

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 6 JULY 2016, COMMENCING AT
6.30 PM**

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

IN ATTENDANCE: Acting General Manager (Director Planning and Environment)
Acting Director Planning and Environment (Strategic Land Use Planning Manager)
Director Corporate and Community Services
Acting Director Works and Infrastructure (Recreation Services Manager)
Manager Governance and Business Services
Acting Development Services Manager (Team Leader Development Services)
Acting Strategic Land Use Planning Manager (Principal Strategic Land Use Planner)
Strategic Asset Planning Manager
Media & Communication Officer
General Managers Executive Assistant
Administration Support Officer – Corporate & Community Services

APOLOGY:

MOTION

Moved: Councillor Gibson

Seconded: Councillor Smith

1723

RESOLVED That the apologies tendered on behalf of Councillors Olsen and Campbell for unavoidable absence, be accepted and leave of absence granted.

FOR

AGAINST

Councillor Gibson
Councillor Troy
Councillor Doherty
Councillor Ryan
Councillor Stapleford
Councillor Hawkins
Councillor Smith
Councillor Parsons
Councillor Pynsent

Total (9)

Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION

Moved: Councillor Parsons
Seconded: Councillor Stapleford

1724

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 15 June 2016, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

Councillor Gibson
Councillor Troy
Councillor Doherty
Councillor Ryan
Councillor Stapleford
Councillor Hawkins
Councillor Smith
Councillor Parsons
Councillor Pynsent

Total (9)

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI11/2016

SUBJECT: DISCLOSURES OF INTEREST

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Hawkins
1725
RESOLVED

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

PE43/2016 - Development Application No 8/2015/368/1 proposing alterations to existing hotel and bottle shop, consisting of the demolition of the existing slate roof and replacement with a new metal (Colorbond) roof - 122 -126 Lang Street, Kurri Kurri – Councillor Parsons declared a Non Pecuniary – Less Than Significant Interest for the reason that the applicant is a relative of a fellow Labor Councillor and are also members of the same Political Party. Councillor Parsons advised that she would remain in the Chamber and participate in discussion and voting as the conflict has not influenced her in carrying out her public duty because this has no relevance to her position on Council.

PE43/2016 - Development Application No 8/2015/368/1 proposing alterations to existing hotel and bottle shop, consisting of the demolition of the existing slate roof and replacement with a new metal (Colorbond) roof - 122 -126 Lang Street, Kurri Kurri – Councillor Smith declared a Non Pecuniary – Less Than Significant Interest for the reason that the property in question is owned by a relative of a fellow Councillor. Councillor Smith advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because this proposal does not arise from his relationship with the proponent.

PE46/2016 - Minutes of the Heritage Committee Meeting Held on 9 June 2016 – Councillor Smith declared a Pecuniary Interest for the reason that he is an office bearer of the Weston Masonic Centre which is the subject of the recommendation in those minutes. Councillor Smith advised that he would leave the Chamber and not participate in discussion and voting.

PE43/2016 - Development Application No 8/2015/368/1 proposing alterations to existing hotel and bottle shop, consisting of the demolition of the existing slate roof and replacement with a new metal (Colorbond) roof - 122 -126 Lang Street, Kurri Kurri – Councillor Stapleford declared a Non Pecuniary – Less Than Significant Interest for the reason that the property people named in the report are related to another A Ward Councillor with whom he discusses issues with relating to A Ward. Councillor Stapleford advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because this matter is not in A Ward and he has not discussed it with the person.

PE43/2016 - Development Application No 8/2015/368/1 proposing alterations to existing hotel and bottle shop, consisting of the demolition of the existing slate roof and replacement with a new metal (Colorbond) roof - 122 -126 Lang Street, Kurri Kurri – Mayor Pynsent declared a Non Pecuniary – Less Than Significant Interest for the reason that the proponent's son is a Councillor on Cessnock City Council. Mayor Pynsent advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because that relationship does not influence his decision.

FOR	AGAINST
Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Parsons	
Councillor Pynsent	
Total (9)	Total (0)

MOTION **Moved:** Councillor Gibson **Seconded:** Councillor Doherty
1726
RESOLVED

PE46/2016 - Minutes of the Heritage Committee Meeting Held on 9 June 2016 – Councillor Hawkins declared a Non-Pecuniary Less than Significant Interest for the reason that he is a member of one of the organisations listed in the recommendation in those minutes. Councillor Hawkins advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because he does not hold an executive position.

FOR	AGAINST
Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Parsons	
Councillor Pynsent	
Total (8)	Total (0)

This is page 4 of the Minutes of the Ordinary Council Meeting held on 6 July 2016 confirmed on 20 July 2016

.....General ManagerChairperson

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

The following person has been invited to address the meeting of Council:

Speakers Company	For / Against	Report	Page No.	Duration
Ms Jill Dobler Dobler Holdings / Dobler Pty Ltd	Against	PE44/2016 - DA 8/2015/551/1 - Alterations and Additions to Existing Medical Centre 259 Maitland Road, Cessnock	124	3 mins

PLANNING AND ENVIRONMENT NO. PE44/2016

SUBJECT: DA 8/2015/551/1 – ALTERATIONS AND ADDITIONS TO EXISTING MEDICAL CENTRE

259 MAITLAND ROAD, CESSNOCK

MOTION **Moved:** Councillor Gibson **Seconded:** Councillor Troy
1727
RESOLVED

That Council DEFER Development Application No. 8/2015/551/1 proposing alterations and additions to existing Medical Centre at 259 Maitland Road, Cessnock to the Council meeting of 3 August, 2016 and that draft conditions of consent not including works to the lane (Dowlan Lane) be provided for consideration.

FOR	AGAINST
Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Parsons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU11/2016

SUBJECT: MOTIONS OF URGENCY

NIL

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU7/2016

SUBJECT: VACANCY IN CIVIC OFFICE - DETERMINATION OF NEED FOR A BY-ELECTION IN WARD C

MOTION **Moved:** Councillor Parsons **Seconded:** Councillor Smith
1728
RESOLVED

That Council seeks the Minister's consent to dispense with a Ward C by-election for the casual vacancy arising from the resignation of Councillor Wrightson.

FOR	AGAINST
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Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Parsons	
Councillor Pynsent	
Total (9)	

	Total (0)
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CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE42/2016

**SUBJECT: SECTION 96 (1A) APPLICATION TO MODIFY DEVELOPMENT
CONSENT 8/2006/921**

57 MAITLAND STREET, BRANXTON

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Parsons
1729
RESOLVED

That Council determine the Section 96(1A) Application proposing to modify Development Consent 8/2006/921 at 57 Maitland Street (Lot 5 DP 237685) Branxton, pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to the conditions contained in this report.

CONDITIONS OF CONSENT

SCHEDULE 1

TERMS OF CONSENT

PHASE 1 – TENANCIES 1 & 2 AND CAR PARKING

General

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

Reason

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

Condition 2 has been amended and shall read as follows:

2. The proposed development shall be carried out strictly in accordance with the details set out on the application form, and the Plans Numbered 06/03/DA01, Version C D, Drawing Site Plan/Plan Elevations, Dated ~~7/4/14~~ 4/5/2016, 1 Sheet, Drawn by HDB and Plans Numbered 06/03/DA02, Drawing Concept Landscaping Plan, Version D, Dated ~~15/09/06~~ 4/5/2016, 1 Sheet, Drawn by HDB, as amended in red or where modified by any conditions of this consent.

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

Reason

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

3. The applicant shall comply with the requirements of the Hunter Water Corporation Ltd., in respect of any building or structure proposed to be erected over any services or sewer main under the corporations control.

Reason

To protect the Corporations infrastructure from site development works.

Access, Carparking and Loading Arrangements

4. 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.

5. All vehicles accessing the site should enter / exit the site in a forward direction.

If garbage collection vehicles are unable to satisfy this condition, appropriate arrangements are to be made with Council for the approval of a garbage store facility and curb side waste collection.

Reason

To uphold the recommendations of the NSW RTA and to maintain the safety of motorists and pedestrians.

6. The driveway shall be splayed to ensure that service vehicles exiting the site do not encroach onto the central median.

Reason

To uphold the recommendations of the NSW RTA and to maintain the safety of motorists and pedestrians.

7. Appropriate consideration should be given to pedestrian safety and sight lines on the New England Highway footpath with respect to building design and vehicles exiting the site.

Reason

To uphold the recommendations of the NSW RTA and to maintain the safety of motorists and pedestrians.

Condition 8 has been amended and shall read as follows:

8. All works are to be undertaken to RTA and Council requirements at full cost to the developer, to the satisfaction of the RTA and Council.

Reason

To uphold the recommendations of the NSW RTA and to inform the applicant of Councils requirements.

9. This consent provides approval for the following uses as defined by the Cessnock Local Environment Plan 1989:

- * Unit 1: Commercial premises
- * Unit 2: Video Store

The use of the premises for any other purpose will require the lodgement of a formal development application to Council. No advertising signs shall be erected on the building unless consistent with Councils "exempt development" or an approved development application.

Reason

To clarify the terms of approval.

Lighting

10. Sensor lighting shall be installed at the rear of the complex.

Reason

To prevent anti social behaviour after dark.

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

Reason

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

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

Reason

To protect the existing amenity of the neighbourhood.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

General

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

Reason

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

Design Considerations/Building Setbacks

14. The proposed building/s shall be provided with access and facilities for the disabled in accordance with AS 1428.1.1. Full details shall be submitted to and approved by Council prior to release of the Construction Certificate for the building/s.

Reason

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

Access, Carparking and Loading Arrangements

Condition 15 has been deleted.

- ~~15. Access shall be restricted to left in / left out only. This will require extending the existing raised median strip on the New England Highway to prevent right turn movements in and out of the site.~~

~~The above works shall be completed to the satisfaction of the RTA and Council prior to issue of the Construction Certificate for the building or civil works.~~

~~The applicant will be required to enter into a works authorisation deed with the RTA. In this regard the applicant is required to submit detailed design plans and all relevant additional information, as may be required by the RTA's Works Authorisation Deed documentation, for each specific change to the state road network for the RTA's assessment and final decision concerning the work.~~

~~Note: The conditions of consent set by council do not guarantee the RTA's final consent to the specific road work, traffic control facilities and other structures works on the classified road network. The RTA must provide a final consent for each specific change to the state road network prior to the commencement of any work.~~

Reason

~~To maintain consistency with the RTA terms of consent and to maintain traffic safety during construction.~~

Drainage and Flooding

16. 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 (all four tenancies and car parking) 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, to the street gutter. Details of on-site storage and the method of controlled release from the site and connection to an approved drainage system in accordance with Council's 'Engineering Requirements for Development'.

The detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development prepared by an engineer suitably qualified and experienced in the field

of hydrology and hydraulics. Full details shall be submitted to and approved by Council prior to release of the Construction Certificate.

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

Reason

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

17. 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 report shall be submitted to and approved by Council prior to release of the Construction Certificate for the building/s.

Reason

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

DURING CONSTRUCTION

General

18. If the soil conditions require it:-

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage.

Reason

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

19. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

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

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

Reason

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

21. Toilet facilities are to be provided, 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:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

Reason

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

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

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

Reason

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

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

Reason

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

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

Reason

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

25. 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.

26. Prior to commencement of any works within the road reserve for the provision of services, the applicant or their nominated contractor shall obtain a road opening permit from Council's Roads, Bridges and Drainage Manager prior commencement of any works.

Reason

To ensure the public road and footpath facilities are reinstated to an appropriate standard as a result of additional requirements of the development.

Building Construction

27. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards.

Reason

To ensure that all excavations on the site are maintained in a safe condition.

28. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason

To ensure that all excavations on the site are maintained in a safe condition.

Site Works

29. 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.

30. No obstruction is to be caused to Council's footpaths, roads and/or other public area 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.

Reason

To ensure that construction activity does not interfere with the orderly use of public footpaths, roads or places, or Council owned property.

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

Reason

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

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

Reason

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

PRIOR TO OCCUPATION

General

33. Occupation or use of premises for the purposes approved by this consent shall not commence until all conditions of Phase 1 of this consent have been complied with and the Occupation Certificate has been issued.

Reason

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

Building Construction

34. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water and to ensure the free flow of water away from the building and adjoining properties.

Reason

To reduce the risk of environmental and building damage.

Fire Safety

35. The building must comply with the Category 1 Fire Safety provisions applicable to the proposed new use. The applicant shall provide Council with a Fire Safety Certificate in accordance with Clauses 170 and 171 of the Environmental Planning and Assessment Act Regulations for each fire safety measure indicated in the Fire Safety Schedule prior to occupation of the building or issue of an Occupation Certificate.

Reason

Prescribed condition.

36. Bollards/approved barriers shall be provided adjacent to egress doors and paths of travel that are likely to be obstructed by vehicles, plant or equipment associated with the use of the premises.

Reason

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

Access, Carparking and Loading Arrangements

37. The Registered Proprietors shall construct a reinforced concrete access crossing from the kerb and gutter to the property boundary, including a layback in the kerb in accordance with Council's 'Engineering Requirements for Development' (available at Council's offices) and AS 2890.1. The works shall be completed prior to the use or occupation of the building and shall be designed in accordance with RTA requirements as specified in condition number 6 of this consent.

Reason

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

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

Reason

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

39. On-site car parking shall be provided for a minimum of eleven (11) vehicles and such being set out generally in accordance with Chapter C.1 Parking and Access of the Cessnock Development Control Plan 2006.

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.

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

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.

41. The vehicular entrance and exit driveways and the direction of traffic movement within the site shall be clearly indicated by means of reflectorised signs and pavement markings prior to occupation of the building and for the life of the development. "Stop" restrictions and associated pavement markings are to be installed in accordance with RTA requirements at the exit from the development.

Reason

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

Drainage and Flooding

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

- * invert levels of tanks, pits, pipes and orifice plates
- * surface levels of pits and surrounding ground levels
- * levels of spillways and surrounding kerb
- * floor levels of buildings, including garages
- * top of kerb levels at the front of the lot
- * dimensions of stormwater basins and extent of inundation
- * calculation of actual detention storage volume provided

Floor levels to AHD to ensure construction is achieved to correct floor level.

Reason

To ensure the buildings and stormwater detention system have been constructed in accordance with Council's requirements.

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

The WAE plan and report shall be submitted to and approved by Council prior to issue of the Occupation Certificate.

Reason

To ensure the buildings and stormwater detention system have been constructed in accordance with the design plans.

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

Reason

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

45. The applicant shall prepare a flood emergency evacuation and management plan for the proposed development, all four (4) tenancies. The plan should advise occupants of flood evacuation procedures and emergency contact telephone numbers. 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 use or occupation of the development.

Reason

To ensure occupants of the units are aware of the flood hazard and emergency procedures in the event of flood.

POST OCCUPATION OPERATIONAL REQUIREMENTS

Access, Car Parking and Loading Arrangements

46. All loading and unloading of goods shall take place within the site and not from the footpath or roadway for the life of the development.

Reason

To ensure that loading and unloading of goods does not interfere with the use of public footpaths or roadways.

ADVICE

1. Where Council is the Principal Certifying Authority, the applicant shall pay engineering site supervision fees in accordance with Council's current fees and charges with the application for a Construction Certificate for the site. Initially, one (1) site visit only is expected for the proposal, however should further inspections become necessary as a result of incomplete works, then those site supervision fees will be separately invoiced. Council's current engineering site supervision fee is \$193.00.

Reason

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

2. The applicant shall pay Detention Basin(s) engineering checking and site supervision fees in accordance with Council's adopted fees and charges prior to release of a Construction Certificate for the site. Council's current fee is \$294.58 per basin for basins less than 50m³. Final fee amounts will be levied on accurate dimensions contained within the engineering plans and in accordance with Council's adopted fees and charges current at the time of payment.

Reason

To ensure that the developer meets all costs associated with the approval of engineering plans and the inspection of detention basin works associated with the development.

Scheduling of Inspections

3. The applicant is to advise Council at least 48 hours prior to commencement of any construction works on site or associated with the site, together with the approved contractor's name and address.

Reason

To enable orderly scheduling of inspections.

PHASE 2 – TENANCIES 3 & 4

General

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

Reason

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

Condition 48 has been amended and shall read as follows:

48. The proposed development shall be carried out strictly in accordance with the details set out on the application form, and the Plans Numbered 06/03/DA01, Version G D, Drawing Site Plan/Plan Elevations, Dated ~~7/4/14~~ 4/5/2016, 1 Sheet, Drawn by HDB and Plans Numbered 06/03/DA02, Drawing Concept Landscaping Plan, Version D Dated ~~15/09/06~~ 4/5/2016, 1 Sheet, Drawn by HDB, as amended in red or where modified by any 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.

49. The applicant shall comply with the requirements of the Hunter Water Corporation Ltd., in respect of any building or structure proposed to be erected over any services or sewer main under the corporations control.

Reason

To protect the Corporations infrastructure from site development works.

Access, Car Parking and Loading Arrangements

50. 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

51. All vehicles accessing the site should enter / exit the site in a forward direction.

If garbage collection vehicles are unable to satisfy this condition, appropriate arrangements are to be made with Council for the approval of a garbage store facility and curb side waste collection.

Reason

To uphold the recommendations of the NSW RTA and to maintain the safety of motorists and pedestrians.

52. This consent provides approval for the following uses as defined by the Cessnock Local Environment Plan 1989:

- * Unit 3: Retail shop
- * Unit 4: Retail shop

The use of the premises for any other purpose will require the lodgement of a formal development application to Council. No advertising signs shall be erected on the building unless consistent with Councils "exempt development" or an approved development application.

Reason

To clarify the terms of approval.

Lighting

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

Reason

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

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

Reason

To protect the existing amenity of the neighbourhood.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

General

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

Reason

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

Design Considerations/Building Setbacks

56. The proposed building/s shall be provided with access and facilities for the disabled in accordance with AS 1428.1.1. Full details shall be submitted to and approved by Council prior to release of the Construction Certificate for the building/s.

Reason

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

DURING CONSTRUCTION

General

57. If the soil conditions require it:-

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage.

Reason

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

58. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

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

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

Reason

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

59. Toilet facilities are to be provided, 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:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited

- (iii) sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

Reason

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

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

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

Reason

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

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

Reason

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

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

Reason

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

63. 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.

64. Prior to commencement of any works within the road reserve for the provision of services, the applicant or their nominated contractor shall obtain a road opening permit from Council's Roads, Bridges and Drainage Manager prior commencement of any works.

Reason

To ensure the public road and footpath facilities are reinstated to an appropriate standard as a result of additional requirements of the development.

Building Construction

65. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards.

Reason

To ensure that all excavations on the site are maintained in a safe condition.

66. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason

To ensure that all excavations on the site are maintained in a safe condition.

Site Works

67. 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.

68. No obstruction is to be caused to Council's footpaths, roads and/or other public area 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.

Reason

To ensure that construction activity does not interfere with the orderly use of public footpaths, roads or places, or Council owned property.

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

Reason

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

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

Reason

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

Drainage

71. Roof water from tenancies 3 and 4 to be connected to the stormwater detention facility constructed as part of Phase 1.

Reason

To ensure all roof water from the building does not affect the structural integrity of the building or inundate adjacent land.

PRIOR TO OCCUPATION

General

72. Occupation or use of premises for the purposes approved by this consent shall not commence until all conditions of Phase 2 of this consent have been complied with and the Occupation Certificate has been issued.

Reason

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

Building Construction

73. The excavated and/or filled areas of the site are to stabilised and drained to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water and to ensure the free flow of water away from the building and adjoining properties.

Reason

To reduce the risk of environmental and building damage.

Fire Safety

74. The building must comply with the Category 1 Fire Safety provisions applicable to the proposed new use. The applicant shall provide Council with a Fire Safety Certificate in accordance with Clauses 170 and 171 of the Environmental Planning and Assessment Act Regulations for each fire safety measure indicated in the Fire Safety Schedule prior to occupation of the building or issue of an Occupation Certificate.

Reason

Prescribed condition.

75. Bollards/approved barriers shall be provided adjacent to egress doors and paths of travel that are likely to be obstructed by vehicles, plant or equipment associated with the use of the premises.

Reason

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

Drainage and Flooding

76. The registered proprietor of the land shall submit a report by a registered surveyor indicating the following: -

- * Floor levels of the buildings to AHD to ensure construction is achieved to correct floor level

Reason

To ensure the buildings and stormwater detention system have been constructed in accordance with Council's requirements.

77. The evacuation procedures indicated in the flood emergency evacuation and management plan for the proposed development as required as part of the Phase 1 conditions should be permanently fixed to the building in a prominent location and kept up to date at all times.

Reason

To ensure occupants of the units are aware of the flood hazard and emergency procedures in the event of flood.

POST OCCUPATION OPERATIONAL REQUIREMENTS

Access, Car Parking and Loading Arrangements

78. All loading and unloading of goods shall take place within the site and not from the footpath or roadway for the life of the development.

Reason

To ensure that loading and unloading of goods does not interfere with the use of public footpaths or roadways.

ADVICE

Scheduling of Inspections

1. The applicant is to advise Council at least 48 hours prior to commencement of any construction works on site or associated with the site, together with the approved contractor's name and address.

Reason

To enable orderly scheduling of inspections

FOR	AGAINST
Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Parsons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE43/2016

SUBJECT: DEVELOPMENT APPLICATION NO 8/2015/368/1 PROPOSING ALTERATIONS TO EXISTING HOTEL AND BOTTLE SHOP, CONSISTING OF THE DEMOLITION OF THE EXISTING SLATE ROOF AND REPLACEMENT WITH A NEW METAL (COLORBOND) ROOF

122 - 126 LANG STREET, KURRI KURRI

Councillor Parsons declared a Non Pecuniary – Less Than Significant Interest for the reason that the applicant is a relative of a fellow Labor Councillor and are also members of the same Political Party. Councillor Parsons remained in the Chamber and participated in discussion and voting.

Councillor Smith declared a Non Pecuniary – Less Than Significant Interest for the reason that the property in question is owned by a relative of a fellow Councillor. Councillor Smith remained in the Chamber and participated in discussion and voting.

Councillor Stapleford declared a Non Pecuniary – Less Than Significant Interest for the reason that the property people named in the report are related to another A Ward Councillor with whom he discusses issues with relating to A Ward. Councillor Stapleford remained in the Chamber and participated in discussion and voting.

Mayor Pynsent declared a Non Pecuniary – Less Than Significant Interest for the reason that the proponent's son is a Councillor on Cessnock City Council. Mayor Pynsent remained in the Chamber and participated in discussion and voting.

Councillor Hawkins declared a Pecuniary Interest for the reason that his parents are the owners of the property. Councillor Hawkins advised that he would leave the Chamber and not participate in discussion and voting.

Councillor Hawkins left the meeting, the time being 6.40pm

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

That Council determine Development Application No. 8/2015/368/1 proposing alterations to existing hotel and bottle shop, consisting of demolition of the existing slate roof and construct replacement new metal (Colorbond) roof at 122 -126 Lang Street Kurri Kurri, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by granting consent as per the draft conditions contained in this report.

AMENDMENT Moved: Councillor Ryan

That all of the Councillors who are members of the ALP absent themselves from the debate because clearly this is a development application worth hundreds of thousands of dollars to the Applicants family. The Applicants and the Applicants family, which include an ALP colleague of yours, that you absent yourself from the Chamber because the community expects high standards from this Council and no perceived conflicts of interest. In this case, I do not think it passes the pub test (no pun intended because we are talking about a pub) but it does not pass the pub test either in a conflict of interest process or from the point of view of protecting the pub.

Amendment lapsed for want of a Seconder.

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

MOTION Moved: Councillor Smith **Seconded:** Councillor Stapleford
1730
RESOLVED

That Council determine Development Application No. 8/2015/368/1 proposing alterations to existing hotel and bottle shop, consisting of demolition of the existing slate roof and construct replacement new metal (Colorbond) roof at 122 -126 Lang Street Kurri Kurri, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by granting consent as per the draft conditions contained in this report.

SCHEDULE 1

CONDITIONS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2015/368/1 and the supplementary documentation, except where amended by the conditions of this consent.

Document Title	Prepared By	Dated
Statement of Heritage Impact	Complete Planning Solutions	April 2016

2. Heritage – No demolition of extra fabric

Alterations to, and demolition of, the existing building shall be limited to the existing slate roof. No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is to be retained.

Should any portion of the existing building which is to be retained, be damaged for whatever reason, all the works in the area of this damage portion are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained.

3. Colour Scheme and Materials Schedule

The roof is to be replaced with corrugated custom orb or klip-lok 700 Hi-strength iron sheeting in shale grey or equivalent colour.

The gutter type and profile is to be ogee or quad and downpipes are to be circular in diameter. Gutter and down pipe colours are to be consistent to the colour used on the roof.

4. Existing Roof Material to be Maintained

Existing lead flashing is to be retained and any new flashing is to be replaced with lead.

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:

5. Archival Photographic Recording

Prior to the issues of a CC, a digital archival photographic recording will be required to record the existing state of the roof. This should be prepared to the following guidelines: *Photographic Recording of Heritage Items using Film or Digital Capture*, Heritage Office 2006, Heritage Office, Department of Planning.

PRIOR TO COMMENCEMENT OF WORKS

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

6. Demolition Proposed

Consent is granted for the demolition of the existing slate roof, subject to strict compliance with the following conditions:

- (a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
- (b) Written notice is to be given to the Council prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number, and licence number of the demolisher.
- (c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- (d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves, etc). Access to the site must be restricted to authorised persons only, and the site must be secured against unauthorised entry when work is not in progress, or the site is otherwise unoccupied.
- (e) Demolition is to be carried out in accordance with the relevant provisions of *AS 2601:2001: Demolition of structures*.
- (f) The hours of demolition work are limited to between 7.00am and 5.00pm on

Monday to Saturday. No demolition work is to be carried out on Sundays and public holidays.

- (g) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of the WorkCover Authority and the Office of Environment and Heritage.
- (h) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- (i) During demolition, public property (footpaths, roads, reserves, etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition. No materials shall be stockpiled on footpaths or road carriageways.
- (j) All vehicles leaving the site with demolition materials must have their loads covered, and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves, etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- (k) The burning of any demolished material on site is not permitted, and offenders will be prosecuted.
- (l) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense.
- (m) Prior to demolition, a Work Plan must be prepared in accordance with the relevant provisions of *AS 2601:2001 Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance, and the disposal methods for hazardous materials.
- (n) If the building contains asbestos, an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - (i) A WorkCover Authority licensed contractor must undertake removal of all asbestos.
 - (ii) During the asbestos removal, a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a visible position on the site to the satisfaction of Council, and *AS 2601:2001: Demolition of structures*.
 - (iii) Waste disposal receipts must be provided to Council / CA as proof of correct disposal of asbestos laden waste.
 - (iv) All removal of asbestos must comply with the requirements of the WorkCover Authority.

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

7. Construction and Traffic Management Plan

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

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

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.

9. Public Liability Insurance

Any person or contractor undertaking works on public property must take out Public Risk insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within, public property. The Policy is to note, and provide protection for Cessnock City Council as an interested party, and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property. The insurance shall also note the location and the risk.

10. Approval Required for Equipment in Road Reserve

An application for any of the following on public property (footpaths, roads, reserves) shall be submitted to, and approved by, Council prior to the commencement of works.

- a) Construction zone
- b) A pumping permit
- c) Mobile crane
- d) Skip bins.

DURING WORKS

The following conditions are to be complied with during works.

11. Construction Hours

Excavation, building or subdivision work must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. Work is not to be carried out on Sundays and public holidays.

12. BCA Compliance

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*.

13. Construction Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment and Heritage *Noise Guide for Local Government*.

14. Construction Vehicles

Construction material and vehicles shall not be placed on public footpaths. The use of footpaths or roadways shall be undertaken in accordance with the prevailing kerbside restrictions, the Australian Road Rules and Council's Parking Code.

15. Waste Management

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

16. Building Materials On Site

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

17. Demolition

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

ONGOING USE

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

ADVISORY NOTES

(a) Other Approvals and Permits

The applicant shall apply to Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, and/or any other approvals under *Section 68 (Approvals)* of the *Local Government Act, 1993* or *Section 138 of the Roads Act, 1993*.

FOR	AGAINST
Councillor Gibson	Councillor Ryan
Councillor Troy	
Councillor Doherty	
Councillor Stapleford	
Councillor Smith	
Councillor Parsons	
Councillor Pynsent	
Total (7)	Total (1)

CARRIED

Councillor Hawkins returned to the meeting, the time being 6.52pm

PLANNING AND ENVIRONMENT NO. PE45/2016

SUBJECT: DEVELOPMENT APPLICATION 8/2015/663/1 PROPOSING ERECTION OF A BUSINESS IDENTIFICATION SIGN

141 MAIN ROAD 195, HEDDON GRETA

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Parsons

That Council determine Development Application No. 8/2015/663/1 proposing erection of a business identification sign at 141 Main Road 195, Heddon Greta, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by refusing to grant consent for the reasons detailed in this report

AMENDMENT **Moved:** Councillor Gibson **Seconded:** Councillor Doherty

That Council DEFER Development Application No. 8/2015/663/1 proposing erection of a business identification sign at 141 Main Road 195, Heddon Greta, with a view to have draft conditions of consent brought back to the next available Council Meeting.

FOR	AGAINST
Councillor Gibson	Councillor Ryan
Councillor Troy	Councillor Stapleford
Councillor Doherty	Councillor Parsons
Councillor Hawkins	Councillor Pynsent
Councillor Smith	
Total (5)	Total (4)

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 Parsons
1731
RESOLVED

That Council DEFER Development Application No. 8/2015/663/1 proposing erection of a business identification sign at 141 Main Road 195, Heddon Greta, with a view to have draft conditions of consent brought back to the next available Council Meeting.

FOR	AGAINST
Councillor Gibson	Councillor Ryan
Councillor Troy	Councillor Stapleford
Councillor Doherty	Councillor Parsons
Councillor Hawkins	Councillor Pynsent
Councillor Smith	
Total (5)	Total (4)

CARRIED

PLANNING AND ENVIRONMENT NO. PE46/2016

**SUBJECT: MINUTES OF THE HERITAGE COMMITTEE MEETING HELD ON
9 JUNE 2016**

Councillor Hawkins declared a Non-Pecuniary Less than Significant Interest for the reason that he is a member of one of the organisations listed in the recommendation in those minutes. Councillor Hawkins remained in the Chamber and participate in discussion and voting.

Councillor Smith declared a Pecuniary Interest for the reason that he is an office bearer of the Weston Masonic Centre which is the subject of the recommendation in those minutes. Councillor Smith left the Chamber and did not participate in discussion and voting.

Councillor Smith left the meeting, the time being 6.53pm

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Stapleford
1732
RESOLVED

1. That Council adopt the minutes of the Heritage Committee Meeting held on 9 June 2016.
2. That Council support the following proposed *Heritage Activation Grant* applications subject to the necessary approvals:
 - a) The Branxton Post Office (Lot 1 DP 774297)
 - b) The Neath Hotel (Lot 16 Sec 1 DP 758760 and Lot 15 Sec 1 DP 758760)
 - c) The Aberdare Hotel, Weston (Lot 1 DP 76488)
 - d) The Commercial Hotel, Branxton (Lot 1 DP 81054)
 - e) The Undercliff, Wollombi (Lot 78 DP 755272)
 - f) The Hotel Denman (Lot 101 DP 740708)
 - g) 110 High Street Greta, a two storey shop (Lot B DP 341702)
 - h) The Wollombi General Store (Lot 11 DP 841018)
 - i) A Plan of Management and Conservation Plan for Lot 7005 DP 93585 known as Poppethead Park in Kitchener.
 - j) Heritage Walk in Maitland Street Branxton
 - k) The Paxton Hotel (Lot 16 DP 11825)
 - l) The Weston Masonic Hall (Lot 14 Sec 9 DP 979187)
 - m) 62 Maitland Street Branxton (Lot 100 DP 1212575)
 - n) 2287 Wollombi Road, Wollombi (Lot 4 Sec 1 DP 759103)

FOR

Councillor Doherty
Councillor Ryan
Councillor Stapleford
Councillor Hawkins
Councillor Parsons
Councillor Pynsent

Total (6)**AGAINST**

Councillor Gibson
Councillor Troy

Total (2)***CARRIED***

Councillor Smith returned to the meeting, the time being 7.01pm

PLANNING AND ENVIRONMENT NO. PE47/2016

SUBJECT: ADOPTION OF THE DRAFT CESSNOCK CITY COUNCIL HERITAGE POLICY 2016

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Stapleford
1733
RESOLVED

That Council adopt the draft Cessnock City Council Heritage Policy 2016.

FOR	AGAINST
Councillor Doherty	Councillor Gibson
Councillor Ryan	Councillor Troy
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Parsons	
Councillor Pynsent	
Total (7)	Total (2)

CARRIED

PLANNING AND ENVIRONMENT NO. PE48/2016

**SUBJECT: MEMORANDUM OF UNDERSTANDING FOR NEGOTIATING
VOLUNTARY PLANNING AGREEMENTS FOR NSW MINING
DEVELOPMENT**

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Stapleford
1734
RESOLVED

1. That Council endorse the Association of Mining Related Councils to enter into a Memorandum of Understanding with the NSW Minerals Council for negotiating a Planning Agreement framework for mining development in NSW.
2. That Council support the Planning Agreement Negotiation Timeframe Process prepared by the Association of Mining Related Councils and the NSW Minerals Council.

FOR	AGAINST
Councillor Gibson	Councillor Ryan
Councillor Troy	
Councillor Doherty	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Parsons	
Councillor Pynsent	
Total (8)	Total (1)

CARRIED

PLANNING AND ENVIRONMENT NO. PE49/2016

SUBJECT: MINUTES OF THE ENVIRONMENTAL STRATEGY AND MANAGEMENT COMMITTEE 16 JUNE 2016

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Hawkins
1735
RESOLVED

That Council adopt the Minutes of the Environmental Strategy and Management Committee of 16 June 2016.

FOR	AGAINST
Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Parsons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE50/2016

SUBJECT: FIT FOR THE FUTURE JOINT ORGANISATIONS BACKGROUND PAPER

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Doherty
1736
RESOLVED

That Council endorse the draft response on the *Fit for the Future* Joint Organisations Background Paper to be submitted to the Office of Local Government by 15 July 2016.

Councillor Campbell arrived at the meeting 7.17pm

Councillor Troy left the meeting, the time being 7.19pm

FOR	AGAINST
Councillor Gibson	Councillor Ryan
Councillor Doherty	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (8)	Total (1)

CARRIED

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC41/2016

SUBJECT: TENDER FOR THE SUPPLY AND DELIVERY OF READY MIX CONCRETE (T071617HUN)

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

1. That Council accept the Regional Procurement Tender for the Supply and Delivery of Ready Mix Concrete (T071617HUN).
2. That Boral Resources Country Pty Ltd, Hanson Construction Materials Pty Ltd, Hunter Ready mixed Concrete Pty Ltd, and Maitland Ready Mixed Concrete Pty Ltd be accepted to a panel for Cessnock Council under Regional Procurement Tender for the Supply and Delivery of Ready Mix Concrete (T071617HUN).
3. That Council note the contract term for the Supply and Delivery of Ready Mix Concrete (T071617HUN) is from 1 July 2016 to 30 June 2018 with an option for a 12 month contract extension based on satisfactory supplier performance.

Councillor Troy returned to the meeting, the time being 7.21pm

PROCEDURAL MOTION **Moved:** Councillor Ryan

To debate Tender for the Supply and Delivery of Ready Mix Concrete in open session.

PROCEDURAL MOTION lapsed for want of a Secunder.

AMENDMENT **Moved:** Councillor Ryan

1. That Council accept the Regional Procurement Tender for the Supply and Delivery of Ready Mix Concrete (T071617HUN).
2. That Boral Resources Country Pty Ltd, Hanson Construction Materials Pty Ltd and Hunter Ready mixed Concrete Pty Ltd, be accepted to a panel for Cessnock Council under Regional Procurement Tender for the Supply and Delivery of Ready Mix Concrete (T071617HUN).
3. That Council note the contract term for the Supply and Delivery of Ready Mix Concrete (T071617HUN) is from 1 July 2016 to 30 June 2018 with an option for a 12 month contract extension based on satisfactory supplier performance.

AMENDMENT lapsed for want of a Secunder.

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Stapleford
1737

RESOLVED

1. That Council accept the Regional Procurement Tender for the Supply and Delivery of Ready Mix Concrete (T071617HUN).
2. That Boral Resources Country Pty Ltd, Hanson Construction Materials Pty Ltd, Hunter Ready mixed Concrete Pty Ltd, and Maitland Ready Mixed Concrete Pty Ltd be accepted to a panel for Cessnock Council under Regional Procurement Tender for the Supply and Delivery of Ready Mix Concrete (T071617HUN).
3. That Council note the contract term for the Supply and Delivery of Ready Mix Concrete (T071617HUN) is from 1 July 2016 to 30 June 2018 with an option for a 12 month contract extension based on satisfactory supplier performance.

FOR	AGAINST
Councillor Gibson	Councillor Ryan
Councillor Troy	
Councillor Doherty	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (9)	Total (1)

CARRIED

CORPORATE AND COMMUNITY NO. CC42/2016

SUBJECT: MEETING NOTES OF THE INQUORATE ABORIGINAL AND TORRES STRAIT ISLANDER ADVISORY COMMITTEE MEETING HELD 3 JUNE 2016

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Campbell
1738
RESOLVED

That Council notes the summaries of the topics discussed at the inquorate Aboriginal and Torres Strait Islander Committee meeting held on 3 June 2016.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC43/2016

SUBJECT: MEETING NOTES OF THE INQUORATE CULTURAL PLANNING AND DEVELOPMENT COMMITTEE MEETING HELD 14 JUNE 2016

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Parsons
1739
RESOLVED

That Council notes the summaries of the topics discussed at the inquorate Cultural Planning and Development Committee meeting held on 14 June 2016.

FOR	AGAINST
Councillor Gibson	Councillor Ryan
Councillor Troy	
Councillor Doherty	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (9)	Total (1)

CARRIED

CORPORATE AND COMMUNITY NO. CC44/2016

**SUBJECT: MINUTES OF THE YOUTH COUNCIL COMMITTEE MEETING OF
CESSNOCK CITY COUNCIL HELD 14 JUNE 2016**

MOTION **Moved:** Councillor Campbell **Seconded:** Councillor Stapleford
1740
RESOLVED

That Council adopt the minutes of the meeting of the Youth Council Committee held on 14 June 2016.

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI39/2016

SUBJECT: DUST ON OLD MAITLAND ROAD, SAWYERS GULLY

MOTION **Moved:** Councillor Parsons **Seconded:** Councillor Troy
1741

RESOLVED

That Council support Option 3 to provide dust abatement sealing works adjacent to 1261 Old Maitland Road, Sawyers Gully and provide a dust control treatment using a single coat bitumen seal on a compacted base over the existing unsealed road surface as a medium term dust suppression treatment and that funding be provided from the quarterly review when available.

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

CARRIED

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ42/2016

SUBJECT: BAT CAMP - EAST CESSNOCK

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ43/2016

SUBJECT: GINGERS LANE ESTATE - 88B INSTRUMENT

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ44/2016

SUBJECT: PRISON WORK CREWS - REQUEST FOR UPDATE

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ45/2016

**SUBJECT: ROADS - REQUEST FOR INFORMATION ON IMPROVEMENTS
IMPLEMENTED**

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ46/2016

**SUBJECT: DA NO. 8/2016/128/1 - PLACE OF PUBLIC WORSHIP BUCHANAN
ROAD, BUCHANAN**

The answer was noted.

QUESTIONS FOR NEXT MEETING

Councillor Rod Doherty

TOURISM FUNDING

Councillor Doherty requested Council give Councillors a guarantee that the tourism funding have the right checks and balances in place when funding is requested.

The Acting General Manager advised that staff will implement Council's resolution in relation to that money and that \$97,600 allocated by Council is required to be spent on Tourism expenditure projects, which visitation projects is one.

Councillor Morgan Campbell

HUMAN RESOURCES STAFF EMPLOYMENT

Councillor Campbell requested an update on how many Human Resources staff are currently employed by Council.

Councillor Cordelia Troy

PRISON WORK CREWS - ACTUAL WORK PERFORMED

Councillor Troy requested information regarding Prison work crews arrangements (previously discuss in 44/2016), requesting what has happened and what is happening. Are we using the crews? How will Council follow this up, how is it measurable?

Mayor Pynsent advised that the Minister and Commissioner for Corrective Services, while visiting the Cessnock area, spoke of the expansion of the Corrective Centre and the Commissioner advised he was keen to have low security crews involved in community activities. The next step is for Council to write to the Commissioner, outlining our desire with regard to the number of resolutions put forward, and he would then act upon that.

Councillor Catherine Parsons

"A" FRAME ADVERTISING SIGNAGE

Councillor Parsons asked if there is a Council Policy on placing of "A" Frames on the side of the road.

Councillor James Ryan

HERITAGE GRANTS COMMENTS

Councillor Ryan asked if Councillor Smith in his comments in relation to the Chelmsford Hotel wasn't old enough to obtain a heritage grant, and was Councillor Smith going to withdraw his comments and acknowledge that this was an error.

Councillor Smith responded in Chambers and that his language used was specific and that the words used were: "up to this point" the hotel had not been old enough, and at the time that was true and now it is eligible.

COUNCILLOR REPORTS

Councillor Smith – the Cessnock/Kurri Kurri Local Health Advisory Committee has been advised expanded rehabilitation unit at Kurri Kurri hospital should be open within a few weeks if not sooner. The restructure with Kurri Kurri moving to Maitland cluster, will move medical staff to Kurri Kurri which will relieve the load on GP's. As part of the restructure GM Lower Hunter NE Health will write to the Mayor, to seek a meeting to develop a better relationship with Council.

The Meeting Was Declared Closed at 7.44pm

CONFIRMED AND SIGNED at the meeting held on 20 July 2016

.....**CHAIRPERSON**

.....**GENERAL MANAGER**



FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST

- 1 The particulars of this form are to be written in block letters or typed.
- 2 If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.

Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the Local Government Act 1993. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by JAMES HARKINS
[full name of councillor]

in the matter of
[insert name of environmental planning instrument]

which is to be considered at a meeting of the COUNCIL
[name of council or council committee (as the case requires)]

to be held on the 6th day of JULY 2016

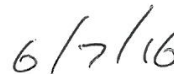
Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	<u>126 LAUG ST KURRI KURRI</u>
Relationship of identified land to Councillor [Tick or cross one box.]	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input checked="" type="checkbox"/> Associated person of Councillor has interest in the land. <input checked="" type="checkbox"/> Associated company or body of Councillor has interest in the land.

Matter giving rise to pecuniary interest ²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	N/A
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	N/A
Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	APPRECIABLE FINANCIAL GAIN.

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]



Councillor's signature



Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

- Section 443 (1) of the Local Government Act 1993 provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative⁴ or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
- Section 442 of the Local Government Act 1993 provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
- A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the Local Government Act 1993 has a proprietary interest—see section 448 (g) (ii) of the Local Government Act 1993.
- Relative** is defined by the Local Government Act 1993 as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.