

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 1 FEBRUARY 2012, COMMENCING
AT 6.30PM**

PRESENT: Her Worship the Mayor, Councillor A Davey (in the Chair) and Councillors Olsen, Pynsent, Maybury, Troy, Ryan, Main, Smith, McCudden, Gorman, Hawkins, Parker and Burcham

IN ATTENDANCE: Acting General Manager (Group Leader Customer Services)
Group Leader Built and Natural Environment
Acting Group Leader Customer Services (Financial Services Manager)
Group Leader Strategy and Sustainability
Group Leader Community Services
Corporate Administration Officer
Development Services Manager
Administration Services Manager

MINUTES: **MOTION** *Moved:* Councillor Maybury
Seconded: Councillor Smith
1825
RESOLVED that the Minutes of the Ordinary Meeting of Council held on 7 December 2011, as circulated, be taken as read and confirmed as a correct record.

FOR	AGAINST
Councillor Davey	
Councillor Troy	
Councillor Burcham	
Councillor Parker	
Councillor Ryan	
Councillor Gorman	
Councillor McCudden	
Councillor Olsen	
Councillor Main	
Councillor Hawkins	
Councillor Smith	
Councillor Pynsent	
Councillor Maybury	
Total (13)	Total (0)
CARRIED UNANIMOUSLY	

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI1/2012

SUBJECT: DISCLOSURES OF INTEREST

MOTION **Moved:** Councillor Gorman **Seconded:** Councillor Ryan
1826

RESOLVED

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

EE1/2012 & EE53/2011 – Development Application 8/2011/463/1 – Subdivision of One (1) Lot into two (2) lots – 18 George Street, East Branxton - Councillor McCudden declared a Non-Pecuniary Interest – Insignificant Conflict for the reason that the applicant planner has done work for a company of which he is a Director. Councillor McCudden 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 the applicant planner is not currently engaged in any work for the company of which he is a Director.

BN1/2012 – Indoor/Outdoor Activities in RU4 Zone – Councillor Hawkins declared a Pecuniary Interest for the reason that his family own property in the RU4 Zone. Councillor Hawkins advised that he would leave the chamber and take no part in discussion and voting.

FOR	AGAINST
Councillor Davey	
Councillor Troy	
Councillor Burcham	
Councillor Parker	
Councillor Ryan	
Councillor Gorman	
Councillor McCudden	
Councillor Olsen	
Councillor Main	
Councillor Hawkins	
Councillor Smith	
Councillor Pynsent	
Councillor Maybury	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

ADDRESS BY INVITED SPEAKERS

NIL

**CONSIDERATION AND ADOPTION OF INFORMATION REPORTS
EITHER INDIVIDUALLY OR WITH NOMINATED EXCEPTIONS**

CONSIDERATION AND ADOPTION OF INFORMATION REPORTS NO. CIR1/2012

SUBJECT: CONSIDERATION AND ADOPTION OF INFORMATION REPORTS

MOTION **Moved:** Councillor Ryan **Seconded:** Councillor Olsen
1827
RESOLVED

That Council deal with the following information reports by the nominated exception method.

EE1/2012	Development Application 8/2011/463/1 - Subdivision of One (1) Lot into Three (3) Lots - 18 William Street, East Branxton	34
EE2/2012	Development Application 8/2011/583/1 - Subdivision of One (1) Lot into Two (2) Lots - 18 George Street, East Branxton	37
PM1/2012	Rates & Charges Collected Summary - November 2011	51
PM2/2012	Investment Report - December 2011	56

FOR	AGAINST
Councillor Davey	Councillor Maybury
Councillor Troy	
Councillor Burcham	
Councillor Parker	
Councillor Ryan	
Councillor Gorman	
Councillor McCudden	
Councillor Olsen	
Councillor Main	
Councillor Hawkins	
Councillor Smith	
Councillor Pynsent	
Total (12)	Total (1)

CARRIED

MOTION **Moved:** Councillor Ryan **Seconded:** Councillor Olsen
1828
RESOLVED

That the information reports and recommendations with the exception of Report Numbers EE1/2012 – Development Application 8/2011/463/1 – Subdivision of One (1) Lot into three (3) lots – 18 George Street, East Branxton and EE2/2012 - Development Application 8/2011/583/1 – Subdivision of One (1) Lot into Two (2) Lots – 18 George Street, East Branxton be adopted.

FOR	AGAINST
Councillor Davey	
Councillor Troy	
Councillor Burcham	
Councillor Parker	
Councillor Ryan	
Councillor Gorman	
Councillor McCudden	
Councillor Olsen	
Councillor Main	
Councillor Hawkins	
Councillor Smith	
Councillor Pynsent	
Councillor Maybury	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES

MAYORAL MINUTES NO. MM1/2012

SUBJECT: COAL SEAM GAS EXPLORATION AND MINING ACTIVITIES IN THE HUNTER VALLEY VINEYARD AND TOURISM AREAS

MOTION *Moved:* Councillor Davey

1829

RESOLVED

1. That Council write to the Hunter Valley Protection Alliance supporting its proposals as they affect the Cessnock LGA.
2. That Council's delegation voices its support for the proposals of the Hunter Valley Protection Alliance as they apply to the Cessnock LGA during the meeting with the State Government, which is currently being arranged, following the resolution adopted by Council late in 2011.
3. Council express its concerns about other sensitive areas within the LGA (eg Wollombi but not limited to Wollombi) and asks that a proper assessment be done of that area and consideration for their inclusion (as no CSG zones) in the strategic land planning exercise currently being undertaken by the state government.

Councillor Dale Troy left the meeting, the time being 7.16pm

Councillor Dale Troy returned to the meeting, the time being 7.18pm

FOR	AGAINST
Councillor Davey	Councillor Maybury
Councillor Troy	
Councillor Burcham	
Councillor Parker	
Councillor Ryan	
Councillor Gorman	
Councillor McCudden	
Councillor Olsen	
Councillor Main	
Councillor Hawkins	
Councillor Smith	
Councillor Pynsent	
Total (12)	Total (1)

CARRIED

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU1/2012

SUBJECT: MOTIONS OF URGENCY

MOTION **Moved:** Councillor Maybury **Seconded:** Councillor Gorman
1830

RESOLVED

That Council consider the recognition of the 16 national Services and CMF personnel who did heroic deeds during the 1955 floods as urgent and deal with the matter at this meeting of Council.

FOR	AGAINST
Councillor Troy	Councillor Davey
Councillor Burcham	Councillor Parker
Councillor Gorman	Councillor Ryan
Councillor McCudden	Councillor Olsen
Councillor Hawkins	Councillor Main
Councillor Smith	
Councillor Pynsent	
Councillor Maybury	
Total (8)	Total (5)

Councillor James Ryan left the meeting, the time being 7.23pm
Councillor James Ryan returned to the meeting, the time being 7.24pm

CARRIED

DEFERRED BUSINESS

DEFERRED BUSINESS NO. EE53/2011

SUBJECT: DEVELOPMENT APPLICATION 8/2011/583/1 - SUBDIVISION OF ONE (1) LOT INTO TWO (2) LOTS - 18 GEORGE STREET, EAST BRANXTON

Councillor McCudden declared a Non-Pecuniary Interest – Insignificant Conflict for the reason that the applicant planner has done work for a company of which he is a Director. Councillor McCudden remained in the Chamber and participated in discussion and voting.

MOTION **Moved:** Councillor Gorman **Seconded:** Councillor Troy

That:

1. Council determine Development Application No 8/2011/583/1 for the Subdivision of one (1) lot into two (2) lots over Lot 4, Section 7, DP 758153, 18 George Street, East Branxton pursuant to S.80 of the Environmental Planning and Assessment Act 1979 by granting of consent subject to the following conditions:-

TERMS OF CONSENT

General

1. Construction works associated with subdivision of land in accordance with a development consent shall not be commenced until:-
 - a) detailed plans including design calculations have been endorsed with a **construction certificate** by:-
 - (i) the consent authority;
 - (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 person's intention to commence construction works.

Reason

To ensure compliance with the provisions 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 prepared by HDB Town Planning & Design, dated 30 August 2011, described as 'Subdivision Plan 18 George Street, Branxton, Lot 4 Section 7 DP 758153 Revision A'; Statement of Environmental Effects Report No. 11/33-1, dated September, 2011, prepared by HDB Town Planning & Design, 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.

Fees, Development Contributions, Monetary Bonds, Dedication of Land

3. A final plan of survey, prepared by a Registered Surveyor, and seven (7) copies for endorsement by Council are to be submitted with the application for a Subdivision Certificate.

Reason

To enable the linen plan to be legally made.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

General

4. The applicant shall submit to Council evidence that the requirements of Energy Supplier, the Hunter Water Corporation and telecommunications authorities have been met in regard to the provision of services provided by those authorities to the subdivision. Such evidence shall be submitted to and approved by Council prior to endorsement of the final plan of survey and release of the Subdivision Certificate.

Reason

To ensure that adequate services are provided to each new lot created.

5. Certification shall be submitted to Council by a Registered Surveyor, prior to endorsement of the final plan of survey and release of the Subdivision Certificate that all services and domestic drainage lines are wholly contained within each of the respective lots.

Reason

To ensure that all services are wholly contained within each new lot created.

6. 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 Subdivision Certificate.

Reason

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

Fencing

- 7. Any fencing associated with the subdivision of the land is to be of a type which will not impede the flow/movement of floodwater through the site. Details of the fencing associated with the subdivision of the land are to be approved by Council prior to endorsement of the Subdivision Certificate.

Reason

To reduce the impact of the development on flood behavior

Relocation of Services

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

Reason

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

Drainage and Flooding

- 9. Detailed plans of stormwater drainage infrastructure between the development site, George Street and the rear laneway, incorporating a suitable point of discharge, are to be approved by Council prior to endorsement of the Subdivision Certificate.

Reason

To require satisfactory arrangements for drainage purposes.

Fees, Development Contributions, Monetary Bonds, Dedication of Land

- 10. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 towards the provision of public amenities and public services in the contribution types below.

Calculations	
District Open Space	\$2,370.00
District Community Facilities (Halls)	\$1,452.00
District Community Facilities (Libraries)	\$388.00
District Community Facilities (Bushfire)	\$108.00
District Roads – Urban Areas	\$1,806.00
Studies (Plan Preparation)	\$136.00
Plan Administration	\$516.00
Total S94 Contribution - Subdivision	\$6,776.00

At this time the total contribution required is \$6,776.00 and is to be paid prior to the release of the Subdivision Certificate.

NOTE:

- a) A copy of the Residential Section 94 Contributions Plan may be inspected at Council's Customer Services Section, Administrative Building, Vincent Street, Cessnock or can be accessed on Council's Website:
www.cessnock.nsw.gov.au
- b) The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index – All Groups – Sydney. Indexation of contributions for payment occurs quarterly, on the first working day of December, March, June and September.

Reason

To assist the Council in meeting the expected increased demand for public facilities and services arising as a consequence of the proposed development, and to ensure that the real value of contributions is not deflated by price movements.

- 11. The extent of the 100 year Average Recurrence Interval (ARI) flood, as determined by Council, on proposed Lots 41 and 42, shall be shown on the plan of subdivision and a suitable 88B instrument in accordance with the Conveyancing Act, 1919 shall be created over proposed Lots 41 and 42 providing as follows:-

- a) The floor level of the living areas shall be 500mm above the 1955 flood.
- b) Providing that the Cessnock City Council (the prescribed Authority) will be the person entitled to release or modify the Covenant.

All costs associated with the Covenant, including any legal costs payable to Council, are to be paid by the owner on whose behalf the applicant has lodged the application.

The signed 88B instrument shall be submitted to Council prior to release of the Subdivision Certificate.

Reason

To minimise the extent of property damage and the risk of injury in the event of flooding of the site.

- 12. Payment of the subdivision endorsement fee is to be received prior to release of the final plan of survey. Currently, this endorsement fee is \$120 per lot. This fee is adjusted annually and the fee to be paid will be the applicable fee at the time of lodgement of the final plan of survey for endorsement and Subdivision Certificate application.

Reason

To ensure that the developer meets all costs associated with the release of the final plan of subdivision.

DURING SUBDIVISION CONSTRUCTION WORKS

- 13. A sign must be erected in a prominent position on the site at the time subdivision works are being carried out:

- (a) showing the name, address and telephone number of the Principle Certifying Authority for the work; and
- (b) showing the name of the principal contractor (if any) for any subdivision work and a telephone number on which that person may be contacted, including contact details outside of normal working hours; and
- (c) stating that unauthorised entry to the subdivision site is prohibited.

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

Reason

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

ADVICE

- 1. A Flood Management Study and associated Flood Evacuation Plan will be required to be prepared for subsequent built development at the site.

AMENDMENT Moved: Councillor Ryan **Seconded:**Councillor Parker

That Development Application 8/2011/583/1 for the Subdivision of One (1) Lot into Three (3) Lots – 18 William Street, East Branxton be refused for the following reasons:-

- 1 The proposal is inconsistent with Clause 31 of the Cessnock Local Environmental Plan 1989 (Flood Affected Land) (S79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
- 2 The proposal is inconsistent with Clause 6.5 of the Draft Local Environmental Plan 2010 (Flood Planning) (S79C(1)(a)(ii) of the Environmental Planning and Assessment Act 1979).
- 3 The proposal is likely to result in adverse impacts on the natural and built environment through alteration of floodwater behaviour (S79C(1)(b) of the Environmental Planning and Assessment Act 1979).
- 4 The site is not considered suitable for the development as it will intensify residential development within the floodplain (S79C(1)(c) of the Environmental Planning and Assessment Act 1979).
- 5 The proposed development is not in the public interest (S79C(1)(e) of the Environmental Planning and Assessment Act 1979).
- 6 Council Engineers have refused to provide conditions of consent because of liability reasons.
- 7 There is a risk of an approval exposing Council and its Staff to liability.
- 8 There is a risk of Councillors personally becoming liable for any harm incurred from a future development.

FOR	AGAINST
Councillor Davey	Councillor Troy
Councillor Parker	Councillor Burcham
Councillor Ryan	Councillor Gorman
Councillor Olsen	Councillor McCudden
Councillor Main	Councillor Hawkins
	Councillor Smith
	Councillor Pynsent
	Councillor Maybury
Total (5)	Total (8)

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

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

MOTION **Moved:** Councillor Gorman **Seconded:** Councillor Troy
1831
RESOLVED

That Council determine Development Application No 8/2011/583/1 for the Subdivision of one (1) lot into two (2) lots over Lot 4, Section 7, DP 758153, 18 George Street, East Branxton pursuant to S.80 of the Environmental Planning and Assessment Act 1979 by granting of consent subject to the following conditions:-

TERMS OF CONSENT

General

1. Construction works associated with subdivision of land in accordance with a development consent shall not be commenced until:-
 - a) detailed plans including design calculations have been endorsed with a **construction certificate** by:-
 - (i) the consent authority;
 - (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 person’s intention to commence construction works.

Reason

To ensure compliance with the provisions 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 prepared by HDB Town Planning & Design, dated 30 August 2011, described as 'Subdivision Plan 18 George Street, Branxton, Lot 4 Section 7 DP 758153 Revision A'; Statement of Environmental Effects Report No. 11/33-1, dated September, 2011, prepared by HDB Town Planning & Design, 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.

Fees, Development Contributions, Monetary Bonds, Dedication of Land

3. A final plan of survey, prepared by a Registered Surveyor, and seven (7) copies for endorsement by Council are to be submitted with the application for a Subdivision Certificate.

Reason

To enable the linen plan to be legally made.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

General

4. The applicant shall submit to Council evidence that the requirements of Energy Supplier, the Hunter Water Corporation and telecommunications authorities have been met in regard to the provision of services provided by those authorities to the subdivision. Such evidence shall be submitted to and approved by Council prior to endorsement of the final plan of survey and release of the Subdivision Certificate.

Reason

To ensure that adequate services are provided to each new lot created.

5. Certification shall be submitted to Council by a Registered Surveyor, prior to endorsement of the final plan of survey and release of the Subdivision Certificate that all services and domestic drainage lines are wholly contained within each of the respective lots.

Reason

To ensure that all services are wholly contained within each new lot created.

6. 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 Subdivision Certificate.

Reason

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

Fencing

- 7. Any fencing associated with the subdivision of the land is to be of a type which will not impede the flow/movement of floodwater through the site. Details of the fencing associated with the subdivision of the land are to be approved by Council prior to endorsement of the Subdivision Certificate.

Reason

To reduce the impact of the development on flood behavior

Relocation of Services

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

Reason

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

Drainage and Flooding

- 9. Detailed plans of stormwater drainage infrastructure between the development site, George Street and the rear laneway, incorporating a suitable point of discharge, are to be approved by Council prior to endorsement of the Subdivision Certificate.

Reason

To require satisfactory arrangements for drainage purposes.

Fees, Development Contributions, Monetary Bonds, Dedication of Land

- 10. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 towards the provision of public amenities and public services in the contribution types below.

Calculations	
District Open Space	\$2,370.00
District Community Facilities (Halls)	\$1,452.00
District Community Facilities (Libraries)	\$388.00
District Community Facilities (Bushfire)	\$108.00
District Roads – Urban Areas	\$1,806.00
Studies (Plan Preparation)	\$136.00
Plan Administration	\$516.00
Total S94 Contribution - Subdivision	\$6,776.00

At this time the total contribution required is \$6,776.00 and is to be paid prior to the release of the Subdivision Certificate.

NOTE:

- a) A copy of the Residential Section 94 Contributions Plan may be inspected at Council's Customer Services Section, Administrative Building, Vincent Street, Cessnock or can be accessed on Council's Website:
www.cessnock.nsw.gov.au
- b) The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index – All Groups – Sydney. Indexation of contributions for payment occurs quarterly, on the first working day of December, March, June and September.

Reason

To assist the Council in meeting the expected increased demand for public facilities and services arising as a consequence of the proposed development, and to ensure that the real value of contributions is not deflated by price movements.

- 11. The extent of the 100 year Average Recurrence Interval (ARI) flood, as determined by Council, on proposed Lots 41 and 42, shall be shown on the plan of subdivision and a suitable 88B instrument in accordance with the Conveyancing Act, 1919 shall be created over proposed Lots 41 and 42 providing as follows:-
 - a) The floor level of the living areas shall be 500mm above the 1955 flood.
 - b) Providing that the Cessnock City Council (the prescribed Authority) will be the person entitled to release or modify the Covenant.

All costs associated with the Covenant, including any legal costs payable to Council, are to be paid by the owner on whose behalf the applicant has lodged the application.

The signed 88B instrument shall be submitted to Council prior to release of the Subdivision Certificate.

Reason

To minimise the extent of property damage and the risk of injury in the event of flooding of the site.

- 12. Payment of the subdivision endorsement fee is to be received prior to release of the final plan of survey. Currently, this endorsement fee is \$120 per lot. This fee is adjusted annually and the fee to be paid will be the applicable fee at the time of lodgement of the final plan of survey for endorsement and Subdivision Certificate application.

Reason

To ensure that the developer meets all costs associated with the release of the final plan of subdivision.

DURING SUBDIVISION CONSTRUCTION WORKS

- 13. A sign must be erected in a prominent position on the site at the time subdivision works are being carried out:

- (a) showing the name, address and telephone number of the Principle Certifying Authority for the work; and
- (b) showing the name of the principal contractor (if any) for any subdivision work and a telephone number on which that person may be contacted, including contact details outside of normal working hours; and
- (c) stating that unauthorised entry to the subdivision site is prohibited.

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

Reason

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

ADVICE

1. A Flood Management Study and associated Flood Evacuation Plan will be required to be prepared for subsequent built development at the site.

FOR	AGAINST
Councillor Troy	Councillor Davey
Councillor Burcham	Councillor Parker
Councillor Gorman	Councillor Ryan
Councillor McCudden	Councillor Olsen
Councillor Hawkins	Councillor Main
Councillor Smith	
Councillor Pynsent	
Councillor Maybury	
Total (8)	Total (5)

CARRIED

DEFERRED BUSINESS NO. EE52/2011

SUBJECT: DEVELOPMENT APPLICATION 8/2011/463/1 - SUBDIVISION OF ONE (1) LOT INTO THREE (3) LOTS - 18 WILLIAM STREET, EAST BRANXTON

MOTION **Moved:** Councillor Gorman **Seconded:** Councillor Troy

That Council determine Development Application No 8/2011/463/1 for the Subdivision of one (1) lot into three (3) lots over Lot 10, Section 7, DP 758153, 18 William Street, East Branxton pursuant to S.80 of the Environmental Planning and Assessment Act 1979 by granting of consent subject to the following conditions:-

TERMS OF CONSENT

General

1. Construction works associated with subdivision of land in accordance with a development consent shall not be commenced until:-
 - a) detailed plans including design calculations have been endorsed with a **construction certificate** by:-
 - (i) the consent authority;
 - (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 person's intention to commence construction works.

Reason

To ensure compliance with the provisions 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 prepared by David Cant Surveyors, dated 11 April, 2011, described as 'Plan Showing Proposed Subdivision of Lot 10, Section 7, DP 758153, No.18 William Street, Branxton' Reference 11-26 Branxton; Statement of Environmental Effects (undated), prepared by David Cant Surveyors 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.

Fees, Development Contributions, Monetary Bonds, Dedication of Land

3. A final plan of survey, prepared by a Registered Surveyor, and seven (7) copies for endorsement by Council are to be submitted with the application for a Subdivision Certificate.

Reason

To enable the linen plan to be legally made.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

General

4. The applicant shall submit to Council evidence that the requirements of Energy Supplier, the Hunter Water Corporation and telecommunications authorities have been met in regard to the provision of services provided by those authorities to the subdivision. Such evidence shall be submitted to and approved by Council prior to endorsement of the final plan of survey and release of the Subdivision Certificate.

Reason

To ensure that adequate services are provided to each new lot created.

5. Certification shall be submitted to Council by a Registered Surveyor, prior to endorsement of the final plan of survey and release of the Subdivision Certificate that all services and domestic drainage lines are wholly contained within each of the respective lots.

Reason

To ensure that all services are wholly contained within each new lot created.

6. 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 Subdivision Certificate.

Reason

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

Access, Carparking and Loading Arrangements

7. Access to proposed lot 101 shall be provided to a standard required by Council's Engineering Requirements for Development prior to endorsement of the Subdivision Certificate.

Reason

To confirm and clarify the terms of consent.

Drainage and Flooding

- 8. Detailed plans of piped stormwater drainage infrastructure from the development site to the rear laneway, incorporating a suitable point of discharge, are to be approved by Council prior to endorsement of the Subdivision Certificate.

Reason

To require satisfactory arrangements for drainage purposes.

- 9. The applicant shall provide an inter allotment drainage easement 2.0m wide to drain proposed Lot 102. Construction of the drainage line together with the necessary grated yard inlet pits shall be carried out in accordance with Council's 'Engineering Requirements for Development' - full details shall be submitted to and approved by Council prior to release of the Subdivision Certificate.

Note:

- a) A suitable 88B instrument creating the easement, in accordance with the requirements of the Conveyancing Act 1919, shall be submitted to Council prior to endorsement of the Surveyor's transparency.
- b) Construction shall be completed prior to endorsement of the Surveyor's transparency.

Reason

To provide the necessary legal right to drain through adjoining lots where necessary.

Relocation of Services

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

Reason

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

Fencing

- 11. Any fencing associated with the subdivision of the land is to be of a type which will not impede the flow/movement of floodwater through the site. Details of the fencing associated with the subdivision of the land are to be approved by Council prior to endorsement of the Subdivision Certificate.

Reason

To reduce the impact of the development on flood behaviour

Fees, Development Contributions, Monetary Bonds, Dedication of Land

12. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 towards the provision of public amenities and public services in the contribution types below.

Calculations	
District Open Space	\$2,370.00
District Community Facilities (Halls)	\$1,452.00
District Community Facilities (Libraries)	\$388.00
District Community Facilities (Bushfire)	\$108.00
District Roads – Urban Areas	\$1,806.00
Studies (Plan Preparation)	\$136.00
Plan Administration	\$516.00
Total S94 Contribution - Subdivision	\$6,776.00

At this time the total contribution required is \$6,776.00 and is to be paid prior to the release of the Subdivision Certificate.

NOTE:

- a) A copy of the Residential Section 94 Contributions Plan may be inspected at Council's Customer Services Section, Administrative Building, Vincent Street, Cessnock or can be accessed on Council's Website:
www.cessnock.nsw.gov.au
- b) The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index – All Groups – Sydney. Indexation of contributions for payment occurs quarterly, on the first working day of December, March, June and September.

Reason

To assist the Council in meeting the expected increased demand for public facilities and services arising as a consequence of the proposed development, and to ensure that the real value of contributions is not deflated by price movements.

13. The extent of the 100 year Average Recurrence Interval (ARI) flood, as determined by Council, on proposed Lots 101, 102 and 103, shall be shown on the plan of subdivision and a suitable 88B instrument in accordance with the Conveyancing Act, 1919 shall be created over proposed Lots 101, 102 and 103 providing as follows:-
- a) The floor level of all habitable buildings shall be 500mm above the 1955 flood level.
- b) Providing that the Cessnock City Council (the prescribed Authority) will be the person entitled to release or modify the Covenant.

All costs associated with the Covenant, including any legal costs payable to Council, are to be paid by the owner on whose behalf the applicant has lodged the application.

The signed 88B instrument shall be submitted to Council prior to release of the Subdivision Certificate.

Reason

To minimise the extent of property damage and the risk of injury in the event of flooding of the site.

- 14. Payment of the subdivision endorsement fee is to be received prior to release of the final plan of survey. Currently, this endorsement fee is \$120.00 per lot. This fee is adjusted annually and the fee to be paid will be the applicable fee at the time of lodgement of the final plan of survey for endorsement and Subdivision Certificate application.

Reason

To ensure that the developer meets all costs associated with the release of the final plan of subdivision.

DURING SUBDIVISION CONSTRUCTION WORKS

- 15. A sign must be erected in a prominent position on the site at the time subdivision works are being carried out:
 - (a) showing the name, address and telephone number of the Principle Certifying Authority for the work; and
 - (b) showing the name of the principal contractor (if any) for any subdivision work and a telephone number on which that person may be contacted, including contact details outside of normal working hours; and
 - (c) stating that unauthorised entry to the subdivision site is prohibited.

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

Reason

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

ADVICE

- 1. A Flood Management Study and associated Flood Evacuation Plan will be required to be prepared for subsequent built development at the site.

AMENDMENT Moved: Councillor Ryan **Seconded:** Councillor Parker

That Development Application 8/2011/463/1 for the Subdivision of One (1) Lot into Three (3) Lots – 18 William Street, East Branxton be refused for the following reasons:-

- 1 The proposal is inconsistent with Clause 31 of the Cessnock Local Environmental Plan 1989 (Flood Affected Land) (S79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
- 2 The proposal is inconsistent with Clause 6.5 of the Draft Local Environmental Plan 2010 (Flood Planning) (S79C(1)(a)(ii) of the Environmental Planning and Assessment Act 1979).

- 3 The proposal is likely to result in adverse impacts on the natural and built environment through alteration of floodwater behaviour (S79C(1)(b) of the Environmental Planning and Assessment Act 1979).
- 4 The site is not considered suitable for the development as it will intensify residential development within the floodplain (S79C(1)(c) of the Environmental Planning and Assessment Act 1979).
- 5 The proposed development is not in the public interest (S79C(1)(e) of the Environmental Planning and Assessment Act 1979).
- 6 Council Engineers have refused to provide conditions of Consent because of liability reasons.
- 7 There is a risk of an approval exposing Council and its Staff to liability.
- 8 There is a risk of Councillors personally becoming liable for any harm incurred from a future development.

FOR	AGAINST
Councillor Davey	Councillor Troy
Councillor Parker	Councillor Burcham
Councillor Ryan	Councillor Gorman
Councillor Olsen	Councillor McCudden
Councillor Main	Councillor Hawkins
	Councillor Smith
	Councillor Pynsent
	Councillor Maybury
Total (5)	Total (8)

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

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

MOTION **Moved:** Councillor Gorman **Seconded:** Councillor Troy
 1832
RESOLVED

That Council determine Development Application No 8/2011/463/1 for the Subdivision of one (1) lot into three (3) lots over Lot 10, Section 7, DP 758153, 18 William Street, East Branxton pursuant to S.80 of the Environmental Planning and Assessment Act 1979 by granting of consent subject to the following conditions:-

TERMS OF CONSENT

General

1. Construction works associated with subdivision of land in accordance with a development consent shall not be commenced until:-
 - a) detailed plans including design calculations have been endorsed with a **construction certificate** by:-

- (i) the consent authority;
 - (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 person's intention to commence construction works.

Reason

To ensure compliance with the provisions 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 prepared by David Cant Surveyors, dated 11 April, 2011, described as 'Plan Showing Proposed Subdivision of Lot 10, Section 7, DP 758153, No.18 William Street, Branxton' Reference 11-26 Branxton; Statement of Environmental Effects (undated), prepared by David Cant Surveyors 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.

Fees, Development Contributions, Monetary Bonds, Dedication of Land

3. A final plan of survey, prepared by a Registered Surveyor, and seven (7) copies for endorsement by Council are to be submitted with the application for a Subdivision Certificate.

Reason

To enable the linen plan to be legally made.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

General

4. The applicant shall submit to Council evidence that the requirements of energy supplier, the Hunter Water Corporation and telecommunications authorities have been met in regard to the provision of services provided by those authorities to the subdivision. Such evidence shall be submitted to and approved by Council prior to endorsement of the final plan of survey and release of the Subdivision Certificate.

Reason

To ensure that adequate services are provided to each new lot created.

5. Certification shall be submitted to Council by a Registered Surveyor, prior to endorsement of the final plan of survey and release of the Subdivision Certificate that all services and domestic drainage lines are wholly contained within each of the respective lots.

Reason

To ensure that all services are wholly contained within each new lot created.

6. 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 Subdivision Certificate.

Reason

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

Access, Carparking and Loading Arrangements

7. Access to proposed lot 101 shall be provided to a standard required by Council's Engineering Requirements for Development prior to endorsement of the Subdivision Certificate.

Reason

To confirm and clarify the terms of consent.

Drainage and Flooding

8. Detailed plans of piped stormwater drainage infrastructure from the development site to the rear laneway, incorporating a suitable point of discharge, are to be approved by Council prior to endorsement of the Subdivision Certificate.

Reason

To require satisfactory arrangements for drainage purposes.

9. The applicant shall provide an inter allotment drainage easement 2.0m wide to drain proposed Lot 102. Construction of the drainage line together with the necessary grated yard inlet pits shall be carried out in accordance with Council's 'Engineering Requirements for Development' - full details shall be submitted to and approved by Council prior to release of the Subdivision Certificate.

Note:

- a) A suitable 88B instrument creating the easement, in accordance with the requirements of the Conveyancing Act 1919, shall be submitted to Council prior to endorsement of the Surveyor's transparency.
- b) Construction shall be completed prior to endorsement of the Surveyor's transparency.

Reason

To provide the necessary legal right to drain through adjoining lots where necessary.

Relocation of Services

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

Reason

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

Fencing

- 11. Any fencing associated with the subdivision of the land is to be of a type which will not impede the flow/movement of floodwater through the site. Details of the fencing associated with the subdivision of the land are to be approved by Council prior to endorsement of the Subdivision Certificate.

Reason

To reduce the impact of the development on flood behaviour

Fees, Development Contributions, Monetary Bonds, Dedication of Land

- 12. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 towards the provision of public amenities and public services in the contribution types below.

Calculations	
District Open Space	\$2,370.00
District Community Facilities (Halls)	\$1,452.00
District Community Facilities (Libraries)	\$388.00
District Community Facilities (Bushfire)	\$108.00
District Roads – Urban Areas	\$1,806.00
Studies (Plan Preparation)	\$136.00
Plan Administration	\$516.00
Total S94 Contribution - Subdivision	\$6,776.00

At this time the total contribution required is \$6,776.00 and is to be paid prior to the release of the Subdivision Certificate.

NOTE:

- a) A copy of the Residential Section 94 Contributions Plan may be inspected at Council’s Customer Services Section, Administrative Building, Vincent Street, Cessnock or can be accessed on Council’s Website: www.cessnock.nsw.gov.au
- b) The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index – All Groups – Sydney. Indexation of contributions for payment occurs quarterly, on the first working day of December, March, June and September.

Reason

To assist the Council in meeting the expected increased demand for public facilities and services arising as a consequence of the proposed development, and to ensure that the real value of contributions is not deflated by price movements.

13. The extent of the 100 year Average Recurrence Interval (ARI) flood, as determined by Council, on proposed Lots 101, 102 and 103, shall be shown on the plan of subdivision and a suitable 88B instrument in accordance with the Conveyancing Act, 1919 shall be created over proposed Lots 101, 102 and 103 providing as follows:-
- a) The floor level of all habitable buildings shall be 500mm above the 1955 flood level.
 - b) Providing that the Cessnock City Council (the prescribed Authority) will be the person entitled to release or modify the Covenant.

All costs associated with the Covenant, including any legal costs payable to Council, are to be paid by the owner on whose behalf the applicant has lodged the application.

The signed 88B instrument shall be submitted to Council prior to release of the Subdivision Certificate.

Reason

To minimise the extent of property damage and the risk of injury in the event of flooding of the site.

14. Payment of the subdivision endorsement fee is to be received prior to release of the final plan of survey. Currently, this endorsement fee is \$120.00 per lot. This fee is adjusted annually and the fee to be paid will be the applicable fee at the time of lodgement of the final plan of survey for endorsement and Subdivision Certificate application.

Reason

To ensure that the developer meets all costs associated with the release of the final plan of subdivision.

DURING SUBDIVISION CONSTRUCTION WORKS

15. A sign must be erected in a prominent position on the site at the time subdivision works are being carried out:
- (a) showing the name, address and telephone number of the Principle Certifying Authority for the work; and
 - (b) showing the name of the principal contractor (if any) for any subdivision work and a telephone number on which that person may be contacted, including contact details outside of normal working hours; and
 - (c) stating that unauthorised entry to the subdivision site is prohibited.

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

Reason

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

ADVICE

1. A Flood Management Study and associated Flood Evacuation Plan will be required to be prepared for subsequent built development at the site.

FOR	AGAINST
Councillor Troy	Councillor Davey
Councillor Burcham	Councillor Parker
Councillor Gorman	Councillor Ryan
Councillor McCudden	Councillor Olsen
Councillor Hawkins	Councillor Main
Councillor Smith	
Councillor Pynsent	
Councillor Maybury	
Total (8)	Total (5)

CARRIED

ENHANCING OUR NATURAL, DEVELOPED AND CULTURAL ENVIRONMENT

OUR NATURAL, DEVELOPED AND CULTURAL ENVIRONMENT NO. EE1/2012

SUBJECT: DEVELOPMENT APPLICATION 8/2011/463/1 - SUBDIVISION OF ONE (1) LOT INTO THREE (3) LOTS - 18 WILLIAM STREET, EAST BRANXTON

Councillor McCudden declared a Non-Pecuniary Interest – Insignificant Conflict for the reason that the applicant planner has done work for a company of which he is a Director. Councillor McCudden remained in the Chamber and participated in discussion and voting.

MOTION **Moved:** Councillor Ryan **Seconded:** Councillor Parker

That report numbers EE1/2012, EE2/2012, EE52/2011 & EE53/2011 be **DEFERRED** for Councillors to be provided with a written copy of the engineer’s reasons as to why they refused to provide conditions of consent due to liability issues. Also that Councillors be informed by the Group Leader Built & Natural Environment of the context and meaning of the engineer’s written reasons.

FOR	AGAINST
Councillor Davey	Councillor Troy
Councillor Parker	Councillor Burcham
Councillor Ryan	Councillor Gorman
Councillor Olsen	Councillor McCudden
Councillor Main	Councillor Hawkins
	Councillor Smith
	Councillor Pynsent
	Councillor Maybury
Total (5)	Total (8)

The Motion was PUT and LOST

MOTION
1833

Moved: Councillor Troy

Seconded: Councillor Pynsent

RESOLVED

That Report Numbers EE1/2012 & EE2/2012 be accepted.

FOR	AGAINST
Councillor Davey	
Councillor Troy	
Councillor Burcham	
Councillor Parker	
Councillor Ryan	
Councillor Gorman	
Councillor McCudden	
Councillor Olsen	
Councillor Main	
Councillor Hawkins	
Councillor Smith	
Councillor Pynsent	
Councillor Maybury	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

OUR NATURAL, DEVELOPED AND CULTURAL ENVIRONMENT NO. EE2/2012

**SUBJECT: DEVELOPMENT APPLICATION 8/2011/583/1 - SUBDIVISION OF ONE
(1) LOT INTO TWO (2) LOTS - 18 GEORGE STREET, EAST BRANXTON**

MOTION **Moved:** Councillor Pynsent **Seconded:** Councillor Troy
1834
RESOLVED

That Report Numbers EE1/2012 & EE2/2012 be accepted.

FOR	AGAINST
Councillor Davey	
Councillor Troy	
Councillor Burcham	
Councillor Parker	
Councillor Ryan	
Councillor Gorman	
Councillor McCudden	
Councillor Olsen	
Councillor Main	
Councillor Hawkins	
Councillor Smith	
Councillor Pynsent	
Councillor Maybury	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PROVIDING QUALITY SERVICES

PROVIDING QUALITY SERVICES NO. QS1/2012

SUBJECT: UPDATE ON COUNCIL RESOLUTION (7 SEPTEMBER 2011), OPTIONS FOR COUNCIL IN ATTRACTING AND RETAINING GENERAL PRACTITIONERS TO THE CESSNOCK LOCAL GOVERNMENT AREA

Councillor Cordelia Burcham left the meeting, the time being 8.07pm
Councillor James Hawkins left the meeting, the time being 8.07pm

Councillor Cordelia Burcham returned to the meeting, the time being 8.08pm
Councillor James Hawkins returned to the meeting, the time being 8.08pm

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Gorman
1835

RESOLVED

That Council receive and note the report and compliment Ms Natalie Drage on the Senate Submission that was put together.

FOR	AGAINST
Councillor Davey	
Councillor Troy	
Councillor Burcham	
Councillor Parker	
Councillor Ryan	
Councillor Gorman	
Councillor McCudden	
Councillor Olsen	
Councillor Main	
Councillor Hawkins	
Councillor Smith	
Councillor Pynsent	
Councillor Maybury	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PROVIDING QUALITY SERVICES NO. QS2/2012

SUBJECT: STATUS REPORT ON FUTURE OF TOURIST DRIVE 33

MOTION **Moved:** Councillor Maybury **Seconded:** Councillor Pynsent
1836

RESOLVED

That Council:-

1. **Write to the General Manager at Gosford City Council requesting that Gosford City Council reconsider their decision to not retain their section of Tourist Drive 33, associated signage infrastructure and promotional material and offer to fund signs for maintenance and retention within the Gosford LGA.**
2. **Write to TASAC advising that correspondence has been forwarded to Gosford City Council requesting a review of their decision, and request TASAC to cease the removal of Tourist Drive 33 signage on classified roads until Cessnock City Council has considered the written response from Gosford City Council.**
3. **A copy of the correspondence be forwarded to both the State and Federal members.**

FOR	AGAINST
Councillor Davey	
Councillor Troy	
Councillor Burcham	
Councillor Parker	
Councillor Ryan	
Councillor Gorman	
Councillor McCudden	
Councillor Olsen	
Councillor Main	
Councillor Hawkins	
Councillor Smith	
Councillor Pynsent	
Councillor Maybury	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PROVIDING QUALITY SERVICES NO. QS3/2012

SUBJECT: ADDITIONAL FEES AND CHARGES 2011-12

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Gorman
1837

RESOLVED

1. That Council adopt the fees and charges for banner pole hire on an interim basis as exhibited and incorporate them in the 2011-12 Schedule of Fees and Charges with an additional report being prepared to clarify issues in regard to timeframes.

2. That Council adopt the 2011-12 fees and charges for Cessnock Airport as exhibited and incorporate them in the 2011-12 Schedule of Fees and Charges.

FOR	AGAINST
Councillor Davey	
Councillor Troy	
Councillor Burcham	
Councillor Parker	
Councillor Ryan	
Councillor Gorman	
Councillor McCudden	
Councillor Olsen	
Councillor Main	
Councillor Hawkins	
Councillor Smith	
Councillor Pynsent	
Councillor Maybury	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PROFESSIONAL MANAGEMENT AND LEADERSHIP

PROFESSIONAL MANAGEMENT AND LEADERSHIP NO. PM1/2012

SUBJECT: RATES & CHARGES COLLECTED SUMMARY - NOVEMBER 2011

MOTION **Moved:** Councillor Ryan **Seconded:** Councillor Olsen
1838

RESOLVED

That Council receive the report and note the information.

FOR	AGAINST
Councillor Davey	
Councillor Troy	
Councillor Burcham	
Councillor Parker	
Councillor Ryan	
Councillor Gorman	
Councillor McCudden	
Councillor Olsen	
Councillor Main	
Councillor Hawkins	
Councillor Smith	
Councillor Pynsent	
Councillor Maybury	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PROFESSIONAL MANAGEMENT AND LEADERSHIP NO. PM2/2012

SUBJECT: INVESTMENT REPORT - DECEMBER 2011

MOTION **Moved:** Councillor Ryan **Seconded:** Councillor Olsen
1839

RESOLVED

That Council receive the report and note the information.

FOR	AGAINST
Councillor Davey	
Councillor Troy	
Councillor Burcham	
Councillor Parker	
Councillor Ryan	
Councillor Gorman	
Councillor McCudden	
Councillor Olsen	
Councillor Main	
Councillor Hawkins	
Councillor Smith	
Councillor Pynsent	
Councillor Maybury	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PROFESSIONAL MANAGEMENT AND LEADERSHIP NO. PM3/2012

SUBJECT: DRUG AND ALCOHOL POLICY FOR COUNCILLORS

MOTION **Moved:** Councillor Pynsent **Seconded:** Councillor Maybury
1840

RESOLVED

That the report be received and noted.

FOR	AGAINST
Councillor Davey	
Councillor Troy	
Councillor Burcham	
Councillor Parker	
Councillor Ryan	
Councillor Gorman	
Councillor McCudden	
Councillor Olsen	
Councillor Main	
Councillor Hawkins	
Councillor Smith	
Councillor Pynsent	
Councillor Maybury	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PROFESSIONAL MANAGEMENT AND LEADERSHIP NO. PM4/2012

SUBJECT: DRAFT POLICY - STATEMENT OF BUSINESS ETHICS 2012

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Maybury
1841

RESOLVED

That the Draft Policy – *Statement of Business Ethics 2012*, be placed on public exhibition.

FOR	AGAINST
Councillor Davey	
Councillor Troy	
Councillor Burcham	
Councillor Parker	
Councillor Ryan	
Councillor Gorman	
Councillor McCudden	
Councillor Olsen	
Councillor Main	
Councillor Hawkins	
Councillor Smith	
Councillor Pynsent	
Councillor Maybury	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

MOTION **Moved:** Councillor McCudden **Seconded:** Councillor Gorman

That a Planning Proposal be prepared by Council which permits, with consent, indoor and/or outdoor recreational facilities in Zone RU4 Primary Production Small Lots subject to the Vineyard Visioning statement.

FOR	AGAINST
Councillor Gorman	Councillor Davey
Councillor McCudden	Councillor Troy
Councillor Smith	Councillor Burcham
Councillor Pynsent	Councillor Parker
Councillor Maybury	Councillor Ryan
	Councillor Olsen
	Councillor Main
Total (5)	Total (7)

The Motion was **PUT** and **LOST**

Councillor James Hawkins returned to the meeting, the time being 8.58pm

BUSINESS WITH NOTICE NO. BN2/2012

SUBJECT: COUNCIL CHRISTMAS FUNCTION

MOTION **Moved:** Councillor Olsen **Seconded:** Councillor Main

That the General Manager be requested to bring back an information report which advises Council on the outcomes of consultation with staff regarding Christmas celebrations including canvassing the possibility of achieving a 'whole of Council staff' end of year Christmas celebration.

FOR	AGAINST
Councillor Davey	Councillor Troy
Councillor Parker	Councillor Burcham
Councillor Ryan	Councillor Gorman
Councillor Olsen	Councillor McCudden
Councillor Main	Councillor Hawkins
	Councillor Smith
	Councillor Pynsent
	Councillor Maybury
Total (5)	Total (8)

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

BUSINESS WITH NOTICE NO. BN3/2012

SUBJECT: BREAST SCREEN NSW

Councillor Ian Olsen left the meeting, the time being 9.14pm

Councillor Ian Olsen returned to the meeting, the time being 9.15pm

MOTION **Moved:** Councillor Maybury **Seconded:** Councillor Pynsent
1843

RESOLVED

That communications be undertaken with Breast Screen NSW to explore options regarding suitable positions to locate the Breast Screening van in Cessnock and Kurri Kurri. It is suggested that the locations be highly visible and close to public transport and parking.

FOR	AGAINST
Councillor Davey	
Councillor Troy	
Councillor Burcham	
Councillor Parker	
Councillor Ryan	
Councillor Gorman	
Councillor McCudden	
Councillor Olsen	
Councillor Main	
Councillor Hawkins	
Councillor Smith	
Councillor Pynsent	
Councillor Maybury	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN4/2012

SUBJECT: HYDRO ALUMINIUM

Group Leader Community Services left the meeting, the time being 9.21pm

Group Leader Community Services returned to the meeting, the time being 9.23pm

MOTION **Moved:** Councillor Pynsent **Seconded:** Councillor Maybury

That the General Manager write to Premier Barry O'Farrell urging him to keep his election promise to ensure an electricity contract for Hydro Aluminium at Kurri Kurri.

Group Leader Natural & Built Environment left the meeting, the time being 9.26pm

Group Leader Natural & Built Environment returned to the meeting, the time being 9.29pm

AMENDMENT **Moved:** Councillor Ryan **Seconded:** Councillor Olsen

That the Council note that NSW Premier indicated prior to the election he would assist negotiations regarding an electricity supply contract for Hydro and Council believe the Premier should make stronger efforts to support the people of Kurri Kurri in this regard.

Council also note that the previous Labor Government of NSW pursued the privatisation of the electricity industry in NSW which precipitated the crisis for the Hyrdo plant at Kurri Kurri.

Council also note that Federal Governments of all persuasions have reduced protections for Australian industry from the time of Gough Whitlam onwards. Residents of the Cessnock LGA have been particularly affected by the move offshore of the clothing industry which was prevalent in Cessnock and steel industries in Newcastle which employed a lot of Cessnock LGA residents.

As a result we can buy cheap consumer goods made in China in Woolworths and Aldi but we can't keep jobs onshore in Australia.

Finally Council notes that Hydro Norsk have themselves built a new 585,000 tonne smelter in Qatar as part of the globalisation which is affecting the profitability of the Kurri Kurri smelter.

That Council write to the NSW Premier, the Leader of the Opposition and the Australian Prime Minister asking them to support policies which protect Australian jobs including the jobs at Kurri Hydro smelter.

Councillor Dale Troy asked to be excused from the remainder of the meeting and left, the time being 9.36pm

Councillor Cordelia Burcham asked to be excused from the remainder of the meeting and left, the time being 9.41pm

FOR	AGAINST
Councillor Parker	Councillor Davey
Councillor Ryan	Councillor Gorman
Councillor Olsen	Councillor McCudden
	Councillor Main
	Councillor Hawkins
	Councillor Smith
	Councillor Pynsent
	Councillor Maybury
Total (3)	Total (8)

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

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

MOTION **Moved:** Councillor Pynsent **Seconded:** Councillor Maybury
1844
RESOLVED

That the General Manager write to Premier Barry O'Farrell urging him to keep his election promise to ensure an electricity contract for Hydro Aluminium at Kurri Kurri.

FOR	AGAINST
Councillor Davey	
Councillor Parker	
Councillor Ryan	
Councillor Gorman	
Councillor McCudden	
Councillor Olsen	
Councillor Main	
Councillor Hawkins	
Councillor Smith	
Councillor Pynsent	
Councillor Maybury	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN5/2012

SUBJECT: INFRASTRUCTURE

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Pynsent
1845

RESOLVED

1. Council authorises the Leadership Group, in consultation with Councillors, to prepare a prioritised list of projects suitable for submission to the board of Hunter Infrastructure, or other funding entities, for consideration and funding support.
2. These projects may include but not be limited to the following, and may be dealt with through the following strategies:
 - A. Direct application by Council for the provision of funding support to enable Council to undertake works, such as:
 - Expansion of basketball stadium into convention and exhibition centre, or construction of a new facility
 - New library or converged cultural centre
 - New swimming centre
 - Development of the cycleway network to link villages to larger CBDs
 - Expansion of major drainage works
 - Implementation of CBD masterplans
 - Rehabilitation of contaminated or undermined land to allow development of Council infrastructure
 - B. By Council undertaking a lead role in community lobbying for the allocation of State or Federal Government funds to projects relevant to the Cessnock community, such as:
 - Upgrade of links to the Hunter Expressway
 - Establishment of a new regional referral hospital
 - Upgrade and/or relocation of Cessnock TAFE
 - Flood mitigation works
 - Rebuilding of Weston and Greta railway overpasses
3. A report on the prioritised list is to be made available to Council at the earliest possible time, with an indication of which projects are the most advanced in planning and would be available for working up into detailed submissions.

FOR	AGAINST
Councillor Davey	
Councillor Parker	
Councillor Ryan	
Councillor Gorman	
Councillor McCudden	
Councillor Olsen	
Councillor Main	
Councillor Hawkins	
Councillor Smith	
Councillor Pynsent	
Councillor Maybury	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ1/2012

SUBJECT: RSPCA CONTRACT

The Answer be noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ2/2012

SUBJECT: MONEY HELD BY CROWN PLAZA

The Answer be noted.

QUESTIONS FOR NEXT MEETING

Councillor Chris Parker

TURNER PARK MARKETS

Councillor Parker asked when the markets, that were approved for Turner Park, will be commencing?

Councillor Chris Parker

CAPITAL WORKS PROGRAM

Councillor Parker asked whether any further investigations have been carried out in regard to a briefing on where the capital works program?

Councillor Jeff Maybury

MAJOR PROJECTS COMMITTEE

Councillor Maybury asked what was happening with the Major Projects Committee?

The Mayor advised that Councillors involved in the committee are being surveyed to establish a suitable day and a meeting will be called shortly.

Councillor Neil Gorman

ROADS – PATCHING V REHABILITATION/RENEWAL

Councillor Gorman asked for a report on the cost estimate of roadworks and the feasibility of borrowing to do these works so that all the works are completed within a short period of time.

The Development Services Manager left the meeting, the time being 9.47pm

Councillor Neil Gorman

ADMINISTRATION BUILDING WORKS

Councillor Gorman asked for a breakdown on where the money has come from for the works being carried out on the administration building?

The Development Services Manager returned to the meeting, the time being 9.49pm

Councillor James Ryan

QUARRY - BLACKHILL

Councillor Ryan asked whether a revised environmental management plan had been lodged by the operators of the Blackhill quarry, which was to have occurred, and if so can Councillors have a copy?

Councillor Ryan asked if Councillors could also have a copy of the quarry's annual report up to June 2011 if it has been lodged with Council?

Councillor Graham Smith

FIRST STREET WESTON

Councillor Smith asked whether the works programmed for First Street, Weston between Hall Street and the traffic lights will be completed during this financial year?

Councillor Alison Davey

CONDITION OF WOLLOMBI ROAD

Mayor Davey asked whether the section of Wollombi Road between Bellbird and the overhead bridge has been put on a priority list for repairs?

Councillor Alison Davey

WOLLOMBI ROAD, MILLFIELD

Mayor Davey asked if Wollombi Road going through Millfield is on a priority list for repairs?

MOTION **Moved:** Councillor Maybury **Seconded:** Councillor McCudden
1846

RESOLVED

That Council liaise with Cessnock RSL and Col. Jim Hodson to place a suitable memorial to the 16 brave soldiers that took part in the 1955 floods. The memorial to cost between \$5,000 - \$10,000 and be placed in the cenotaph area of the TAFE grounds.

FOR	AGAINST
Councillor Gorman	Councillor Davey
Councillor McCudden	Councillor Parker
Councillor Hawkins	Councillor Ryan
Councillor Smith	Councillor Main
Councillor Pynsent	
Councillor Maybury	
Total (6)	Total (4)

CARRIED

The Meeting Was Declared Closed at 10.15pm

CONFIRMED AND SIGNED at the meeting held on 15 February 2012

.....**CHAIRPERSON**

.....**GENERAL MANAGER**