

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 20 JULY 2022, COMMENCING AT  
6.30PM**

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

**IN ATTENDANCE:** Acting General Manager (Director Corporate and Community Services)  
Director Planning and Environment  
Acting Director Corporate and Community Services (Human Resources Manager)  
Acting Director Works and Infrastructure (Infrastructure Manager)  
Development Services Manager  
Strategic Planning Manager  
Chief Finance Officer  
Economic Development & Tourism Manager  
Building Services Team Leader  
Help Desk Support Officer  
Corporate Governance Officer

*Pastor Rachael Main of Beyond Church delivered the Prayer.*

**APOLOGY:** **NIL**

**MINUTES:** **MOTION** **Moved:** Councillor Sander  
**Seconded:** Councillor Dunn  
183  
**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 15 June 2022 and the Extraordinary Meeting held on 29 June 2022, as circulated, be taken as read and confirmed as a correct record.

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

**CARRIED UNANIMOUSLY**

## **DISCLOSURES OF INTEREST**

### **DISCLOSURES OF INTEREST NO. DI6/2022**

**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.**

**PE38/2022 - Development Application No. 8/2022/149/1 seeking to increase the number of children catered for at an existing childcare centre - 112 Lang Street and 89-93 Barton Street, Kurri Kurri** - Councillor Hawkins declared a Non Pecuniary Less than Significant Conflict for the reason that his children have on occasion attended this childcare centre. Councillor Hawkins advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because their attendance has not impacted on his decision making.

**GMU16/2022 - Consideration of Final Investigation Report – Code of Conduct Complaint** - Councillor Jurd declared a Non Pecuniary Less than Significant Conflict for the reason that she is related to Councillor Olsen. Councillor Jurd advised that she would remain in the Chamber and participate in discussion and voting as the conflict has not influenced her in carrying out her public duty because she votes with her conscience.

**BN23/2022 Heritage Tourism** - Councillor Burke declared a Non Pecuniary Less than Significant Conflict for the reason that a business that he owns has a contract with Cessnock Chamber of Commerce. Councillor Burke advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because it will not have an impact on the way he votes tonight due to the nature of the Notice of Motion.

## PETITIONS

NIL

### ADDRESS BY INVITED SPEAKERS

*Councillor Hawkins declared a Non Pecuniary Less than Significant Conflict for the reason that his children have on occasion attended this childcare centre. Councillor Hawkins remained in the Chamber and participated in discussion and voting .*

The following people addressed the meeting of Council:

Speakers	For / Against Recommendation	Report	Page No.	Duration
Elana Lawrence – the Centre Kurri Kurri	Against	PE38/2022 - Development Application No. 8/2022/149/1 seeking to increase the number of children catered for at an existing childcare centre  112 Lang Street and 89-93 Barton Street, Kurri Kurri	144	3 mins

#### **EXTENSION OF TIME**

184

**Moved:**  
**Seconded:**

Councillor Moores  
Councillor Hawkins

#### **RESOLVED**

**That an extension of 1 minute be granted to Ms Lawrence to finalise her presentation.**

#### **FOR**

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

**Total (12)**

#### **AGAINST**

Councillor Olsen

**Total (1)**

#### **CARRIED**

**PLANNING AND ENVIRONMENT NO. PE38/2022**

**SUBJECT: DEVELOPMENT APPLICATION NO. 8/2022/149/1 SEEKING TO INCREASE THE NUMBER OF CHILDREN CATERED FOR AT AN EXISTING CHILDCARE CENTRE**

**112 LANG STREET AND 89-93 BARTON STREET, KURRI KURRI**

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**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Grine  
185  
**RESOLVED**

1. That Development Application No. 8/2022/149/1 be deferred to enable draft conditions of consent to be prepared by Council officers.
2. That the Development Application and associated draft conditions of consent be referred to the first available Council meeting for consideration/determination.

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

**CARRIED UNANIMOUSLY**

<b>Speakers</b>	<b>For / Against Recommendation</b>	<b>Report</b>	<b>Page No.</b>	<b>Duration</b>
Kim Fuhrmann	Against	PE39/2022 - Development Application No. 8/2021/21642/1 - Proposed construction of a new single storey dwelling  169 New Street Mulbring	168	3 mins

**EXTENSION OF TIME**

186

**Moved:**  
**Seconded:**

Councillor Hill  
Councillor Hawkins

**RESOLVED**

**That an extension of 1 minute be granted to Ms Fuhrmann to finalise her presentation.**

**FOR**

Councillor Jackson  
Councillor Moores  
Councillor Dunn  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Paynter  
Councillor Watton  
Councillor Jurd  
Councillor Suvaal  
**Total (12)**

**AGAINST**

Councillor Olsen

**Total (1)**

**CARRIED**

**PLANNING AND ENVIRONMENT NO. PE39/2022**

**SUBJECT: DEVELOPMENT APPLICATION NO. 8/2021/21642/1 - PROPOSED  
CONSTRUCTION OF A NEW SINGLE STOREY DWELLING**

**169 NEW STREET MULBRING**

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**MOTION**  
187

**Moved:** Councillor Hill

**Seconded:** Councillor Jackson

**RESOLVED**

1. That Development Application No. 8/2022/21642/1 be deferred to enable draft conditions of consent to be prepared by Council officers.
2. That the Development Application and associated draft conditions of consent be referred to the first available Council meeting for consideration/determination.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**

Speakers	For / Against Recommendation	Report	Page No.	Duration
Shayne Herring	Against	PE41/2022 - 18/2021/3 Planning Proposal - Wills Hill Road	114	3 mins

**PLANNING AND ENVIRONMENT NO. PE41/2022**

**SUBJECT: 18/2021/3 PLANNING PROPOSAL - WILLS HILL ROAD**

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**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Dunn  
188

**RESOLVED**

1. That Council proceed with Planning Proposal 18/2021/3 Wills Hill Road and notify the Department of Planning and Environment of its decision.
2. That the heritage proposal be amended to only include the northern section of Wills Hill Road starting from the southern boundary of LOT: 4 DP: 1048155.

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

**CARRIED UNANIMOUSLY**

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

**MOTION**            **Moved:**    Councillor Dunn            **Seconded:**    Councillor Sander  
189  
**RESOLVED**

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

PE37/2022	Development Application No. 8/2021/22147/1 proposing to rebuild an existing service station and convenience shop, and continued operation 24 hours per day 7 days a week - 289 - 293 Cessnock Road, Abermain.....	61
PE40/2022	Appointment of External Alternate Members to the Hunter and Central Coast Regional Planning Panel .....	163
PE42/2022	Draft amendment to Cessnock City Wide Infrastructure Contributions Plan – Report on exhibition.....	174
CC56/2022	Easement Request - being the northern portion of George Winter Park (Lot 170 DP 1137848) and benefiting 96A Deakin Street, Kurri Kurri (Lot 3 DP 703289) for drainage purposes .....	180
‡ CC57/2022	Local Government NSW Annual Conference 2022 – Request for Attendance and Motions .....	186
‡ CC58/2022	Accounting Treatment - Rural Fire Service Fleet.....	190
‡ CC59/2022	Investment Report - June 2022 .....	221
‡ CC60/2022	Resolutions Tracking Report .....	229
WI45/2022	NSW Severe Weather and Flood Grant .....	275
WI46/2022	Local Roads and Community Infrastructure - Grant Funding Approval .....	281
WI47/2022	Re-establishment of Special Event Alcohol Free Zone for the Australian Postie Bike Grand Prix.....	287
‡ CO9/2022	Donation to Flood Affected Communities – Willoughby Council.....	321
‡ CO10/2022	MM10/2022 - Parking Advocacy - Amendment to Rule 197 of the Road Rules 2014 .....	324
‡ CO11/2022	MM05/2022 - Support for Hart Road, North Ramps - Hunter Expressway .....	326



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

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

***CARRIED UNANIMOUSLY***

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

## **NOTICE OF INTENTION NO. NI4/2022**

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

**REPORT GMU16/2022 - CONSIDERATION OF FINAL  
INVESTIGATION REPORT - CODE OF CONDUCT COMPLAINT**

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

1. That Council considers in Confidential Session the following matters in accordance with Sections 10A (2) (i) of the *Local Government Act 1993*:

Report GMU16/2022 – Consideration of Final Investigation Report - Code of Conduct Complaint as the report contains alleged contraventions of any code of conduct requirements applicable under section 440.

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

**MOTION**      **Moved:** Councillor Moores      **Seconded:** Councillor Paynter  
190

**RESOLVED**

That the matter be deferred to later in the meeting for Officers to gain clarification in regard to dealing with Report in Closed Session.

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

**CARRIED UNANIMOUSLY**

7.48pm moved back to consider Report NI4/2022.

*Councillor Moores left the meeting, the time being 7.53pm*

*Councillor Moores returned to the meeting, the time being 7.54pm*

**MOTION**            **Moved:**    Councillor Grine            **Seconded:**    Councillor Sander  
191

**RESOLVED**

1. That Council considers in Confidential Session the following matters in accordance with Sections 10A (2) (i) of the *Local Government Act 1993*:

**Report GMU16/2022 – Consideration of Final Investigation Report - Code of Conduct Complaint as the report contains alleged contraventions of any code of conduct requirements applicable under section 440.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Moores
Councillor Dunn	Councillor Paynter
Councillor Burke	Councillor Watton
Councillor Grine	Councillor Olsen
Councillor Sander	Councillor Jurd
Councillor Hill	
Councillor Hawkins	
Councillor Suvaal	
<b>Total (8)</b>	<b>Total (5)</b>

**CARRIED**

# MAYORAL MINUTES

## MAYORAL MINUTES NO. MM11/2022

**SUBJECT: FLOOD EVENT APPRECIATION**

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**MOTION**      **Moved:**    Councillor Suvaal

192

**RESOLVED**

1. That Council notes the impacts and devastation the recent flood event has had across our region, as well as it being the second natural disaster declaration within 4 months.
2. That Council acknowledges the service and commitment of Council Staff, NSW SES Units, VRA Rescue NSW, NSW Police, Cessnock Leagues Club and all emergency services for the work in keeping the community safe during this recent flood event.
3. That Council write to these organisations to outline our appreciation of everyone's efforts and contributions during this challenging time.
4. That Council thanks the community for their understanding as Council works to assess and repair the damage caused by the floods.
5. That Council work with the Cessnock leagues Club to organise a community appreciation event for all service providers and emergency workers who assisted in the recent flood event.

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

**CARRIED UNANIMOUSLY**

**MAYORAL MINUTES NO. MM12/2022**

**SUBJECT: TESTERS HOLLOW AND BUCHANAN ROAD**

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**MOTION**            *Moved:*    Councillor Suvaal

193

**RESOLVED**

1. That Council write to Transport for NSW, the NSW Minister for Regional Transport and Roads, the Hon. Sam Farroway MLC, and the NSW Shadow Minister for Regional Transport and Roads, Jenny Aitchison MP requesting they consider amending the new road design for Testers Hollow to make it flood free by raising the new road height given the current height was below the recent flood level.
2. That Council request, that due to recent population and traffic growth, Transport for NSW keep the current road at Testers Hollow open, which would make it 4 lanes (2 each way) with the ability to run contra flow on the new road in the event of future flood events.
3. That Council request the Transport for NSW take on Buchanan Road / Mount Vincent Road as a State road, noting the increased traffic from the Hunter Expressway, access to the new Maitland Hospital and local development, as well as it being the major thoroughfare when Testers Hollow is closed.
4. That Council contact Maitland Council to arrange a joint delegation then request a meeting with the NSW Minister for Regional Transport and Roads regarding the issues above.
5. That a copy of these letters and requests be sent to the State Member, Mr Clayton Barr MP, with a request for him to make representations to the NSW Minister for Regional Transport and Roads, on Council's behalf, in regard to these urgent issues.

*Councillor Jackson left the meeting, the time being 7.12pm*

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**MOTIONS OF URGENCY**

**MOTIONS OF URGENCY NO. MOU6/2022**

**SUBJECT: MOTIONS OF URGENCY**

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NIL

*Councillor Jackson returned to the meeting, the time being 7.14pm*

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE37/2022**

**SUBJECT:** **DEVELOPMENT APPLICATION NO. 8/2021/22147/1 PROPOSING TO REBUILD AN EXISTING SERVICE STATION AND CONVENIENCE SHOP, AND CONTINUED OPERATION 24 HOURS PER DAY 7 DAYS A WEEK**

**289 - 293 CESSNOCK ROAD, ABERMAIN**

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**MOTION**  
194  
**RESOLVED**

**Moved:** Councillor Dunn      **Seconded:** Councillor Sander

1. That:

- (i) Development Application No. 8/2021/22147/1 proposing to rebuild an existing service station and convenience shop and continued operation 24 hours per day 7 days a week at 289 - 293 Cessnock Road, Abermain, be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
  - The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instrument(s), being the *Cessnock Local Environmental Plan 2011*, *State Environmental Planning Policy (Resilience and Hazards) 2021* and *State Environmental Planning Policy (Transport and Infrastructure) 2021*.
  - The proposed development is, subject to the recommended conditions, consistent with the objectives and provisions of the *Cessnock Development Control Plan 2010 (DCP)*.
  - Subject to the recommended conditions, the proposed development will be provided with adequate essential services.
  - The proposed development is considered to be of an appropriate scale and form for the site, and is consistent with the character of the locality.
  - The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
  - The proposed development is a suitable and planned use of the site, and its approval is consistent with the public interest.
- (iii) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*.



# CONDITIONS OF CONSENT

## CONDITIONS OF CONSENT

### 1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2021/22147/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Proposed Site Plan Ref 21-015-DA02 Rev F	MCHP Architects	12/10/2021
Existing and Demolition Plan Ref 21-015-DA01 Rev B		12/10/2021
Building Elevation 1 of 2 Ref 21-015-DA04 Rev D	MCHP Architects	12/10/2021
Building Elevation 2 of 2 Ref 21-015-DA05 Rev D	MCHP Architects	12/10/2021
Car Canopy Elevation and Section Ref 21-015-DA06 Rev D	MCHP Architects	12/10/2021
Truck Canopy Elevations & Section Ref 21-015-DA07 Rev C	MCHP Architects	12/10/2021
Tank Farm section and Site ID Sign Ref 21-015-DA08 Rev C	MCHP Architects	12/10/2021
Overall Site Elevations Ref 21-015-DA09 Rev C	MCHP Architects	12/10/2021
Project Metro Abermain Ref:LA01 Rev A	Taylor Brammer Landscape Architects Pty Ltd	13/10/2021
Project Metro Abermain Ref:LD01 Rev A	Taylor Brammer Landscape Architects Pty Ltd	13/10/2021
Site detail plan 21J48_DA_C100 Rev 3	Henry and Hymas	June 2021

Document Title	Prepared By	Dated
Statement of Environmental Effects	DM Planning	Updated March 2022
Certified bushfire compliance report for 289-293 Cessnock Road, Abermain	Bush Fire Planning Services	4/4/2022
Traffic and Parking Assessment Ref:21189 Issue B	TTPA	July 2021
Correspondence in response to TfNSW comments	TTPA	15/3/2022
Social Impact Assessment	DM Planning	October 2021
Noise Assessment Service Station Development Cessnock Road. Abermain, Rev00	Atkins Acoustics	August 2021
Motor Spirit Preliminary Hazard Analysis	MCHP Architects	23/6/2021

Waste management Plan	MCHP Architects	12/10/2021
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In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

## **2. Time Limited Approval – 24 Hour Trading**

- a. This consent authorises the extended operating hours of the service station and food and drink premises for twenty four (24) hours seven (7) days per week, subject to paragraphs (b) to (c) of this condition below and the other conditions contained in this development consent.
- b. 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 12 months from the date of commencement of the use authorised by this consent. Notice of the commencement date must be provided in writing to Council prior to the use commencing. At the expiration of the trial period, the operating hours shall revert to the following: (a) The service station shall operate between the hours of 5.00am until 11.00pm, seven days per week.
- c. Should the applicant wish to continue operating with the extended operating hours beyond the approved 12 month period, an application must be submitted to Council for its consideration and approval prior to the expiration of the 12 month period that allows 24 hour trading but no earlier than a 6 month period from the date of commencement of operations under this consent. Council's consideration of the proposed continuation of the extended operating hours will be based upon, amongst other things, the operator's compliance with the conditions of this development consent, the results of the required noise monitoring program required by the approved Noise Management Plan and any substantiated complaints received by the Council and/or NSW Police

## **3. CC, PC & Notice Required**

In accordance with the provisions of Section 6.6 and 6.7 (cf previous Section 81A) of the *EP&A Act 1979* construction works approved by this consent must not commence until:

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

## **4. BCA Compliance**

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

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

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

**5. 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.

**6. Security for Cost of Damage and Completion of Public Work**

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

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

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

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

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

**7. Cessnock Section 7.12 Levy Development Contributions Plan**

A total monetary contribution of \$20,550 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:

<b>Indexation quarters</b>	<b>Approx release date</b>
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.

#### **8. Soil and Water Management Plan Required**

Detailed plans and specification to ensure that there is adequate protection to prevent contamination of soil or water during demolition and construction. The plans and specifications must be to the satisfaction of the Certifier and approved by the Certifier prior to the issue of the CC.

#### **9. Acoustic Construction Detail**

The plans and information submitted in association of the CC application must incorporate sufficient detail to demonstrate compliance with the following acoustic measures:

- (a) final mechanical plant selections, design and installation to satisfy the acoustic performance referenced in Table 4;
- (b) air-conditioning condensers selected with soft start VSD fan motors;
- (c) air-conditioning condensers installed with night mode fan speed control;
- (d) refrigeration and air-conditioning condensers installed at ground level in an acoustic screened plant area;
- (e) the height of screen wall enclosing the ground level plant areas not less than three (3) metres above finished slab height;
- (f) inline exhaust fans installed in the building ceiling cavity; and
- (g) acoustic rated boundary walls (Attachment 2) installed on the Goulburn Street frontage, northern-western and southern-western boundaries.
- (h) amplified announcement systems designed and operated not to give rise to audible noise inside residential dwellings;
- (i) driveway and forecourt cover plates and grates acoustically isolated and mechanically fixed; and
- (j) signage installed with respect to minimising noise from trucks whilst onsite and leaving the site.

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

## **10. Building Height**

The height of the building must not exceed the levels on the DA approved plan. The plans submitted in support of the CC application must demonstrate compliance with this requirement. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

## **11. Retaining Wall**

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

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

## **12. Car Parking – Commercial/Industrial**

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

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

## **13. 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 Certifier prior to the issue of a CC.

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

## **14. Parking – Delivery Vehicles**

A separate off-street loading/unloading facility with capacity to accommodate the largest delivery vehicle likely to deliver goods to and from the premises shall be

provided for all loading and unloading of vehicles wholly within the property. Such facility shall be constructed clear of the car parking area and driveways.

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

#### **15. Parking – Minimum Requirement**

Onsite car parking shall be provided for a minimum of twenty five (25) vehicles and such being set out generally in accordance with Council's Development Control Plan.

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

#### **16. TfNSW Approval Required**

Approval must be obtained from Transport for New South Wales (*TfNSW*) for the proposed works in the public road reserve. Evidence of the approval must be submitted to the Certifier prior to the issue of a CC. All requirements of *TfNSW* are to be complied with.

#### **17. Stormwater – Detention Requirement**

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

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

#### **18. Plant and Equipment**

All plant and associated equipment must be located within the approved building envelope and is not to be located on the roof. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

#### **19. Detailed Landscape Plan (Vegetation)**

A detailed Landscape Plan prepared by a suitably qualified person must be submitted and approved, prior to the issue of a CC. The plan must include:

- a) Location of all proposed and existing planting, delineating existing trees to be retained, removed or transplanted

- b) A detailed planting schedule including species by botanical and common names, quantities, pot sizes and estimated size at maturity
- c) Details of planting procedure
- d) Details of earthworks including mounding, retaining walls and planter boxes
- e) A landscape maintenance schedule for the owner/occupier to administer over the determined time frame
- f) Details of drainage and watering systems including detailed specification and plans including; proposed material, make/model, dimensions, quantities
- g) The landscaping of the site is to be designed to:
  - i) Be low maintenance with a mixture of native and exotic species
  - ii) Be designed for a safe level of transparency
  - iii) Include significant canopy trees where possible
  - iv) Include trees and shrubs known to be fauna food sources where possible
  - v) Provide perimeter planting adjacent to the car park
  - vi) Not interfere with sight lines for vehicles entering or exiting the site (at full height – post establishment)
- h) Details of proposed turf species, turf underlay, quantity

## **20. Footings and Excavation Near Council Property**

All works proposed within the zone of influence of Council's asset/s (laneway and road reserves) are to be designed and certified by a practising professional engineer.

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

## **21. Food Premises**

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

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

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

- a) a separate floor and sectional plan detailing:
  - i) the kitchen/cafe area floor, wall, and ceiling surface finishes
  - ii) location of the required handwash basin/s and cleaning sinks/s
  - iii) location of dry and cold storage areas,
  - iv) fit-out details for the kitchen and servery, including proposed refrigeration and cooking equipment
  - v) designated cupboard or locker for the storage of staff clothing and personal belongings
  - vi) location of the bar area.

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

## **22. Outdoor Lighting**

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

## **23. Underground Petroleum Storage Systems (UPSS): New or Modified Service Stations - Design**

- a. Prior to issue of a CC, the detailed design specification of the Underground Petroleum Storage System (UPSS) and leak detection system must be submitted to the CA showing compliance with the UPSS Regulation and consistency with industry best practice as set out in Australian Standard AS 4897-2008: The design, installation and operation of underground petroleum storage systems. This includes, but is not limited to, provision of ground water monitoring wells, loss monitoring and mandatory pollution protection equipment comprising of non-corrodible secondary containment tanks and associated pipework and over fill protection devices.
- b. The applicant must ensure that the design of the UPSS and leak detection system is undertaken by a Duly Qualified Person, which is defined in the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 (UPSS Regulation 2019). The design is to be certified by the Duly Qualified Person as satisfying this requirement prior to the issue of CC.

## **24. Waste Management Plan**

A Waste Management Plan is to be provided to the Certifier prior to the issue of a CC. The Waste Management Plan is to be prepared in accordance with the following:



- a) Estimated quantities of materials that are reused, recycled, removed from the site
- b) On site material storage areas during construction
- c) Materials and methods used during construction to minimise waste
- d) Nomination of end location of all waste generated

All requirements of the approved Waste Management Plan must be implemented during the construction of the development.

## **25. Crime Prevention Through Design**

The following Crime Prevention Through Environmental Design (CPTED) principles shall be incorporated into the building and maintained through the life of the development.

- a) Back to base alarm systems.
- b) Access control system that allows staff to remotely lock external entry points from the service counter.
- c) Installation and use of 24 hour CCTV covering areas of public use, loading dock and building entry/exit points and associated signage indicating that CCTV surveillance is in 24 hour operation.
- d) Installation of bollards along the store frontage.
- e) 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.
- f) Transactions to occur through the night pay window between the hours of 10.00pm and 5.00am.
- g) Glazed tiling, patterned, porous and non-solid surfaces reduce the reward for graffiti offenders.
- h) Access control systems for counter areas and staff only access areas.
- i) Site maintenance plan (graffiti management and rapid removal, litter, property damage and landscaping).

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

## **PRIOR TO COMMENCEMENT OF DEMOLITION OR WORKS**

**The following conditions are to be complied with prior to the commencement of demolition or other works on the subject site/**

## **26. Excavation Protection of Adjoining Property**

If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:

- a) Must preserve and protect the adjoining building from damage
- b) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished
- c) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated, or on the adjoining allotment of land.

In this condition, the allotment of land includes public property.

## **27. Shoring and Adequacy of Adjoining Property**

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense:

- i. protect and support the building, structure or work on adjoining land from possible damage from the excavation; and
- ii. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

This condition does not apply if the person having the benefit of the development consent own the adjoining land or the owner of the adjoining land gives written consent to the condition not applying.

## **28. Demolition Proposed**

Consent is granted for the demolition of all buildings, structures and underground tanks 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 WorkCover 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 as proof of correct disposal of asbestos laden waste.
- iv) All removal of asbestos must comply with the requirements of the WorkCover Authority.

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

## **29. Construction and Traffic Management Plan**

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

- a) A plan view of the entire site and frontage roadways indicating:
  - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
  - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
  - iii) The locations of proposed work zones in the frontage roadways.
  - iv) Location of any proposed crane, concrete pump, truck standing areas on and off the site.
  - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
  - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
  - vii) An onsite parking area for employees, tradespersons and construction vehicles as far as possible.
  - viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
  - ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
  - x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.
- b) During excavation, demolition and construction phases, noise generated from the site must be controlled.

- c) All site works must comply with the work health and safety requirements of SafeWork NSW.
- d) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
- e) All traffic control plans must be in accordance with the TfNSW publication *Traffic Control Worksite Manual* and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

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

### **30. Erection of Signs**

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

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

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

### **31. Nominated Location of Waste**

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

### **32. Soil and Water Management Plan Implemented**

The requirements of the Soil and Water Management Plan shall be in place prior to the commencement of demolition works and/or construction works and shall be maintained throughout the demolition and/or construction process.

## **DURING WORKS**

**The following conditions are to be complied with during works.**

### **33. 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.

**34. Site is Securely Fenced**

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

**35. 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.

**36. 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*.

**37. Demolition**

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

**38. 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 PC 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.

**39. Service Station – Onsite Treatment of Forecourt Runoff - Installation**

- a. Installation of the service station forecourt and run-off treatment must be undertaken in accordance with the approved detailed design specification (enter details to identify document) and NSW EPA Practice Note: Managing run-off from service station forecourts and is to be overseen by a Duly Qualified Person, which is defined in the POEO (Underground Petroleum Storage System) Regulation 2019.

*Note: All ground surfaces within the service station forecourt must be made of impervious material (asphalt is not suitable). High risk contamination zones must be delineated with a physical divide and covered by a canopy with 10-degree overhang.*

- b. High contamination risk zone/s must be graded to an underground containment vessel (i.e. treatment system). The underground containment vessel must:
  - i. Be designed and constructed to ensure it is compatible with petroleum products and other likely water pollutants;
  - ii. Have a minimum capture volume of the capacity of the largest compartment of a delivery tank using the service stations; or 9000L, whichever the greatest; and
  - iii. Be fitted with a high level audible and visual alarm.
  
- b. Drainage inlets located within the service station forecourt area must be provided with signage indicating the fate of flow such as “flows to stormwater system via treatment”.

#### **40. Service Station – Management of Forecourt run-off via Containment Vessel**

- a. Installation of the service station forecourt and run-off treatment must be undertaken in accordance with the details approved under the CC and the NSW EPA Practice Note: Managing run-off from service station forecourts and is to be overseen by a Duly Qualified Person, which is defined in the UPSS Regulation 2019.

*Note: All ground surfaces within the service station forecourt must be made of impervious material (asphalt is not suitable). High risk contamination zones must be delineated with a physical divide and covered by a canopy with 10-degree overhang.*

- b. High contamination risk zone/s must be graded to an underground containment vessel (i.e. sump/tank). The underground containment vessel must:
  - i. Be designed and constructed to ensure it is compatible with petroleum products and other likely water pollutants;
  - ii. Have a minimum capture volume of the capacity of the largest compartment of a delivery tank using the service stations; or 9000L, whichever the greatest; and
  - iii. Be fitted with a high level audible and visual alarm.
  
- c. Drainage inlets located within the service station forecourt area must be provided with signage indicating the fate of flow such as “flows to containment sump”.

#### **41. Underground Petroleum Storage Systems (UPSS): New or Modified Service Stations - Installation**

- a. The UPSS and leak detection system must be installed in accordance with the detailed design specification approved under the CC.
  
- b. The groundwater monitoring wells must be:
  - i. Sealed to exclude surface water;
  - ii. Properly installed to target the hydrocarbon contamination of concern;
  - iii. Constructed to prevent cross-contamination with other groundwater monitoring wells;

- iv. Clearly marked to indicate their presence;
- v. Properly secured

#### **42. 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.

#### **43. Virgin Fill To Be Used**

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

#### **44. Stormwater – Impact on Adjoining Land – Natural Drainage**

Filling shall not be placed in such a manner that natural drainage from adjoining land will be obstructed.

#### **45. Stormwater – Impact on Adjoining Land – Surface Water**

Filling shall not be placed on land in such a manner that surface water will be diverted to adjoining land.

#### **46. Road – Obstruction of Footpath Restriction**

No obstruction is to be caused to Council's footpaths, roads and/or other public areas during construction of the development.

No spoil, building materials, excavated or demolition material from the site shall be stored or deposited on the public road, footpath, public place or Council owned property, without prior approval of Council.

#### **47. 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.

#### **48. Building Materials On Site**

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

### **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

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

#### **49. Parking – Provision**

Car parking areas must be completed in accordance with the approved plans with twenty five (25) car parking spaces provided prior to the issue of an OC.

#### **50. Parking – Loading Facility Requirement**

Loading/unloading facilities shall be constructed and linemarking associated with tanker filling must be completed prior to the issue of an OC.

#### **51. Disabled Access/Parking**

The proposed development shall be provided with vehicular access and parking for the disabled in accordance with AS 1428.1 and AS 2890.6. The access shall be provided prior to issue of an OC.

#### **52. Completion of Car Park**

Prior to the issue of an OC, the PC 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
- c) Sign(s) 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, in accordance with TfNSW requirements.
- d) Sign(s) have been erected that clearly indicate to the drivers of vehicles, on 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 PC prior to the issue of an OC.

### **53. 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 *PC* prior to the issue of an *OC*.

### **54. Works-As-Executed Plan**

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

- a) Sufficient levels and dimensions to verify the constructed storage volumes
- b) Location and surface levels of all pits
- c) Invert levels of the tanks, internal drainage line, orifice plates fitted, and levels within the outlet control pit
- d) Finished floor levels of all structures and driveways
- e) Verification that trash screens and/or GPTs have been installed
- f) Locations and levels of any overland flow paths
- g) The *WAE* plan information should be shown on a stamped copy of the approved civil works drawings
- h) Surface levels of pits and surrounding ground levels
- i) Levels of spillways and surrounding kerb

- j) Floor levels of buildings, including garages
- k) Top of kerb levels at the front of the lot
- l) Dimensions of stormwater basins and extent of inundation
- m) Calculation of actual detention storage volume provided

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

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

#### **55. 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.

#### **56. Service Station – Commissioning of Onsite Treatment of Forecourt Runoff**

- a. Prior to the issue of the *OC*, a Comprehensive Monitoring and Management Plan for the treatment device must be developed by a suitably qualified person and submitted to the *PC*. The Comprehensive Monitoring and Management Plan must:
  - i. Demonstrate ongoing compliance with Class 1 requirements of European British Standard BSEN 857-1:2002; and
  - ii. Provide a water quality monitoring program to monitor the effectiveness of the treatment device on the receiving environment. At a minimum, the water quality monitoring program must:
    - Identify suitable monitoring and sampling location(s), including stormwater discharge outlet points;
    - Require measurement of the total petroleum hydrocarbons (TPHs) at the sampling locations at six monthly intervals in accordance with the most current version of the publication 'Approved Methods for the Sampling and Analysis of Water Pollutants in New South Wales' and in accordance with the ANZECC Guidelines;
    - Require visual inspections of storm water discharge outlet points after rainfall events to identify the presence of hydrocarbons;
    - Identify responsible persons and contact details;
    - Require review and update at six monthly intervals, for the lifetime of the treatment device;
    - Provide for corrective actions if the system fails or becomes noncompliant with the manufacturers recommendations of the European British Standard BSEN 857-1:2002; and
    - Record the results from 6 monthly TPH measurement and visual monitoring. Findings must be kept on-site and made available to an Authorised Officer upon request.
- b. Prior to the issue of an *OC*, certification must be submitted to the *CA* demonstrating that all treatment devices shown in the approved Detailed Design Specification have been installed on-site in accordance with the manufacturers recommendations and is adequately sized for the type and volume of storm water treated.

- c. Prior to the issue of any *OC* a commissioning report must be completed and submitted to the *CA*, authorised by a Duly Qualified Person, which is defined in the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2019 that includes:
  - i. The date of completion of the installation of the Treatment Device; and
  - ii. Certification installation of the service station forecourt and run-off treatment was undertaken in accordance with the approved detailed design specification and NSW EPA Practice Note: Managing run-off from service station forecourts.

#### **57. Food Premises**

Prior to the issue of an *OC*, an inspection of the completed premises is to be conducted by the *PC* certifying that the food premises has been constructed in accordance with the approved plans.

#### **58. Acoustic Testing**

Prior to the issue of an *OC*, evidence must be provided to the *PC* that suitable acoustic testing has been conducted by a consultant who is a member of the Australian Acoustical Society, Engineers Australia, or the Association of Australian Acoustical Consultants, to verify that recommendations of the acoustic assessment will be achieved when the development is operational.

#### **59. Acoustic Report Recommendations Complied With**

A certificate must be submitted to and approved by Council's Environmental Health team prior to the issue of an *OC* or before the commencement of the use (whichever is earlier). The certificate must be prepared by an accredited Acoustic consultant, and must certify that the recommendations in the approved acoustic report have been complied with and the desired acoustic performance achieved.

An *OC* must not be issued until the *PC* has verification that the certification above is to the satisfaction of Council's Environmental Health team and that the construction of the development has been completed in accordance with the requirements of condition 9.

#### **60. Service Station – Commissioning of Forecourt run-off Containment Vessel**

Prior to the issue of any *OC* a commissioning report must be completed and submitted to the *PC*, authorised by a Duly Qualified Person, which is defined in the UPSS Regulation 2019, and includes:

- a. The date of completion of the installation of the Containment Vessel; and
- b. Certification installation of the service station forecourt and run-off treatment was undertaken in accordance with the approved Detailed Design Specification [enter details to identify document] and NSW EPA Practice Note: Managing run-off from service station forecourts.

#### **61. Underground Petroleum Storage Systems (UPSS): New or Modified Service Stations - Commissioning report**

- a. Prior to the issue of any *OC*, a commissioning report must be submitted to the *PC*, and must certify that the UPSS was:
  - i. Installed in accordance with the detailed design specification (enter details to identify document),
  - ii. Tested (including Equipment Integrity Testing (EIT)) and commissioned by duly qualified persons in accordance with the UPSS regulation 2019;
  - iii. For a modified UPSS, the person responsible must also include current “as built” drawings, dates of commencement and completion of the modification; and
  - iv. If a UPSS is removed, replaced or decommissioned, a Validation Report must be provided to Council within 60 days of the removal or the completion of remediation.

A validation report must be kept a minimum seven years from the date of creation or after the decommissioning of a UPSS.

- b. Prior to the issue of any *OC*, a report must be submitted to the *PC* and Council relating to the design, installation and testing of the groundwater monitoring wells. The report must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant, certified by one of the schemes identified in Section 7.1 of Cessnock City Council Contaminated Land Policy – Land Use Planning, 26/03/2020.

The front cover of the report must include the details of the consultant’s certification.

- c. Prior to the issue of any *OC*, a Fuel System Operation Plan (FSOP) in accordance with Regulation 18 of the UPSS Regulation 2019 must be submitted to and approved by the *PC*. The FSOP must, as a minimum, address the following matters:
  - i. Specific information about the storage system, including identifying the 'person responsible' for the system;
  - ii. Loss monitoring and detection procedures;
  - iii. Incident management procedures;
  - iv. Details about system maintenance;
  - v. Current 'as built' drawings for the system;
  - vi. A plan of the storage site. The plan must also include information on storage system, all buildings and associated infrastructure, all fences and gates, all groundwater monitoring wells, any unsealed ground surfaces and all drainage and services;
  - vii. A copy of industry standards that have been followed in constructing and maintaining the UPSS;
  - viii. A copy of the specifications of the design and installation of the system and any modification; and
  - ix. An inventory of employee site induction and incident management training that has been undertaken on site.

The service station forecourt and run-off treatment was undertaken in accordance with the approved detailed design specification and NSW EPA Practice Note: Managing run-off from service station forecourts.

## **62. All Services Provided**

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

**63. Works Confined to Site**

Prior to the issue of an *OC*, the *PC* must be satisfied that a survey certificate prepared by a registered surveyor must provide certification that the location of the building in relation to the boundaries of the allotment is consistent with the building location approved with the *DA*.

**64. Finish of Excavated &/or Filled Areas Around Site**

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.

**65. 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 *PC* prior to the issue of an *OC*.

**66. Waste Management Plan**

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

**67. Waste Disposal**

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

**68. Trade Waste Disposal**

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

**69. Disposal of Hazardous Waste**

Prior to the issue of an *OC*, details concerning how hazardous and/or industrial waste arising from the demolition/operational activities is to be removed and/or transported in accordance with the requirements of the Office of Environment and Heritage and SafeWork New South Wales is to be submitted to the *PC*.

**ONGOING USE**

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

**70. Noise Complaints**

Where a noise complaint is received by Council from a place of different occupancy and the noise source is proven by a Council Officer to be non-compliant, the Council may employ a consultant to measure noise emanating from the property, and to recommend (if necessary) appropriate actions to ensure compliance.

**71. Fuel Delivery**

Site fuel deliveries are restricted and must not occur outside the hours of 7.00am and 10.00pm.

**72. Service Station – Operation of Onsite Treatment of Forecourt Runoff**

- a. The Comprehensive Monitoring and Management Plan, must be implemented on an ongoing basis for the lifetime of the treatment system and updated regularly to maintain currency.
- b. Spills occurring in the forecourt area must be spot cleaned using a suitable absorbent material only. The forecourt is not to be hosed or washed to the forecourt or storm water drainage systems.

**73. Service Station – Operation of Forecourt run-off Containment Vessel**

- a. Wastewater generated in high contamination risk zone/s must be managed in accordance with Practice Note: Managing run-off from service stations forecourts (NSW Environment Protection Authority, 2019) and collected and appropriately stored for removal in an underground containment vessel as per the approved Detailed Design Specification [enter details to identify document].
- b. Wastewater from high contamination risk zone/s stored in an underground containment vessel is classified as liquid waste and must only be removed off site by a NSW Environment Protection Authority licenced contractor and disposed of at an appropriate facility.
- c. Records of removal and disposal by licenced contractor and disposal at an appropriate facility must be held either electronically or in hardcopy form that is accessible on-site, either as a dedicated document or as part of other site management procedures and must be made available to the Council or other Appropriate Regulatory Authorities when requested.
- d. Spills occurring in the forecourt area must be spot cleaned using a suitable absorbent material only. The forecourt is not to be hosed or washed to the forecourt or storm water drainage systems.

**74. Underground Petroleum Storage System (UPSS): Remediation, Decommissioning & Validation**

The UPSS Validation Report must be kept for seven years from the date of creation or decommissioning.

**75. Underground Petroleum Storage System (UPSS): New or Modified Service Stations – Ongoing Use**

- a. The Fuel System Operation Plan (FSOP) must be held either electronically or in hardcopy form, either as a dedicated document or as part of other site management procedures, and must be available to the Council or other Appropriate Regulatory Authorities when requested.
- b. Should repairs be required to the UPSS system during the operational phase, the system must not be recommissioned unless it satisfies the requirements outlined in the UPSS Regulation 2019.
- c. All reports provided to Council must exempt Council from any claim for copyright that may restrict Council's ability to provide information to the public in accordance with the Government Information (Public Access) Act 2009.

#### **76. Removal of Graffiti**

The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.

#### **77. 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.

Tanker filling to be wholly on site and within an area linemarked for tankers while filling/unloading.

#### **78. 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 sign/s 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 associated with the occupancy, either on the street or on private property, without the consent of Council.

#### **79. 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.

### **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 fences 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. 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.

#### **F. 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.

#### **G. Aboriginal Heritage**

As required by the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *Heritage Act 1977* to obtain the necessary approvals/permits from the Heritage Division of the OEH.

**Note:** The *National Parks and Wildlife Act 1974* and the *Heritage Act 1977* impose substantial penalty infringements and/or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

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

***CARRIED UNANIMOUSLY***

**PLANNING AND ENVIRONMENT NO. PE40/2022**

**SUBJECT: APPOINTMENT OF EXTERNAL ALTERNATE MEMBERS TO THE HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Sander  
195  
**RESOLVED**

1. That the General Manager make arrangements for an Expressions of Interest process to occur calling for suitable external members to act as Council's alternate Hunter and Central Coast Regional Planning Panel (RPP) representatives to participate in any briefings and meetings scheduled for the RPP in respect of any Development Application, S4.55 Application, and Planning Proposal, in circumstances where Council's permanent and alternate Councillor member/s has declared a conflict of interest, for a period of three (3) years.
2. That a further report on the Expressions of Interest outcomes, be provided to Council for consideration and/or endorsement of external alternate members to the Hunter and Central Coast Regional Planning Panel.

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

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE42/2022**

**SUBJECT: DRAFT AMENDMENT TO CESSNOCK CITY WIDE  
INFRASTRUCTURE CONTRIBUTIONS PLAN - REPORT ON  
EXHIBITION**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Sander  
196  
**RESOLVED**

- 1. The Council adopt the Cessnock City Wide Infrastructure Contributions Plan 2020.**
- 2. That the General Manager notifies those persons who made submissions of Council's decision.**

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

**CARRIED UNANIMOUSLY**

## CORPORATE AND COMMUNITY

### CORPORATE AND COMMUNITY NO. CC56/2022

**SUBJECT:** EASEMENT REQUEST - BEING THE NORTHERN PORTION OF GEORGE WINTER PARK (LOT 170 DP 1137848) AND BENEFITING 96A DEAKIN STREET, KURRI KURRI (LOT 3 DP 703289) FOR DRAINAGE PURPOSES

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Sander  
197  
**RESOLVED**

That Council consent to the granting of an easement burdening Council land, being the northern portion of George Winter Park (lot 170 DP 1137848) and benefiting 96A Deakin Street, Kurri Kurri (lot 3 DP 703289) for drainage purposes subject to the following:

- a) That Council gives landowners consent to the lodgement of the development application which proposes an easement over Council land for underground storm water pipes and delegates to the General Manager the power to determine the appropriate location and specific requirements of the easement to protect Council's land.
- b) That Council delegates to the General Manager the power to negotiate amounts payable for granting an easement over Lot 170 DP 1137848 in accordance with an independent valuation.
- c) That Council advises the applicant that all costs associated with granting the easement, including Council's reasonable legal and valuation costs, be borne by the benefiting property owner.
- d) That Council authorise the General Manager to execute the documents relating to the granting of the easement and compensation amount payable.

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

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC57/2022**

**SUBJECT: LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2022 -  
REQUEST FOR ATTENDANCE AND MOTIONS**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Sander  
198  
**RESOLVED**

1. That Councillors wishing to attend the Local Government NSW Annual Conference 2022 make an application to attend the conference to the General Manager by 4 August 2022 so that Council can determine attendees at the meeting of 17 August 2022.
2. That Councillors consider possible motions for the conference and that they be provided to the General Manager by 4 August 2022 for consideration/endorsement by Council at the meeting of 17 August 2022.

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

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC58/2022**

**SUBJECT: ACCOUNTING TREATMENT - RURAL FIRE SERVICE FLEET**

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**MOTION**            **Moved:**    Councillor Dunn            **Seconded:**    Councillor Sander  
199  
**RESOLVED**

1.     That Council write to the State Member for Cessnock Clayton Barr MP, the Treasurer the Hon. Matt Kean MP, Minister for Emergency Services and Resilience the Hon. Stephanie Cook MP and the Minister for Local Government The Hon. Wendy Tuckerman MP:
  - Expressing Council's objection to the NSW Government's determination on ownership of Rural Fire Service (RFS) assets;
  - Advising of the impact of the Government's position on Council finances of this accounting treatment;
  - Informing that Council will not carry RFS asset stocktakes on behalf of the NSW Government and will not record RFS assets in Council's financial statements;
  - Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of RFS assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS; and
  - Amending s119 of the *Rural Fires Act 1997* so that the effect is to make it clear that RFS assets are not the property of councils.
  
2.     That Council write to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:
  - Advising Members of Council's position, including providing copies of correspondence to NSW Government Ministers; and
  - Seeking Members' commitment to support NSW Councils' call to amend the *Rural Fires Act 1997* as set in correspondence.
  
3.     That Council write to the Auditor General advising that notwithstanding any overtures of future qualified audits, Council will not carry out RFS stocktakes on behalf of the NSW Government and will not record RFS assets in Council's financial statements, noting that the State Government's own Local Government Accounting Code of Practice and Financial Reporting provides for councils to determine whether or not they record RFS assets as council assets.
  
4.     That Council promotes these messages via its digital and social media channels and via its network.

5. That Council reaffirms its complete support of and commitment to local RFS brigades noting that Council's action is entirely directed towards the NSW Government's nonsensical position that rather than being owned and controlled by local brigades, RFS assets are somehow controlled by councils, which Council consider to be a cynical financial sleight of hand abdicating the NSW Government's responsibilities at the cost of local communities.
6. That Council affirms its support to Local Government NSW (LGNSW) and requests that LGNSW continue advocating on Council's behalf to get clarification finally from the State Government about the accounting treatment of RFS assets.

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

**CARRIED UNANIMOUSLY**



**CORPORATE AND COMMUNITY NO. CC59/2022**

**SUBJECT: INVESTMENT REPORT - JUNE 2022**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Sander  
200  
**RESOLVED**

**That Council receives the Investment Report for June 2022 and notes that:**

- **Investments are held in accordance with Council's Investment Policy, which is in accordance with the Ministerial Investment Order.**
- **Council's month end cash and investments balance was \$73,749,001.**

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

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC60/2022**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Sander  
201  
**RESOLVED**

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

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

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC61/2022**

**SUBJECT: WASTE LEVY EXEMPTION - AREAS AFFECTED BY FLOODING**

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**MOTION**

**Moved:** Councillor Hill

**Seconded:** Councillor Sander

202

**RESOLVED**

That Council notes that on 8 July 2022 the Mayor exercised powers pursuant to Section 226(d) of the *Local Government Act 1993* to provide a waiver of Council fees to the Cessnock Waste Management Centre for the disposal of flood affected waste.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI45/2022**

**SUBJECT: NSW SEVERE WEATHER AND FLOOD GRANT**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Sander  
203  
**RESOLVED**

**That Council endorse the proposed Program of Works to be funded via the \$1M Council Support Payments - NSW Severe Weather and Flood Grant – Category D, offered by the Office of Local Government.**

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

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI46/2022**

**SUBJECT: LOCAL ROADS AND COMMUNITY INFRASTRUCTURE - GRANT FUNDING APPROVAL**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Sander  
204  
**RESOLVED**

**That Council endorses the project allocations and changes to the Local Roads and Community Infrastructure Programs (LRCIP) as follows:**

- 1. Reallocate \$2,287,082 from LRCIP Phase 2 Projects (Charlton St – Library Shared Space (\$769,910) Millfield – Rose Hill Est to Wollombi Road (\$240,000), Nelson Street Greta (\$500,000), O’Connor’s Road and Wine Country Drive Nulkaba (\$263,172), Stanford Street, Pelaw Main – Log of Knowledge Park (\$514,000)) to the 2021/2022 Local Roads Reseal Program**
- 2. Reallocate \$1,290,798 from LRCIP Phase 3 Projects from 2021/2022 Local Roads Reseal Program to a 2022/2023 Local Roads Pavement Strengthening Project**
- 3. Reallocate \$1,065,157 (general funds) from the 2021/2022 Local Roads Reseal Program and \$1,290,798 from the 2022/2023 Local Roads Reseal Program to Charlton St – Library Shared Space (\$769,910) Millfield – Rose Hill Est to Wollombi Road (\$240,000) Nelson Street Greta (\$500,000) O’Connor’s Road and Wine Country Drive Nulkaba (\$263,172) Stanford Street, Pelaw Main – Log of Knowledge Park \$(514,000)**

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

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI47/2022**

**SUBJECT: RE-ESTABLISHMENT OF SPECIAL EVENT ALCOHOL FREE ZONE FOR THE AUSTRALIAN POSTIE BIKE GRAND PRIX**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Sander  
205  
**RESOLVED**

That Council establish a Special Event Alcohol Free Zone, for the Australian Postie Bike Grand Prix, under the provisions of the *Local Government Act 1993*, applying on the day of the annual event only; being effective on 6 November 2022 and on the Sunday of the race in October or November in each of the three ensuing years, and applying to the following Cessnock streets:

- Hall Street, from Charlton Street to Darwin Street;
- South Avenue, from North Avenue to Snape Street;
- Darwin Street from South Avenue to North Avenue;
- North Avenue from South Avenue to Keene Street.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI48/2022**

**SUBJECT: IMPLEMENTATION OF LGA SIGNAGE STRATEGY - ILLUMINATED SIGNAGE**

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

206

**RESOLVED**

1. That Council notes that the potential financial benefit of selling illuminated sign advertising does not exceed the opportunity cost of diverting staff resources and is not in accordance with Council adopted signage strategies;
2. That Council cease the hold-over use of the expired agreement for display of Claude Neon (Aust) Pty Ltd illuminated signage on 30 September 2022;
3. That Council serve notice to Claude Neon (Aust) Pty Ltd to revoke consent under Section 140 of the *Roads Act 1993* on 30 September 2022;
4. That Council requests a removal plan be provided for the removal from the public road reserve of illuminated signage owned by Claude Neon (Aust) Pty Ltd, by 30 September 2022; and
5. That Council in accordance with Section 124 of the *Local Government Act 1993*, directs removal from the public road reserve the illuminated signage owned by Claude Neon (Aust) Pty Ltd, by 30 June 2023.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI49/2022**

**SUBJECT: BUS SHELTER ADVERTISING**

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**MOTION**      **Moved:** Councillor Grine      **Seconded:** Councillor Hill  
207  
**RESOLVED**

**That Council notes that the display of advertising in transport corridors is generally restricted and is permissible only with development consent in strictly confined cases, as provided in *State Environmental Planning Policy (Industry and Employment) 2021*, and *Environmental Planning and Assessment Act 1979*.**

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

**CARRIED UNANIMOUSLY**



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

### **BUSINESS WITH NOTICE NO. BN21/2022**

**SUBJECT: ADDRESSING HOMELESSNESS AND BASIC SERVICES FOR THE NEEDY IN CESSNOCK LGA**

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**MOTION**      **Moved:** Councillor Paynter      **Seconded:** Councillor Watton  
208

#### **RESOLVED**

1. That Council writes to the Minister for Families and Communities, Disability Services the Hon Natasha Maclaren-Jones MLC and the State Member for Cessnock, Mr Clayton Barr MP advocating for the State Government to invest in provision of laundry and showering facilities for the homeless within the Cessnock Local Government Area initially on a trial basis, in an appropriate location.
2. That the General Manager report back to Council any options for usage of Council facilities to meet this need.

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

**CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN22/2022**

**SUBJECT: DEVELOPER CONTRIBUTIONS**

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**MOTION**      **Moved:** Councillor Olsen      **Seconded:** Councillor Jurd  
209  
**RESOLVED**

That the General Manager supply an itemised report to Council of all contributions, \$29 million, currently held in Council's accounts listing what areas these funds are identified for improvements. The report is to contain:-

- 1) Total funds for each project
- 2) Years money has been in Council's accounts
- 3) Total funds spent per year on what projects
- 4) Any plans for future expenditure
- 5) This report to come back to the next Council meeting
- 6) That a report to come back every year in February for reference before setting the budget.

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

**CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN23/2022**

**SUBJECT: HERITAGE TOURISM**

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*Councillor Burke declared a Non Pecuniary Less than Significant Conflict for the reason that a business that he owns has a contract with Cessnock Chamber of Commerce. Councillor Burke remained in the Chamber and participated in discussion and voting.*

**MOTION**      **Moved:** Councillor Olsen      **Seconded:** Councillor Watton

**That the General Manager organise a meeting with the Cessnock Chamber of Commerce to work on improving Vincent Streets appeal with the possibility of improving the current buildings to Heritage Style to encourage more businesses to open and visitors to utilise the area.**

**AMENDMENT**      **Moved:** Councillor Sander      **Seconded:** Councillor Hawkins

1. **That the General Manager bring back a report to Council on the following matters:**
  - a) **Current heritage funding available for façade improvement.**
  - b) **What has the take up been by businesses for such funding.**
  - c) **How do Council currently promote this funding to the business community.**
  - d) **What policies and procedures are currently in place relating to the heritage of business facades.**
  - e) **What other funding may be available to encourage façade improvement.**
  
2. **That a briefing be organised for the below:**
  - a) **An update on Council's laneway improvement program.**
  - b) **An update relating to business growth in the Cessnock Business Community. What programs have been delivered and plan to be delivered to support business and employment growth in Cessnock.**
  - c) **An update on projects, programs and events currently being undertaken to improve business and employment growth in our City.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Moores
Councillor Dunn	Councillor Olsen
Councillor Burke	Councillor Jurd
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
<b>Total (10)</b>	<b>Total (3)</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 Hawkins  
210  
**RESOLVED**

3.        **That the General Manager bring back a report to Council on the following matters:**

- f)        **Current heritage funding available for façade improvement.**
- g)        **What has the take up been by businesses for such funding.**
- h)        **How do Council currently promote this funding to the business community.**
- i)        **What policies and procedures are currently in place relating to the heritage of business facades.**
- j)        **What other funding may be available to encourage façade improvement.**

4.        **That a briefing be organised for the below:**

- d)        **An update on Council’s laneway improvement program.**
- e)        **An update relating to business growth in the Cessnock Business Community. What programs have been delivered and plan to be delivered to support business and employment growth in Cessnock.**
- f)        **An update on projects, programs and events currently being undertaken to improve business and employment growth in our City.**

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

**CARRIED UNANIMOUSLY**

## **COUNCILLOR'S REPORTS**

NIL

### **CORRESPONDENCE**

#### **CORRESPONDENCE NO. CO9/2022**

**SUBJECT: DONATION TO FLOOD AFFECTED COMMUNITIES - WILLOUGHBY COUNCIL**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Sander  
211  
**RESOLVED**

**That Council notes the correspondence received from the Mayor Tanya Taylor, Willoughby City Council.**

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

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE NO. CO10/2022**

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

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Sander  
212  
**RESOLVED**

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

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

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE NO. CO11/2022**

**SUBJECT: MM05/2022 - SUPPORT FOR HART ROAD, NORTH RAMPS - HUNTER EXPRESSWAY**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Sander  
213  
**RESOLVED**

**That Council notes the correspondence received from the Deputy Secretary, Planning Policy Brett Whitworth for the Minister for Planning, the Hon Anthony Roberts MP, as delegated by the Premier Hon Dominic Perrottet MP, supporting fast tracking of the Hart Road Northern Ramps infrastructure additions to the Hunter Expressway.**

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

**CARRIED UNANIMOUSLY**

7.59PM

**Confidential reports (closed session)**

**MOTION**            **Moved:**    Councillor Burke            **Seconded:**    Councillor Sander  
214

**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Paynter
Councillor Moores	Councillor Watton
Councillor Dunn	Councillor Olsen
Councillor Burke	Councillor Jurd
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Suvaal	
<b>Total (9)</b>	<b>Total (4)</b>

**CARRIED**

*During discussion and debate on GMU16/2022 Consideration of Final Investigation Report – Code of Conduct Complaint all staff left the Chambers:*

*Councillor Olsen left the Chamber at 8.07pm and was not involved in debate or voting on GMU16/2022 - Consideration of Final Investigation Report – Code of Conduct Complaint.*

8.54PM

**Open Session**

That the meeting moved back into open session and the Mayor reported on the outcome.



**GENERAL MANAGER'S UNIT NO. GMU16/2022**

**SUBJECT: CONSIDERATION OF FINAL INVESTIGATION REPORT - CODE OF CONDUCT COMPLAINT**

*This matter is considered to be confidential under Section 10A(2) (a) (i) of the Local Government Act, as it deals with personnel matters concerning particular individuals; AND the report contains alleged contraventions of any code of conduct requirements applicable under section 440.*

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*Councillor Jurd declared a Non Pecuniary Less than Significant Conflict for the reason that she is related to Councillor Olsen. Councillor Jurd remained in the Chamber and participated in discussion and voting.*

**MOTION**            **Moved:**    Councillor Hill            **Seconded:**    Councillor Dunn  
215  
**RESOLVED**

1.    That the investigation report into the Code of Conduct matter concerning Councillor Olsen provided by separate confidential enclosure be received and noted.
2.    That the oral submission from Councillor Olsen addressing the investigators recommendation be received and noted.
3.    That Council adopt the recommendation made by the investigator in the investigation report.
4.    That Councillor Olsen be formally censured in accordance with clause 440G of the Local Government Act for breaching clauses 3.1(a), (b) and (c);' clauses 7.2(a) and (b); clauses 7.6(f), (h) and (i); and clauses 8.21(b), (c) and (d) of the Cessnock City Council Code of Conduct and that the matter be referred to the Office of Local Government for further action under the misconduct provisions of the Local Government Act.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Watton
Councillor Moores	Councillor Jurd
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Suvaal	
<b>Total (10)</b>	<b>Total (2)</b>

**CARRIED**

*The Meeting Was Declared Closed at 8.56pm*

**CONFIRMED AND SIGNED** *at the meeting held on 17 August 2022*

.....**CHAIRPERSON**

.....**GENERAL MANAGER**