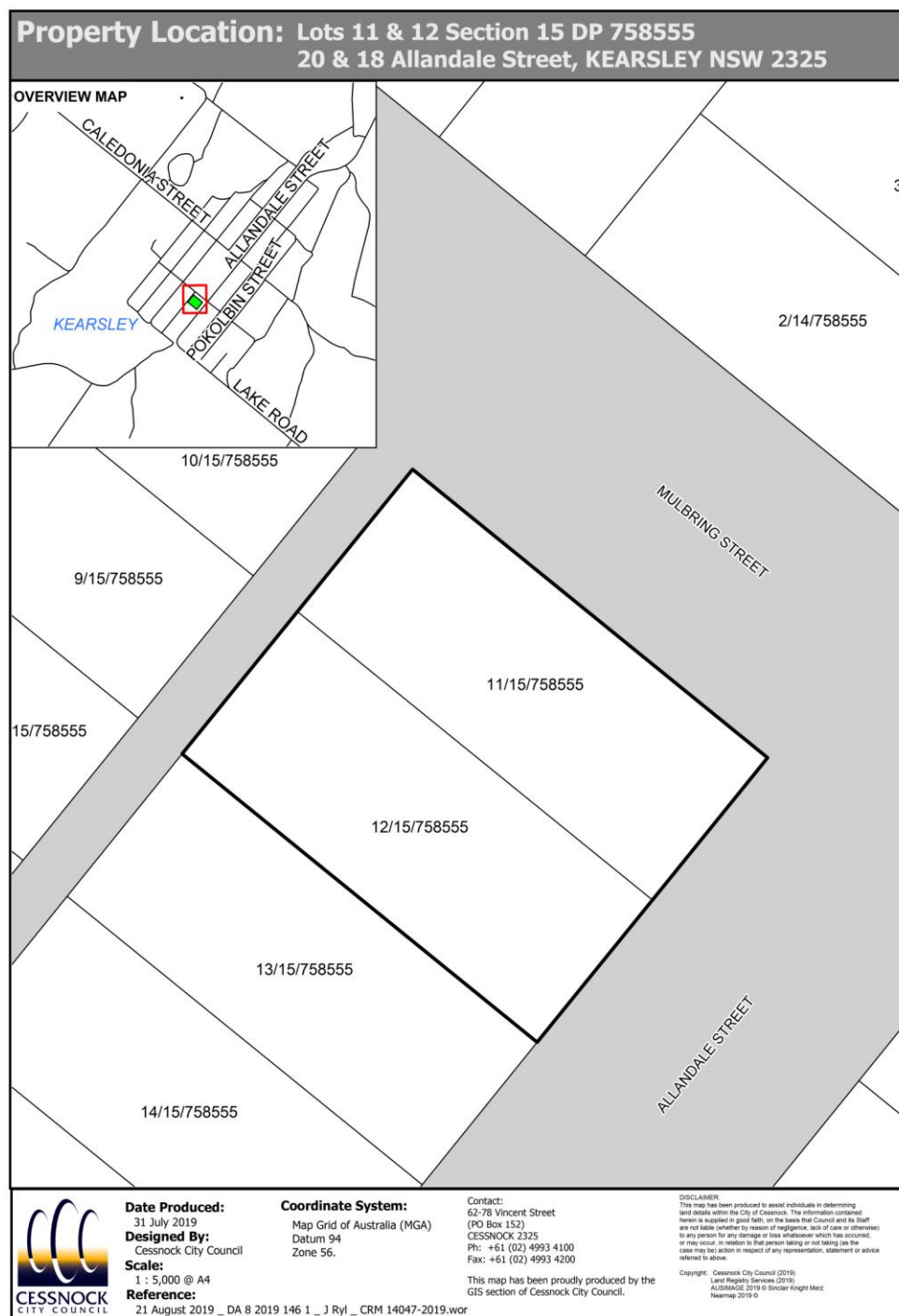
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Based on the assessment, it is recommended that the Development Application be approved subject to the conditions of consent included in this report.

LOCATION MAP



AERIAL



SITE DESCRIPTION AND LOCALITY

The subject site is commonly known as 18-20 Allandale Street, Kearsley, and is legally described as Lots 11 and 12, Section 15, Deposited Plan 758555.

The subject site is located on the western side of Allandale Street. The site has a frontage of 40.235m to Allandale Street, a depth of 50.29m to Mulbring Street and an overall site area of 2023m². Vehicular access to the site is available from both Allandale Street and Mulbring Street.

The subject site is currently occupied by a service station facility with covered dispensing area and sales building, as shown in the below photo:



Existing Service Station located at 18-20 Allandale Street, Kearsley

Council officers have been advised that the current opening hours for the service station are:

5:00am – 9:00pm

A review of Council's records has identified that no development consent exists for the first use of the service station. Therefore, there is presently no restriction on the permitted hours of operation.

The surrounding properties are characterised by residential dwellings located to the north-west and south-west. Residential dwellings to the south-east are separated by Allandale Street. Properties to the north-east (separated by Mulbring Street), are characterised by the Kearsley Community Hall, Kearsley Bushfire Brigade and sport field associated with Kearsley Public School. The Kearsley Hotel is located over four hundred (400) metres from the subject site on the northern outskirts of Kearsley.

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The following relevant development consents issued in relation to the subject property indicate a long history of the existing use being located on the subject land and providing services to the Kearsley community:

- Extensions to existing service station, storeroom etc. – approved on 20 August 1973 (Council Reference: D74/73/54)
- Fish and chip take-away foods area – approved on 24 September 1973 (Council Reference: D74/73/62)
- Canopy over fuel pumps – approved on 21 June 1990 (Council Reference: C49/90)
- Alterations and additions to existing service station – approved on 1 September 2011 (Council Reference: 8/2011/329/1)

HISTORY

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

Date	Action
28 February 2019	Development Application lodged with Council
1 March 2019	Referrals made to the following: <ul style="list-style-type: none"> • Development Engineer • Environmental Health • Roads and Maritime Services (RMS)
12 March 2019	Development Application placed on exhibition for 14 days. No objections/submissions received.
18 March 2019	Environmental Health Officer completes assessment of the application and supports the application subject to conditions.
27 March 2019	Referrals made to the following: <ul style="list-style-type: none"> • NSW Police - Local Area Command – Hunter Valley • Community Planner (Social Impact)
27 March 2019	Additional information requested by Development Engineer, as follows: <ul style="list-style-type: none"> • A revised concept drainage plan and supporting calculations
8 April 2019	Additional information as requested on 27 March 2019, submitted by the applicant. No objection raised by Development Engineer, conditions of consent provided.
10 April 2019	Additional information requested in relation to the luminance level of proposed illuminated signage, and further detail in regard to Social Impact Assessment.
11 April 2019	Partial response to request for additional information provided.
16 April 2019	Further response to information requested on 10 April 2019, received from the applicant.
23 April 2019	Community Planner completes assessment of submitted information – the application is supported from a social impact aspect.
9 July 2019	NSW Police – Local Area Command Hunter Valley, provides recommendations in support of the proposed development.
1 August 2019	Assessment finalised.

DETAILS OF THE PROPOSED DEVELOPMENT

Development Application No. 8/2019/146/1 seeks approval for the redevelopment of an existing service station comprising demolition of existing structures and construction of a new service station with 24 hour trading, at 18-20 Allandale Street, Kearsley.

The proposed development consists of the redevelopment of the sales building/convenience store with a new sales building/convenience store of 310m² in area, to be constructed from concrete wall blocks, zincalume sheeting roof and anodised aluminium shopfront with clear fixed glaze.

The sales building is to be setback 30.5m from the Allandale Street frontage with a new forecourt fuel dispensing and canopy to be located within this setback. The new canopy will be constructed to a height of 5.4m, and the new sales building/convenience store will be constructed to an overall height (including parapet) of 4.2m.

Specifically, the proposed development involves the provisions of fuel dispensing facilities and associated products for sale or use by the general motoring public, including:

- A new sales building of 310m² in area, which will include a service counter, small ancillary food offer, retail sales area, amenities suitable for persons with disabilities, walk-in cool room, freezer and back of house office, store and wash up area for staff.
- The removal of existing fuel storage tanks and replacement with two type 90kL double-walled secondary contained (split compartments) fibre glass fuel storage tanks.
- A 3 column fuel dispensing canopy with the installation of multi-product dispensers. An under canopy drainage system is to be installed to achieve compliance with forecourt pollution control requirements and NSW legislative requirements.
- A plant room, on site car parking and waste enclosure.

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 4.15(1)

In determining a Development Application, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the Development Application on the subject property:

(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 No. 55 – Remediation of Land
2. State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
3. State Environmental Planning Policy No. 64 – Advertising and Signage
4. Cessnock Local Environmental Plan 2011

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

1. State Environmental Planning Policy No. 55 – 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. Clause 7(1) of SEPP No. 55 – Remediation of Land, is relevant to the assessment of this Development Application.

Clause 7(1) 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 land has been previously used for a purpose which is likely to have resulted in contamination. Accordingly, an Environmental Site Assessment (*NEO Consulting Pty Ltd (19 February 2019) Environmental Site Assessment, Metro Kearsley 20 Allandale Street, Kearsley NSW 2325, Lot 11 DP 758555*), was submitted in conjunction with this application.

The assessment lists the potential contaminants, based on the current use of the site as a service station.

The report advises that there are currently three water monitoring wells on the site, which were all found to be dry at the time of the assessment.

The report indicates that 3 (BH) samples were taken at various depths (minimum depth of 4.5 below ground level) (15 soil samples in total). The location of the soil samples were based on the location of current underground infrastructure, accessibility and probability of identifying contamination. Visual observations of the soil samples were undertaken, and the report notes that the soil samples had no hydrocarbon odour and the appearance of the samples was similar to that of the natural soil type for the area.

The soil samples were analysed for total recoverable hydrocarbons, benzene, toluene, ethylbenzene, xylenes and lead. The analytical results for the soil samples have been compared against the relevant soil investigation levels. All analytical results were within the acceptable health and ecological levels for commercial/industrial land use.

The submitted Motor Spirit Preliminary Analysis (*MCHP Architects (14 February 2019) Motor Spirit Preliminary Hazard Analysis – SEPP 33 Review*), confirms that the excavated areas where existing fuel tanks are to be removed, will be tested and validated. In the event the application is approved, a condition of consent requiring the submission of a validation report to Council, will be imposed on the notice of determination.

Given that the site is currently being used for the purpose of a service station, Council is satisfied that the continued use of the site for the same purpose is suitable from a contamination perspective.

2. State Environmental Planning Policy No. 33. – Hazardous and Offensive Development

The aim of the policy is to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the

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development, are taken into account. Additionally, the policy aims to ensure the consent authority has sufficient information to assess whether the development is hazardous or offensive, and to impose conditions to reduce or minimise any potential adverse impact.

In consideration of SEPP 33, the application was accompanied by a *Motor Spirit Preliminary Hazard Analysis – SEPP 33 Review*, prepared by MCHP Architects dated 14 February 2019.

The application proposes the removal of existing underground fuel storage tanks, dispensers, fill box, vent pipes and associated pipework and installation of 2 x new 90kL compartmented underground fibreglass fuel storage tanks, new fill box and vent pipes and associated pipework, new concrete pavement to forecourt area and new 8 hose multi product fuel dispensers. It is noted that installation of underground fuel storage tank installation and the determined separation distance from the southernmost 'product dispenser' to the nearest property boundary, lend the development proposed to be considered "potentially hazardous" as defined in SEPP 33.

The document "Applying SEPP 33" Table 2, indicates that the development may be potentially hazardous, however this depends on the number of generated traffic movements carrying significant quantities of hazardous materials. For the class of products to be transported to the development, the screening value is an annual figure of 750. The development is expected to require a maximum of 3 weekly motor spirit fuel deliveries per week (150 annual). The development therefore falls below the weekly and annual threshold figures.

The level of risk to society from the proposed development falls within the negligible range. All possible measures shall be taken during design, construction and operation to ensure that the level of risk remains as low as possible.

The above document was reviewed by Council's Environmental Health Officer and the proposed development has been assessed in accordance with the requirements of SEPP 33. Accordingly, Council officers have concluded that the proposed development is suitable for the site.

3. State Environmental Planning Policy No. 64 – Advertising and Signage

The aims of the policy are to ensure that signage is compatible with the desired amenity and visual character of an area, to regulate signage under Part 4 of the Act, to provide time limited consents for the display of certain advertisements, regulate advertisement in transport corridors, and ensure public benefit from advertisement within or adjacent to transport corridors.

Clause 13 requires that consent not be granted until Council has identified that the advertisement is consistent with the objectives of the policy and has been assessed in accordance with the criteria contained within Schedule 1.

The proposed signage is identified as being consistent with the objectives of the policy, and satisfying the criteria outlined in Schedule 1.

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4. Cessnock Local Environmental Plan 2011

4.1 Permissibility

The subject site is zoned R2 – Low Density Residential under the provisions of Cessnock Local Environmental Plan (CLEP) 2011. The proposed development is defined as a ‘service station’ under CLEP 2011, as follows:

‘service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,*
- (b) the cleaning of motor vehicles,*
- (c) installation of accessories,*
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),*
- (e) the ancillary retail selling or hiring of general merchandise or services or both’.*

The development satisfies the above definition, as the development comprises fuel dispensing facilities and associated products for sale or use by the general motoring public, specifically;

- A new sales building of 310m² in area which will include a service counter, small ancillary food offer, retail sales area, amenities suitable for persons with disabilities, walk-in cool room, freezer and back of house office, store and wash up area for staff.
- The removal of existing fuel storage tanks and replacement with two type 90kL double-walled secondary contained (split compartments) fibre glass fuel storage tanks.
- A 3 column fuel dispensing canopy with the installation of multi-product dispensers. An under canopy drainage system is to be installed to achieve compliance with forecourt pollution control requirements and NSW legislative requirements.
- A plant room, on site car parking and waste enclosure is also proposed.

Development for the purpose of a service station is not a permitted land use within the R2 – Low Density Residential zone in accordance with the land use table prescribed in *Cessnock Local Environmental Plan 2011*.

Notwithstanding the above, it is noted that a service station has long been established on the subject land. Prior to the adoption of the *Cessnock Local Environmental Plan 2011*, a service station was a permissible land use on the site, with consent.

The following discussion outlines the establishment and continuation of the existing use associated with the subject land:

In accordance with Clause 4.65 of the *Environmental Planning and Assessment Act 1979*:

existing use means:

- (a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and*
- (b) the use of a building, work or land:*
 - (i) for which development consent was granted before the commencement of provision of an environmental planning instrument having the effect of prohibiting the use, and*

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- (ii) *that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse*

An extensive review of Council's files regarding the land the subject of the development application has determined that the site has operated as a service station/garage since 1967, and contained at different times throughout its history, an attached dwelling and food and drink premises. The use of the subject land for these purposes has been continuous since 1967. A review of the history of the site has identified the following:

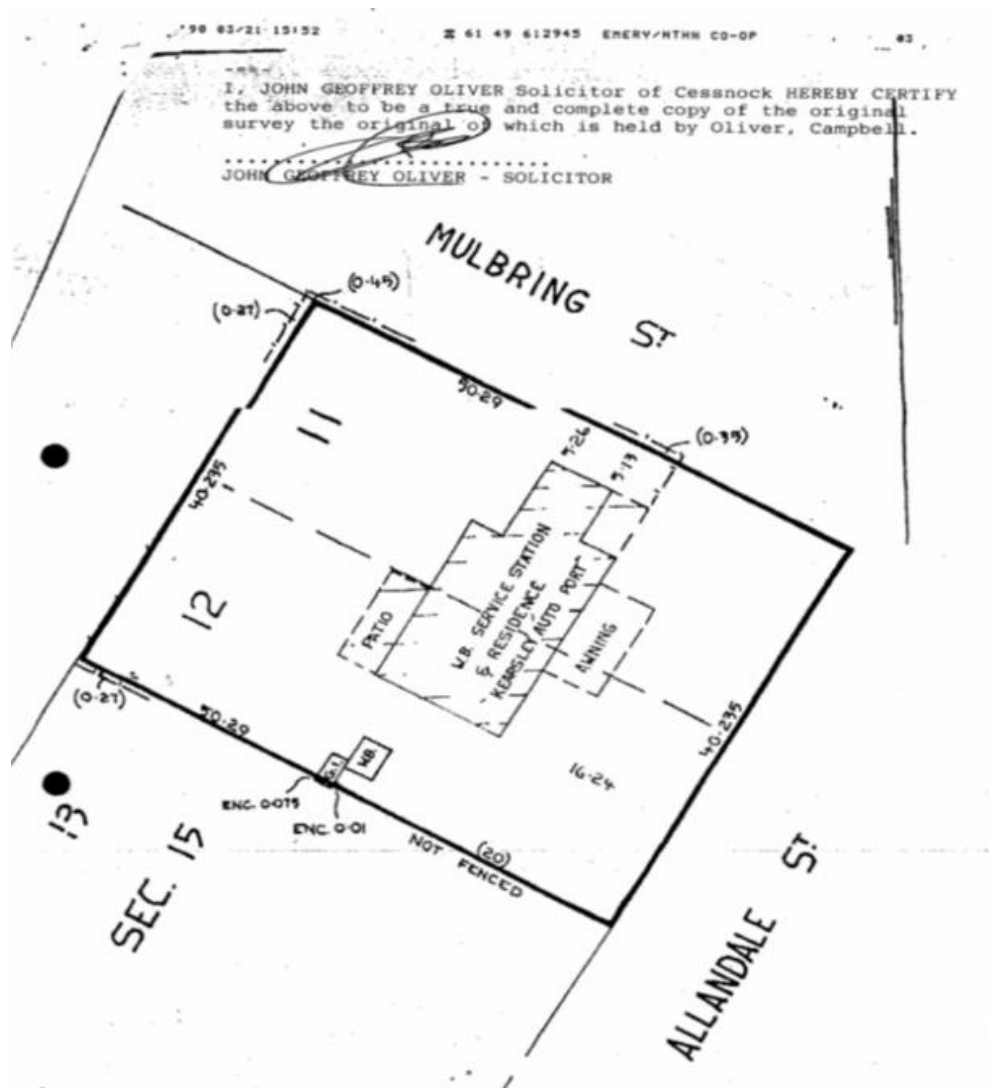
- 'Application for development permission' received by Council on 13 August 1973 states that the existing building is that of a 'garage shop' and confirms that the present use commenced in 1967.
- Building Permit No. 542/1976 granted approval for additions to the service station. The approved plans included a dwelling attached to the service station and a shop kitchen utilised for food preparation and sales.
- A Building Application lodged in July 1977 applied for an addition to the service station (being the existing awnings located over the existing fuel dispensing area).
- Surveyor's report dated 1st August 1980 describes the following improvements on the subject property:

'Standing upon and wholly within the boundaries of the subject land is a weatherboard service station with residence together with a weatherboard toilet. A small galvanised iron garden shed encroaches upon adjoining land up to 0.075 as shown on the diagram'.

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- Council letter dated 4 March 1991 identifies that the site operates as a service station.
- Council letter dated 26 March 1999, addressed to 'The Secretary Oliver Campbell Solicitors', states as follows:

'The premises is to be used for similar commercial uses only, and no part or full-time residential accommodation to be allowed'.

A thorough search of Council's records has been unable to locate an approval for the first use of the site as a service station, however Council has, on numerous occasions, acknowledged the use of the site for the purpose of a service station and food and drink premise.

It is noted that until the adoption of *Cessnock Local Environmental Plan 2011*, a service station was a permissible land use on the land the subject of the development application. Specifically, the environmental planning instrument that applied previous to *Cessnock Local Environmental Plan 2011* was *Cessnock Local Environmental Plan 1989*.

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The subject land was identified under *Cessnock Local Environmental Plan 1989* as Zone 2 (b) (Village Zone). In the land use table associated with this zone, a service station is not prescribed as a prohibited development (2), nor is it prescribed as permissible without consent (4). Therefore, a service station was permissible in the zone with consent (3), i.e., '*any purpose other than a purpose in item 2 or 4*'.

Section 4.66(3) of the *Environmental Planning and Assessment Act 1979* Clause, in part, states as follows:

'a use is to be presumed...to be abandoned if it ceases to be actually so used for a continuous period of 12 months'.

There is no evidence to suggest that the use of the land for the purposes of a 'service station' has ceased for a period of greater than 12 months since the adoption of the *Cessnock Local Environmental Plan 2011* (which has the effect of prohibiting the existing use). Accordingly, it is concluded that the use of the property for the purposes of a 'service station' benefits from existing use rights.

Clause 41 of Part 5 of the *Environmental Planning and Assessment Regulation 2000*, provides for further development in conjunction with development sites operating under existing use rights. Specifically, an existing use may: *(emphasis added)*

- a) be enlarged, expanded or intensified, or*
- b) be altered or extended, or*
- c) be rebuilt, or*
- d) be changed to another use, but only if that other use is a use that may be carried out with or without development consent under the Act, or*
- e) if it is a commercial use—be changed to another commercial use (including a commercial use that would otherwise be prohibited under the Act), or*
- f) if it is a light industrial use—be changed to another light industrial use or a commercial use (including a light industrial use or commercial use that would otherwise be prohibited under the Act).*

Clause 44 requires the following:

- (1) Development consent is required for any rebuilding of a building or work used for an existing use.*
- (2) The rebuilding:*
 - a. must be for the existing use of the building or work and for no other use, and*
 - b. must be carried out only on the land on which the building or work was erected or carried out immediately before the relevant date.*

Given the above, it is noted that the existing use can be enlarged, expanded, intensified, altered and/or rebuilt, subject to the applicant obtaining development consent from Council.

4.2 Objectives

The objectives of the R2 – Low Density Residential zone, are as follows:

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- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Assessment of the application has concluded that the proposed development is not inconsistent with the objectives of the zone. In this regard, whilst it is acknowledged that the proposal will not provide for the housing needs of the community, it will provide facilities/services required by local residents to meet their day to day needs. Without the provision of the services offered by the existing service station, residents are required to travel greater distances into Cessnock for the purchase of fuel and small grocery items.

4.3 Relevant Clauses

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

- Clause 2.7 – Demolition Requires Development Consent

Clause 2.7 states as follows:

‘The demolition of a building or work may be carried out only with development consent’.

The application seeks consent to demolish the existing structure on the site in order to facilitate the proposed development. In the event the application is approved, relevant conditions of consent will be imposed on the determination notice requiring all demolition works to be undertaken in accordance with the relevant Australian Standards.

- Clause 7.2 – Earthworks

In part Clause 7.2 states as follows:

‘(3) Before granting development consent for earthworks, the consent authority must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*

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- (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- (h) *any measures proposed to minimise or mitigate the impacts referred to in paragraph (g).*

Clause 7.2 seeks to ensure that any earthworks do not result in adverse impacts on the environment, neighbouring properties or heritage items.

The earthworks proposed are considered to be reasonable and will not result in any detrimental impact upon the surrounding environment.

(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).*

Draft State Environmental Planning Policy No. 55 – Remediation of Land

The NSW Department of Planning, Industry and Environment (DPIE) is reviewing SEPP 55 – Remediation of Land. Based on the current information provided by the DPIE, it is expected that comments provided within the exhibition period (which concluded in April 2018), will be considered prior to a further round of consultation.

Based on this, it is considered that the level of certainty with the expected changes is low and therefore, the level of weight afforded to the amendments is reduced.

Notwithstanding this, it is considered that the proposed amendments to the SEPP would not significantly impact on the assessment of this application.

(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 numerical standards in Cessnock Development Control Plan 2010. Discussion of any variations to the standards is provided after the compliance table:

Part C: General Guidelines			
Chapter 1: Parking and Access			
Provision	Required	Provided	Complies?
Car Parking Standards	Service Station 1 space per 20m ² of gross floor area of the convenience store.	Based on 310m ² of floor area, 15.5 spaces are required to be provided on site. 15 spaces are proposed to be provided.	No (see below)

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Car Park Design	To be designed in accordance with Australian Standards	Relevant conditions of consent will be imposed on any determination notice to ensure the car park is designed in accordance with Australian Standards.	Yes
Chapter 3: Contaminated Lands			
			Complies?
The applicant has provided a preliminary assessment which has been assessed and deemed to be satisfactory.			Yes
Chapter 4: Land Use Conflict and Buffer Zones			
			Complies?
A service station is not included under any of the categories. As the service station is an existing land use on the site, there is no standard for the provision of buffers to reduce conflict.			Yes
Chapter 5: Waste Management and Minimisation			
			Complies?
The application has been accompanied by a suitable waste minimisation and management plan.			Yes
Chapter 8: Social Impact Assessment and Crime Prevention through Environmental Design (CPTED) Guidelines for a Proposed Development			
			Complies?
The application was accompanied by a Social Impact Assessment that has been assessed by Council's Community Planner and deemed satisfactory in its assessment of the social implications of the proposed development.			Yes

Part D: Specific Development**Chapter 5: Outdoor Signage**

Provision	Required	Provided	Complies?
5.2 Where are signs allowed?	R2	Permissible	Yes
5.2.3 Maximum number of signs	In the residential zone one (1) business identification sign is permissible, and fascia signs are to be assessed on merit	The applicant is proposing one (1) business identification and four (4) fascia signs. Three (3) fascia signs will be on the canopy over the fuel dispensing area - one (1) facing Mulbring Street and two (2) facing Allandale	Yes

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		Street. The fourth sign will be attached the sales building/convenience store.	
5.5.2 Illumination	Illumination of signs is to be concealed or integral into the sign.	<p>The proposed illuminated signage forms the pricing board for the service station. This illumination is integral to sign design and identification of the site as a service station. The fascia logo signage on the canopy and sales building/convenience store is also proposed to be internally illuminated.</p> <p>The illumination of the signs is to be in accordance with the current Australian Standards and in accordance with the requirements for illuminated signage on classified roads.</p>	Yes
5.5.3 Quality and Maintenance	Signs are to be of a high visual quality and be designed for low maintenance and minimum chance of vandalism.	The proposed signage is sleek and minimalistic, utilising the branding colours.	Yes
5.5.4 Duration of Approval	Development approval will last for 15 years as per the requirements outlined in SEPP 64.	The signage will be conditioned with a time limit of 15 years to ensure that the signage will be upgraded with new technologies that may be designed in the future.	Yes

Variations Proposed

Car Parking Standards

There is a minor variation to the number of car parking spaces to be provided. Being that the proposed development generates the need to provide 15.5 spaces on site, this is automatically rounded up to 16 spaces. The proposal provides 15 dedicated car parking spaces and six (6)

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fuel dispensers. It is anticipated that cross use between the purchase of fuel and purchase of items from the convenience store, will occur. On this basis, the variation is considered to be acceptable in this instance.

(a)(iia) *The provision 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 as part of this application.

(a)(iv) *The provisions of the regulations*

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

(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*

As demonstrated by the above assessment, the proposed development is unlikely to have any adverse impacts on both the natural and built environments, and the social and economic conditions of the locality. In part, this is due to the fact that the development proposes the redevelopment of an existing use which has been operating on the site since 1967. A review of Council's records indicates that Council has not received any complaints regarding the service station in recent years with respect to operational aspects, including trading hours and noise etc. It is noted that a complaint was received in 2016 in relation to signage, and the sign in question was removed following discussions with the property owner/occupier.

The redevelopment will result in the following:

- Improvement to the visual appearance of the site by modernising the existing service station;
- Installation of new modern fuel storage tanks and fuel dispensers which will improve the operation of the service station and have positive impacts on the natural environment; and
- Positive impacts for the locality in relation to economic circumstances of Kearsley residents, as they will have access locally to general items such as milk and bread 24 hours per day, thereby eliminating the need to travel further distances for the purchase of such items.

In terms of potential adverse impacts, the following is noted:

Noise

An Acoustic Report was lodged in support of the development application.

The Acoustic Report included an assessment of the noise levels for the three closest residential receivers. The predicted noise level at location 1 (19 Allandale Street), for night-time transient activities shows a slight exceedance of the night time amenity noise level listed in the *EPA Noise Policy for Industry*. However, the assessment advises that the predicted exceedance is compliant with the *Road Noise Policy* for awakening reactions and is less than the passing road noise on Allandale Street.

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Council's Environmental Health officer reviewed the Acoustic Report and is satisfied that the proposal generally complies with appropriate guidelines and standards of reporting, and that the potential for unreasonable noise impacts upon nearby premises, is unlikely.

A number of measures are outlined in the Acoustic Report which will assist in reducing potential noise impacts. In the event the application is approved, conditions of consent will be imposed on the determination notice requiring both the implementation and validation of the recommendations of the Acoustic Report.

In particular, the proposed site plan illustrates the construction of an acoustic fence (to acoustic engineer details), along the western boundary and return from behind the proposed plant room to the north, to connect with the rear wall of the new convenience store. The fencing will be a minimum height from the top of the proposed retaining wall of 2.2 metres. In addition to the fencing, the positioning of the new convenience store will provide a barrier to residential receptors to the north of the subject site. Finally, it is noted that the application was accompanied by a landscape plan, and such plan identifies proposed planting between the building and boundaries. The landscape works will further soften the effects of any noise generated by the proposal.

Lighting

The applicant has identified that all site lighting will be installed to ensure no light spill to adjoining properties. In this regard, all site lighting will be downward facing and all internally illuminated site signage will be constructed to ensure adverse impacts do not occur to surrounding properties.

Whilst being larger than the existing fuel dispensing canopy, the new canopy will be fitted with modern lighting. The location of the convenience store will ensure that adjoining properties are separated and protected from the canopy and fueling area.

In the event the application is approved, conditions of consent have been imposed on the determination notice requiring all outdoor lighting to comply with the relevant Australian Standards, as follows:

'Prior to the issue of a CC, the CA 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'.

24 hour trading

The applicant submitted a Social Impact Assessment (SIA) detailing the crime data and demographic profile of Kearsley, in conjunction with the application. The SIA is attached as an enclosure to this report.

In summary, Kearsley has been identified as being within the lowest risk band for the state statistics in relation to crime.

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Council's Principal Community Planner reviewed the SIA and concluded that the SIA provides an adequate level of analysis of the social and crime impacts and intended mitigation strategies.

The development application was referred to NSW Police Force – Hunter Valley, in accordance with the Crime Prevention Guidelines of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. These guidelines require consent authorities to ensure that development provides safety and security to users and the community.

A summary of the NSW Police referral response identified the following:

'In the Hunter Valley Police District, there has been an increase in offences associated with Service Stations. Police encourage Service Stations to consider 'Pay before you Pump' to address fail to pay offences. Armed robberies are always a risk and a businesses isolation may increase the likelihood of being targeted. It is better to address identified safety issues at a planning stage rather than after the development is operational.

The boundaries of the development are reasonably well defined.

- *In the service station centre, the counter areas should be within a secured lockable area and with anti-jump barriers to restrict any persons from jumping the counter or having unauthorised access to behind the counter. The width, height and location of the counter should be considered in the installation of these mechanisms.*
- *Doors to restricted areas (like the office, store/cleaner area and counter areas) should be fitted with a security access pad or key lock to restrict unauthorised access.*
- *The orientation of the store 'Gondolas' (shelves) towards better supervision can reduce shoplifting offences.*

Hunter Valley Police do not support the use of 'dummy cameras' in this type of business. Cameras should be installed both in and around the business to maximise surveillance opportunities.

In this regard the following is recommended:

- *Cameras should monitor the following areas:*
 - *Cashier areas;*
 - *High Cost Merchandise with poor natural supervision and entry/exit doors;*
 - *Fuel bowsers (assist with vehicle and offender identification – involved in fail to pays).*
- *CCTV footage is to be kept for a minimum of 21 days, with appropriate warning signs advising patrons of CCTV use.*

A maintenance plan for the site needs to be developed having regard to the maintenance of the site as a whole and the maintenance of lighting, landscaping and graffiti removal at the site. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally within a twenty-four to forty-eight hour period'.

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Overall, the NSW Police made a number of recommendations in respect of the proposal. The issues outlined by the NSW Police were forwarded to the applicant, who subsequently agreed to implement all recommendations. Accordingly, in the event the application is approved, a condition of consent has been imposed on the draft determination notice requiring all relevant Crime Prevention Through Environmental Design (CPTED) recommendations to be reflected in the plans/details/information submitted in association with the Construction Certificate.

(c) *The suitability of the site for the development*

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development. Specifically, a service station has been operating on the site since 1967, and the redevelopment of the site will not result in any significant changes to the operational aspects of the service station, with the exclusion of 24 hour trading. This component of the proposal has been comprehensively addressed previously in this report.

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

The Development Application was publicly exhibited for a period of 14 days between 12 and 26 March 2019.

No submissions were received during the exhibition period.

(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.

Based on the above assessment, it is considered that the proposed development is consistent with the public interest.

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SECTION 7.12 CONTRIBUTIONS

Section 7.12 Contributions are payable in respect of the proposal, as follows:

INTERNAL

REFERRALS

Cessnock Section 94A Levy Contributions Plan 2017 : Calculator

DA Number:	8/2019/146		
Applicant Name:	MCHP Architects Pty Ltd		
Planner:	Julia Ryl		
Date	10/07/2019		
Cessnock Section 94A Levy Contributions Plan 2017			
Proposed cost of carrying out the development (PC)	Percentage of Levy (L%)	Proposed Cost of Development	S9A Contribution
\$0 to \$100,000	0.0%	No levies applicable	\$0.00
\$100,001 to \$200,000	0.5%		\$0.00
More than \$200,000	1%	\$1,780,000.00	\$17,800.00
Contribution Total			\$17,800.00
Works valued over <u>\$1,000,000.00</u> require a Quantity Surveyor's report.			

INTERNAL REFERRALS

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

Officer	Comment
Community Planner	The Social Impact Assessment provided an adequate level of analysis of the proposal's social and crime impacts and intended mitigation strategies. No objection raised, subject to conditions of consent.
Environmental Health	Council's Environmental Health officers reviewed the application with regard to the following aspects: <ul style="list-style-type: none"> • Contamination • Noise • Water • VR1 • Food • UPSS No objection raised, subject to conditions of consent.

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Development Engineer	<p>Council's Development Engineers assessed the application having consideration for the following matters:</p> <ul style="list-style-type: none"> • Access • Car Parking • Traffic • Drainage • Flooding <p>No objection raised, subject to conditions of consent.</p>
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EXTERNAL REFERRALS

The Development Application was referred to the following external agencies for comment:

Agency	Comment
NSW Roads and Maritime Services	No objection raised.
NSW Police – Local Area Command – Hunter Valley	<p>The NSW Police assessment identified measures to be implemented to minimise crime risk.</p> <p>These recommendations were summarised and provided to the applicant who supports the implementation of these measures to reduce the crime risk of the development. These have been imposed as conditions of consent on the draft determination notice.</p>
Ausgrid	<p>Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid's infrastructure.</p> <p>This has been imposed as a condition of consent on the draft determination notice.</p>

CONCLUSION

The Development Application has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies.

The proposal complies with the relevant planning controls, most notably, *State Environmental Planning Policy No. 33 - Hazardous and Offensive Industry*, *State Environmental Planning Policy No. 55 – Remediation of Land*, *State Environmental Planning Policy No. 64 – Advertising and Signage*, *Cessnock Local Environmental Plan 2011*, and *Cessnock Development Control Plan 2010*.

The permissibility of the proposed development has been established through the existence of existing use rights.

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The proposed development has been designed to have regard to the natural and built environments, and is sympathetic to existing development within the direct locality. Overall, it is considered that the site is suitable for the proposed development, and will result in positive outcomes for the Kearsley community.

Based on the assessment, it is recommended that Development Application No. 8/2019/146/1 be approved, subject to the conditions of consent included in this report.

ENCLOSURES

- [1⇒](#) Service Station Redevelopment Plans
- [2⇒](#) Social Impact Assessment

CONDITIONS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2019/146/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Proposed Site Plan Drawing No.: 18-059 DA02 Revision: C Amendment: D	MCHP Architects	14.02.2019
Proposed Floor Plan Drawing No.: 18-059-DA03 Revision: B Amendment: B	MCHP Architects	31.01.2019
Proposed Elevations Drawing No.: 18-059 DA04 Revision: B Amendment: B	MCHP Architects	09.01.2019
Proposed Canopy Elevations Drawing No.: 18-059 DA05 Revision: B Amendment: B	MCHP Architects	09.01.2019
Sections & Site ID Sign Drawing No.: 18-059 DA06 Revision: B Amendment: C	MCHP Architects	14.02.2019
Existing / Demolition Plan Drawing No.: 18-059 DA01 Revision: B Amendment: B	MCHP Architects	14.02.2019
Landscape Plan Project: 18-227s Metro Petroleum – Kearsley Plan Ref: LA01 Revision: P2	Taylor Brammer Landscape Architects Pty Ltd	21.02.2019
Landscape Details Project: 18-227s Metro Petroleum – Kearsley Plan Ref: LD01 Revision: P2	Taylor Brammer Landscape Architects Pty Ltd	21.02.2019
Stormwater Concept Plan Project No. 1223 Drawing No. : C01 Issue: B	Alan Slinn Pty Ltd	08.04.2019

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Sedimentation and Erosion Control Plan and Details Project No.: 1223 Drawing No.: C02 Issue: C	Alan Slinn Pty Ltd	08.04.2019
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Document Title	Prepared By	Dated
Title: Environmental Site Assessment – Metro Kearsley Project No.: N4060 Document No.: 1 20 Allandale Street, Kearsley NSW 2325	NEO Consulting	19.02.19
Noise Assessment Metro Service Station and Convenience Store 20 Allandale Street Kearsley 48.7140.R1:GA/DT/2018 Rev 00	Atkins Acoustics and Associates Pty Ltd. Consulting Acoustical & Vibration Engineers	December 2018
Social Impact Assessment Proposed Service Station Development 20 Allandale Street Lots 11 and 12, Section 15, DP 758555 Kearsley NSW 2325	MCHP Architects	11 April 2019
Motor Spirit Preliminary Hazard Analysis – (PHA) SEPP 33 Review	MCHP Architects	14 February 2019
Proposed Site Security Systems and Procedures Proposed Service Station Development 20 Allandale Street Lots 11 & 12 Section 15 DP 758555 Kearsley NSW 2325	MCHP Architects	07 January 2019
Waste Minimisation and Management Plan 20 Allandale Street Kearsley Lots 11 & 12 Section 15 DP 758555	Chris Jones The NAR Trust & Nanji Mavji & Prakash Mavji c/- MCHP Architects	22/2/19

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

2. Time Limited Approval for Illuminated Signage

Pursuant to Section 4.17 (1)(d) (cf previous s 80A) of the *EP&A Act, 1979*, this consent is limited to a period of 15 years from the date of commencement of the use. Notice of the commencement must be provided to Council prior to the use commencing.

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An application must be submitted and determined prior to the expiration of the time period if it is intended to continue the use. If an application is not submitted and determined within the specified time period, the use of the signage approved by this consent must cease.

3. CC, PCA & Notice Required

In accordance with the provisions of Section 81A of the *EP&A Act 1979* construction works approved by this consent must not commence until:

- a) A CC has been issued by the consent authority, Council or an accredited certifier; and
- b) A PCA has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*; and
- c) If Council is not the PCA, notify Council no later than two (2) days before building work commences as to who is the appointed PCA; and
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

4. Underground Petroleum Storage System (UPSS) – Decommissioning UPSS Sites and Tank Removal

A validation report for tanks that are removed or decommissioned must be submitted to Council no later than 60 days after the completion of works or, where site remediation is required, within 60 days of its completion.

Validation and reporting of the condition of a UPSS site following tank removal or site decommissioning must address all areas of the site consistent with the requirements of the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014* (UPSS Regulation) and SEPP 55 'Remediation of Land'.

5. 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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

6. Long Service Levy

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

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7. Lots to be Consolidated

All allotments involved in this proposal must be consolidated into one allotment. Evidence of registration shall be submitted to Council or the PCA prior to the issue of a CC.

8. Cessnock Section 7.12 Levy Development Contributions Plan

A total monetary contribution of \$17,800.00 is to be paid to Council, pursuant to Section 7.12 (cf previous s 94A) of the *Environmental Planning and Assessment Act 1979*, such contribution is to be paid prior to the issue of a Construction Certificate in respect of the proposed development.

- i) This condition is imposed in accordance with the provisions of *Cessnock S94A Levy Development Contributions Plan 2017*. A copy of the document is available on Council's website at www.cessnock.nsw.gov.au or maybe inspected at Councils' Customer Services Section, Administration Building, Vincent Street Cessnock.
- ii) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

Indexation quarters	Approx release date
September	Late October
December	Late January
March	Late April
June	Late July

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

9. Retaining Wall

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

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

10. Car Parking – Commercial/Industrial

The design of the vehicular access and off street parking facilities must comply with, but not be limited to *AS 2890.1-2004 Parking Facilities – Off-Street Car Parking*, *AS 2890.2-2002 Parking Facilities – Off-Street commercial vehicles facilities*, and *AS 2890.3-1993 Parking Facilities – Bicycle parking facilities*. Details demonstrating compliance with these Standards are to be included on the plans submitted in association with a CC application.

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

11. Disabled Car Parking Spaces

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

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

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

12. Parking – Delivery Vehicles

A separate off-street loading/unloading facility with capacity to accommodate the largest delivery vehicle likely to deliver goods to and from the premises shall be provided for all loading and unloading of vehicles wholly within the property. Such facility shall be constructed clear of the car parking area and driveways.

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

13. Parking – Minimum Requirement

Onsite car parking shall be provided for a minimum of fifteen (15) vehicles and such being set out generally in accordance with Council's Development Control Plan.

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

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14. Road – Fees

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

Based on a road length of approximately 50 metres. Final bond amounts will be levied on accurate dimensions contained within the engineering plans.

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

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

15. Road – Road Widening Requirement

The registered proprietor of the land shall construct the following for the full frontage of Lot 11 for a distance of approximately 50 metres on Mulbring Street in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a) Construct Kerb and Gutter
- b) Construct and gravel road shoulders
- c) Place two (2) coat hot bitumen seal on road shoulders
- d) Topdress and turf footpath
- e) Construct drainage works as necessary.

16. OSD System

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

- a) The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. C01 prepared by Alan Slinn Pty Ltd and dated 8-04-19
- b) Comply with Council's Engineering Requirements for Development.
- c) All plumbing within the site must be carried out in accordance with *AS 3500.3.2003 Plumbing and Drainage – Stormwater Drainage*

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

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

17. Stormwater – Collection and Discharge Requirements

The registered proprietor of the land shall collect all roof and stormwater runoff from the site and discharge it to Council's drainage system in Mulbring Street in accordance with Council's 'Engineering Requirements for Development' (available at Council's Offices). Full details shall be submitted to, and approved by, the CA prior to the issue of a CC for the building/s.

18. Stormwater – Detailed Design Requirements

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

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

19. Retaining Walls

A structural engineering report and plans that address the proposed works in the vicinity of the western boundary, prepared by a qualified practising Structural Engineer, must be provided prior to the issue of a CC. The report and plans must be prepared to make provision for the following:

- a) All components of any retaining walls, including subsoil drainage, must be located entirely within the property boundary.
- b) Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of fifty (50) years.
- c) Provide relevant geotechnical / subsurface conditions of the site, as determined by full geotechnical investigation.

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

20. Food Premises

The construction and operation of the food premises shall comply with all applicable legislation, regulation and standards including:

- a) *Food Act 2003*
- b) *Food Regulation 2015*
- c) *Food Standards Australia and New Zealand – Food Standards Code 2003*
- d) AS 4674-2004 for Design, Construction and Fit out of Food Premises
- e) AS 1668.2-2002 – The use of ventilation and air conditioning in buildings
- f) *BCA*.

Details submitted in association with the CC application are to demonstrate compliance with this requirement, and shall include the following:

- a) a separate floor and sectional plan detailing:
 - i) the kitchen/cafe area floor, wall, and ceiling surface finishes
 - ii) location of the required handwash basin/s and cleaning sinks/s
 - iii) location of dry and cold storage areas,

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- iv) fit-out details for the kitchen and servery, including proposed refrigeration and cooking equipment
- v) designated cupboard or locker for the storage of staff clothing and personal belongings
- vi) location of the bar area.

The details are to be approved by the CA as satisfying this requirement prior to the issue of a CC.

21. Outdoor Lighting

Prior to the issue of a CC, the CA 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*.

22. Acoustic Assessment Report

Prior to the issue of a CC, plans shall be submitted to, and approved by the CA confirming that the recommendations specified in the *Noise Assessment Metro Service Station and Convenience Store 20 Allandale Street Kearsley* prepared by Atkins Acoustics dated December 2018, have been implemented in the final design of the proposed development.

In respect to the Noise Impact Assessment, the plans are to confirm that a 2.2 metre acoustic fence/wall will be erected along the western site boundary and returned to along part of the northern boundary (for the extent of the plant room).

23. Garbage Room

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

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

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

24. Crime Prevention Through Design

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

a) Access Control

- The entry/exit points should be fitted with single cylinder locksets (Australia and New Zealand Standards – Locksets), which comply with the Building Code of Australia.
- The night pay window should also be fitted with key operated locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorised access to the development.
- Counters should be designed to reduce the opportunity for assault of staff and unauthorised access to behind counter areas by having the 'Sales/Service areas' as its own secured lockable area and with anti-jump barriers to restrict any persons from jumping the counter or having unauthorised access to behind the counters. Consider the width, height and location of the counter.
- Doors to restricted areas like the office, store/cleaner area and other zones where the general public access is restricted should be fitted with a security access pad or key lock to restrict unauthorised access.
- For business handling cash, a safe designed and installed to the Australian Standards can provide additional security to money and other valuables. A drop safe for use in the Service Station/Convenience Store to ensure minimal amount of cash kept in till.
- To enhance the security of the business, a monitored intruder alarm system is recommended, incorporating a duress facility into the system to enable staff to activate the system manually in the event of an emergency.
- Staff should be able to control the main customer entry/exit door from behind the service counter so that they can control customer entry within later hours of trading.

b) Surveillance

- Surveillance equipment (CCTV) to enhance the physical security of the business. The use of 'dummy cameras' in this type of business is not supported.
- CCTV cameras should be installed both in and around the business to maximise surveillance opportunities.
- CCTV cameras should monitor the cashier's area, high cost merchandise areas with poor natural supervision and entry/exit doors. Cameras should be covering fuel bowzers to assist with identification of vehicles and offenders involved in Fail to Pay offences.
- TV monitors should be enable staff to monitor activities on the camera.
- Recording equipment should be installed away from the counter area to avoid tampering.
- CCTV footage is to be kept for a minimum of 21 days.
- Appropriate warning signs are to be displayed advising patrons that CCTV is in use.
- The orientation of the store gondolas (shelves) towards better supervision can reduce shoplifting offences.

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- Store windows are not to be obstructed with merchandise that may hinder surveillance into or out of the buildings.
- c) Lighting
 - Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant - especially external lighting
- d) Landscaping
 - Matured vegetation should allow clear sight lines 'to see and be seen'. Shrubs should not provide easy concealment.
- e) Space/Activity Management
 - A site management plan is to be developed, provisions should include the picking up of discarded rubbish.
 - The use of graffiti resistant materials is strongly encouraged, particularly on fences to reduce such attacks or assist in the quick removal after such attacks.
 - A graffiti removal plan needs to be incorporated into the maintenance plan for the development.

Plans, details and information submitted in association with the CC application are to reflect these requirements.

The plans, details and information must be approved by the CA as satisfying this requirement prior to the issue of a CC.

25. Underground Petroleum Storage Systems (UPSS) – Design and Installation of a New or Modified UPSS

Prior to the issue of a CC, detailed specifications are to be submitted to and approved by Council indicating the installation of the UPSS in accordance with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014* (UPSS Regulation) and Australian Standard AS4897-2008: *Design, installation and operation of underground petroleum storage systems* (AS 2008a), as published from time to time.

The applicant must ensure that the design of the UPSS is performed by a *duly qualified person*, which is defined in the UPSS Regulation as, in relation to any activity, a person who has such competence and experience in relation to that activity as is recognised in the relevant industry as appropriate to carry out that activity.

26. Underground Petroleum Storage Systems (UPSS) – Installation of Groundwater Monitoring Wells on New or Modified UPSS Sites

Prior to the issue of a CC, detailed specifications are to be provided to and approved by Council for the installation of groundwater monitoring wells, designed in accordance with relevant industry standards and by duly qualified persons. A *duly qualified person* is defined in the *Protection of the Environment Operations (Underground Petroleum*

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Storage Systems) Regulation 2014 (UPSS Regulation) as, in relation to any activity, a person who has such competence and experience in relation to that activity as is recognised in the relevant industry as appropriate to carry out that activity. The person responsible for the system must ensure that the duly qualified persons provide details of specifications relevant to the design and installation of the wells.

Specifications are to indicate that groundwater monitoring wells are:

- a) Sealed to exclude surface water;
- b) Constructed to prevent cross-contamination with other groundwater monitoring wells;
- c) Clearly marked to indicate their presence; and
- d) Properly secured.

PRIOR TO COMMENCEMENT OF WORKS

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

27. PCA Signage and Contact Details

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

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

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

28. Demolition Proposed

Consent is granted for the demolition of all existing structures currently existing on the property, subject to strict compliance with the following conditions:

- a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
- b) Written notice is to be given to the Council prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number, and licence number of the demolisher.

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- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves, etc). Access to the site must be restricted to authorised persons only, and the site must be secured against unauthorised entry when work is not in progress, or the site is otherwise unoccupied.
- e) Demolition is to be carried out in accordance with the relevant provisions of AS 2601:2001: *Demolition of structures*.
- f) The hours of demolition work are limited to between 7.00am and 5.00pm on Monday to Saturday. No demolition work is to be carried out on Sundays and public holidays.
- g) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of the Safework Authority and the Office of Environment and Heritage.
- h) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- i) During demolition, public property (footpaths, roads, reserves, etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition. No materials shall be stockpiled on footpaths or road carriageways.
- j) All vehicles leaving the site with demolition materials must have their loads covered, and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves, etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- k) The burning of any demolished material on site is not permitted, and offenders will be prosecuted.
- l) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense.
- m) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works, and must be maintained at all times.
- n) Prior to demolition, a Work Plan must be prepared in accordance with the relevant provisions of AS 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to

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be employed to minimise any dust nuisance, and the disposal methods for hazardous materials.

- o) If the building contains asbestos, an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - i) A SafeWork licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal, a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a visible position on the site to the satisfaction of Council, and *AS 2601:2001: Demolition of structures*.
 - iii) Waste disposal receipts must be provided to Council / CA as proof of correct disposal of asbestos laden waste.
 - iv) All removal of asbestos must comply with the requirements of the Safework Authority.

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

29. S138 Roads Act Approvals

Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, or public road reserve be required, a S138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The S138 application is to be submitted to, and approved by, Council prior to works commencing.

30. Construction and Traffic Management Plan

The applicant must prepare a Construction Management and Traffic Management Plan incorporating the following matters. The plan must be submitted to and approved by the CA as satisfying these matters prior to the commencement of works.

- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
 - iii) The locations of proposed work zones in the frontage roadways.
 - iv) Location of any proposed crane, concrete pump, truck standing areas on and off the site.
 - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.

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- vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - vii) An onsite parking area for employees, tradespersons and construction vehicles as far as possible.
 - viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
 - ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
 - x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.
- b) During excavation, demolition and construction phases, noise generated from the site must be controlled.
 - c) All site works must comply with the work health and safety requirements of SafeWork NSW.
 - d) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
 - e) All traffic control plans must be in accordance with the *RMS* publication *Traffic Control Worksite Manual* and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

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

31. Public Liability Insurance

Any person or contractor undertaking works on public property must take out Public Risk insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within, public property. The Policy is to note, and provide protection for Cessnock City Council as an interested party, and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property. The insurance shall also note the location and the risk.

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32. Nominated Location of Waste

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

33. Toilet Facilities

Toilet facilities are to be provided prior to works commencing, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be a sewage management facility approved by the NSW Department of Health and/or Council, and operate in an environmentally responsible manner, free of nuisance or offence, and be appropriately serviced.

34. Relocation of Services

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

35. Road - Bonds

The applicant shall pay the following:-

- a) A performance and maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater. To be held by council for a period of 12 months.

It will be necessary for the applicant to submit evidence of the contract price of all construction works in order for Council to assess accurate bond amounts.

The bond shall be payable prior to the issue of a *Section 138* approval.

The bond may be used to meet any costs referred to above, and on application being made to the Council by the person who provided the bond, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the bond within 6 years of the date of issue of practical completion for the development, the Council may pay the balance to the Chief Commissioner of State Revenue under the *Unclaimed Money Act 1995*.

DURING WORKS

The following conditions are to be complied with during works.

36. Construction Hours

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

37. Site is Securely Fenced

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

38. Approved Plans Kept On Site

A copy of the approved plans must be kept on site for the duration of site works and be made available upon request.

39. Excavations and Backfilling

All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a professional engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:

- a) Preserve and protect the building from damage
- b) If necessary, underpin and support the building in a manner certified by a professional engineer.
- c) Give at least seven (7) days' notice to the adjoining owner before excavating, of the intention to excavate

The principal contractor, owner builder, or any person who needs to excavate and undertake building work, must first contact "Dial Before You Dig" and allow a reasonable period of time for the utilities to provide locations of their underground assets.

40. Construction Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment and Heritage *Noise Guide for Local Government*.

41. Location of Council Pipes

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- a) Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works
- b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits
- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site

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Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage, and the like). All proposed structures and construction activities must be sited fully clear of Council's stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.

If the Council pipeline is uncovered during construction, all work must cease, and the PCA and Council must be contacted immediately for advice. Any damage caused to the Council stormwater drainage system must be immediately repaired in full as directed, and at no cost to Council.

42. Construction Vehicles

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

43. Erosion and Sediment Controls

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

44. Stormwater Runoff

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

45. Waste Management

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

46. Removal of Contaminated Soil

Any soil proposed to be disposed of off-site must be classified, removed and disposed of in accordance with the New South Wales Environment and Heritage *Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-liquid Wastes 1999* and the *Protection of the Environment Operations Act 1997*.

Any soil which fails to meet the criteria is not to be disposed of off-site unless agreed to in writing by the Environment Protection Authority. Results of testing are to be forwarded to Cessnock Council for acknowledgement before any off-site disposal, and before proceeding with any construction works.

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47. Demolition

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

48. Survey Report

The building is to be set out by a registered surveyor in the position approved by Council. A copy of the survey report indicating the position of the building as approved, and wholly contained within the subject lot, is to be submitted to the PCA prior to construction works proceeding beyond floor level stage.

49. Installation of Stage 1 Vapour Recovery (VR1) – Installation and Testing by a Duly Qualified Person

The applicant must ensure that the installation and testing of new or modified petrol service stations is performed by a *duly qualified person*, which is defined in the *Protection of the Environment Operations (Clean Air) Regulation 2010* as, in relation to any activity, a person who has such competence and experience in relation to that activity as is recognised in the relevant industry as appropriate to carry out that activity.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

50. Roads – Concrete Crossing

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

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

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

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

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

51. Provision of LPG Tanks

The installation and operation of the LPG facility must be in accordance with the relevant provisions of *AS 1596:2002 Storage and handling of LP Gas*. Details are to be provided prior to the issue of an OC.

52. Survey Report for Retaining Wall

The retaining wall is to be set out by a registered surveyor in the position approved by Council. A copy of the final survey report indicating the position of the retaining wall as approved, and wholly contained within the subject lot, is to be submitted to the PCA prior to issue of an OC.

53. Completion of Landscape Works

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

54. Acoustic Report Recommendations Complied With

A certificate must be submitted to and approved by Council prior to the issue of an OC or before the commencement of the use (whichever is earlier) demonstrating compliance with the recommendations of the *Noise Assessment Metro Service Station and Convenience Store 20 Allandale Street Kearsley* prepared by Atkins Acoustics dated December 2018.

In respect of the Noise Impact Assessment, the certification is to confirm that a 2.2 metre high acoustic fence/wall has been erected along the western site boundary and returned to along part of the northern boundary (for the extent of the plant room).

The certificate must be prepared by an accredited Acoustic consultant, and must certify that the recommendations in the approved acoustic report have been complied with and the desired acoustic performance achieved.

55. All Services Provided

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

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56. Completion of Car Park

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

- a) The car park has been completed, line marked and all signage relating to car parking erected
- b) Signs have been erected that clearly indicate to the drivers of vehicles, both on and off the property, which driveway they are to use to enter or leave the subject land
- d) Signs have been erected that clearly indicate to the drivers of vehicles, both on and off the property, the location and means of access to the car parking areas

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

57. Waste Management Plan

Prior to the issue of an *OC*, the *PCA* must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.

58. Waste Disposal

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

59. Trade Waste Disposal

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

60. Completion of Road Works

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

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

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

61. Positive Covenant – OSD

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

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

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

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

62. 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.

63. Completion of Driveway Access Crossing

The driveway access crossing is to be constructed prior to the issue of an OC.

64. Retaining Walls and Drainage

All retaining walls and associated drainage shall be installed and completed prior to issue of an OC in respect of the building.

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65. Finish of Excavated &/or Filled Areas Around Site

Prior to issue of a Final OC, the excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.

66. Certification of Fire Services

The building must comply with the fire safety provisions applicable to the approved use. The applicant shall provide Council and the Fire Commissioner with a copy of the Final Fire Safety Certificate and the Fire Safety Schedule relating to the required fire safety measures, in accordance with Division 4 of the *Environmental Planning and Assessment Regulation 2000* prior to occupation of the building or issue of an OC.

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

67. Installation of Stage 1 Vapour Recovery (VR1) – Compliance with POEO (Clean Air) Regulation

The applicant must comply with cl.69 of the *POEO (Clean Air) Regulation 2010*.

68. Underground Petroleum Storage Systems (UPSS) – Commissioning of a New UPSS

Prior to the issue of an Interim OC, a commissioning certificate is to be submitted to Council, authorised by a *duly qualified person*, which is defined in the UPSS Regulation as, in relation to any activity, a person who has such competence and experience in relation to that activity as is recognised in the relevant industry as appropriate to carry out that activity.

A new UPSS can only be commissioned following –

- a) Installation by a *duly qualified person* in accordance with the UPSS Regulation;
- b) Installation of minimum mandatory pollution protection equipment, comprising non-corrodible secondary containment tanks and associated pipework and overfill protection devices, consistent with the UPSS Regulation;
- c) Installation and testing of groundwater monitoring wells in accordance with the UPSS Regulation; and,
- d) Issuing of an equipment integrity test (EIT) certificate, indicating that testing has been carried out in line with the written directions of duly qualified persons.

69. Underground Petroleum Storage Systems (UPSS) – Environmental Protection Plan (EPP)

Prior to the issue of an Interim OC, an EPP is to be submitted to and approved by Council. The Plan must include

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- a) A regime and procedure for testing of groundwater monitoring wells for hydrocarbon contamination, at minimum intervals of six months and documentation of the same;
- b) A procedure for monitoring and documenting petroleum loss; and,
- c) A procedure for incident detection and management, and documentation of the same.

70. Works-As-Executed Plan

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

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

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

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

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ONGOING USE

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

71. Manoeuvring of Vehicles

All vehicles must enter and exit the site in a forward direction.

72. Access to the Convenience Store (building)

Entry to the Convenience Store (building) by the general public is to be restricted between 8pm to 5am. All fuel payments and in store purchases are to be made via the night-pay window or pre-purchased at the fuel dispenser only.

73. Removal of Graffiti

The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within forty-eight (48) hours of its application, and generally in accordance with the graffiti removal plan/maintenance plan referred to in Condition 24.

74. Storage of Hazardous Goods

Dangerous and hazardous goods shall be stored in accordance with New South Wales Safework Authority requirements, dependant on the quantities stored. Any flammable or combustible liquids must be stored in accordance with *AS 1940 The Storage and Handling of Flammable and Combustible Liquids*.

Hazardous and/or industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the Department of Environment and Climate Change and SafeWork NSW.

75. Outdoor Lighting

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

76. Loading to Occur on Site

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

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

77. Deliveries

All deliveries (fuels, food, and general merchandise) are only permitted between the hours of 7am – 6pm.

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78. Charity Bins

Charity bins for the collection of donated clothes are to be contained within the property boundaries. The area around the charity bins is to be maintained in a neat and tidy manner.

79. Approved Signage Maintenance

The approved signs must be maintained in a presentable and satisfactory state of repair.

The level of illumination and/or lighting intensity used to illuminate the signs is to be minimised to ensure that excessive light spill or nuisance is not caused to any nearby premises or the road reserve.

No A-frame signs or sandwich boards are to be used in association with the occupancy, either on the street or on private property, without the consent of Council.

80. Parking Areas to be Kept Clear

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

81. Driveways to be Maintained

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

82. Maintenance of Landscaping

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

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

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

83. Pollution Control

The use of the premises must not give rise to the emission of gases, vapours, dusts, or other impurities which are a nuisance, injurious, or prejudicial to health.

Air emissions from the premises must not be expelled from the premises to any other part of the building. Air emissions from the premises must not enter the atmosphere of any other occupancy within the building.

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84. Discharge Into Waterways

No waste water, chemicals or other substances harmful to the environment shall be permitted to discharge to the waterway that runs through the site, or to Council's stormwater system. Only clean, unpolluted water is permitted to discharge. Waste oil shall be stored in a covered and suitably bunded area, pending regular removal to a waste oil recycler.

85. Potential Noise Impacts

The LAeq* noise level emitted from the premises must not exceed the background noise level in any octave band centre frequency (31.5Hz– 8k Hz inclusive) by more than 5dB between 7:00 am and 12:00 midnight at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the premises must not be audible within any habitable room in any residence between the hours of 12:00 midnight and 7:00am.

*For the purposes of this condition, the LAeq can be taken as the level of noise equivalent to the energy–average of noise levels occurring over a measurement period.

During the ongoing use, should any noise complaint be received evidence is to be provided to the CA demonstrating how the proposed development is to comply with this requirement.

86. Waste Water Treatment Devices

All wastewater treatment devices (including drainage systems, sumps, traps and pumps) must be regularly maintained in good working order to ensure that they remain effective. A maintenance schedule shall be developed and incorporated into a Plan of Management which is kept onsite at all times for staff to comply with. All liquid and solid wastes collected from the treatment device must be disposed of in accordance with relevant environmental protection and waste control legislation.

87. Liquid Spills

Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Materials used to clean up must be disposed of to an appropriately licensed waste facility.

88. Underground Petroleum Storage Systems (UPSS) – Environmental Protection Plan (EPP)

The EPP is to be implemented and associated documentation be kept on-site. This documentation is to be provided to Authorised Officers of Council upon request.

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89. Underground Petroleum Storage Systems (UPSS) – Repair to a UPSS

If a UPSS leaks and repair work is undertaken, the system cannot be recommissioned unless it satisfies the requirements outlined in the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014*.

90. Compliance with Site Management Plan

The site management plan referred to in Condition 24, shall be complied with at all times.

ADVISORY NOTES

a. Disability Inclusion Act

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Inclusion Act 2014*. The applicant/owner is responsible for ensuring compliance with this, and other, anti-discrimination legislation. The *Disability Inclusion Act 2014* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *AS 1428.1 - Design for Access and Mobility*. *AS1428 Parts 2, 3 & 4* provide the most comprehensive technical guidance under the *Disability Inclusion Act 2014* currently available in Australia.

b. “DIAL BEFORE YOU DIG” DIAL 1100

Before any excavation work starts, contractors and others should phone the “Dial Before You Dig” service to access plans/information for underground pipes and cables. www.dialbeforeyoudig.com.au

c. Dividing Fences

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.

d. Other Approvals and Permits

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

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e. Ausgrid – Proximity to Existing Network Assets

There are existing overhead electricity networks assets in both Allandale Street and Mulbring Street adjacent to the proposed development, including pole mounted substation HP26594.

Ausgrid requires any works undertaken adjacent to their assets be undertaken with care and in accordance with all relevant statutory requirements including, but not limited to:

- *Safework NSW Document – Work Near Overhead Powerlines: Code of Practice.* This document outlines the minimum safety separation requirements between these mains and equipment to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction.
- *ISSC 32 Guide for Network Operators* to provide information to the construction industry for working near overhead powerlines – The Guide supports the requirements described in the associated *Safework NSW Document – Work Near Overhead Powerlines: Code of Practice*, which provides practical guidance in order to protect the health and safety of persons working near overhead electricity mains.
- *Ausgrid Network Standard Document NS 220 – Overhead Design Manual.* This document outlines the minimum safety separation requirements between these mains and equipment to structures at the completion of the construction.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised this relocation work is generally at the developers cost.

Additionally, should the application of temporary screening or supply interruptions be required due to minimum safety clearances being compromised Ausgrid must be contacted to arrange as required. Currently this work, if required, is charged at regulated rates.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected to be entering and leaving the site.

f. Responsibility for Other Consents/Agreements

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

g. Site Contamination Issues During Construction

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

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h. Crime Deterring Mechanisms - Pay Before You Pump Facilities

The applicant should consider the installation of 'Pay-Before You Pump' facilities to the fuel dispensers after hours, to discourage the incidence of fail to pay offences at the Service Station.

SUBJECT: ***CLASS 1 APPEAL (2019/219259) IN THE NSW LAND AND ENVIRONMENT COURT AGAINST THE DEEMED REFUSAL OF DEVELOPMENT APPLICATION NO. 8/2018/837/1 PROPOSING A TORRENS TITLE SUBDIVISION TO CREATE 575 RESIDENTIAL LOTS***

52 CHRISTY ROAD PRIVATE ACCESS, TENNANT STREET, RUBY STREET (LOTS 1, 2 AND 3 DP 597226, LOT 1 DP 327785), BELLBIRD

RESPONSIBLE OFFICER: *Development Services Manager - Janine Maher*

SUMMARY

Council is in receipt of a Class 1 appeal (Reference No. 2019/219259) in the NSW Land and Environment Court against the deemed refusal of Development Application No. 8/2018/837/1, proposing a Torrens Title subdivision to create 575 residential lots at 52 Christy Road Private Access, Tennant Street and Ruby Street (Lots 1, 2 & 3 DP: 597226 and Lot: 1 DP: 327785), Bellbird.

The consent authority for the application is the Hunter and Central Coast Regional Planning Panel. In accordance with Section 8.15(4) of the *Environmental Planning and Assessment Act 1979*, Council is subject to the direction and control of the Panel in its conduct of the proceedings.

The matter has been listed for a Section 34 Conciliation Conference on 9 March 2020.

RECOMMENDATION

1. That Council note that the applicant has commenced an appeal against the deemed refusal of Development Application No. 8/2018/837/1 by the Hunter and Central Coast Regional Planning Panel, and that the Hunter and Central Coast Regional Planning Panel has been notified of the appeal.
2. That Council note the attached estimate of costs prepared by Council's solicitors in respect of Land and Environment Court Appeal, No. 2019/219259 (relating to Development Application No. 8/2018/837/1).
3. That Council note that Council officers will forward an assessment report in respect of Development Application No. 8/2018/837/1, to the Hunter and Central Coast Regional Planning Panel for consideration/determination, when prepared.
4. That Council delegate the management of Land and Environment Court Appeal, No. 2019/219259 (relating to Development Application No. 8/2018/837/1) to the General Manager, including the ability to enter into a Section 34 agreement, subject to the direction and control of the Hunter and Central Coast Regional Planning Panel.

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BACKGROUND IN RESPECT OF DEVELOPMENT APPLICATION

Development Application No. 8/2018/837/1 proposing a Torrens Title subdivision to create 575 residential lots at 52 Christy Road Private Access, Tennant Street and Ruby Street (Lots 1, 2 & 3 DP: 597226 and Lot: 1 DP: 327785) Bellbird, was lodged with Council on 15 November 2018.

In detail, it is noted that the development application proposes the staged subdivision of four (4) existing lots to create five hundred and seventy five (575) lots, comprising:

- five hundred and sixty five (565) residential lots;
- one (1) residential super lot;
- one commercial super lot;
- one (1) drainage lot;
- one (1) public reserve;
- one (1) local park;
- five (5) residue lots; and
- associated removal of vegetation, bulk earthworks, construction of new roads and drainage facilities, landscaping and associated infrastructure works.

The application constitutes Nominated Integrated Development and requires the following additional approvals:

- Rural Fires Act 1997, s.100B
- Water Management Act, s.91
- National Parks and Wildlife Act 1974, s.90

The consent authority for the development application is the Hunter and Central Coast Regional Planning Panel (RPP).

The development application is yet to be considered/determined by the Hunter and Central Coast RPP.

REPORT IN RESPECT OF CLASS 1 APPEAL

Council received notice of a Class 1 appeal in the NSW Land and Environment Court on 22 July 2019 against the deemed refusal of the development application.

As outlined above, the Hunter and Central Coast RPP is the consent authority in respect of the development application. A letter of advice prepared by Council's solicitors regarding the management of the proceedings in light of the fact that the Hunter and Central Coast RPP is the consent authority in respect of the development application, is attached as an Enclosure to this report.

In accordance with Section 8.15(4) of the *Environmental Planning and Assessment Act 1979*, Council is subject to the direction and control of the Panel in its conduct of the proceedings. Specifically, Section 8.15(4) states as follows (emphasis added):

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‘(4) ***If the determination or decision appealed against under this Division was made by a Sydney district or regional planning panel or a local planning panel, the council for the area concerned is to be the respondent to the appeal but is subject to the control and direction of the panel in connection with the conduct of the appeal.*** The council is to give notice of the appeal to the panel.’

As prescribed above, Council is required to notify the RPP of the appeal, and it is confirmed that Council’s solicitors formally advised the RPP of the appeal on 7 August 2019.

The application has been listed for a conciliation conference under Section 34 of the *Land and Environment Court Act 1979*, on 9 March 2020.

There is a notable division of responsibility in respect of the appeal. Specifically, Council is responsible for the assessment of the application, and for assisting the RPP with technical advice and support. Furthermore, whilst the RPP is the consent authority for the matter, Council is the respondent in the proceedings. Therefore, it is necessary for Council to resolve to give the General Manager a delegation to deal with the appeal, despite the fact that Council is not the consent authority in respect of the development application.

OPTIONS

N/A

STRATEGIC LINKS

a. Delivery Program

This report is linked to Objective 3.1.6 Continue to efficiently and effectively process development applications, and respond to planning related enquiries.

This matter also relates to the Community’s Desired Outcome for “*Civic Leadership and Effective Governance*”.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

Council’s solicitors have advised that legal costs for the Section 34 conference are estimated to be in the vicinity of \$35,000 to \$40,000 (plus GST). An advice in respect of costs is attached as an Enclosure to this report.

Costs associated with the retention of independent experts to represent Council, will be additional to the legal costs.

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As outlined within this report, Council is subject to the direction and control of the Hunter and Central Coast RPP in the proceedings. Costs may therefore change depending on the role the RPP takes and the specific direction they prescribe.

c. Legislative Implications

N/A

d. Risk Implications

N/A

e. Environmental Implications

N/A

f. Other Implications

N/A

CONCLUSION

Council is in receipt of a Class 1 appeal (Reference No. 2019/219259) in the NSW Land and Environment Court against the deemed refusal of Development Application No. 8/2018/837/1.

The consent authority for the application is the Hunter and Central Coast Regional Planning Panel. In accordance with Section 8.15(4) of the *Environmental Planning and Assessment Act 1979*, Council is subject to the direction and control of the Panel in its conduct of the proceedings.

ENCLOSURES

- 1** Letter of Advice - *This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
- 2** Advice Concerning Estimated Costs - *This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

Corporate and Community
Report No. CC69/2019
General Manager's Unit



SUBJECT: *19TH INTERNATIONAL CITIES, TOWN CENTRES AND COMMUNITIES CONFERENCE 2019*

RESPONSIBLE OFFICER: *Acting Director Corporate & Community Services - Darrylen Allan*

SUMMARY

The 19th International Cities, Town Centres and Communities (ICTC) Conference for 2019 is scheduled to be held at The Ville Resort, Townsville, North Queensland from Wednesday 23 October to Friday 25 October 2019. The purpose of this report is to provide the opportunity for Councillors to make application to attend as per Council policy.

RECOMMENDATION

That Councillors wishing to attend the 19th International Cities, Town Centres and Communities (ICTC) Conference 2019 make application to the Interim General Manager by 10 September 2019 so that Council can determine attendees at the meeting of 18 September 2019.

BACKGROUND

The ICTC conference brings together a diverse cross-section of city leaders and urban place professionals, from those who lead and plan cities and town centres right through to those who implement and manage them on the ground.

The ICTC has provided Council with information regarding the 19th ICTC Conference to be held in Townsville, North Queensland from 23 to 25 October 2019. Councillors wishing to attend are requested to make application to the Interim General Manager by 10 September 2019 so that Council can determine the attendees.

REPORT/PROPOSAL

The International Cities Town Centres and Communities Society (ICTC) has provided information regarding the 19th International Cities, Town Centres and Communities Conference for 2019 which is scheduled to be held at Townsville, North Queensland from 23 to 25 October 2019. **Refer to Enclosure 1.**

In accordance with Council Policy, Councillors wishing to attend the Conference are requested to make application to the Interim General Manager by a 10 September 2019 so that Council can determine the attendees at the meeting of 18 September 2019.

Registration are now opened for 2019 (<https://pulseevents.eventsair.com/ictic-2019>). The following table outlines the costs to attend the conference:

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General Manager's Unit



	Super Early Ends 15 July	Early Bird 16 July - 2 Sept	Standard From 3 Sept
Full Registration Member*	\$1000	\$1100	\$1200
Full Registration Member* (No Function)	\$955	\$1055	\$1155
Full Registration Non-Member	\$1100	\$1200	\$1300
Full Registration Non-Member (No Function)	\$1055	\$1155	\$1255
Day Registration Member*	\$625	\$685	\$745
Day Registration Non-Member	\$695	\$765	\$845
Networking Function Guest Ticket	\$55	\$55	\$55

The application to attend conference form is available as **Enclosure 2**.

CONSULTATION

Interim General Manager

STRATEGIC LINKS

a. Delivery Program

This report is linked to the Community's Desired Outcome Objective 5 "Civic Leadership and Effective Governance".

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Application for attendance at the 19th International Cities, Town Centres and Communities Conference is in accordance with Council Policy.

b. Financial Implications

Funding is available for attendance in the Councillors conference budget vote. The approximate cost per delegate is estimated to be \$4,000. This includes transport, accommodation, conference/workshop registration and meals.

c. Legislative Implications

N/A

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d. Risk Implications

N/A

e. Other Implications

N/A

CONCLUSION

This report provides information on the upcoming 19th International Cities, Town Centres and Communities Conference and invites Councillors to apply to attend.

ENCLOSURES

- [1](#) ➡ Encl. 1 - ICTC 2019 Information
- [2](#) ➡ Encl. 2 - Councillor Request to Attend Conference

Corporate and Community

Report No. CC70/2019

Corporate and Community Services



SUBJECT: *GOVERNMENT INFORMATION PUBLIC ACCESS POLICY*

RESPONSIBLE OFFICER: *Finance and Administration Manager - Andrew Glauser*

SUMMARY

In line with Council's Controlled Documents Framework, the purpose of this report is to rescind Council's existing Government Information Public Access (**GIPA**) policy contained within Enclosure 1.

RECOMMENDATION

That Council rescind the Government Information Public Access Policy F25.2.

BACKGROUND

Council's existing GIPA policy was last reviewed 30 November 2016.

Council is not required to have a GIPA policy, however, it is good practice that the process of receiving and handling requests for information is outlined to the public in an accessible manner.

Council outlines such a process on Council's website and within Council's Agency Information Guide.

On 22 July 2019, the General Manager adopted Council's Agency Information Guide as required pursuant to section 20 of the *Government Information (Public Access) Act 2009* (NSW) (**GIPA Act**). The GIPA Act does not stipulate how the Agency Information Guide should be approved by local councils. Therefore, it is up to each Council to decide how it will adopt the Guide i.e by approval of the General Manager or adoption by Council. Within Council, the practice is that the General Manager adopts the Agency Information Guide, partly due to the frequency of potential changes that need to be made considering the type of information it contains.

The Agency Information Guide was reviewed by the Information and Privacy Commission (**IPC**) on 16 April 2019 and positive feedback was provided recognising the improvement of the Agency Information Guide since its last version was adopted.

REPORT/PROPOSAL

To ensure the public is not confused as to the process of receiving and handling requests for information, and in line with Council's Controlled Documents Framework, the GIPA policy is proposed to be rescinded.

Having the content of the GIPA policy within Council's Agency Information Guideline will ensure that the content is always up to date, as Agency Information Guides must be reviewed at intervals of not more than 12 months (section 21 of the GIPA Act).

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OPTIONS

Option 1

That Council rescind the GIPA policy.

This is the preferred option as the content within the GIPA policy is included in Council's Agency Information Guide therefore the GIPA policy is no longer required.

Option 2

That Council not rescind the GIPA policy.

This is not the preferred option as a policy is not required.

CONSULTATION

- Acting Director Corporate and Community Services
- Finance and Administration Manager
- Governance Coordinator
- Governance Officer

STRATEGIC LINKS

a. Delivery Program

The rescission of the GIPA policy is in line with the community's desired outcome: *Civic Leadership and Effective Governance*.

b. Other Plans

The rescission of the GIPA policy is in line with the following objective from Council's Operation Plan: 5.3.8 – *Carry out governance functions, provide advice and conduct educational programs to comply with legislation and best practice*.

IMPLICATIONS

a. Policy and Procedural Implications

If the GIPA policy is rescinded, changes to Council's Controlled Documents Register and other relevant documents (i.e forms) will need to be made.

b. Financial Implications

N/A

c. Legislative Implications

Nil

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d. Risk Implications

The risk of not rescinding the GIPA policy will result in confusion amongst the public and Council staff when performing their functions, simply because the information in the GIPA policy is outdated. This may in turn result in lack of public trust and potentially reputational damage to Council.

e. Environmental Implications

N/A

f. Other Implications

Other implications from not rescinding the GIPA policy is that it will create inconsistency in the execution of Council officers' functions.

CONCLUSION

In line with Council's Controlled Documents Framework, the purpose of this report is to rescind Council's existing GIPA policy contained within Enclosure 1. Rescinding this policy will achieve consistency in Council's processes and avoid implications outlined within this report.

ENCLOSURES

[1](#) ➡ Council's existing GIPA policy

Corporate and Community

Report No. CC71/2019

Corporate and Community Services



SUBJECT: *SUBMISSION REGARDING IPART'S FINAL REPORT INTO LOCAL GOVERNMENT RATING SYSTEM.*

RESPONSIBLE OFFICER: *Finance and Administration Manager - Andrew Glauser*

SUMMARY

The purpose of this report is to seek Council's endorsement to make a submission to the Office of Local Government in relation to the IPART Final Report on the Local Government Rating system.

RECOMMENDATION

That Council endorse the submission in relation to IPART Final Report on the Local Government Rating system.

BACKGROUND

In 2015 the NSW Government requested that the Independent Pricing and Regulatory Tribunal (IPART) conduct a review of the local government rating system in NSW. The purpose of the review was to develop recommendations to improve the equity and efficiency of the rating system, in order to enhance councils' ability to implement sustainable fiscal policies over the long term.

REPORT/PROPOSAL

The Office of Local Government has provided an opportunity for Councils across NSW to provide a submission in relation to the recommendations as part of the IPART Final Report on the Local Government Rating system.

Attached in **Enclosure 1** is the submission which addresses all 42 recommendations. There are 9 recommendations that the government has ruled out, because they may have adverse impacts on vulnerable members of the community, affect regional jobs and economies, or substantially increase costs for taxpayers and the broader community.

Submissions close 5.00pm on Friday 13 September 2019.

OPTIONS

1. That Council endorse the submission in relation to IPART Final Report on the Local Government Rating system.
2. That Council makes changes to the Submission before lodgment.
3. That Council does not endorse the submission.

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Corporate and Community Services



CONSULTATION

Interim General Manager
Acting Director Corporate and Community Services
Operations Accountant
Revenue Team

STRATEGIC LINKS

a. Delivery Program

Council providing a submission is consistent with 'Objective 5.3 – Making Council More Responsive to the Community of the Cessnock Delivery Program 2013-2017 and the following Strategic Direction:

- Our Council's processes are efficient and transparent.

This report also links with the community's desired outcome of: "*Civic Leadership and Effective Governance*"

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

There will be some potential Policy and Procedural changes if the amendments to the Local Government Act as tabled in Enclosure 1 are enacted.

b. Financial Implications

NIL

c. Legislative Implications

As part of the IPART review into Local Government Rating Systems there may be some changes to the Local Government Act 1993 (NSW) which will have an effect on Council.

d. Risk Implications

There is risk that some of the IPART recommendations that Council has not supported are enacted. The scale and impact of these risks cannot be wholly determined until such time as the final changes are announced.

A possible risk is concerning recommendation 34. If this recommendation was to be endorsed then Council might need to redistribute a significant proportion of the rates income received from Mining assessments across the other categories. This could result in other ratepayers bearing a greater rates burden and might have possible capacity to pay implications in some instances.

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Another possible risk to note is concerning recommendation 11. If this recommendation is endorsed there is a risk that the scale of additional rating income arising from subdivision activity is adversely impacted by the new methodology. For example the Capital Improved Value (CIV) of the newly subdivided lots might not have been developed at the time subdivision or if developed the improvements will be small proportionately to the aggregate CIV for the whole LGA). It will possibly be important to undertake the assessment by rating category to ensure averages are consistent from like properties in like areas. In addition as noted in another area of the recommendations the level of provision of service is an important consideration if Council is to receive adequate additional revenue to cover incremental costs. Given the potential for significant growth within the LGA the impact of time could be considerable if increments are not determined in an appropriate manner.

e. Environmental Implications

NIL

f. Other Implications

NIL

CONCLUSION

The purpose of this report is to table Council's submission (Enclosure 1) on IPART on the IPART Final Report on the Local Government Rating system.

ENCLOSURES

[1](#) ➡ Enclosure 1 - Submission to the IPART Report

Corporate and Community

Report No. CC72/2019

Corporate and Community Services



SUBJECT: *FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2019 - REFER FOR AUDIT AND COUNCIL CERTIFICATION*

RESPONSIBLE OFFICER: *Finance and Administration Manager - Andrew Glauser*

SUMMARY

The draft financial reports for the year ended 30 June 2019 are required to be formally referred for external audit.

Section 413 of the Local Government Act 1993 and the Local Government Code of Accounting Practice and Financial Reporting require a statement in the approved form to be adopted by Council in regards to the financial reports.

RECOMMENDATION

1. That the financial statements are formally referred for external audit.
2. That in accordance with Section 413(2)(c) of the Local Government Act, 1993 the General Purpose Financial Report has been prepared in accordance with:

- The Local Government Act 1993 and the Regulations made thereunder.
- The Australian Accounting Standards and professional pronouncements.
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these reports:

- Present fairly the Council's operating result and financial position for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render the reports false or misleading in any way.

3. That in accordance with the Local Government Code of Accounting Practice and Financial Reporting the Special Purpose Financial Reports have been prepared in accordance with:

- The Local Government Code of Accounting Practice and Financial Reporting.
- NSW Government Policy Statement "Application of National Competition Policy to Local Government".
- Department of Local Government Guidelines "Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality".

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To the best of our knowledge and belief, these reports:

- **Present fairly the operating result and financial position for each of Council's declared Business Activities for the year, and**
- **Accord with Council's accounting and other records.**

We are not aware of any matter that would render the reports false or misleading in any way.

- 4. That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the Statements by Council on its Opinion of the 2018-19 Financial Statements.**

BACKGROUND

Section 413(1) of the Local Government Act 1993 requires Council to prepare General Purpose Financial Reports for the financial year ending 30 June. Council must also prepare Special Purpose Financial Reports in accordance with the Local Government Code of Accounting Practice and Financial Reporting. Both of these financial reports require a Council resolution to formally refer them for audit and separate statements in the approved form as to Council's opinion on the reports as referred for audit.

REPORT

The financial statements set out the financial performance, financial position and cash flows of Council at each year ending 30 June and are supported by detailed notes.

Section 413(1) of the Local Government Act 1993 requires Council to prepare financial reports each year and refer them for audit. The financial reports must include a general purpose financial report, any other matter prescribed by the regulations and a statement in the approved form by the Council as to its opinion on the general purpose financial reports.

The Local Government Code of Accounting Practice and Financial Reporting requires Council to prepare Special Purpose Financial Statements and to provide a statement in the approved form by the Council as to its opinion on the special purpose financial reports.

The statements by Council and Management are required to be authorised by a resolution of Council and need to be signed in accordance with that resolution by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer.

The financial statements have been prepared and are scheduled for audit by Council's external Auditors, the Audit Office of NSW represented by Pitcher Partners in the week ending 6 September 2019.

The Audit and Risk Committee has reviewed the preliminary draft financial statements at the meeting held on 30 August 2019. The Audit and Risk Committee is scheduled on the 17 October 2019 to review the audited Annual Financial Statements and external Auditor documentation for comment prior to presentation to Council and the public.

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Section 419 of the Local Government Act 1993 requires that following audit the Annual Financial Statements are to be presented to Council and the public. It is proposed that the audited financial statements be presented to Council and the public on 6 November 2019.

Copies of the Councillor and Management statements (**Enclosures 2 and 3**) and draft financial statements (**Enclosure 1**) are attached as enclosures to this report.

OPTIONS

N/A

CONSULTATION

Senior Finance Staff
Asset Management Staff
Pitcher Partners Accountants
Audit Office of NSW

STRATEGIC LINKS

a. Delivery Program

This report is a crucial part of the organisation's governance framework and is in line with the community's desired outcome of: "*Civic Leadership and Effective Governance.*"

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

This report has no direct policy implications.

b. Financial Implications

Nil

c. Legislative Implications

Council's General Purpose Financial Reports have been prepared in accordance with Section 413 of the Local Government Act 1993 and the Special Purpose Financial Reports have been prepared in accordance with the Local Government Code of Accounting Practice and Financial Reporting (Guidelines).

Referral of the financial reports for audit, including the Council and management statements as to its opinion on the financial reports is in accordance with legislative requirements.

d. Risk Implications

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Nil

e. Other Implications

There are no environmental, community, consultative or other implications to this report.

CONCLUSION

Council is required to prepare financial reports each year and refer them for audit. The financial reports must include a statement in the approved form by the Council as to its opinion on the reports and the statements by Council and Management are required to be authorised by a resolution of Council and signed in accordance with that resolution by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer.

ENCLOSURES

- 1 ➡ Statement by Councillors and Management GPFS
- 2 ➡ Statement by Councillors and Management SPFS
- 3 ➡ Draft Annual Financial Statements for Audit (Provided Under Separate Cover)

Corporate and Community

Report No. CC73/2019

Corporate and Community Services



SUBJECT: *JUNE 2019 QUARTERLY REVIEW OF 2017-21 DELIVERY PROGRAM*

RESPONSIBLE OFFICER: *Principal Integrated Planning and Reporting Officer - Donna Ladmore*
Finance and Administration Manager - Andrew Glauser

SUMMARY

Quarterly update of progress against Council's 2017-21 Delivery Program.

RECOMMENDATION

1. That Council note the progress in implementing the 2017-21 Delivery Program as at 30 June 2019:
 - 99% of deliverables are either complete or on-track
 - 95% of measures are either on-track or ahead of target
 - 100% of programs are either complete or on-track to be completed as programmed.
2. That Council note that 16 out of the 17 carryover deliverables from the 2017-18 Operational Plan have been completed.
3. That Council note that 18 out of the 21 of the carryover capital works projects have been completed.
4. That Council note the inclusion of individual projects from the Local Roads Resurfacing Program:

Add: RRL-2019-001a Elliott St, Kurri Kurri
Add: RRL-2019-001b Lang St, Kurri Kurri
Add: RRL-2019-001c Gillies St, Kurri Kurri
Add: RRL-2019-001d Quorrobolong Rd, Kitchener
Add: RRL-2019-001e Catherine St, Cessnock
Add: RRL-2019-001f Stanley St, Cessnock
Add: RRL-2019-001g Church St, Cessnock
Add: RRL-2019-001h Halcyon St, Cessnock
Add: RRL-2019-001i Doyle St, Cessnock
Add: RRL-2019-001j Koree St, Cessnock
Add: RRL-2019-001k Ercildoune St, Cessnock

5. That Council endorse the following change to the Pathways Construction Program:

Project description for CPW-2019-004:

Remove: Rawson St – pathway from Quarrybylong St to Brandis St
Add: Quarrybylong St – pathway from Rawson St

6. That Council endorse the following change to the Traffic Facilities Program:

**Add: Bus Stop Upgrades – Country Passenger Transport
Infrastructure Grant Scheme.**

**7. That Council note the inclusion of individual projects from the Regional Roads
Resurfacing Program:**

**Add: RRR-2019-002a MR590 George Downs Drive, Bucketty
Add: RRR-2019-002b MR181 Great North Road, Fernaces Crossing**

**8. That Council continue to monitor the ongoing deliverables in future Delivery
Program reviews.**

BACKGROUND

Section 404(5) of the Local Government Act 1993 requires the General Manager to provide regular progress reports to Council with respect to progress against the principal activities detailed in its Delivery Program with reports provided at least every six months.

The Quarterly Budget Review Statements, required under clause 203 of the Local Government (General) Regulation 2005, provide financial information in regards to estimates of income and expenditure and are separately reported to Council.

Council adopted the 2017-21 Delivery Program and 2018-19 Operational Plan in June 2018. The Delivery Program outlines the activities that Council will undertake to implement the strategies identified in the Community Strategic Plan and is the single point of reference for all principal activities undertaken by an elected Council during its term in office.

At the end of each quarter (September, December, March and June) a report is prepared to assess our progress against 2017-21 Delivery Program actions and the Capital Works Program.

REPORT/PROPOSAL

The 2018-19 Operational Plan is a one year plan (the second year of the 2017-21 Delivery Program) developed to implement the adopted actions from the 2017-21 Delivery Program.

Some of the highlights for 2018-19 are provided below.

- Hunter Valley Visitor Centre welcomed 92,000 visitors and 766,000 website visitors.
- Cessnock City Library Service welcomed 176,996 visitors, lending 173,297 items, fielding 51,205 enquiries, organising over 1,000 events including lifelong learning programs with 22,000 attendees.
- 16,478 audience members enjoyed performances at Cessnock Performing Arts Centre.
- Council's Facebook page is continuing to grow with likes reaching 7,088.
- A total of 186,750 customers attended Council aquatic facilities.
- 24,093 Customer Requests were completed during 2018-19.

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- 3,892 tonnes of recycled and 5,447 tonnes of garden organics were collected and reprocessed via kerbside recycling service.
- 937 Development Applications were determined between 1 July 2018 and 30 June 2019.
- During 2018-19 Council was appointed Principal Certifying Authority for 539 building approvals which results in approximately 1,600 inspections.

2017-21 Delivery Program

At 30 June 2019, 150 (or 92%) of the deliverables (from the Operational Plan) were completed, 1 (or 1%) were at risk and 11 (or 7%) were on-track.

99% of deliverables are either complete or on-track for completion as programmed.

Status of Deliverables



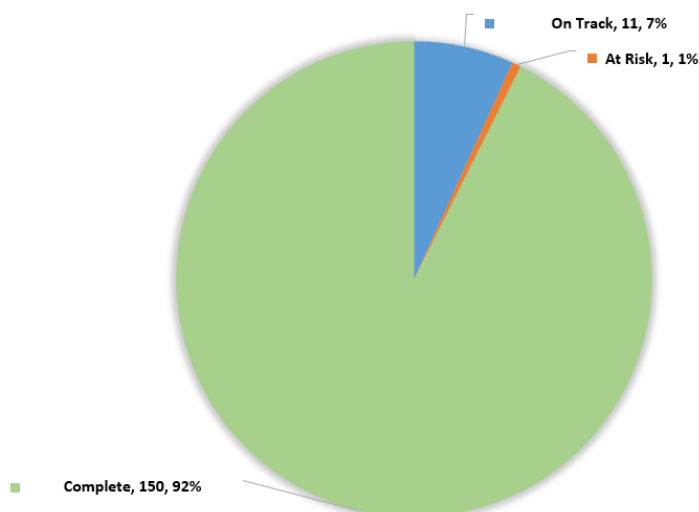
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There is a total of 162 actions within the 2018-19 Operational Plan. The chart below shows the overall status of these actions.



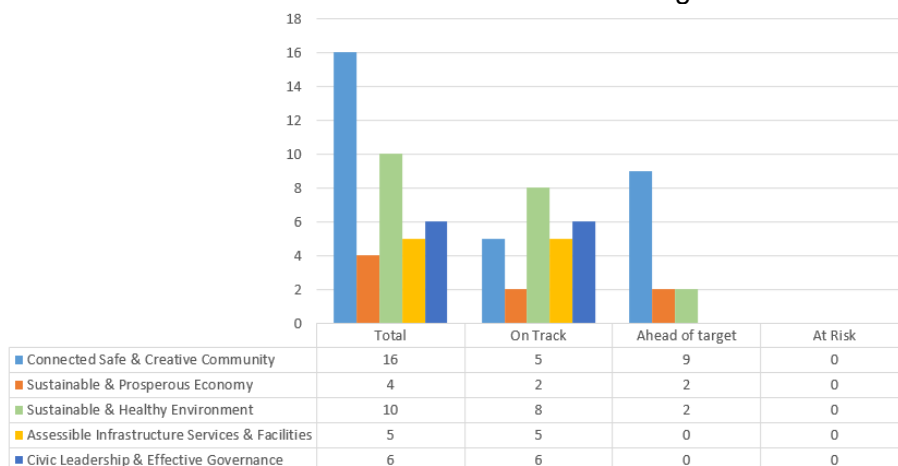
Details of these “At Risk” deliverables are below:

Ref.	“At Risk” Deliverables
3.1.1.b	Commence review of Cessnock LEP 2011.
	<p><i>Contingent on the adoption of the Cessnock City Planning Strategy which is not anticipated until late 2019-early 2020.</i></p> <p><i>This project remains on track to commence within the four year Delivery Program. Progress will continue to be reported against 3.1.1.a in the 2019-20 Operational Plan.</i></p>

2017-21 Delivery Program – Measures

At 30 June 2019, 26 (or 63%) of the Delivery Program measures were on-track, 13 (or 32%) were ahead of target and 2 (or 5%) were at risk.

95% of measures are either on-track or ahead of target.



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Details of these "At Risk" measures are below:

Engagement with young people	
Target: 11,234 Year 2018-19: 8,403	<i>The model for delivery of school programs has changed with it being a more targeted approach engaging with a smaller number of young people as opposed to sessions delivered on mass. In addition to drop in sessions, the CYCOS model has changed to include a focus on service development initiatives attracting specialist youth providers to the venue's professional office rooms resulting in increased partnerships with health, legal, counselling, drug and alcohol professionals.</i>
Youth Week	
Target: 1,800 Year 2018-19: 1,403	<i>Although the Youth Week program offered 24 diverse activities participation at events was less compared to previous years. This year Youth Week fell in the 2 weeks of Easter, Anzac Day and School Holidays. The evaluation process found that many young people were away on family holidays and impacted on the rates of participation for most events. This feedback has been passed on to the organisers of National Youth Week to assist in future date scheduling.</i>

Details of progress against each action and measure in the 2017-21 Delivery Program are included in **Enclosure 1** to this report.

2017-21 Delivery Program (2017-18 Operational Plan) – carried forward deliverables

At 30 June 2019, 16 (or 94%) of the 2017-18 carried forward deliverables have been completed. 1 or (or 6%) is a multi-year project that remains on track for delivery within the four year program.

Details of deliverables are included in **Enclosure 1** to this report.

2018-19 Capital Works Program

At 30 June 2019, 87 (or 90%) of the Capital Works Program projects were complete and 10 (or 10%) were in progress.

Details of these projects are provided below:

	Connected, Safe & Creative Community	Sustainable & Prosperous Economy	Sustainable & Healthy Environment	Accessible Infrastructure, Services & Facilities	Total Projects	%
Complete	17	11	21	38	87	90%
In Progress#	1	-	4	5	10	10%
Total Program	18	11	25	43*	97	100%
New projects*	-	-	-	14	14	
Unfunded	4	-	1	20	25	

#In progress projects will be carried forward and reported as part of the 2019-20 Capital Works Program

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Capital Works Program – carried forward projects

Of the 21 outstanding projects carried forward from the 2016-17 and 2017-18 capital works programs, 18 have been completed and 3 are in progress. In progress projects will continue to be reported as part of the quarterly review process.

Detailed information on the Capital Works Program is included in Enclosure 2.

OPTIONS

Option 1 – adopt the report.

Option 2 – adopt the report with amendments.

CONSULTATION

The General Manager, Directors, Managers and Coordinators provided the information for inclusion into this report and its enclosures.

The Infrastructure Manager and Recreation and Community Services Manager have provided information on the Capital Works Programs.

STRATEGIC LINKS

a. Delivery Program

This report is part of the organisation's governance framework – providing feedback on the progress against the key plans adopted by Council. This is in line with the community's desired outcome of: *"Civic Leadership and Effective Governance."*

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

The quarterly budget review forecasts have been reported separately to Council.

c. Legislative Implications

This report satisfies the requirements of Section 404 of the *Local Government Act 1993*.

d. Risk Implications

This report satisfies the requirements of Section 404 of the *Local Government Act 1993*.

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e. Other Implications

N/A

CONCLUSION

The review of the 2017-21 Delivery Program for the quarter ended 30 June 2019 is submitted for Council's consideration.

ENCLOSURES

- [1](#) ➡ June 2019 Quarter Review of the 2017-21 Delivery Program
- [2](#) ➡ June 2019 Quarter Review of the 2018-19 Capital Works Program

Corporate and Community

Report No. CC74/2019

Corporate and Community Services



SUBJECT: *REVOTING OF EXPENDITURE FROM 2018-19 TO 2019-20*

AUTHOR: *Finance and Administration Manager - Andrew Glauser*

SUMMARY

This report seeks Council endorsement of projects budgeted for 2018-19 but not commenced as at 30 June 2019 requiring revoting of funding to the 2019-20 financial year and provides Council information on the funds carried over from 2018-19 to 2019-20 relating to projects that had commenced prior to 30 June 2019.

RECOMMENDATION

1. That Council note that there are no revotes for 2018-19.
2. That Council note the carryover of funds totalling \$6,038,344 from 2018-19 to 2019-20.

BACKGROUND

All projects which were in progress as at 30 June 2019 are treated as carryover projects under Council's policy and do not require Council authorisation to continue. Projects which were within the Operational Plan 2018-19 but had not been commenced as at 30 June 2019 require Council authorisation as a revote to enable the works to be undertaken in 2019-20.

REPORT

All projects were commenced as at 30 June 2019. As such there are no revotes requiring authorisation. Funds that were carried over at 30 June 2019 for commenced projects are summarised in the following table by Program. The total to be carried over from 2018-19 to 2019-20 is \$6,038,344 and consists of \$1,714,614 general funds, \$166,706 Section 7.11, \$799,178 special rate, \$720,966 internally restricted assets (reserves), \$1,910,839 grants and \$726,041 loan. **Enclosure 1** lists carryovers by project.

The projects were reviewed by the responsible line Managers and endorsed by the responsible Director. The Executive Leadership Team has reviewed the carryover projects from a corporate perspective.

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Carryovers 2018-19 to 2019-20

Program	General Funds	Section 7.11	Special Rate	Reserves	Grants	Loan	Total
Signage Program					332,247		332,247
Strategic Asset Planning	252,186			172,400	30,000		454,586

Program	General Funds	Section 7.11	Special Rate	Reserves	Grants	Loan	Total
Local Road Renewal Program			404,590				404,590
Local Road Construction Program	157,415		391,369	31,123	311,010	189,249	1,080,166
Traffic Facilities Program	97,832				47,775		145,607
Regional Road Renewal Program	20,513		3,219		27,330		51,062
Branxton Town Centre Program					200,307		200,307
Drainage Construction Program				383,423		224,241	607,664
Floodplain Management Program	46,227			70,645	233,743		350,615
Bridge Construction Program	353,635				220,700	266,103	840,438
Pool Facilities Renewal Program	119,758						119,758
Community Buildings Renewal Program	23,238						23,238
Pathways Construction Program	172,140						172,140
Recreation Facilities Renewal Program	130,897				23,439		154,336
Recreation Facilities Construction Program	210,565	166,670			285,289		662,524
Cessnock Civic Precinct Revitalisation Program	109,403	36			198,999	46,448	354,886
Cemetery Facilities Construction Program	6,131			63,375			69,506
Pre-Construction Design	14,674						14,674
Total	1,714,614	166,706	799,178	720,966	1,910,839	726,041	6,038,344

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OPTIONS

No action is required by Council as there is no revoting of funds and the report provides information for Council and the community on carryover of funds from 2018-19 to 2019-20.

CONSULTATION

Relevant Budget Managers
Executive Leadership Team

STRATEGIC LINKS

a. Delivery Program

These documents are a part of the organisation's governance framework – providing feedback on the progress against the budget adopted by Council – in line with the community's desired outcome of: *Civic Leadership and Effective Governance*.

The carryover of funds noted in this report will enable the delivery of outcomes detailed within the Operational Plan 2018-19 and Delivery Program 2017-2021.

b. Other Plans

N/A

STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

As part of the year end procedures Council funds were transferred to restricted assets to ensure funding is available for carryover projects.

c. Legislative Implications

Clause 211 of the Local Government (General) Regulation 2005 requires Council to revote the funds necessary to meet the expenditure required for projects not commenced by 30 June 2019 to 2019-20 financial year.

d. Risk Implications

N/A

e. Other Implications

N/A

Corporate and Community

Report No. CC74/2019

Corporate and Community Services



CONCLUSION

There are no revotes for 2018-19. Carryovers from 2018-19 to 2019-20 were \$6,038,344.

ENCLOSURES

[1](#) ⇨ Carryovers 2018-19 to 2019-20

Works and Infrastructure

Report No. WI54/2019

Works and Infrastructure



SUBJECT: *USE OF GLYPHOSATE*

RESPONSIBLE OFFICER: *Environmental & Waste Services Manager - Michael Alexander*

SUMMARY

This report provides information relating to the use of glyphosate to eradicate weeds and manage the growth of unwanted grass on Council managed lands across the Cessnock LGA.

RECOMMENDATION

1. That Council continues using glyphosate to eradicate weeds and manage the growth of grass under and along fence lines within the LGA
2. That Council continues to monitor the position of Australian regulators in relation to the use of glyphosate
3. That if the position of the Australian regulators changes a report be brought back to Council outlining the changes and implications to Council.

BACKGROUND

Glyphosate has been widely used as an effective weed control measure for many years in agricultural pursuits and urban environments by local authorities. Glyphosate is the active ingredient in the popular weed killer Roundup, and approximately 500 other herbicide products. It's widely used by farmers, gardeners and other land managers.

Glyphosate is utilised by Council's outdoor operational teams to eradicate weeds and manage the growth of grass under/along fence lines etc.

Due to recent legal proceedings in the United States, attention has been focused on suggested links between glyphosate and cancer.

REPORT/PROPOSAL

The World Health Organisations (WHO) International Agency for Research on Cancer upgraded assessment of glyphosate to "probably carcinogenic to humans" in 2015.

In 2016, the Australian Pesticides and Veterinarian Medicines Authority (APVMA) evaluated the International Agency for Research on Cancer report and other contemporary scientific assessments as part of an established chemical review nomination process. The APVMA concluded that glyphosate did not pose a carcinogenic risk to humans and that there were no grounds to place it under formal reconsideration. The APVMA is a globally recognised, science-based regulator.

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In the last 12 months, there has been a number of media reports relating to the use of glyphosate. In September 2018 there were well publicised legal proceedings in the United States, where a Californian jury found in favor of a plaintiff who alleged exposure to Roundup, manufactured by Monsanto, had resulted in terminal non-Hodgkinson Lymphoma.

Council has reviewed the position of the national regulator, the APVMA with respect to glyphosate use, and noted that its position on use had not been amended nor have they implemented further restrictions on the use of glyphosate based products. The current assessment by the APVMA is that products containing glyphosate are safe to use in accordance with the label instructions and Personal Protective Equipment (PPE) requirements.

Council also reviewed the advice of SafeWork Australia and SafeWork NSW regarding this matter, both of whom refer back to the WHO and the APVMA research as the authority on this matter.

Council undertook consultation and assessment regarding controls with Council employees who regularly handle glyphosate to ensure the safe use of such products. As part of consultation with staff, use of alternate weed control products were contemplated. Whilst alternate products are available they would not be as effective (eg take longer to kill or stunt vegetative growth) and are initially more expensive.

Council is an active member of the Regional Weeds Committee and Technical Team that have conducted trials of alternate methods and continue to support the use of glyphosate used in accordance with the labelled instructions and PPE. The Team's position on the matter is contained within Enclosure 1.

Council will continue to monitor the position of Australian regulators in relation to glyphosate and implement best practice control measures and a precautionary approach to use and ongoing monitoring of this product.

OPTIONS

Option 1 – Preferred Option

- 1 That Council continues using glyphosate to eradicate weeds and manage the growth of grass under and along fence lines within the LGA
- 2 That Council continue to monitor the position of Australian regulators in relation to the use of glyphosate
- 3 That if the position of the Australian regulators changes a report be brought back to Council outlining the changes and implications to Council

Option 2

That Council cease use of glyphosate and use alternatives.

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CONSULTATION

Human Resource Manager
Hunter Regional Weeds Committee and Technical Team
Open Space and Community Facilities team members
Risk and Safety Coordinator
Weeds Team members

STRATEGIC LINKS

a. Delivery Program

Objective 3.1 Protecting and enhancing the natural environment and the rural character of the area specifically 3.1.8.d implementation of the Regional Weed Action Plan.

b. Other Plans

Hunter Regional Strategic Weed Management Plan 2017 – 2022.

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Nil

c. Legislative Implications

Nil. At this point in time glyphosate is an approved product by the APVMA.

d. Risk Implications

To mitigate risk associated with chemical use and application, Council has a documented WHS Management System relating to Chemicals (Document No: OP 3.6.6) with the objective of providing workers who purchase, use, handle, store and dispose of chemicals at Council, guidance and information to effectively manage risk associated with those chemicals.

Council policies and procedures also require a Risk Assessment and the wearing of suitable Personal Protective Equipment.

Council Biosecurity Officers apply chemical treatment in accordance with manufacturers labelled instructions.

e. Environmental Implications

If not controlled, weeds can rapidly take over a landscape at the expense of native pastures, cultivated pastures and biodiversity.

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f. Other Implications

Nil

CONCLUSION

Recent media articles have drawn attention to the use of glyphosate and the recent court decision in the United States that linked the use of glyphosate to cancer.

The current assessment by the APVMA is that products containing glyphosate are safe to use in accordance with the label instructions and PPE requirements.

Council will continue to monitor the position of Australian regulators in relation to glyphosate and implement best practice control measures and a precautionary approach to use and ongoing monitoring of this product.

ENCLOSURES

[1](#) ➞ Glyphosate Position

Works and Infrastructure

Report No. WI55/2019

Works and Infrastructure



SUBJECT: *HELENA STREET, ELLALONG - NEED FOR FUTURE BUS SHELTER*

RESPONSIBLE OFFICER: *Infrastructure Manager - Katrina Kerr*

SUMMARY

The purpose of this report is to detail the outcome of a needs assessment for a future bus shelter in Ellalong, following consultation with Rover Coaches and the Community.

RECOMMENDATION

1. That Council note the outcome of the consultation and assessment.
2. That Council endorse the continued maintenance of the Rugby Street bus stop shelter as the primary public transport infrastructure in Ellalong.
3. That Council support the introduction of a hail and ride bus service on the length of Helena Street, Ellalong.

BACKGROUND

Council received a written and signed petition lodged by residents of Ellalong and surrounds and an associated petition in the form of a Change.Org online petition by petitioners from within and beyond the Cessnock LGA. The petition requested that Council restore a bus stop and rebuild a bus shelter on Helena Street, Ellalong, which was destroyed when it was collided with by a motor vehicle on 10 June 2017.

At its Ordinary Meeting of 5 June 2019, Council considered report WI31/2019 Helena Street, Ellalong - Petition Re Bus Stop and Shelter and resolved:

1. *That Council, in consultation with Rover Motors and the community assess the needs of a future bus shelter in Ellalong.*
2. *That a report on Ellalong come back to Council within 3 months with a broader consultation on the LGA within 12 months.*

This report responds to the above resolution.

REPORT/PROPOSAL

Public bus services are managed and regulated by Transport for NSW (TfNSW). In Ellalong, and surrounding areas, the TfNSW service provider is Rover Coaches. Council officers engaged with Rover Coaches and the Ellalong community to determine the current and future needs of public transport infrastructure in Ellalong.

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CONSULTATION

Rover Coaches

Direct consultation was undertaken with the Contract and Compliance Manager at Rovers Coaches, regarding;

- Current bus routes,
- Current infrastructure,
- Ridership patterns,
- Passenger volumes, and
- Future needs.

Current Bus Routes: The current scheduled Route 168 bus route travels south on Rugby Street before completing a clockwise circuit of Helena Street, Church Street, Undine Street, and Campbell Street, then rejoining Helena Street and traveling west towards Paxton, as shown in **Figure 1** below. There is no corresponding return service.

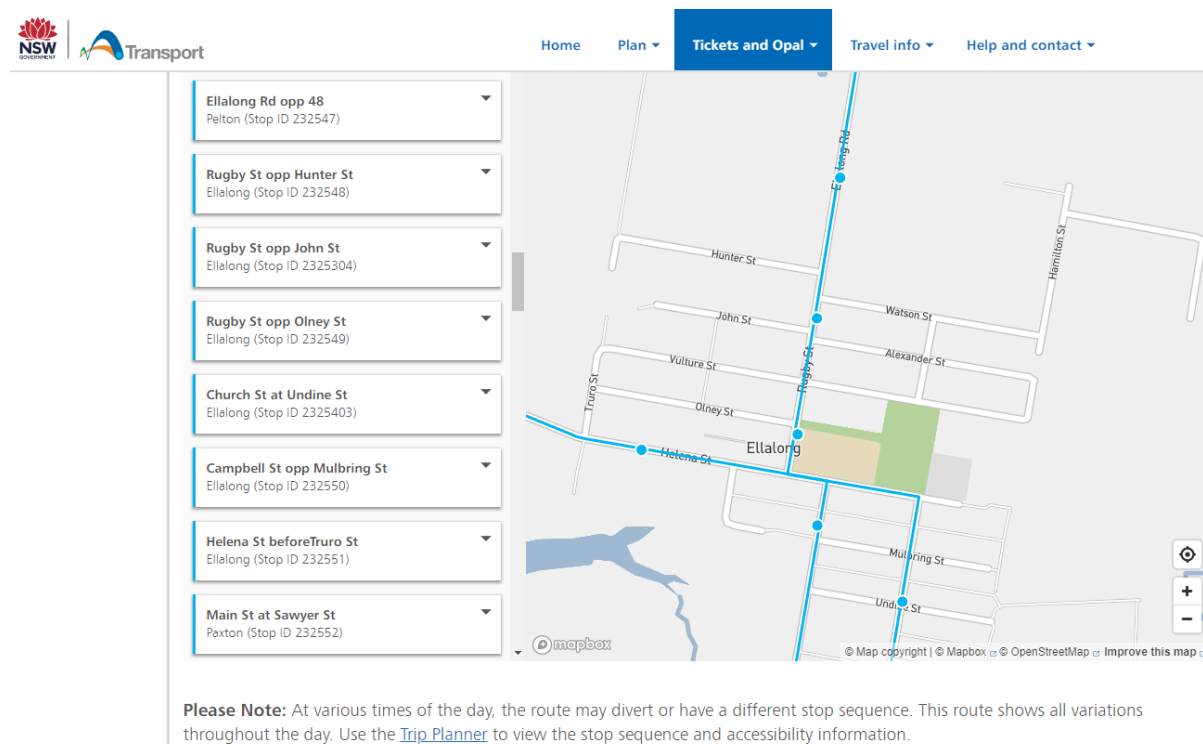


Figure 1: TfNSW Route 168 - Cessnock to Millfield and Pelton

A school bus service for students of Mount View High School and Congewai Public School is provided on school days following the same route.

Current Infrastructure: The current public transport infrastructure in Ellalong consists of;

- Bus zone with shelter on Rugby Street, adjacent Ellalong Public School,
- TfNSW nominated bus stop on Rugby Street opposite Hunter Street,
- TfNSW nominated bus stop on Rugby Street, opposite John Street,

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- TfNSW nominated bus stop on Campbell Street, opposite Mulbring Street,
- TfNSW nominated bus stop on Church Street at Undine Street, and
- Sign posted bus stop on Helena Street before Truro Street

The location of the 6 current bus stops in Ellalong is shown on **Figure 2** below.

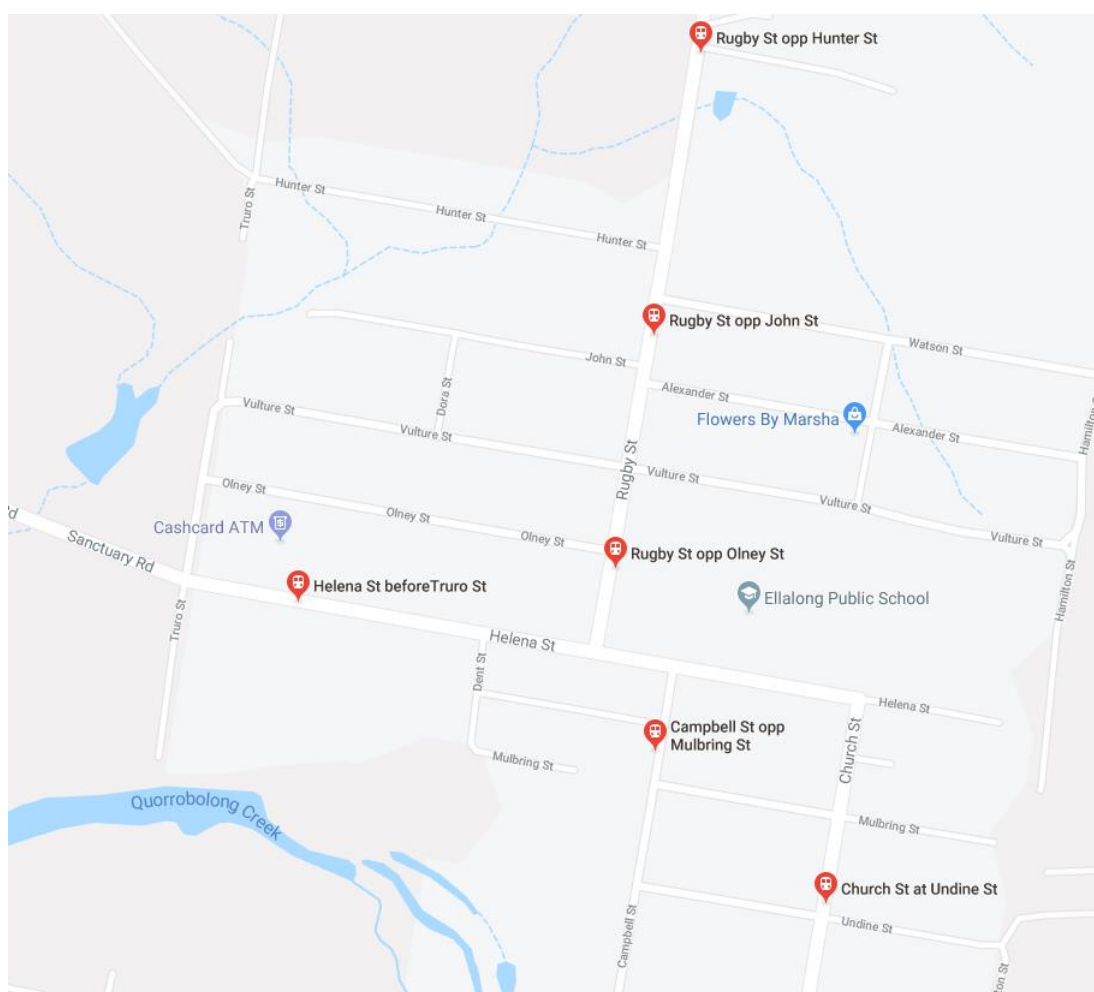


Figure 2: TfNSW Nominated Bus Stops in Ellalong

Ridership Patterns: The majority of passengers using the scheduled services commence their journey from the existing bus shelter and stop at Rugby Street, Ellalong.

A small number of occasional passengers commence their journeys at various points on the route taking advantage of the available informal “hail and ride” bus service.

The existing Helena Street bus stop has irregular use by a small number of school bus service users.

The consultation revealed that the subject bus stop on Helena Street has a very low utilisation rate and a shelter was not considered needed at the location, particularly given the presence of a nearby bus stop with a shelter in Rugby Street, which is well utilised.

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Passenger volumes: Volumes for both forms of service in Ellalong are considered low.

The existing bus zone and shelter on Rugby Street, in conjunction with the various nominated bus stops and the “hail and ride” service adequately accommodates the current levels of patronage.

Rover Coaches also advise that the “hail and ride” service currently provided, adequately services the small number of bus passengers in Ellalong.

Future Needs: At this time, Rover Coaches indicate that there are no plans to make amendments to, or expand upon existing services. Passenger numbers and trip patterns do not warrant the installation of any additional public transport infrastructure beyond the existing shelter in Rugby Street, Ellalong. An increase in future demand is not anticipated at this time.

Ellalong Community

Community Engagement: Engagement commenced on 18 July 2019 with detailed information on public transport infrastructure in Ellalong along with information published on Council’s website. See **Enclosure 1** for the detailed information provided.

Comments on the detailed information were invited through a variety of channels including:

- 17 July 2019 advertised in the Cessnock Advertiser,
- 18 July 2019 issued media release by Council’s Communications & Media Team, and
- 18 July 2019 published post on Council’s Facebook page.

Members of the Ellalong community were invited to make comment, raise any issues or discuss their concerns:

- via Council’s e-service portal,
- by email to council@cessnock.nsw.gov.au or
- by phoning Council’s Customer Service Team.

Comments Received: The period for submissions closed 14 August 2019 to allow preparation of this report. Due to the lack of responses, the submission period was extended by a further week until 21 August 2019.

At the conclusion of the submission period no community responses had been recorded.

ASSESSMENT OF FUTURE NEEDS

The current public transport infrastructure in Ellalong reflects the level of patronage of the bus service. The future needs were considered and 3 options for providing bus services were assessed.

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1. Helena Street - Hail and Ride

Rather than spend in excess of \$46,000 to replace the low usage shelter on Helena Street, the length of Helena Street could be allowed to operate as an informal bus stop, which is known as a hail and ride bus stop. Instead of being restricted to a single site, hail and ride services generally pick-up and set-down passengers closer to their requested location, subject to safety considerations as depicted in **Figures 3** and **4** below.



Figure 3 - Hail and Ride – Getting On



Figure 4 - Hail and Ride – Getting Off

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A major advantage of the hail and ride option is that the mandatory loss of parking spaces (30metres) that accompanies a permanent bus stop can be avoided. The residents of Helena Street who reside within 20metres of the approach and 10metres of the departure of the existing bus stop would be able to lawfully park in front of their homes, a practice that is currently illegal.

TfNSW, which is the ultimate body for approval of bus routes, recognises and endorses the operation of hail and ride mode bus services in regional NSW.

2. Sanctuary Road - New Shelter

Installation of a new *Disability Standards for Accessible Public Transport* (DSAPT) compliant bus shelter on the subject bus route, on Sanctuary Road, just west of Truro Street, as depicted in **Figures 5** and **6** below.



Figure 5 – Concept Option - New Bus Shelter - Sanctuary Road

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Figure 6 – Concept Location – New Bus Shelter - Sanctuary Road

A new shelter at this location, which is more amenable to achieving disability standards compliance, could be achieved at a cost of approximately \$25,000, including rehabilitation of the previous shelter site.

The mandatory loss of parking space (30 metres) that accompanies a permanent bus stop would have minimal impact on residents as there are currently no dwellings across the proposed frontage.

3. Helena Street - New Bus Shelter

As depicted in **Figure 7** below, the current bus stop on Helena Street presents many challenges in rendering it compliant with disability standards due to insufficient level ground (beside the position a stationary bus would occupy) to accommodate the larger boarding platform, mandated by the standard design for a bus stop and shelter.

During stakeholder consultations, the Work Health & Safety Manager of Rover Coaches identified a number of issues with the existing bus stop location on Helena Street, which from a work, health and safety perspective, he considers makes the site unserviceable in its current form:

- Unformed road edge;
- Insufficient room for the bus to leave the travel lane;
- Poor pedestrian access due to the slope away from the road.

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These identified site constraints can be overcome with appropriate engineering treatments. A compliant bus shelter can be installed at the site at an estimated cost of \$46,200.



Figure 7 – Existing Bus Stop with Previously Existing Shelter - Helena Street

Outcome of Assessment and Consultation

The outcome of the assessment and community engagement is that the most cost effective bus service can be provided by ensuring the existing well used shelter on Rugby Street is well maintained to be DSAPT compliant and supported by surrounding infrastructure including pathways, kerb ramps, and space for drop off and pick of passengers by car.

In addition, the needs of the community can be met with a hail and ride bus service on the length of Helena Street.

OPTIONS

Option 1 (Preferred):

- That Council note the outcome of the consultation and assessment.
- That Council endorse the continued maintenance of the Rugby Street bus stop with a shelter as the primary bus service infrastructure in Ellalong.
- That Council support the introduction of a hail and ride bus service on the length of Helena Street, Ellalong.

This is the preferred option as it is cost effective and reflects the level of patronage of bus services in Ellalong.

Option 2 (Not Preferred):

- That Council note the outcome of the consultation and assessment.
- That Council endorse the continued maintenance of the Rugby Street bus stop with shelter as the primary bus service infrastructure in Ellalong.

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- That Council replace the previous bus shelter on Helen Street with a new DSAPT compliant boarding platform and shelter.

This is not the preferred option as the community did not express this view when invited to comment and the level of patronage of bus services in Ellalong is not commensurate with the estimated cost.

CONSULTATION

Internal Consultation: Internal consultation has occurred with:

- General Manager
- Communications and Media Officer
- Traffic Engineering Officer
- Projects Engineer
- Safety & Risk Coordinator
- Insurance Officer

External Consultation: External consultation has occurred with:

- Work Health & Safety Manager, Rover Coaches
- Community Engagement commenced on 18 July 2019 with detailed information on public transport infrastructure in Ellalong along with information published on Council's website

Comments on the detailed information were invited through a variety of channels including:

- 17 July 2019 advertised in the Cessnock Advertiser,
- 18 July 2019 issued media release by Council's Communications & Media Team, and
- 18 July 2019 published post on Council's Facebook page.

Members of the Ellalong community were invited to make comment, raise any issues or discuss their concerns:

- via Council's e-service portal,
- by email to council@cessnock.nsw.gov.au or
- by phoning Council's Customer Service Team.

STRATEGIC LINKS

a. Delivery Program

Delivery Program 2017- 21: The recommendation of this report aligns with the following objectives:

- Objective 1.3 Promoting Safe Communities – Our roads are safe for motorists and pedestrians
1.3.5 Improve the safety of the road network

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- Objective 4.1 Better transport links
- 4.1.1: Advocate for increased road, public and community transport and associated infrastructure funding.
 - 4.1.1a: Prepare applications for available grant funding to improve commuter, freight and tourism transport links.
- Objective 4.2 Improving the road network
- 4.2.1 Develop prioritised capital works programs in line with adopted asset management plans.
 - 4.2.2 Deliver prioritised on-ground capital works and maintenance programs.

b. Other Plans

Community Strategic Plan - Cessnock 2027: The recommendation of this report aligns with the following objectives:

Objective 1.3 Promoting safe communities - Our roads are safe for motorists and pedestrians.

Objective 2.3 Our local government area is attractive to visitors

- Objective 4.2 Improving the road network
- We have a quality road network.
 - We have managed the traffic impact of the Hunter Expressway on local communities.

Operational Plan 2018-19: The recommendation of this report aligns with the following objectives:

Objective 1.3: Promoting Safe Communities

- 1.3.5 Improve the safety of the road network

Objective 2.3: Increasing tourism opportunities and visitation to the area

- 2.3.4 Commence implementation of the Vineyard Signage Strategy

- Objective 4.1: Better transport links
- 4.1.1: Advocate for increased road, public and community transport and associated infrastructure funding.
 - 4.1.1a: Prepare applications for available grant funding to improve commuter, freight and tourism transport links.
 - 4.1.2 Commence implementation of the Traffic & Transport Strategy.

- Objective 4.2: Improving the road network
- 4.2.1 Develop prioritised capital works programs in line with adopted asset management plans.
 - 4.2.2 Deliver prioritised on-ground capital works and maintenance programs.
 - 4.2.2b Undertake in-house design and document road work, bridges and culverts to meet required service levels for the Capital Works Program.
 - 4.2.2c Advocate for and support applications for grant funding to improve road infrastructure.

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Cessnock City Council - Road Safety Strategic Plan (2014 - 2018): The recommendation of this report aligns with the following objectives:

Safer Roads: Develop Programs that will deliver safer roads and roadsides:

Objective 2.1: Continue to manage Council's assets in an innovative and cost effective manner, delivering treatments for safe road use through improved design, construction, maintenance, operation and auditing of the road network.

Objective 2.2: Make applications under State and Federal Government road safety funding grant schemes for targeted road infrastructure works programs to enhance safety outcomes for all road users.

Objective 2.3: Administer Council's Capital Works Program to ensure that road safety is considered throughout the design, construction, maintenance, operation and audit of the road network for all road users.

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

Internal Council resources were utilised for investigating the suitability of this bus shelter location and the extensive works required to achieve relevant standards compliance.

It is noted that site constraints at the subject location render achieving compliance with applicable standards for a bus stop more expensive than in most typical locations, due to the nature and extent of earthworks required.

The estimated cost to install a new bus shelter in Helena Street, Ellalong is in excess of \$46,000.

In the event that Council resolves to install a shelter at the Helena Street location Council will need to reallocate funds within the existing Capital Works Programs.

c. Legislative Implications

Road Rules 2014:

- Part 8 – Traffic Signs & Road Markings
- Part 11 – Other Driving Rules
- Part 12 – Restrictions on Stopping & Parking

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Roads Act 1993:

- Section 7 – The council of a local government area is a roads authority
- Section 71 – Powers of roads authority with respect to road work
- Section 145 – Roads authorities own public roads

Civil Liability Act 2002:

- Section 42 – Principles concerning resources, responsibilities etc. of public and other authorities.
- Section 43 - Proceedings against public or other authorities based on breach of statutory duty
- Section 45 – Special non-feasance protection for roads authorities
- Section 46 Exercise of function or decision to exercise does not create duty

d. Risk Implications

A number of risks are present as outlined below;

Safety Risk: There is a potential safety risk in providing bus service infrastructure. All public transport infrastructure is required to comply with the DSAPT standards. Any new or replacement shelters in Helena Street are required to be DSAPT compliant and to maintain pedestrian safety.

Financial Risk: There is a potential financial risk for the cost of upgrading public transport infrastructure. Council may face reputational risk if it expends funds on public transport infrastructure for which there is a demonstrated lack of demand, rather than directing such funds to more essential infrastructure.

Reputational Risk: Council may face reputational risk if the provisions of the *Disability Discrimination Act 1992* are not met. Schedule 1 of the DSAPT requires all public transport infrastructure be compliant by 31 December 2022. In this regard, Council has been accessing funds from the Country Passenger Transport Infrastructure Grant Scheme in a bid to meet this obligation.

e. Environmental Implications

N/A

f. Other Implications

N/A

CONCLUSION

The public transport infrastructure in Ellalong appears to reflect the level of patronage of the bus service.

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The outcome of the assessment and community engagement suggests that the most cost effective public transport infrastructure can be provided by ensuring the existing well used shelter on Rugby Street is well maintained and that a hail and ride bus service operates along the length of Helena Street.

ENCLOSURES

[1](#) ➡ Helena Street Ellalong - Bus Shelter Website Feature

Works and Infrastructure

Report No. WI56/2019

Works and Infrastructure



SUBJECT: *2018/2019 AQUATIC SEASON REVIEW*

RESPONSIBLE OFFICER: *Open Space and Community Facilities Manager - Nicole Benson*

SUMMARY

This report provides information for Council's consideration regarding its seasonal outdoor swimming pools at Branxton and Cessnock and the year round indoor Kurri Kurri Aquatic and Fitness Centre (KKAFC).

RECOMMENDATION

1. That Council note the information contained within the report.
2. That Council offer up to ten free family fun days during the months of October, January and March at the Branxton and Cessnock Outdoor Pools and the Kurri Kurri Aquatic & Fitness Centre during the 2019/20 financial year.

BACKGROUND

Council has three aquatic facilities within the Cessnock LGA, Branxton Pool, Cessnock Pool and the KKAFC. Branxton and Cessnock pools are seasonal pools opened between October and March each year and operated by Council.

KKAFC is Council's year round, indoor aquatic facility and on 19 June 2019 Council resolved to enter into a contract with Belgravia Health & Leisure Group Pty Ltd (Belgravia) for the management and operation of the facility for 5 years.

REPORT/PROPOSAL

2018/19 Season Review

Pool Facilities Renewal Program \$256,805

The intent of the Pool Facilities Renewal Program is to ensure the continuity of service, improve the condition of the asset and ensure that any upgrades comply with current Australian Standards and or Building Codes.

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Table 1 below identifies specific projects undertaken through the Pool Facilities Renewal Program.

Table 1 – Pool Facilities Renewal Program projects

Facility	Project
Branxton Pool	Kiosk painting
	Kiosk/administration building roof replacement
	Concourse repairs
Cessnock Pool	New backwash tanks and pumps
	Minor plant room upgrade
	Grandstand & concourse repairs
	Kiosk painting
	Staff amenities refurbishment
KKAFC	Refurbishment of two family change rooms
	Carpet replacement
	Internal & external painting
	Renewal of the main electrical pump board

Family Fun Days

Council at its 6 June 2018 resolved:

1. *That Council offer up to ten free family fun days at the Cessnock and Branxton Outdoor Pools and the Kurri Kurri Aquatic Centre during the 2018/19 financial year, commencing on the first Sunday of Christmas school holidays and ending the last Sunday in February.*

The ten free family fun days at Council's three aquatic facilities attracted a total recorded attendance of 10,058, which was a 16% increase from the 2017/18 recorded attendances across the three facilities. Table 2 below provides a snapshot of recorded attendances across the ten free family fun days in 2018/19 and the dollar value of the free entry on these days.

Table 2 - Recorded attendances and dollar value of the ten free family fun days.

Facility	2018/19 Fun Day Recorded Attendance Entries	Dollar Value
Branxton Pool	3,349	\$15,070.50
Cessnock Pool	3,511	\$15,799.50
KKAFC	3,198	\$17,908.80
TOTAL	10,058	\$48,778.80

The dollar values provided in Table 2 for Branxton and Cessnock Pools were calculated on a single entry fee of \$4.50. The total costs for the KKAFC were based from invoices received from Belgravia (calculated on a single entry fee of \$5.60).

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Figure 1, below, provides a comparison of recorded attendances for the ten free family fun days from 2017/18 and 2018/19 and shows annual increases at the outdoor pools. The 2016/17 figures show the equivalent 10 Sunday's when the family fun days were not in place.

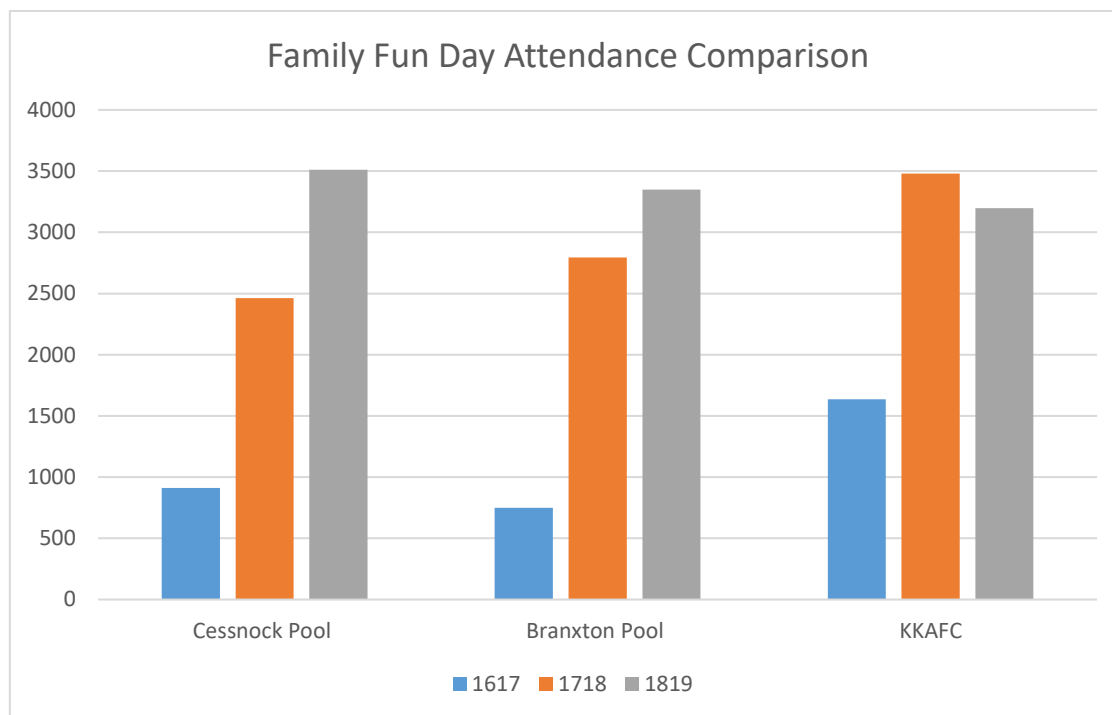


Figure 1 - Comparison of recorded attendances for the ten family fun days from 2016/17 to 2018/19.

Whilst the family fun days saw 10,058 patrons take advantage of the family fun days in 2018/19, feedback from regular pool patrons and observations from pool staff of both outdoor pools regarding the free family fun days was mixed and included:

- No additional season or multi-visit passes were purchased on these days at either Branxton or Cessnock Pool.
- Regular patrons did not attend due to the lack of available lane space and the behaviour of some of the people taking advantage of the free entry.
- Some patrons came into the pool because it was free and did not have the correct swimming attire.
- Patron behaviour and their response to pool staff instruction and education on the pool rules was very poor at times, causing safety risks to themselves and other patrons.
- Pool pass members continue to feel that they are being "ripped off" as they paid for a season pass, and feel that they are not able to safely attend the pool as usual during the peak season to make use of their season passes as they are concerned for their safety due to the behavior of patrons who do not follow the rules as they are entering for free.

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Works and Infrastructure**Public Safety**

As noted above some patrons taking advantage of the family fun days did not always adhere to the pool rules. There were multiple altercations both inside and outside the Cessnock pool grounds requiring Police to be called. Despite Council hiring security guards this was not seen as a deterrent to some patrons who continued to behave in an antisocial manner. In one case a patron was found using drugs in the amenities by pool staff and asked to leave the facility. Another notable incident was patrons illegally using a fire hose in the change rooms.

Offering the free family fun days in the peak season requires additional measures to be put in place as the pools have historically been popular during January and February. It is proposed to change the timing of the free family fun days to October, January and March and encourage patrons to return across the peak times which are already well patronised.

Season Attendance & Financial Summary

Table 3 below provides a summary of the operations of the outdoor pools in 2018/19 compared with the 2017/18 season.

Table 3 – Season attendance and financial summary.

Facility	2017/18 Recorded Attendance	2018/19 Recorded Attendance	2017/18 \$ Income	2018/19 Income	2017/18 \$ Net Operational Cost	2018/19 \$ Net Operational Cost
Branxton Pool	22,298	23,751	67,057	99,748	356,504	349,692
Cessnock Pool	36,018	44,442	131,056	194,000	454,782	454,782
Total	58,316	68,193	198,113	293,748	811,286	804,474

The comparison between 2017/18 and 2018/19 in the above table is positive.

- Recorded attendances have increased by 9,877 patrons.
- Income has increased by \$95,635, largely due to Council operating the kiosks and retaining food and beverage sales.
- The overall net operating cost (excluding the Pool Facilities Renewal Program) was reduced in 2018/19 compared to 2017/18

The subsidy per recorded attendance for the 2018/19 financial year was \$14.72 at Branxton Pool and \$10.23 at Cessnock Pool.

Outdoor Pools Service Improvement Project (SIP)

The SIP provides Council and its staff with a clear plan to increase patronage at the outdoor pools and streamline the processes associated with bookings, membership and entry sales in an effort to decrease the operational cost of both the Branxton and Cessnock pools. The SIP also identified the potential to offer new services at each of the pools. An update on the status of the SIP initiatives is outlined below.

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The proposed 2018/2019 service improvements included:

- Land and water based fitness activities such as Aqua Zumba, Aqua Aerobics, Aqua Fitness, Boot camps, High Intensity Interval Training, Pilates, Yoga and so on. *Achieved and ongoing - Private operators facilitated aqua aerobics and aqua zumba classes throughout the 2018/19 season.*
- Parties inclusive of a party host, a one hour session on the inflatable activity centre, an hour in the party room with food, beverages and a cake. *Achieved in a modified format - The club room was renewed to cater for party bookings. Whilst no parties were booked in the club room, there were several parties held in the pool where the inflatable was booked out exclusively for use and catering was provided by the kiosks.*
- Contemporary Commercial Kiosk Agreements advertised in line with Council's Procurement Policy and Procedures. *Achieved – agreements advertised, however, following very little interest from suitably qualified kiosk operator, Council took on the operations operated the kiosks in-house in 2018/19.*

The proposed Year 3 (2019/20) service improvements include:

- Implementation of aquatic education classes such as learn to swim and swimming and water safety programs. *On track and proposed to deliver Department of Education program and intensive swimming and water safety programs in collaboration with swimming clubs.*

Further recruitment and training of staff in 2019/20 will assist Council in delivering additional swimming and water safety programs in the 2020/21 season.

Aquatic Facility Marketing & Promotion

The SIP also recommended that a schedule for an outdoor pools advertising campaign be implemented. This incorporated promotion of the outdoor pools on social media, posters, flyers, website redesign as well as direct marketing with pass holders. Table 4 below provides a snapshot of social media posts and the reach it had with the community in relation to aquatic facilities and activities.

Table 4 – 2018/19 social media posts

Post Topic	Date	Reach	Likes/ Reactions	Comments	Shares
Family Fun Days	17/12/18	17,253	102	121	137
	22/1/19	3,264	388	13	21
	23/1/19	5,968	32	27	31
Free Entry (CYCOS program)	7/1/19	2,815	11	9	7
	22/1/19	3,264	41	13	21
Pool Closure (carnival notification, KKAFC shut down, changes to inflatable operation)	17/1/19	6,887	21	11	45
	15/2/19	2,933	3	0	6
	8/3/19	1,480	3	0	3
	4/7/19	2,670	17	6	7
	1/2/19	2,172	2	4	0
	6/2/19	2,704	10	11	6

Works and Infrastructure

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Post Topic	Date	Reach	Likes/ Reactions	Comments	Shares
	14/2/19	1,659	3	0	2
End of Season Thankyou	29/3/19	3,407	84	13	8
TOTAL	13 posts	56,476	717	228	294

The figures shown above in Table 4 show that the social media posts reached 56,476 people (up from 39,534 in 2017/18) people and were shared 294 times (up from 243), providing an excellent platform for Council to build on in 2018/19 to further promote facilities, services and activities to boost interest in the outdoor pools.

Posters were displayed at all both Aquatic Centre's in the lead up to the family free days. Promotional advertising was displayed in the administration building on the electronic message monitor in the customer service area to assist in promoting the free entry to promote the events.

Vinyl banners were purchased to promote the operation of the pool inflatable and aqua fitness classes across the three facilities to promote these activities.

At the end of the season all outdoor pool members received an email thanking them for their patronage for the 2018/19 season. A BBQ breakfast for was also held on the last day of the season to directly engage with patrons and seek feedback.

Staff are working on a promotional/marketing program and information to increase awareness of the services that are on offer at the outdoor pools including, Aqua Fitness classes, skin cancer awareness week, seniors week and Australia Day activities, pool parties and the operation of the pool inflatable obstacle course.

Keep Watch Program

In season 2018/19, staff implemented the Royal Life Saving Society of Australia (RLSSA) Keep Watch Program, which targets parents and carers of children to help them understand their responsibilities and the dangers of leaving their children unattended at the pool.

The implementation of the program provided staff the opportunity to educate patrons which was well received and supported by patrons. Staff issued wrist bands to all children under the age of 6 entering the pools, provided information cards to the patrons and gave a brief overview of the program. Lifeguards were able to ensure that the parents are within arm's reach of any child wearing a Keep Watch wrist band.

Keep Watch signage has been installed at all three facilities promoting the objectives of the program. Staff also play announcements over the PA system at Cessnock Pool to remind patrons of their responsibilities in supervising young children.

Kurri Kurri Aquatic & Fitness Centre

As per Council's resolution made on 19 June 2019 next year's Aquatic Season Review will contain information on the management performance as per the Key Performance Indicators set by Council regarding the management and operation of the Kurri Kurri Aquatic Centre.

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OPTIONS

Option 1

1. That Council note the information contained within the report.
2. That Council offer up to ten free family fun days during the months of October, January and March at the Cessnock and Branxton Outdoor Pools and the Kurri Kurri Aquatic Centre during the 2019/20 financial year.

This is the preferred option as Council would be able to boost attendances during the shoulder periods of the season that are traditionally quieter and provide a better experience for patrons attending.

Option 2

1. That Council note the information contained within the report.
2. That Council determine the future and/or frequency of the free family fun days at the Branxton and Cessnock outdoor pools and KKAFC.

CONSULTATION

- Belgravia Health & Leisure Group Pty Ltd
- Branxton Greta Swimming Club
- Cessnock Amateur Swimming Club
- Cessnock Masters Swimming Club
- Coalfields United Swimming Club
- Finance and Administration Team
- Media and Communications Team
- Open Space and Community Facilities Team
- Pool Pass Holders

STRATEGIC LINKS

a. Delivery Program

The recommendations of this report meet the following objectives from Council's Delivery Program objectives:

- 3.2 – Better utilisation of existing open space
 - 3.2.4 Provide and maintain recreation facilities, streetscapes and public open space
- 5.3 – Making Council more responsive to the community
 - 5.3.6 Implement systems and strategies to improve productivity across the organisation
 - 5.3.11 Continue to implementation of the Financial Sustainability Initiative projects

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b. Other Plans

- Aquatic Needs Analysis (2014)
- Outdoor Pools Service Improvement Project (2017)
- RLSSA Aquatic Facility Safety Assessment (2018)

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Recorded attendances increased by 16% for Council's outdoor pools in season 2018/19. Net operational costs reduced slightly and income increased by \$95,600 largely due to Council operating the kiosks and retaining food and beverage sales.

c. Legislative Implications

- *Local Government Act 1993*
- *Local Government Regulation (General) 2005*
- *Civil Liability Act 2002*
- *Public Health Act 2010*
- *Commission for Children and Young People Act 1998*
- *Child and Young Persons (Care and Protection) Act 1998*
- AS/NZS 2416.1:1010 Water Safety Signs and beach safety flags – Specifications for water safety signs used in workplaces and public areas

d. Risk Implications

Based on previous season issues around patron behaviour measures needed to be put in place to reduce risk to staff and improve patron safety. Hiring security guards at Cessnock pool was met with varying success and the Police were still called on three occasions to attend to incidents involving patrons.

Offering the free family fun days in the peak season requires additional measures to be put in place as the pools have historically been popular during January and February. This is why it is proposed to stagger the free family fun days across October, January and March.

Continued compliance with the following industry documents will assist minimise risks associated with aquatic facility operation and aims to ensure a safe and enjoyable experience for all patrons.

- RLSSA Guidelines for Safe Pool Operations
- Office of Local Government – NSW Health Practice Note 15 – Water Safety – ensuring
- Council's Enterprise Risk Management Framework
- Council's Pool Facility Operations Manual

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e. Environmental Implications

Pool attendances can differ significantly from season to season largely due to weather conditions.

f. Other Implications

In recent times there has been acknowledgement that local government has a role in addressing health issues. Although Council does not deliver individualised health programs, it does provide some of the infrastructure to enable the community to socialise and participate in recreational activities. Recreation provides opportunities for people to have fun, be healthy, experience adventure, socialise, learn skills, develop self-esteem and achieve a positive sense of identity. Recreation ultimately contributes to the quality of a person's life and their ability to be involved in their community.

Council's aquatic facilities generate significant economic benefits for their patrons and for the Australian health care system. Increased physical activity, in the form of swimming and other aquatic exercise, leads to a valuable improvement in health outcomes.

CONCLUSION

The 2018/19 aquatic season was successful with an increase of 11,974 (6.85%) in recorded attendances across Council's three aquatic facilities compared with 2017/18.

The continuation of the free family fun days saw a total attendance of 10,058 over ten Sundays and has allowed people who may not normally visit a public swimming pool, the opportunity to access Council's aquatic facilities. The continued implementation of the Pool SIP is progressing well with the aim to achieving increased patronage, gate entry income and offering new services.

ENCLOSURES

There are no enclosures for this report.

Works and Infrastructure

Report No. WI57/2019

Works and Infrastructure



SUBJECT: *ALLOCATION OF ROAD SPECIAL RATE VARIATION FUNDS - 2019-2020*

RESPONSIBLE OFFICER: *Director Works and Infrastructure - Justin Fitzpatrick-Barr*

SUMMARY

This report provides information relating to the newly created Special Rate Variation Reserve and seeks Council's endorsement to allocate funds from the Reserve to specific projects that are programmed to be undertaken in the 2019-20 financial year.

RECOMMENDATION

1. That Council notes the inherent value of the newly created Special Rate Variation Reserve, which allows for funding to be set aside across financial years in order to undertake specific projects in subsequent years.
2. That Council allocates the balance of funds in the Special Rate Variation Reserve to the following projects:
 - Sandy Creek Road (Fosters Bridge) - CBS-2016-001 - \$391,369
 - Frame Drive, Abermain (Frame Drive Bridge) - CRL-2019-007 - \$102,000
 - Paynes Crossing Road, (Paynes Crossing Bridge) - CBS-2019-001 - \$336,000
 - Government Road, Cessnock - RRL-2019-010 - \$320,000
 - Heddon Street, Kurri Kurri - RRL-2019-007 - \$340,000
 - Sanctuary Road, Paxton - RRL-2020-010 - \$310,000

BACKGROUND

In June 2014 the Independent Pricing and Regulatory Tribunal (IPART) approved a Special Rate Variation (SRV) that allowed for an increase of 7.25 per cent for road infrastructure renewal to remain permanently in Council's rate base. Council uses this additional income from the SRV for the purposes of funding works on the road network throughout the Local Government Area (LGA).

During 2017-18 an amount of \$2,160,000 was levied under the SRV with \$1,665,339 being expended on road rehabilitation/renewal works. An Amount of \$494,661 was carried forward to 2018-19.

During 2018-19 an amount of \$2,160,000 was levied under the SRV with \$854,688 being expended on road rehabilitation/renewal works. The balance of unspent SRV funds have been set aside in a newly created SRV Reserve so that these funds can be available to support projects that have been re-programmed to be undertaken in 2019-20.

The newly created SRV Reserve is recorded in Council's General Purpose Financial Statements for Year End 30 June 2019. The Reserve is classified as an internally restricted reserve with a balance of \$1,799,973.

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This report provides information relating to the purpose of the SRV Reserve and seeks a Council resolution to allocate the available Reserve funds to specific projects that are programmed to be undertaken in the 2019-20 financial year.

REPORT/PROPOSAL

Over the past two financial years SRV funds have been set aside and/or carried forward in order to have them available in the financial year that specific projects are programmed to be undertaken. The following information provides an overview of these projects and reasons why the SRV funds have been set aside in an internally restricted SRV Reserve.

Bridge Projects

Frame Drive Bridge and Fosters Bridge

At its meeting of 17 February 2016, Council considered WI7/2016, Federal Government's Bridges Renewal Program – Successful Funding report and resolved, inter alia, the following:

1. *That Council accepts the \$4.2M Offer of funding for two successful submissions in Round Two of the Federal Government's Bridges Renewal Program, which comprises the following;*
 - *Frame Drive Bridge, Abermain \$2.0M;*
 - *Fosters Bridge, Mount Vincent \$2.2M.*
2. *That Council commits the required \$4.2M of matching funding through a loan borrowing of \$2M, restricted assets of \$1M and \$1.2M from existing program budgets.*
3. *That Council's funding commitment be incorporated into the 2016/17, 2017/18 (and potentially 2018/19) budgets pending the finalisation of each individual Project Agreement.*

The above grants were subsequently accepted, and in accordance with the resolution Council's co-contribution has been sourced over successive financial years from a mixture of loans and funds from within existing capital programs.

This report seeks to allocate funds in the SRV Reserve to complete specific works associated with both of these two grant funded projects in the 2019-20 financial year. A breakdown of the funds proposed to be allocated from the SRV Reserve is shown in **Table 1** below.

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Works and Infrastructure**Table 1 – Road Projects associated with the Federal Government's Bridge Renewal Program**

Location:	Project Number:	SRV Funds:	Comments
Frame Drive, Abermain (Frame Drive Bridge)	CRL-2019-007	\$102,000	Proposed upgrade of final surface treatment on Frame Drive from 2 coat seal to AC for improved longevity and amenity.
Sandy Creek Road Mount Vincent (Fosters Bridge)	CBS-2016-001	\$391,369	Multiyear project due to commence in 2019/20. Council to provide 50:50 funding as per the funding agreement and the Council Resolution of 17 February 2016.

Paynes Crossing Bridge

On the 14 September 2017 the Australian Government announced that Cessnock Council was successful with its application for funding under Round Three of the Bridges Renewal Program. The successful application was for the replacement of Paynes Crossing Bridge. Council received \$667,700 of funding through this program.

On 18 December 2017 Council received notification from the NSW Government Minister of Roads, Maritime and Freight advising that Council was successful in receiving \$668,300 of funding under Round Three of the Fixing Country Roads Program for the replacement of Paynes Crossing Bridge.

Following an extensive design process and consideration of design options, which included a value management workshop, it has been determined that additional funds will be required for road construction to support the preferred option for replacement of Paynes Crossing Bridge. A breakdown of the funds proposed to be allocated from the SRV Reserve to support this project is shown in **Table 2** below.

Table 2 – Road works associated with the Federal Government's Bridges Renewal Program and the NSW State Governments Fixing Country Roads Program

Location:	Project Number:	SRV Funds:	Comments
Paynes Crossing Road (Paynes Crossing Bridge)	CBS-2019-001	\$336,000	Required to cover Council's 50% portion of the additional funds required to complete the project. (Singleton Council to provide the other 50% of funds needed)

Road Projects

Council's adopted Operational Plan 2018-19 contained a list of roads that were earmarked for rehabilitation in the road resurfacing and rehabilitation program. Following further geotechnical assessment, it was determined that the nature and scale of the works required for these projects exceeded the funds available at the time. The projects affected are shown in **Table 3** below, along with the revised rehabilitation cost estimates that are proposed to be funded from the SRV Reserve.

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Works and Infrastructure**Table 3 - Road Projects to be funded from carried over SRV Funds**

Location:		Original Budget:	Revised Estimate:	Comment
Government Road, Cessnock	RRL-2019-010	\$146,250	\$320,000	Requires relocation of a watermain and more extensive pavement rehabilitation in addition to resurfacing.
Heddon Street, Kurri Kurri	RRL-2019-007	\$157,300	\$340,000	Requires more extensive pavement rehabilitation and resurfacing.
Sanctuary Road, Paxton,	RRL-2020-010	\$260,000	\$310,000	Requires more extensive pavement rehabilitation and resurfacing.

As shown in Table 3 above, the revised cost estimates for a number of road rehabilitation projects exceeded the original budget allocation and as such these projects were deferred pending available funding. It is appropriate to use the funds in the SRV Reserve to supplement the project budgets in order to undertake more extensive rehabilitation works.

OPTIONS**Option 1 (Preferred):**

That Council notes the inherent value of the newly created SRV Reserve, which allows for funding to be set aside across financial years in order to undertake specific projects in subsequent years.

That Council allocates the balance of funds in the SRV Reserve to the following projects:

- Sandy Creek Road (Fosters Bridge) - CBS-2016-001 - **\$391,369**
- Frame Drive, Abermain (Frame Drive Bridge) - CRL-2019-007 - **\$102,000**
- Paynes Crossing Road, (Paynes Crossing Bridge) - CBS-2019-001 - **\$336,000**
- Government Road, Cessnock - RRL-2019-010 - **\$320,000**
- Heddon Street, Kurri Kurri - RRL-2019-007 - **\$340,000**
- Sanctuary Road, Paxton - RRL-2020-010 - **\$310,000**

This is the preferred option to ensure value for money and best use of the SRV funds collected.

Option 2:

That Council allocates the SRV Reserve funds to other projects.

This is not the preferred option as Council has committed to undertaking the listed projects in various iterations of its Operational Plan.

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Works and Infrastructure



CONSULTATION

- Director Works and Infrastructure
- Manager Infrastructure
- Manager Works & Operations
- Finance and Administration Manager
- Principal Engineer – Road Infrastructure
- Projects Engineer

STRATEGIC LINKS

a. Delivery Program

Community Strategic Plan Cessnock 2027: The recommendation of this report aligns with:

Objective 4 Accessible infrastructure, services and facilities:

Objective - 4.1 better transport links

Objective - 4.2 improving the road network.

Delivery Program 2017-21: The recommendation of this report aligns with:

Objective 4 Better transport links:

4.1.1: Advocate for increased road, public and community transport and associated infrastructure funding.

b. Other Plans

2018-19 Operational Plan: The recommendation of this report aligns with:

Objective 4 Better transport links:

4.1.1 Advocate for increased road, public and community transport and associated infrastructure funding

4.2.2c Advocate for and support applications for grant funding to improve road infrastructure.

IMPLICATIONS

a. Policy and Procedural Implications

In June 2014 the Independent Pricing and Regulatory Tribunal (IPART) approved a SRV that allowed for an increase of 7.25 per cent for road infrastructure renewal to remain permanently in Council's rate base. Council uses this additional income from the SRV for the purposes of funding works on the road network throughout the Local Government Area (LGA).

b. Financial Implications

The road projects detailed in the report are identified in adopted Operational Plans. The funding required to undertake these projects is available in the SRV Reserve, which currently has a balance of \$1.8M. These funds have been set aside in order to have them available in subsequent financial years to allow for the specific works to be undertaken.

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c. Legislative Implications

Nil

d. Risk Implications

Reputational risk if the SRV funds are not allocated to specific projects for which the funding has been levied, in accordance with IPART's decisions.

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

Over the past two financial years SRV funds have been set aside and/or carried forward in order to have them available in the financial year that specific projects are programmed to be undertaken. These projects are listed in the current and previous iterations of Council's Operational Plan.

It is recommended that Council allocates the SRV Reserve funds to the specific projects as identified in this report.

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN23/2019

General Manager's Unit



NOTICES OF MOTION No. BN23/2019

SUBJECT: *PALMERS LANE, POKOLBIN _ SPEED ZONE REVIEW*

COUNCILLOR: *John Fagg*

MOTION

The Council note the use of Palmers Lane, Pokolbin by buses and heavy vehicles to gain access and for through routing, as well as its importance as a tourist route for cars and cyclists.

That the General Manager write to Roads and Maritime Services in support of community requests for a review of the current 80kmh speed zone on Palmers Lane, Pokolbin to 60kmh.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 4 September 2019.

RATIONALE

On 30 July 2019, the occupant of a car which collided with substantial mature tree was helicopter lifted to John Hunter Hospital with a serious head injury. The tree on Palmers Lane, Pokolbin still stands.

According to a nearby resident, "This is just one of many similar accidents in Palmers lane that has happened over the years. It's a beautiful leafy, tree-lined lane and a surfaced road, it has a speed limit of 80kph". The lane is narrow with large, mature, hardwood trees right up to the road edge. Kangaroos and other wild life roam the lane 24/7. Bends, blind summits and narrowing sections are just a few other traffic hazards facing drivers.

During local concerts in the Hunter, large coaches also utilise the Lane during day and night. The Lane has multiple winery businesses and some restaurants. Delivery vehicles and the essential visitor traffic are obviously slower with necessary quick stopping and for sight-seeing. This lane is not suitable for high-speed traffic. It is possible to see and count the damaged trees - it makes a shocking statistic.

Palmers Lane one of Hunter Wine Country's major tourist attractions and deserves to be treated with regard to the efforts of Destination NSW (DNSW) to encourage tourism.

Roads and Maritime Services (RMS) are the State government agency responsible for the setting and administration of speed zones.

Notices Of Motion

Report No. BN23/2019

General Manager's Unit



Since the recent crash, residents of Palmers Lane have been encouraged by other concerned residents to write directly to RMS requesting a speed zone review in order to reduce the speed limit to 60km/h. Residents believe that an urgent request is necessary and that RMS should accept that the Lane's speed zone is now outside a safe speed and consider revising to a reduced road traffic speed of 60km/h for its entire length.

It is hoped that a speed zone reduction will help save lives and vehicular traffic accident and trauma costs to NSW Government. A safer speed will support Destinations NSW in their promotion of Hunter Wine Country as a safer place to visit and explore.

SOURCE OF FUNDING:

Providing support to the residents would be undertaken with in house resources and is anticipated to incur minimal cost, as such there will be no impact on budgets.

DELIVERY PROGRAM:

Delivery Program 2017-21: The recommendation of this report aligns with:
Objective 4 Better transport links:

- 4.1.1: Advocate for increased road, public and community transport and associated infrastructure funding.
- 4.2.2c Advocate for and support applications for grant funding to improve road infrastructure

Operational Plan 2019-20: The recommendation of this report aligns with the following objectives of the Plan:

- Objectives;
1.3: Promoting safe communities, specifically objective 1.3.5a: to provide designs and documentation for traffic facilities and road works to improve the safety of the road environment.

Sgd: John Fagg

Date: 21 August 2019

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN24/2019

General Manager's Unit



NOTICES OF MOTION No. BN24/2019

SUBJECT: *ABERMAIN SCHOOL OF ARTS*

COUNCILLOR: *Darrin Gray*

MOTION

That the Interim General Manager bring a report to Council within the next eight weeks outlining the steps required to relocate the Sir Edgeworth David Memorial Museum to the Abermain School of Arts.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 4 September 2019.

RATIONALE

The Sir Edgeworth David Memorial Museum (EDMM) is run by the Coalfields Heritage Group and has been located in the old Pokolbin Primary School building on the Kurri Kurri High School grounds since the mid 1990s.

The Museum serves as a resource centre and library and holds the archives of many Coalfields families as well as legends such as Jim Comerford and some of those of Jack Delaney. It is representative of the Galleries, Libraries, Archives, Museums (GLAM) sector to which the University of Newcastle (UON) belongs.

Their resources have been invaluable to academics such as Professor Victoria Haskins, Ms Barbara Heaton (who is writing Jim Comerford's biography), and Dr Ann Hardy, and have been used by undergraduates and postgraduates of UON.

I was contacted by Tracey Breese principle of Kurri Kurri High School informing me that the Department of Education has concerns regarding Child Protection and WHS, also they require the land for the accommodation of future expansion.

Tracey and the Education Department are committed to the collection staying within the Coalfields and being moved to more accessible and suitable site. The School has indicated they will be very supportive during the relocation process.

I was also contacted by Lyn Keily, Special Collections Librarian Cultural Collections, Auchmuty Library from UON, who was very concerned about the future of the museum and the Coalfields Heritage groups' work, which has been located within the school grounds for over 20 years. The founder of the Heritage Group Mr Brian Andrews is also in ill health and the Group is presently being managed by volunteers and Ms Keily, which all parties are very sensitive to.

Notices Of Motion

Report No. BN24/2019

General Manager's Unit



Should the Heritage Group be required to move without a suitable home to go to, all the resources they make available such as photos, artefacts, archives, microforms of newspapers, the thousands of newspaper clippings painstakingly collected and classified into subject headings and the books, as well as the knowledge of the local historians are at risk of being lost.

It is an imperative to keep this priceless collection of our History accessible, together, here on the Coalfields and the Coalfields Heritage Group and historians continue to do their invaluable work, in collecting artefacts, researching and recording our collective stories of the past.

Given that the Abermain School of Arts is not fully tenanted and is located approximately 100 metres away from where Sir Edgeworth David struck coal it makes sense that Council investigate the opportunities to support the perpetuation of this important community based heritage resource to continue to preserve and tell the stories of our people, towns and industrialised history, here where it belongs.

SOURCE OF FUNDING:

There is no funding required to outline the steps in the Motion.

DELIVERY PROGRAM:

Objective 1.2 Strengthening community culture

Objective 2.3 Increasing tourism opportunities and visitation in the area

Sgd: Darrin Gray

Date: 22 August 2019

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN25/2019

General Manager's Unit



NOTICES OF MOTION No. BN25/2019

SUBJECT: *TIMED PARKING IN CHARLTON STREET CAR PARK*

COUNCILLOR: *Ian Olsen*

MOTION

That the General Manager prepare a report for the Local Traffic Committee seeking a 3 hour limit on the Charlton Street car park next to the Reject Shop.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 4 September 2019.

RATIONALE

With the shortage of parking in the Cessnock CBD area, timed parking will allow for a higher turnover of parking for shoppers and will force shop owners and staff to park elsewhere. This would be the first step in creating more parking available to shoppers and hopefully help the retailers have more customers. Three hours is plenty of time for shoppers to get around town and complete any shopping they require. If they want to park for longer they could use other council car parks.

SOURCE OF FUNDING:

Minimal cost that could be found for signage in the current budget.

DELIVERY PROGRAM:

Currently not in the program.

Sgd: Ian Olsen

Date: 23 August 2019

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ85/2019

Works and Infrastructure



SUBJECT: GALLAGHER STREET QUESTIONS

RESPONSIBLE OFFICER: Director Works and Infrastructure - Justin Fitzpatrick-Barr

Q75/2019 – Gallagher Street Questions

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 21 August 2019.

“Why he has not received a response to his questions regarding Gallagher Street, Cessnock?”

A suite of responses to the enquiries relating to Gallagher Street were provided in a Councillor Memo from the Acting Director Works and Infrastructure on 25 July 2019.

ENCLOSURES

There are no enclosures for this report.

Answers To Questions For Next Meeting

Report No. AQ86/2019

Works and Infrastructure



SUBJECT: MAYORAL CAR

RESPONSIBLE OFFICER: Works and Operations Manager - Geoffrey Bent

Q76/2019 – Mayoral Car

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 21 August 2019.

“Why have Council fitted electric brakes to the Mayor’s car?”

Council staff advise that they have not installed, or arranged for installation by others, electric brakes to the Mayor’s car.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ87/2019

Works and Infrastructure



SUBJECT: *CESSNOCK - MOBILE BLOOD DONOR CENTRE*

RESPONSIBLE OFFICER: *Infrastructure Manager - Katrina Kerr*

Q79/2019 – Mobile Blood Van

Asked by Councillor Burke at the Ordinary Meeting of Council held on 21 August 2019.

“Can Council contact the Mobile Blood van, currently in Charlton Street, to discuss and investigate whether that it’s the ideal site for them or whether there is a more suitable location?”

The mobile blood donor centre has used numerous sites over recent years including the grounds of Cessnock Hospital, opposite Cessnock TAFE, Cessnock City Centre and Lederer Shopping Complex (Plaza).

Following the withdrawal of consent for use of privately owned car parks, Council officers liaised extensively with the Red Cross Blood Service during the approval process for the temporary siting of the Donor Centre in the Council owned car park off Charlton Street, Cessnock. The approval for use of the site was processed in December 2018 for 2019 operating on a four day attendance every six to eight weeks.

The location was selected in close consultation with the Red Cross having regard to the specific needs of their customers, the available space, levels, power supply, noise generated, security and access amenity.

The service has been provided at the subject location on Charlton Street on at least four occasions between January and May 2019. Operation of the site is in accordance with an approved Traffic Control Plan and the Red Cross has provided a copy of the certificate of currency for a public risk insurance policy noting Council as an indemnified party.

Various liaisons with the Red Cross have indicated that the location, in the vicinity of major shopping centres, being highly visible and accessible from Vincent Street has been successful for the Service. However, in light of the request, consideration will be given for alternate sites when the approval process commences for 2020.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ88/2019

Planning and Environment



SUBJECT: *CESSNOCK DCP COMMERCIAL PRECINCT 2010*

RESPONSIBLE OFFICER: *Strategic Planning Manager - Martin Johnson*

Q77/2019 – Cessnock DCP Commercial Precinct 2010

Asked by Councillor Lyons at the Ordinary Meeting of Council held on 21 August 2019.

“When the Cessnock DCP Commercial Precinct 2010 will be reviewed?”

The Cessnock DCP Commercial Precinct chapter of the Cessnock Development Control Plan 2010 (Cessnock DCP) was adopted by Council on the 20 September 2017. It implements the land use outcomes of the Cessnock Commercial Precinct Project.

There is no specific review scheduled for the Cessnock DCP Commercial Precinct chapter of the Cessnock DCP. However, the entire Cessnock DCP, including the Cessnock DCP Commercial Precinct chapter will be comprehensively reviewed in the next 5 years to conform to the Department of Planning, Industry and Environment Standard DCP format. The Department has advised that the Standard DCP format is expected to be released in mid-2021.

ENCLOSURES

There are no enclosures for this report

Correspondence

Report No. CO19/2019

General Manager's Unit



SUBJECT: *FLYING OF ABORIGINAL FLAG PERMANENTLY ON SYDNEY HARBOUR BRIDGE*

RESPONSIBLE OFFICER: *Acting Director Corporate & Community Services - Darrylen Allan*

RECOMMENDATION

That the correspondence be noted.

At its Ordinary Meeting of 5 June 2019 Council considered report CC45/2019 – Meeting Notes of the Inquorate Aboriginal and Torres Strait Islander Committee meeting of Cessnock City Council held 17 May 2019 resolved, inter alia:

2. **That Council support the Aboriginal Flag to be permanently flown on the Sydney Harbour Bridge with the Mayor writing to the NSW Premier, Minister for Roads, Maritime and Freight, Minister for Transport and Infrastructure, and Minister for Aboriginal Affairs and that Council publicise the change.org petition on social media and in news print media.**

A response has been received from the Ms Eleni Petinos MP, Parliamentary Secretary for Transport and Roads, a copy of which is attached for Councils information.

ENCLOSURES

- [1](#) Response from Ms Eleni Petinos MP

Correspondence

Report No. CO20/2019

General Manager's Unit



SUBJECT: *LOCATION FOR FUTURE PRE POLLING CENTRES WITHIN CESSNOCK LGA*

RESPONSIBLE OFFICER: *Acting Director Corporate & Community Services - Darrylen Allan*

RECOMMENDATION

That the correspondence be noted.

At its Ordinary Meeting of 19 June 2019 Council considered report BN12/2019 – Location for Future Pre Polling Centres within Cessnock LGA and resolved the following:

That Council write to the Australian and State Electoral Commissions requesting that investigations for suitable secure pre-polling sites (for both voters and campaign volunteers and people with disabilities) within the Cessnock City Council Local Government area be carried out well in advance of any future elections.

A response has been received from the State Manager for New South Wales, Australian Electoral Commission (AEC) advising that once the election date is announced the AEC will canvass a variety of community, government, retail and commercial options and would welcome working with Council to locate as many suitable premises for hire in the planning and delivery of future elections.

A copy of the correspondence from NSW AEC is attached.

ENCLOSURES

[1](#) ➞ Response from AEC

Correspondence

Report No. CO21/2019

General Manager's Unit



SUBJECT: *IPART REPORT - REVIEW OF LOCAL GOVERNMENT ELECTION COSTS - REQUEST FOR SUBMISSIONS*

RESPONSIBLE OFFICER: *Acting Director Corporate & Community Services - Darrylen Allan*

RECOMMENDATION

That the correspondence and meeting date with the Minister for Local Government be noted.

At its Ordinary Meeting of 17 July 2019 Council considered a Mayoral Minute MM12/2019 – IPART Report – Review of Local Government Election Costs – Request for Submissions and resolved (inter alia):

2. **That Council write to the Hon. Shelley Hancock MP, Minister for Local Government outlining Councils position and concerns with the cost shifting implications of funding the NSW Electoral Commission operations and the significant adverse budgetary impacts of the Independent Pricing and Regulatory Tribunal report recommendations for Council, and that Council forward a copy of the submission to the Shadow Minister for Local Government, Greg Warren MP and request meetings with both the Minister and Shadow Minister to discuss Council's concerns.**

Council wrote to the Hon Shelley Hancock, MP, Minister for Local Government on 22 July 2019.

An initial response was received from the Office of Local Government advising that the Minister was unable to meet with Council at this time and ensuring that the issues raised have been noted and will be considered when responding to the IPART's review.

A response was also received from the State Member for the Electorate of Cessnock, Clayton Barr, MP advising that he has forwarded Council's correspondence to Hon Shelley Hancock, MP, Minister for Local Government, seeking consideration of the issues that Council has raised.

A further response from Clayton Barr, MP was received advising that his office received advice from the Office of the Hon Shelley Hancock MP, dated 26 August 2019 that the Minister is available to meet with the Local Member, the Shadow Minister and Council on Thursday, 26 September 2019 in the Minister's Office, NSW Parliament.

Copies of the correspondence from the Office of Local Government and the State Member is attached for Councils information.

ENCLOSURES

- 1 ➡ Response from Office of Local Government
- 2 ➡ Response from State Member
- 3 ➡ Response from Office of Hon Shelley Hancock MP