

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 3 AUGUST 2016, COMMENCING AT
6.30 PM**

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

IN ATTENDANCE: General Manager
 Director Planning and Environment
 Director Corporate and Community Services
 Director Works and Infrastructure
 Human Resource Manager
 Integrated Planning & Strategic Property Manager
 Manager Governance and Business Services
 Acting Development Services Manager (Team Leader – Development Services)
 Strategic Land Use Planning Manager
 Media & Communication Officer
 Corporate Administration Officer

MINUTES: **MOTION** **Moved:** Councillor Parsons
Seconded: Councillor Stapleford
 1756
RESOLVED that the Minutes of the Ordinary Meeting of Council held on 20 July 2016, as circulated, be taken as read and confirmed as a correct record.

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

CARRIED

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI13/2016

SUBJECT: DISCLOSURES OF INTEREST

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Troy
1757
RESOLVED

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

PE58/2016 - Cessnock Correctional Centre Expansion - Councillor Olsen declared a Non Pecuniary Less Than Significant Interest for the reason that he is employed by Corrective Services. Councillor Olsen advised that he will remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because his position at the centre will not change if it is approved or not.

PE58/2016 - Cessnock Correctional Centre Expansion - Councillor Hawkins declared a Pecuniary Interest for the reason that his family's property is directly adjacent to the proposed facility. Councillor Hawkins advised that he would leave the Chamber and take no part in discussion and voting.

WI42/2016 – Minutes of Dollar for Dollar Committee Meeting held 20 July 2016 – The Mayor declared a Non Pecuniary Interest - Significant Conflict for the reason that his wife works at Kearsley Public School who applied for a \$500 grant. The Mayor advised that would leave the Chamber and take no part in discussion and voting.

WI41/2016 – Perpetual Tribute Options for the late Councillor Jeff Maybury – The Mayor declared a Non Pecuniary Less Than Significant Interest for the reason that he was a fellow Councillor of Jeff Maybury and a member of the ALP. The Mayor advised that he will 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 will not interfere with his decision making.

WI41/2016 – Perpetual Tribute Options for the late Councillor Jeff Maybury – Councillor Smith declared a Non Pecuniary Less Than Significant Interest for the reason that he was a Councillor with Councillor Maybury and a member of the same political party. Councillor Smith advised that he will remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty.

WI41/2016 – Perpetual Tribute Options for the late Councillor Jeff Maybury – Councillor Campbell declared a Non Pecuniary Less Than Significant Interest for the reason that he was a Councillor with Councillor Maybury and a party colleague. Councillor Campbell advised that he will remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty.

WI41/2016 – Perpetual Tribute Options for the late Councillor Jeff Maybury – Councillor Parsons declared a Non Pecuniary Less Than Significant Interest for the reason that she was a Councillor with Councillor Maybury and a member of the same political party. Councillor Parsons advised that she will remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty.

WI41/2016 – Perpetual Tribute Options for the late Councillor Jeff Maybury – Councillor Hawkins declared a Non Pecuniary Less Than Significant Interest for the reason that he served on Council with Jeff and was a member of the Labor Party. Councillor Hawkins advised that he will 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 Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

The Mayor advised that there were two representatives from the Corrective Services Department being Mr Glen Scholes, Regional Director Corrective Services and Mr Dave Mumford, General Manager Cessnock Facility who will take questions from Report PE58/2016 – Cessnock Correctional Centre Expansion.

PROCEDURAL MOTION *Moved:* Councillor Smith
 Seconded: Councillor Doherty

1758

RESOLVED

That Report PE58/2016 – Cessnock Correctional Centre Expansion be brought forward to allow questions.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE58/2016

SUBJECT: CESSNOCK CORRECTIONAL CENTRE EXPANSION

Councillor Olsen declared a Non Pecuniary Less Than Significant Interest for the reason that he is employed by Corrective Services. Councillor Olsen remained in the Chamber and participated in discussion and voting.

Councillor Hawkins declared a Pecuniary Interest for the reason that his family's property is directly adjacent to the proposed facility. Councillor Hawkins left the Chamber and took no part in discussion and voting.

Councillor Hawkins left the meeting, the time being 6.40pm

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

1. **That Council endorse the submission to JBA Planning Consultants, acting on behalf of the NSW Department of Justice, reiterating Council's serious concerns and willingness to work together, in response to the proposed 1000 bed expansion of Cessnock Correctional Centre;**
2. **That Council write to the Hon. David Elliott, MP, Minister for Corrections attaching Council's endorsed submission and reiterate Council's serious concerns over the proposed 1000 bed expansion of Cessnock Correctional Centre;**
3. **That Council write to Scot MacDonald, MLC, Parliamentary Secretary for the Hunter and Clayton Barr, MP, Member for Cessnock, attaching a copy of Council's endorsed submission and requesting their support;**
4. **That Council write to the Hon. Adrian Picolli, MP, Minister for Education, seeking advice on how the specific social and educational support needs of vulnerable families are being addressed in the current planning process;**
5. **That Council write to the Hon. Brad Hazzard, MP, Minister for Family and Community Services and Minister for Social Housing, seeking advice on how the social welfare and affordable housing needs of vulnerable families are being addressed in the current planning process;**
6. **That Council write to the Hon. Jillian Skinner, MP, Minister for Health, seeking advice on how the wellbeing and health needs of vulnerable families are being addressed in the current planning process and noting the potential effects on Cessnock Hospital.**
7. **That Council write to the Hon. Leslie William, MP, Minister Early Childhood Education, seeking advice on how the preschool support needs of vulnerable families are being addressed in the current planning process.**
8. **That Council write to the Hon. Troy Grant, MP, Minister for Justice and Police seeking advice on how the NSW Police facilities and personnel needs are being addressed in the current planning process.**

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

1. That Council endorse the submission and attach it in correspondence to the Hon. David Elliott, MP, Minister for Corrections and reiterate Council's serious concerns over the proposed 1000 bed expansion of Cessnock Correctional Centre;
2. That Council write to Scot MacDonald, MLC, Parliamentary Secretary for the Hunter and Clayton Barr, MP, Member for Cessnock, attaching a copy of Council's endorsed submission and requesting their support;
3. That Council write to the Hon. Adrian Picolli, MP, Minister for Education, seeking advice on how the specific social and educational support needs of vulnerable families are being addressed in the current planning process;
4. That Council write to the Hon. Brad Hazzard, MP, Minister for Family and Community Services and Minister for Social Housing, seeking advice on how the social welfare and affordable housing needs of vulnerable families are being addressed in the current planning process;
5. That Council write to the Hon. Jillian Skinner, MP, Minister for Health, seeking advice on how the wellbeing and health needs of vulnerable families are being addressed in the current planning process and note the potential effects on Cessnock Hospital.
6. That Council write to the Hon. Leslie William, MP, Minister Early Childhood Education, seeking advice on how the preschool support needs of vulnerable families are being addressed in the current planning process.
7. That Council write to the Hon. Troy Grant, MP, Minister for Justice and Police seeking advice on how the NSW Police facilities and personnel needs are being addressed in the current planning process.

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

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

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

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Stapleford
1759

RESOLVED

1. That Council endorse the submission to JBA Planning Consultants, acting on behalf of the NSW Department of Justice, reiterating Council's serious concerns and willingness to work together, in response to the proposed 1000 bed expansion of Cessnock Correctional Centre;
2. That Council write to the Hon. David Elliott, MP, Minister for Corrections attaching Council's endorsed submission and reiterate Council's serious concerns over the proposed 1000 bed expansion of Cessnock Correctional Centre;
3. That Council write to Scot MacDonald, MLC, Parliamentary Secretary for the Hunter and Clayton Barr, MP, Member for Cessnock, attaching a copy of Council's endorsed submission and requesting their support;
4. That Council write to the Hon. Adrian Picolli, MP, Minister for Education, seeking advice on how the specific social and educational support needs of vulnerable families are being addressed in the current planning process;
5. That Council write to the Hon. Brad Hazzard, MP, Minister for Family and Community Services and Minister for Social Housing, seeking advice on how the social welfare and affordable housing needs of vulnerable families are being addressed in the current planning process;
6. That Council write to the Hon. Jillian Skinner, MP, Minister for Health, seeking advice on how the wellbeing and health needs of vulnerable families are being addressed in the current planning process and note the potential effects on Cessnock Hospital.
7. That Council write to the Hon. Leslie William, MP, Minister Early Childhood Education, seeking advice on how the preschool support needs of vulnerable families are being addressed in the current planning process.
8. That Council write to the Hon. Troy Grant, MP, Minister for Justice and Police seeking advice on how the NSW Police facilities and personnel needs are being addressed in the current planning process

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

CARRIED UNANIMOUSLY

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

NOTICE OF INTENTION NO. NI2/2016

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

**MM3/2016 – REPORT OF THE REVIEW OF GENERAL MANAGER’S
EMPLOYMENT ARRANGEMENTS COMMITTEE MEETINGS HELD ON
24 MAY 2016 AND 9 JUNE 2016**

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Stapleford
1760
RESOLVED

1. That Council consider in Confidential Session the following matters in accordance with Section 10A(2)(a) of the Local Government Act 1993:

Report No. MM3/2016 – Report of the Review of General Manager’s Employment Arrangements Committee Meetings held on 24 May 2016 and 9 June 2016 as it deals with personnel matters concerning particular individuals.

2. That Council request the Mayor in accordance with Section 253 of Local Government (General) Regulation 2005 to report on these matters to the meeting in Open Session following completion of the Confidential Session.

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

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU13/2016

SUBJECT: MOTIONS OF URGENCY

NIL

Councillor Hawkins returned to the meeting, the time being 7.07pm.

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU9/2016

SUBJECT: CONTRACTUAL CONDITIONS OF SENIOR STAFF

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Stapleford
1761
RESOLVED

That the report by the General Manager on the Contractual Conditions of senior staff be received and the information be noted.

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

CARRIED

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE52/2016

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

259 MAITLAND ROAD, CESSNOCK

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

That Council determine Development Application No. 8/2015/551/1 proposing alterations and additions to an existing medical centre at 259 Maitland Road, Cessnock, pursuant to section 80 of the Environmental Planning and Assessment Act 1979, by granting consent subject to the conditions provided in Schedule 1 with Condition 5 amended to delete the second and third paragraph, and with the following words added to Condition 3 “these hours may be varied in exceptional circumstances”.

SCHEDULE 1

TERMS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2015/551/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent and where the plans have been amended in red:

Plan Reference	Drawn By	Dated
Project No. 101 Drawing No. A000 Site Plan	CJ	1.9.15
Project No. 101 Drawing No. A100 Floor Plan	CJ	1.9.15
Project No. 101 Drawing No. A101 Roof Plan	CJ	1.9.15
Project No. 101 Drawing No. A201 North and South Elevations	CJ	1.9.15
Project No. 101 Drawing No. A202 East and West Elevations	CJ	1.9.15

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

2. CC Required

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.

3. Hours of Operation

The medical centre is to operate between the hours of 8.00am to 6.00pm from Monday to Friday and 9.00am to 11.00am on Saturdays. These hours may be varied in exceptional circumstances.

4. Disabled Access & Facilities

The building is to be provided with access and facilities for people with disabilities in accordance with the Disability (Access to Premises – Buildings) Standards 2010.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

5. Car Park – Amended Plans

Prior to issue of a CC, plans shall be submitted with the CA for approval identifying the provision of a minimum of eight (8) on-site parking spaces (including the provision of one (1) disabled car park).

6. Disabled Car Parking Spaces

A total of one (1) 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.

7. Stormwater – Discharge (General)

The applicant shall collect all roof and stormwater runoff from the impervious areas on site, and any other drainage entering the site, and discharge it to Council's satisfaction in accordance with Council's 'Engineering Requirements for 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 the CC.

8. Car Park Stormwater – Detailed Design Requirements

A detailed drainage design shall be prepared for the disposal of surface water from the carpark, 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.

9. Landscaping - Carpark

A detailed landscaping plan for the carpark shall be prepared by a suitably qualified person in accordance with the provisions of Council's DCP 2010 (Chapter C.1 – Parking and Access) and approved by the CA prior to issue of a CC.

PRIOR TO COMMENCEMENT OF WORKS

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

10. PCA Signage and Contact Details

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.

11. Road Opening Permit

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

12. Toilet Facilities

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.

13. Relocation of Services

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.

DURING WORKS

The following conditions are to be complied with during works:

14. Construction Hours

Excavation, building or subdivision 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.

15. Road – Obstruction of Footpath Restriction

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

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

16. Erosion and Sediment Controls

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.

17. Protection of Street Trees

No trees on public property (footpaths, road reserves, etc) are to be removed or damaged during construction, including for the erection of any fences, hoardings or other temporary works, unless specifically approved in this consent.

18. Stormwater Runoff

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.

19. 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.

20. 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.

21. Location of Council Pipes

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- a) Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works
- b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits
- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage, and the like). All proposed structures and construction activities must be sited fully clear of Council’s stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.

If the Council pipeline is uncovered during construction, all work must cease, and the PCA and Council must be contacted immediately for advice. Any damage caused to the Council stormwater drainage system must be immediately repaired in full as directed, and at no cost to Council.

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):

22. Finish of Surface Around Site

Prior to issue of a Final OC, 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.

23. Retaining Walls and Drainage

All retaining walls and associated drainage shall be installed and completed prior to issue of an OC in respect of the building.

24. Completion of Car Park

Prior to issue of an OC, the car park shall be completed, suitably line marked and landscaped in accordance with the approved CC plans.

25. Certification of Fire Services

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.

26. Roads – Bitumen Crossing

The registered proprietors shall construct and maintain a bitumen sealed access crossing from the edge of the road formation in Dowlan Lane Street to the property boundary, in accordance with Council’s “Engineering Requirements for Development” and AS 2890.1. A S138 Roads Act Approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of a Final OC. Where an Interim OC is issued the crossing shall be completed within six (6) months from the date of the Interim OC.

Construction of the crossing will require inspections to be undertaken by Council. The applicant shall pay Council engineering site supervision fees in accordance with Council’s current Fees & Charges, prior to the inspections being undertaken.

The initial fee will facilitate approval of the application and one (1) construction inspection (gravel in place but prior to sealing of the crossing).

A final inspection will be required upon completion of the driveway and restoration of all disturbed footway areas. (A separate fee will be required to be paid when the final inspection is booked.). Should further inspections become necessary as a result of unsatisfactory or defective works, additional inspection fees will be charged in accordance with Council’s current Fees & Charges.

The applicant is to advise Council at least 48 hours prior to inspection of works within the footpath and/or road reserve.

27. Drainage Works

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

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

That Council determine Development Application No. 8/2015/551/1 proposing alterations and additions to an existing medical centre at 259 Maitland Road, Cessnock, pursuant to section 80 of the Environmental Planning and Assessment Act 1979, by granting consent subject to the conditions provided in Schedule 1 with Condition 5 amended to delete the second and third paragraph, and with the following words added to Condition 3 “these hours may be varied in emergency or other situations when no alternative is available”.

SCHEDULE 1

TERMS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2015/551/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent and where the plans have been amended in red:

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Project No. 101 Drawing No. A100 Floor Plan	CJ	1.9.15
Project No. 101 Drawing No. A101 Roof Plan	CJ	1.9.15
Project No. 101 Drawing No. A201 North and South Elevations	CJ	1.9.15
Project No. 101 Drawing No. A202 East and West Elevations	CJ	1.9.15

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

2. CC Required

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.

3. Hours of Operation

The medical centre is to operate between the hours of 8.00am to 6.00pm from Monday to Friday and 9.00am to 11.00am on Saturdays. These hours may be varied in emergency or other situations when no alternative is available

4. Disabled Access & Facilities

The building is to be provided with access and facilities for people with disabilities in accordance with the Disability (Access to Premises – Buildings) Standards 2010.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

5. Car Park – Amended Plans

Prior to issue of a *CC*, plans shall be submitted with the *CA* for approval identifying the provision of a minimum of eight (8) on-site parking spaces (including the provision of one (1) disabled car park).

6. Disabled Car Parking Spaces

A total of one (1) 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.

7. Stormwater – Discharge (General)

The applicant shall collect all roof and stormwater runoff from the impervious areas on site, and any other drainage entering the site, and discharge it to Council's satisfaction in accordance with Council's 'Engineering Requirements for 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 the *CC*.

8. Car Park Stormwater – Detailed Design Requirements

A detailed drainage design shall be prepared for the disposal of surface water from the carpark, 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.

9. Landscaping - Carpark

A detailed landscaping plan for the carpark shall be prepared by a suitably qualified person in accordance with the provisions of Council’s DCP 2010 (Chapter C.1 – Parking and Access) and approved by the CA prior to issue of a CC.

PRIOR TO COMMENCEMENT OF WORKS

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

10. PCA Signage and Contact Details

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.

11. Road Opening Permit

Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, public road reserve, or public reserve (open space) be required, a “Road Opening Permit” will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The Permit application is to be submitted to, and approved by, Council prior to works commencing.

12. Toilet Facilities

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.

13. Relocation of Services

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.

DURING WORKS

The following conditions are to be complied with during works:

14. Construction Hours

Excavation, building or subdivision 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.

15. Road – Obstruction of Footpath Restriction

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

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

16. Erosion and Sediment Controls

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.

17. Protection of Street Trees

No trees on public property (footpaths, road reserves, etc) are to be removed or damaged during construction, including for the erection of any fences, hoardings or other temporary works, unless specifically approved in this consent.

18. Stormwater Runoff

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.

19. 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.

20. 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.

21. Location of Council Pipes

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- a) Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works
- b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits
- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage, and the like). All proposed structures and construction activities must be sited fully clear of Council's stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.

If the Council pipeline is uncovered during construction, all work must cease, and the PCA and Council must be contacted immediately for advice. Any damage caused to the Council stormwater drainage system must be immediately repaired in full as directed, and at no cost to Council.

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):

22. Finish of Surface Around Site

Prior to issue of a Final OC, 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.

23. Retaining Walls and Drainage

All retaining walls and associated drainage shall be installed and completed prior to issue of an OC in respect of the building.

24. Completion of Car Park

Prior to issue of an OC, the car park shall be completed, suitably line marked and landscaped in accordance with the approved CC plans.

25. Certification of Fire Services

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.

26. Roads – Bitumen Crossing

The registered proprietors shall construct and maintain a bitumen sealed access crossing from the edge of the road formation in Dowlan Lane Street to the property boundary, in accordance with Council’s “Engineering Requirements for Development” and AS 2890.1. A S138 Roads Act Approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of a Final OC. Where an Interim OC is issued the crossing shall be completed within six (6) months from the date of the Interim OC.

Construction of the crossing will require inspections to be undertaken by Council. The applicant shall pay Council engineering site supervision fees in accordance with Council’s current Fees & Charges, prior to the inspections being undertaken.

The initial fee will facilitate approval of the application and one (1) construction inspection (gravel in place but prior to sealing of the crossing).

A final inspection will be required upon completion of the driveway and restoration of all disturbed footway areas. (A separate fee will be required to be paid when the final inspection is booked.). Should further inspections become necessary as a result of unsatisfactory or defective works, additional inspection fees will be charged in accordance with Council’s current Fees & Charges.

The applicant is to advise Council at least 48 hours prior to inspection of works within the footpath and/or road reserve.

27. Drainage Works

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

FOR

Councillor Troy
 Councillor Doherty
 Councillor Olsen
 Councillor Ryan

Total (4)**AGAINST**

Councillor Gibson
 Councillor Stapleford
 Councillor Hawkins
 Councillor Smith
 Councillor Campbell
 Councillor Parsons
 Councillor Pynsent
Total (7)

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

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

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Hawkins
 1762
RESOLVED

That Council determine Development Application No. 8/2015/551/1 proposing alterations and additions to an existing medical centre at 259 Maitland Road, Cessnock, pursuant to section 80 of the Environmental Planning and Assessment Act 1979, by granting consent subject to the conditions provided in Schedule 1 with Condition 5 amended to delete the second and third paragraph, and with the following words added to Condition 3 “these hours may be varied in exceptional circumstances”.

SCHEDULE 1**TERMS OF CONSENT****1. Approved Plans and Documents**

Development must be carried out strictly in accordance with DA No. 8/2015/551/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent and where the plans have been amended in red:

Plan Reference	Drawn By	Dated
Project No. 101 Drawing No. A000 Site Plan	CJ	1.9.15
Project No. 101 Drawing No. A100 Floor Plan	CJ	1.9.15
Project No. 101 Drawing No. A101 Roof Plan	CJ	1.9.15
Project No. 101 Drawing No. A201 North and South Elevations	CJ	1.9.15
Project No. 101 Drawing No. A202 East and West Elevations	CJ	1.9.15

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

2. CC Required

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.

3. Hours of Operation

The medical centre is to operate between the hours of 8.00am to 6.00pm from Monday to Friday and 9.00am to 11.00am on Saturdays. These hours may be varied in exceptional circumstances.

4. Disabled Access & Facilities

The building is to be provided with access and facilities for people with disabilities in accordance with the Disability (Access to Premises – Buildings) Standards 2010.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

5. Car Park – Amended Plans

Prior to issue of a CC, plans shall be submitted with the CA for approval identifying the provision of a minimum of eight (8) on-site parking spaces (including the provision of one (1) disabled car park).

6. Disabled Car Parking Spaces

A total of one (1) 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.

7. Stormwater – Discharge (General)

The applicant shall collect all roof and stormwater runoff from the impervious areas on site, and any other drainage entering the site, and discharge it to Council's satisfaction in accordance with Council's 'Engineering Requirements for 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 the CC.

8. Car Park Stormwater – Detailed Design Requirements

A detailed drainage design shall be prepared for the disposal of surface water from the carpark, 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.

9. Landscaping - Carpark

A detailed landscaping plan for the carpark shall be prepared by a suitably qualified person in accordance with the provisions of Council's DCP 2010 (Chapter C.1 – Parking and Access) and approved by the CA prior to issue of a CC.

PRIOR TO COMMENCEMENT OF WORKS

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

10. PCA Signage and Contact Details

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.

11. Road Opening Permit

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

12. Toilet Facilities

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.

13. Relocation of Services

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.

DURING WORKS

The following conditions are to be complied with during works:

14. Construction Hours

Excavation, building or subdivision 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.

15. Road – Obstruction of Footpath Restriction

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

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

16. Erosion and Sediment Controls

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.

17. Protection of Street Trees

No trees on public property (footpaths, road reserves, etc) are to be removed or damaged during construction, including for the erection of any fences, hoardings or other temporary works, unless specifically approved in this consent.

18. Stormwater Runoff

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.

19. 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.

20. 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.

21. Location of Council Pipes

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- a) Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works
- b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits
- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage, and the like). All proposed structures and construction activities must be sited fully clear of Council’s stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.

If the Council pipeline is uncovered during construction, all work must cease, and the PCA and Council must be contacted immediately for advice. Any damage caused to the Council stormwater drainage system must be immediately repaired in full as directed, and at no cost to Council.

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):

6. Finish of Surface Around Site

Prior to issue of a Final OC, 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.

7. Retaining Walls and Drainage

All retaining walls and associated drainage shall be installed and completed prior to issue of an OC in respect of the building.

8. Completion of Car Park

Prior to issue of an OC, the car park shall be completed, suitably line marked and landscaped in accordance with the approved CC plans.

9. Certification of Fire Services

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.

10. Roads – Bitumen Crossing

The registered proprietors shall construct and maintain a bitumen sealed access crossing from the edge of the road formation in Dowlan Lane Street to the property boundary, in accordance with Council’s “Engineering Requirements for Development” and AS 2890.1. A S138 Roads Act Approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of a Final OC. Where an Interim OC is issued the crossing shall be completed within six (6) months from the date of the Interim OC.

Construction of the crossing will require inspections to be undertaken by Council. The applicant shall pay Council engineering site supervision fees in accordance with Council’s current Fees & Charges, prior to the inspections being undertaken.

The initial fee will facilitate approval of the application and one (1) construction inspection (gravel in place but prior to sealing of the crossing).

A final inspection will be required upon completion of the driveway and restoration of all disturbed footway areas. (A separate fee will be required to be paid when the final inspection is booked.). Should further inspections become necessary as a result of unsatisfactory or defective works, additional inspection fees will be charged in accordance with Council’s current Fees & Charges.

The applicant is to advise Council at least 48 hours prior to inspection of works within the footpath and/or road reserve.

11. Drainage Works

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

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE53/2016

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 Olsen

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

REASONS FOR REFUSAL

1. The development is contrary to the provisions of Council's Development Control Plan 2010 *Chapter D.5 – Advertising Signage* in that the maximum display area and height of the sign is exceeded and an objective is not complied with (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act 1979).
2. The development is contrary to the provisions of the *State Environmental Planning Policy No 64 – Advertising and Signage* in that the *Schedule 1 Assessment Criteria* is not complied with (Section 79C(1)(a)(i) Environmental Planning and Assessment Act 1979).
3. The development is likely to have an unsafe impact on the built environment (Section 79C(1)(b) Environmental Planning and Assessment Act 1979).
4. The development is not suitable on the site given the unsafe vehicle situation likely to arise with the sign location (Section 79C(1)(c) Environmental Planning and Assessment Act 1979).
5. The development is not in the public interest in that an unsafe environment is likely to be created for passing motorists viewing the sign (Section 79C(1)(e) Environmental Planning and Assessment Act 1979).

AMENDMENT **Moved:** Councillor Gibson **Seconded:** Councillor Troy

That Council determine Development Application No. 8/2015/663/1 proposing erection of a Business Identification Sign on Lot 112, DP 1205440, 141 Main Road 195, Heddon Greta, 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. **General Terms of Approval**

Development must be carried out strictly in accordance with DA No. 8/2015/663/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Pylon Elevations, Dwg No. A003, Rev 4	GWH Build	27.08.15
Overall Site Plan, Dwg No. A001, Rev 2	GWH Build (KB)	27.08.15
Detailed Site Layout, Dwg No. A002, Rev 2	GWH Build (KB)	27.08.15
Statement of Environmental Effects	Stevens Group	November 2015

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

2. **BCA Compliance**

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

3. **Advertising and Signage**

The development shall be undertaken in accordance with the plans submitted with the application, or as modified by these further conditions. There must be no flashing, scintillating advertising material and no animated advertising except with further approval.

4. **Advertising and Signage**

The business identification sign shall be finished in the colours detailed on the plans submitted with the application.

5. **Advertising and Signage**

The advertising sign shall be constructed entirely within private property and shall not encroach or overhang into the road reserve or existing easements on the site.

6. **Advertising and Signage**

The advertising sign shall meet the criteria contained in Section 3 of the Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007) – Advertisements and Road Safety.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. Electricity Infrastructure

Prior to the release of the CC, the applicant shall satisfy the requirements specified within the Ausgrid NSW letter dated 3 June 2016 and as attached to this consent. The developer shall submit an 'Earthing Review Report' assessing the potential hazards associated with the business identification sign and the electricity infrastructure within the vicinity of the site. Specifically, Earth Potential Rise (EPR) voltages shall be considered. The report must be deemed acceptable by Ausgrid prior to the release of any CC.

DURING CONSTRUCTION

8. Service Relocation

The developer 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.

9. BCA Compliance

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.

10. Construction Hours

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.

11. Excavations and Backfilling

Any 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.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

12. Terms of Approval

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

13. Excavations and Backfilling

The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring onto adjacent private or public property.

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

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

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

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Olsen
1763
RESOLVED

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

REASONS FOR REFUSAL

1. The development is contrary to the provisions of Council’s Development Control Plan 2010 *Chapter D.5 – Advertising Signage* in that the maximum display area and height of the sign is exceeded and an objective is not complied with (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act 1979).
2. The development is contrary to the provisions of the *State Environmental Planning Policy No 64 – Advertising and Signage* in that the *Schedule 1 Assessment Criteria* is not complied with (Section 79C(1)(a)(i) Environmental Planning and Assessment Act 1979).

- 3. The development is likely to have an unsafe impact on the built environment (Section 79C(1)(b) Environmental Planning and Assessment Act 1979).
- 4. The development is not suitable on the site given the unsafe vehicle situation likely to arise with the sign location (Section 79C(1)(c) Environmental Planning and Assessment Act 1979).
- 5. The development is not in the public interest in that an unsafe environment is likely to be created for passing motorists viewing the sign (Section 79C(1)(e) Environmental Planning and Assessment Act 1979).

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

CARRIED

PLANNING AND ENVIRONMENT NO. PE54/2016

SUBJECT: 18/2014/4: PLANNING PROPOSAL - ORICA

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Doherty
1764

RESOLVED

1. That Council endorse the Planning Proposal as an amendment to the *Cessnock Local Environmental Plan 2011* to accommodate the approved and existing use of the site as a 'Technology Centre and Explosives Research and Production Facility'.
2. That Council delegate authority to the General Manager to execute the associated Planning Agreement.

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

CARRIED

PLANNING AND ENVIRONMENT NO. PE55/2016

**SUBJECT: MODIFICATION TO CLIFBLEIGH LOCAL INFRASTRUCTURE
VOLUNTARY PLANNING AGREEMENT**

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Stapleford
1765
RESOLVED

1. That Council accept the offer by Winten (No23) Pty Ltd to modify the Clifbleigh Voluntary Planning Agreement.
2. That Council prepare a draft (modified) Voluntary Planning Agreement and make this available for inspection by the public for a period of 28 days in accordance with the provisions of the Environmental Planning and Assessment Act.
3. That Council receive a report back on the draft (modified) Voluntary Planning Agreement if unresolved written objections are received, otherwise the Voluntary Planning Agreement be finalised.
4. That Council authorise the General Manager to execute the Voluntary Planning Agreement between Cessnock City Council and Winten (No23) Pty Ltd.

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

CARRIED

PLANNING AND ENVIRONMENT NO. PE56/2016

SUBJECT: STRATEGIC PROPERTY REVIEW - PHASE 2 PROGRESS REPORT - PART 2

MOTION **Moved:** Councillor Gibson **Seconded:** Councillor Doherty
1766
RESOLVED

1. That Council receive and note the information on the progress of the Strategic Property Review.
2. That Council transfer Lot 6, DP9252, North Ave Cessnock (Parcel ID 3372) to the Property Investment Fund.
3. That Council confirm its previous resolution of 20 November 2002 to commence the process to reclassify the site from community land to operational land.
4. That Council request a Gateway determination for a Planning Proposal, to reclassify the site, from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
5. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.
6. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.

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

CARRIED

PLANNING AND ENVIRONMENT NO. PE57/2016

SUBJECT: INTEGRATED PLANNING & REPORTING PROGRAM - PROPOSED ENGAGEMENT STRATEGY

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Stapleford
1767
RESOLVED

That Council endorse the proposed Engagement Strategy for the 2017-21 round of integrated planning and reporting.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC49/2016

SUBJECT: MEETING NOTES OF THE INQUORATE ACCESS ADVISORY COMMITTEE HELD 6 JULY 2016

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Smith
1768
RESOLVED

That Council notes the summaries of the topics discussed at the inquorate Access Advisory Committee meeting held on 6 July 2016.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC50/2016

**SUBJECT: MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER
ADVISORY COMMITTEE MEETING OF CESSNOCK CITY COUNCIL
HELD ON 15 JULY 2016**

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Doherty
1769
RESOLVED

1. That Council adopt the Minutes of the Aboriginal and Torres Strait Islander Advisory Committee meeting held on 15 July 2016.
2. That in the review of all Council Committees following the September 2016 elections re-establishment of the Aboriginal and Torres Strait Islander Advisory Committee be favourably viewed by the new Council to enable the work that has been achieved by this Committee over the past four years to continue.

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

CARRIED

CORPORATE AND COMMUNITY NO. CC51/2016

SUBJECT: LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2016

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Hawkins
1770

RESOLVED

1. That Council notes the interim actions taken in regards to registering four delegates and voting delegates to the Local Government NSW Annual Conference 2015, pending the Council elections to be held in September 2016.
2. That Councillors consider motions to be submitted and provide advice to the General Manager by 8 August 2016 so they can be collated and referred to Council for consideration.

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI41/2016

SUBJECT: PERPETUAL TRIBUTE OPTIONS FOR THE LATE COUNCILLOR JEFF MAYBURY

The Mayor declared a Non Pecuniary Less Than Significant Interest for the reason that he was a fellow Councillor of Jeff Maybury and a member of the ALP. The Mayor remained in the Chamber and participated in discussion and voting.

Councillor Smith declared a Non Pecuniary Less Than Significant Interest for the reason that he was a Councillor with Councillor Maybury and a member of the same political party. Councillor Smith remained in the Chamber and participated in discussion and voting.

Councillor Campbell declared a Non Pecuniary Less Than Significant Interest for the reason that he was a Councillor with Councillor Maybury and a party colleague. Councillor Campbell remained in the Chamber and participated in discussion and voting.

Councillor Parsons declared a Non Pecuniary Less Than Significant Interest for the reason that she was a Councillor with Councillor Maybury and a member of the same Political Party. Councillor Parsons remained in the Chamber and participated in discussion and voting.

Councillor Hawkins declared a Non Pecuniary Less Than Significant Interest for the reason that he served on Council with Jeff and was a member of the Labor Party. Councillor Hawkins remained in the Chamber and participated in discussion and voting.

MOTION **Moved:** Councillor Hawkins **Seconded:** Councillor Troy

- 1. That Council rename “Peace Park” to “Jeff Maybury Peace Park” subject to gazettal by the New South Wales Geographical Names Board;**
- 2. That if approval is received from the New South Wales Geographical Names Board, Council install appropriate signage in line with the adopted Cessnock LGA Signage Strategy;**
- 3. That the Maybury family be advised of the outcome of the application.**

AMENDMENT **Moved:** Councillor Parsons **Seconded:** Councillor Campbell

That Council not make an application to the NSW GNB, but install a suitable commemorative plaque within Peace Park recognising the late Councillor Maybury’s contribution to the local area and Peace Park.

FOR	AGAINST
Councillor Olsen	Councillor Gibson
Councillor Ryan	Councillor Troy
Councillor Smith	Councillor Doherty
Councillor Campbell	Councillor Stapleford
Councillor Parsons	Councillor Hawkins
	Councillor Pynsent
Total (5)	Total (6)

The Amendment was *PUT* and *LOST*.

PROCEDURAL MOTION **Moved:** Councillor Smith
 Seconded: Councillor Campbell

1771
RESOLVED

That the Motion be put.

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

The Procedural Motion was PUT and CARRIED.

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

MOTION **Moved:** Councillor Hawkins **Seconded:** Councillor Troy

1772
RESOLVED

- 1. That Council rename “Peace Park” to “Jeff Maybury Peace Park” subject to gazettal by the New South Wales Geographical Names Board;**
- 2. That if approval is received from the New South Wales Geographical Names Board, Council install appropriate signage in line with the adopted Cessnock LGA Signage Strategy;**
- 3. That the Maybury family be advised of the outcome of the application.**

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

CARRIED

WORKS AND INFRASTRUCTURE NO. WI42/2016

SUBJECT: MINUTES OF DOLLAR FOR DOLLAR COMMITTEE MEETING HELD 20 JULY 2016

The Mayor declared a Non Pecuniary Interest - Significant Conflict for the reason that his wife works at Kearsley Public School who applied for a \$500 grant. The Mayor left the Chamber and took no part in discussion and voting.

Mayor Pynsent vacated the Chair, the time being 7.49pm

Deputy Mayor, Councillor Stapleford assumed the Chair

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Hawkins
1773

RESOLVED

1. That Council adopt the Minutes of the Dollar for Dollar Committee held 20 July 2016.
2. That Council thank all applicants for their contribution towards the enhancement of the local environment.
3. That Tidy Towns Dollar for Dollar Scheme funding be provided as detailed in the table below with additional Scheme allocation of \$1,200.37 sourced from the recurrent Tidy Towns operational budget;

TIDY TOWN GROUP	GRANT FUNDS PROVIDED
Branxton Tidy Town	\$5,583.00
Greta Tidy Town	\$4,161.50
North Rothbury Tidy Town	\$334.00
Weston Heritage and Tidy Town	\$1,121.87

4. That Council supports the application for funding and an amount of \$500 be granted to the Kearsley Public School.

5. That Council funds nine further eligible applications for the Schools Environment Dollar for Dollar Grant Scheme and remain within the allocated budget, as detailed below;

SCHOOL	FUNDING PAYABLE
Nulkaba Preschool	\$500.00
Cessnock Occasional Childcare Centre	\$500.00
Branxton Preschool	\$209.52
Greta Preschool	\$290.48
Kurri Kurri Public School	\$500.00
Cessnock West Public School	\$500.00
Abermain Public School	\$500.00
Nulkaba Public School	\$500.00
Bees Nees Early Learning	\$500.00
Paxton Public School	\$500.00

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

CARRIED UNANIMOUSLY

The Deputy Mayor, Councillor Stapleford vacated the Chair.

The Mayor returned to the meeting, the time being 7.52pm

WORKS AND INFRASTRUCTURE NO. WI43/2016

SUBJECT: AUSTRALIAN POSTIE BIKE GRAND PRIX - 30 OCTOBER 2016

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Hawkins
1774

RESOLVED

That Council supports the Australian Postie Bike Grand Prix on 30 October 2016 by providing the following in-kind support:

1. Erection and removal of the relevant variable message boards and road closure/detour signage as required by Council and NSW Roads and Maritime Services, under the approved Traffic Management Plan and Traffic Control Plan;
2. Provide additional general waste bins throughout the main spectator and PIT areas of the circuit and remove the collected waste at the conclusion of the event.

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

CARRIED UNANIMOUSLY

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ47/2016

SUBJECT: HUMAN RESOURCES STAFF EMPLOYMENT

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ48/2016

SUBJECT: PRISON WORK CREWS - ACTUAL WORK PERFORMED

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ49/2016

SUBJECT: "A" FRAME ADVERTISING SIGNAGE

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ50/2016

SUBJECT: FUTURE DEVELOPMENTS IN BUCHANAN

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ51/2016

SUBJECT: GARDEN IN YANGO STREET, CESSNOCK

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ52/2016

**SUBJECT: INTERSECTION OF GRETA AND COLLIERY STREETS, ABERDARE -
GIVE WAY**

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ53/2016

**SUBJECT: COUNCIL STORAGE AREA ADJACENT TO FOOTBALL FIELDS -
MARGARET JOHN PARK**

The answer was noted.

QUESTIONS FOR NEXT MEETING

Councillor James Hawkins

DUFFIE DRIVE ROUND-A-BOUT

Councillor Hawkins asked for an update on the Duffie Drive round-a-bout.

The Director Works & Infrastructure advised that a meeting was held with RMS and they indicated they have funds to relocate utilities in 16/17 budget and are planning to undertake round-a-bout works in the 17/18 year subject to available funding.

Councillor Rod Doherty

CESSNOCK CORRECTIONAL CENTRE DRAFT SUBMISSION

Councillor Doherty referred to the Ecological considerations in regard to the Cessnock Correctional Centre Draft Submission and asked if the Regional Honey Eater could be included as a species.

Councillor Cordelia Troy

CESSNOCK BASKETBALL STADIUM CONTRACT

Councillor Troy asked for details surrounding the contract for Cessnock Basketball Stadium.

Councillor Cordelia Troy

CESSNOCK SKATE PARK

Councillor Troy asked what the status is in regard to the Cessnock Skate Park.

Councillor Catherine Parsons

COSTS FOR SANITARY SERVICE

Councillor Parsons referred to interest free loans that were available for residents to connect to the septic system and asked how many sanitary services are there still and how much does it cost.

Councillor James Ryan

COUNCIL STORAGE AREA ADJACENT TO FOOTBALL FIELDS - MARGARET JOHNS PARK

Councillor Ryan referred to the answer provided in regard to Council's storage area adjacent to the Football Fields – Margaret Johns Park and asked whether a risk assessment was carried out in regard to exposure to children from dust etc.

Councillor Bryce Gibson

EAST CESSNOCK FLYING FOXES - CAMP MANAGEMENT PLAN

Councillor Gibson referred to correspondence from the Hon. Greg Hunt, former Minister for the Environment advising that the little red flying fox is not protected under National Environment Law and asked whether the information will be taken into consideration when finalising the Camp Management Plan.

CORRESPONDENCE

CORRESPONDENCE NO. CO2/2016

SUBJECT: EAST CESSNOCK FLYING-FOXES

MOTION **Moved:** Councillor Campbell **Seconded:** Councillor Parsons
1775

RESOLVED

That Council note the correspondence.

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

CARRIED UNANIMOUSLY

COUNCILLOR'S REPORTS

NIL

7.55PM

Confidential reports (closed session)

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Hawkins
1776

RESOLVED

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

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

CARRIED UNANIMOUSLY

8.05PM

Open Session

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

MAYORAL MINUTES NO. MM3/2016

SUBJECT: REPORT OF THE REVIEW OF GENERAL MANAGER'S EMPLOYMENT ARRANGEMENTS COMMITTEE MEETINGS HELD ON 24 MAY 2016 AND 9 JUNE 2016

This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Stapleford
1777
RESOLVED

1. That the Performance Review of the General Manager for the period of November 2014 to April 2016 contained in the Confidential Attachment be received and noted.
2. That the General Manager be awarded a discretionary increase in the total remuneration package because of better than satisfactory performance accordance with Clause 8.3 of the Standard Contract of Employment, effective from the next full pay period.
3. That the Performance Agreement for the General Manager for 2016/2017 in accordance with Clause 7.10 of the Standard Contract of Employment be signed by the Mayor on behalf of Council.

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

CARRIED

The Meeting Was Declared Closed at 8.06pm

CONFIRMED AND SIGNED at the meeting held on 17 August 2016

.....**CHAIRPERSON**

.....**GENERAL MANAGER**