

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 20 JULY 2016, COMMENCING AT  
6.30 PM**

**PRESENT:** His Worship the Mayor, Councillor R Pynsent (in the Chair) and Councillors Gibson, Doherty, Olsen, Ryan, Stapleford, Hawkins, Smith, Campbell 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  
Director Works and Infrastructure  
Manager Governance and Business Services  
Development Services Manager  
Team Leader Development Services  
Senior Planning Assessment Officer  
Consultant Development Engineer  
Senior Media & Communication Officer  
Media & Communication Officer  
Corporate Administration Officer

**APOLOGY:**

**MOTION** **Moved:** Councillor Gibson  
**Seconded:** Councillor Parsons

1742

**RESOLVED** that the apology tendered on behalf of Councillor Troy, for unavoidable absence, be accepted and leave of absence granted.

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**MINUTES:**

**MOTION**

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

1743

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 6 July 2016, as circulated, be taken as read and confirmed as a correct record.

**FOR**

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

**AGAINST**

Councillor Olsen

**Total (1)**

**CARRIED**

**DISCLOSURES OF INTEREST**

**DISCLOSURES OF INTEREST NO. DI12/2016**

**SUBJECT: DISCLOSURES OF INTEREST**

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Nil

**PETITIONS**

The Mayor tabled a petition received in regard to the renaming of Peace Park to the Jeff Maybury Peace Park.

**PROCEDURAL MOTION**

**Moved:**  
**Seconded:**

Councillor Gibson  
Councillor Stapleford

1744

**RESOLVED**

That the following reports be dealt with Englobo:-

**CC45/2016 – Resolutions Tracking Report**

**CC46/2016 – September 2016 Local Government Elections - Caretaker Provisions**

**CC47/2016 – Local Government Elections and Use of Council Resources and Electoral Materials**

**CC48/2016 – Investment Report - June 2016**

**WI40/2016 – Pedestrian Access and Mobility Plan (PAMP)**

**GMU8/2016 - Minutes of the Economic Development Strategy Committee of the Cessnock City Council held 7 June 2016 at 5.15pm**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Ryan
Councillor Doherty	
Councillor Olsen	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (1)</b>

**CARRIED**

**MOTION**  
1745

**Moved:** Councillor Gibson

**Seconded:** Councillor Stapleford

**RESOLVED**

That the following reports be adopted:-

**CC45/2016 – Resolutions Tracking Report**

**CC46/2016 – September 2016 Local Government Elections - Caretaker Provisions**

**CC47/2016 – Local Government Elections and Use of Council Resources and Electoral Materials**

**CC48/2016 – Investment Report - June 2016**

**WI40/2016 – Pedestrian Access and Mobility Plan (PAMP)**

**GMU8/2016 - Minutes of the Economic Development Strategy Committee of the Cessnock City Council held 7 June 2016 at 5.15pm**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Ryan
Councillor Doherty	
Councillor Olsen	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (1)</b>

**CARRIED**

6.34pm

**SUSPENSION OF STANDING ORDERS**

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

1746

**RESOLVED**

**That so much of Standing Orders be suspended as would prevent Council from hearing all 28 registered speakers.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## ADDRESS BY INVITED SPEAKERS

The following people have been invited to address the meeting of Council:

Speakers	For Recommendation	Against	Page No.	Duration
Michele Davis		√	62	3 Mins
Neil Smith on behalf of Uniting Church in Australia, Presbytery of the Hunter	√		62	3 Mins
Nicholas Swanson		√	62	3 Mins
Dr Niko Leka	√		62	3 Mins
Natalie Squires on behalf of Buchanan Rural Residents Group		√	62	3 Mins
David Whitson on behalf of the Olive Ribbon Campaign	√		62	3 Mins
Sarah Lonegran		√	62	3 Mins

**EXTENSION OF TIME**

1747

**Moved:**  
**Seconded:**

Councillor Ryan  
Councillor Hawkins

**RESOLVED**

**That an extension of time for 30 seconds be granted to allow Sarah Lonegran to complete her address.**

**FOR**

Councillor Gibson  
Councillor Doherty  
Councillor Ryan  
Councillor Stapleford  
Councillor Hawkins  
Councillor Parsons  
Councillor Pynsent  
**Total (7)**

**AGAINST**

Councillor Olsen  
Councillor Smith  
Councillor Campbell

**Total (3)**

**CARRIED**

Kerry Vernon on behalf of Support the Mosque for Buchanan	√		62	3 Mins
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Peter Balfour spoke for Wendy Balfour representing Inter-Denominational Faith		√	62	3 Mins
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*Councillor Gibson left the meeting, the time being 7.09pm*

*Councillor Gibson returned to the meeting, the time being 7.12pm*

Sister Diana Santleben on behalf of Hunter Refugees & Partners Inc & Catholic Religious Hunter	√		62	3 Mins
Mr Rod Holding	√		62	3 Mins

*Councillor Campbell left the meeting, the time being 7.17pm*

*Councillor Campbell returned to the meeting, the time being 7.21pm*

Dr Meg Sherval on behalf of Buchanan Rural Residents Group		√	62	3 Mins
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*Councillor Hawkins left the meeting, the time being 7.25pm*

*Councillor Hawkins returned to the meeting, the time being 7.27pm*

Rev Warwick Cadenhead on behalf of Uniting Church Minister, Maitland Eastside	√		62	3 Mins
Mr Paul Ramzan		√	62	3 Mins
Tim Plater	√		62	3 Mins
Mark Stevenage	√		62	3 Mins
Mr David Gratton		√	62	3 Mins
Phillipa Parsons on behalf of Newcastle: Unity in Diversity	√		62	3 Mins
D Walters		√	62	3 Mins
Wendy White	√		62	3 Mins



**EXTENSION OF TIME****Moved:**  
**Seconded:**Councillor Ryan  
Councillor Parsons**That an extension of time for 30 seconds be granted to allow Wendy White to complete her address.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Ryan	Councillor Gibson
Councillor Parsons	Councillor Doherty
Councillor Pynsent	Councillor Olsen
Councillor Hawkins	Councillor Stapleford
	Councillors Smith
	Councillor Campbell
<b>Total (4)</b>	<b>Total (6)</b>

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

Rev. Dr. Brian Tucker representing NSW Leader Rise Up Australia Party – Representing concerned citizens		√	62	3 Mins
Jo-anne Wickham on behalf of Refugee Action Network Newcastle	√		62	3 Mins
Diana Rah representing Newcastle Muslim Association	√		62	3 Mins
Therese Doyle	√		62	3 Mins

**EXTENSION OF TIME****Moved:**  
**Seconded:**Councillor Ryan  
Councillor Parsons**That an extension of time of 30 seconds be granted to Therese Doyle to complete her address.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Ryan	Councillor Gibson
Councillor Parsons	Councillor Doherty
Councillor Pynsent	Councillor Olsen
	Councillor Stapleford
	Councillor Hawkins
	Councillor Smith
	Councillor Campbell
<b>Total (3)</b>	<b>Total (7)</b>

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

Erin Killion	√		62	3 Mins
Mr Jonathan Berry on behalf of Kleinfelder Australia Pty Ltd (Applicant)	√		62	3 Mins

8.13pm

**RESUMPTION OF STANDING ORDERS**

**Moved:** Councillor Smith  
**Seconded:** Councillor Campbell

1748

**That Standing Orders be resumed.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

# PLANNING AND ENVIRONMENT

## PLANNING AND ENVIRONMENT NO. PE51/2016

**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

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

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 in condition 2 below the table the following be added “the proponents shall maintain a register of attendance numbers of each occasion and an annual return to be submitted to Council”.
3. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council’s decision.

*Councillor Gibson left the meeting, the time being 8.24pm  
Councillor Gibson returned to the meeting, the time being 8.25pm*

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

That the Development Application be refused on the grounds that it doesn’t address the objectives of the RU2 zone and the prohibitions contained within the zone.

Objectives of the Zone  
Inconsistencies with Zoning Objectives

Prohibited items such as:-

Car Parks

Commercial premises

Mortuaries/funeral homes

“Claims of ancillary development to the main building hides the fact that a Funeral Home and car parks are prohibited in the RU2 Zone”

Also there are real traffic issues on Buchanan road with safety (including bus stop) and inadequate access to the site.

There are no provisions of growth in general traffic usage along Buchanan Road and there are no provisions for the potential increased worshipper numbers in the future.

Furthermore the inadequate on site sewer management system is of grave concern and also makes no provision for growth in worshipper numbers. This is also an over development of hard (non porous) surfaces on the site which will increase flash flooding/storm surges to lower lying properties. (This has been witnessed in the past on site in storm events without the extra development proposed).

And finally this development is not considered to be in the public interest as demonstrated by the level of submissions and petitions against this development which have been raised by the Buchanan community.

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Ryan
Councillor Doherty	Councillor Stapleford
Councillor Olsen	Councillor Smith
Councillor Hawkins	Councillor Campbell
	Councillor Parsons
	Councillor Pynsent
<b>Total (4)</b>	<b>Total (6)</b>

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

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

**MOTION**            **Moved:** Councillor Smith            **Seconded:** Councillor Campbell  
1749  
**RESOLVED**

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 in condition 2 below the table the following be added “the proponents shall maintain a register of attendance numbers of each occasion and an annual return to be submitted to Council”.
3. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council’s decision.

**FOR**

Councillor Ryan  
 Councillor Stapleford  
 Councillor Smith  
 Councillor Campbell  
 Councillor Parsons  
 Councillor Pynsent  
**Total (6)**

**AGAINST**

Councillor Gibson  
 Councillor Doherty  
 Councillor Olsen  
 Councillor Hawkins  
  
**Total (4)**

**CARRIED****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.

<b>Plan Reference</b>	<b>Drawn By</b>	<b>Dated</b>
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
CIVIL WORKS INTERSECTION LAYOUT PLAN – SHEET 3	Royal Haskoning DHV	Undated

<b>Document Title</b>	<b>Prepared By</b>	<b>Dated</b>
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.

## 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.

## 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.

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.

## **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](http://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.**

### **18. 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.

## **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.

**23. 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 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
- 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*.

## 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).

**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.

**MOTIONS OF URGENCY**

**MOTIONS OF URGENCY NO. MOU12/2016**

**SUBJECT: MOTIONS OF URGENCY**

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NIL

**GENERAL MANAGER'S UNIT**

**GENERAL MANAGER'S UNIT NO. GMU8/2016**

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

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**MOTION**            **Moved:** Councillor Gibson            **Seconded:** Councillor Stapleford  
1750  
**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Ryan
Councillor Doherty	
Councillor Olsen	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (1)</b>

**CARRIED**

**CORPORATE AND COMMUNITY**

**CORPORATE AND COMMUNITY NO. CC45/2016**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

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**MOTION**      **Moved:** Councillor Gibson      **Seconded:** Councillor Stapleford  
1751  
**RESOLVED**

**That Council receive the report and note the information.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Ryan
Councillor Doherty	
Councillor Olsen	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (1)</b>

**CARRIED**



**CORPORATE AND COMMUNITY NO. CC46/2016**

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

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**MOTION**      **Moved:** Councillor Gibson      **Seconded:** Councillor Stapleford  
1752  
**RESOLVED**

**That Council receive the report and note the information.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Ryan
Councillor Doherty	
Councillor Olsen	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (1)</b>

**CARRIED**

**CORPORATE AND COMMUNITY NO. CC47/2016**

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

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**MOTION**      **Moved:** Councillor Gibson      **Seconded:** Councillor Stapleford  
1753  
**RESOLVED**

**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.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Ryan
Councillor Doherty	
Councillor Olsen	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (1)</b>

**CARRIED**

**CORPORATE AND COMMUNITY NO. CC48/2016**

**SUBJECT: INVESTMENT REPORT - JUNE 2016**

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**MOTION**      **Moved:** Councillor Gibson      **Seconded:** Councillor Stapleford  
1754

**RESOLVED**

**That Council receive the report and note the information.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Ryan
Councillor Doherty	
Councillor Olsen	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (1)</b>

**CARRIED**

# WORKS AND INFRASTRUCTURE

## WORKS AND INFRASTRUCTURE NO. WI40/2016

**SUBJECT: PEDESTRIAN ACCESS AND MOBILITY PLAN (PAMP)**

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**MOTION**      **Moved:** Councillor Gibson      **Seconded:** Councillor Stapleford  
1755

**RESOLVED**

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.

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Ryan
Councillor Doherty	
Councillor Olsen	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (1)</b>

**CARRIED**

## **QUESTIONS FOR NEXT MEETING**

*Councillor Bryce Gibson*

### **FUTURE DEVELOPMENTS IN BUCHANAN**

Councillor Gibson asked what future developments are there in Buchanan and what is the progression of each one.

*Councillor Catherine Parsons*

### **GARDEN IN YANGO STREET, CESSNOCK**

Councillor Parsons asked whether the garden in Yango Street is looked after by Council or privately as it is in a state of disrepair.

*Councillor Morgan Campbell*

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

Councillor Campbell referred to the intersection of Greta and Colliery Street, Aberdare and the fact that the white paint has not be applied to indicate "Give Way" and asked if Council had heard any further from the RMS.

*Councillor James Ryan*

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

Councillor Ryan has received reports that the Council storage area adjacent to the football fields at Margaret Johns Park, have excessive amounts of bitumen and roadbase, and is concerned about children's safety.

## **COUNCILLOR'S REPORTS**

NIL

*The Meeting Was Declared Closed at 8.43pm*

**CONFIRMED AND SIGNED** at the meeting held on 3 August 2016

.....**CHAIRPERSON**

.....**GENERAL MANAGER**