



14 July 2016

To All Councillors

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that the next Ordinary Meeting of Council will be held in the Council Chambers, on Wednesday, 20 July 2016 at 6.30 pm, for the purposes of transacting the undermentioned business.

AGENDA:

PAGE NO.

(1) OPENING PRAYER	
(2) ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	
(3) RECEIPT OF APOLOGIES	
(4) CONFIRMATION OF MINUTES OF PREVIOUS MEETING	
Minutes of the Ordinary Meeting of Council held on 6 July 2016	5
(5) DISCLOSURES OF INTEREST	
DI12/2016 Disclosures of Interest	56
(6) PETITIONS	
(7) ADDRESS BY INVITED SPEAKERS	
(8) MOTIONS OF URGENCY	
MOU12/2016 Motions of Urgency.....	57
(9) GENERAL MANAGER'S UNIT	
GMU8/2016 Minutes of the Economic Development Strategy Committee of the Cessnock City Council held 7 June 2016 at 5.15pm	58
(10) PLANNING AND ENVIRONMENT	
PE51/2016 Development Application 8/2016/128/1 proposing retention of existing dwelling and construction of a place of public worship and ancillary funeral home and ablutions facility, and associated picnic and recreation areas, landscaping, fencing, car parking and intersection upgrade	
911 Buchanan Road, Buchanan	61
(11) CORPORATE AND COMMUNITY	
‡ CC45/2016 Resolutions Tracking Report	144

#	CC46/2016	September 2016 Local Government Elections - Caretaker Provisions.....	145
#	CC47/2016	Local Government Elections and Use of Council Resources and Electoral Materials	148
#	CC48/2016	Investment Report - June 2016.....	150
(12)	WORKS AND INFRASTRUCTURE		
	WI40/2016	Pedestrian Access and Mobility Plan (PAMP).....	156
(13)	QUESTIONS FOR NEXT MEETING		
(14)	COUNCILLORS' REPORTS		



Council's Charter

- To provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively.
- To exercise community leadership.
- To exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism.
- To promote and to provide and plan for the needs of children.
- To properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.
- To have regard to the long term and cumulative effects of its decisions.
- To bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible.
- To engage in long-term strategic planning on behalf of the local community.
- To exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights.
- To facilitate the involvement of Councillors, members of the public, users of facilities and services and Council staff in the development, improvement and co-ordination of Local Government.
- To raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants.
- To keep the local community and State Government (and through it, the wider community) informed about its activities.
- To ensure that, in the exercise of its regulatory functions, its acts consistently and without bias, particularly where an activity of the Council is affected.
- To be a responsible employer.

Council's Values

- | | | |
|-------------|--------------|--------------|
| • Respect | • Innovation | • Teamwork |
| • Integrity | • Fairness | • Commitment |

Our Community's Vision

Cessnock will be a cohesive and welcoming community living in an attractive and sustainable rural environment with a diversity of business and employment opportunities supported by accessible infrastructure and services which effectively meet community need.

Cessnock – thriving, attractive and welcoming.

Our Community's Desired Outcomes

- A connected, safe and creative community.
- A sustainable and prosperous economy.
- A sustainable and healthy environment.
- Accessible infrastructure, facilities and services.
- Civic Leadership and effective governance.



Council Model Code of Conduct

Council adopted its current Code of Conduct on 3 February 2016. This Code provides details of statutory requirements and gives guidance in respect of the way in which pecuniary and conflict of interest issues should be approached.

Generally, the policies refer to the following issues:

1. Councillors are under an obligation at law to disclose any interest they may have in any matter before the Council and to refrain from being involved in any consideration or to vote on any such matter
2. Councillors must disclose any interest in any matter noted in the business paper prior to or at the opening of the meeting
3. The nature of the interest shall be included in the notification
4. Councillors shall immediately and during the meeting disclose any interest in respect of any matter arising during the meeting which is not referred to in the business paper
5. All declarations of interest shall be recorded by the General Manager
6. All disclosures of interest shall as far as is practicable be given in writing
7. Any member having a pecuniary or non-pecuniary significant conflict of interest shall leave the meeting and remain absent while the subject of the interest is being considered by Council
8. The meeting shall not discuss any matter in which a Councillor has a pecuniary or non-pecuniary significant conflict of interest while the Councillor is present at the meeting

**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
– 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.

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)

CARRIED UNANIMOUSLY

MOTION **Moved:** Councillor Gibson **Seconded:** Councillor Doherty
1731

RESOLVED

That Councillors accept the late disclosure of interest and reasons for declaring such interest in this matter under consideration by Council at this meeting.

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)

CARRIED UNANIMOUSLY

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
1726
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
1727
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
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

PLANNING AND ENVIRONMENT NO. PE42/2016

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

57 MAITLAND STREET, BRANXTON

MOTION

1728

RESOLVED

Moved: Councillor Smith

Seconded: Councillor Parsons

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 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.

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 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.

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 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.

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
1729

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
1730

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 HAWKINS
[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

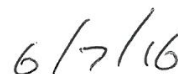
Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	<u>126 LAUG ST KURRI KURRI</u>
Relationship of identified land to Councillor [Tick or cross one box.]	<input type="checkbox"/> Councillor has interest in 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]

- 1 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.
- 2 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).
- 3 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.
- 4 **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.

Disclosures Of Interest

Report No. DI12/2016

Corporate and Community Services



SUBJECT: *DISCLOSURES OF INTEREST*

RESPONSIBLE OFFICER: *Manager Governance and Business Services - Kim Appleby*

RECOMMENDATION

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

SUMMARY

The provisions of Chapter 14 of the Local Government Act, 1993 regulate the way in which Councillors and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

ENCLOSURES

There are no enclosures for this report.

Motions of Urgency

Report No. MOU12/2016

Corporate and Community Services



SUBJECT: *MOTIONS OF URGENCY*

RESPONSIBLE OFFICER: *Manager Governance and Business Services - Kim Appleby*

RECOMMENDATION

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

SUMMARY

Under Clause 10.5 of Council's Code of Meeting Practice, business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. This can only happen if a motion is passed to have the business transacted at the meeting, the Mayor rules that the business is of great urgency and the business notified in the agenda for the meeting has been disposed of.

Only the mover of such a motion can speak to the motion before it is put.

ENCLOSURES

There are no enclosures for this report.

General Manager's Unit
Report No. GMU8/2016
General Manager's Unit



SUBJECT: *MINUTES OF THE ECONOMIC DEVELOPMENT STRATEGY COMMITTEE OF THE CESSNOCK CITY COUNCIL HELD 7 JUNE 2016 AT 5.15PM*

RESPONSIBLE OFFICER: *Economic Development Manager - Jane Holdsworth*

RECOMMENDATION

That Council adopt the Minutes of the Economic Development Strategy Committee meeting held 7 June 2016.

**MINUTES OF THE ECONOMIC DEVELOPMENT STRATEGY COMMITTEE
MEETING OF THE CESSNOCK CITY COUNCIL HELD ON 7 JUNE 2016
COMMENCING AT 5.15pm**

PRESENT: Mayor Bob Pynsent
Councillor Rod Doherty
Mr John Drayton (Parish of Pokolbin)
Ms Janet Murray (Community Representative)
Mr Geoff Walker (Cessnock Chamber of Commerce)

IN ATTENDANCE: Mr Stephen Glen (General Manager)
Mr Gareth Curtis (Director Planning & Environment)
Ms Jane Holdsworth (Economic Development Manager)
Miss Melissa Carlill (Minute taker)

APOLOGIES: **RESOLVED** that the apologies received from:

Councillor Graham Smith
Mr Bill Nicholls (Community Representative)
Mr Graham Skeates (Wollombi Valley Chamber of Commerce)
Mr Toby Thomas (Towns With Heart)

be accepted.

Moved: John Drayton **Seconded:** Councillor Doherty

MINUTES: **RESOLVED** that the Minutes of the Economic Development Strategy Committee meeting held on 19 April 2016 as circulated, be taken as read and confirmed as a correct record.

Moved: Mayor Pynsent **Seconded:** Geoff Walker

DISCLOSURE OF INTEREST

Nil

BUSINESS ARISING FROM PREVIOUS MINUTES

09-2016 Proposed expansion of Cessnock Correctional Facility

The Committee was informed a letter had been sent to the Minister for Corrections, David Elliott, MP, which resulted in a meeting arranged for 24 June 2016 for the Mayor and General Manager to discuss the facility, the proposed development and the community impact.

The information was received and noted.

DEFERRED BUSINESS

06-2016 Economic Development Strategy Plan

An overview of the Economic Development Strategy Plan was presented - how it relates to other strategic plans, budget implications and how it informs past and future spending.

The information was received and noted.

LISTED MATTERS

03-2016 Hunter Valley Youth Unemployment

The Committee received an update of outcomes following the Symposium held in November 2015, including a proposal to use the Hunter Valley Visitor Centre as a training facility for a pilot program to create job readiness for 18-25 year olds.

The information was received and noted.

04-2016 Gap Analysis

The Committee was updated on the progress of the gap analysis. Approximately 50 percent of businesses had been surveyed, and additional resources sourced to complete the remaining surveys. It is anticipated surveying and data entry will be complete by the end of June and data analysis complete by the end of July. Following that, the business investment program will be developed. The suggested model will first identify the key industries, then define a list of specific companies to invite to the region to observe the value proposition.

The information was received and noted.

General Manager's Unit

Report No. GMU8/2016

General Manager's Unit



CORRESPONDENCE

Nil

GENERAL BUSINESS

Nil

*Next Meeting Tuesday 2 August 2016
The Meeting Was Declared Closed at 5.46pm*

ENCLOSURES

There are no enclosures for this report



SUBJECT: *DEVELOPMENT APPLICATION 8/2016/128/1 PROPOSING RETENTION OF EXISTING DWELLING AND CONSTRUCTION OF A PLACE OF PUBLIC WORSHIP AND ANCILLARY FUNERAL HOME AND ABLUTIONS FACILITY, AND ASSOCIATED PICNIC AND RECREATION AREAS, LANDSCAPING, FENCING, CAR PARKING AND INTERSECTION UPGRADE*

911 BUCHANAN ROAD, BUCHANAN

RESPONSIBLE OFFICER: *Senior Planning Assessment Officer - Kristen Wells
Development Services Manager - Janine McCarthy*

APPLICATION NUMBER:	8/2016/128/1
PROPOSAL:	Retention of existing dwelling and construction of a place of public worship and ancillary funeral home and ablutions facility, and associated picnic and recreation areas, landscaping, fencing, car parking and intersection upgrade.
PROPERTY DESCRIPTION:	Lot 13, DP 1085485
PROPERTY ADDRESS:	911 Buchanan Road, Buchanan
ZONE:	RU2 Rural Landscape
OWNER:	Mr JT Outram
APPLICANT:	Newcastle Muslim Association Inc.

RECOMMENDATION

1. That Council determine Development Application No. 8/2016/128/1 proposing the retention of existing dwelling and construction of a place of public worship and ancillary funeral home and ablutions facility, and associated picnic and recreation areas, landscaping, fencing, car parking and intersection upgrade at 911 Buchanan Road, Buchanan, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the conditions contained in this report.
2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

REASON FOR REPORT

Development Application No 8/2016/128/1 is being referred to Council for determination as objections were received in response to the public exhibition period, and it is considered such objections constitute 'significant objection' in accordance with the provisions of Development Practice Note G3 – Delegations for Determination of Development Applications.

EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 8/2016/128/1 seeking approval for the retention of the existing dwelling and construction of a place of public worship and ancillary funeral home and ablutions facility, and associated picnic and recreation areas, landscaping, fencing, car parking and intersection upgrade at 911 Buchanan Road, Buchanan.

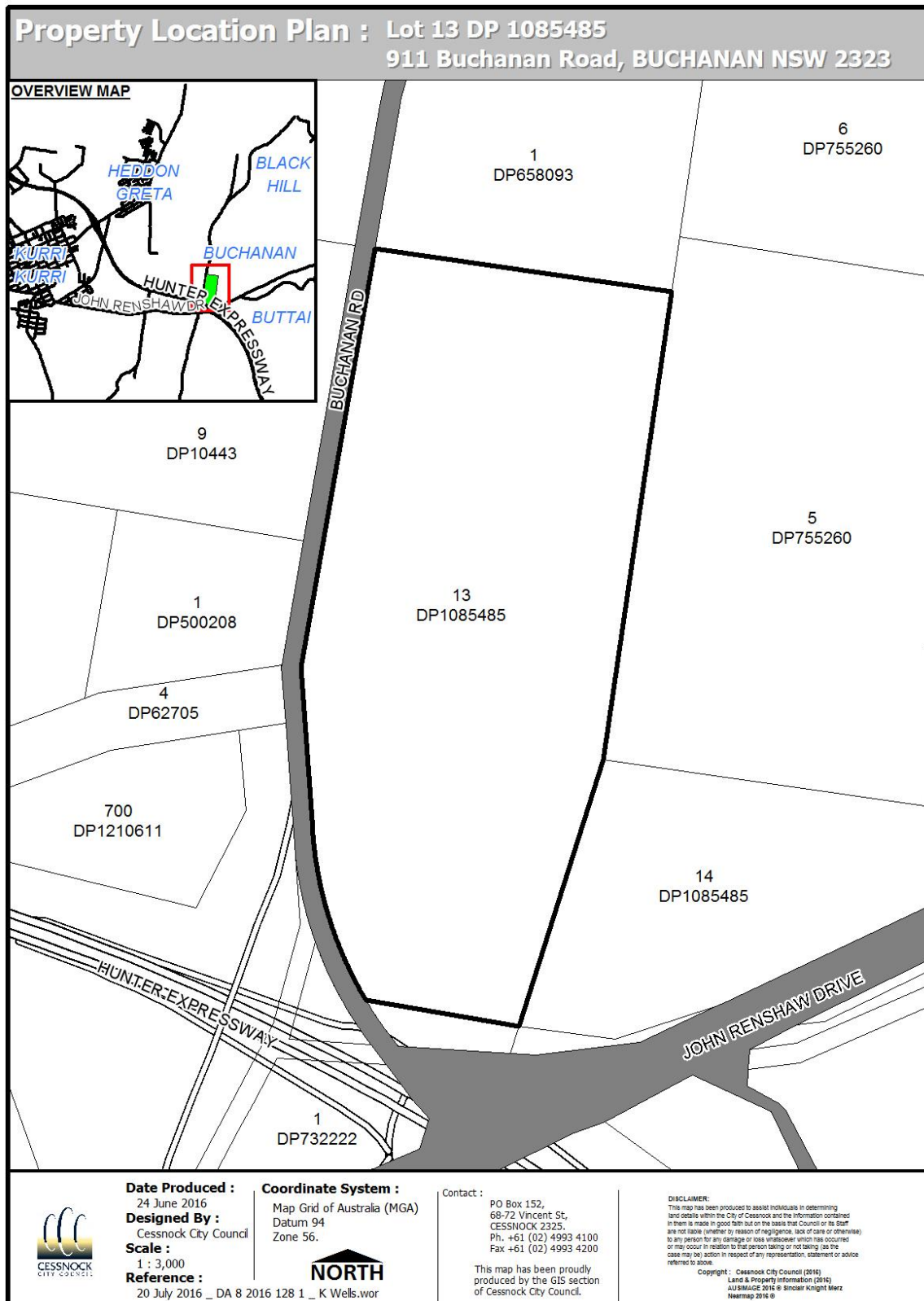
The Development Application has been assessed against the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulations 2000, relevant Environmental Planning Instruments and Council policies. The outcome of this assessment is detailed further in this report.

The Development Application was publicly exhibited in accordance with the Cessnock DCP 2010, and 600 individual submissions were received. Of the 600 submissions, 447 were in objection to the proposal and 163 were in support of the proposal. Three separate petitions were also submitted to Council during the exhibition period. All of the petitions were in objection to the proposal. The combined total of two of the written petitions comprised 2546 signatures. A review of these two petitions confirms that all signatures (with the exception of one sheet containing 25 signatures) were dated between November 2015 and January 2016. It is noted that this time period pre-dates lodgement of the development application with Council, which occurred on 9 March 2016. The third petition was an electronic petition. This petition was returned by 1278 people, and all signatures were dated during the exhibition period.

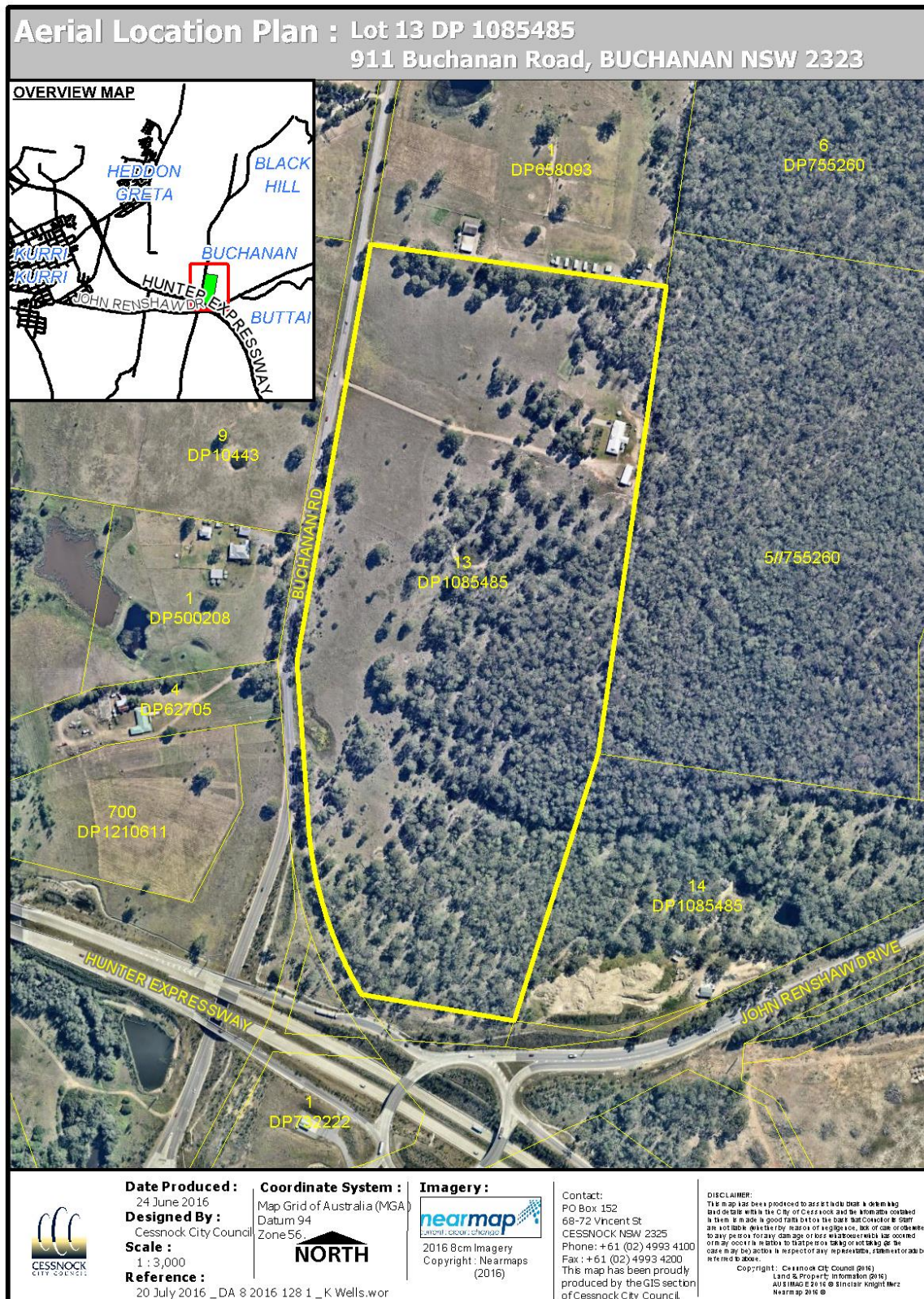
The applicant participated in a Pre-DA meeting with Council on 23 November 2015. At this meeting the key issues of traffic, wastewater, stormwater, visual impact, noise impact and zone objectives and permissibility were identified as being of critical importance to this proposal. These matters were, amongst others, carefully considered during the assessment of the proposal, and are addressed in the following report.

Overall, it is considered that the proposed development complies with the relevant planning provisions and based on the assessment, it is recommended that the Development Application be approved subject to the conditions of consent included in this report.

LOCATION MAP



AERIAL



SITE DESCRIPTION AND LOCALITY

The subject site is commonly known as 911 Buchanan Road, Buchanan, and is legally described as Lot 13, Deposited Plan 1085485.

The subject site is located on the eastern side of Buchanan Road. The entire western boundary of the property adjoins Buchanan Road. This road provides vehicular access to the site. The frontage to Buchanan Road measures 820 metres, while the overall site area of the property is 23.11 hectares.

To the south of the property lies the Hunter Expressway Buchanan interchange. Here, the Expressway intersects with John Renshaw Drive and Buchanan Road. The eastern boundary is dominated by dense bushland, while the northern boundary is shared with a rural property owner.

The subject site is currently occupied by a single dwelling (approved via Development Consent 8/2008/689/1), and associated farm buildings. These buildings are situated in the north-eastern portion of the site and are accessed via an existing access road off Buchanan Road, approximately 145 metres from the northern most boundary. Evidence of past grazing activities on the land are apparent.

Spatially, the Buchanan locality is situated on the eastern fringe of the Cessnock Local Government Area (LGA) and is bound by Louth Park and the Maitland LGA to the north, the communities of Black Hill and Buttai to the east, and Kurri Kurri to the west. There are 72 rural properties in the Buchanan locality, of which approximately 60 include dwellings. The average size of properties within Buchanan is 43 hectares, varying between 0.2 hectares to 722 hectares.

The Buchanan locality is dissected by the Hunter Expressway into northern and southern portions.

The subject land is positioned within the northern portion of the locality, which consists primarily of rural dwellings in a ribbon development formation along Buchanan Road. From the site, Buchanan Road ventures north along approximately 6 kilometres of rural road, before entering the more built up area of Louth Park and becoming Mt Vincent Road. This is where the Cessnock LGA meets the Maitland LGA.

The Bloomfield Open Cut Mine is positioned approximately 2 kilometres north-east of the site. Dense bushland separates the mine from the subject site. The mine is not visible from Buchanan Road.

The southern portion of the Buchanan locality includes land abutting the east-west flowing John Renshaw Drive and the north-south flowing George Booth Drive. Further rural land uses and dwellings on large lots can be found in these areas.

Wallis Creek flows west of the subject site and provides cleared floodplains for the lower western slopes of Buchanan. Also west of the site lies the Averys Village urban release land area. Construction of the northern portion of Averys Village has commenced. A total of 314 residential lots have been approved within Averys Village, while a further 466 lots are

Planning and Environment

Report No. PE51/2016

Planning and Environment



currently under assessment by Council. The Averys Village northern subdivision works can be viewed from the subject site looking in a north-westerly direction. Further subdivision works are scheduled for the southern portion of Averys Lane. The subdivision works will include an additional roundabout providing access to John Renshaw Drive.

RELEVANT DEVELOPMENT APPLICATIONS WITHIN THE LOCALITY

Relevant development applications considered by both Cessnock and Maitland City Councils in this area include:

- Sterntaler Animal Breeding and Training Establishment (DC 2012/582 and DC 2013/526), located at 814 Buchanan Road, Buchanan

Development Consents 2012/582 and 2013/526, both permitting an animal breeding and training establishment, were approved by Council on 20 March 2013 and 5 March 2014 respectively.

The access to this business is on the western side of Buchanan Road, approximately 300 metres to the north of the site the subject of this report.

- Place of Public Worship at Louth Park (MCC DA05-2589), located at 304 Mt Vincent Road, Louth Park

Maitland City Council approved a place of public worship at the abovementioned address on 22 November 2005. This site is located 6 kilometres north of the site the subject of this report. The Louth Park approval permitted the construction of a building accommodating an estimated 478 worshippers (on behalf of the Maitland Gospel Trust), as well as the construction of a sealed carpark comprising 106 parking spaces.

At the time of assessment, the site was zoned 1(b) Secondary Rural Land under the Maitland Local Environmental Plan 1993.

This proposal received twelve objections during the exhibition period. Matters raised in the objections included traffic safety, noise, vegetation clearing, visual amenity and a possible decline in property values. These matters were addressed in the planning report and the building is now operational and regularly used for worshipping. There are no known complaints on record at Maitland City Council for the post-consent operation of the development.

- Place of Public Worship at Louth Park (MCC DA 15-2744), located at 486 Louth Park Road, Louth

At its meeting of 14 June 2016, Maitland City Council refused a development application proposing establishment of a place of public worship at the abovementioned address. This application sought approval for a building accommodating 20 worshippers, a 21 space carpark and access road. A total of 173 objections were received in relation to this application. The land is situated within the R5 (Large Lot Residential) zone under the Maitland Local Environmental Plan 2011. This zone generally acts as an interface between urban residential and rural areas. Apart from sharing characteristics of being a place of

Planning and Environment

Report No. PE51/2016

Planning and Environment



public worship for people of the Muslim faith, this proposal bears little comparison to the development the subject of this report.

This application was refused based upon a failure to comply with objectives of the zone, DCP non-compliance, insufficient information submitted with the application, site suitability and public interest.

HISTORY

The history of the subject Development Application is summarised in the following table:

Date	Action
23 November 2015	A Pre-DA meeting is held with the applicant.
9 March 2016	Development Application lodged.
16 March 2016	Internal referrals to the following Departments are initiated: <ul style="list-style-type: none"> • Building Team (returned 04/05/16) • Environmental Health (returned 31/03/16) • Onsite Sewage Management (returned 13/04/16) • Ecologist (returned 13/04/16) • Development Engineer (returned 14/04/16) • Local Development Traffic Committee (returned 04/07/16) • Community Planner (returned 15/04/16)
23 March 2016	External referrals to the following agencies are initiated: <ul style="list-style-type: none"> • NSW Rural Fires Service (returned 13/07/16) • NSW Roads and Maritime Service (returned 22/04/16) • NSW Police (returned 28/04/16)
30 March 2016	The public exhibition period commences. The scheduled expiration of the exhibition period is 27 April 2016.
5 April 2016	A request for additional information is made to the applicant. information requested relates to zone objectives.
26 April 2016	A request for additional information is made to the applicant. The information requested relates to the following matters: <ul style="list-style-type: none"> • Wastewater • Traffic • Stormwater • Noise • Lighting • Visual impact
26 April 2016	The exhibition period is extended until 29 April 2016. The extension to the exhibition period is made in response to a technical issue associated with Council's website over 24 and 25 April 2016. During this time a severe storm event resulted in Council's server being unavailable. Accordingly, the public were unable to access exhibition material online or lodge a submission online.
27 April 2016	Correspondence is sent to the NSW Office of Water requesting advice on whether a formal referral to the agency is required.
28 April 2016	A response is received from the NSW Office of Water confirming that the proposal is not considered a controlled activity and accordingly, that a formal referral to the NSW Office of Water is not necessary.

Planning and Environment

Report No. PE51/2016

Planning and Environment



29 April 2016	The exhibition period formally expires.
3 May 2016	Request for additional information is made to the applicant. The information requested relates to the following matters: <ul style="list-style-type: none"> • Landscaping • Permissibility
19 and 25 May 2016	Additional information received from the applicant is re-referred to the following internal staff: <ul style="list-style-type: none"> • Ecologist (returned 07/06/16) • Development Engineer (returned 17/06/16) • Onsite Sewage Management (returned 20/06/16) • Environmental Health (returned 17/06/16)
14 and 17 June 2016	Request for additional information is made to the applicant. The information requested relates to the following matters: <ul style="list-style-type: none"> • Traffic • Stormwater
4 July 2016	The traffic and stormwater information is submitted to Council. This information is re-referred to: <ul style="list-style-type: none"> • Development Engineer • Traffic (Design Delivery)
8 July 2016	Final referral comments are received.
13 July 2016	Assessment finalised.

DETAILS OF THE PROPOSED DEVELOPMENT

Development Application No. 8/2016/128/1 seeks approval for the retention of the existing dwelling and construction of a place of public worship and ancillary funeral home and ablutions facility, and associated picnic and recreation areas, landscaping, fencing, car parking and intersection upgrade at 911 Buchanan Road, Buchanan.

Each individual component of the development application is explained below:

Retention of Existing Dwelling

The existing dwelling was approved on 30 January 2009 via Development Consent 8/2008/689/1. The property was determined to be a whole of an existing holding (Clause 13, Cessnock Local Environmental Plan 1989) and consequently benefited from a dwelling entitlement.

The single storey brick and colourbond dwelling is situated in the north-eastern portion of the site. The dwelling is currently accessed via a gravel access road which connects to Buchanan Road approximately 145 metres south of the northernmost point of the boundary shared with this road.

A new access road will be constructed as part of this proposal. The upgraded intersection design (discussed below) will be positioned approximately 30 metres south of the existing access point. The proposed access road will be sealed and will allow occupants of the dwelling to travel past the proposed place of public worship and eastward towards the existing dwelling.

Planning and Environment

Report No. PE51/2016

Planning and Environment



The Statement of Environmental Effect confirms that the dwelling will be “*retained and occupied*”. The applicant has confirmed that a caretaker or senior associate of the proposed place of public worship will reside within the dwelling.

Place of Public Worship

The building to be used as a place of public worship is the primary building proposed in conjunction with this application. The building itself measures 13.3 metres x 30.3 metres and has an area of 387.37 square metres. The building is setback 49.5 metres from the Buchanan Road frontage. The proposed building will be constructed with precast concrete walls with a parapet roof.

The building is 9 metres high and features a decorative curved perforated corten steel screen on the western facade and smaller straight perforated corten steel screens on the southern and northern facades. There is a small entry door on the northern façade and a large entry door features on the eastern elevation. The western wall of the building is the qiblah wall. This wall has no openings (apart from ventilation). This wall has cultural significance to Muslim worshippers and will include an internally positioned mihrab (decorative niche to indicate the direction of Mecca).

The proposed building opens up onto an approximate 800 square metre forecourt area. The forecourt area is a paved area bound by the place of public worship to the west, the funeral home and ablutions facility to the south and two metre high fencing to the north and east. The forecourt is designed to act as patron overflow, and to serve as a formalised meeting area and congregational point for attendees at the site. Forecourts, also referred to as a *sahn*, are common features of mosque architecture.

The proposed place of public worship will be used for religious worship seven days per week. There are five regular prayers that occur daily at the site. The times of the worship period vary according to sunrise and sunset. Prayers will commence at 4:15am in summer (and 5:00am in winter) and continue at intervals throughout the day until approximately 9:30pm. The likely times of the daily prayer services are as follows:

- Dawn prayer 4.15am-4.30am (summer) and 5:00am-5.15am (winter)
- Noon prayer 1.30pm-1.45pm (summer) and 1:00pm-1.15pm (winter)
- Friday noon prayer 1:00pm-2:00pm (summer and winter)
- Afternoon prayer 5:00pm-5.15pm (summer) and 4:00pm-4.15pm (winter)
- Sunset prayer 7.45pm-8:00pm (summer) and 5.30-5.45pm (winter)
- Night prayer 9:00pm-9.30pm (summer) and 8:00pm-8.30pm (winter)

For the five daily prayers conducted, it is anticipated that a very small attendance of five people is likely. The only exception to this will be the Friday noon prayer, which is the most culturally significant of the prayer services. The applicant estimates that 200 people may attend this service. The length of the Friday prayer service is also slightly longer than usual prayers, operating from 1pm-2pm (summer and winter).

During the twice yearly cultural events proposed to be conducted at the site, up to 450 persons may attend the organised prayer service. The dates of these events vary year to year. In addition to this, separate social, cultural or religious gatherings are also proposed to

Planning and Environment

Report No. PE51/2016

Planning and Environment



occur up to 16 times per year, and expected maximum attendance for these events is approximately 100 people.

Ancillary Funeral Home

The proposed funeral home is a smaller building of 68.27 square metres in size. The building includes a casket store, cool room (capable of holding two cadavers), reception and general funeral services room. The funeral home building is positioned to the south of the main place of public worship building and is separated by a short walk within the larger forecourt area.

Deceased persons will be delivered to the funeral home via a screened vehicular carport to the south of the building. A separate vehicle access for this purpose is proposed.

The applicant proposes that this building will be used for the temporary and short term storage of bodies before funeral services are conducted at the site. Within the funeral home it is proposed to conduct ceremonial washing and wrapping of the deceased bodies in accordance with cultural requirements. Ideally, this practice is to occur within 24 hours of death. No embalming or other preparations, burial or cremations will be undertaken at the venue.

The applicant states that *'it is expected that the building will be used for up to five funerals per year'*. This figure has been based on the size of the local Muslim community. Funerals will be held, when required, on Monday to Saturday after the noon prayer. Funeral services are expected to last for 30 minutes.

Ablutions Facility

The ablutions facilities are located to the east of the funeral home and are separated by a 5 metre covered walkway. The ablutions facilities include three male and three female washrooms, one disabled washroom, four showers and a parent's room.

In addition to the above, a long basin with taps is positioned on the outside of the ablutions facility to allow for handwashing prior to prayer in accordance with cultural requirements.

Picnic and Recreation Areas

A picnic and recreation area is proposed to the east of the main building area. The applicant states that this is to be a grassed area with picnic and barbeque facilities. Works to be undertaken in this portion of the land will comply with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 which permits up to two cabanas or gazebos of up to 50 square metres each (and no more than 3 metres in height), as well as barbeque structures that are not of an area more than 4 square metres or 1.8 metres above the ground.

Associated Landscaping

The original landscaping plan proposed a design which incorporated a number of exotic plants species. The plan has since been revised and only native plant varieties, with a particular emphasis on species occurring within Lower Hunter Spotted Gum Ironbark Forest communities (where practical), is proposed.

Planning and Environment

Report No. PE51/2016

Planning and Environment



Specifically, the landscaping plan proposes native palms around the south-western and north-western frontage of the main building (Cabbage Tree or Bangalow Palm). The applicant states that the intent of the palms is to *'soften the southern face of the building, whilst also adding an element of traditional plantings found near mosques (e.g. the date palm)'*.

Large pockets of Eucalypt plantings are also proposed along the road frontage, to the south of the building and to the north of the car park. The intent of these vegetation pockets is to screen the development from public viewing aspects along Buchanan Road.

Additional Eucalypt planting is proposed within the car park area. This vegetation is designed to provide shade and visual enhancement to the hardstand area.

Shrub covers, grass replenishment and macrophyte planting in runoff areas are also proposed in conjunction with the landscape plan.

Fencing

Perimeter fencing of the subject property will remain as rural style fencing. Currently, the property is surrounded by standard design rural post and wire fencing.

The applicant proposes to enclose the forecourt area with a two metre high palisade fence to assist with security measures (similar in style to public school fencing). This fence will not be readily visible from public areas.

Car Parking

Onsite car parking is separated into three key areas. All parking areas are accessed via a single access road connecting the development to Buchanan Road.

The primary carpark consists of 69 spaces and is to be constructed with bitumen seal. This carpark includes two disabled spaces and an accessible path to the entrance of the forecourt. The carpark is positioned to the north of the buildings.

Two additional overflow carparks are proposed to the west and east of this primary carpark. Combined, these carparks will accommodate 70 vehicles. An additional 85 space overflow carpark is also proposed to the south of the buildings. The access roads leading to each of these car parking areas will be constructed of gravel road base material. The actual carparking spaces will be finished with a form of reinforced turf pavers (such as 'turfpave' or equivalent). The proponent originally proposed grassed overflow carpark areas, however, Council advised that this was not acceptable, hence the inclusion of the turf pave solution. The turf pavers will ensure the durability of the carparks during periods of rain, whilst providing a better aesthetic outcome than extensive use of hardstand.

Intersection

The applicant proposes the construction of a channelised right turn lane (CHR) treatment in Buchanan Road for all vehicles travelling north to the property from the Hunter Expressway, George Booth Drive or John Renshaw Drive. In addition, an auxiliary left turn short [AUL(s)]

Planning and Environment

Report No. PE51/2016

Planning and Environment



treatment is proposed for all vehicles entering the property via Buchanan Road travelling south.

The CHR treatment at the intersection has allocated 40 metres of storage capacity for vehicles queueing to enter the property via a right turn. The 40 metre storage lane allows for queueing of up to six vehicles. The 40 metre storage lane is preceded by a 100 metre deceleration lane, designed to allow vehicles to safely reduce their speed as they approach the right turn into the site.

Six power poles are required to be relocated as part of the intersection upgrade. The applicant is also required to ensure a 3.5 metre footway is provided/maintained beyond the extent of new intersection construction. It is noted this may require the applicant to dedicate and/or obtain land for the purposes of dedication to Council as road.

In the event the application is approved, a condition of consent will also require the construction of a left turn acceleration lane for vehicles exiting the development and travelling south towards the Hunter Expressway.

The intersection detail is discussed later in this report.

ASSESSMENT

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – SECTION 5A

Section 5A of the Environmental Planning and Assessment Act 1979, states as follows:

‘.....the following must be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats:

- (a) each of the factors listed in subsection (2),*
- (b) any assessment guidelines’.*

Section 5A 1(a)

To address Section 5A of the Act, the applicant completed a ‘seven part’ test. This report, titled *Ecological Assessment (by Kleinfelder dated 4 March 2016)*, explores whether the proposed development is likely to have a significant impact on Endangered Ecological Communities and threatened species which have been identified on the site. The Ecological Assessment specifically addressed each of the factors listed in subsection (2) within Appendix 5 of the report.

In accordance with subsection (2) of Section 5A, a number of factors must be taken into account in making a determination under Section 5A. In this regard, the following assessment outlines the relevant factors to consider, as well as a response to each factor as provided by Council officer/s:

Planning and Environment

Report No. PE51/2016

Planning and Environment



- (a) *in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*

Comment:

The proposed development is not considered likely to have an adverse effect on the life cycle of any of the threatened fauna species considered likely to occur on the site (those species listed in the Ecological Assessment and the additional species considered likely to occur being the *Spotted Harrier* and *Little Eagle*), such that a viable local population of the species is likely to be placed at risk of extinction. In determining this, it is noted that the amount of habitat to be removed is relatively minor in comparison to what is present on the remainder of the site and in the local area.

The impact on threatened flora species considered likely to occur on the site (those species listed in the Ecological Assessment) is also considered to be unlikely to have a significant impact as no threatened flora species were recorded on the site, and the area of native ground layer where threatened flora species may occur is relatively small in comparison to what is present on the remainder of the site and in the local area.

- (b) *in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,*

Comment:

No endangered populations were recorded on the site.

- (c) *in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:*
(i) *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
(ii) *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*

Comment:

The proposed development is unlikely to have an adverse effect on the extent of *Lower Hunter Spotted Gum – Ironbark Forest* on the site as the proposed development will only remove five trees within the building footprint, and require the maintenance of the understorey within the bushfire Asset Protection Zone (APZ) and the trimming of some tree branches within the APZ. The remainder of the native vegetation on the site was also found to be *Lower Hunter Spotted Gum – Ironbark Forest EEC* and will be retained. The applicant has proposed to plant native trees, shrubs and ground layer species along Buchanan Road to act as a buffer and visual screen. This planting will replace the native vegetation that has been cleared within the building footprint. The understorey that is proposed to be cleared for the APZ has already been cleared in the past for grazing and is considered to be regrowth which can be legally cleared in any case.

Planning and Environment

Report No. PE51/2016

Planning and Environment



The proposed clearing is unlikely to modify the composition of the *Lower Hunter Spotted Gum – Ironbark EEC*, as the vegetation outside of the APZ is the same EEC with the same species and the Ecological Assessment provided a map of the EEC on the site which showed that there was better quality *Lower Hunter Spotted Gum – Ironbark EEC* beyond the area of impact, which is proposed to be retained.

- (d) *in relation to the habitat of a threatened species, population or ecological community:*
- (i) *the extent to which habitat is likely to be removed or modified as a result of the action proposed, and*
 - (ii) *whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and*
 - (iii) *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,*

Comment:

The extent of habitat for threatened species and the extent of *Lower Hunter Spotted Gum – Ironbark Forest EEC* to be removed are the five trees within the footprint of the proposed development (including the three trees adjoining the batter slope which have been nominated for removal), and the EEC within the APZ that will need to be partially cleared in the canopy and maintained in the understorey. The APZ will require the removal of 0.16 ha of understorey of managed *Lower Hunter Spotted Gum – Ironbark Forest EEC* and the lopping of tree branches within the same area to achieve required canopy separation.

The proposed development is not likely to fragment or isolate the vegetation onsite from other areas of habitat.

The habitat to be removed has been disturbed in the past from ongoing grazing, with the understorey in the APZ managed for grazing. The habitat is on the edge of the patch of vegetation on the site and is considered to be of lower ecological value than the intact EEC on the site. The removal of this habitat is not likely to have a significant impact on the long-term survival of any threatened species, populations, ecological communities or their habitats.

- (e) *whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),*

Comment:

No critical habitat is present on the site.

- (f) *whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,*

Comment:

There are recovery plans for the Swift Parrot (National), Regent Honeyeater (National), Koala (NSW), Large Forest Owls (Powerful Owl, Sooty Owl and Masked Owl – NSW), Barking Owl (NSW, draft) Large-eared Pied Bat (National), Grey-headed Flying-fox (National,

Planning and Environment

Report No. PE51/2016

Planning and Environment



draft) and Spotted-tailed Quoll (National, draft). The action proposed is consistent with these recovery plans.

- (g) *whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.*

Comment:

The proposed removal of native vegetation associated with the development constitutes the key threatening processes; 'Anthropogenic climate change' and 'Clearing of native vegetation'.

Section 5A (1)(b)

In accordance with subsection (1)(b) of Section 5A, any assessment guidelines must be taken into account in making a determination under Section 5A. Subsection (3) of Section 5A states that "assessment guidelines" means assessment guidelines issued and in force under section 94A of the Threatened Species Conservation Act 1995 or, subject to section 5C, section 220ZZA of the Fisheries Management Act 1994.

The Threatened Species Assessment Guidelines – The assessment of significance (DECC 2007) were taken into account in determining whether a significant impact on threatened species, populations or ecological communities, or their habitats was likely, in accordance with Section 5A (b) of the EP&A Act 1979. These guidelines were published in the Government Gazette on 25 January 2008 by the Minister for Climate Change, Environment and Water and the Minister for Primary Industries, with the concurrence of the Minister for Planning.

The Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities (working draft) (DECC 2004) were also taken into account despite these guidelines only being in draft form as these guidelines have been in widespread use since they were published. They are listed on the Office of Environment and Heritage's (OEH) website as a survey guideline and provide detailed methodology for surveying for some types of fauna that are not covered by other guidelines published by OEH. The Ecological Assessment by Kleinfelder listed both the *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities* (working draft) (DECC 2004) and *Threatened Species Assessment Guidelines – The assessment of significance* (DECC 2007) as being taken into account in the preparation of the report.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT – SECTION 79BA

The site is identified as being within a bushfire prone area. A bushfire report prepared by Kleinfelder dated 2 March 2016 adequately addresses the requirements raised in Section 79BA of the *Environmental Planning and Assessment Act 1979* and complies with *Planning for Bush Fire Protection 2006*.

The proposed land uses are not 'special fire protection purposes' as defined by Section 100B of the Rural Fires Act 1997, therefore, separate approval from the RFS is not required. Notwithstanding, Council referred the application to the RFS for comment.

Planning and Environment

Report No. PE51/2016

Planning and Environment



The RFS requires the establishment of the following Asset Protection Zones:

- 60 metres to the east of the building,
- 26 metres to the west and south of the building, and
- 20 metres to the north, west and east of the northern car park.

All recommendations of the RFS referral have been imposed within the draft conditions of consent.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – SECTION 79(C)(1)

In determining a Development Application, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the Development Application on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

1. State Environmental Planning Policy No 44 – Koala Habitat Protection
2. State Environmental Planning Policy No 55 – Remediation of Land
3. State Environmental Planning Policy (Infrastructure) 2007
4. State Environmental Planning Policy (Rural Lands) 2008
5. Cessnock Local Environmental Plan 2011

An assessment of the proposed development under the Environmental Planning Instruments is provided below:

1. State Environmental Planning Policy No 44 – Koala Habitat Protection

State Environmental Planning Policy No. 44 – Koala Habitat Protection, aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas.

SEPP 44 applies to the proposal as the land meets the criteria outlined in Clause 6, i.e., Cessnock LGA is listed within Schedule 1, the site is land in relation to which a development application has been made, and the site has an area of more than 1 hectare.

Clause 7 requires that Council, prior to granting consent, satisfies itself as to whether or not the land is a potential koala habitat. In accordance with the SEPP, potential koala habitat means *'areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15 percent of the total number of trees in the upper or lower strata of the tree component'*.

In this case, two preferred koala feed trees (as listed in Schedule 2) were identified within the study area by the Ecological Impact Assessment Report (prepared by Kleinfelder, dated 4 March 2016). These trees are: *Eucalyptus punctata* (Grey Gum) and *Eucalyptus tereticornis* (Forest Red Gum).

Planning and Environment

Report No. PE51/2016

Planning and Environment



An assessment of the number of the two preferred koala feed trees in consideration of the overall vegetation on the site, has confirmed that the trees of the types listed in Schedule 2 do not constitute more than 15% of the total number of trees in the upper or lower strata of the tree component.

In consideration of the above, the site does not comprise a potential koala habitat and accordingly, no further assessment under the SEPP is required.

2. State Environmental Planning Policy No 55 – Remediation of Land

Clause 7(1) of State Environmental Planning Policy No. 55 – Remediation of Land is relevant to the assessment of this Development Application.

Clause 7(1) requires that consent not be granted until Council has considered whether the land is contaminated. If the land is contaminated, the Council needs to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

In this instance, the portion of the property required for the building works has previously been cleared. The past grazing practices of the site are not expected to have rendered the site unsuitable for the proposed development.

The applicant addressed potential contamination of the site in the Statement of Environmental Effects submitted in conjunction with the application. As part of their assessment, the applicant conducted a historical review of land uses associated with the subject property. Past uses have included greyhound training, livestock grazing and isolated sheds and yards used in conjunction with the rural use of the property. The applicant concluded as follows:

'There are no apparent activities on the site or adjoining the site that are expected to have resulted in any contamination that may impede development of the subject land'.

3. State Environmental Planning Policy (Infrastructure) 2007

In broad terms, this SEPP aims to facilitate the effective delivery of infrastructure across the State. In relation to development applications, the SEPP provides for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.

In this instance, the proposed development is captured within Clause 104 of the SEPP, which relates to traffic generating development. In accordance with the SEPP, the proposal is of a size or capacity that is specified within Column 3 of the Table to Schedule 3, i.e., place of public worship with a size or capacity of 200 or more motor vehicles, with access to any road.

Clause 104(3)(a) of the SEPP requires Council to give written notice of the application to the RMS.

The following assessment outlines the relevant considerations prescribed within the SEPP, as well as a response to each consideration as provided by Council officer/s:

Planning and Environment

Report No. PE51/2016

Planning and Environment



- (b)(i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and

Comment:

In this instance, the application was referred to the RMS for comment, and their response is attached as an enclosure to this report.

In summary, the RMS advised that they *'have no objection or requirements to the proposed development as it is considered there will be no significant impact on the classified (State) road network'*.

- (b)(ii) the accessibility of the site concerned, including:
- (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

Comment:

As demonstrated within later sections of this report, Buchanan Road contains capacity to accommodate any increase in traffic this development application may create. The proposed intersection treatment is of a standard that will ensure vehicles can safely enter and exit the site.

The site is not serviced by public transport. The low intensity for which the site is used for ordinary days during the week (with the exception of the Friday peak), does not equate to the necessity for designated public transport routes to be established in the vicinity of the location.

- (b)(iii) any potential traffic safety, road congestion or parking implications of the development.

Comment:

As previously stated, Buchanan Road contains capacity to accommodate any increase in traffic this development application may create. The proposed intersection treatment is of a standard that will ensure vehicles can safely enter and exit the site.

The proposal makes provision for sufficient car parking facilities on site, and this is detailed later in this report.

4. State Environmental Planning Policy (Rural Lands) 2008

SEPP (Rural Lands) 2008 aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes, identify Rural Planning and Rural Subdivision Principles, implement measures designed to reduce land use conflicts and identify State significant agricultural land.

Planning and Environment

Report No. PE51/2016

Planning and Environment



The SEPP applies to the Cessnock LGA, however, Clause 10 prescribes that certain matters only require consideration if development for the following purposes is proposed:

- (a) subdivision of land proposed to be used for the purposes of a dwelling,
- (b) erection of a dwelling.

In this case, the proposed development is not for either of the above purposes therefore, the provisions contained within Clause 10 of the SEPP cannot be applied.

5. Cessnock Local Environmental Plan 2011

5.1 Permissibility

The subject site is zoned RU2 Rural Landscape under the provisions of Cessnock Local Environmental Plan (CLEP) 2011. The proposed development comprises multiple land use types, each of which are defined under CLEP 2011 as follows:

Place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

Funeral home means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

Note: *Funeral homes are a type of **business premises** – see the definition of that term in this Dictionary.*

Landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

Car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

The proposed development satisfies each of the stated definitions above. Of particular importance are the definitions of *place of public worship* and *funeral home*.

The place of public worship building is intended to be used as a place for religious worship, specifically for community members of the Muslim faith. The proposed use therefore satisfies this definition.

The proposed funeral home is to be used as premises to *arrange* and *cater* for a funeral. The building will be specifically used for the short term storage of deceased persons and also for the dressing of the body prior to a funeral (which includes ceremonial washing of the body). Funeral services are then conducted at the adjacent place of public worship building. All of these practices fit within the definition of a funeral home.

Planning and Environment

Report No. PE51/2016

Planning and Environment



Development for the purpose of a place of public worship is a permitted land use with consent in the RU2 (Rural Landscape) zone. A funeral home and car park are not permissible land uses in isolation on the subject site. A funeral home and the additional works (i.e. car park) are only permitted in the RU2 zone if they are considered ancillary to the dominant use of the site.

A Planning Circular issued by the Department of Planning (PC 13-001 'How to characterize development') summarises how ancillary purposes are defined:

"An ancillary use is a use that is subordinate or subservient to the dominant purpose. To put simply:

- o If a component serves the dominant purpose, it is ancillary to the dominant purpose;*
- o If a component serves its own purpose, it is not a component of the dominant purpose but an independent use on the same land. It is a dominant use in its own right".*

In this instance, a place of public worship is permitted with consent in the RU2 zone. The place of public worship is the dominant land use proposed at this site.

A funeral home is not permissible in the RU2 zone as a stand-alone development. However, if the funeral home serves the dominant purpose of the site, it then becomes characterised as ancillary to the dominant land use and is therefore also permissible with consent. The Statement of Environmental Effects submitted by the applicant outlines that the intent of the proposed funeral home is to prepare and store bodies prior to a funeral service being conducted at the proposed place of public worship located at the site.

In consideration of the above, it is clear that the funeral home will be used in conjunction with the place of public worship. On this basis, it is considered that the funeral home is ancillary to the place of worship, and is therefore permitted with consent.

The same approach can be applied with respect to the carpark and landscaped area/s proposed at the site. Both components exist only because of the dominant use, i.e., place of public worship, and they are therefore considered ancillary to this purpose.

5.2 Objectives

At the time of lodgement (10 March 2016) the Cessnock LEP 2011 contained five objectives for the RU2 zone. These objectives and a summary of compliance are provided as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

Comment: The site has an agricultural land classification of Class 3 for the portion of the land where the development footprint is proposed. There is also land with a Class 4 classification for the remaining eastern and southern portion of the land and a very small strip of Class 5 classified land along the entire eastern boundary. There are no known natural resources occurring on the site.

Planning and Environment

Report No. PE51/2016

Planning and Environment



The class of land where development is likely to occur is deemed “moderately” suitable for cultivation and is better suited to grazing or pasture improvement (as specified in *NSW Agriculture: Agfact AC.25: Agricultural Land Classification*). With this classification of agricultural land in mind, the proposal utilises a parcel of land that is of limited agricultural potential and not currently stocked with livestock. With no known natural resources on the site, the proposal is not contrary to this objective.

- *To maintain the rural landscape character of the land.*

Comment: The site has a total area of 23.11 hectares. The building footprint (including all parking areas, building works, paved area and actual imprint on the land) comprises approximately 0.762 hectares. This represents 3.3% of the land being occupied by the proposed development. The remaining 96.4% of the land consists of the existing dwelling, farm machinery shed, open grazing land, dense bushland and watercourses. These features all promote the existing rural landscape of the land.

The relatively small building footprint ensures that the key elements of the land which promote the rural landscape are maintained. Furthermore, both existing vegetation, and proposed landscaping will assist in reducing the visual impact of the proposed development. Accordingly, it is considered that the rural landscape of the area is maintained in accordance with this objective.

- *To provide for a range of compatible land uses, including extensive agriculture.*

Comment: The proposal will not restrict the future approval of other permissible and compatible land uses over the site.

- *To enable other forms of development that are associated with rural activity and require an isolated location or support tourism and recreation.*

Comment: This proposal meets both of these requirements. Firstly, whilst the proposal is not strictly ‘associated with a rural activity’, it is however, not considered to be antipathetic to rural activities. This means it will not hinder rural activity both at the site and within the surrounding locality. In addition to this, in accordance with the objective criteria, the proposal is a type of development better suited to an ‘isolated location’.

A place of public worship is an activity which benefits from an isolated location, as this can reduce disturbance to neighbouring properties. The large size of the land proposed for development allows the building to have separation distances varying between 130 metres and 180 metres to the nearest adjoining dwellings. The isolated location also allows for the fluctuating traffic requirements for the development to be better accommodated at the site.

The place of public worship may also attract tourism to the area during the larger events to be held at the site. The applicant states that up to 450 people may attend each of the twice yearly events proposed. During these events, attendees may stay overnight at accommodation venues within the area, they may visit cafes, attractions or small businesses before or after the event, or they may be drawn back to the area for general tourist purposes once they have visited the area. There is the potential for this development to promote tourism in the area, thus resulting in compliance with this objective.

Planning and Environment

Report No. PE51/2016

Planning and Environment



- *To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production potential of the land, the rural environment (including scenic resources) and the costs of providing services and amenities.*

Comment: As mentioned previously, the land is considered to be of limited agricultural potential and consequently, the type and intensity of development is appropriate in relation to the rural capability and suitability of the land.

The proposed development is not situated in an identified area of significant visual prominence. The development can be adequately serviced by onsite services and the existing road, power and electrical networks.

This objective is considered to be satisfied.

5.3 Relevant Clauses

The Development Application was assessed against the following relevant clauses of CLEP 2011:

- Clause 1.2 – Aims of Plan

Clause 1.2 provides the aims and objectives for the Cessnock LEP 2011. The particular aims of this plan are as follows [Clause 1.2(2)]:

- (a) to strengthen and protect a high quality, sustainable lifestyle for Cessnock's residents and visitors,*
- (b) to conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of Cessnock,*
- (c) to encourage development for employment purposes in appropriate locations having regard to proximity to appropriate infrastructure, to ensure the efficient use of land and services, to provide walkable urban environments and to reduce dependency on the use of private vehicles,*
- (d) to provide opportunities for a range of new housing and housing choice in locations that have good access to public transport, community facilities and services, retail and commercial services and employment opportunities, including opportunities for the provision of adaptable and affordable housing,*
- (e) to recognise and protect the historical, cultural and economic values of the vineyards district in relation to agricultural production and associated flow on effects, including tourism.*

A thorough and balanced assessment of the development proposal has been carried out, and as a result of this assessment, it is concluded that the proposed development is consistent with the aims and objectives of the plan.

- Clause 2.3 Zone Objectives and Land Use Table

This clause outlines how the land use table within the Cessnock LEP 2011 specifies a zone, the objectives for the zone, development that may be carried out with or without development consent, and prohibited development. The clause also requires that the consent authority

Planning and Environment

Report No. PE51/2016

Planning and Environment



must have regard to the objectives for development in a zone when determining an application.

The land use zone and permissibility of the proposed uses has been raised previously within this report. Due regard has been applied to the objectives of the RU2 zone. Accordingly, this clause is deemed to have been satisfied.

- Clause 5.10 Heritage Conservation

The subject site is in the vicinity of Heritage Item 45 'Buchanan Gallery' (located 450 metres to the north of the site), as listed in the Cessnock LEP 2011. This item is considered to be of local heritage significance.

The development proposal is not likely to have any adverse impacts on the heritage item, noting that it is proposed 450 metres from the heritage item, and the significance of the subject item is generally contained within its own property boundary.

Furthermore, the applicant submitted a Due Diligence Aboriginal Heritage Assessment Report (Insite Heritage Pty Ltd, 18 February 2016). The report demonstrated that the site is not identified as being within an Aboriginal place of heritage significance, and on this basis, artefacts are not likely to be situated on the property. Notwithstanding this, a condition of consent has been imposed on the draft determination notice stating: *"If Aboriginal artefacts are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Environmental Protection and Regulation Group of the Office of Environment and Heritage is to be contacted. Aboriginal archaeological excavation must be coordinated with any proposed investigation of non-indigenous material."*

- Clause 7.2 Earthworks

Pursuant to the provisions of Clause 7.2 of the Cessnock LEP 2011, before granting consent for earthworks, Council must consider the impacts of the proposed earthworks to ensure they do not detrimentally affect adjoining land.

The earthworks proposed to be carried out in conjunction with the development are not located close to any adjoining boundaries, and adequate sediment and erosion control measures will be employed during the construction phase. On this basis, it is considered that the proposed earthworks will not have an adverse environmental impact upon adjoining land.

- Clause 7.3 Flood Planning

The site is not identified as being flood prone land, therefore, the proposal is not required to be assessed against this clause.

- Clause 7.14 Essential Services

This clause applies specifically to land in the RU2 Rural Landscape zone. The specific requirements of this clause and a comment in relation to each matter, is contained below:

Planning and Environment

Report No. PE51/2016

Planning and Environment



(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

(a) the supply of water,

Comment: The site does not have access to water main services. The proposal will operate with rainwater tanks and through the provision of water tank supplementation when/if the need arises. Satisfactory arrangements have been made for the provision of potable and non-potable water.

(b) the supply of electricity,

Comment: Electrical services are available to the site.

(c) the disposal and management of sewage,

Comment: A concept process for the disposal of wastewater has been submitted by the applicant. This proposal has been assessed by Council staff and is discussed further within this report. The methods proposed for disposing of wastewater have been assessed as satisfactory.

(d) stormwater drainage or on-site conservation,

Comment: A stormwater plan and report has been submitted by the applicant. This proposal has been assessed by Council and is discussed further within this report. The methods proposed for disposing of stormwater have been assessed as satisfactory.

(e) suitable vehicular access.

Comment: A new vehicle access point is proposed to gain access to this site. The methods for accessing the site (including the intersection treatments proposed) are discussed further within this report. The vehicular access methods have been assessed as satisfactory.

- Clause 7.15 Groundwater Vulnerability

The intent of this clause is to ensure the protection and function of groundwater locations.

There are no known key groundwater locations within the vicinity of this site. Notwithstanding this, the proposal does not require the disposal of hazardous chemicals or other wastes which may adversely impact on a groundwater supply. Compliance with this clause is therefore achieved.

Planning and Environment

Report No. PE51/2016

Planning and Environment



(a)(ii) *The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).*

The Draft Environmental Planning Instruments that relate to the proposed development are:

1. Draft Cessnock Local Environmental Plan 2011 (amendment)
2. Draft Hunter Regional Plan

An assessment of the proposed development under the Draft Environmental Planning Instruments is provided below:

1. Draft Cessnock Local Environmental Plan 2011 (Amendment 16)

At the time of lodgement, a draft amendment to the Cessnock LEP 2011 had been lodged with the Department of Planning. In part, Amendment 16 proposed five (5) new objectives for the RU2 zone. The amendment has since commenced (gazetted 1 April 2016), however the amendment is treated as a draft amendment for the purpose of this assessment.

The level of weight applied to the new objectives is considerable. The test provided within case law for determining the amount of weight to be applied is; *(a) how imminent the draft LEP amendment is*, and *(b) how certain the terms are*. As the draft amendment has commenced, the imminence of the amendment is no longer in question. The terms of the draft amendment are also certain. This means the amended objectives have determining weight. The objectives have been assessed and are summarised below:

Objectives

The first 5 objectives of the RU2 zone are the same as the existing objectives contained within Cessnock LEP 2011 (valid at the time of lodgement), and an assessment of the proposed development against those 5 objectives has been outlined previously in this report. For this reason and to avoid duplication, an assessment of the proposal against those 5 objectives is not repeated.

As outlined above, Amendment 16 proposed 5 new objectives for the RU2 zone. The following assessment outlines the 5 new objectives and provides an assessment of the proposed development against those objectives:

- *To maintain and enhance the scenic character of the land.*

Comment: The scenic character of the Buchanan locality currently comprises the following elements: cleared rural land, rural land pursuits, areas of dense bushland, distant ridgelines and escarpments, and more recently, the visual domination of the Hunter Expressway. In addition to this, the Averys Lane housing development is now a feature of the scenic landscape within the locality and can be readily viewed from the subject site.

Planning and Environment

Report No. PE51/2016

Planning and Environment



Given the already changing scenic character of the area, the proposal is considered to be compatible with the existing landscape. The proposal provides a development that sits below the eastern ridgeline, has exceedingly compliant setbacks to all boundaries and proposes building facades that will not be visually obtrusive to the area.

For these reasons, the development is consistent with this objective.

- *To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.*

Comment: The site is capable of providing and maintaining all relevant services. In this regard, all services will be provided on site, including electricity, water, and wastewater disposal. The proposal will not create unreasonable or uneconomic demands for the provision or extension of services.

- *To minimise the visual impact of vegetation clearing in order to be consistent with the rural character of the locality.*

Comment: Limited vegetation clearing is required in order to facilitate the proposed development. This issue has been addressed in detail previously in this report.

- *To minimise disturbance to the landscape from development through clearing, earthworks, access roads and construction of buildings.*

Comment: The proposal is to be situated within a predominantly cleared portion of the land. The land at this area is reasonably flat, meaning limited earthworks are necessary to construct the development. A new access road is proposed, however this access road proposes a direct route from the property boundary to the building area.

In summary, the proposal is considered to pay respect to the existing formation and vegetative states of the land. A building pad that is cleared, reasonably flat and requires minimal disturbance to the land has been selected. Consequently, this objective is deemed to be satisfied.

- *To ensure development does not intrude into the skyline when viewed from a road or other public place.*

Comment: The building is not likely to intrude into the skyline when viewed from a public road or public place. This determination is supported by two photomontages and the elevation plan submitted by the applicant.

The proposed building will have a maximum height of 9 metres. The building is to sit within a portion of land mapped with a ground level of RL25m. The land rises away from the Buchanan Road frontage, with the eastern most ridgeline sitting at RL45m (or 20 metres above the building platform for the development). On top of the ground level for the ridgeline sits dense bushland, where mature Eucalypt tree varieties grow to between 12-15 metres tall.

Planning and Environment

Report No. PE51/2016

Planning and Environment



effectively means that even with a building height of 9 metres, the building will not intrude into the skyline when viewed from Buchanan Road. The 9 metre tall building on top of ground level of RL25 metres will sit considerably below the eastern ridgeline with a ground level of RL45m and dense bushland sitting atop.

In consideration of the above, the proposed development is consistent with this objective.

2. Draft Hunter Regional Plan

The Draft Hunter Regional Plan has been prepared by the Department of Planning and Environment and the exhibition phase has concluded (25 November 2015 – 24 March 2016). The plan is still in draft form, with all submissions currently being reviewed.

The Department of Planning and Environment states that the Draft Hunter Regional Plan outlines “a vision to grow and diversify the Hunter Economy over the next 20 years, so that it remains the biggest and most productive regional economy in Australia.” Some of the aims of the Draft Hunter Regional plan are to protect the region’s most important asset, the environment; grow and diversify the economy to create local jobs; create thriving, liveable centres; and deliver greater housing choice.

The proposed development is not inconsistent with the aims of this draft plan.

(a)(iii) The Provisions of any Development Control Plan

Cessnock Development Control Plan 2010

The proposal has been assessed against the various provisions contained within the Cessnock Development Control Plan (DCP) 2010. A summary of the assessment against the DCP is provided below:

Part of DCP	Compliance?	Specific Provisions	Comments
A.1 Statutory Context	Yes	-	This part of the DCP outlines how the DCP applies.
A.2 What Needs to be Considered in Preparing a DA?	Yes	2.2.2 Integrated Development: “The onus is on the applicant to ‘tick the box’ on the Development Application form to identify whether the proposal is ‘integrated development’...”	The applicant initially marked the application form as requiring the concurrence of the RMS (s138 Roads Act) and RFS (s100B Rural Fires Act). At the time of lodgement it was agreed by the applicant and Council that the proposal did not constitute Integrated Development (later confirmed in writing 29/06/16).
A.3 Submission Requirements	Yes	-	All statutory fees and charges have been paid and all required documentation submitted in support of the application.

Planning and Environment

Report No. PE51/2016

Planning and Environment



B.1 Exempt and Complying Development	N/A	N/A	This chapter has been repealed.
B.2 Public and Notification Advertising	Yes	<i>Table 1: Summary of Advertising and Notification Requirements</i>	<p>The application was formally publicly exhibited between 30 March 2016 and 27 April 2016. Notification letters were sent to adjoining property owners (within a 1km radius) and the application was advertised in the local newspapers (the Cessnock Advertiser and Maitland Mercury).</p> <p>The formal exhibition period spanned 28 days in total. This exceeded the required 14 days prescribed under the DCP. The reason for the lengthier exhibition period was to accommodate the school holidays (falling within the mid-section of the exhibition period), and a public holiday (ANZAC Day). While the school holidays are not specifically mentioned under the DCP, it was determined that some members of the public may feel disadvantaged from participating in the exhibition period during school holidays.</p> <p>Between 24-25 April 2016, technical issues arose with the online exhibition documents and with the ability to lodge a submission via Council's website. The technical issues were resolved, however the decision was made to extend the exhibition period until 29 April 2016 (two days later than planned) to compensate for the website outage.</p>

Planning and Environment

Report No. PE51/2016

Planning and Environment



C.1 Parking and Access	Yes	1.2 Car Parking Standards	<p>Based on this part of the DCP, the following parking will be required for each proposed activity onsite:-</p> <p><i>Places of Public Worship: 1 space per 10 seats or 1 space per 10 square metres of gross floor area, whichever is greater.</i></p> <p><i>Funeral Home: 1 space per 5 seats.</i></p> <p>On this basis, the parking requirements specified by the DCP are 39 spaces for the place of public worship, and 14 spaces for the funeral home (noting there are no seats).</p> <p>A total of 53 car parking spaces are therefore required. The plans submitted in conjunction with the application identify that there are 69 formal sealed car parking spaces in addition to 155 unsealed car parking spaces. Therefore, the application exceeds with the DCP requirements.</p> <p>It is noted that, based on the submitted Traffic Report, approximately 200 vehicles will attend weekly Friday prayer and approximately 225 vehicles will visit the site at least twice a year for special events. The additional parking requirements for the special prayer events can be satisfactorily provided within the overflow parking areas provided onsite.</p>
------------------------	-----	---------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Planning and Environment

Report No. PE51/2016

Planning and Environment



C.2 Flora and Fauna Survey Guidelines	Yes	2.1.1 Application	The submitted ecological impact assessment has taken into account the flora and fauna survey guidelines outlined in the chapter.
C.3 Contaminated Lands	Yes	3.2.6 Determination of Applications for Development	<p>The RU2 zoned land does not have a history of contamination or contaminating land use activities. The previous low intensity agricultural land use is unlikely to have had any significant application of fertilizer or pesticides.</p> <p>Considering the history of the site and the development of the land for the purposes of a place of public worship with limited access to bare soils, there is unlikely to be any constraints to the development of the land for the proposed purpose.</p>
C.4 Land Use Conflict and Buffer Zones	Yes	4.3.9 Transport Corridors	This chapter of the DCP nominates an 18 metre setback to roads for all development within the RU2 zone. The proposed development exceeds this requirement with the primary building line to be setback 49.5 metres from the Buchanan Road frontage and with exceedingly compliant side and rear setbacks.
C.5 Waste Management and Minimisation	Yes	5.4 How to comply with these guidelines	A construction waste management plan has been submitted, and is considered adequate.
C.6 Access and Mobility	N/A	N/A	The proposal is not a category of development that is subject to the requirement of this chapter. Notwithstanding this, the proposal has been designed to ensure compliance with the Building Code of Australia, Australian

Planning and Environment

Report No. PE51/2016

Planning and Environment



			Standard 1428.1-2000 and the Disability Discrimination Act 1992.
C.7 Trees and Vegetation Management	N/A	N/A	This part of the DCP does not apply to the proposed development.
C.8 Social Impact Assessment and CPTED	Yes	<p><i>8.3.3 When is a social impact comment required?</i></p> <p><i>8.6 assessment criteria for a social impact assessment</i></p>	<p>The applicant was only required to prepare a Social Impact Comment in accordance with the DCP, however due to the likely public interest associated with this proposal, a Social Impact Assessment was requested. Note: A Social Impact Assessment is more detailed than a Social Impact Comment.</p> <p>The Social Impact Assessment was submitted by the applicant and reviewed by Council's Principal Community Planner, who found that it adequately covered potential social impacts associated with the development.</p> <p>A Crime Prevention Through Environmental Design (CPTED) assessment has also been undertaken. This report was reviewed by the NSW Police and found to be satisfactory.</p>
D.1 Subdivision Guidelines	N/A	N/A	This part of the DCP does not apply to the proposed development.
D.2 Urban Housing	N/A	N/A	This part of the DCP does not apply to the proposed development.
D.3 Industrial Development	N/A	N/A	This part of the DCP does not apply to the proposed development.
D.4 Purpose Built Rural Tourist Accommodation	N/A	N/A	This part of the DCP does not apply to the proposed development.
D.5 Outdoor Signage	N/A	N/A	This part of the DCP does not apply to the proposed development.

Planning and Environment

Report No. PE51/2016

Planning and Environment



D.6 Poultry Farms – Neighbouring Land Uses	N/A	N/A	There are no nearby poultry farms which would place this proposal within the 'zone of affectation'.
D.7 Construction of Dams	N/A	N/A	This part of the DCP does not apply to the proposed development.
D.8 Temporary Events	N/A	N/A	This part of the DCP does not apply to the proposed development.
D.9 Outdoor Dining	N/A	N/A	This part of the DCP does not apply to the proposed development.
D.10 Sex Services Premises	N/A	N/A	This part of the DCP does not apply to the proposed development.
D.11 Restricted Premises	N/A	N/A	This part of the DCP does not apply to the proposed development.
D.12 Heritage Conservation and Design Guidelines	N/A	N/A	This part of the DCP does not apply to the proposed development.
Part E: Specific Areas	N/A	N/A	This part of the DCP does not apply to the proposed development.
Part F: Specific Areas	N/A	N/A	This part of the DCP does not apply to the proposed development.

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No such agreement has been proposed as part of this application.

(a)(iv) The Regulations

The development application has been assessed against the relevant clauses of the Environmental Planning and Assessment Regulation 2000. The proposed development will be required to comply with relevant BCA and fire safety requirements.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

Council is required to take into consideration any likely impacts associated with the proposed development. A summary of the identified likely impacts, and an assessment of such impacts, is provided below:

Planning and Environment

Report No. PE51/2016

Planning and Environment



Visual Impacts

A visual analysis of the proposed development has been undertaken by assessment staff. The visual analysis has been based on three key perspectives;

- Travelling northbound on Buchanan Road,
- Travelling southbound on Buchanan Road, and
- How the proposal sits generally within the landscape.

A summary of each perspective is provided below:

Travelling northbound

Driving north from the Expressway interchange, the proposed development is immediately apparent on the right hand side of the road. There is a cleared portion of land within which the building will be visible from the road frontage (see photo montage within enclosures), however as the building site is approached, a cluster of established vegetation will shield dominant views towards the building.

The southern façade of the building(s) is most visible from this perspective. The southern façade comprises the funeral home; a smaller, single storey building standing approximately 4-5 metres tall, next to the main place of public worship building. From this perspective, the narrower of the place of public worship's elevations can be seen. The southern elevation of the building measures 13.5 metres. The building is setback 49.5 metres from the road frontage, which assists in limiting the visual impact from this perspective.

The first impression of the building from this perspective is brief. The speed limit for vehicles at this location is 80km/hr and the road gradually veers away from the development site and up a slight incline, therefore the opportunity provided to view the development is limited due to the speed with which vehicles are moving and the direction eye orientation takes.

Notwithstanding this, the southern end of the development is provided with extensive landscaping (in the form of seven Eucalypts) and once established, these will contribute significantly to the visual softening of the built form.

Travelling southbound

For vehicles approaching the site travelling southwards on Buchanan Road, the subject land and development is visible on the left hand side from a 300m approach on the road. Again, the speed limit of 80km/hr means vehicles are travelling at a speed where the development site is visible for a short period of time only.

Furthermore, the land falls away to the west (or right hand side of vehicles travelling south) and natural view lines are orientated more to this aspect than it is the land on the east (or left hand side).

Notwithstanding this, the northern façade of the proposed place of public worship is visible from this aspect. This façade will be softened through vegetative planting (in the form of ten Eucalypts) and once established, these will contribute significantly to the visual softening of the built form. The northern façade, despite being 9 metres in height, is dwarfed by the ridgeline and dense bushland situated to the east of the building. From the proposed

Planning and Environment

Report No. PE51/2016

Planning and Environment



building pad to the highest ridge point to the east, land rises 20 metres over 120 metres. This rise in the ground level, coupled with trees standing 15-19 metres atop of this area means that the apparent height of the building will be reduced from this perspective.

The principal carpark will also be visible from this perspective. The principal carpark is the only carpark proposed to be sealed (finished with bitumen seal). With the exception of the twice annual large events and Friday peak, the carpark will be sparingly used during normal week to week operations. When not in use, the carpark will be barely visible from this perspective. The carpark is also offset by the proposed planting of eighteen Eucalypts within the carpark area.

For the five worship times held daily between Saturday and Thursday, an estimated five people will attend the site at each time. Vehicles associated with these times will be hardly noticeable within the carpark. For the Friday peak period, there may be up to 200 people attending the site which could equate to 200 vehicles using the carparks. Whilst it is acknowledged that this many vehicles will have an impact on the visual landscape, they will only be parked for short periods of time, thereby limiting visual impact.

General Landscape

The applicant has submitted a street elevation plan which provides a perspective for how the proposal will appear from a face-on (90 degree) view point from Buchanan Road. As mentioned above, the predominant perspectives the public will be able to view the property are from the northern and southern approaches on Buchanan Road, whilst travelling in vehicles.

The face-on perspective will be visible for the dwelling directly opposite and for people viewing the site from private land opposite. Despite this, this perspective is still important for considering the visual impact of the development.

The submitted elevation plan shows the proposed building in the centre of the plan, with the western façade looking out. The western façade is the most dominant of the elevations. It spans 30 metres in length and has a floor to roof height of 9 metres. The applicant has offset this impact by ensuring this building elevation is finished with high architectural features. The building has also been afforded an excessive setback to Buchanan Road, sited 49.5 metres from the street boundary (compared to the required 18 metres for development in rural areas, as prescribed by Cessnock DCP 2010).

The curved perforated corten steel feature panel in the centre of the western building line measures 13 metres by 9 metres. This feature is designed to provide a high end architectural attribute to the building in a rustic, yet modern quality. The remaining wall lengths will be finished in stained precast concrete; featuring decorative exposed aggregate panels within the wall.

The façade can be said to be minimalist in nature (i.e. precast concrete panels, coupled with decorative exposed aggregate features and a centerpiece of corten steel). The building is not typical of Arabic architecture; whereby tall minarets, arched feature-ways and dome-like structures take precedence. The applicant has specifically designed the building to be as unobtrusive to the existing rural environment as possible. This is achieved by the implementation of high end features, straight building lines and rustic colour schemes.

Planning and Environment

Report No. PE51/2016

Planning and Environment



In addition to the general appearance of the building from public (and private) perspectives, the clustering of the built form at the site also reduces the impact the development may have from a visual perspective. As previously mentioned within the report, the built form comprises only 3.3 percent of the entire site footprint. This built form is concentrated in one location which reduces any perceived adverse impacts the proposal may have on the visual landscape. There are a number of rural properties within the surrounding area which have a dwelling, multiple farm sheds, various types of outbuildings and other structures on the site, all in scattered and dispersed arrangements. Arguably these properties have greater visual impacts on the landscape than the concentrated 3.3 percent of built form environment this application provides.

Access, Transport and Traffic Impacts

Buchanan Road: Background

The subject site is accessed via Buchanan Road. Other key roads in the vicinity of the site include the Hunter Expressway, John Renshaw Drive and George Booth Drive, all of which are positioned directly to the south of the subject site.

Buchanan Road is a local collector road under the control of Cessnock City Council. A collector road is a road of moderate capacity which serves to move traffic from localised areas to larger arterial roads. Collector roads can also provide access to residential properties.

Buchanan Road is a two-lane, two-way rural road, with a sealed formation and variable lane and shoulder widths. The majority of Buchanan Road currently features grassed verges and table drains. There are no footpaths currently constructed within Buchanan Road.

The road commences south at the Hunter Expressway interchange, before travelling in a northerly direction for 6-7 kilometres, where it becomes Mount Vincent Road. This is roughly the same point the Cessnock LGA joins with the Maitland LGA. The subject property is at the southern end of Buchanan Road, and the proposed access into the site is located approximately 600 metres from where the road commences at the Hunter Expressway/John Renshaw Drive roundabout.

From the roundabout, Buchanan Road is signposted with a speed limit of 60km/hr. This speed limit changes shortly after to 80km/hr, which is the nominated speed limit at the proposed entrance to the development site. The carriageway at this particular location is approximately 6.5 metres wide, with a 1 metre wide gravel shoulder on either side.

Traffic counts of Buchanan Road undertaken in 2014 (post Hunter Expressway opening) revealed daily traffic volumes of approximately 6330 vehicles. This figure had steadily risen in the previous five years, with a clear increase being evident at the opening of the Expressway (i.e., in 2013 the daily traffic volume was 4600).

There are no regular bus routes running along Buchanan Road that would be able to service the site. There are confirmed school bus routes which travel Buchanan Road. These services are currently provided by Hunter Valley Buses and Rover Coaches. A discussion with a local bus company confirmed that a school bus currently stops at the entrance to the property the subject of this application, however the nature of school bus stops in rural areas is transient. If a single family utilises a school bus stop, but then moves or completes

Planning and Environment

Report No. PE51/2016

Planning and Environment



schooling, the stop is no longer required. For this reason, bus companies do not formalise school bus stops, but instead utilise safe places to pull over where required.

Traffic Impacts

The RMS publication *“RTA’s Guide to traffic Generating Developments”* provides no specific data for assessing a place of public worship development proposal. To determine the traffic generation for the site, the Traffic and Parking Assessment (prepared by Intersect Traffic, dated February 2016) has considered a range of factors, including the likely peak attendance for the site, the estimated traffic generated for the proposal, existing and proposed traffic volumes for Buchanan Road, and the type of treatments required on Buchanan Road for the proposed development. Each of these considerations is discussed below:

- Peak attendance for the site:

Peak vehicular attendance for the site is summarised below:

Prayer Service	Typical Time of Day	When	People Attending	Vehicle Estimates
Fajr Prayer “dawn prayer” (Before dawn to sunrise)	04:15-04:30 05:00-05:15	Daily-Summer Daily-Winter	5	5 at 1.0 per vehicle
Dhuhr Prayer “noon prayer” (after true noon until Asr)	13:30-13:45 13:00-13:15	Daily-Summer Daily-Winter	5	5 at 1.0 per vehicle
Asr Prayer “afternoon prayer” (Afternoon)	17:00-17:15 16:00-16:15	Daily-Summer Daily-Winter	5	5 at 1.0 per vehicle
Maghrib Prayer “west [sun] prayer” (After sunset until dusk)	19:45-20:00 17:30-17:45	Daily-Summer Daily-Winter	5	5 at 1.0 per vehicle
Isha prayer “night prayer” (Dusk until dawn)	21:00-21:30 20:00-20:30	Daily-Summer Daily-Winter	5	5 at 1.0 per vehicle
Jumu’ah Prayer “Friday prayer”	13:00-14:00	Every Friday replaces Dhuhr Prayer	200	200 at 1.0 per vehicle
Eidul al-Fitr Prayer “Festival of breaking the fast or the Sugar Feast” (at the end of Ramadan)	07:30-09:00	Once per year	Up to 450	225 at 2 per vehicle accounting for the more family orientated nature
Eidul al-Adha Prayer “the time of the Hajj pilgrimage, the pilgrimage to Mecca”	07:30-09:00	Once per year	Up to 450	225 at 2 per vehicle accounting for the more family orientated nature

Planning and Environment

Report No. PE51/2016

Planning and Environment



The Traffic and Parking Assessment has calculated a vehicle occupancy rate of 1 person per car for daily prayers (including the peak Friday prayers) and 2 people per car for special events and funerals (this makes allowance for families to travel together). Both rates have been assessed as acceptable.

In summary, during an ordinary week of operation, five vehicles are likely to attend the site, five times per day. There is an isolated peak, once per week, where at the noon service on Friday, 200 vehicles may attend the site. Other variable traffic peaks at the site include funerals (conducted on nominated days after the noon service), and during the twice yearly special events (likely to occur on a weekday, coinciding with morning peaks).

Based on the above, the key peak periods for this development, where traffic volumes have the ability to impact the surrounding road network are as follows:

Peak Period	Place of public worship; vehicles travelling per hour
8:00am – 9:00am weekdays - (festival arrival)	225
12:00pm – 1:00pm Fridays - (Friday prayer arrival)	200
2.30pm - 3.30pm Fridays - (Friday prayer leaving)	200
2.30pm – 5:00pm weekdays - (funeral)	25

This table shows that each Friday, there may be up to 200 vehicles entering the site between 12:00pm and 1:00pm and 200 vehicles leaving the site between 2.30pm and 3.30pm. The one hour time period afforded to vehicles entering and leaving the site is considered acceptable. It is unlikely that 200 vehicles will arrive at the site at exactly the same time. Worshippers will be arriving from various destinations, some may arrive early or leave late to socialise, conduct private study, and participate in personal prayer or any other reason. Furthermore, the applicant has based this assumption on existing practices at the Wallsend place of public worship currently in operation.

The second feature of this table shows the likely vehicles attending the site during the proposed events to be held twice yearly. The dates of these events vary from year to year, however it is known that based on the calculations above, 225 vehicles are likely to arrive between 8:00am and 9:00am on the day of the event, before 225 vehicles depart from the site between 2.30 and 3.30pm. Again, based on previous experience with the existing Wallsend place of public worship, attendees are likely to arrive during the hour period before and after the event in a staggered fashion.

- Existing traffic volumes on Buchanan Road

Based upon the likely traffic volumes generated by the development, the traffic and parking assessment report subsequently details the existing traffic volumes of Buchanan Road.

The applicant conducted automated traffic counts on Buchanan Road in the vicinity of the site for a two week period between 7 September and 21 September 2015. The result of the traffic counts are shown below:

Planning and Environment

Report No. PE51/2016

Planning and Environment



Period	Northbound	Southbound	Total
8:00am – 9:00am Weekdays	455	344	799
2.30pm - 3.30pm Weekdays	379	422	801
4:00pm – 5:00pm Weekdays	457	438	895
12:00pm – 1:00pm Fridays	197	196	393
2.30pm - 3.30pm Fridays	379	422	801

The traffic counts showed distinct peak periods of 8:00am-9:00am and 4.00pm-5:00pm. On average, the two-way traffic volume per hour was calculated at 800 vehicles per hour. Based upon an assessment against the RMS publication “RTA’s Guide to Traffic Generating Developments”, (Table 4.5), Buchanan Road has been determined to have a mid-block two-way road capacity of 1400 vehicles per hour.

The above data demonstrates that even with the addition of traffic generated by the proposed development, traffic volumes on Buchanan Road will still be operating at well below its allowable capacity. For example, during the Friday afternoon arrival of attendees for the noon prayers, 200 additional vehicles are likely to arrive between 12pm and 1pm. The traffic counts undertaken in 2015 shows that a total of 393 vehicles currently utilise Buchanan Road at this time of day on a Friday. This means the existing figure (393 vehicles per hour) plus the estimated traffic generated by the development (200 vehicles per hour), results in a combined total of 593 vehicles per hour (using Buchanan Road at this time of day). This is well below the determined capacity for Buchanan Road of 1400 vehicles per hour.

- Likely trip distribution

In regards to trip distribution (i.e., where vehicles are travelling to the site from), the Traffic and Parking Assessment makes the following comments:

“Trip distribution has been determined based on information provided by the applicant and a review of likely origin / destinations. The applicant has advised that the majority of persons attending the Mosque will be travelling from the Newcastle area though by locating in the Buchanan area it is hoped to be more of a regional facility and attract persons from the upper Hunter Valley and Coalfields areas.

Based on this analysis the assumed trip distribution to and from the site access adopted for this assessment is:

- 90 percent south towards and from Hunter Expressway; and
- 10 percent north towards and from New England Highway at East Maitland.”

As such, the majority of people attending the proposed place of public worship will do so via the Hunter Expressway. This means the overwhelming number of vehicles entering the site will only impact Buchanan Road for the short 600 metres it takes to exit the Hunter Expressway and travel north on Buchanan Road to the site the subject of this application.

Planning and Environment

Report No. PE51/2016

Planning and Environment



The majority of the impact due to additional vehicles on Buchanan Road will be limited to the initial section of Buchanan Road, as described above. It is further noted the majority of vehicles will only travel on Buchanan Road for a short period of time, and, for the most part, will be travelling outside of regular peak periods.

- Proposed intersection design

The applicant has provided a concept plan for the proposed intersection at the site. The following treatments are proposed:

1. The applicant proposes the construction of a channelised right turn lane (CHR) treatment in Buchanan Road for all vehicles travelling north to the property from the Hunter Expressway, George Booth Drive or John Renshaw Drive.

The CHR treatment at the intersection has allocated 40 metres of storage capacity for vehicles queueing to enter the property via a right turn. The 40 metre storage lane allows for queueing of up to six vehicles. The 40 metre storage lane is preceded by an 100 metre deceleration lane, designed to allow vehicles to safely reduce their speed as they approach the right turn into the site.

2. An auxiliary left turn short [AUL(s)] treatment is proposed for all vehicles travelling south to the property on Buchanan Road.

This turn treatment allows vehicles to pull over into a left lane to complete their entry turn without impacting vehicles travelling in the same direction.

The proposed intersection treatments have been assessed by Council's consultant development engineer, Council's acting traffic engineer, an external consultant traffic engineer and the Local Development Traffic Committee (comprising members from the RMS, Rover Coaches, NSW Police and Council). The assessment results all indicated that the proposed intersection treatments will satisfy (if not exceed) necessary requirements based upon Austroads/RMS requirements.

It is noted that the accepted modelling results only require storage for up to two to three vehicles within the CHR right turn lane. The proposed CHR right turn lane provides storage for up to six vehicles at any one time. It was also noted that the intersections have been designed to operate satisfactorily post-development and with ten year's background traffic growth to 2025.

The intersection works will require road upgrades for an approximate length of 220 metres for the northern approach, (i.e., travelling from the Hunter Expressway), and 120 metres for the southern approach.

The applicant is also required to ensure a 3.5 metre footway is provided/maintained beyond the extent of new intersection construction. It is noted this may require the applicant to dedicate and/or obtain land for the purposes of dedication to Council as road.

Six power poles are required to be relocated as part of the intersection upgrade, and all costs associated with the removal/replacement is required to be borne by the developer.

Planning and Environment

Report No. PE51/2016

Planning and Environment



In the event the application is approved, a condition of consent will also require the construction of a left turn acceleration lane for vehicles exiting the development and travelling south towards the Hunter Expressway.

Impacts on adjoining properties

The proposal to construct the intersection at the subject site will have minor impacts on two other existing properties, as follows:

- 846 Buchanan Road, Buchanan; and
- 860 Buchanan Road, Buchanan.

846 Buchanan Road, Buchanan

The access to this property is positioned directly opposite (on the western side of Buchanan Road) to the proposed access into the development. It is noted that the left turn in and left turn out vehicular movements from this property will not be impacted by approval of the development the subject of this report. Right turn movements will be impacted by the proposed development. An addendum summary submitted by the applicant (and prepared by Intersect Traffic) provides the following advice:

“...for right turn movements into the site the vehicles will be able to utilise the painted median to stand while awaiting a suitable gap in traffic.... This represents an improved road safety environment for this movement...”*

*It is noted that vehicles turning right into this property must currently do so over double lines, while waiting in a single lane of traffic. Vehicles travelling behind the right turning vehicle are forced to either queue behind the vehicle or use the gravel road shoulder to pass the waiting vehicle.

The addendum traffic report continues:

“...for right turn movements out of the site the positioning of the Mosque access ensures this movement is not constrained by the right turn movements into the Mosque, therefore practically the right turn movement out of the site will not need to wait for the right turn lane to the Mosque to empty before proceeding onto Buchanan Road.”

It is also noted that the access crossing to this property will be upgraded at the cost of the developer as part of the intersection works due to the upgrading of Buchanan Road. Overall, the proposed place of public worship is determined to have no adverse impact on the access to this property.

860 Buchanan Road

This property is positioned further south along Buchanan Road, on the western side of the road. The access to this property is situated at the commencement of the taper width for the deceleration lane. The left turn in and left turn out movements are not impacted by the intersection works and it is anticipated that very minor impacts will be experienced for right turn in and out movements.

Planning and Environment

Report No. PE51/2016

Planning and Environment



The addendum report states:

“...there is some slight chance queuing within the right turn lane into the Mosque may constrain the right turn movements however this will be very rare given that traffic volumes into and out of the site are very low... and the storage length within the right turn lane has been designed to cater for the predicted worst case queue length and the 95 percent back of queue length which is normal”.

The addendum report further clarifies that:

“As traffic volumes on Buchanan Road would still only be of the order of 50 percent capacity (800 vehicles per hour upon a road with a capacity of 1400 vehicles per hour), there will be sufficient headway gaps in excess of up to 7 seconds to allow vehicles entering and exiting the site through this access to do so without any significant delay.”

It is also noted that the access crossing to this property will be upgraded at the cost of the developer as part of the intersection works, due to the upgrading of Buchanan Road. Overall, the proposed place of public worship is determined to have no adverse impact on the access to this property.

Flora and Fauna Impacts

The potential flora and fauna impacts have been addressed previously within this report.

The proposed building envelope will be positioned predominantly within a cleared portion of the land. There are approximately five mature trees within the paddock area which are specifically identified for removal. Other impacts to vegetation will involve the management of the western bushland for the purposes of Asset Protection Zones.

The removal of the vegetation is not considered likely to have a significant impact on any threatened species, populations, critical habitat or ecological communities. The reasoning for this is that the paddocks are dominated by exotic species in most places, the area of native vegetation to be removed is very minor and the trees and branches to be removed do not contain any nests or hollows. The re-planting of native trees and shrubs along the boundary with Buchanan Road will replace the vegetation to be removed as part of the proposed development, and this will assist in screening the building from view. The replanting is at a significantly higher ratio than the removal of any vegetation.

Bushfire Impacts

The potential impacts associated with bushfire have been considered previously within this report.

The potential impacts associated with bushfire can be mitigated through the imposition of the recommendations issued by the NSW RFS, these are:

- The implementation and maintenance of a minimum Asset Protection Zone of 60 metres to the east of the building, 26 metres to the west and south of the building, and 20 metres to the north, west and east of the northern car park.
- All building works shall be constructed to a BAL 12.5 requirements.

Planning and Environment

Report No. PE51/2016

Planning and Environment



- All services (water, gas and electricity) shall meet the requirement of the Planning for Bushfire Protection Guidelines 2006 (Section 4.1.3).
- All internal roads are to comply with Section 4.2.7 of the Planning for Bushfire Protection Guidelines 2006.
- Arrangements for emergency and evacuation (including an emergency/evacuation plan) are to comply with section 4.2.7 of Planning for Bushfire Protection Guidelines 2006.
- Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection Guidelines 2006.

The above recommendations have been included as conditions of consent on the draft determination notice.

Acoustic Impacts

Acoustic Report

The applicant submitted an Acoustic Report prepared by Spectrum Acoustics in support of the application. The report considers all potential noise sources including:

- Noise from prayer times, including people arriving and departing
- The funeral home (in particular the cool room)
- Car park and traffic noise
- Construction noise

The Acoustic Report provides an assessment of the impact of the above noise sources on the nearby residential receivers, being 846 Buchanan Road, 860 Buchanan Road, and 827 Buchanan Road.

The report confirms that an environmental noise logger was used to determine ambient noise levels in the residential area near the site of the proposed development. The logger was located in the paddock near the entrance road to the existing residence on the subject site between 14 and 21 September 2015.

Each of the potential noise sources identified above, are addressed as follows:

- Noise from prayer times, including people arriving and departing

It is important to note that no 'call to prayer' is proposed as part of this application. Furthermore, sermons, apart from the Friday sermon, will be delivered in normal, unassisted speech rather than via amplified equipment. The Friday sermon will be delivered using amplified equipment located inside the building.

There are no specific guidelines in place with regard to noise operations for a place of public worship. In lieu of any specific criteria, the Office of Environment and Heritage publication: Industrial Noise Policy (INP), has been applied. The site is classified as a rural area in accordance with this policy.

Planning and Environment

Report No. PE51/2016

Planning and Environment



The building is setback 49.5 metres from Buchanan Road (well in excess of the 18 metre building line required in Part C.4 of Cessnock DCP 2010). The building is orientated so that windows and doors predominantly face east to minimise noise transmission to adjoining properties. The precast concrete exterior (150mm) is also anticipated to provide a level of acoustic shielding.

In order to undertake a noise assessment of the proposal, Spectrum Acoustics conducted an ambient noise survey of the area during September 2015. The results of this survey indicated that the site is subject to very little existing industrial noise. The existing acoustic environment is influenced by noise from local and distant traffic (Hunter Expressway and John Renshaw Drive), as well as rural and domestic noise.

As outlined previously, the applicant states that the Friday noon prayer will usually be delivered using amplified equipment located within the building. There will be no external speakers. The intent of the amplified service is to ensure that the likely higher patronised service will be audible to all worshippers within the building. During regular daily services, very few people are likely to attend, therefore there is no need for amplification.

The submitted Acoustic Report recommends installing several smaller speakers throughout the congregation space, rather than one large speaker mounted centrally or near the speaker for the amplified service. The report notes that there are no large openings on the western or northern facades of the building, which will assist in minimising the intrusion to adjoining properties.

The Acoustic Report concludes that, taking into consideration noise generated from use of the courtyard and delivery of a sermon (representing a worse case scenario, i.e., when the sermon is being delivered with the use of a microphone and amplification), there will be no adverse impacts at any receivers due to the assessed noise emissions.

- The funeral home (in particular the cool room)

A small cool room is a requirement of the funeral home under the Public Health Regulation 2012.

The Acoustic Report concludes that operation of the cool room is unlikely to cause noise intrusion to any neighbouring properties.

- Car park and traffic noise

Noise impacts associated with the arrival and departure of vehicles, including people moving between vehicles, was considered. Road traffic noise (i.e. vehicles travelling on Buchanan Road into the site), was also considered. For the purpose of this assessment, it was assumed that 170 vehicles will arrive/depart in any 15 minute period (this rate is likely to be lower in practice, but a worst case scenario was utilised).

The Acoustic Report concludes that, taking into consideration noise generated from use of the carpark and driveway, there will be no adverse impacts at any receivers due to the assessed noise emissions. Furthermore, the Report concludes that noise from traffic generated by the proposal will not exceed the RMS criterion at the receivers.

Planning and Environment

Report No. PE51/2016

Planning and Environment



- Construction noise

The report identifies that, during the construction period, there is a potential for an exceedance of the construction noise criterion at the closest receiver to the site at 846 Buchanan Road. This exceedance will be of a short term nature and will only occur during the day (as specified in standard conditions of consent). Furthermore, it is noted that the exceedance will occur during the initial phase of construction involving heavy machinery undertaking excavation work and site preparation. In consideration of this short term exceedance, the Acoustic Report makes ten (10) recommendations to minimise potential impacts.

The Acoustic Report also considers cumulative noise impacts. In this regard, it is likely that during operation of the mosque, there may be occasions when more than one noise source is occurring simultaneously. For example, after the Jumu'ah Prayer, people will be arriving at the car park and moving into the mosque, and noise may therefore be generated from the driveway, carpark and courtyard areas.

An assessment of cumulative impacts was provided within the Acoustic Report, and the results demonstrate that there is no potential for the cumulative noise from all assessed sources to exceed the day time criterion at any of the 3 residential receivers.

The conditions of consent imposed on the draft determination notice require the applicant to comply with the recommendations contained within the Acoustic Report.

Hours of Operation

The proposed hours of operation for the development have been considered, particularly with regard to the potential for adverse noise impacts associated with lengthy operating periods.

Whilst prima facie it appears that the development has the potential to operate between the hours of 4.15am and 9.30pm, seven days per week, the actual physical period of time which the building will be operating is of a far shorter time span. The five daily prayers ordinarily last for 15 minutes each. It is anticipated that these prayers will be sparsely patronised, with five people per prayer session expected. The intensity of the use at these times is very low. The exception to this is the Friday noon prayer, which lasts for one hour in duration and may have attendances of up to 200 people.

Either side of the prayer time, there will be a staggering of vehicles entering and exiting the site, plus some worshippers may stay before or after prayer time for personal prayer, socialisation, study or religious counselling.

In terms of the operating hours causing a nuisance to surrounding properties, the regular Friday noon prayer service is the most likely period which will impact adjoining properties. As raised above within the noise assessment summary, the arrival of vehicles, the congregating of worshippers in external areas and the actual sermon delivered via internal amplification, is not likely to cause significant noise impact to adjoining properties. In this regard, the operating hours are deemed acceptable.

Planning and Environment

Report No. PE51/2016

Planning and Environment



Stormwater Impacts

A stormwater concept plan and associated report has been prepared by Royal Haskoning DSH (dated 29 June 2016). This report details the methods used to capture and discharge stormwater from the development site.

The pre and post development flows of the site have been considered. The applicant has provided detail to show that the post-development flows will be less than the pre-development flows for 5, 20 and 100 year storm events. This is achieved by providing 340m³ of onsite detention. The detention volume will be provided in two separate tanks and within a water quality pond. One tank will be provided below the main sealed carpark and the second tank below the southern overflow carpark. The water quality pond is positioned south west of the main building. A gross pollutant trap (GPT) is proposed to be installed up gradient of the pond to capture pollutants before stormwater is suitably discharged.

Overflow stormwater from the detention tanks and water quality basin will be directed through a rock lined spillway, before travelling overland and discharging at the southern boundary near the culvert crossing under Buchanan Road.

The report has been reviewed by Councils Consultant Development Engineer, and the discharge methods have been deemed compliant with Council's standards.

Wastewater Impacts

The site is not connected to sewer services, therefore an onsite system for the disposal of wastewater is required at the site. If a proposed system is shown to be adequate for wastewater disposal at the development application stage and development consent is subsequently issued, the applicant is required to obtain a separate Section 68 Approval under the Local Government Act 1993 to install and operate the system.

Concept information has been provided for the proposed method of wastewater disposal at this site. The information is discussed below:

The proposed development has variable loads for wastewater usage. This means that during regular worshipper attendance (i.e. Saturday to Thursday, anticipating five attendees – five times per day), the wastewater useage will be considerably low (i.e. an estimated 47.5L per day). This figure increases to a peak of 200 attendees each Friday afternoon (1900L per day), with additional peaks proposed for twice annual events whereby up to 450 people may attend the site (4275L per day). This means the applicant has to provide a system which is capable of managing the regular low usage throughout an ordinary week day, with a peak once per week (on a Friday), and a large peak of wastewater usage during two scheduled events per year.

The applicant proposes the utilisation of an aerated wastewater treatment system. Aerated systems are capable of managing short periods of time with little to no usage (i.e less than 1500L per day), but can also manage the larger peaks proposed at the site.

The system has been assessed as capable of managing the regular 47.5L – 1900L loads required during regular week to week operations. When the large peak flows are proposed (i.e. during the twice annual events), the system proposed will have a holding well of 8000L - more than capable of managing the estimated 4275L associated with each event, plus the

Planning and Environment

Report No. PE51/2016

Planning and Environment



regular week usage. A pump will then process 1200L of waste per day to gradually process the wastewater within the holding well.

The treated wastewater is then pumped to the dispersal area. The applicant has proposed a dispersal area for treated wastewater which is 45 metres from the northern property boundary, 65 metres from the identified watercourse, and is entirely clear of vegetation.

In order to convey the treated wastewater to the dispersal area, the applicant has two options available:

- a) A direct path of the pipe straight from the building/treatment unit to the dispersal area. This path will venture through an existing intermittent watercourse, being a Stream Order 1 under the Strahler system. Discussion with the NSW Office Water (confirmed via correspondence received 28 April 2016) indicated that the first order stream identified on the site is of a very minor nature and it is not considered to be a 'river' as defined under the Water Management Act 2000. As the low order stream is not a 'river', there is no approval required for a controlled activity approval (in accordance with Section 91 of the Water Management Act 2000). This means the application is not nominated integrated development (in accordance with Reg 5 of the Environmental Planning and Assessment Regulation 2000) and they raise no objection to this scenario.
- b) A pipe system which travels from the treatment tank east along the existing driveway and then follows the formed gravel driveway in front of the existing dwelling, before making its way to the dispersal area. This option ensures the pipe system will be in excess of 40m to the low order stream at all times.

Based upon discussion with the NSW Office of Water, either option is viable. The applicant is able to nominate the intended piping route when a Section 68 application is lodged with Council.

Funeral Home

During the early stages of assessment, Council officers raised concern in relation to the likelihood of contaminants entering the wastewater system when the funeral home is used for the preparation of bodies. The concern was that during the customary 'washing' of bodies, hazardous substances may enter the wastewater system.

The applicant reconfirmed that (a) no chemicals are to be used during the 'washing' of bodies and that (b) floor and basin drains will be fitted with a chamber to capture material washed from the body during the ceremonial preparations. The chamber will be separately disposed of to an off-site location in accordance with bio-medical waste requirements. No contaminants associated with this use will enter the wastewater system.

Artificial Light Impacts

A series of external lights are proposed within the development. A submitted light plan depicts low level bollard lighting in the carpark, a single light near the entrance to the vehicle access way and external lighting surrounding the building at a height of 3 metres. The lighting is not orientated onto adjoining properties or the road way, therefore no nuisance to

Planning and Environment

Report No. PE51/2016

Planning and Environment



these areas is anticipated. A condition of consent requiring the applicant to ensure that no light spillage nuisance occurs has been imposed on the draft determination notice.

Economic Impacts

The proposal may attract tourism to the area, particularly during the twice yearly large events held at the site. Visitors attending the site for the events may then visit other local attractions, cafes and businesses, or even stay in the region for multiple days before/afterwards. This will have a positive effect on local economies.

Additionally, the construction of the development will create jobs for people within the construction industry.

A common theme within public submissions was the potential for the development to have an adverse impact on local property values. There is no evidence to suggest that a place of public worship will have an adverse economic impact on a locality. In fact, places of public worship (of various religious faiths) have historically been placed amongst rural and residential land, with scant examples of these buildings being proven to result in a loss in property values to nearby land.

Notwithstanding the above, case law from the Land and Environment Court of NSW is clear in respect to how the Court determines whether issues relating to loss in property values are given weight (as a result of a proposed development). In *Alphatex Australia v The Hills Shire Council (No 2)* [2009], the Commissioner stated: *"I pay no regard to the fears about loss of property values as, consistent with the position long taken in the Court, this is not a relevant planning consideration"*.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development. Specifically, the proposed land use is permissible, the application is consistent with the objectives of the zone and despite significant objections being received, the proposal has addressed and/or demonstrated compliance with the planning matters raised within the objections.

(d) Any submissions made in accordance with this Act or the Regulations

The Development Application was publicly exhibited between 30 March and 27 April 2016. During 24 and 25 April 2016, the Council website experienced technical issues associated with a severe storm event and the website was not operational for a period of time. In order to ensure that no members of the community were unfairly disadvantaged by the incident, the exhibition period was extended for two further days, therefore expiring on 29 April 2016.

Submissions

A total of 600 individual submissions were received during the exhibition period. 447 of these submissions were objections to the proposal, while 163 submissions were in support of the proposal. This equates to approximately 75 percent of the submissions being in objection and 25 percent being in support.

Planning and Environment

Report No. PE51/2016

Planning and Environment



Additional submissions were received post exhibition period. These submissions came from four separate individuals. Two submissions were sent shortly after Maitland City Council considered a development application proposing a place of public worship at its meeting of 14 June 2016 (which was subsequently refused). The submissions attempted to draw comparison between this proposed development and the refused application in the Maitland LGA. This matter is addressed in the below submission summary table. Apart from this, the remaining out of exhibition submissions did not raise issues not already identified within the submission summary.

Petitions

Three separate petitions were also submitted to Council during the exhibition period. All of the petitions were in objection to the proposal.

The combined total of two of the written petitions comprised 2546 signatures. A review of these two petitions confirms that all signatures (with the exception of one sheet containing 25 signatures, signed 22 April 2016) were dated between November 2015 and January 2016. It is noted that this time period pre-dates lodgement of the development application with Council, which occurred on 9 March 2016.

The third petition was an electronic petition via the www.change.org website. This petition was returned by 1278 people, and all signatures were dated during the exhibition period. A high portion of the responses on this online submission contained comments relating to the muslim faith.

The issues raised within the petitions include:

- The mosque will be built by people who do not reside in our community,
- The development will add to traffic congestion,
- School children use the side of Buchanan Road for bus stop
- Loss of property values,
- The proposed dwelling (sic) will not fit in the natural surrounds,
- Potential for future development on the land,
- Buchanan has a quiet rural lifestyle.

These issues have been included and addressed in the submission summary provided below.

Objection themes

There were 25 common themes raised within the objections. These were: traffic; loss of rural character; development better suited to alternative zone; noise; hours of operation; bus stop safety; loss of road shoulder; pollution; future development of land; building appearance /aesthetics of proposal; decreased property values/other localised impacts; inadequate attendance forecast; bushfire; landscaping; car parks; operation of funeral home; onsite services; flooding; lack of public transport; flora and fauna; social impact assessment; security; general matters, invalid matters and anti-Islamic sentiment.

Planning and Environment

Report No. PE51/2016

Planning and Environment



Of these themes, traffic matters were the most prominently mentioned of the topics. Approximately 75% of the objections raised various traffic concerns. The potential for loss of rural character was the next most raised concern (60%), followed by noise, hours of operation and decreased property values.

The location of objectors has been summarised. As shown in the table below, a significant portion of objectors reside within the Cessnock LGA. Residents from Buchanan (46) and Kurri Kurri (73) comprised a significant amount of the objections received.

MAITLAND LGA	52
CESSNOCK LGA	283
NEWCASTLE REGION	25
GREATER NSW + OUT OF STATE	24
SINGLETON LGA	10
NOT SPECIFIED	80

A thorough review of all submissions has been undertaken and a summary of the objection themes is shown in the table below. A response by the assessment officer has been provided. It is also noted that a number of issues raised by objectors may also have been addressed within the body of the assessment report.

ISSUE	SPECIFIC MATTER RAISED	PLANNING RESPONSE
TRAFFIC	<i>The road is not capable of handling such excessive amounts of vehicles.</i>	As demonstrated within the assessment report, Buchanan Road has capacity to accommodate existing vehicles using this road as well as the additional future vehicles associated with this development.
TRAFFIC	<i>Traffic safety: more vehicles on Buchanan Road</i>	<p>The increase in risk to traffic safety as result of this development is considered to be negligible. The proposal will not be a significant contributor to vehicle road usage on Buchanan Road. The development will provide an extra 200 vehicles on the road for once a week on Friday peaks, plus twice yearly events and sporadic funeral services. The demonstrated likely trip distribution for this proposal indicates 90% of vehicles will access this development from the Hunter Expressway. This means vehicles associated with this development are only on Buchanan Road for 600 metres.</p> <p>It is noted that pre and post HEX opening traffic figures on Buchanan Road saw an average increase of 1730 vehicles per day between 2013 and 2014. Buchanan Road has absorbed the increase as a result of HEX. Furthermore, the applicant has demonstrated that Buchanan Road has capacity to accept the additional traffic generated as a result of the proposed development.</p>
TRAFFIC	<i>Traffic safety: fog on Buchanan Road during early hours</i>	Fog on all rural roads is a safety concern for road users and Buchanan Road is not exempt from this. It is noted that trip distribution forecasts (discussed within the report) indicate that 90% of people attending this site will do so via the Hunter Expressway. Vehicles exiting the Expressway will only be on Buchanan Road for

Planning and Environment

Report No. PE51/2016

Planning and Environment



		<p>approximately 600 metres. The short journey for these vehicles is not anticipated to significantly affect safety for road users experiencing foggy conditions on Buchanan Road.</p> <p>It is further noted that the fog is generally obvious during early morning periods. The early prayer sessions (i.e. prior to dusk) are not anticipated to be highly attended (i.e. five people maximum); therefore safety implications associated with fog on the rural road is not likely to be a concern for the clear majority of attendees to this venue.</p> <p>Ultimately, fog is a weather consideration, and similarly to rain, all road users are responsible for ensuring they drive in a safe manner in all adverse weather conditions.</p>
TRAFFIC	<i>Traffic safety: the road is not of a standard to accommodate more vehicles.</i>	Buchanan Road is a sealed road, considered to be in a reasonable condition. The forecast capacity for this road will not be exceeded as a result of this development.
TRAFFIC	<i>Existing state of Buchanan Road: During wet weather, the road erodes.</i>	Council has a budget set aside to undertake urgent repairs where road erosion causes safety issues.
TRAFFIC	<i>Existing state of Buchanan Road: who funds future upkeep?</i>	Buchanan Road is a Council owned and managed road, and as such, Council is responsible for its maintenance.
TRAFFIC	<i>The traffic report is incorrect: The report states that Buchanan Road has a road width of 20 metres.</i>	Buchanan Road is a lengthy road, and its width varies accordingly. However, within the vicinity of the subject site, Buchanan Road has a width of 20 metres.
TRAFFIC	<i>Traffic congestion: Buchanan Road is already severely congested as a result of the Hunter Expressway opening. Future traffic congestion concerns are also anticipated as a result of the Greenhills redevelopment.</i>	<p>Traffic counts of Buchanan Road undertaken in 2014 (post Hunter Expressway opening) revealed daily traffic volumes of approximately 6330 vehicles. This figure had steadily risen in the previous five years, with a clear increase being evident at the opening of the Expressway (i.e. in 2013 the daily traffic volume was 4600).</p> <p>Notwithstanding this, the increase associated with the opening of HEX has not resulted in Buchanan Road exceeding its forecast capacity (outlined within the planning report as being 1400 vehicles per hour). In fact, it is currently operating at approximately 50% of this capacity limit.</p> <p>It is likely that with the redevelopment of 'Greenhills', usage of Buchanan Road will increase further, however it has been demonstrated that there is capacity along Buchanan Road to absorb the increase, from the proposed development. Furthermore, this proposal only result in a modest increase in road usage in comparison to the 'Greenhills' redevelopment.</p>
TRAFFIC	<i>The intersection design is insufficient.</i>	As demonstrated within the report, the intersection design exceeds requirements determined necessary at this site in accordance with Austroads/RMS requirements.

Planning and Environment

Report No. PE51/2016

Planning and Environment



TRAFFIC	<i>Sterntaler (horse establishment) were required to complete a turning lane, this development should too.</i>	<p>It is noted that Sterntaler were required to construct an intersection treatment in association with Development Consent 8/2013/526/1.</p> <p>The intersection requirements of the proposed development exceed the intersection works required in conjunction with the Sterntaler business.</p>
TRAFFIC	<i>The proposal will have an impact not only on Buchanan Road, but on surrounding road networks too.</i>	<p>The impact to surrounding road networks was a consideration in the traffic and parking assessment undertaken in association with this development. All associated roads have been determined to have capacity available to accommodate the modest increase in traffic associated with this development.</p>
RURAL CHARACTER	<i>The application is contrary to the zone objectives.</i>	<p>The proposed development is permitted within the prescribed zone, and is consistent with the RU2 Rural Landscape zone objectives, as outlined within this assessment report.</p>
RURAL CHARACTER	<i>Rates = Farmland category</i>	<p>The rating category of the land is not associated with the land use of the site. In this instance, the land is rural and rates are applied accordingly. However, this does not preclude the establishment of other land uses on the site, as permitted under Cessnock LEP 2011.</p>
RURAL CHARACTER	<i>Clause 1.2 of the LEP 2011 requires development 'to reduce use of private vehicles'. This proposal does not do this.</i>	<p>The aims of the Cessnock LEP 2011 are outlined in Clause 1.2 of the LEP. One of these aims seeks to reduce 'dependency on the use of private motor vehicles'.</p> <p>The LEP has been prepared in accordance with state government guidelines, and contains a zone hierarchy. At the core of the commercial, mixed use, and high density residential zones, car dependency is reduced as access is readily available to services and facilities, and public transport is generally available. Outside of this core zone sits the lower density residential areas. These areas too may benefit from public transport, but not to the same degree as the core urban zone(s). Finally, on the surrounding fringe of this area sits the land zones of a more rural nature. It is acknowledged that public transport may not be as readily available in these areas, however a range of land uses are permissible in these zones.</p> <p>These types of land uses are ones where reliance upon public transport is not necessary. A place of public worship is one of these land uses. A place of public worship is generally only attended for one peak period per week and may have additional peaks for special events during the year. The use does not have a high intensity patron demand (such as a shopping centre in the urban core), therefore the need to permanently rely upon public transport is not as significant.</p> <p>By virtue of complying with the land use table and zone objectives, the proposal is considered to meet the aims of the LEP.</p>
RURAL CHARACTER	<i>Carbon footprint</i>	<p>The site has a building footprint of 0.762 hectares. The likely carbon footprint generated by this proposal is not sufficient to warrant refusal of the application.</p>

Planning and Environment

Report No. PE51/2016

Planning and Environment



RURAL CHARACTER	<i>Rural to commercial use</i>	Whilst the site has historically been used for rural land pursuits (i.e. livestock grazing), the new proposal at the property, i.e., a place of public worship, is not of a commercial nature. No commercial products are proposed for sale at the site.
RURAL CHARACTER	<i>Permissibility</i>	The matter of permissibility has been addressed within this assessment report.
RURAL CHARACTER	<i>Buchanan can't cope with regional attraction.</i>	<p>The development is not intended to serve as a regional 'attraction'. Rather, the proposal to establish a place of worship on the site is intended to facilitate religious worship for members of the applicable faith.</p> <p>The planning report has demonstrated that the site is capable of accommodating the proposal in terms of traffic, water, wastewater, and all other associated infrastructure.</p>
BUS STOP SAFETY FOR CHILDREN	<i>"Gazetted" bus stops for school children to be removed</i>	The location of school bus stops in the rural area has been addressed within the report.
BUS STOP SAFETY FOR CHILDREN	<i>Safe walkway will be removed.</i>	A condition of consent will be imposed requiring a designated footway of 3.5 metres either side of the intersection formation where new works are required. This width will make provision for a suitable walkway.
LOSS OF ROAD SHOULDER	<i>Removal of Power Poles</i>	It is noted that six power poles are required to be removed/relocated a result of the proposed intersection works. The replacement/relocation of the power poles is the responsibility of the developer, and all costs associated with this will be borne by the developer. A condition of consent has been included on the draft determination notice in respect of this matter.
LOSS OF ROAD SHOULDER	<i>Removal of safe place to pull over for emergency vehicles to pass.</i>	<p>A condition of consent will be imposed requiring a designated footway of 3.5 metres either side of the intersection formation where new works are required.</p> <p>It is further noted that the intersection works comprise a total distance (northbound and southbound) of 340 metres along Buchanan Road. This distance is a very short span of road and it is considered that vehicles will be able to safely manoeuvre to the side of the road shortly before or after the intersection without causing significant delay to emergency vehicles.</p>
POLLUTION	<i>Light pollution from the building being lit up –this may impact fauna in the area, passing traffic and rural amenity.</i>	Following the exhibition period, the applicant submitted a concept light plan. This plan shows the placement of an entry light at the road access, low level bollard lighting within the carpark and wall mounted security lights surrounding the building. A condition of consent has been imposed on the draft determination notice requiring that the lights will not be of an illuminance which may cause nuisance to adjoining properties or road users.
POLLUTION	<i>Light pollution from vehicles leaving the site may shine into the dwelling opposite causing nuisance.</i>	<p>The times for when the peak traffic usage associated with this proposed use are likely to occur are not times of day where vehicle lights will be turned on/or causing significant light spillage.</p> <p>The applicant has stated that the regular pre dawn and the post dusk prayer services will only be attended by a maximum of five people. Furthermore, the topography (the dwelling</p>

Planning and Environment

Report No. PE51/2016

Planning and Environment



		opposite sits lower than subject property) and separation distance from the dwelling to the vehicle exit area (the dwelling is setback approximately 50 metres from the exit crossing) will minimize the amount of light spill into the dwelling opposite.
POLLUTION	<i>Pollution from extra vehicles on the road: tyre wear and oil left on road will wash into waterways.</i>	<p>A water quality pond is positioned south-west of the main building. A gross pollutant trap (GPT) is proposed to be installed up gradient of the pond to capture pollutants before stormwater is suitably discharged. This will restrict pollutants caused by vehicles on the site from entering waterways.</p> <p>Vehicle pollutants from runoff from Buchanan Road is not a relevant consideration as this is an impact that occurs as a general result of road usage.</p>
POLLUTION	<i>Air pollution: fumes from extra vehicles on the road.</i>	Whilst it is acknowledged that the relatively minor increase in vehicle movements on Buchanan Road will result in minor increases in air pollution, the increase is determined to be a negligible impact, in consideration of the estimated 22 000 vehicles per day which currently use the adjoining Hunter Expressway each day.
FUTURE DEVELOPMENT OF LAND	<i>The site is too big to accommodate just this lone development, the likelihood of further development should be considered now.</i>	This assessment can only assess the components of the development proposed in accordance with the submitted documentation. If the proponent wishes to add further components to the site, they must do so under a separate development application, and the impacts of such components will be assessed at that time.
FUTURE DEVELOPMENT OF LAND	<i>A school is likely to be proposed.</i>	<p>The application does not propose establishment of a school, nor does the documentation submitted in conjunction with the application foreshadow a school.</p> <p>This assessment can only assess the components of development proposed in accordance with submitted documentation. If the proponent wishes to add further components to the site, they must do so under a separate development application, and the impacts of such components will be assessed at that time.</p>
FUTURE DEVELOPMENT OF LAND	<i>A refugee migrant camp will be next at the site.</i>	<p>The application does not propose establishment of a refugee migrant camp, nor does the documentation submitted in conjunction with the application foreshadow a refugee migrant camp.</p> <p>This assessment can only assess the components of development proposed in accordance with submitted documentation. If the proponent wishes to add further components to the site, they must do so under a separate development application, and the impacts of such components will be assessed at that time.</p>
BUILDING APPEARANCE / AESTHETICS	<i>The building has the appearance of a commercial development</i>	The building does not propose any advertising signage, display material or lighting to suggest that the use of the site is commercial in nature. The building has been designed to ensure high quality architectural features are incorporated into the building design and rustic colour schemes have been adopted to ensure consistency with the rural landscape.

Planning and Environment

Report No. PE51/2016

Planning and Environment



BUILDING APPEARANCE / AESTHETICS	<i>The building does not present well externally; concrete and steel walls, height of building.</i>	<p>The front elevation of the building is the most dominant of all elevations. Here, the building addresses the road to the west. The western elevation spans 30 metres in length and has a floor to roof height of 9 metres.</p> <p>The applicant has offset this impact by ensuring this building elevation is finished with high architectural features. The building has also been afforded an excessive setback to Buchanan Road, i.e., 49.5 metres from the street boundary (compared to the required 18 metres for development in rural areas). The building height is dwarfed by the eastern ridgeline, which assists in minimising the apparent heights of the building.</p> <p>The curved perforated corten steel feature panel in the centre of the western building line measures 13 metres by 9 metres. This feature is designed to provide a high end architectural attribute to the building in a rustic, yet modern manner. The remaining wall lengths will be finished in stained precast concrete, featuring decorative exposed aggregate panels within the wall.</p> <p>The façade can be said to be minimalist in nature (i.e. precast concrete panels, coupled with decorative exposed aggregate features and a centerpiece of corten steel). The building is not typical of Arabic architecture whereby tall minarets, arched feature-ways and dome-like structures take precedence. The applicant has specifically designed the building to be as unobtrusive to the existing rural environment as possible. This is achieved by the implementation of high end features, straight building lines and rustic colour schemes.</p>
BUILDING APPEARANCE / AESTHETICS	<i>The building appears too much as a Mosque: "You cannot place a Gothic Church in Islamabad".</i>	<p>The building is not typical of traditional Islamic architecture whereby tall minarets, arched feature-ways and dome-like structures take precedence. The applicant has specifically designed the building to be as unobtrusive to the existing rural environment as possible. This is achieved by the implementation of high end features, straight building lines and rustic colour schemes.</p>
DECREASED PROPERTY VALUES / OTHER LOCALISED IMPACTS	<i>The development will result in a loss of tourist dollars.</i>	<p>The proposal may attract tourism to the area, particularly during the twice yearly large events held at the site. Visitors attending the site for the events may then visit other local attractions, cafes and businesses, or even stay in the region for multiple days before/afterwards. This will have a positive effect on local economies.</p>
DECREASED PROPERTY VALUES / OTHER LOCALISED IMPACTS	<i>Horses may be impacted at the nearby Sterntaler business.</i>	<p>It is not specified within the submissions how horses will actually be impacted by this development. The Acoustic Report submitted in conjunction with the application outlines that the horse riding establishment will not be impacted by noise generated from this development, and the proposed traffic arrangements for gaining entry to and from the site will not impact upon the access to the Sterntaler site. The overall impact to Sterntaler as a result of this development will be negligible.</p>

Planning and Environment

Report No. PE51/2016

Planning and Environment



NO LOCAL BENEFIT	<i>"Not necessary" Existing Mosques are just 19 and 30 minutes away.</i>	<p>The proponent has determined that there is a need for a facility of this nature within the area. The proponent has stated that the current facilities used for prayer in Newcastle are outdated, have insufficient capacity, and are not purpose built.</p> <p>The existence of other places of public worship within the region is not a planning consideration.</p>
NO LOCAL BENEFIT	<i>"Why not build several small churches (sic) rather than one big one?"</i>	The decision to design the development in any particular way is at the discretion of the applicant.
NO LOCAL BENEFIT	<i>The Mosque will be 20 minutes away from core community</i>	The applicant has stated that this site has been specifically selected for its centralised location to all core localities of the Hunter Valley. The site benefits from easy access to the Hunter Expressway.
NO LOCAL BENEFIT	<i>"Muslims do not reside in Cessnock", Census data states that only 0.18% of people in the Cessnock LGA identify as Muslim.</i>	<p>The number of muslims within the Cessnock LGA is not a valid planning consideration.</p> <p>The decision to propose the building within the Cessnock LGA is a strategic decision by the applicant to ensure that members of the faith from all areas have a centralised location to meet and partake in prayer services.</p>
NO LOCAL BENEFIT	<i>Approval of the development is "not a positive step"</i>	<p>All potential impacts associated with this development have been considered as part of this planning report.</p> <p>By upholding the planning principles of the Environment Planning and Assessment Act 1979, 'positive steps' are ensured.</p>
NO LOCAL BENEFIT	<i>The Mosque will not generate local jobs.</i>	<p>Worshippers who visit the place of public worship may stay within the region to visit other local attractions, cafes and businesses, or even stay in the region for multiple days before/afterwards the twice yearly events. This will have a positive effect on local economies and could create additional employment opportunities for local people. In addition, the construction phase of the development will result in employment generation and resultant job opportunities.</p>
INADEQUATE ATTENDANCE FORECAST	<p><i>The estimated number of people attending the site in relation to the size of the proposed building does not correspond. The peak Friday service is stated to host 200 people, however the Mosque is 387sqm, meaning under the BCA, 387 people could attend (noting 1 person per square metre).</i></p> <p><i>Furthermore, the twice annual events are stated to host 450 people, with the excess congregation overflowing into the forecourt. The forecourt has an approximate area of 800sqm, meaning that this space could potentially be used for 800 worshippers (based on the BCA capacity).</i></p>	<p>Information accompanying the application indicates that a maximum of 200 people will attend the Friday peak prayer service and a maximum of 450 people will attend the twice yearly cultural events. It is not uncommon for Council to impose a condition of consent restricting the attendance to the figures stated by the applicant. Many of the expert accompanying reports (i.e. traffic and wastewater reports) rely upon estimated attendance numbers, therefore a figure needs to be established to base these reports upon.</p> <p>It is noted that Table D1.13 of the Building Code of Australia provides 1m² per person for a 'church' building.</p> <p>The discrepancy between the estimated patrons and the available floor space is significant. The following building areas are noted:</p> <p>Place of public worship: 387sqm Forecourt: 800sqm Total = 1187sqm</p>

Planning and Environment

Report No. PE51/2016

Planning and Environment



		<p>The forecourt is intended to serve as patron overflow during the larger events. Based upon the BCA calculations, it is possible that 1187 people may attend the venue within this floor space.</p> <p>The applicant has repeatedly stated in discussions with Council that it is very unlikely that this many people will attend the site in the foreseeable future. The estimated attendance figures are genuinely calculated numbers based upon real information gathered from existing mosques in the region.</p> <p>Despite a building being able to accommodate more people, it does not mean that such a situation will occur. As mentioned previously, the traffic report, the wastewater report, the water management report, and the acoustic report have all been developed based upon the estimated attendance figures. If the venue consistency exceeded these attendance figures, then the correlating expert reports with which the development has been based upon would no longer apply. The approved traffic measures, wastewater / water provisions and noise attenuation measures would be stretched, and the approved development would not be operating within the permitted requirements.</p> <p>It is considered reasonable in this instance to impose a condition of consent stating that the place of public worship only has the capacity (with regard to approved traffic, wastewater, water and acoustic reports) to accommodate the estimated attendance numbers. Any exceedance of this figure must be the subject of a Section 96 application, or separate development application; where traffic, wastewater, water and acoustic matters (amongst other issues) are addressed.</p>
WATERWAYS / STORMWATER	<i>Runoff after heavy rain.</i>	<p>The applicant has submitted concept stormwater information. The report demonstrates that the proposal is able to suitably retain and discharge all stormwater from the site in accordance with Council requirements.</p>
CAR PARKS	<i>Insufficient parking.</i>	<p>Based on the DCP 2010, the following parking is required for each proposed activity onsite:-</p> <p><i>Places of Public Worship: 1 space per 10 seats or 1 space per 10 square meters of gross floor area, whichever is greater.</i></p> <p><i>Funeral Home: 1 space per 5 seats.</i></p> <p>On this basis, the parking requirements specified by the DCP are 39 for the place of public worship and 14 spaces for the funeral home (noting there are no seats).</p> <p>A total of 53 car parking spaces are therefore required. The plans submitted in conjunction with the application outline that there are 69 formal sealed car parking spaces, in addition to 155 unsealed car parking spaces. Therefore the application exceeds Council's DCP requirements.</p>

Planning and Environment

Report No. PE51/2016

Planning and Environment



		<p>It is noted that based on the submitted Traffic Report, approximately 200 vehicles will attend weekly Friday prayer and approximately 225 vehicles will visit the site at least twice a year for special events. The additional parking requirements for the special prayer events can be satisfactorily provided within the overflow parking areas provided onsite.</p>
CAR PARKS	<i>Lack of seal will result in dust</i>	<p>The primary carpark consists of 69 spaces and is to be constructed with bitumen seal.</p> <p>Two additional overflow carparks are proposed to the west and east of this primary car park, and an additional overflow car park is also proposed to the south of the buildings.</p> <p>The access roads leading to each of these carparks will be constructed of gravel road base material. The actual overflow carpark spaces will be finished with a form of reinforced turf pavers (such as 'turf pave' or equivalent).</p> <p>The only part of the car parking (or indeed entire development) that will consist of a potential dust hazard will be the internal access roads connecting the carparks. The internal gravel access roads will not be frequently used (once per Friday and again for funerals and twice annual events held at the site), therefore the potential for dust to be generated, is low.</p> <p>Furthermore, the internal gravel access roads have considerable setbacks to adjoining dwellings, meaning the potential for any dust to cause a nuisance to neighbouring properties is limited. A condition of consent has been imposed on the draft determination notice requiring the land owner to maintain the access roads in a good condition for the life of the development.</p>
CAR PARKS	<i>Visual Impact of car parks</i>	<p>The proposal indicates the provision of a principal carpark (69 spaces) and three separate overflow carparks on the site. The principal carpark will be constructed with a bitumen seal, while the overflow carparks (due to their low use) will be finished with a form of reinforced turf pavers (such as 'turf pave' or equivalent).</p> <p>It is unlikely that the overflow carparks will be visible when they are not being used. The overflow carparks are only to be used once per week (on a Friday) and during the twice yearly events and sporadic funerals conducted at the site.</p> <p>The principal carpark is the carpark most likely to have a visual impact on the area. The principal carpark is the only carpark proposed to be sealed, meaning it will be identifiable even when not in use. Attempts to offset this impact have been made, including the provision of landscaping within the carpark area.</p> <p>For the five worship times held daily between Saturday and Thursday, an estimated five people will attend the site at each time. Vehicles associated with these times will be marginally noticeable within the carpark. For</p>

Planning and Environment

Report No. PE51/2016

Planning and Environment



		the Friday peak period, there may be up to 200 people attending the site. This could equate to 200 vehicles residing in the carparks between the hours of 12:00pm and 3.30pm. While this many vehicles will have an impact on the visual landscape, the short span of time for which this impact will be tolerated means it will be of an acceptable level.
CAR PARKS	<i>The car parks will become waterlogged after rain periods.</i>	<p>The applicant originally proposed that the overflow carparks be finished simply as grassed areas. Council acknowledged that a potential issue may arise where, during periods of heavy rain, the grassed areas may become waterlogged and impassable to vehicles.</p> <p>The applicant agreed to remedy this concern, and has since amended the plans to show the overflow carparks being finished with a form of reinforced turf pavers (such as 'turf-pave' or equivalent). The turf pavers will ensure the durability of the carparks during periods of rain, whilst providing a better aesthetic outcome than extensive use of hardstand.</p>
FUNERAL HOME	<i>Permissibility</i>	The issue of permissibility is addressed within this planning report.
FUNERAL HOME	<i>Medical Waste disposal</i>	The methods for disposing of medical waste have been addressed within the report. To reiterate, no medical wastes will enter the proposed wastewater system.
FUNERAL HOME	<i>Cremation chimneys a distraction for vehicles</i>	The applicant has not proposed cremation facilities at this site.
FUNERAL HOME	<i>2-3 funeral per year, how will this be enforced?</i>	<p>The applicant estimates that as few as two-three funerals per year are likely, but have made provision for five funerals per year within their traffic assessment report. This figure is based upon current experiences at existing places of worship and upon the Muslim population in the area.</p> <p>The estimated figure is determined to be acceptable and a condition of consent limiting its operations to five funerals per year has been included on the draft determination notice.</p>
ONSITE SERVICES	<i>Sewer: due to attendance numbers, the site should be connected to mains.</i>	<p>The site will actually be sparsely attended for the majority of its operating week. There is one single peak each Friday and two yearly events. For the remainder of the time, it is likely that as few as five people will be at the site at any one time.</p> <p>Based upon this, the connection of the site to a mains system of sewer is not necessary.</p>
ONSITE SERVICES	<i>Proposed wastewater system: the system will not be able to manage the large crowds to be on site.</i>	The assessment report demonstrates the sufficient provision of wastewater servicing to the site.
ONSITE SERVICES	<i>Proposed wastewater system: the wastewater disposal area is too close to an adjoining property boundary and will overflow and cause disturbance to the neighbour</i>	<p>The proposed disposal area is positioned approximately 45 metres from the northern property boundary. This setback exceeds minimum requirements.</p> <p>All wastewater systems installed within the Cessnock LGA are subject to regulatory inspections. These inspections will review whether the system is functioning adequately and whether overflow or other forms of nuisance are being generated as a result of its functioning.</p>

Planning and Environment

Report No. PE51/2016

Planning and Environment



ONSITE SERVICES	<i>Proposed wastewater system: the wastewater system and disposal area is too close to identified watercourses, it is likely to cause contamination.</i>	The disposal area is situated approximately 65 metres from the identified intermittent watercourse on site. This is compliant with minimum setbacks.
ONSITE SERVICES	<i>How will waste be disposed of from the site: i.e. Garbage trucks</i>	<p>The site is not anticipated to be a significant generator of waste product during the ordinary day-to-day operation of the building. A weekly garbage truck service will be satisfactory for regular rubbish disposal.</p> <p>During the larger events (held twice per year), additional waste disposal arrangements are likely to be required. As this impact will only be endured twice per year, extra garbage services for these events will not significantly impact the surrounding community.</p>
ONSITE SERVICES	<i>Electricity: the site is prone to electrical power outages. How will this be managed, particularly in lieu of the coldroom required within the funeral home?</i>	The applicant has stated that a back-up generator can be installed at the site as a reserve means for electricity. It is noted that only five funerals are anticipated per year, therefore in the unfortunate event of a prolonged power outage, funerals (specifically the preparation of bodies) are not likely to occur.
ONSITE SERVICES	<i>There is no running water at the site.</i>	The site is not connected to water services, however a water management plan has been submitted by the applicant. Satisfactory arrangements to have water onsite have been proposed.
ONSITE SERVICES	<i>There are no food preparation areas identified within the building.</i>	The applicant has not indicated that preparation of food on site is necessary for uses associated with this site.
FLOODS	<i>The site is prone to flooding.</i>	Council's mapping system shows that the site is not flood affected.
ABORIGINAL SIGNIFICANCE	<i>The application was not referred to the Local Aboriginal Land Council for comment. The site is likely to contain Aboriginal artefacts.</i>	The site is not identified as being within an Aboriginal place of heritage significance. Accordingly, no known artefacts are likely to be situated on the property. A standard condition of consent has been imposed on the draft determination notice stating: "If Aboriginal artefacts are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Environmental Protection and Regulation Group of the Office of Environment and Heritage is to be contacted. Aboriginal archaeological excavation must be coordinated with any proposed investigation of non-indigenous material."
NO PUBLIC TRANSPORT	<i>The site is not serviced by public transport.</i>	It is agreed that there are limited public transport options available to service this site. There are limited public transport options for the majority of land within rural zones. For this reason, land uses of a lower intensification (as compared for instance to a shopping centre in an urbanised environment), are generally permissible in these areas.
FLORA AND FAUNA	<i>Impacted by long operating hours.</i>	Whilst prima facie it appears that the development has the potential to operate between the hours of 4.15am and 9.30pm, seven days per week, the actual physical period of time in which the building will be operating is of a far shorter time span. The five daily prayers ordinarily last for 15 minutes each. It is anticipated that these prayers will be sparsely patronised, with five people per prayer

Planning and Environment

Report No. PE51/2016

Planning and Environment



		<p>session expected. The intensity of the use at these times is very low. The exception to this is the Friday noon prayer, which lasts for one hour in duration and may have attendances of up to 200 people.</p> <p>The impact to local wildlife is considered to be minimal over the wide spread of hours. The site, while operating for long hours, is not operated at an intensified level for the duration of this time period.</p>
FLORA AND FAUNA	<i>The picnic area is likely to attract mice and vermin to the area, which may adversely impact upon native fauna.</i>	The picnic area is likely to be used for twice yearly religious events. A condition of consent has been imposed on the draft determination notice requiring the applicant to ensure that adequate garbage disposal units are provided and subsequently removed from the site as soon as practical after the event.
FLORA AND FAUNA	<i>Flora and fauna report does not consider the impacts to the Black-Necked Stork (threatened species). There have been occasional sightings of this in Buchanan.</i>	The Black-necked Stork was listed in the Ecological Assessment as one of the species recorded within a 5 kilometre radius of the area. The species was listed as having opportunistic foraging habitat within the wetland area (within the grassland) and dams within the study area. The likelihood of occurrence of the Black-necked Stork was considered to be low as the habitat on site for the species was marginal and there is better quality habitat nearby (such as within Wallis Creek Floodplain). The proposed development will not impact on the wetland area of the site and therefore the Black-necked Stork is not considered to be impacted by the proposed development.
FLORA FAUNA	<i>Tree removal: road reserve</i>	Vegetation removal has been considered as part of the flora and fauna assessment outlined within the assessment report.
FLORA AND FAUNA	<i>Tree removal: on site</i>	Vegetation removal has been considered as part of the flora and fauna assessment outlined within the assessment report.
SOCIAL IMPACT ASSESSMENT	<i>"Town culture – won't be allowed Christmas"</i>	This is not a relevant planning consideration.
SOCIAL IMPACT ASSESSMENT	<i>Social impact was not undertaken in Buchanan.</i>	<p>The scope of the Social Impact Assessment states: <i>'this report identifies and assesses the impacts in the immediate vicinity of the site in Buchanan and the Black Hill (SSC10231) and Mulbring (SSC11641) census areas. The site is located in the Black Hill census area, immediately adjacent to the boundary of the Mulbring census area.'</i></p> <p>As explained above, census data is not available to the Buchanan area in isolation. The Black Hill data collection area captures Buchanan residents.</p> <p>The submitted Social Impact Assessment is considered to satisfactorily assess social impacts to the Buchanan area.</p>

Planning and Environment

Report No. PE51/2016

Planning and Environment



SOCIAL IMPACT ASSESSMENT	<i>Safety of community: security onsite, fencing.</i>	The safety of the community has been assessed during the assessment of this proposal in terms of the design of the building, provision of onsite security system, lighting and the retention of the existing dwelling on the site (to assist in managing the security of the site). A Crime Prevention Through Environmental Design (CPTED) Report was submitted with the application. This report was forwarded to the NSW Police who raised no objection to the proposal with the imposition of various recommended conditions of consent.
SOCIAL IMPACT ASSESSMENT	<i>Crime rates increase surrounding mosques</i>	There has been no evidence provided to confirm an increase of crime rates associated with a mosque.
INVALID OBJECTION GROUNDS	<i>A number of submissions raised an objection to the Louth Park Prayer Hall.</i>	A number of submissions objected to the 'Louth Park DA'. This development application was being assessed by Maitland City Council, as outlined previously in this assessment report. It is assumed that these objections were sent to Cessnock City Council in error. Objections to the 'Louth Park DA' are not relevant to this development proposal.
INVALID OBJECTION GROUNDS	<i>The submission(s) did not provide a reason for objection; it simply stated that 'they object to the development'.</i>	The exhibition documents clearly states that when making a submission in relation to a development application that submission makers are "required to clearly outline the reason/s why you object to or support the proposed development".
GENERAL MATTERS	<i>The place of public worship is not 'public' by nature.</i>	The proposed place of public worship provides an opportunity for members of the Muslim faith to worship at the facility. It is assumed that the objections relate to other members of the public (i.e. people of a non-Muslim faith) not being able to use the facility. The ordinary operation of the premises is to conduct religious worship. If a person is not interested in religious worship of the relevant faith, then they ordinarily do not have a need to be at the venue. The proposed development is consistent with the definition of a place of public worship, as outlined in Cessnock LEP 2011.
GENERAL MATTERS	<i>The 'dwelling' needs to be soundproof.</i>	The objections appear to be referring to the existing dwelling on site. This dwelling will be occupied as a private residence on the same land title as the place of public worship. The applicant has indicated that the dwelling is likely to be occupied by a caretaker or senior associate of the premises. Sound proofing is not necessary.
GENERAL MATTERS	<i>No BASIX certificate was submitted.</i>	The State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 outlines that a BASIX certificate is only required for residential development.
GENERAL MATTERS	<i>Site suitability</i>	The issue of site suitability is detailed in the planning assessment report.
GENERAL MATTERS	<i>The proposed cost of works is not accurate. The \$3.9 million specified is too low.</i>	The proposal was accompanied by a quantity surveyors certificate from a certified practicing quantity surveyor. Page 5 of the development application form specifies that proposed development with an estimated cost of work exceeding \$3 million shall be accompanied by a detailed cost report from a registered quantity surveyor. The applicant has complied with this requirement.

Planning and Environment

Report No. PE51/2016

Planning and Environment



		<p>The quantity surveyors reports outlines that the proposal is estimated to have a cost of work of approximately \$3.9 million.</p> <p>A comparative cost analysis of the proposal against the Rawlinson Construction Cost Guide carried out by Council officer/s indicates that the proposed building works may actually be less than what has been estimated by the quantity surveyor.</p> <p>For this reason, Council has accepted the quantity surveyors certificate as an accurate estimate of the cost of works.</p>
GENERAL MATTERS	<i>Kurri Kurri Police Station needs to be manned 24 hours</i>	<p>There is no nexus for the proposed development to require the expansion of the Kurri Kurri Police Station hours.</p>
GENERAL MATTERS	<p><i>Procedural matters associated with assessment of application:</i></p> <ul style="list-style-type: none"> <i>The application was submitted as a staged development, but has not been treated as such.</i> <i>Objectors are not provided the opportunity to appeal an approval decision.</i> <i>The application was lodged as integrated</i> 	<p>The application was never submitted as a staged development. Any future development which does not form part of this development application will need to be lodged under a separate development application.</p> <p>The right of appeal for objectors (if the matter is determined by way of consent), are contained within Section 123 of the Environmental Planning and Assessment Act 1979.</p> <p>The applicant initially marked the application form as requiring the concurrence of the RMS (s138 Roads Act) and RFS (s100B Rural Fires Act). At the time of lodgement it was agreed by the applicant and Council that the proposal did not constitute Integrated Development (later confirmed in writing 29/06/16).</p> <p>Notwithstanding the above, the application was referred to the RMS under Clause 104 of the SEPP (Infrastructure) 2007, and to the RFS, for comment. Responses from both state agencies were received raising no objection to the proposed development.</p>
GENERAL MATTERS	<i>Staff numbers</i>	<p>The applicant has stated that there will not be a dedicated staff member stationed at the site on a permanent basis. It is likely that a caretaker will reside at the residence. This person is likely to maintain the grounds. A leader of the congregation will arrive before prayer times to open the building and lock it again after prayers. The cleaning and upkeep of internal areas (specifically washrooms) will be carried out by volunteers of the mosque. During funeral services, a selected member of the mosque will carry out the preparations. An office is provided within the funeral home. The applicant has confirmed that this will not be permanently manned, but will be used for committee members of the mosque to store documents and carry out ordinance work when necessary.</p>
GENERAL MATTERS	<i>The riding school was rejected on traffic grounds, therefore this proposal should be as well.</i>	<p>The riding school (presumably Sterntaler, located at 814 Buchanan Road, Buchanan) has not been rejected, and is operating in accordance with a valid development consent issued by Council.</p>
GENERAL MATTERS	<i>Draft Hunter Regional Plan</i>	<p>The assessment report demonstrates compliance with the Draft Hunter Regional Plan.</p>

Planning and Environment

Report No. PE51/2016

Planning and Environment



ANTI ISLAMIC SENTIMENT	<i>Various anti Islamic sentiments</i>	<p>The exhibition material informed members of the public that the Anti-Discrimination Act 1977 applies and that written submissions are not to contain material that is defamatory or that constitutes harassment, discrimination or racial or sexual vilification.</p> <p>Approximately 65 submissions received raised anti Islamic sentiments.</p>
OUT OF EXHIBITION: ADDITIONAL MATTERS	Maitland City Council have refused a place of public worship at Louth Park, this application should also be refused.	<p>At its meeting of 14 June 2016, Maitland City Council refused a development application proposing establishment of a place of public worship at 486 Louth Park Road, Louth Park. This application sought approval for a building accommodating 20 worshippers, a 21 space car park and access road. A total of 173 objections were received in relation to this application. The land is situated within the R5 (Large Lot Residential) zone under the Maitland Local Environmental Plan 2011. This zone generally acts as an interface between urban residential and rural areas. Apart from sharing characteristics of being a place of public worship for people of the Muslim faith, this proposal bears little comparison to the development the subject of this report.</p>

Submissions of support

In reviewing the submissions, it is important not to discount submissions lodged in support of the proposal. Whilst these submissions were outnumbered by those in objection to the proposal, 163 submissions in support of a development application is significant. It is not unusual for Council to receive a significant number of objections for applications of a contentious nature. However, historically it would appear that members of the public are more inclined to be unperturbed and complacent by an application they are supportive of. The 163 submitted expressions of support is an indication of positive public interest in the development application.

The below table provides a general summary of the reasons people have provided when expressing their support for the proposal.

<p><i>The place of public worship will enrich the regional culture.</i></p> <p><i>The proposed building has a small building footprint.</i></p> <p><i>The proposal is similar in nature to the Ryhope Memorial Centre (Lake Macquarie). This existing development (of the same scale as this proposed) operates without any issues.</i></p> <p><i>The Muslim community has grown in the region and they need a bigger venue.</i></p> <p><i>The Newcastle University is attracting more foreign students, many of whom are of the Muslim faith.</i></p> <p><i>The proposal complies with all relevant planning requirements.</i></p> <p><i>The objections to this development stem from anti-Islamic sentiment.</i></p> <p><i>The proposal could be an economy boost to the area.</i></p> <p><i>The building appears visually unobtrusive.</i></p> <p><i>The building may appear as a dwelling.</i></p>

Planning and Environment

Report No. PE51/2016

Planning and Environment



The proposal will promote education and social gathering. A community with a sense of inclusion is a better one.

Everyone has the democratic right to practice religion.

The proposal will support ongoing multicultural awareness.

The proposal may normalise the Islamic community within the Cessnock LGA.

Refusal of this proposal may lead to alienation of marginalised groups.

(e) The public interest

The public interest is served through the detailed assessment of this Development Application under the Environmental Planning and Assessment Act, 1979, Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments and Council Policies.

Based on the above assessment, the proposed development is consistent with the public interest.

SECTION 94 CONTRIBUTIONS

Section 94 Contributions are not payable for the proposal.

INTERNAL REFERRALS

The Development Application was referred to the following Council officer/s for comment:

Officer	Comment
Consultant Development Engineer	Council's Consultant Development Engineer has assessed the application and is satisfied with the granting of consent subject to the inclusion of standard conditions.
Development Ecologist	Council's Development Ecologist has assessed the application and is satisfied with the granting of consent subject to the inclusion of standard conditions.
Environmental Health Officer	Council's Senior Environmental Health Officer has assessed the application and is satisfied with the granting of consent subject to the inclusion of standard conditions.
Onsite Sewage System Management Officer	Council's Environmental Water Management Officer has assessed the application and is satisfied with the granting of consent subject to the inclusion of standard conditions.
Social Planner	Council's Community Planning Coordinator has assessed the application and is satisfied with the granting of consent subject to the inclusion of standard conditions.
Building Surveyor	Council's Senior Building Assessment Officer has assessed the application and is satisfied with the granting of consent subject to the inclusion of standard conditions.

EXTERNAL REFERRALS

The Development Application was referred to the following external agencies for comment:

Agency	Comment
Roads and Maritime Service	The Roads and Maritime Service provided a referral response on 22 April 2016. The RMS stated that they <i>"have no objection or requirements to the proposed development as it is considered there will be no significant impact on the classified (State) road network"</i> .
Rural Fire Service	The Rural Fire Service provided a referral response on 13 July 2016, raising no objection to the proposal and providing recommended conditions of consent.
NSW Police	A Crime Prevention Through Environmental Design (CPTED) assessment was undertaken by the Lower Hunter Local Area Command. Referral comments were returned 28 April 2016, and no objection to approval of the development was raised, subject to the imposition of recommended conditions.
Office of Water	The NSW Office of Water was consulted for advice on whether the proposed conveyance of treated wastewater from the building site to the nominated dispersal area comprised a controlled activity. The response received stated that the works did not comprise a controlled activity and a formal referral to the agency was not required.
Local Development Traffic Committee	The Local Development Traffic Committee has assessed the application and is satisfied with the granting of consent subject to the inclusion of standard conditions.

CONCLUSION

The Development Application has been assessed against the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulations 2000, relevant Environmental Planning Instruments and Council policies.

The proposed development is permitted within the prescribed zone, and is considered consistent with the zone objectives. The proposed developable area is small in context of the total site area, and the buildings and associated facilities have been designed to integrate with the existing landscape and rural character of the area. In this regard, the proposal provides for a development that sits below the eastern ridgeline, has exceedingly compliant setbacks to all boundaries, and proposes building facades that will not be visually obtrusive.

Despite receiving significant public objection, the proposal has demonstrated compliance with all key planning considerations. Furthermore, as outlined within this report, the issues raised during the public exhibition period have been addressed, and it is considered that the grounds for objection do not justify refusal of the application.

Planning and Environment

Report No. PE51/2016

Planning and Environment



Based on the assessment, Development Application No. 8/2016/128/1 is recommended for approval subject to the conditions of consent included in this report.

ENCLOSURES

- 1** Set of Plans
- 2** Intersection Plan
- 3** RMS Response

CONDITIONS OF CONSENT

SCHEDULE 1

TERMS OF CONSENT

CONDITIONS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2016/128/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Site Plan, Drawing Number DA 100, Issue C	QOH Architects	08.03.16
Site Analysis, Drawing Number DA101, Issue D	QOH Architects	08.03.16
Floor Plan, Drawing Number DA200, Issue C	QOH Architects	08.03.16
Accessibility Plan, Drawing Number DA910, Issue B	QOH Architects	08.03.16
Street Elevation, Drawing DA300, Issue C	QOH Architects	08.03.16
Mosque Elevation, Drawing Number DA301, Issue B	QOH Architects	01.03.16
Funeral Services + Ablutions Elevations 1, Drawing Number DA302, Issue B	QOH Architects	01.03.16
Funeral Services + Ablutions Elevations 2, Drawing Number DA303, Issue B	QOH Architects	01.03.16
Proposed Landscape Site Plan, Drawing Number DA 800, Issue C	O'Hanlon Design Pty	16.05.16
Proposed Landscape Plan, Drawing Number DA 810, Issue C	O'Hanlon Design Pty	16.05.16
Proposed Landscape Details, Drawing Number DA850, Issue C	O'Hanlon Design Pty	16.05.16
Concept Lighting Plan, Drawing Number DA 970, Issue B	QOH Architects	25.05.16
Buchanan Road Development – Stormwater Management Plan	Royal Haskoning DHV	29 June 2016

Planning and Environment

Report No. PE51/2016

Planning and Environment



CIVIL INTERSECTION PLAN – SHEET 3	WORKS LAYOUT	Royal Haskoning DHV	Undated
-----------------------------------------	-----------------	---------------------	---------

Document Title	Prepared By	Dated
Statement of Environmental Effects	Kleinfelder Australia Pty Ltd	7 March 2016
Traffic and Parking Assessment	Intersect Traffic	February 2016
Traffic and Parking Assessment: Addendum Report, Impacts on Property Access	Intersect Traffic	23 May 2016
Buchanan Road Development – Water Servicing Investigation	Royal Haskoning DHV	3 March 2016
Buchanan Road Development – Stormwater Management Plan	Royal Haskoning DHV	29 June 2016
Geotechnical Engineers Report	Forum Consulting Engineers	25 February 2016
Bushfire Threat Assessment Report	Kleinfelder Australia Pty Ltd	2 March 2016
Ecological Impact Assessment	Kleinfelder Australia Pty Ltd	4 March 2016
Noise Assessment	Spectrum Acoustics	February 2016
Due Diligence Aboriginal Heritage	Insite Heritage Pty Ltd	18 February 2016
Social Impact Assessment	Kleinfelder Australia Pty Ltd	3 March 2016
Letter from Civcon (Wastewater detail)	Civcon Water Services Pty Ltd	25/05/2016

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

Planning and Environment

Report No. PE51/2016

Planning and Environment**2. Maximum Capacity of Venue**

The operational capacity (in accordance with approved traffic, wastewater, water and acoustic reports) of this approved development shall not exceed the following:

EVENT	MAXIMUM ATTENDANCE
Regular Prayers (seven days per week, with the exclusion of one Friday peak prayer)	25 people daily
Friday Peak Prayer (once per week)	200 people
Funeral Services (five per Year)	50 people
Social Gatherings (six times per year)	50 people
Cultural or Religious Gatherings (ten times per year)	100 people
Twice Yearly Events	450 people

3. Use of Funeral Home

The operation of the funeral home is permitted to occur for a maximum of five funerals in any one calendar year.

4. Separate Approval for Signs

A separate DA for any proposed external signs must be submitted to and approved by Council prior to the erection or display of any such signs.

5. CC, PCA & Notice 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.

6. Maximum Capacity Signage

A sign must be displayed in a prominent position in the building stating the maximum number of persons that are permitted in the building.

Planning and Environment

Report No. PE51/2016

Planning and Environment



7. Bushfire Safety

All recommendations of the NSW Rural Fire Service letter dated 13 July 2016 (copy included with consent) shall be implemented for the lifetime of the development. These requirements include:

Asset Protection Zones

a) At the commencement of building works and in perpetuity, the property around the development site shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones as follows:

- East of building for 60 metres
- South of building for 26 metres
- West of building for 26 metres or to the property boundary
- North, west and east of northern car park for 20 metres.

Water and Utilities

b) Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

c) Internal roads are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', except internal roads may be longer than 100 metres in length.

Evacuation and Emergency Management

d) Arrangement for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

An emergency/evacuation plan is to be prepared consistent with the NSW Rural Fire Service document 'Guidelines for the preparation of emergency/evacuation plans' and Australia Standard AS 375 2010 'Planning for emergencies in facilities'.

The emergency/evacuation plan will include a procedure to contact the NSW Rural Fire Service District Office / NSW Fire Brigade and inform them of the evacuation and the location they will be evacuated to.

A copy of the emergency evacuation plan shall be provided to the consent authority and the Local Emergency Management Committee prior to commencement of the development.

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.

8. Section 138 – Roadworks

The registered proprietors of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and Austroads Guidelines and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to the release of the S138 Roads Act Approval. The Section 138 Roads Act Approval shall be issued prior to the issue of any CC.

- a) Construct a CHR and AUL(s) intersection at the junction of Buchanan Road and the access into the subject site, details in accordance with all relevant Australian Standards and Austroads Guide.
- b) Construct a left turn acceleration lane for vehicles exiting the development to the south.
- c) Construct and gravel road shoulders.
- d) Place two (2) coat hot bitumen seal on all new works. Shoulders are to be designed as cycle-safe.
- e) A dedicated 3.5 metre footway is to be provided either side of the edge of the road shoulder. Such dedication shall be at the cost of the developer.
- f) All adjacent driveways impacted by the intersection shall be provided with a bitumen driveway prepared in accordance with standard drawing SD13 from the Engineering Requirements for Development.
- g) Topdress and turf footpath.
- h) Construct drainage works, as required.
- i) All power poles within the extent of the intersection be relocated clear of clear zones as determined by the relevant RMS standard. The relocation of power poles will be at the cost of the developer.
- j) Details of all proposed signage and linemarking.

9. Parking – Minimum Requirement

The primary, sealed on-site car parking shall be provided for a minimum of sixty nine (69) vehicles.

The overflow on-site car parking shall be provided for a minimum of one hundred and fifty five (155) vehicles. The overflow carparks shall be constructed of turf-pave (or equivalent).

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.

10. Roads – Sealed Access

The registered proprietors shall construct and maintain a sealed access road from the property boundary to the sealed on-site car park for the proposed mosque. The access road is to be constructed with a minimum of 150mm compacted thickness of approved gravel and sealed. All works are to be in accordance with Council's 'Engineering Requirements for Development' (available at Council offices).

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.

11. Roads – All Weather

The registered proprietors shall construct and maintain all-weather access roads to the southern, eastern and western overflow carparks for the proposed mosque. The access roads are to be constructed with a minimum of 150mm compacted thickness of approved gravel. All works are to be in accordance with Council's 'Engineering Requirements for Development' (available at Council offices).

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.

12. Road - Bond

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

Based on a road length of approximately 340 metres. Final bond amounts will be levied on accurate dimensions contained within the engineering plans.

- a) Road fees - engineering plan checking and supervision of \$7228.
- b) A performance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (transferable).
- c) A road maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (refundable).

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

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

Planning and Environment

Report No. PE51/2016

Planning and Environment



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

13. Roadworks

Any trees removed within the road reserve in association with intersection/other roadworks shall be replaced within the property boundary (generally within the same location) with mature vegetation of a similar species. An amended landscape plan providing detail of replacement planting shall be submitted to the CA prior to the issue of any CC.

14. Stormwater – Detailed Design Requirements

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

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

15. Stormwater – Detention Requirement

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

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

Planning and Environment

Report No. PE51/2016

Planning and Environment



16. Crime Prevention Through Design

All treatments detailed in the Crime Risk Assessment Referral received by the NSW Police – Lower Hunter Area Command, dated 24 April 2016 and attached to this consent, shall be incorporated into the development design. Evidence of the incorporation of the treatment shall be reflected in plans and submitted in association with the CC application. The plans and details must be approved by the CA as satisfying this requirement prior to the issue of a CC.

17. Section 68 Approval

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

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

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

PRIOR TO COMMENCEMENT OF WORKS

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

138. Site 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.

Planning and Environment

Report No. PE51/2016

Planning and Environment



19. 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.

20. 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.

21. S138 Roads Act Approvals

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

22. 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.

14. Landscaping

All landscaping is to use only native species grown from seed of local provenance by a specialist native plant nursery to enhance foraging opportunities for native fauna and to maintain genetic diversity. Native species must be characteristic of Lower Hunter Spotted Gum - Ironbark Forest Endangered Ecological Community along the northern boundary of the site. Where possible, native species used for landscaping throughout the remainder of the site must also be characteristic of Lower Hunter Spotted Gum - Ironbark Forest Endangered Ecological Community, or may be a native species characteristic of a vegetation community that occurs within the Cessnock Local

Planning and Environment

Report No. PE51/2016

Planning and Environment



Government Area. An exception to this is *Archontophoenix cunninghamiana*, which may also be used where trees T2 are shown in the Proposed Landscape Plan by O'Hanlon Design Pty Limited dated 16/05/16, Revision C.

24. Landscaping

To maintain genetic diversity, species used in the constructed wetland are to be native species grown from seed of local provenance by a specialist native plant nursery.

25. Tree Fencing

All trees to be retained within or adjoining the development footprint are to be fenced prior to construction works beginning. The fencing is to encompass the maximum possible area within the drip line of the canopy and remain in place until completion of construction works. Tree protection signage is to be attached to the fencing surrounding the retained trees. Erection of tree protection measures is to be confirmed to Council's Development Ecologist in writing by the Arborist and/or Ecologist prior to commencement of works, or alternatively Council must be notified to undertake an inspection of the works. Stockpiling or storage or mixing of materials, vehicle parking, disposal of liquids, machinery repairs and refuelling must not occur within the drip line of retained trees.

26. Tree Fencing

All fenced tree protection areas must be clearly marked as "No Go Area" on all plans and on fences prior to commencement of works to ensure that retained vegetation is not impacted.

27. Protection of Native Vegetation

All plants of *Grevillea montana* within the Asset Protection Zone are to be marked by an ecologist prior to commencement of work to ensure the plants are clearly identifiable.

28. Protection of Native Vegetation

Prior to commencement of works, the boundaries of the Asset Protection Zone are to be clearly delineated using temporary protective fencing or brightly coloured tape to prevent encroachment of construction works into *Lower Hunter Spotted Gum – Ironbark Forest Endangered Ecological Community*.

29. Protection of Native Vegetation

The development footprint must be clearly marked out prior to works commencing to prevent accidental incursions into areas of native vegetation outside of the approved development footprint.

30. Protection of Native Vegetation

A Vegetation Management Plan is to be developed for the retained *Lower Hunter Spotted Gum - Ironbark Forest* on the site as shown in Figure 5 of the Ecological Assessment by Kleinfelder dated 4 March 2016. The Vegetation Management Plan is to outline details of weed control on the site, including details of control of the noxious weeds Lantana (*Lantana camara*) and Fireweed (*Senecio madagascariensis*). The Vegetation Management Plan is to be submitted to Councils Ecologist for approval prior to commencement of works. The Vegetation Management Plan is to be for a minimum of 2 years.

DURING WORKS

The following conditions are to be complied with during works.

31. 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.

32. 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*.

33. Site is Securely Fenced

The site must be appropriately secured and fenced at all times during works. This includes a locked gate at the entrance to the property.

34. Approved Plans Kept On Site

A copy of the approved plans must be kept on site for the duration of site works and be made available upon request.

35. 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*.

36. 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.

37. 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.

38. Protection of Native Vegetation

No excavation is to occur within the drip zone of any trees to be retained within or adjacent to the development at any stage during works.

39. Protection of Native Vegetation

Any canopy thinning required to achieve the necessary canopy separation for the Asset Protection Zone must be conducted selectively. An appropriately qualified Arborist or Ecologist is to be engaged to clearly identify the branches best removed to achieve bushfire asset protection requirements. The Arborist or Ecologist is to supervise the branch removal. Branches must be removed in such a manner so as to prevent damage to surrounding trees.

40. Protection of Native Vegetation

Only trees within the footprint of the proposed development, Buchanan Road and the three trees nominated on the Proposed Landscape Plan by O'Hanlon Design Pty Limited (DA810, Issue A, dated 10/3/2016) are to be cleared. Any trees not otherwise specified for removal are to be retained.

41. Aboriginal Artefacts

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

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):

42. Completion of Landscape Works

All landscape works, are to be undertaken in accordance with the approved landscape plan and conditions of Development Consent, prior to the issue of an OC.

43. Completion of Landscape Works

Evidence that only native species grown from seed of local provenance by a specialist native plant nursery have been planted in the constructed wetland and landscaped areas on the lot is to be provided to Council prior to the Occupation Certificate.

44. Protection of Native Vegetation

The edge of the Outer Protection Area for the development must be permanently delineated using fencing, posts, bollards or similar to prevent clearing of native vegetation beyond the approved Asset Protection Zone. Evidence of this is to be supplied to Council prior to issue of an Occupation Certificate.

45. Roads – Bitumen Crossing

The registered proprietors shall construct and maintain a bitumen sealed access crossing from the edge of the road formation in Buchanan Road to the property boundary. The access crossing into the development must be constructed as a Category 4 access facility in accordance with AS2890.1 – 2004 Parking Facilities-Off street Parking and 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.

46. Roads – Bitumen Crossing

The registered proprietors shall construct and maintain bitumen sealed access crossing from the edge of the road formation in Buchanan Road to the property boundary for the existing access crossing to the caretakers dwelling on the subject site, 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.

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 and 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 (\$200.00 per inspection).

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

47. Completion of Road Works

Prior to the issue of an OC, the PCA must ensure that all approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with Council's S138 Roads Act Approval.

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

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

48. Road – Access Completion

Construction of all access roads, road works (including the removal and restoration of redundant vehicular crossings, etc), driveways, access corridors, car parking areas and loading bays, including the provision of appropriate line marking and other traffic management devices, are to be completed prior to issue of an OC.

49. Works-As-Executed Plan

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

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

Planning and Environment

Report No. PE51/2016

Planning and Environment



- l) Dimensions of stormwater basins and extent of inundation
- m) Calculation of actual detention storage volume provided

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

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

50. Waste Disposal

Prior to the issue of an OC and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

51. Inspection for Onsite Sewage Management

Prior to the use of the premises for the purposes approved by this consent, and prior to the issue of an OC, a satisfactory final inspection report from the Council must be received by the PCA, verifying the associated onsite wastewater management system has been supplied and installed in accordance with the approval under Section 68 of the *Local Government Act 1993*.

52. Potable Water Supply

Where water supply for drinking, bathing and cooking purposes is sourced from an independent water supply (which includes, but is not limited to, dams, rivers, creeks, tanks or bores), the applicant is to put in place a water treatment and monitoring process, consistent with the requirements of the Australian Drinking Water Guidelines 2011 (published by the National Health and Medical Research Council and the Natural Resource Management Ministerial Council).

Such processes may involve:

- * Filtration
- * Chlorine disinfection
- * UV disinfection
- * Regular water testing for microbial and chemical content
- * Appropriate signage at water outlets

or a combination of these processes.

The Australian Drinking Water Guidelines can be accessed at:

<http://www.nhmrc.gov.au/guidelines/publications/eh52>

Certification in relation to this process is to be submitted to the PCA, prior to the issue of an OC.

Planning and Environment

Report No. PE51/2016

Planning and Environment



ONGOING USE

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

53. Driveways to be Maintained

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

54. Internal Roads to be Maintained

All internal roads shall be maintained in good order for the life of the development.

55. Hours of Operation

The property is to be open and used for the purpose approved only between the hours specified within the Statement of Environmental Effects.

56. Outdoor Lighting

All outdoor lighting must not detrimentally impact upon the amenity of other premises and adjacent dwellings and road reserve, and must comply with, where relevant, *AS 1158.3:2005 Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance* and design requirements and *AS 4282:1997 Control of the obtrusive effects of outdoor lighting*.

57. Waste Water Treatment Devices

All wastewater treatment devices (including drainage systems, sumps, traps and pumps) must be regularly maintained in good working order to ensure that they remain effective. A maintenance schedule shall be developed and incorporated into a Plan of Management which is kept onsite at all times for staff to comply with. All liquid and solid wastes collected from the treatment device must be disposed of in accordance with relevant environmental protection and waste control legislation.

58. Vegetation Management Plan

A monitoring report on the progress of the Vegetation Management Plan's implementation shall be prepared and submitted to Council at six monthly intervals until the end of the second year's maintenance period. A final report shall also be submitted upon completion of the maintenance period.

59. Protection of Native Vegetation

All plants of *Grevillea montana* within the Asset Protection Zone (Inner Protection Area and Outer Protection Area) are to be retained and not cleared (as defined under the Native Vegetation Act 2003).

Planning and Environment

Report No. PE51/2016

Planning and Environment



60. Medical Waste

Suitably constructed waste disposal containers with securely fitting lids must be kept on the property for the storage of any clinical, contaminated or related waste, prior to the final disposal of the material at a facility approved by the Department of Environment and Climate Change.

61. Noise Complaints

Where a noise complaint is received by Council from a place of different occupancy and the noise source is proven by a Council Officer to be non-compliant, the Council may employ a consultant to measure noise emanating from the property, and to recommend (if necessary) appropriate actions to ensure compliance.

The consultant must be a member of the Australian Acoustical Society, Engineers Australia, or the Association of Australian Acoustical Consultants. The cost of such appointment and associated work shall be borne by the applicant, who shall also ensure the recommendations of the acoustic consultant are implemented.

Corporate and Community

Report No. CC45/2016

Corporate and Community Services



SUBJECT: *RESOLUTIONS TRACKING REPORT*

RESPONSIBLE OFFICER: *Manager Governance and Business Services - Kim Appleby*

SUMMARY

The enclosure contains pending actions from previous meetings as well as completed actions for the month of June 2016

RECOMMENDATION

That Council receive the report and note the information.

ENCLOSURES

- 1 Completed Actions - June 2016
- 2 Outstanding Actions

Corporate and Community

Report No. CC46/2016

Corporate and Community Services



SUBJECT: *SEPTEMBER 2016 LOCAL GOVERNMENT ELECTIONS - CARETAKER PROVISIONS*

AUTHOR: *Manager Governance and Business Services - Kim Appleby*

SUMMARY

Council is required to enter into caretaker mode prior to the September 2016 Local Government Elections. Council has two scheduled Council meetings during this period and any decisions must be made in accordance with the legislated caretaker provisions.

RECOMMENDATION

That Council receive the report and note the information.

BACKGROUND

Pursuant to the Local Government Act 1993 and the Local Government (General) Regulation 2005, Council is required to go into caretaker mode during the election period to ensure that major decisions are not made which would limit the actions of an incoming Council.

REPORT/PROPOSAL

The Office of Local Government has released Circular, "September 2016 Local Government Elections – Caretaker Provisions" which outlines the requirements of Council entering into caretaker mode during the four week period prior to the elections. Refer to **Enclosure 1**.

The caretaker period for the September 2016 Ordinary Local Government elections commences on Friday 12 August 2016 and ends on Saturday 10 September 2016. During this period major decisions are not to be made by the incumbent Council.

The Local Government (General) Regulation 2005 was amended to mandate what were formally caretaker conventions. Clause 393 (B) requires that the Council, the General Manager or any other delegate of the Council (other than a Joint Regional Planning Panel or the Central Sydney Planning Committee) must not exercise the following functions during the four weeks preceding an Ordinary Election (caretaker period):

- Entering into any contract or undertaking involving an expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1 percent of the Council's revenue from rates in the preceding financial year (whichever is the larger).
- Determining a controversial development application, except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period. The term "controversial development application" is defined as one for which at least 25 persons have made submissions by way of objection.

Corporate and Community

Report No. CC46/2016

Corporate and Community Services



- Appointing or renewing the appointment of the General Manager or terminating their employment. (This does not include the appointment of an acting or temporary General Manager).

Council has scheduled two Ordinary meetings during the caretaker period (17 August and 7 September) and decisions of Council must be in accordance with the legislated provisions.

OPTIONS

N/A

CONSULTATION

N/A

STRATEGIC LINKS

a. Delivery Program

This report is linked to the Community's Desired Outcome Objective 5 "Civic Leadership and Effective Governance".

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

N/A

c. Legislative Implications

The Local Government (General) Regulation 2005 mandates the caretaker provisions.

d. Risk Implications

N/A

e. Other Implications

N/A

Corporate and Community

Report No. CC46/2016

Corporate and Community Services



CONCLUSION

Details of the caretaker provisions are outlined in the report and the enclosure.

ENCLOSURES

- [1](#) Circular

Corporate and Community

Report No. CC47/2016

Corporate and Community Services



SUBJECT: *LOCAL GOVERNMENT ELECTIONS AND USE OF COUNCIL RESOURCES AND ELECTORAL MATERIALS*

RESPONSIBLE OFFICER: *Director Corporate and Community Services - Robert Maginnity*

SUMMARY

A report outlining obligations of Councillors, staff and candidates in relation to the use of Council resources and electoral material in the lead up to the September 2016 Local Government Elections.

RECOMMENDATION

That Council receive the report and note the obligations of Councillors, staff and candidates in relation to the use of Council resources and electoral material in the lead up to the September 2016 Local Government Elections.

BACKGROUND

The Office of Local Government has released Circular 16-20 relating to the September 2016 Local Government Elections – Use of Council Resources and Electoral Material.

REPORT/PROPOSAL

Circular 16-20 provides a reminder of the obligations of Council officials in relation to the use of Council resources and the potential for Council publications to be considered “electoral material”.

The Office of Local Government has requested that the General Manager bring this Circular to the attention of all Councillors and staff, with the key point of the Circular being that:

- Council officials must not use Council resources, property (including intellectual property), and facilities for the purposes of assisting their election campaign or the election campaign of others unless the use is lawfully authorised and proper payment is made where appropriate.
- In the 40 days preceding the election, Councils need to consider whether their publications could amount to an “electoral matter”.

A copy of the Circular is provided as **Enclosure 1** to this report.

OPTIONS

N/A

CONSULTATION

N/A

Corporate and Community

Report No. CC47/2016

Corporate and Community Services



STRATEGIC LINKS

a. Delivery Program

This report is linked to the Community's Desired Outcome Objective 5 "Civic Leadership and Effective Governance".

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Misuse of Council resources may constitute a breach of Council's Code of Conduct and result in disciplinary action under the Code or action by the Office of Local Government and/or other regulatory agencies.

b. Financial Implications

Nil

c. Legislative Implications

Publications that promote the current elected Council's Policies or emphasises the achievements of an elected member or group may potentially fall within the definition of "electoral material" under clause 356A of the Local Government (General) Regulation 2005.

d. Risk Implications

N/A

e. Other Implications

N/A

CONCLUSION

The report provides a reminder of the obligations of Council officials in relation to the use of Council resources and the potential for Council publications to be considered "electoral material" in the lead up to the 2016 Local Government elections.

ENCLOSURES

- [1](#) Circular 16-20 - Office of Local Government

Corporate and Community

Report No. CC48/2016

Corporate and Community Services



SUBJECT: *INVESTMENT REPORT - JUNE 2016*

RESPONSIBLE OFFICER: *Management Accountant - Paul Grosbernd
Chief Financial Officer - John Oliver*

SUMMARY

Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy require a monthly report to Council detailing all money invested.

RECOMMENDATION

That Council receive the report and note the information.

BACKGROUND

The Local Government Act 1993, the Local Government (General) Regulation 2005 and Council's Investment Policy require a monthly report to Council detailing all money invested.

REPORT

Statement by the Responsible Accounting Officer

I, Robert Maginnity, as Responsible Accounting Officer, hereby certify that this report is produced in accordance with Clause 212 of the Local Government (General) Regulation 2005 and that all investments have been made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005 and Council's Investment Policy.

General Investment Commentary

Following assessment of projected cash flow requirements, surplus funds are invested in accordance with Council's Investment Policy.

The Reserve Bank of Australia (RBA) official cash rate as at 30 June 2016 was 1.75 percent. Scheduled RBA Board meetings are held on the first Tuesday of each month (excluding January) at which the official cash rate is one of the matters considered. The July 2016 meeting held on 5 July retained the official cash rate at 1.75 percent.

Actual investment revenues to the end of June 2016 exceeded budget with Council's investment return consistently higher than the adopted benchmark in the Investment Policy with an actual level of return of 12.5 percent more than budget.

Corporate and Community

Report No. CC48/2016

Corporate and Community Services

**Investment Portfolio Information**

Total cash and investments held by Council as at 30 June 2016 are:

Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity / Next Coupon Date	Current Coupon Rate	Par Value \$'000
	Commonwealth Bank	Cash			1.40%	7,093
	Commonwealth Bank	At Call			1.35%	691
1243	AMP Bank	At Call			2.30%	500
1233m	Suncorp Bank	TD	188	14-Sep-16	3.10%	700
1236m	Maitland Mutual BS	TD	118	28-Sep-16	2.90%	600
1255l	ANZ Bank	TD	152	20-Jul-16	2.95%	800
1256i	National Australia Bank	TD	153	05-Oct-16	3.01%	900
1258k	ANZ Bank	TD	182	11-Aug-16	2.95%	700
1260g	National Australia Bank	TD	186	11-Oct-16	3.10%	1,000
1262l	Newcastle Permanent BS	TD	91	1-Sep-16	2.85%	600
1263g	Westpac Bank	TD	91	23-Aug-16	2.50%	600
1264h	IMB Bank	TD	182	17-Aug-16	2.90%	600
1266h	Westpac Bank	TD	91	10-Aug-16	2.75%	700
1269e	Maitland Mutual BS	TD	183	21-Sep-16	3.10%	900
1270i	Bendigo & Adelaide Bank	FRN	91	15-Aug-16	3.26%	500
1273e	Members Equity Bank	TD	182	27-Jul-16	3.05%	600
1276j	Newcastle Permanent BS	TD	182	8-Dec-16	2.80%	800
1277i	Greater Building Society	FRN	92	24-Aug-16	3.30%	500
1281d	National Australia Bank	TD	167	3-Aug-16	3.03%	700
1282c	Maitland Mutual BS	TD	196	19-Oct-16	3.10%	700
1284d	National Australia Bank	TD	197	5-Oct-16	3.10%	800
1285d	National Australia Bank	TD	182	14-Dec-16	2.98%	600
1286d	IMB Bank	TD	91	1-Sep-16	2.65%	900
1287f	IMB Bank	VRD	94	15-Aug-16	2.74%	700
1288c	Members Equity Bank	TD	182	17-Aug-16	2.95%	800
1289c	Suncorp Bank	TD	181	24-Nov-16	2.95%	800
1290f	Newcastle Permanent BS	VRD	91	5-Sep-16	2.79%	700
1292b	Suncorp Bank	TD	182	11-Aug-16	3.07%	700
1293b	Maitland Mutual BS	TD	211	13-Jul-16	2.95%	800
1295e	Newcastle Permanent BS	TD	91	20-Sep-16	2.70%	900
1297b	Members Equity Bank	TD	189	8-Sep-16	2.95%	900
1298c	Newcastle Permanent BS	VRD	91	4-Jul-16	3.08%	800
1300b	Members Equity Bank	TD	183	8-Sep-16	2.95%	800
1301a	Maitland Mutual BS	TD	196	28-Sep-16	3.10%	800
1302a	Suncorp Bank	TD	182	24-Aug-16	3.05%	900
1303a	IMB Bank	TD	181	25-Aug-16	2.90%	700
1304a	AMP Bank	TD	181	22-Aug-16	3.00%	800
1305a	Commonwealth Bank	TD	184	3-Aug-16	2.92%	900

Corporate and Community

Report No. CC48/2016

Corporate and Community Services



Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity / Next Coupon Date	Current Coupon Rate	Par Value \$'000
1306a	Suncorp Bank	TD	183	15-Sep-16	2.95%	900
1307b	Bankwest	TD	153	11-Oct-16	2.80%	800
1308b	Bankwest	TD	91	17-Aug-16	2.80%	900
1311a	Bankwest	TD	119	18-Oct-16	2.85%	600
TOTAL						37,684

The following table provides information on the level of funds held and the percentage invested with financial institutions in the investment portfolio:

Financial Institution	Amount \$'000	% of Portfolio
Commonwealth Bank of Australia	8,684	23.05%
National Australia Bank	4,000	10.61%
Suncorp Bank	4,000	10.61%
Bankwest	2,300	6.10%
Newcastle Permanent Building Society	3,800	10.08%
Maitland Mutual Building Society	3,800	10.08%
IMB Bank	2,900	7.70%
Members Equity Bank	3,100	8.23%
ANZ Bank	1,500	3.98%
Westpac Bank	1,300	3.45%
AMP Bank	1,300	3.45%
Bendigo & Adelaide Bank	500	1.33%
Greater Building Society	500	1.33%
TOTAL	37,684	100.00%

The following table provides information on investment types including a risk assessment and the amount and percentage invested compared to the total investment portfolio:

Investment Type	Risk Assessment		Amount \$'000	% of Portfolio
	Capital	Interest		
Term Deposits	Low	Low	26,200	69.53%
Cash/At Call Deposits	Low	Low	8,284	21.98%
Variable Rate Deposit	Low	Low	2,200	5.84%
Floating Rate Notes	Low	Low	1,000	2.65%
TOTAL			37,684	100.00%

Corporate and Community

Report No. CC48/2016

Corporate and Community Services



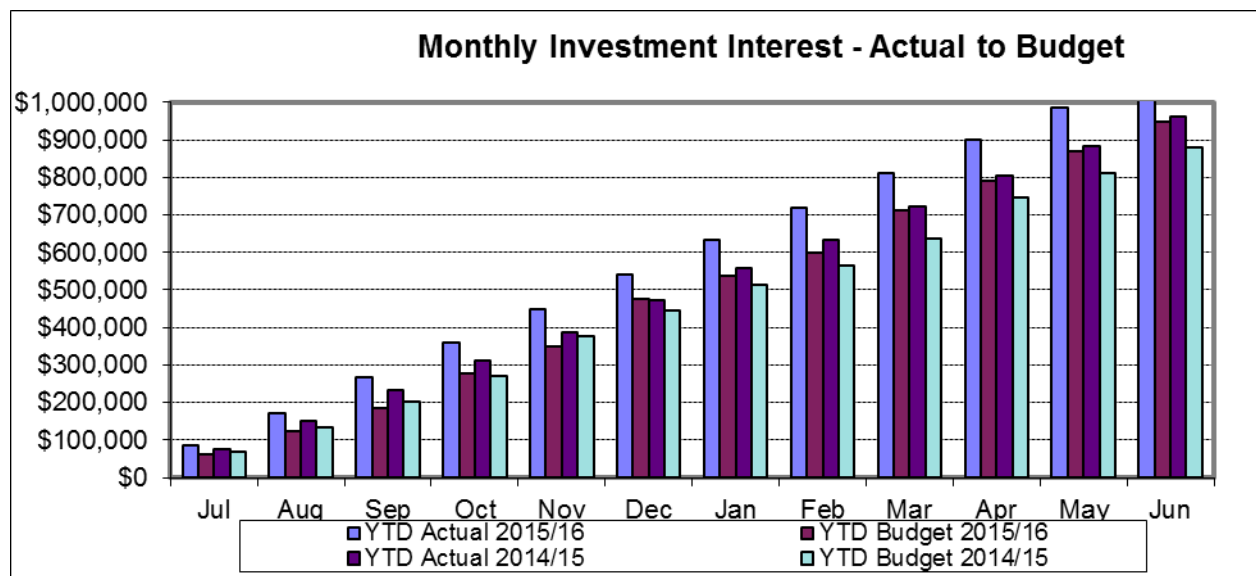
The following table provides information on interest rates and earnings this year compared to last year as well as a comparison of investment balances from this year to last year:

Performance Measures	This Year	Last Year
Portfolio Average Interest Rate (year to date)	2.76%	3.21%
BBSW Average Interest Rate (year to date) *	2.19%	2.48%
Actual Investment Interest Earned (year to date)	\$1,068,884	\$962,927
Budget Investment Interest (year to date)	\$950,000	\$880,000
Original Budget Investment Interest (Annual)	\$650,000	\$810,000
Revised Budget Investment Interest (Annual)	\$950,000	\$880,000

Investment Balances (Par Value)	This Year	Last Year
Opening Balance as at 1 July	\$37,253,000	\$30,576,000
Month End Current Balance	\$37,684,000	\$37,253,000

- BBSW 90 day Bank Bill Reference Rate (performance measure as per Council's Investment Policy)

The following graph compares actual interest earned to budget for this year and last year.



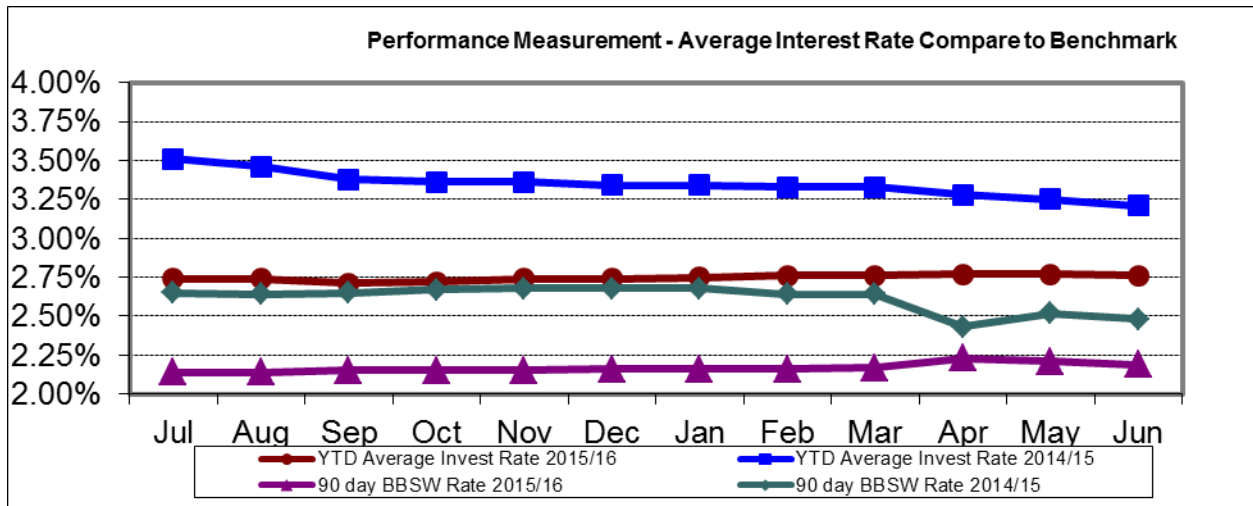
Corporate and Community

Report No. CC48/2016

Corporate and Community Services



The following graph compares current year portfolio performance to prior year performance.

**OPTIONS**

N/A

CONSULTATION

Financial Accountant

STRATEGIC LINKS**a. Delivery Program**

Investment returns are an integral part of funding sources for future services and community expectations within the Delivery Program and Operational Plan.

b. Other Plans

N/A

IMPLICATIONS**a. Policy and Procedural Implications**

Investments are held in accordance with Council's Investment Policy which accords with the Ministerial Investment Order.

b. Financial Implications

Investment returns are included in Council's Delivery Program and Operational Plan. Amendments are effected through the Quarterly Budget Review process. Investment portfolio performance is detailed within the report with comparisons to prior year and budget.

Corporate and Community

Report No. CC48/2016

Corporate and Community Services



A portion of the portfolio and its associated investment income is restricted as it relates to funds held from Developer Contributions, Domestic Waste Management and Property Investment Reserve and is not available for operational projects.

c. Legislative Implications

This report meets Council's statutory obligations under the Local Government (General) Regulation 2005 and the Local Government Act 1993.

d. Risk Implications

Investment risks are detailed within this report.

e. Other Implications

There are no environmental, community, consultative or other implications to this report.

CONCLUSION

The report details investments held and meets statutory and policy reporting obligations.

ENCLOSURES

There are no enclosures for this report.

SUBJECT: *PEDESTRIAN ACCESS AND MOBILITY PLAN (PAMP)*
RESPONSIBLE OFFICER: *Strategic Traffic & Transport Planning Engineer - Maria Nikolaidis*
Strategic Asset Planning Manager - Stephen Long

SUMMARY

The purpose of this report is to seek Council's adoption of the draft Pedestrian Access and Mobility Plan (PAMP) with the changes outlined in this report.

RECOMMENDATION

1. That Council adopts the draft Pedestrian Access and Mobility Plan, with the changes outlined in this report;
2. That Council notify persons who made a submission during the draft Pedestrian Access and Mobility Plan exhibition period of Council's decision;
3. That Council makes provision for the implementation of the draft Pedestrian Access and Mobility Plan in consideration of future Capital programs.

BACKGROUND

At its 4 May 2016 meeting Council resolved the following:

1. *That Council place the draft Pedestrian Access and Mobility Plan on exhibition for 28 days.*
2. *That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Pedestrian Access and Mobility Plan.*
3. *That a Councillor Briefing be held prior to the closure of the Exhibition period for the draft Pedestrian Access and Mobility Plan.*
4. *That a briefing to the Access Advisory Committee be held prior to the closure of the Exhibition period for the draft Pedestrian Access and Mobility Plan.*

In response to this resolution, the draft PAMP was placed on public exhibition from 11 May to 8 June 2016; a Councillor briefing was held on 11 May; and the Access Advisory Committee were briefed on 25 May. This report provides a summary of the submissions received and how they have been addressed.

REPORT/PROPOSAL

The main objective of the draft PAMP is to provide Council with a long-term strategy and action plan for pedestrian facilities within the Cessnock LGA. It will facilitate a strategic and coordinated approach to the provision of safe, convenient and connected pedestrian routes and infrastructure to the community.

Works and Infrastructure

Report No. WI40/2016

Works and Infrastructure



The core deliverables of the draft PAMP include:

- Mapping existing pedestrian networks and identifying opportunities to complete existing, or establish new networks;
- A long term strategy for the development of pedestrian routes and facilities to assist Council in planning future infrastructure projects;
- A costed works program for improving pedestrian facilities.

The draft PAMP has been developed in accordance with the NSW Roads and Maritime Services (RMS) document "How to prepare a Pedestrian Access and Mobility Plan".

The document was placed on public exhibition from Wednesday, 11 May to Wednesday, 8 June 2016. Copies of the plans were available for viewing at the Administration Centre in Cessnock and at Council's Libraries in Cessnock and Kurri Kurri. In addition, the documents were available on Council's website.

Submissions

Council received two submissions on the draft PAMP. The submissions were provided by the Cessnock City Council Access Advisory Committee and questions raised at the Councillor briefing session held on 11 May 2016.

A summary of the matters raised in the submissions as well as responses are included in the Enclosure to this report. Only one minor change has been made to the draft PAMP as a result of the feedback received.

Table 1 Proposed change to the draft Pedestrian Access and Mobility Plan.

<i>PAMP Map</i>	<i>Proposed Change</i>
Kurri Kurri Proposed Infrastructure Upgrades and Kurri Kurri Proposed Infrastructure ID's	Map to show a footpath along Deakin Street, Kurri Kurri from Mitchell Avenue to Boundary Street.

OPTIONS

1. Adopt the draft PAMP with the change outlined in Table 1. This is the preferred option;
2. Adopt the draft PAMP with amendments to be determined by Council;
3. Not adopt the draft PAMP. This option is not recommended as the draft PAMP provides an important strategic framework that will be used to inform and guide the future provision of pedestrian infrastructure within the Cessnock Local Government Area (LGA).

CONSULTATION

The following stakeholders were consulted in the preparation of the draft PAMP:

Works and Infrastructure

Report No. WI40/2016

Works and Infrastructure



Internal

- Councillors (Briefing Session held 11 May 2016)
- Community and Cultural Engagement
- Strategic Land Use Planning
- Design Delivery
- Recreation Services
- Cessnock City Council Access Advisory Committee

External

- Roads and Maritime Services (RMS)
- Community / Public Consultation
- Various Bicycle Groups
- Online community survey
- Public Schools (Primary and Secondary)
- NSW Department of Primary Industries - Lands
- NSW Department of Transport

Further details of consultation, is included in the draft PAMP.

STRATEGIC LINKS

a. Delivery Program

The draft PAMP is linked to the following action identified within the 2016-2017 Operational Plan:

Community's Desired Outcome: A Connected, Safe and Creative Community. Objective 1.1 – Promoting Social Connections, specifically action item 1.1.3 g: Complete Development of the Pedestrian Access and Mobility Plan.

b. Other Plans

All relevant plans and strategies are identified within Section 3 of the draft PAMP.

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Implementation of the priority works identified in the draft PAMP will be considered through Council's annual budget and Operational Plan processes.

The PAMP would be considered as part of the development of new Developer Contributions Plans where there is a nexus between the identified works and the future growth in the LGA.

Works and Infrastructure

Report No. WI40/2016

Works and Infrastructure



Should the draft PAMP be adopted, Council will be in an excellent position when applying for grant funds as it will be able to demonstrate links to an adopted strategy that has had a high level of community involvement which is often one of the key criteria to be met when applying for funds. Wherever appropriate, footpaths and cycleways will be consolidated and funding sourced for shared pathways.

Council currently allocates \$250,000 to the Pathways Construction Program in its annual Capital Works Program.

The estimated costs to implement these identified priorities (see also Tables 5.2 and 5.3 contained in the draft PAMP) are as follows:

- **High priority** - essential for pedestrian safety, **\$1.5M**;
- **Medium priority** – desirable for pedestrian safety, convenience or amenity, **\$3.76M**;
- **Low priority** - little impact on pedestrian safety, desirable for pedestrian convenience or amenity, **\$5.88M**.

c. Legislative Implications

Nil

d. Risk Implications

The draft PAMP has been part funded (75 percent of contract value) by the RMS. Should Council resolve to not adopt the draft PAMP, there is a risk that RMS will withdraw its funding due to Council not meeting the requirements of the funding agreement.

e. Other Implications

Walking is one of the most efficient modes of transport; generating considerable health, economic and social benefits. With increased pedestrian activity in town centres and other recreational areas, Council has identified a need to develop a PAMP.

The draft PAMP was developed as part of Council's long term asset and strategic planning framework. The implementation of the improvements identified in the draft PAMP is expected to encourage people to walk rather than use their cars.

The draft PAMP provides a strategic framework to take advantage of the opportunities within the Cessnock LGA and maximise the community benefit from investment in pedestrian infrastructure.

CONCLUSION

The draft PAMP will facilitate evidence-based decision making with respect to Council's Pathways Construction program.

Works and Infrastructure

Report No. WI40/2016

Works and Infrastructure



By adopting the draft PAMP, it will be used to inform Council policy, planning and strategic direction with regards to the pedestrian needs of the Cessnock LGA stemming from anticipated new development, increasing development densities and the resulting additional population. The PAMP highlights existing problem areas which will be considered for priority works in future Capital Works Programs.

ENCLOSURES

- 1** Table 1. Matters raised in Submission on the Draft Pedestrian Access and Mobility Plan