

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 4 SEPTEMBER 2019, COMMENCING  
AT 6.30 PM**

**PRESENT:** His Worship the Mayor, Councillor R Pynsent (in the Chair) and Councillors Olsen, Doherty, 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 (Finance and Administration Manager)  
Director Works and Infrastructure  
Development Services Manager  
Operations Accountant  
Management Accountant  
Senior Media & Communication Officer  
Corporate Governance Officer

**APOLOGY:**

**MOTION**

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

957

**RESOLVED** that Councillor Suvaal's Leave of Absence from 5 September 2019 to 1 October 2019 be accepted.

**FOR**

**AGAINST**

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

**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**MINUTES:****MOTION**

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

958

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 21 August 2019, as circulated, be taken as read and confirmed as a correct record.

**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**

Councillor Doherty

**Total (1)**

**CARRIED**

# **DISCLOSURES OF INTEREST**

## **DISCLOSURES OF INTEREST NO. DI17/2019**

**SUBJECT: DISCLOSURES OF INTEREST**

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### **RECOMMENDATION**

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

**PE60/2019 - 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** – Councillor Sander declared a Non Pecuniary Interest Significant Conflict for the reason that as a member of the JRPP she does not wish to jeopardise the contravening of the Code of Conduct of the JRPP in this matter. Councillor Sander advised that she would leave the Chamber and take no part in discussion and voting.

**PE59/2019 - 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** – Councillor Suvaal declared a Non Pecuniary Interest Significant conflict for the reason that his mother was the owner of 14-16 Allandale street, Kearsley until recently selling it. Councillor Suvaal advised that he would leave the Chamber and take no part in discussion and voting.

**BN25/2019 - Timed Parking in Charlton Street Car Park** – Councillor Fitzgibbon declared a Non Pecuniary Interest Significant conflict for the reason that her business clientele and staff use the Charlton Street carpark. Therefore it could not reasonably be regarded her decision was not influenced by this. Councillor Fitzgibbon advised that she would leave the Chamber and take no part in discussion and voting.

**PE60/2019 - 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** – Councillor Lyons declared a Non Pecuniary Interest Significant Conflict for the reason that he is a member of the JRPP and he does not wish to jeopardise the contravening of the Code of Conduct of the JRPP in this matter. Councillor Lyons advised that he would leave the Chamber and take no part in discussion and voting.

**PE60/2019 - 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** – Councillor Pynsent declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that he is a member of the JRPP and as per the Code of Conduct he would be unable to sit on this matter. According to the Cessnock City Council Code of Conduct Councillor Pynsent chose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty.

## ***PETITIONS***

Councillor Stapleford tabled 2 petitions from residents of Milsons Arm Road and Yango Creek Road requesting Council investigate garbage services for both areas.

## ADDRESS BY INVITED SPEAKERS

NIL

***PROCEDURAL MOTION***

**Moved:**

Councillor Dagg

**Seconded:**

Councillor Fitzgibbon

959

***RESOLVED* that Report No PE60/2019 be bought forward and the Council move into Closed Session to allow Council's legal representative to address Council.**

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

Councillor Pynsent declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that he is a member of the JRPP and as per the Code of Conduct he would be unable to sit on this matter. According to the Cessnock City Council Code of Conduct Councillor Pynsent remained in the Chamber and participated in discussion and voting.

Councillor Sander declared a Non Pecuniary Interest Significant Conflict for the reason that as a member of the JRPP she does not wish to jeopardise the contravening of the Code of Conduct of the JRPP in this matter. Councillor Sander left the Chamber and took no part in discussion and voting.

Councillor Lyons declared a Non Pecuniary Interest Significant Conflict for the reason that he is a member of the JRPP and he does not wish to jeopardise the contravening of the Code of Conduct of the JRPP in this matter. Councillor Lyons left the Chamber and took no part in discussion and voting.

*Councillors Sander and Lyons left the meeting, the time being 6.37pm*

*Council moved into Closed session at 6.37pm*

**PROCEDURAL MOTION**

**Moved:**

Councillor Dagg

**Seconded:**

Councillor Gray

960

**RESOLVED** that the meeting move back into Open Session.

**FOR**

**AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Pynsent  
**Total (11)**

**Total (0)**

**CARRIED UNANIMOUSLY**

*Council returned to Open Session at 6.40pm*

**PLANNING AND ENVIRONMENT NO. PE60/2019**

**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**

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dagg  
961  
**RESOLVED**

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.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

*Councillors Sander and Lyons returned to the meeting, the time being 6.42pm*

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

**MOTION**  
962

**Moved:** Councillor Doherty

**Seconded:** Councillor Dagg

**RESOLVED** that having read and considered the reports in the Agenda related to items:-

NI10/2019	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. 39
CC69/2019	19th International Cities, Town Centres and Communities Conference 2019 ..... 113
CC70/2019	Government Information Public Access Policy ..... 120
CC71/2019	Submission regarding IPART's Final Report into Local Government Rating System..... 127
WI54/2019	Use of Glyphosate ..... 212
WI55/2019	Helena Street, Ellalong - Need for Future Bus Shelter ..... 217
✚ CO19/2019	Flying of Aboriginal Flag permanently on Sydney Harbour Bridge ..... 258
✚ CO20/2019	Location for Future Pre Polling Centres within Cessnock LGA... 260
✚ CO21/2019	IPART Report - Review of Local Government Election Costs - Request for Submissions ..... 262

**Council adopt the recommendations as printed for those items.**

## **FOR**

## **AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

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

## **NOTICE OF INTENTION NO. NI10/2019**

**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**

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Dagg  
963  
**RESOLVED**

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.

<b>FOR</b>	<b>AGAINST</b>
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



## **MAYORAL MINUTES**

### **MAYORAL MINUTES NO. MM14/2019**

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

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**MOTION**      **Moved:**      Councillor Pynsent

964

**RESOLVED**

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.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## ***MOTIONS OF URGENCY***

***MOTIONS OF URGENCY NO. MOU15/2019***

***SUBJECT: MOTIONS OF URGENCY***

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NIL

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE59/2019**

**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**

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*Councillor Suvaal declared a Non Pecuniary Interest Significant conflict for the reason that his mother was the owner of 14-16 Allandale street, Kearsley until recently selling it. Councillor Suvaal left the Chamber and took no part in discussion and voting.*

*Councillor Suvaal left the meeting, the time being 6.48pm*

*The Mayor vacated the chair and took part in discussion and voting.*

*The Deputy Mayor assumed the chair.*

**MOTION**      **Moved:** Councillor Pynsent      **Seconded:** Councillor Fitzgibbon  
965

**RESOLVED**

**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 and the following additional condition:

91. The approved operating hours for the service station are as follows:

5:00 am to midnight, 7 days per week including public holidays

- (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*.
- 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*

## 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
Sedimentation and Erosion Control Plan and Details Project No.: 1223 Drawing No.: C02 Issue: C	Alan Slinn Pty Ltd	08.04.2019

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.

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.

#### **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](http://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.

## **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*
- 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,
  - 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.

- 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 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.
- 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 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.
  - 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.

### **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

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.

#### **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).

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.

**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.

**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

- 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.

## **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.

**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.

### **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.

**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.

**91. The approved operating hours for the service station are as follows:**

**5:00 am to midnight, 7 days per week including public holidays**

**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](http://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*.

**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.

**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.

<b>FOR</b>	<b>AGAINST</b>
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	

	<b>Total (0)</b>
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***CARRIED UNANIMOUSLY***

*Councillor Suvaal returned to the meeting, the time being 6.54pm*

*The Mayor assumed the Chair.*

## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC69/2019**

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

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Dagg  
966  
**RESOLVED**

That Councillors wishing to attend the 19<sup>th</sup> 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.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**CORPORATE AND COMMUNITY NO. CC70/2019**

**SUBJECT: GOVERNMENT INFORMATION PUBLIC ACCESS POLICY**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Dagg  
967

**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (13)</b>	

<b>Total (0)</b>
------------------

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC71/2019**

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

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Dagg

968

**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC72/2019**

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

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**MOTION**

969

**RESOLVED**

**Moved:** Councillor Burke

**Seconded:** Councillor Fitzgibbon

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".

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.

**FOR****AGAINST**

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

**Total (13)****Total (0)*****CARRIED UNANIMOUSLY***

**CORPORATE AND COMMUNITY NO. CC73/2019**

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

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**MOTION**            **Moved:**    Councillor Burke            **Seconded:**    Councillor Sander  
970

**RESOLVED**

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.

FOR	AGAINST
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Councillor Olsen

Councillor Doherty

Councillor Dunn

Councillor Fagg

Councillor Stapleford

Councillor Suvaal

Councillor Fitzgibbon

Councillor Gray

Councillor Dagg

Councillor Burke

Councillor Sander

Councillor Lyons

Councillor Pynsent

**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC74/2019**

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

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dagg  
971

**RESOLVED**

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.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI54/2019**

**SUBJECT:     USE OF GLYPHOSATE**

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**MOTION**           **Moved:**   Councillor Doherty       **Seconded:**   Councillor Dagg  
972

**RESOLVED**

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.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**WORKS AND INFRASTRUCTURE NO. WI55/2019**

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

---

**MOTION**            **Moved:**     Councillor Doherty            **Seconded:**     Councillor Dagg  
973

**RESOLVED**

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.

**FOR**

**AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

## WORKS AND INFRASTRUCTURE NO. WI56/2019

**SUBJECT:** 2018/2019 AQUATIC SEASON REVIEW

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dagg

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.

**AMENDMENT**      **Moved:** Councillor Sander      **Seconded:** Councillor Fitzgibbon

1. That Council note the information contained within the report.
2. That Council continue with the same family fun days as per resolution at the ordinary meeting on 6 June 2018.
3. That security be increased at Cessnock Pool on Family Fun Days at the discretion of the General Manager with funding to be sourced from Pool Operational Budgets.
4. That a report come back to Council before the end of October with further information on the costs of subsidised or free intensive water safety programs proposed in Report No. WI56/2019.
5. That the General Manager report to Council explaining why the actions from Report No. WI72/2017 in relation to the Proposed Year 3 (2019/2020) service improvements, which include implementation of aquatic education classes such as learn to swim and swimming and water safety programs have not been actioned.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

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

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

**MOTION**            **Moved:**    Councillor Sander            **Seconded:**    Councillor Fitzgibbon  
974  
**RESOLVED**

1.     That Council note the information contained within the report.
2.     That Council continue with the same family fun days as per resolution at the ordinary meeting on 6 June 2018.
3.     That security be increased at Cessnock Pool on Family Fun Days at the discretion of the General Manager with funding to be sourced from Pool Operational Budgets.
4.     That a report come back to Council before the end of October with further information on the costs of subsidised or free intensive water safety programs proposed in Report No. WI56/2019.
5.     That the General Manager report to Council explaining why the actions from Report No. WI72/2017 in relation to the Proposed Year 3 (2019/2020) service improvements, which include implementation of aquatic education classes such as learn to swim and swimming and water safety programs have not been actioned.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI57/2019**

**SUBJECT: ALLOCATION OF ROAD SPECIAL RATE VARIATION FUNDS - 2019-2020**

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**MOTION**      **Moved:** Councillor Sander      **Seconded:** Councillor Gray  
975  
**RESOLVED**

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
3. That the General Manager bring a report back identifying options to fund the rehabilitation of the section of Government Road, Weston from the bridge to Mitchell Avenue. If any residual funding is available from the 2019/2020 budget programs, this work is to be carried out.

**FOR**

**AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

## **BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN**

### **BUSINESS WITH NOTICE NO. BN23/2019**

**SUBJECT: PALMERS LANE, POKOLBIN \_ SPEED ZONE REVIEW**

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**MOTION**      **Moved:**    Councillor Fagg      **Seconded:**    Councillor Dagg  
976

#### **RESOLVED**

1.      **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.**
2.      **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.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN24/2019**

**SUBJECT: ABERMAIN SCHOOL OF ARTS**

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**MOTION**      **Moved:**    Councillor Gray      **Seconded:**    Councillor Burke  
977

**RESOLVED**

**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.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	Councillor Doherty
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (1)</b>

**CARRIED**

**BUSINESS WITH NOTICE NO. BN25/2019**

**SUBJECT:      TIMED PARKING IN CHARLTON STREET CAR PARK**

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*Councillor Fitzgibbon declared a Non Pecuniary Interest Significant conflict for the reason that her business clientele and staff use the Charlton Street carpark. Therefore it could not reasonably be regarded her decision was not influenced by this. Councillor Fitzgibbon left the Chamber and took no part in discussion and voting.*

*Councillor Fitzgibbon left the meeting, the time being 7.34pm*

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

**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.**

**PROCEDURAL MOTION      Moved:**                      Councillor Suvaal  
**Seconded:**                      Councillor Fagg

978

**RESOLVED** that the Motion be deferred until after Council staff have returned the report in regard to BN22/2019 – Multi-Level Parking Station Cessnock Central which was dealt with at the Council meeting of 21 August 2019.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Fagg	Councillor Dunn
Councillor Stapleford	
Councillor Suvaal	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (2)</b>

**CARRIED**

*Councillor Fitzgibbon returned to the meeting, the time being 7.53pm*

**ANSWERS TO QUESTIONS FOR NEXT MEETING**

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ85/2019**

**SUBJECT: GALLAGHER STREET QUESTIONS**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ86/2019**

**SUBJECT: MAYORAL CAR**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ87/2019**

**SUBJECT: CESSNOCK - MOBILE BLOOD DONOR CENTRE**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ88/2019**

**SUBJECT: CESSNOCK DCP COMMERCIAL PRECINCT 2010**

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The answer was noted.



## **QUESTIONS FOR NEXT MEETING**

*Councillor Melanie Dagg*

### **BRANXTON CBD**

Councillor Dagg asked for an update on when the grant funded works will be commenced in the Branxton CBD.

*Councillor Ian Olsen*

### **GALLAGHER STREET QUESTIONS**

Councillor Olsen referred to his question in relation to Gallagher Street and an email which he received on 25 July 2019 where points 1 and 2 required a response. Councillor Olsen advised that he responded on the same day and asked when he will be getting the information supplied to him.

*Councillor Ian Olsen*

### **COUNCILLOR EXPENSES**

Councillor Olsen referred to a report that was presented at the end of every financial year on the expenditure of every Councillor and asked when that would be coming back.

*Councillor Di Fitzgibbon*

### **TIMBER DIRECTIONAL SIGNS**

Councillor Fitzgibbon asked who was responsible for the old timber directional signs around the LGA in locations like the corner of Lovedale Road and Broke Road.

*Councillor Di Fitzgibbon*

### **POST LIGHTS – COOPER & CHARLTON STREET**

Councillor Fitzgibbon asked if Council would be replacing the sad looking post lights between Cooper and Charlton Streets.

*Councillor Rod Doherty*

### **BRIDGES HILL PARK**

Councillor Doherty asked if public toilets be provided as part of the opening of part of the Bridges Hill Park.

The Director Works and Infrastructure advised that there are public toilets proposed for that park but they are not part of this stage of works.

*Councillor Allan Stapleford*

**PORTABLE FIRE FIGHTING SYSTEM FOR WOLLOMBI**

Councillor Stapleford asked when the portable fire fighting system for Wollombi would be ready and had it been assessed yet.

## **CORRESPONDENCE**

### **CORRESPONDENCE NO. CO19/2019**

**SUBJECT:**     **FLYING OF ABORIGINAL FLAG PERMANENTLY ON SYDNEY HARBOUR BRIDGE**

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**MOTION**            **Moved:**     Councillor Doherty            **Seconded:**     Councillor Dagg  
979  
**RESOLVED**

**That the correspondence be noted.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE NO. CO20/2019**

**SUBJECT: LOCATION FOR FUTURE PRE POLLING CENTRES WITHIN  
CESSNOCK LGA**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Dagg  
980  
**RESOLVED**

**That the correspondence be noted.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE NO. CO21/2019**

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

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Dagg

981

**RESOLVED**

**That the correspondence and meeting date with the Minister for Local Government be noted.**

<b>FOR</b>	<b>AGAINST</b>
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **COUNCILLORS REPORTS**

Councillor Gray

### **Bushfire Management Committee**

Councillor Gray reported on his attendance at the Bushfire Management Committee meeting on 4 September 2019.

Bush Fire Risk Management Plan is currently being started covering the Cessnock LGA. With Cessnock LGA being identified as a particular problem area regarding Bushfires every season. The Bushfire Management Committee will be working closely with Council to roll out a community consultation and engagement strategy during this process.

Fire Access and Fire Trail Management Plan are currently being developed with 460 trails being identified across the Lower Hunter and Grading of trails is advanced. 176 of these trails have been identified as Tactical Trails of which State funding will be sort by the BFMC to bring up to standard.

Office of Environment and Heritage stated that Asset Protection Zones (APZ's) on the land under their control is well in advance and will continue. Cessnock Local Government Area is increasingly challenging with gate and fence vandalism being especially challenging.

Director of Works discussed a Fire Management Plan for the Gingers Lane precinct will be required during the re-construction of the road, due to residents concerns. This should be communicated to Residents and to emergency services so effective response can be ensured.

Fire and Rescue NSW indicated that consideration is be given to the closure of Weston Fire Station pending community consultation, due to the number of physical assets that are within close proximity (3km's) to one and other and ongoing staffing issues at Weston Station. Stated new Station has been built in Abermain to cater for this,

The Bush Fire season has been brought forward due to the current, ground conditions and also the outlook is looking severe for the coming months.

7.58PM

**Confidential reports (closed session)**

**MOTION**            **Moved:**    Councillor Burke            **Seconded:**    Councillor Dagg  
982

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

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

7.59PM

**Open Session**

That the meeting move back into open session and the General Manager reported on the outcome.

**PLANNING AND ENVIRONMENT NO. PE61/2019**

**SUBJECT: MINUTES OF THE CONFIDENTIAL EXTRAORDINARY STRATEGIC PROPERTY AND COMMUNITY FACILITIES COMMITTEE - 21 AUGUST 2019**

*This matter is considered to be confidential under Section 10A(2) (di) (dii) 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; AND commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

**MOTION**                      **Moved:**    Councillor Burke                      **Seconded:**    Councillor Dagg  
983

**RESOLVED**

1. That the Minutes of the Confidential Extraordinary Strategic and Community Facilities Committee of 21 August 2019 be adopted as a resolution of the Ordinary Council.
2. **SPOR21/2019** - That Council authorise the General Manager to sign all documents associated with the e-conveyancing transactions including a Client Authorisation form to Council's legal representative to effect the land exchange of Lot 2 DP 1072432 and acquire part of Lot 210 DP 559578 (subject to final survey);
3. **SPOR21/2019** - That Council authorise the Common Seal of Cessnock City Council to be affixed to all documents relating to the extinguishing the right of carriageway over Lot 2 DP 1072432, and authorise the Mayor and General Manager to execute those documents.
4. **SPOR18/2019** - That the Council authorise the General Manager to negotiate the purchase of properties that are, in the opinion of the General Manager, to be of strategic importance to the Council and the community. The delegation does not authorise the General Manager to accept an offer and is restricted to properties which adjoin existing Council property Assets.

**FOR**

**AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**



*The Meeting Was Declared Closed at 7.59pm*

**CONFIRMED AND SIGNED** at the meeting held on 18 September 2019

.....**CHAIRPERSON**

.....**GENERAL MANAGER**