



Vincent Street
CESSNOCK 2325

25 August 2008

To All Councillors

You are hereby notified that the next Meeting of the City Planning Committee will be held in the Council Chambers, on Wednesday, 3 September 2008 immediately following the conclusion of the Corporate and Community Committee Meeting, for the purpose of transacting the undermentioned business.

**B R MORTOMORE
GENERAL MANAGER**

AGENDA:

PAGE NO.

(1) APOLOGIES.

(2) CONFIRMATION OF MINUTES.

Minutes of the City Planning Committee Meeting held on
20 August 2008

(3) OFFICERS' REPORTS

DIRECTOR CITY PLANNING

73/2008

DA 8/2008/320/1 – 50 Maitland Road,
Branxton

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(4) QUESTIONS WITHOUT NOTICE.

OFFICER'S REPORTS

DIRECTOR CITY PLANNING REPORT NO. 73/2008

DEVELOPMENT APPLICATION NO: 8/2008/320/1
APPLICANT: MR A J MOYLE
OWNER: HELEN MOYLE
PROPERTY: LOT 24 DP 628173, 50 MAITLAND ROAD,
BRANXTON
AREA: 1600M2
ZONING: 3(A) GENERAL BUSINESS
PROPOSAL: ALTERATIONS AND ADDITIONS TO THE
EXISTING HOTEL (ROYAL FEDERAL HOTEL)

Senior Planning Assessment Officer, Ms. T Le Brun, reports:-

SUMMARY:

The applicant seeks approval for alterations and additions to the existing Royal Federal Hotel at Branxton. The alterations/additions comprise an increase in the floor area of the dining room, a minor increase to the licenced floor area and the formal construction of the car park.

The application is reported to Council due to a variation to Council's car parking requirements under the Cessnock Development Control Plan (DCP) 2006. The applicant has submitted sound justification for the parking shortfall through the lodgement of parking and traffic surveys and it is recommended that the application be approved subject to appropriate conditions.

PROPOSAL:

The proposal is to refurbish the existing hotel which will include the following works:

- Refurbish the existing dining room (located on the first floor of the building) including an increase in floor area and subsequent seats from 58 to 188.
- Refurbish and remodel the ground floor bar and lounge area resulting in a minor extension of 25m² to the licenced floor area. The remaining work on this floor relate to the provision of amenities, smokers courts, a disabled lift and a keg room.
- Demolition of a double garage, carport and children's play area to accommodate a formally constructed car park on site for 26 vehicles.

There is to be no increase in the number of staff which will remain at a maximum of ten (10).

BACKGROUND:

The use of the land as a Hotel dates back to 1925 which primarily involved use of the ground floor as a licenced premises with hotel accommodation and a managers residence on the first floor. The premises has undergone a series of small scale additions and internal changes over the years with the last approval issued in 2007 for minor internal alterations to the building including formalisation of the first floor dining area (to accommodate 58 seats) and a small outbuilding to house a generator.

SITE DESCRIPTION:

The land is located on the corner of Maitland Road and Cessnock Road at Branxton, adjoining a council car park, an IGA Supermarket and associated shops. The land has frontage to Maitland Street (New England Highway). The rear yard of the hotel is currently partly occupied by a covered courtyard, covered playground area, double garage and carport.

PUBLIC EXHIBITION:

The application was notified for public comment with one (1) submission being received raising objection to the following matters:

- That the proposed garbage bin area be relocated to the south-eastern corner of property as odour impacts were experienced last summer on an adjoining property.
- That provision be made for the appropriate disposal of cigarette butts from the proposed smokers court (on the western boundary) to avoid littering on the adjoining property and the footpath of Maitland Street.

To address the above issues, the following actions have been taken:

- While the garbage bin areas are not proposed to be relocated, a condition of consent will be required to ensure these bin areas are suitably constructed including a hard impervious surface, graded and drained to a waste system in accordance with HWC requirements including a hose tap connection to the water supply.
- A condition of consent has been imposed requiring waste receptacles for the disposal of cigarette butts and general waste in both smokers courts. The applicant is also proposing the addition of a 1.8m high timber slatted screen on the western and northern elevation of the smokers court to further reduce impacts.

PLANNING ASSESSMENT:

STATUTORY SITUATION (S79C.a):

The subject land is currently zoned 3(a) General Business Zone under the Cessnock Local Environmental Plan (LEP) 1989 and the proposed alterations/additions to the existing hotel is permissible with the consent of Council.

The hotel is listed as a a Schedule 4 Item requiring further investigation under the Hunter Regional Environmental Plan (HREP) 1989 (Heritage).

RELEVANT D.C.P.'S (S79C.a):

DCP 2006 - Chapter C.1 - Parking and Access

In accordance with the provisions of Council's DCP 2006, the proposed alterations and additions will generate the need for a total of **68** parking spaces on site. This has been calculated as follows:

Existing Hotel

- The existing hotel is currently required to provide **19** parking spaces on-site in accordance with the most recent approval for refurbishment works and authorisation of an existing 58 seat dining room/restaurant. This consent (8/2006/705/1) was issued on 10/4/07 and has not yet been activated due to a decision by the owner to undertake more significant refurbishment works proposed under the current DA before Council. As such, the 19 carparking spaces have not yet been constructed on-site (there is currently an informal parking arrangement on site for 14 vehicles).

Proposed Alterations/Additions

- Dining Room/Restaurant Extensions – the proposal to increase the size of the existing dining room from 58 seats to 188 seats will result in the need for an additional 43 parking spaces (calculated at a rate of 1 parking space per 3 seats).
- Increase in Licensed Floor area – the proposal will also result in an increase in the licensed floor area (on the ground floor) by 25 square metres which will result in the need for an additional 6 parking spaces (calculated at a rate of 1 parking space per 4 square metres).

The applicant is proposing to construct a total of **26** parking spaces within the site which represents a variation to Council DCP requirements of approximately **61%**.

Parking Variation Justification

As there is no Section 94 Contributions Plan for the Branxton area pertaining to parking, the applicant has provided justification for the parking variation through the lodgement of a traffic/parking survey. This survey indicates that the hotel is not a significant traffic generating development, while noting the availability of public parking in the adjoining Council car-park. The traffic/parking survey undertaken by the applicant reveals that the adjacent public car park is significantly underutilised given its location on the periphery of the Branxton commercial area and poor pedestrian access by virtue of the proximity of the New England Highway. In fact, the main users of this public car park are currently hotel patrons.

Further, the applicant has argued that the predominant use of the hotel's dining/restaurant area will be during evening hours and will therefore not conflict with the operating hours of other businesses within the adjacent commercial precinct.

The provision of a fully constructed car-park on the site is a significant improvement to the current arrangement (which currently has an informal parking area for a maximum of 14 vehicles). Council's Development Engineers, Traffic Committee and the NSW RTA have all supported the proposal and it is considered that the overall improvements to the hotel will benefit the community as a whole and provide much needed variety to the socialising opportunities of local residents (and visitors). On this basis, it is considered that merit exists for Council to support the parking variation, whilst still being satisfied that the development will provide safe and adequate parking for future users of the hotel.

RELEVANT ISSUES (S79c(b)(c)&(e)):

All *heads of consideration* detailed under Section 79C of the Environmental Planning and Assessment Act, 1979, as amended, have been taken into consideration in the assessment of this application with the following matters of particular relevance:

Heritage

The hotel is listed in Schedule 4 of the Hunter Regional Environmental Plan 1989 (Heritage) as a matter requiring further investigation. As such, the application was referred to Council's Heritage Officer for comment who raised no objections to the refurbishment works subject to suitable conditions of consent, including photographic archives and the use of heritage colours.

Traffic and Parking

The development has been assessed by the Local Development Committee (Traffic) who have raised no objections to the proposal, subject to appropriate conditions.

The NSW Roads & Traffic Authority have raised no objections (or requirements) to the development and as such, it is considered that all issues pertaining to traffic and parking have been satisfactorily addressed.

Flooding/Drainage

The land is flood affected and covered by the Branxton Flood Policy. The applicant has requested a concession as the only internal building additions below the flood level is a storage room which replaces an existing cellar 4.7m below the flood level. Council's Development Engineers have raised no objections to this given the nature of the rooms occupying this flood affected area.

CONCLUSION:

To conclude, while the variation to Council's parking requirements is considered significant, the applicant has demonstrated through the lodgement of a traffic/parking survey that through the upgrade of the hotel's existing on-site carpark and the availability of the adjacent public carpark (which is currently underutilised) adequate parking will be available for hotel patrons, thereby satisfying the overall intent of Council's DCP.

It is further considered that the community as a whole will benefit from the improvements to the hotel through the provision of improved amenities and much needed variety to social opportunities in the Branxton area.

RECOMMENDATION that Development Application No. 8/2008/320/1 for Alterations and Additions to the Existing Hotel on Lot 24, DP 628173, 50 Maitland Road, Branxton be approved subject to the following conditions of consent:

TERMS OF CONSENT

General

1. The erection of a building in accordance with a development consent shall not be commenced until:-
 - (a) detailed plans and specifications of the building have been endorsed with a construction certificate by:-
 - (i) the consent authority; or
 - (ii) an accredited certifier, and
 - (b) the person having the benefit of the development consent:-
 - (i) has appointed a principal certifying authority, and
 - (ii) has notified Council of the appointment, and
 - (c) the person having the benefit of the development consent has given at least 2 days notice to the Council of the persons intention to commence erection of the building.

Reason

To ensure the applicant complies with the provision of the Environmental Planning and Assessment Act 1979 (as amended).

2. The proposed development shall be carried out strictly in accordance with the details set out on the application form, and the Plans numbers as follows:

* Plans Prepared by EJE Architecture Sheets A00-A14 inclusive, 15 Sheets, Dated 17 April 2008 Project no. 7618, Revision A.

Including the Statement of Environmental Effects Prepared by EJE Architecture dated March 2008 Ref. 7618-SEE-001, the Statement of Heritage Impact Prepared by EJE Heritage dated 08/04/2008 ISSUE 001 Ref.: 7618-SOHI- 001 and the Waste Management Plan Prepared by EJE Architecture dated April 2008, Issue A, Ref: 7617- Waste Management.doc and any other information submitted in support of the application, except as modified by the conditions of this consent.

Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 96 of the Environmental Planning and Assessment Act 1979 for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development Application will have to be submitted to Council.

Reason

To confirm and clarify the terms of Council's approval

3. All building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

Reason

This is a prescribed condition under Section 80A(11) of the Environmental Planning and Assessment Act, 1979.

4. The existing building is to be partially upgraded in relation to the following provisions:-
 - (a) The managers residence is to be upgraded as required to ensure compliance with BCA Parts C2.9, 2.12, 2.13, 3.2 & 3.11.
 - (b) The lift installation is to comply with BCA Part E3.
 - (c) Natural Lighting and Ventilation is to be provided to the proposed study.
 - (d) Ceiling Insulation be added such that the minimum Total R value for the roof is R2.7.
 - (e) The Chimney's and flue must comply with J3.2.
 - (f) Windows and Doors seals must comply with J3.4
 - (g) Exhaust fans must comply with J3.5.
 - (h) Air Conditioning must comply with J5.
 - (i) Artificial Lighting and power must comply with J6.
 - (j) Hot Water must comply with J7.
 - (k) Access for maintenance must comply with J8.

Reason

To protect persons in the building and ensure a minimum acceptable partial upgrade of the existing building in accordance with the objectives of the Building Code of Australia (BCA) requirements.

5. Prior to the commencement of any building or demolition works the applicant shall engage a competent person to undertake the following in accordance with the Australian Standard AS2601-2001 “Demolition of Structures”:-
- (a) An audit of the building and associated demolition works to determine if there is any hazardous material present, which may include but not be limited to asbestos.
 - (b) Where such materials are identified the Occupational Hygienist, shall, in consultation with the owner of the property, interested parties and relevant government authorities, develop a work Plan for the demolition and disposal of the hazardous material.
 - (c) the demolition and disposal Work Plan shall -
 - (i) be in accordance with and certified by the competent person to be in accordance with Australian standard AS 2601 – 2001 “Demolition of Structures”.
 - (ii) be developed in accordance with WorkCover authority requirements for the said demolition and/or associated work.
 - (iii) be in accordance with the waste management authority requirements for the disposal of the hazardous material.

The Work Plan must be submitted to Council prior to the commencement of any works.

Reason

To ensure appropriate public health, occupational health and environmental safety standards are in place relevant to the potential hazards.

Fire Safety

6. Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000 the following Essential Fire Safety Measures shall be installed / certified - relative to the whole of the building in accordance with the Building Code of Australia (BCA) requirements: -
- (a) Automatic Fire Detection and Alarms System in accordance with BCA Part E2.2, Specification E2.2a & AS1670.1-2004.
 - (b) Mechanical Ventilation and Air Conditioning System in accordance with BCA Part F4.5 and AS1668.2-1991.
 - (c) Smoke Exhaust System in accordance with BCA (NSW) E2.2b. Specification E2.2b and AS1668.1-1998.
 - (d) Fire Hydrant System in accordance with BCA Part E1.3 and AS2419.1-2005.
 - (e) Emergency Lighting and Exit Signs – AS 2293.1-2005 and BCA Part 4.
 - (f) Entry Doorway to Dwelling – BCA part C3.11.
 - (g) Fire Hose Reels – AS2441-2005 and BCA Part E1.4.
 - (h) Portable Fire Extinguishers – AS 2444 -2001 and BCA E1.6.
 - (i) Warning and Operational signs – BCA E3.

Reason

To ensure the essential fire safety measures contained within the building are adequate, to protect persons using the building, to facilitate their egress from the building in the event of fire.

Design Considerations/Building Setbacks

7. Lighting of the development shall not project glare onto adjoining properties or roadways.

Reason

To ensure that lighting of the land does not adversely affect the environmental quality of adjoining land nor create a hazard to motorists.

8. Within the proposed alterations a wheelchair accessible unisex sanitary facility (one closet pan and washbasin) shall be provided in accordance with AS1428.1-2001.

Reason

To ensure adequate facilities are provided for the disabled in accordance with the Building Code of Australia (BCA) requirements.

9. An airlock shall be provided between toilets and all rooms containing water closet/s or room containing the water closet/s, alternatively, mechanical ventilation shall be provided to the above room/s in accordance with the requirements of Volume 2, Part 3.8.5 of the Building Code of Australia.

Reason

To prevent the creation of unhealthy conditions in the building.

Access, Carparking and Loading Arrangements

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

Reason

To ensure that a safe adequate all-weather access is available to the development

Landscaping

11. Landscaping works shall be carried out in accordance with the details indicated on the submitted landscape design plan, except as required to be modified under the terms of this consent.

Reason

To ensure that adequate and appropriate provision is made for landscaping of the site in association with the proposed development, to enhance the external appearance of the premises and to contribute to the overall landscape quality of the locality.

Advertising Structures

12. No advertising structures shall be erected and no advertising material shall be affixed or displayed on any building or land without the prior approval of Council.

Reason

To protect the scenic quality and character of the locality by controlling erection of advertising material.

Lighting and Advertising Material

13. Any proposed floodlighting of the premises shall be so positioned, directed and shielded so as not to interfere with traffic safety or detract from the amenity or project glare onto the adjacent premises.

Reason

To ensure that the proposal does not interfere with traffic safety and to protect the existing amenity of the neighbourhood.

14. No flashing, chasing or scintillating lighting or promotional material of a visually intrusive nature shall be installed or displayed on the exterior of the premises.

Reason

To protect the existing amenity of the neighbourhood.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

General

15. Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the Hunter Water Board (Corporatisation) Act 1991. Such evidence shall be submitted Council prior to the release of the final plan of survey for the subdivision and the Construction Certificate.

Reason

To ensure compliance with the Hunter Water Corporation requirements for the supply of water and sewerage to the development.

Design Considerations/Building Setbacks

16. The proposed building/s shall be provided with access and facilities for the disabled in accordance with AS 14281.1. Full details shall be submitted to and approved by Council prior to release of the Construction Certificate for the building/s.

Reason

To ensure there is adequate access and facilities for the disabled.

17. Details on fencing on the eastern boundary of the land shall be provided prior to issue of the Construction Certificate for approval and shall not consist of colourbond or any other solid fencing other than open type fencing and utilize only a colour tone of the Heritage Colour scheme range.

Reason

To ensure that flood liability and aesthetic considerations are addressed.

Access, Carparking and Loading Arrangements

18. On-site car parking shall be provided for a minimum of twenty six (26) vehicles and such being set out generally in accordance with Council's Car Parking Code. Full details shall be submitted to and approved by Council prior to release of the Construction Certificate for the buildings.

This brings the total requirements for on-site parking to twenty six (26) spaces.

Reason

To ensure that adequate provision has been made for manoeuvring and parking of vehicles within the development or on the land, to meet the expected demand generated by the development.

19. All driveways, access corridors and carparking areas are to be designed in accordance with AS2890.1 & 2 - Parking Facilities. The carparking areas shall be constructed with a base course of adequate depth to suit design traffic loadings with an asphaltic concrete surface treatment, graded and drained in accordance with Council's 'Engineering Requirements for Development'.

Full details shall be provided with an application for a Construction Certificate for the buildings.

Reason

To ensure the orderly and efficient use of on-site parking facilities and ensure that adequate provision is made on-site for the loading and unloading of goods.

20. The Registered Proprietors shall construct a reinforced concrete access crossings 3.5m wide from the kerb and gutter to the property boundary, including a layback in the kerb, in accordance with Council's Engineering Requirements for Development (available at Council's offices) and Australian Standard 2890.1 & 2 with respect to location, size and type of driveway. Full details shall be submitted to and approved by Council prior to release of the Construction Certificate for the buildings.

Reason

To ensure the provision of safe, adequately defined and properly constructed means of vehicular access from the road to the development.

Stormwater and Flooding

21. 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 car parking area to that of the undeveloped 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 of on-site storage and the method of controlled release from the site and connection to an approved drainage system in accordance with Council's 'Engineering Requirements for Development'.

The detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development prepared by an engineer suitably qualified and experienced in the field of hydrology and hydraulics. Overland flow paths shall be provided from the car park and courtyard areas with sufficient capacity to ensure that the building is not inundated when the piped drainage systems become overwhelmed. Full details shall be submitted to and approved by Council prior to release of the Construction Certificate

Note: Construction shall be completed prior to the release of the Occupation Certificate.

Reason

To ensure that the development is adequately drained and will not increase the flood hazard or flood damage to other properties or adversely affect flood behaviour.

22. The registered proprietors of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to and approved by council's Development Services Manager prior to the release of the Construction Certificate for the civil works.

- (a) Construct kerb and gutter
- (b) Construct and gravel road shoulders
- (c) Place two (2) coat hot bitumen seal on road shoulders
- (d) Top-dress and turf footpath
- (e) Construct concrete footpath 1.2 metres wide and 75 millimetres thick
- (f) Construct drainage works

Reason

To ensure that adequate and safe all-weather access is available to the development.

Food Control

23. Where any proposed cooking or heating equipment being considered for installation, has a combined capacity exceeding 8 kilowatts or 29 megajoules/hour, then an approved mechanical exhaust ventilation (M.E.V.) system will be required.

Such equipment which is specifically designed to cater for the removal of odours, vapours or emissions from such area and equipment, shall comply with the requirements of the relevant Australian Standard No. 1668 Part 2. Detailed plans and specifications of the equipment as proposed are to be submitted to Council for approval with the construction certificate.

Reason

The equipment upon installed in such a manner as not to cause danger or a nuisance to occupants of the building or the surrounding residential area must fully meet and perform to the requirements of Australian Standard No. 1668. Part 2.

PRIOR TO DEMOLITION WORKS

24. An archival and photographic record of the bar and its immediate surrounds on the ground floor shall be taken prior to demolition. Any historic items uncovered during the demolition shall be recorded and photographed for the record. A copy of the record shall be provided to Council prior to issue of the occupation certificate.

Reason

To ensure that a record is made of the original fabric of the ground floor bar.

DURING CONSTRUCTION

General

25. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, however must be removed when the work has been completed.

Reason

This is a prescribed condition under Section 80A(11) of the Environmental Planning and Assessment Act, 1979.

26. If the excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:-
- (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) 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.

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 clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason

To ensure that the development, when constructed, will comply with the Environmental Planning and Assessment Act, 1979.

27. If the work involved in the erection or demolition of a building:-
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) building involves the enclosure of a public place,

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

Reason

To ensure that the development, when constructed, will comply with the Environmental Planning and Assessment Act, 1979.

28. A container of at least one (1) cubic metre capacity shall be provided and maintained from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste.

Reason

To ensure that waste generated by the building works is contained and does not pollute the surrounding environment.

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

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

Reasons

To ensure that suitable and environmentally sustainable toilet facilities are provided for all persons employed or visiting the site. To ensure that the development, when constructed, will comply with the Environmental Planning and Assessment Act, 1979.

30. Construction, demolition and associated work shall be carried out only between the times stated as follows:-

Mondays to Fridays	7.00a.m. to 6.00p.m.
Saturdays	8.00a.m. to 1.00p.m.
Sundays & Public Holidays	No construction work to take place.

Reason

To ensure that the environmental quality of adjoining land is not adversely affected, such as by the generation of excessive noise levels.

31. All building materials, plant and equipment is 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.

Reason

To ensure pedestrian and vehicular access is not restricted in public places.

32. All demolition works are to be carried out in accordance with Australian Standard AS 2601-2001 "Demolition of Structures", with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc, being 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.

Reason

To ensure that all wastes including asbestos waste is handled and disposed of safely and in an appropriate manner.

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

Reason

To ensure that any required alterations to utility infrastructure are undertaken to acceptable standards at the developer's cost.

Site Works

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

Reason

To ensure protection of the environment by minimising erosion and sediment.

35. 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.

Reason

To reduce the risk of environmental and building damage.

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

Reason

To ensure that filling placed on land does not affect natural drainage.

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

Reason

To ensure that site works do not result in water being diverted onto adjoining land.

38. Any removal or alteration to the existing sandstone kerb in Cessnock Road is to be in accordance with Council Policy RD134/1. The applicant is to contact Council's Heritage & Civic Design Officer for specific requirements.

Reason

To ensure appropriate standards are met for the care and possible reuse of historical construction materials within the Cessnock City Council Local Government area.

Scheduling of Inspections

39. The applicant is to advise Subdivision and Engineering Co-Ordinator at least 48 hours prior to commencement of any construction works on site or associated with the site, together with the approved contractor's name and address.

Reason

To enable orderly scheduling of inspections.

PRIOR TO OCCUPATION

General

40. Occupation or use of premises for the purposes approved by this consent shall not commence until all conditions of this consent have been complied with and the Occupation Certificate has been issued.

Reason

To ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979, and Council's terms of consent.

41. Following completion of works approved, a competent person shall issue a clearance Certificate for the subject property indicating that the property is suitable for re-occupation. The Clearance Certificate Details shall be supplied to Council prior to the reoccupation of the subject property.

Reason

To ensure prescribed measures identified in the Work Plan have been complied with and the subject land is suitable for human occupation.

42. Waste receptacles for the disposal of cigarette butts and general waste is to be provided in all smoker courts.

Reason:

To ensure that adequate waste collection facilities are provided in the smokers courts.

43. Mechanical clothes drying facilities shall be provided to the Managers Residence.

Reason

To ensure adequate provision of facilities for occupants while protecting the scenic quality and character of the locality.

44. The relevant license(s) shall be obtained from the Office of Liquor, Gaming and Racing (OLGR) in relation to the extension of licensed floor area.

Reason:

To ensure compliance with the license requirements of the Office of Liquor, Gaming and Racing (OLGR).

Fire Safety

45. The building must comply with the Fire Safety provisions applicable to the approved use. The applicant shall provide council and the Fire Commissioner with a copy of the Final Fire Safety Certificate and the Fire Safety Schedule relating to the required fire safety measures in accordance with Division 4 of the Environmental Planning and Assessment Regulation 2000 prior to occupation of the building or issue of an Occupation Certificate. The final Fire Safety Certificate and the Fire Safety schedule are to be prominently displayed in the building. This condition MUST be complied with prior to the Occupation Certificate being issued and/or the building being occupied.

Reason

To ensure the required fire safety measures have been installed in the building and are operable prior to occupation of the building. To comply with the prescribed requirements of the Environmental Planning and Assessment Act.

46. The proposed disabled access ramp must be constructed to comply with Australian Standard 1428.1. Bollards/approved barriers shall be provided adjacent to egress doors and paths of travel that are likely to be obstructed by vehicles, plant or equipment associated with the use of the premises.

Reason

To provide the occupants with a safe passage from the building.

Access, Carparking and Loading Arrangements

47. Kerbing shall be constructed along the edge of all garden areas or lawn areas adjacent to driveways and parking bays sufficient to discourage the encroachment of vehicles thereon.

Construction shall be completed prior to the release of the Occupation Certificate.

Reason

To assist in confining vehicular movement to constructed driveways and parking areas and protect site landscaping works against vehicular damage.

48. Prior to commencement of any works within the road reserve, the applicant or their nominated contractor shall obtain a road opening permit from Council's Roads, Bridges and Drainage Section. Reinstatement of the road shall be to the satisfaction of Council's Roads, Bridges and Drainage Manager prior to the issue of the Occupation Certificate.

Reason

To enable orderly scheduling of inspections.

49. Car-parking areas shall be completed prior to the release of the Occupation Certificate.

Reason

To ensure the orderly and efficient use of on-site parking facilities and ensure that adequate provision is made on-site for the loading and unloading of goods.

50. All redundant vehicular accesses shall be removed and the footpath, road shoulders and kerb and gutter, where applicable, restored to match existing conditions at no cost to Council prior to use of the building or issue of an Occupation Certificate for the building.

Reason

To ensure that vehicular access to the development occurs efficiently and safely in accordance with approved plans and unnecessary accesses are restored at no cost to Council.

51. The vehicular entrance and exit driveways and the direction of traffic movement within the site shall be clearly indicated by means of reflectorised signs and pavement markings prior to occupation of the building and for the life of the development.

Reason

To ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking spaces and driveway access and in the interest of traffic safety and convenience.

52. All parking bays shall be permanently marked out on the pavement surface for the life of the development.

Reason

To encourage the use of the proposed on-site car parking facilities and thereby minimise kerbside parking in the adjacent public road as a result of the proposed development.

Drainage and Flooding

53. All drainage works required to be undertaken in accordance with this consent shall be completed prior to use or occupation of the development.

Reason

To ensure that on site stormwater runoff is properly collected and conveyed to an appropriate drainage facility.

54. The registered proprietor of the land shall submit a report and a works-as-executed (WAE) drawing of the stormwater detention basin(s) and stormwater drainage system. The WAE drawings shall be prepared by a registered surveyor and shall indicate the following as applicable:

- * invert levels of tanks, pits, pipes and orifice plates
- * surface levels of pits and surrounding ground levels
- * levels of spillways and surrounding kerb
- * floor levels of buildings, including garages
- * top of kerb levels at the front of the lot
- * dimensions of stormwater basins and extent of inundation
- * 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 Council prior to issue of an Occupation Certificate.

Reason

To ensure the stormwater detention system has been constructed in accordance with the design plans.

55. The registered proprietor of the land shall prepare a Plan of Management for the on-site stormwater detention facilities within the development. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance. The plan shall be submitted to and approved by Council for approval prior to the issue of an Occupation Certificate.

Reason

To ensure the on-going maintenance and operation of the on-site stormwater detention facilities in accordance with the approved design.

Food Control

56. Premises used for the sale, storage or preparation for sale of food for human consumption shall comply with the provisions of the “Food Act, 2003”, the “Regulations” thereunder the Food Standards Code and Australian Standard 4674-2004, “Design, Construction and Fit-out of Food Premises.

Reason

Any premises in which food is handled for sale must be constructed so that food, equipment, appliances, fittings and packaging materials on the premises are protected from likely contamination and so as to permit the premises to be easily cleaned.

57. Hand washing facilities - Hand washing basins shall be provided in sufficient number in close proximity to where food is prepared; with a permanent supply of warm running potable delivered through a single outlet provided to each, together with a sufficient supply of soap and hand drying facilities.

Reason

To ensure adequate hand-washing facilities are available for food handlers to wash hands.

58. Any refrigerated or cooling chamber which is of sufficient size for a person to enter, is required to meet the requirements of the Building Code of Australia and must have: -
- i. a door which is capable of being opened by hand from inside without a key;
 - ii. internal lighting controlled only by a switch which is located adjacent to the entrance doorway inside the chamber;
 - iii. an indicator lamp positioned outside the chamber which is illuminated when the interior light is switched on; and
 - iv. an alarm that is –
 - a) located outside but controllable only from within the chamber; and
 - b) able to achieve a sound pressure level outside the chamber of 90 dB(A) when measured 3m from the sounding device.

The door required by (i) above must have a doorway with a clear width of not less than 600mm and a clear height not less than 1.5m.

Reason

To protect the safety of persons and to ensure the chamber complies with the requirements of the Building Code of Australia.

59. The waste storage facilities are to have a hard impervious surface, graded and drained to a waste system in accordance to Hunter Water requirements and provided with a hose tap connected to the water supply. Regular cleaning of these areas will be required to reduce odour impacts on adjoining neighbours.

Reason

To allow adequate storage for the disposal of all waste generated at the site.

POST OCCUPATION OPERATIONAL REQUIREMENTS

General

60. The seating capacity of the restaurant shall be restricted to a maximum of 188 persons.

Reason

To confirm the terms of consent.

Food Control

61. Upon commencement of trading, as part of Council's Regulated Premises audit program, all business involved in the sale of food at this site are required to be listed on Council's Regulated Premises Register and will be subject to an annual registration/renewal fee each financial year and inspections fees when inspections are conducted by Council's Environmental Health Officers.

Reason:

To ensure compliance with the provisions of the Public Health Act of 1991, Food Act 2003 and Food Regulation 2004, Food Standards Code and broadly that all public health, food handling and safety practices, and environmental issues are being addressed.

Noise Control

62. Any proposed mechanical ventilation and/or air conditioning systems, or other mechanical services, including the use and occupation of the site shall be operated in a manner which does not give rise to "offensive noise", as defined under the Protection of the Environment Operations Act, 1997, as amended.

Reason

To ensure compliance with the provisions of the Protection of the Environment Operations Act, 1997, as amended, and to protect the existing amenity of the neighbourhood.

ADVICE

1. Where Council is the Principal Certifying Authority, the applicant shall pay engineering site supervision fees in accordance with Council's current fees and charges with the application for a Construction Certificate for the site. Initially, one (1) site visit only is expected for the proposal, however should further inspections become necessary as a result of incomplete works, then those site supervision fees will be separately invoiced. Council's current engineering site supervision fee is \$187.00.

Reason

To ensure that the developer meets all costs associated with the inspection of necessary works associated with the development.

2. The applicant is advised that assessment and approval of this application by Council does not guarantee that the development will comply with the provisions of the Federal Disability Discrimination Act. The applicant should ensure that investigations are carried out to determine liability under this Act.

Australian Standard 1428 Parts 1, 2, 3, 4 - Design for Access and Mobility is a comprehensive guide on disability access.

Reason

To ensure that the Applicant is made aware of the Federal Disability Discrimination Act.

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

Based on a road length of approximately 20 metres. Final bond amounts will be levied on accurate dimensions contained within the engineering plans.

- (a) Road fees - engineering plan checking and supervision of \$1213.40.
- (b) A performance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (transferable).
- (c) A road maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (refundable).

It will be necessary for the applicant to submit evidence of the contract price of all construction works in order for Council to assess accurate bond amounts. If no contract price is submitted, Council will estimate the value of construction works.

The fees and bonds shall be payable prior to release of the Construction Certificate for the Civil Works and/or release of the Subdivision Certificate and shall be in accordance with Council's adopted fees and charges current at the time of payment.

Reason

To meet costs associated with the approval of engineering plans and inspection of construction works.

4. Any use of the premises as a Place of Public Entertainment shall not be undertaken without receipt of a development approval from Council. A separate development application shall be submitted to Council for that purpose. Refer to current legislation requirements.

Reason

To ensure that any use of the premises as a Place of Public Entertainment shall not occur without obtaining consent from Council.

5. CHILD SAFETY INFORMATION

Each year in New South Wales approximately 150 children are admitted to hospital with scald injuries caused by hot tap water.

Statistics indicate that 93% of hot tap burns occur in the bathroom. Most household water heaters supply HOT WATER at 65 to 75 degrees Celsius.

At 60 degrees Celsius it takes ONE SECOND for a child to incur third degree burns.
At 50 degrees Celsius it takes FIVE MINUTES for a child to incur third degree burns.

The temperature of hot water delivered to bathrooms can be reduced by installing one of the following devices:-

- (a) a tempering device
- (b) a thermostatic mixing valve
- (c) a temperature control device

Council recommends that one of the above devices be installed during construction to reduce the risk of scalding in male and female Amenities.

To: ***The General Manager***
City Planning Committee -
3 September 2008

D FITZGERALD
DIRECTOR CITY PLANNING
21 August 2008