

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 3 SEPTEMBER 2014, COMMENCING
AT 6.30 PM**

PRESENT: His Worship the Mayor, Councillor R Pynsent (in the Chair) and Councillors Gibson, Doherty, Olsen, Ryan, Stapleford, Hawkins, Smith, Campbell, Parsons and Maybury.

IN ATTENDANCE: General Manager
Director Planning and Environment
Acting Director Corporate and Community Services
Director Works and Infrastructure
Development Services Manager
Recreation Services Manager
Strategic Recreation & Facilities Planner
Acting Cultural Services Manager
CYCOS Co-ordinator
Economic Development Manager
Consultant Development Engineer
Corporate Administration Officer
General Manager's Executive Assistant

APOLOGY **Moved:** Councillor Hawkins **Seconded:** Councillor Parsons
1041

RESOLVED

That the apologies tendered on behalf of Councillors Troy and Wrightson, for unavoidable absence be accepted and leave of absence granted.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION

Moved: Councillor Stapleford

Seconded: Councillor Maybury

1042

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 20 August 2014, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

Councillor Gibson
Councillor Doherty
Councillor Olsen
Councillor Ryan
Councillor Stapleford
Councillor Hawkins
Councillor Smith
Councillor Campbell
Councillor Parsons
Councillor Maybury
Councillor Pynsent

Total (11)

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI16/2014

SUBJECT: DISCLOSURES OF INTEREST

MOTION **Moved:** Councillor Hawkins **Seconded:** Councillor Stapleford
1043
RESOLVED

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

BN11/2014 – Kurri Kurri Hydro Aluminium Site – Councillor Doherty declared a non-pecuniary interest – Less Than Significant Conflict for the reason that he is a community member of the Hydro Aluminium CRG. Councillor Doherty 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..

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

Emily Cant – CYCOS Co-ordinator gave a presentation regarding the award that was won by CYCOS for Youth Week 2014.

Acting Cultural Services Manager and CYCOS Co-ordinator left the meeting, the time being 6.40 pm

Speakers	Report	For/Against Recommendation	Page No.	Duration
Mr John Outram on behalf of the Outram, Brady & O'Donnell Families	PE112/2014 – Section 96(1A) Application proposing to modify Development Consent 2012/582 – 814 Buchanan Road, Buchanan	Against Recommendation	36	3 mins

Mr Jeff Garry on behalf of Martina Kovacs	PE112/2014 – Section 96(1A) Application proposing to modify Development Consent 2012/582 – 814 Buchanan Road, Buchanan	For Recommendation	36	3 mins
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PLANNING AND ENVIRONMENT NO. PE112/2014

SUBJECT: SECTION 96(1A) APPLICATION PROPOSING TO MODIFY DEVELOPMENT CONSENT 2012/582

814 BUCHANAN ROAD, BUCHANAN

MOTION Moved: Councillor Gibson **Seconded:** Councillor Smith

1. That Council determine the Section 96(1A) Application (8/2012/582/2) proposing to modify Development Consent 2012/582 seeking to modify Condition Nos. 4 and 9 that requires construction of a BAL/BAR intersection at 814 Buchanan Road, Buchanan, pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979 by granting consent subject to the conditions contained in this report.
2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

CONDITIONS OF CONSENT:

SCHEDULE 1

TERMS OF CONSENT

General

1. The proposed development shall be carried out strictly in accordance with the details set out on the application form, the site plan, the Statement of Environmental Effects 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.

2. The terms of this consent allow for the use of land as an 'animal or boarding training establishment' as defined by Cessnock Local Environmental Plan 2011. Under no circumstance shall equestrian related events such as ribbon and competition days or school camps be held onsite unless prior consent has been obtained from Council.

Reason

To confirm and clarify the terms of Council's approval.

Access, Carparking and Loading Arrangements

3. 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.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE OR SUBDIVISION CERTIFICATE

General

4. The registered proprietor of the land shall construct the following generally in accordance with Austroads Guide to Road Design Part 4A and 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 the Council prior to release of the S138 Roads Act Approval with works to be completed prior to the use or occupation of the development.

1. Construct a shoulder widening generally in accordance with the plan titled "Proposed Driveway Upgrade, Buchanan" prepared by Intersect Traffic, Job Reference 14/050, dated 01/07/14.
2. Place two (2) coat hot bitumen seal on new works.
3. Construct drainage works as necessary.

5. On-site car parking shall be provided for a minimum of eight (8) vehicles and such being set out generally in accordance with Council's Car Parking Code. Full details shall be submitted to and approved by **the Certifying Authority** prior to release of the Construction Certificate **with works to be completed prior to the use or occupation of the development.**

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.

6. All driveways, access corridors and carparking areas are to be designed in accordance with AS2890.1, 2 and 6 - Parking Facilities. The carparking areas shall be constructed with a gravel all weather surface treatment, graded and drained in accordance with Council's 'Engineering Requirements for Development'.

- (a) Full details shall be provided with an application for a Construction 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.

7. A separate off-street loading/unloading facility with capacity to accommodate the largest delivery vehicle likely to deliver goods to and from the premises shall be provided for all loading and unloading of vehicles wholly within the property. Such facility shall be constructed clear of the car parking area and driveways. Full details shall be submitted to and approved by **the Certifying Authority** prior to release of

the Construction Certificate.

Reason

To ensure the orderly and efficient use of on-site parking facilities and that loading and unloading of vehicles does not interfere with the use of public footpaths and roadways.

- 8. One (1) car parking space shall be designated and signposted for use by disabled persons for the life of the development. Full details shall be submitted to and approved by **the Certifying Authority** prior to release of the Construction Certificate.

Reason

To ensure the provision of adequate on-site parking for the disabled.

- 9. Based on a road length of approximately **115** metres. Final bond amounts will be levied on accurate dimensions contained within the engineering plans.
 - (i) Road fees - engineering plan checking and supervision of \$ 2177.00.
 - (ii) A performance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (transferable).
 - (iii) 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 S138 Roads Act Approval and shall be in accordance with Council’s adopted fees and charges current at the time of payment.

DURING CONSTRUCTION

General

- 10. 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.

- 11. 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”, Department of Conservation and Land Management’s ‘Urban Erosion and Sediment Control’ requirements and the Department of Housing ‘Soil and Water Management for Urban Developments’. 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.

PRIOR TO OPERATION

Access, Car Parking and Loading Arrangements

12. All conditions relating to road upgrades, unloading facilities and on site parking shall be adhered to prior to the operation of the business.

Reason

To ensure a safe traffic environment is established prior to the operation of the business.

13. All parking and loading bays shall be permanently marked out on the pavement surface, with loading bays and visitor parking facilities shall be clearly indicated by signs prior to **operation of the equestrian facility** and 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.

ONGOING SITE OPERATION

14. The proposed Horse Training Arena shall not be used for the commercial exhibition or competition of horses unless approved by Council.
15. All areas used to accommodate horses, for example, the arena and horse paddocks, are to be kept in a clean condition and graded to prevent stormwater run-off nuisance to adjacent premises.
16. All manure is to be stored so as not to create offensive odour, and is to be removed from the site on a fortnightly basis, at a minimum.
17. When in storage, all feed shall be enclosed in moisture proof containers sealed with a close fitting lid, so as to provide effective protection against rats or vermin.
18. A maximum number of 50 horses are permitted to be onsite at any one time. Approval is granted for a maximum of seven (7) student riders (not including instructors)' to be actively participating in lessons, at any one time.
19. The equestrian riding school is permitted between the hours of 8:00am and 6:00pm Monday to Sunday.
20. A discrete signpost which is visible from the internal driveway shall be provided within the property stating in unspecified terms that 'stopping upon the driveway is prohibited and drop off/pick up should occur outside the dedicated path of travel'.
21. Business identification signage other than that considered exempt development is not permitted without prior development consent.

22. The proposed development is to comply with the 'Planning for horse establishments' guidelines (dated August 2009) prepared by the Department of Planning and Infrastructure.
23. High traffic areas such as feeding locations and saddling areas shall be surfaced by sand or rubber matting to reduce dust, mud and soil erosion.
24. A five (5) metre wide landscaping buffer shall be established along the northern boundary, beginning from the front boundary and extending 92 metres to the west. The planting schedule shall consist of a mix of established plants and bushes so as to provide a dense visual privacy buffer to adjoining residences at No. 796 Buchanan Road (Lot 91 DP 755260).

In order to accommodate the landscape buffer, the equestrian arena shall be relocated further to the south in order to maintain a reasonable setback from the adjoining property boundary.

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

1. That Council determine the Section 96(1A) Application (8/2012/582/2) proposing to modify Development Consent 2012/582 seeking to modify Condition Nos. 4 and 9 that requires construction of a BAL/BAR intersection at 814 Buchanan Road, Buchanan, pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979 by granting consent subject to the conditions contained in this report.
2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.
3. That Council notes advice from Engineer Craig Maher that the treatment of the intersection is satisfactory and safe.

FOR	AGAINST
Councillor Olsen	Councillor Gibson
Councillor Ryan	Councillor Doherty
	Councillor Stapleford
	Councillor Hawkins
	Councillor Smith
	Councillor Campbell
	Councillor Parsons
	Councillor Maybury
	Councillor Pynsent
Total (2)	Total (9)

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

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

MOTION **Moved:** Councillor Gibson **Seconded:** Councillor Smith
1044

RESOLVED

1. That Council determine the Section 96(1A) Application (8/2012/582/2) proposing to modify Development Consent 2012/582 seeking to modify Condition Nos. 4 and 9 that requires construction of a BAL/BAR intersection at 814 Buchanan Road, Buchanan, pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979 by granting consent subject to the conditions contained in this report.

2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

CONDITIONS OF CONSENT:

SCHEDULE 1

TERMS OF CONSENT

General

1. The proposed development shall be carried out strictly in accordance with the details set out on the application form, the site plan, the Statement of Environmental Effects 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.

2. The terms of this consent allow for the use of land as an 'animal or boarding training establishment' as defined by Cessnock Local Environmental Plan 2011. Under no circumstance shall equestrian related events such as ribbon and competition days or school camps be held onsite unless prior consent has been obtained from Council.

Reason

To confirm and clarify the terms of Council's approval.

Access, Carparking and Loading Arrangements

3. 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.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE OR SUBDIVISION CERTIFICATE

General

4. The registered proprietor of the land shall construct the following generally in accordance with Austroads Guide to Road Design Part 4A and 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 the Council prior to release of the S138 Roads Act Approval with works to be completed prior to the use or occupation of the development.
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5. On-site car parking shall be provided for a minimum of eight (8) vehicles and such being set out generally in accordance with Council's Car Parking Code. Full details shall be submitted to and approved by **the Certifying Authority** prior to release of the Construction Certificate **with works to be completed prior to the use or occupation of the development.**

Reason

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Reason

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Reason

To ensure the provision of adequate on-site parking for the disabled.

- 9. Based on a road length of approximately **115** metres. Final bond amounts will be levied on accurate dimensions contained within the engineering plans.
 - (i) Road fees - engineering plan checking and supervision of \$ 2177.00.
 - (ii) A performance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (transferable).
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DURING CONSTRUCTION

General

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Reason

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

- 11. 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”, Department of Conservation and Land Management’s ‘Urban Erosion and Sediment Control’ requirements and the Department of Housing ‘Soil and Water Management for Urban Developments’. 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

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PRIOR TO OPERATION

Access, Car Parking and Loading Arrangements

12. All conditions relating to road upgrades, unloading facilities and on site parking shall be adhered to prior to the operation of the business.

Reason

To ensure a safe traffic environment is established prior to the operation of the business.

13. All parking and loading bays shall be permanently marked out on the pavement surface, with loading bays and visitor parking facilities shall be clearly indicated by signs prior to **operation of the equestrian facility** and 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.

ONGOING SITE OPERATION

14. The proposed Horse Training Arena shall not be used for the commercial exhibition or competition of horses unless approved by Council.
15. All areas used to accommodate horses, for example, the arena and horse paddocks, are to be kept in a clean condition and graded to prevent stormwater run-off nuisance to adjacent premises.
16. All manure is to be stored so as not to create offensive odour, and is to be removed from the site on a fortnightly basis, at a minimum.
17. When in storage, all feed shall be enclosed in moisture proof containers sealed with a close fitting lid, so as to provide effective protection against rats or vermin.
18. A maximum number of 50 horses are permitted to be onsite at any one time. Approval is granted for a maximum of seven (7) student riders (not including instructors)' to be actively participating in lessons, at any one time.
19. The equestrian riding school is permitted between the hours of 8:00am and 6:00pm Monday to Sunday.
20. A discrete signpost which is visible from the internal driveway shall be provided within the property stating in unspecified terms that 'stopping upon the driveway is prohibited and drop off/pick up should occur outside the dedicated path of travel'.
21. Business identification signage other than that considered exempt development is not permitted without prior development consent.
22. The proposed development is to comply with the 'Planning for horse establishments' guidelines (dated August 2009) prepared by the Department of Planning and Infrastructure.
23. High traffic areas such as feeding locations and saddling areas shall be surfaced by

sand or rubber matting to reduce dust, mud and soil erosion.

24. A five (5) metre wide landscaping buffer shall be established along the northern boundary, beginning from the front boundary and extending 92 metres to the west. The planting schedule shall consist of a mix of established plants and bushes so as to provide a dense visual privacy buffer to adjoining residences at No. 796 Buchanan Road (Lot 91 DP 755260).

In order to accommodate the landscape buffer, the equestrian arena shall be relocated further to the south in order to maintain a reasonable setback from the adjoining property boundary.

FOR	AGAINST
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	Councillor Campbell
Councillor Hawkins	
Councillor Smith	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (8)	Total (3)

CARRIED

Mr Ben Patterson on behalf of Maria Constantinidis	PE113/2014 – Development Application 8/2013/386/1 proposing Construction of a Child Care Centre and Associated Parking – 6 Lovedale Road, Lovedale	Against Recommendation	62	3 mins
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PLANNING AND ENVIRONMENT NO. PE113/2014

SUBJECT: DEVELOPMENT APPLICATION 8/2013/386/1 PROPOSING CONSTRUCTION OF A CHILD CARE CENTRE AND ASSOCIATED PARKING

6 LOVEDALE ROAD, LOVEDALE

MOTION **Moved:** Councillor Maybury **Seconded:** Councillor Hawkins
1045
RESOLVED

That Council determine Development Application No. 8/2103/386/1 proposing the construction of a child care centre and associated parking at Lot 1, DP 780501, 6 Lovedale Road Lovedale, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by granting consent subject to the following conditions.

SCHEDULE 1

TERMS OF CONSENT

1. Development must be carried out strictly in accordance with DA No. 8/2013/386/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Job No. 1293, Drawing Nos DA 001 issue D (Site Plan & Site Analysis Plan), DA 11 issue F (Ground Floor Plan/Attic Plan), DA 21 issue C (Elevations and Sections).	Artiva Architects	28/4/2014, 13/5/2014, 28/4/2014,
Landscape Planting Plan and Landscape Layout Plan & Samples of Play Items (Project No. 6LR/LOV/DA – Drawing Nos. LLP/DA/02/C & LLP/DA/01/C)	John Chetham & Associates	28/12/2013

Document Title	Prepared By	Dated
Flood Investigation Report	Royal HaskoningDHV	1 August 2014
Social Impact Assessment and Safer by Design Report plus Supplementary Information.	James Marshall & Co	November 2013 24 March 2014.
Bushfire Threat Assessment Report	Peak Land Management	December 2012
Traffic Assessment Report	TPK & Associates Pty Ltd	May 2013
Statement of Environmental Effects	Provincial Planning	May 2013
On-site Effluent Dispersal Investigation	Barker Harle – Consulting Engineers	April 2013
Fauna Assessment	Peak Land Management	December 2012
Flora Assessment	Anne Clements & Associates Pty Ltd	29 May 2013
Preliminary Contaminated Site Investigation	Barker Harle – Consulting Engineers	

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

2. All General Terms of Approval issued by the NSW Rural Fire Service shall be complied with prior, during and at the completion of the development, as required.

The General Terms of Approval include the following:

(a) Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the entire property surrounding the child care centre for the following distances;
 - 30 metres on the southern elevation and
 - 20 metres on the eastern and western elevations shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones.'

(b) Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
 - A hardened ground surface for truck access is to be supplied up to and within 4 metres of the water source.
 - A 65mm metal Storz outlet with a gate or ball valve shall be provided.
 - In recognition that an unreliable reticulated water supply exists, a 10,000 litre water supply shall be provided for fire fighting purposes.
 - The water tank if located above ground shall be of a non-combustible material.
 - The gate or ball valve, pipes and tank penetration are adequate for full 50mm inner diameter water flow through the Storz fitting and are metal.
 - All associated fittings to the tank shall be non-combustible.
 - A minimum 5hp or 3kW petrol or diesel powered pump shall be made available to the water supply. A 19mm (internal diameter) fire hose and reel shall be connected to the pump.

A copy of the General Terms of Approval is attached to this determination notice.

3. A separate DA for any proposed signs additional to those approved as part of this consent must be submitted to and approved by Council prior to the erection or display of any such signs.

Health Standards

3. The following Health requirements are to be undertaken:-
 - a) Premises which are used for the sale, storage and preparation for sale of food for human consumption shall comply fully 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"
 - b) All walls of the food premises shall be of solid construction, as well as smooth and impervious and be able to be effectively cleaned and of a light colour.
 - c) Hand washing facilities - Hand washing facilities 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.
 - d) Suitable hand drying facilities are to be provided within all work and amenities areas. These may include single use paper towels, air dryers or other approved hand drying facilities.
 - e) A designated cupboard or locker is to be provided for the storage of staff clothing and personal belongings. The locker/cupboard is to be of a suitable size of at least 300mmx300mmx300mm. The locker/cupboard will also be able to contain the items out of sight by way of a door/drawer or similar access.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

4. In accordance with the provisions of Section 81A of the *EP&A Act 1979* construction works approved by this consent must not commence until:
 - a) A *CC* has been issued by the consent authority, Council or an accredited certifier; and
 - b) A *PCA* has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*; and
 - c) If Council is not the *PCA*, notify Council no later than two (2) days before building work commences as to who is the appointed *PCA*; and
 - d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.
5. Pursuant to Section 80A (11) of the *EP&A Act 1979* all building work must be carried out in accordance with the requirements of the *BCA*.
6. Prior to issue of a *CC* authorising the carrying out of any work in accordance with this development consent, the applicant must provide security to the Council for the payment of the cost of the following:
 - a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates,
 - b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent,
 - c) remedying any defects in any such public work that arise within six (6) months after the work is completed.

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

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

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

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

- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
 - iii) The locations of proposed work zones in the frontage roadways.
 - iv) Location of any proposed crane, concrete pump, truck standing areas on and off the site.
 - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
 - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - vii) An on-site parking area for employees, tradespersons and construction vehicles as far as possible.
 - viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
 - ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
 - x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.
- b) During excavation, demolition and construction phases, noise generated from the site must be controlled.
- c) All site works must comply with the occupational health and safety requirements of the New South Wales WorkCover Authority.
- d) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
- e) All traffic control plans must be in accordance with the RMS publication *Traffic Control Worksite Manual* and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

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

8. The applicant must prepare a Soil and Water Management Plan, being compatible with the Construction Management and Traffic Management Plan referred to in this Development Consent and incorporating the following matters. The plan must be submitted to and approved by the CA as satisfying these matters prior to the issue of

the CC.

- a) Minimise the area of soils exposed at any one time
- b) Conservation of top soil
- c) Identify and protect proposed stockpile locations
- d) Preserve existing vegetation. Identify revegetation technique and materials
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner
- f) Control surface water flows through the site in a manner that:
 - i) Diverts clean-runoff around disturbed areas
 - ii) Minimises slope gradient and flow distance within disturbed areas
 - iii) Ensures surface run-off occurs at non erodible velocities
 - iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences
- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

9. Compliance with the following Health Standards:-

- i) A separate floor and sectional plan detailing the kitchen and dining area floor surface finish, wall and ceiling finishes, and fit-out detail for the kitchen, servery, along with both dry and cold storage areas, shall be submitted to Council prior to the issue of the Construction Certificate. This plan should also detail the location of the required wash hand basin, storage areas and all proposed refrigeration equipment.
- ii) "All premises which are used for the storage, preparation and serving of food for human consumption shall comply with the provisions of the "Food Act, 2003", the "Regulations" thereunder and Australian Standard 4674-2004, "Design, construction and fit-out of food premises". * Please note: A detailed plan of the layout and a schedule of equipment to be installed for the kitchen area, shall be submitted to Council with the Construction Certificate."

(The plan is to also detail all floor, wall, ceiling, and bench/counter/servery surface types and finishes. Such plan should also detail all equipment, and the provision of the required hand washing facilities, associated with each operation.)

10. A revised Landscape Plan prepared by a suitably qualified person must be submitted to, and approved by the CA prior to the issue of a CC. The plan must include the provision of plant species that are known to grow within the Cessnock Local Government area together with the following details:

- a) Location of all proposed and existing planting, delineating existing trees to be retained, removed or transplanted
- b) A detailed planting schedule including species by botanical and common names, quantities, pot sizes and estimated size at maturity
- c) Details of planting procedure.
- d) Details of earthworks including mounding, retaining walls and planter boxes
- e) A landscape maintenance strategy for the owner / occupier to administer over a twelve (12) month establishment period
- f) Details of drainage and watering systems
- g) The landscaping of the site is to be designed to:
 - i) Be low maintenance with local native species
 - ii) Be designed for a safe level of transparency

- iii) Include significant canopy trees where possible
- iv) Include trees and shrubs known to be fauna food sources where possible
- v) Provide perimeter planting adjacent to the car park
- vi) Not interfere with sight lines for vehicles entering or exiting the site.

h) Written confirmation from the Landscape Designer that the landscaping proposed will comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006.'

11. The design of the vehicular access and off street parking facilities must comply with *AS 2890.1:2004 Parking Facilities – Off-Street Car Parking*. Details demonstrating compliance with this Standard are to be included on the plans submitted in association with a CC application.

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

12. A total of two (2) car parking spaces for use by persons with a disability must be provided as part of the total car parking requirements.

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

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

13. On-site car parking shall be provided for a minimum of fifty three (53) vehicles and such being set out generally in accordance with Council's Car Parking Code.

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

14. All driveways, access corridors and car parking areas are to be designed in accordance with AS2890.1 & AS2890.2 - Parking Facilities.

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

15. A construction management plan shall be submitted with the application for the CC and approved by the CA as satisfying the below requirements:

- a) Details of sedimentation and erosion control
- b) Details of provision of truck and machinery wash down areas. Note: All trucks and machinery must be free from all foreign material where such material is likely to cause pollution. An area must be set aside for the cleaning of concrete agitator trucks.

- c) Details of dust mitigation on building sites and access roads
- d) Location and phone number of the site office
- e) Details regarding provision of areas set aside for the storage/stockpiling of:
 - i) Construction refuse
 - ii) Construction materials
 - iii) Raw materials such as sand, soil, mulch and the like
 - v) Details regarding the provision of facilities for workers associated with the development.

Note: All protection and control of earthworks shall be carried out in accordance with Council's "Engineering Requirements for Development", Department of Conservation and Land Management's 'Urban Erosion and Sediment Control' requirements, and the Department of Housing 'Soil and Water Management for Urban Developments'.

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

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

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

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

- 18.** A Flood Risk Management Report, prepared by a qualified practising Civil Engineer and satisfying all the following requirements must be provided to the CA prior to the issue of a CC. The report must be prepared / amended to make provision for the following:

- a) The report must be generally in accordance with the recommendations of the Flood Investigation Report (including Flood Evacuation Plan), prepared by Royal Haskoning DHV, dated 1 August 2014, or as otherwise prescribed below.
- b) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. The flood impacts on the site shall be assessed for the 100 year ARI and Probable Maximum Flood (PMF) storm events. The precautions shall include, but not

be limited, to the following:

- i) Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris.
- ii) Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections.
- iii) Flood warning signs/depth indicators for areas that may be inundated.
- iv) A visible and audible flood warning system shall be installed within all proposed buildings.

The flood warning system is to be calibrated such that it alarms at a level equivalent to the 2% AEP flood (1 in 50 year ARI) for the subject land.

- v) The applicant shall prepare a flood emergency evacuation and management plan for the proposed development.

The plan should advise staff and occupants of flood evacuation procedures and emergency contact telephone numbers.

The management plan shall detail how evacuation will occur when the flood warning system is triggered at the 2% AEP flood level. The plan shall detail how young children and babies will be transported from the site upon triggering of the flood warning system.

The site is not to be used or occupied when flooding reaches the 2% AEP level.

The plan shall include a management plan for the maintenance and testing of the flood warning system.

The evacuation procedures should be permanently fixed to the building in a prominent location and kept up to date at all times.

- vi) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.
- c) Specify the architectural and structural plans upon which the above recommendations have been incorporated.

The design must make provision for the structural integrity of all structures from immersion and/or impact of velocity and debris and waterproofing works where applicable.

- 19.** The applicant shall submit a report from a suitably qualified and experienced engineer in respect of the proposed development. Such report to verify that:-

- a) any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property;
- b) the building structure will be able to withstand the force of flood waters (including buoyancy forces) and the impact of debris;
- c) all finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of flood waters.

Note: The 100 year Average Recurrence Interval (ARI) flood level in the vicinity of

the property is RL 58.28m Australian Height Datum (AHD) and the velocity of flow is 0.4m/s.

The report shall be submitted to, and approved by, the CA prior to issue of a CC for the building.

- 20.** Prior to the issue of a CC, the applicant shall provide evidence to the CA that the development will not increase the limits of upstream and downstream flooding for floods over the range of 1 in 1 year, to the 1 in 100 year Average Recurrence Interval (ARI) storm events, by the inclusion of on-site stormwater detention controls. A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property. Details shall include on-site storage, the method of controlled release from the site, and connection to an approved drainage system in accordance with Council's "Engineering Requirements for Development".

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

- 21.** Any fencing proposed across the required floodway or overland flowpath shall be of an open mesh or rod style with an open area of not less than 80%.

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

- 22.** The applicant shall ensure that the floor level of the proposed building is at least 500mm above the area of inundation for a 1 in 100 year flood. Evidence to support the determination of the flood level shall be supplied by a suitably qualified professional.

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

- 23.** The applicant shall submit a report from a suitably qualified and experienced engineer in respect of the proposed development, such report to verify that:-

- a) any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property
- b) the building structure will be able to withstand the force of flood waters (including buoyancy forces) and the impact of debris
- c) finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of flood waters.

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

- 24.** Materials and finishes must be complementary to the character and streetscape of

the area. Highly reflective roofing materials must not be used. Details of finished external surface materials, including colours and texture, must be provided to the CA prior to the issue of a CC.

25. Application shall be made to Council under Section 68 of the Local Government Act 1993 to Install an Onsite System of Sewage Management.

The application shall be accompanied by the required documentation, as specified under Clause 26 of the Local Government (General) Regulation 2005. The design of the onsite sewage management system shall be in accordance with the Environmental Health Protection Guidelines and AS/NZS 1547-2012 (The application form and further information is available on Council's website www.cessnock.nsw.gov.au).

The Section 68 application shall be considered and approved by Council prior to the release of a CC for the development.

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

- a) Back to base intruder alarm system to be installed which complies with the *Australian Standard – Systems Installed within Clients Premises, AS:2201* to enhance the physical security and detect unauthorised entry to the premises.
- b) The provision of a Closed Circuit Television System (CCTV) which complies with *Australian Standard – Closed Circuit Television System (CCTV) AS:4806.1.2.3.4* shall be considered for installation at the ground level, entry/exit points, car parks and the exterior of the building.
- c) Warning signs to be displayed around the perimeter of the premises to warn intruders of what security treatments have been implemented to reduce opportunities for crime.
- d) Lighting is required to be designed in accordance with the Australian and New Zealand *Lighting Standard AS 1158*. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining properties. The lighting should be vandal resistant - especially external lighting.
- e) Fences are to be used to define the property boundaries and restrict access to the property. Any external approved palisade or pool style fencing shall be black in colour, unless otherwise noted on the approved plans/details.
- f) Glazed tiling, patterned, porous and non solid surfaces reduce the reward for graffiti offenders
- g) A "lock down" plan be formulated and disseminated to all staff regarding actions to be undertaken in relation to unauthorised intruders.

In the event these recommendations are implemented, plans and details submitted in association with the CC application are to reflect this. The plans and details must be approved by the CA as satisfying this requirement prior to the issue of a CC.

27. The registered proprietor of the land shall construct the following works along the property frontage within Lovedale Road, in accordance with Council's 'Engineering Requirements for Development'. The design is to be submitted on a set of plans, four (4) copies of which shall be submitted to and approved by Council prior to release of the S138 Roads Act Approval.

- Construction of a sealed CHR(S) / AUL intersection at the entry to the development;
- No shrubs or plants shall be located at the entry or exit points, to permit greater sight distance for exiting vehicles to pedestrians on the footpath and traffic on the carriageway;
- "Stop" restrictions and associated pavement markings be installed for the car park exit movement, located at the property boundary and to be installed at the applicant's full cost;
- Opposing traffic flows at the combined entry / exit shall be separated by double unbroken (BB) pavement markings;
- "No Stopping" restrictions be placed on both sides of the combined entry / exit;
- A separate application to the Local Traffic Committee is required, for approval of all regulatory traffic management and parking controls within the road reserve, across the frontage of the development and no works associated with regulatory traffic control and parking measures shall be undertaken until regulatory approval has been issued from Council's Local Traffic Committee.

28. Prior to the issue of the CC the registered proprietor shall submit detailed plans addressing the the following:

- No Parking" restrictions be placed over the proposed "Quick Stop Only" bay at the front of the development;
- Pavement markings be provided within the car park to provide one way traffic flow in a clockwise direction;
- Pedestrian links be established between the car park and the building and within the car park itself;
- Lighting to AS 1158 shall be provided for the building facade (facing the car park) and within the car park itself.

PRIOR TO COMMENCEMENT OF WORKS

The following conditions are to be complied with prior to the commencement of works on the subject site/s.

29. The site must be secured and fenced prior to works commencing. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons on public property.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property.

Separate approval is required to erect a hoarding or temporary fence on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

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

30. Prior to the commencement of works, a sign must be erected in a prominent position on the site on which the proposal is being carried out. The sign must state:
- a) Unauthorised entry to the work site is prohibited
 - b) The name of the principal contractor (or person in charge of the site) and a telephone number on which that person may be contacted at any time for business purposes and including outside working hours
 - c) The name, address and telephone number of the *PCA* for the work

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

31. 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.

32. Any person or contractor undertaking works on public property must take out Public Risk insurance with a minimum cover of ten (10) million dollars in relation to the occupation of, and approved works within, public property. The Policy is to note, and provide protection for Cessnock City Council as an interested party, and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property. The insurance shall also note the location and the risk.

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

34. Prior to commencement of building work the, owner/operator must have in place an emergency evacuation plan that encompasses the requirements of the Council and the NSW Fire Brigade, and outlines the procedures by which the occupants of the building will be aware of the egress from the building and/or property.

The applicant must submit a construction method statement which specifies access and egress to the occupants of the building or property, and evacuation plans during construction. The plan must be submitted to the *PCA*, prior to the commencement of work.

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

DURING WORKS

The following conditions are to be complied with during works.

36. Excavation and building work must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. No work is to be carried out on Sundays and public holidays.

37. 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.

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

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

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

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

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

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

43. The requirements of the Soil and Water Management Plan must be maintained at all times during the works, and any measures required by the Soil and Water Management Plan shall not be removed until the site has been stabilised.

Materials from the site are not to be tracked into the road by vehicles entering or leaving the site. At the end of each working day, any dust/dirt or other sediment shall be swept off the road and contained on the site, and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily, and defects or system failures are to be repaired as soon as they are detected.

44. 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.

- 45. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
- 46. All building materials, plant and equipment are to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves, etc.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

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

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

- 48. A licence to operate the child care centre must be obtained from the New South Wales Department of Community Services and be fully complied with, prior to the issue of an OC.

The age breakdown and the number of children attending the child care centre shall not exceed the maximum number of approved child care places advised by the New South Wales Department of Community Services.

- 49. Prior to issue of a Final OC, the 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.

- 50. Prior to the issue of an OC, the following notifications must occur:
 - a) Council must be notified that the premises is being used for the preparation, manufacture, or storage of food for sale, and an inspection of the completed fit out is to be conducted by Council prior to the issue of an OC.
 - b) The New South Wales Food Authority must be notified and a copy of the notification shall be submitted to Council. Notification can be completed on the

51. All landscape works, including the removal of all noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of Development Consent, prior to the issue of an OC.
52. A street number must be clearly displayed at the ground level frontage of the building prior to the issue of a Final OC. A separate application must be made to Council if new street numbers or a change to street numbers is required.
53. Car parking areas shall be completed prior to the issue of an OC.
54. The proposed development shall be provided with vehicular access and parking for the disabled in accordance with AS 1428.1 and AS 2890.6. The access shall be provided prior to issue of an OC.
55. Fifty three (53) car parking spaces shall be provided prior to the issue of an OC.
56. Prior to the issue of an OC, the PCA must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.
57. The applicant shall construct/reconstruct the unpaved road reserve verge with grass - species and installation shall be approved by Council prior to issue of an OC.
58. Prior to the issue of an OC, the PCA must ensure that all approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with Council's S138 Roads Act Approval.

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

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

59. Prior to the use of the premises for the purposes approved by this consent, and prior to the issue of an OC, a satisfactory final inspection report from the Council must be received by the PCA, verifying the associated on-site wastewater management system has been supplied and installed in accordance with the approval under Section 68 of the *Local Government Act 1993*.
60. The vehicular entrance and exit driveways, and the direction of traffic movement within the site, shall be clearly indicated by means of reflective signs and pavement markings prior to issue of an OC.
61. Prior to the issue of an OC, a positive covenant must be created under Section 88E of the *Conveyancing Act 1919*, burdening the owner(s) with the requirement to maintain the on-site detention and on-site retention/re-use facilities on the property.

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

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

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

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

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

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

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

- 63.** All drainage works required to be undertaken in accordance with this consent shall be completed prior to issue of an *OC* for the development.

- 64.** The registered proprietor of the land shall prepare a Plan of Management for the OSD facilities within the development. The plan 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 the *PCA* for approval prior to the issue of an *OC*.

- 65.** All electrical fittings and electrical outlets are to be installed and certified by a registered surveyor as being not less than 500mm above the 100 year Average Recurrence Interval flood level. The fittings / outlets are to therefore be installed at a level of RL 58.78m Australian Height Datum or higher. The certification shall be submitted to the *PCA* prior to issue of an *OC*.
- 66.** Prior to the issue of an *OC*, the *PCA* is to receive from a suitably qualified and practising professional engineer, a certificate of compliance certifying that all aspects of the flood risk management plan have been completed in accordance with the approved design and relevant *AS*.

- 67.** The applicant shall prepare a flood emergency evacuation and management plan for the proposed development. The plan should advise occupants of flood evacuation procedures and emergency contact telephone numbers. The management plan should avoid the letting of the premises during periods of flood emergency or when flood warnings are issued. The applicant should contact Council and the State Emergency Service for advice in the preparation of the management plan.

The evacuation procedures should be permanently fixed to the building in a prominent location, and kept up to date at all times.

The management plan shall be submitted to, and approved by, Council prior to the issue of an *OC*.

- 68.** 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 (Corporation) Act 1991. Such evidence shall be submitted to Council prior to the issue of the *OC*.

- 69.** Compliance with the following requirements of the Local Development Committee (Traffic):-

- i) No shrubs or plants shall be located at the entry or exit points, to permit greater sight distance for exiting vehicles to pedestrians on the footpath and traffic on the carriageway.
- ii) "Stop" restrictions and associated pavement markings to be installed for the car park exit movement located at the property boundary and to be installed at the applicant's expense.
- iii) Opposing traffic flows at the combined entry/exit shall be separated by double unbroken (BB) pavement markings.
- iv) "No Stopping" restrictions be placed on both sides of the combined entry/exit.
- v) "No Parking" restrictions be placed over the proposed "Quick Stop Only" bay at the front of the development.
- vi) Pavement markings to be provided within the car park to provide one-way traffic flow in a clockwise direction.
- vii) Pedestrian links be established between the car park and the building and

- viii) within the car park itself.
- viii) Lighting to AS 1158 shall be provided for the building façade (facing the car park) and within the car park itself.
- ix) The applicant shall make separate written application to Council's Local Traffic Committee for regulatory approval to install the proposed road-marked channelized right turn bay (and any associated regulatory signposting) on Lovedale Road at the proposed development.
- x) No works associated with the construction of the road-marked channelized right turn bay on Lovedale Road shall be undertaken until regulatory approval (separate from the issuing of a Section 138 approval) has been issued by Council.

ONGOING USE

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

- 70. All outdoor lighting must not detrimentally impact upon the amenity of other premises and adjacent dwellings and road reserve, and must comply with, where relevant, *AS 1158.3:2005 Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance* and design requirements and *AS 4282:1997 Control of the obtrusive effects of outdoor lighting*.
- 71. All access crossings and driveways shall be maintained in good order for the life of the development.
- 72. Landscaping shall be maintained in accordance with the approved plan in a healthy state, and in perpetuity, by the existing or future owners and occupiers of the development.

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

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

ADVISORY NOTES

1. Disability Discrimination Act

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The applicant/owner is responsible for ensuring compliance with this, and other, anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of

Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provide the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

2. “DIAL BEFORE YOU DIG” DIAL 1100

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

3. Site Contamination Issues during Construction

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

4. Discovery of Aboriginal Heritage

If Aboriginal artefacts are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Environmental Protection and Regulation Group of the OEH is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.

FOR	AGAINST
Councillor Gibson	Councillor Ryan
Councillor Doherty	Councillor Parsons
Councillor Olsen	Councillor Pynsent
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Maybury	
Total (8)	Total (3)

CARRIED

Mr Phil Murray on behalf of Cessnock Pool User Group	WI29/2014 – Aquatic Needs Analysis	Against Recommendation	233	3 mins
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EXTENSION OF TIME

1046

Moved:
Seconded:

Councillor Campbell
Councillor Hawkins

RESOLVED

That Mr Murray be granted an extension of 1 minute to complete his presentation.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI29/2014

SUBJECT: AQUATICS NEEDS ANALYSIS

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Stapleford

1. That Council adopt an amended Draft Aquatic needs Analysis with the amendment being that Council adopt a 51 metre indoor pool as the preferred option;
2. That Council notify persons who made a submission during the exhibition period of Council's decision;
3. That Council undertakes further design work to determine the style and mix of a potential new aquatic facility, along with land space requirements and a quantified cost estimate, including a 51 metre indoor facility with separate hydro therapy.
4. That a site inspection of a recent aquatic centre development be organised by Councillors.

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

1. That Council adopt an amended Draft Aquatic needs Analysis with the amendment being that Council adopt a 51 metre indoor pool, full length tiered seating in a complex which includes a children's pool and a therapy pool.
2. Council notify those who made a submission.
3. That Council undertake further design work to determine the style of the new aquatic centre identified above and to identify land space requirements and quantify cost estimate.
4. Council undertake a site inspection of the aquatic centre at Woy Woy and other aquatic centres as recommended by Council staff.

FOR	AGAINST
Councillor Gibson	Councillor Stapleford
Councillor Doherty	Councillor Hawkins
Councillor Olsen	Councillor Smith
Councillor Ryan	Councillor Campbell
	Councillor Parsons
	Councillor Maybury
	Councillor Pynsent
Total (4)	Total (7)

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

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

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Stapleford
1047
RESOLVED

1. That Council adopt an amended Draft Aquatic Needs Analysis with the amendment being that Council adopt a 51 metre indoor pool as the preferred option;
2. That Council notify persons who made a submission during the exhibition period of Council’s decision;
3. That Council undertakes further design work to determine the style and mix of a potential new aquatic facility, along with land space requirements and a quantified cost estimate, including a 51 metre indoor facility with separate hydro therapy.
4. That a site inspection of a recent aquatic centre development be organized by Councillors.

FOR	AGAINST
Councillor Stapleford	Councillor Gibson
Councillor Hawkins	Councillor Doherty
Councillor Smith	Councillor Olsen
Councillor Campbell	Councillor Ryan
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (7)	Total (4)

CARRIED

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU16/2014

SUBJECT: MOTIONS OF URGENCY

RECOMMENDATION

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

Councillor Ryan

That as a matter of urgency Council resolves the following:

1. Request the Minister meet with a delegation of the Mayor and Ward A Councillors regarding the proposed closure of Wollombi School.
2. The delegation request the Minister direct the Department of Education to work with Councils Community Planner to assess the number of infants and primary school aged children living within the Wollombi Public School catchment; and further to assess the undeveloped capacity of the catchment to house an increased population.
3. Request the Minister make available the demographic data and reasoning on which the Department has based its assumptions so far.
4. That Council include in its letter to the Minister a request that he meet with the residents group of Wollombi including parents of children at the school.
5. Notes that the Department of Education's commitment to engage in community consultation from the beginning of the school year in 2014 did not happen.
6. Council endorses the part of the resolution passed unanimously by a public meeting of Wollombi residents on September 2nd 2014 that the school be given a 5 year reprieve in order for a permanent principle to be employed on a merit basis, confidence to be restored in the school, and for a long term strategy for the school to be established.

The Mayor ruled the motion was urgent.

FOR	AGAINST
Councillor Gibson	Councillor Campbell
Councillor Doherty	Councillor Parsons
Councillor Olsen	Councillor Maybury
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Pynsent	
Total (8)	Total (3)

CARRIED

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU17/2014

SUBJECT: WINE COUNTRY SIGNAGE STRATEGY FINAL DRAFT

MOTION **Moved:** Councillor Maybury **Seconded:** Councillor Doherty
1048
RESOLVED

1. That Council place the Draft Hunter Valley Wine Country Signage Strategy on public exhibition for a period of 28 days inviting public submissions.
2. That a further report outlining any public submissions received be prepared for Council's consideration following the exhibition period.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE111/2014

SUBJECT: SECTION 96(1A) APPLICATION PROPOSING TO MODIFY DEVELOPMENT CONSENT 8/2014/160/1

46 MAYFIELD STREET, CESSNOCK

PROCEDURAL MOTION

Moved:

Councillor Smith

Seconded:

Councillor Maybury

1049

RESOLVED

That the report be *DEFERRED* and a site inspection be carried out.

FOR

Councillor Doherty
Councillor Ryan
Councillor Stapleford
Councillor Hawkins
Councillor Smith
Councillor Campbell
Councillor Parsons
Councillor Maybury
Councillor Pynsent
Total (9)

AGAINST

Councillor Gibson
Councillor Olsen

Total (2)

CARRIED

PLANNING AND ENVIRONMENT NO. PE114/2014

SUBJECT: JUNE 2014 QUARTER REVIEW OF 2013-17 DELIVERY PROGRAM

Development Services Manager and Consultant Engineer left the meeting at 7.36 pm.

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

1. **That Council note the progress in implementing the 2013-17 Delivery Program as at 30 June 2014.**
2. **That Council note the inclusion of individual projects in the Capital Works Road Resurfacing Program.**

Councillor Graham Smith left the meeting, the time being 7.37 pm.

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

1. **That Council note the progress in implementing the 2013-17 Delivery Program as at 30 June 2014.**
2. **That Council note the inclusion of individual projects in the Capital Works Road Resurfacing Program.**
3. **That the General Manager provide a report on the progress of the preparation of the City Wide S94 contributions plan.**

FOR	AGAINST
Councillor Gibson	Councillor Stapleford
Councillor Doherty	Councillor Hawkins
Councillor Olsen	Councillor Maybury
Councillor Ryan	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (7)	Total (3)

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

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

MOTION **Moved:** Councillor Ryan **Seconded:** Councillor Olsen
1050
RESOLVED

1. That Council note the progress in implementing the 2013-17 Delivery Program as at 30 June 2014.
2. That Council note the inclusion of individual projects in the Capital Works Road Resurfacing Program.
3. That the General Manager provide a report on the progress of the preparation of the City Wide S94 contributions plan.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC43/2014

SUBJECT: FINANCIAL ASSISTANCE GRANT 2014-15

MOTION **Moved:** Councillor Gibson **Seconded:** Councillor Doherty
1053

RESOLVED

Councillor Graham Smith returned to the meeting, the time being 7:42 PM

Councillor Morgan Campbell left the meeting, the time being 07:42 PM

That Council note the net shortfall of income over budget of \$18,432 in the Financial Assistance Grant and that appropriate budget variations be made as part of the September 2014 Quarterly Budget Review process.

FOR	AGAINST
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (8)	Total (2)

CARRIED

CORPORATE AND COMMUNITY NO. CC44/2014

**SUBJECT: REPORT OF THE ABORIGINAL ADVISORY COMMITTEE MEETING
HELD ON 1 AUGUST 2014**

MOTION **Moved:** Councillor Gibson **Seconded:** Councillor Doherty
1054
RESOLVED

That Council accept and note the minutes of the meeting of the Aboriginal Advisory Committee meeting held on 1 August 2014.

FOR	AGAINST
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (9)	Total (2)

CARRIED

CORPORATE AND COMMUNITY NO. CC45/2014

SUBJECT: CESSNOCK CITY YOUTH COUNCIL COMMITTEE MEETING HELD ON 17 JUNE 2014

MOTION **Moved:** Councillor Gibson **Seconded:** Councillor Doherty
1055
RESOLVED

1. That Council accept and note the minutes of the Cessnock City Youth Council Committee meeting held on 17 June 2014.
2. That Council should consider expanding the Smart Choices program to all Cessnock local government area High Schools.
3. That Cessnock City Council should explore options to develop a Drug and Alcohol Rehabilitation Centre for young people under 18 years.

FOR	AGAINST
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (9)	Total (2)

CARRIED

CORPORATE AND COMMUNITY NO. CC46/2014

SUBJECT: REPORT OF THE ACCESS ADVISORY COMMITTEE MEETING HELD 6 AUGUST 2014

MOTION **Moved:** Councillor Gibson **Seconded:** Councillor Doherty
1056
RESOLVED

That Council accept and note the minutes of the Access Advisory Committee meeting held on 6 August 2014.

FOR	AGAINST
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (9)	Total (2)

CARRIED

CORPORATE AND COMMUNITY NO. CC47/2014

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Gibson **Seconded:** Councillor Doherty
1057
RESOLVED

That Council receive the report and note the information.

FOR	AGAINST
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (9)	Total (2)

CARRIED

CORPORATE AND COMMUNITY NO. CC48/2014

SUBJECT: CLASSIFICATION OF COUNCIL OWNED LAND IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT 1993

Councillor Morgan Campbell returned to the meeting, the time being 07:44 pm

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

That Council classify public land; Auto Consul 12098-114 (being Lots 1-8 DP 772428) and Auto Consul 12098-113 (being Lots 1-8 DP 1134121) as “community” land in accordance with Section 31 of the *Local Government Act 1993*.

AMENDMENT Moved: Councillor Stapleford **Seconded:** Councillor Hawkins

That Council classify public land; Auto Consul 12098-114 (being Lots 1-8 DP 772428) and Auto Consul 12098-113 (being Lots 1-8 DP 1134121) as “operational” land in accordance with Section 31 of the *Local Government Act 1993*.

FOR	AGAINST
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	Councillor Maybury
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (8)	Total (3)

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

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

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Hawkins
1058
RESOLVED

That Council classify public land; Auto Consul 12098-114 (being Lots 1-8 DP 772428) and Auto Consul 12098-113 (being Lots 1-8 DP 1134121) as “operational” land in accordance with Section 31 of the *Local Government Act 1993*.

FOR	AGAINST
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (9)	Total (2)

CARRIED

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI27/2014

SUBJECT: SAFETY ROAD INTERSECTIONS UPDATE

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Stapleford
1059
RESOLVED

That Council note the updated information provided on the issues.

Councillor Bryce Gibson left the meeting, the time being 7.48 pm

Councillor Bryce Gibson returned to the meeting, the time being 7.50 pm

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI28/2014

SUBJECT: AFFIX COUNCIL SEAL IN RELATION TO PLAN OF ROAD CLOSURE VIEW & MCGRANE STREETS LANE

MOTION **Moved:** Councillor Hawkins **Seconded:** Councillor Smith
1060
RESOLVED

1. That Council authorise the Common Seal of Cessnock City Council to be affixed to the Plan of Subdivision for the closure of the laneway between View and McGrane Streets, Cessnock, being lots 11 and 12 in the enclosed survey plan dated 25 July 2014.
2. That Council authorise the Mayor and the General Manager to execute the Plan of Subdivision for the closure of the laneway between View and McGrane Streets, Cessnock, being lots 11 and 12 in the enclosed survey plan dated 25 July 2014.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

FOR	AGAINST
Councillor Ryan	Councillor Gibson
Councillor Stapleford	Councillor Doherty
Councillor Hawkins	Councillor Olsen
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (8)	Total (3)

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

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

MOTION **Moved:** Councillor Hawkins **Seconded:** Councillor Stapleford
1061
RESOLVED

1. That Cessnock Council write to Norsk Hydro expressing deep concern over plans to store 350,000 tonnes of waste (including a considerable quantity of toxic spent potlining) in a containment cell on the Kurri Kurri Hydro Aluminium site, and calling on them to instead reprocess the toxic material in a Government regulated facility.
2. That Council invite Norsk Hydro to brief Council regularly on the issue.

FOR	AGAINST
Councillor Ryan	Councillor Gibson
Councillor Stapleford	Councillor Doherty
Councillor Hawkins	Councillor Olsen
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (8)	Total (3)

CARRIED

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ83/2014

SUBJECT: BICYCLE PATHS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ84/2014

SUBJECT: FOOTPATH - BARTON STREET, KURRI KURRI

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ85/2014

SUBJECT: CAR POOLING PROBLEM

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ86/2014

SUBJECT: SES BASE

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ87/2014

SUBJECT: ANZAC AVENUE

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ88/2014

SUBJECT: MT VIEW ROAD, CESSNOCK

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ89/2014

SUBJECT: COUNCILLORS EXPENSES

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ90/2014

SUBJECT: WASTE TRANSFER STATION

The answer was noted.

MOTIONS OF URGENCY

MATTER OF URGENCY *Moved:* Councillor Ryan
 Seconded: Councillor Olsen

That as a matter of urgency Council resolves the following:

1. Request the Minister and Duty MLC meet with a delegation of the Mayor and Ward A Councillors regarding the proposed closure of Wollombi School.
2. The delegation request the Minister direct the Department of Education to work with Councils Community Planner to assess the number of infants and primary school aged children living within the Wollombi Public School catchment; and further to assess the undeveloped capacity of the catchment to house an increased population.
3. Request the Minister make available the demographic data and reasoning on which the Department has based its assumptions so far.
4. That Council include in its letter to the Minister a request that he meet with the residents group of Wollombi including parents of children at the school.

Councillor Ian Olsen left the meeting, the time being 8:16 pm

Councillor Ian Olsen returned to the meeting, the time being 08:18 PM

FOR	AGAINST
Councillor Gibson	Councillor Campbell
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (10)	Total (1)

CARRIED

QUESTIONS FOR NEXT MEETING

Councillor Jeff Maybury

CAR POOLING HEDDON GRETA

Councillor Maybury referred to his previous question regarding car pooling and the answer supplied and asked when will Council contact the RMS regarding the use of now closed Standord Road for car parking.

Councillor Morgan Campbell

LOCAL SES BUILDING

Councillor Campbell referred to his previous question regarding the local SES building and asked whether the answer supplied was still current.

COUNCILLORS'S REPORTS

Councillor Doherty

CESSNOCK PCYC OPENING

Councillor Doherty advised on his attendance at the opening of the Cessnock PCYC and stated that the facility was of an excellent standard and commended the team and Council staff for their hard work.

The Meeting Was Declared Closed at 8.27pm

CONFIRMED AND SIGNED at the meeting held on 17 September 2014

.....**CHAIRPERSON**

.....**GENERAL MANAGER**