



Vincent Street
CESSNOCK 2325

25 March 2008

To All Councillors

You are hereby notified that the next Meeting of the Strategic & Community Services Committee will be held in the Council Chambers, on Wednesday, 2 April 2008, commencing at 6.30 pm, for the purpose of transacting the undermentioned business.

**B R MORTOMORE
GENERAL MANAGER**

AGENDA:

PAGE NO.

(1) APOLOGIES.

(2) CONFIRMATION OF MINUTES.

Minutes of the Strategic & Community Services Committee
Meeting held on 19 March 2008

(3) OFFICERS' REPORTS

ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES

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(4) QUESTIONS WITHOUT NOTICE.

OFFICER'S REPORTS

ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES REPORT NO. 26/2008

**SUBJECT: PROPERTY ACQUISITION - PART LOT 808 DP727672 HARLE STREET,
 ABERMAIN**

Roads, Bridges & Drainage Manager, Mr J Booth, reports:-

PURPOSE

For Council to resolve to acquire a section of Crown land, being part of Lot 808 DP 727672 (copy enclosed), for road purposes at Harle Street, Abermain.

BACKGROUND

This has been an ongoing issue for Council for some time now and initial correspondence dates back to 1996. It involves a parcel of land at the western end of Harle Street, Abermain that is shown on plan catalogue number R9697-1603 (copy enclosed) and its intended dedication to the public as road. Action was undertaken in 1910 to open the subject road with the creation of the aforementioned plan and subsequent publication in the NSW Government Gazette 5 January 1910 of "Notification of Proposed Opening of Roads". For reasons unknown it would appear that the final action necessary for the original dedication to formally create the road was not undertaken (most likely an oversight). Council has been granted consent by the Department of Lands to acquire the Crown land as shown on the enclosed map from Council's GIS system.

INFORMATION

The western end of Harle Street, Abermain has not been dedicated as public road. Part of this road has been used by the public, Council and service authorities for many years and Council has spent public monies on its construction and maintenance. The subject land is shown "proposed to be withdrawn for road" on various documentation dated 1910 but this has never formally occurred. An adjoining land owner, Lot 152 DP 836602 (copy enclosed-which incorrectly shows the subject road reserve) does not have legal access to the public road system as a result of this. Common law allows the owners of Lot 152 DP 836602 to utilise the subject Crown land as access, although it should be noted that common law access does not constitute permanent legal access as circumstances of land status could change at any time.

Considering the amount of public funds, infrastructure, public use and development applications that Council has previously approved utilising this road, the Department of Lands has given consent to Council (copy enclosed) to acquire the land for road purposes under the provisions of the Land Acquisition (Just terms Compensation) Act, 1991. Should Council wish to proceed with the acquisition of the Crown land, Council's written request along with a detailed plan showing exactly the boundaries of the land Council wishes to acquire will be required by the Department to commence proceedings.

RECOMMENDATION that: -

1. Council proceed to acquire the portion of Crown land required for road purposes (approximately 3,300 square metres) at the western end of Harle Street, Abermain being part of Lot 808 DP 727672.
2. The Council Seal be affixed to the necessary documents and plans for the acquisition of the subject land by Cessnock City Council from the registered proprietors of the affected property Lot 808 DP 727672.
3. The General Manager is delegated authority to negotiate agreed compensation (if required) with the Department of Lands and to proceed with the property acquisition to finality.

To: **The General Manager**
Strategic & Community Services
Committee - 2 April 2008

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ACTING DIRECTOR STRATEGIC &
COMMUNITY SERVICES
25 March 2008

ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES

REPORT NO. 27/2008

SUBJECT: GOVERNMENT ROAD PRECINCT (CESSNOCK NORTH) – REQUEST FOR AUTHORISATION TO EXHIBIT DRAFT LEP

Consultant Planner, Leanne Saccaro, reports:-

In February 2007 Council resolved, pursuant to Section 54 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to prepare a draft Local Environmental Plan to allow future urban development of the Government Road Precinct, as identified in the Cessnock City Wide Settlement Strategy Stage 1. Council also resolved to inform the Director General of Council's decision, consult with the relevant State Government agencies and other interested parties and report back to Council prior to public exhibition of the draft plan.

Council advised the Department of Planning (DoP) on 22 February 2007 of its decision to prepare the draft Local Environmental Plan and to seek the support of the LEP Review Panel. The DoP wrote to Council on 14 March 2007 advising that the LEP review panel would consider the rezoning at a later date, prior to Council submitting the draft plan for exhibition. The DoP confirmed that there was no need for a Local Environmental Study to be prepared in respect to the draft LEP, however as a new release area, 'adequate environmental assessment' was required, including 'mechanisms for provision and funding of infrastructure.'

This report describes the relevant issues, the response(s) from the applicant, remaining issues to be addressed during and post exhibition and the subsequent recommendations for the draft LEP as per the attached draft zone map.

It is recommended that Council resolve to exhibit the draft LEP and draft environmental studies for a period of 30 days and seek a Written Authorisation to Exercise Delegations from the DoP.

BACKGROUND

In July 2007 a Stage 2 rezoning submission was submitted for Council's consideration including specialist reports and making recommendations for proposed structure and zoning plans. An assessment found that there were a number of matters for further consideration prior to consultation being undertaken with the relevant Government Agencies (s.62 consultation). The issues raised included, but were not limited to, resolution of matters pertaining to the proposed clearing of native vegetation, general compliance with *Planning for Bushfire Protection Guidelines (PBP) 2006* and compliance with SEPP 55 – Remediation of Land.

The applicant responded by way of clarification of the points raised by Council, including that ecological offset options for the proposed clearing were being investigated, and requested that the agency consultation commence at the earliest opportunity.

In September 2007 Section 62 consultation was undertaken. Several agencies objected to the subject rezoning and Council advised the proponent on 7 December 2007 of the matters raised and the issues which required further clarification to enable the rezoning to proceed. Additional information was provided and further consultation undertaken with several of the government agencies where appropriate. It is considered that issues raised during consultation, supported by the response received from the applicant, have been resolved to the extent that the draft LEP is now able to be exhibited for public comment.

PROPOSED REZONING

The Government Road Precinct (Cessnock North) investigation area is located approximately 2.5 kilometres north east of the centre of Cessnock and forms part of the Black Creek Catchment. It has been identified in the Cessnock City Wide Settlement Strategy (Stage 1) (CWSS) as having potential for urban development and the Lower Hunter Regional Strategy has identified the site as a “proposed urban area”.

The site is identified as:

- Lot 2 DP 1067096, 31 Government Rd
- Lot 1 DP 1067096, 29 Government Rd
- Lot 34 DP 1004648, Government Rd
- Lot 33 DP 1004648, 33 Government Rd
- Lot 1 DP 392537, 27 Government Rd
- Lot 1 DP 403312, 25 Government Rd
- Lot 1 DP 403335, 23 Government Rd
- Lot A DP 421061, 21 Government Rd
- Lot B DP 421061, 19 Government Rd

Comprising a total of nine (9) lots and having an area of approximately seventy three (73) hectares, the site is in a number of ownerships. The rezoning process thus far has been driven by the Davies family, who own or control part of the site. The studies undertaken to support the proposal, while funded by the Davies family, cover all of the land in the investigation area, regardless of ownership, and the rezoning proposal prepared by Harper Somers O’Sullivan on behalf of the Davies family (hereafter referred to as the proponent) makes zoning recommendations for all of the land.

The Lower Hunter Regional Strategy refers to new urban release areas being planned to achieve an average yield of 12 dwellings per hectare. The proponents submission provides for a developable area (ie after removing open space etc) of approximately 34.5 hectares. At 12 dwellings per hectare this would result in approximately 414 dwellings.

The staged structure plan indicating how the yields might be achieved while providing for buffer and recreation zones is included at **Attachment A**.

Consideration has been given to the proposed structure plan and the specialist reports provided for by the rezoning submission, including the additional information received 14 February 2008. The proposed zones have regard for this assessment and the constraints which currently exist relative to the subject land.

Flora and Fauna Assessment

The site contains four broad vegetation assemblages and while Cleared Managed Land (CML) is the dominant vegetation community across the site, an 8ha remnant stand of Lower Hunter Spotted Gum Ironbark Forest (LHSGIF) is located on the eastern portion of Lot 33. As noted by the Flora and Fauna Assessment *‘the community exhibits a relatively intact assemblage of native plants that are known to occur within LHSGIF and a low occurrence of weed species. As such it would have moderate to high regenerating potential if current land uses were to desist (Executive Summary II)’*. It is also noted that the stand is located within in it’s own catchment and is adjacent to a State Forest. A plan showing the location of the EECs on the site is included at **Attachment B**.

The rezoning submission proposes the clearing of this stand of vegetation for urban development purposes. It is considered that the location, scale and nature of this native forest stand is considered to be of significance and worthy of retention. The retention of this the 8ha native forest stand of LHSGIF is strongly recommended in that such would provide recreational opportunities for future residents, offset impacts of the resulting urban development on the subject site and provide a suitable buffer to the adjoining Council Work's Depot, located to the south of the site and the State Forest to the east.

Given the amount of future urban land now identified for the Cessnock LGA by the Lower Hunter Regional Strategy, there needs to be clear justification for the clearing of any EEC. There is little reference data to help Council make a decision as to whether the 8 hectares proposed for clearing will be important in ensuring an adequate supply of land for the LGA in the next 25 years (the planning period for the Lower Hunter Regional Strategy) or whether it should be protected. While this matter needs further investigation and discussion with DECC, there is currently insufficient evidence to suggest that removal of the 8 hectares from the development footprint will lead to any shortfall in residential land supply across the local government area.

While the proposed ecological offset package currently under the consideration of the DECC to provide biodiversity offsets in the form of in-holdings within Yengo National Park is noted, the broad scale clearing of EECs from the investigation area is not Council's preferred option.

This assessment provides that should DECC not support the offset package proposed, then the Draft LEP should provide for the application of Environment Conservation zones E2 or E3 where appropriate, in keeping with DECC's original advice. However, should the structure plan be supported by DECC, subject to the biodiversity impacts resulting from the development being offset, then this will be duly acknowledged. Any required offsets are then required to be addressed in any Voluntary Planning Agreements (VPA's) which may subsequently apply to the land.

Bushfire Assessment

The provisions of Planning for Bushfire Protection (PBP) 2006 apply to any future development on the site. Any subsequent development on the land will be subject to assessment in accordance with Section 79BA of the Environmental Planning and Assessment Act, 1979 and the Rural Fires Act 1997.

Traffic and Access

The proposal needs to ensure provision of a road connection between the proposed new release area and the land to the south (Council Depot and Landcom owned land) and also provide a connection through to Wine Country Drive to the west. It is recommended that these connections be formally negotiated with the relevant land owners prior to finalisation of the draft plan.

Proximity to the Cessnock Waste Water Treatment Plant (WWTP)

The Cessnock WWTP adjoins the investigation area to the north. The Hunter Water Corporation requires a buffer zone of 400m from the property boundary of a Wastewater Treatment Plant for any residential type of development. This is provided for by the draft structure plan and zone map.

Draft Zone Map

After discussion with DoP, and given the timing of the new comprehensive LEP for Cessnock, due for completion in 2008 in accordance with the NSW Government's 'Standard Instrument', it has been decided to utilise the Standard Instrument zones for the subject rezoning. It is planned that these zones will then be able to integrate into the new LGA wide plan.

The proposed draft zone map is included at **Attachment C**. The zones proposed are:

R2 – Low Density Residential. This zone covers approximately 34.5 hectares of the site and this residential zone is intended to provide for dwelling houses and other appropriate uses in the residential zone.

RU2 – Rural Landscape. This zone covers approximately 33 hectares of land and provides a buffer between proposed residential zones and the Cessnock WWTP as required by the Hunter Water Corporation.

RE1 – Public Recreation. This zone covers approximately 5.5 hectares of land and will include smaller active open space areas as proposed on the Structure Plan and land where sporting ovals will be established. This zone also provides for existing vegetation to be retained, particularly in riparian buffers. Development of this zone will be further addressed by any VPA applying to the land. Ultimately this will be land owned and managed by Council.

In addition to the zoning controls in the LEP, it is proposed to prepare a detailed Development Control Plan (DCP) which would form part of the Cessnock DCP 2006. It is considered that the DCP controls would address:

- housing type, density and location;
- provision and location of community facilities;
- a landscape strategy;
- connection with adjoining land;
- water management provisions;
- conservation management provisions, and
- contamination management (remediation) issues.

The appropriateness of the proposed spatial extent of the proposed zones is discussed in more detail in later sections of this report.

SECTION 62 CONSULTATION

In September 2007 Council commenced Section 62 consultation pursuant to the EP&A Act. Twelve (12) agencies were consulted. Comments received are summarised below. A more detailed consideration, with planning comments provided for each issue raised, is included at **Attachment D**.

1. Department of Water and Energy

No response was received from the Department.

2. Hunter-Central Rivers Catchment Management Authority (CMA)

The CMA objects to the current proposal because of the proposed clearing of 8.0 hectares of the EECs Lower Hunter Spotted Gum Ironbark Forest from Lot 33. The CMA requires that the 'improve or maintain' principle be demonstrated and notes that the Act allows for offsets to mitigate against the impact of any clearing. These offsets can be used to demonstrate the 'improve or maintain' principle." Offsets to compensate for vegetation proposed to be cleared are on a 'like for like or better' basis. That means that particular vegetation community must be offset by the same vegetation community of the same or better condition and managed to improve its condition.

The CMA requested that a salinity management plan be prepared for the area prior to any development and requested that the Catchment Action Plan (CAP) which was approved in January 2007, be taken into consideration, in particular the guiding principals section of the document and how those principles apply to (this) proposal.

Note 1: See Note 2 below.

3. NSW Department of Environment and Climate Change (DECC)

While not formally objecting to the rezoning proposal pursuant to section 62 of the EP&A Act, the DECC has provided comments for Council to consider in preparing an LES for the site, and has enclosed its three page guideline to preparation of environmental impact assessment reports.

The DECC advised that the site contains mapped vegetation communities which are listed as Endangered Ecological Communities under the NSA Threatened Species Conservation Act 1995. There are a number of records of threatened flora and fauna species from the locality and with potential habitat likely to be on-site. Hence a detailed ecological assessment should be undertaken which is sufficiently comprehensive to allow the DECC to adequately assess the impacts of the proposal and the suitability of the proposed mitigation measures. With regard to clearing of native vegetation DECC's expectation is that the LEP amendment will achieve an "improve or maintain" benchmark for biodiversity values.

The DECC also recommends that Council comply with the requirements of SEPP 55 when preparing the draft LEP to ensure that it adequately addresses the areas of known or potential contamination. Also advising that to the east, the site adjoins a small parcel of Cessnock State Forest and DECC has advised that there is a possibility that these lands will be transferred to the DECC estate at some point in the future. Council is urged to consider the relevant issues when assessing proposals adjoining DECC land, particularly how they could impact on the reserve.

The DECC encourages the application of environment protection zones and development controls on land adjoining DECC reserves as a means of providing a buffer and avoiding the need for potentially stringent conditions at the DA stage. The DECC also note that any asset protection zones or infrastructure that may be required to support development adjoining DECC reserves must be contained within the development area and should not extend into, or rely on actions undertaken within, the reserve.

Note 2: The DECC has since advised Council that they are currently investigating the option of an ecological offset package as recently proposed by the proponent. Bushfire and contamination issues are discussed in greater detail below.

4. NSW Roads and Traffic Authority (RTA)

The RTA originally objected to the LEP amendment, requiring a comprehensive traffic study in accordance with the RTA's guide to Traffic generating developments to identify the cumulative traffic impacts of all currently identified rezonings and large scale developments within the Cessnock area on the surrounding local and arterial road network. The study should also identify the associated funding mechanisms and timing of implementation for road and intersection improvement works.

Note 3: In response to the comments made by both the RTA and Council, a revised traffic study has been prepared and referred to the RTA for comment. The RTA has responded stating that it has reviewed the revised traffic report and will release its objection to the proposed LEP amendment subject to certain requirements being incorporated into a Voluntary Planning Agreement for the land, the actual terms of which are still to be negotiated in consultation with the DoP. This is discussed in greater detail later in the report.

5. Hunter Water Corporation (HWC)

HWC has advised that the development potential of the site is more than that currently provided for in water supply and waste water transportation and treatment strategies and recommends that the developer seek preliminary advice from Hunter Water regarding water and sewer servicing needs and timing. A developer funded water servicing strategy and sewer servicing strategy will be required to determine how to service the whole site. It is also noted that the construction for new wastewater pumping stations will be required as portions of the development site drains away from the existing Wastewater transport infrastructure.

HWC requires a buffer zone of 400m from the property boundary of a Wastewater Treatment Plant for any residential type of development. Hunter Water advised that they did not support any change in the existing zoning within the buffer zone around the adjoining Cessnock WWTW that permitted additional residential (including rural residential) than would be allowable under the current zoning.

6. NSW Rural Fire Service (RFS)

The RFS has no objection to the rezoning but advises that any subsequent development on the land will be subject to assessment in accordance with Section 79BA of the Environmental Planning and Assessment Act, 1979 and the Rural Fires Act 1997. Any future development on the land (including the proposed subdivision layout) is required to satisfy the provisions of Planning for Bushfire Protection 2006.

7. Agility/AGL

Agility has not responded to date.

8. Department of Primary Industries (Agriculture) (DPI)

The Department of Primary Industries has raised no issues relevant to the interests of the Agriculture Division of the Department, nor Forests NSW or the Mineral Resources Division. The Fisheries Division raised no objections but recommended that minimising the impacts on downstream waterways be addressed within the planning and development of the site.

9. Energy Australia

Energy Australia advised that the development can be serviced with reticulated power and that any existing electricity network that requires extension or alteration will require an easement (under section 88B of the *Conveyancing Act 1919*) to secure and protect the works.

10. NSW Department of Education and Training

The Department has not responded to date.

11. Telstra Corporation

Telstra has not responded to date.

12. Mindaribba Local Aboriginal Land Council

The LALC has not responded to date.

CWSS AND THE LOWER HUNTER REGIONAL STRATEGY

The Cessnock City Wide Settlement Strategy (CWSS) identifies land across the Cessnock Local Government Area (LGA) for investigation for future urban development. Council considered a report on the CWSS at its meeting 21 November 2007.

The Lower Hunter Regional Strategy (LHRS) was released by the Department of Planning in 2006. The strategy aims to guide the Lower Hunter's growth for the next 25 years (2006-2031) by identifying future development areas, principal land use types, settlement patterns and conservation outcomes. All councils in the Lower Hunter are required to implement the outcomes and actions in the LHRS primarily through local environmental plans.

The CWSS has been reviewed at the Department's request. The CWSS was revised in 2007 to incorporate both stages of the CWSS into one document to form a single strategy. The CWSS (2007) incorporates the outcomes and actions arising from the LHRS (where possible in the timeframe for preparation of the new LEP) and extends the life of the CWSS to correspond with the twenty five (25) year time frame.

The Lower Hunter Regional Strategy (LHRS) identifies the land as part of a 'proposed urban area'. The Government Road Precinct is a new release area under the CWSS (2007) Settlement Strategy.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPP'S)

The following SEPPs are considered to be relevant to the subject proposal:

SEPP 1 – Development Standards

SEPP 4 - Development Without Consent and Miscellaneous Exempt and Complying Development;

SEPP 6 – No. of Storeys in a Building

SEPP 44 – Koala Habitat;

SEPP 55 - Remediation of Land;

SEPP 60 – Exempt and Complying Development

SEPP 65 – Design Quality of Residential Flat Buildings:

Draft SEPP 66 – Integration of Land Use and Transport.

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Housing for Seniors or people with a Disability) 2004

State Environmental Planning Policy (Major Projects) 2005,

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Infrastructure) 2007

SEPP 55 - Remediation of Land

The provisions of State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land apply to the subject rezoning. The site contains an operating fuel depot on Lot A DP 421061 used as a service station and containing large above ground and underground storage tanks. The remainder of the site also has a history of other potentially contaminating landuse practices such as chicken farming, slaughter house/piggery and general agricultural practices which may have included pesticide use. There are also several imported fill stockpiles on the land containing fibro pieces.

The report prepared by Douglas Partners dated June 2007 notes that *'the results of the preliminary geotechnical and contamination assessment have identified a number of issues that require consideration prior to development. The site is considered to be suitable for future urban development, subject to these issues being addressed.'*

The outstanding issues relate to further detailed assessment of the operating fuel depot, additional assessment of salinity potential, further geotechnical investigation, slope stability assessment and earthworks procedures and specifications.

Many of these matters can be addressed prior to the development application stage. However, under the provisions of SEPP 55, Council is required to be satisfied that the land is suitable, or can be made suitable via remediation, for the proposed residential land use prior to the rezoning proceeding. Section 7 of the assessment lists general potential contaminants which may be present including *'hydrocarbons, heavy metals, PCB's and asbestos'*. This assessment is based on site history information and observation and it is considered appropriate that additional site investigations, including an appropriate level of testing, be undertaken to establish the suitability for the intended future uses with regards to potential contamination and possible remediation requirements.

The proponent has provided an additional letter from Douglas Partners dated 8 January 2008 that declares that the further assessment and remedial works as provided for by their original report can be undertaken as part of the development application stage (ie prior to subdivision of the site for residential purposes). Given the potential for contamination on parts of the site and so as to satisfy the provisions of the SEPP, it is confirmed that this matter will need to be addressed prior to finalisation of the LEP (ie. s.68 stage). It is recommended that appropriate testing and reporting be undertaken at the earliest convenience so as to ensure that the land subject to potential contamination can be included in the LEP amendment for the purposes as proposed and the necessary remediation measures clearly understood and provided for in any planning approvals applying to the land.

The proponent has offered a proposed staging plan to address the potential contamination issues associated with the land so that *'any remaining contamination issues could be appropriately dealt with by the relevant owners in consultation with Council at that later stage if development is pursued.'* Residential development stages in the area subject to the potential contamination are nominated as Stages 11 and 12 of a possible 12 stage development program.

The assessment notes that these areas are also located adjacent to the proposed RE1 – public recreation zone. The proposed RE1 land comprises the flood liable portion of the land adjacent to a tributary of Black Creek which includes part of the land containing the existing fuel depot. This is therefore future land to be owned and managed by Council and Council must be satisfied that the provision of passive and active open space in this location is a suitable outcome of the rezoning process. Also the provision of open space is a requirement on which the future residential development relies. Therefore the matter of contamination needs to be addressed prior to finalisation of the LEP. If the actual contamination is such to prevent future use of that portion of the site as public recreation land, then alternative locations may need to be considered for the RE1 - Public Recreation zone.

SECTION 117 DIRECTIONS

The section 117 Directions in the EP&A Act provide guidance and direction that Councils must have regard to in preparing LEPs. Draft LEPs must be consistent with the Directions, or meet the requirements contained within them, some of which must be met prior to exhibition of a draft LEP. Relevant section 117 Directions are discussed below, with any action required outlined.

1.2 Rural Zones: The Government Road precinct is identified for future urban development in both the CWSS and the Lower Hunter Regional Strategy and for this reason is considered to be consistent with this Direction.

Action required: No further action required.

1.3 Mining, Petroleum Production and Extractive Industries: Council has sought the advice from the Director-General of DPI on the development potential of resources within the Investigation area and take into consideration issues likely to lead to land use conflict between other land uses and development of resources in accordance with the Direction. The DPI advised that the Mineral Resources Division has no objections to raise with respect to the Draft LEP.

Action required: No further action required.

2.1 Environmental Protection Zones: The site has been identified for urban purposes in the CWSS Stage 1 and the Lower Hunter Regional Strategy, and the proposal is considered consistent with this Direction.

Action required: No further action required.

2.3 Heritage Conservation: The Heritage Impact Assessment prepared by Harper Somers O'Sullivan concludes that there are no archaeological constraints (indigenous or non-indigenous) associated with the proposed development.

Action required: No further action required.

3.1 Residential Zones: This direction provides that a draft LEP shall, in relation to land to which this direction applies, contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), unless justified by a strategy which is approved by the Director-General of the Department of Planning.

Hunter Water has advised that a developer funded water servicing strategy and sewer servicing strategy will be required to determine how to service the whole site, however it is noted that the Government Road Precinct is identified for future urban development in both the CWSS (Stage 1) and the Lower Hunter Regional Strategy which are strategies which are both approved by the Director-General of the Department of Planning and the proposal is considered to be consistent with this Direction.

Action required: The proponent has been advised to seek preliminary advice from Hunter Water regarding water and sewer servicing needs and appropriate timing.

3.3 Home Occupations: The draft LEP provides for Home Occupations in accordance with the standard instrument and is consistent with this Direction.

Action required: No further action required.

3.4 Integrating Land Use and Transport: The comments of the RTA and Council's Transport and Road Safety Manager are relevant to consideration of this Direction. While the land is identified for future 'urban land' (in terms of the Direction) in both the CWSS and the Lower Hunter Regional Strategy, it is considered that further investigation needs to be undertaken by the proponent to ensure compliance with these policies during detailed development design.

The construction of traffic control signals at the existing intersection of Old Maitland Road and Maitland Road (as recommended by the traffic report) is also required by the RTA.

Action required: Consider the construction of traffic control signals at the existing intersection of Old Maitland Road and Maitland Road, improved alignment of the intersection, the provision of road links from the subject site to the west and south and the relevance of draft SEPP 66 in relation to the provision of access to public transport, opportunities for pedestrians and cyclists, during exhibition of the draft LEP. Also ensure appropriate controls are included in the DCP regarding subdivision design, access to transport, public transport availability (and provision) and walk-ability of the estate.

4.1 Acid Sulfate Soils: While the Stage 2 rezoning submission concludes that Acid Sulphate soil conditions are not known to occur in the vicinity of the site, the comments of the CMA are relevant to the consideration of this Direction. The CMA has advised that *'the site is in the Black Creek catchment which is a recognised salinity sub-catchment, containing occurrences of urban, dry land and stream salinity. Salinity currently exists in this catchment including in the landscape which is subject to this proposal. The proposed development is occurring in an area of salinity hazard and has the potential to enhance and initiate salinity impacts. This creates a higher level of risk associated with a development of this type.'*

The CMA have requested that a salinity management plan be prepared for the area prior to any development, which identifies the practices necessary to mitigate salinity risks assessed as being associated with development on the subject land. This plan should include ongoing salinity monitoring program.

In response to the CMA's comments the proponent has provided a *'Salinity Management Plan General Outline'* for consideration in conjunction with the rezoning proposal.

Action required: Refer the *'Salinity Management Plan General Outline'* to the CMA during the exhibition of the draft LEP and further investigate the issue of salinity and reporting requirements appropriate to each stage of the rezoning and development process.

4.3 Flood Prone Land: Parts of the land are affected by flooding with the south western corners of the subject site containing a natural drainage line which is a tributary of Black Creek. A Flooding and Stormwater Management Assessment has been prepared to support the rezoning submission. The residential components of the Structure Plan appear to be in locations consistent with this Direction. The LEP amendment does not impose flood related development controls above the residential flood planning level for residential development on land. The proposed zoning boundary for the R2 residential zone is consistent with the 1 in 100 year flood level.

Action required: No further action required.

4.4 Planning for Bushfire Protection: This Direction requires consultation with the NSW Rural Fire Service if a draft LEP affects land mapped as bushfire prone land. The subject land is mapped as Bushfire Prone Land and a Bushfire Planning Assessment was prepared by HWR Ecological Research and Innovation Pty Ltd. Comments received from the RFS during section 62 consultation confirm that future development requires bushfire safety authorities to be issued by the RFS to enable the land to be developed.

Council notes that the required Asset Protection Zones (APZs) impinge on adjoining land which is a position not supported by the RFS or DECC. The applicant's stance that existing established and maintained cleared power easements may be utilised as part of the required APZ's is inconsistent with the provisions of Planning for Bushfire Protection 2006 and is subsequently not supported by Council. All APZs are required to be located within the property the subject of the rezoning (ie. investigation area), and are not to extend into adjoining land.

Action required: Seek further comment during exhibition of any draft LEP and ensure that all required APZs are wholly contained within the development footprint, totally located within the investigation area. This is to be appropriately provided for in any future DCP amendment and approvals applying to the subject land.

5.1 Implementation of Regional Strategies: The draft LEP is consistent with a Lower Hunter Regional Strategy released by the Minister for Planning, being identified for future urban development.

Action required: No further action required.

6.1 Approval and Referral Requirements: The draft LEP is consistent with the provisions of the standard instrument and with this direction.

Action required: No further action required.

6.2 Reserving Land for Public Purposes: The proposal includes an area of RE1 Public Recreation zone. Direction No 26 requires the approval of the relevant public authority (Council in this case) and the Director General of DoP for creation of new public recreation zones, prior to issuing a section 65 certificate for exhibition of a draft LEP. The RE1 zone was chosen in place of the previously nominated E3 zone, in keeping with the recent recommendations for the Comprehensive LEP 2008.

Council's Community Facilities Planner has advised that open space facilities cannot be located within the Buffer to the Sewerage Treatment Plant and requests that a high quality children's playground be located within the development area in the north eastern corner preferably with links to the residential development to the east and Anzac Avenue to the South. The Playground should include playground (play equipment) catering for the needs of the 0 to teens age bracket (incorporating rubber wet pour safety surface), a small open 'kick-about' area (passive recreation area) and basic picnic furniture including a shelter and park bench as a shade and a bubbler. The draft structure plan does not provide for this and this needs to be addressed in any DCP applying to the land. A riparian area is also required along Black Creek and should contain passive areas along the creek with picnic facilities including shelters and park benches. Shared cycleways/pedestrian walkways need to be catered for by the development and should be established throughout the site to provide a link between the residential areas, open space and passive recreation/riparian areas. Walkways should be a minimum of 2m wide with pathways being a combination of reinforced concrete (linking playground, residential areas and links to Cessnock Road) and gravel (along riparian and passive recreation areas).

Subject to minor variation during exhibition and detailed development design, the public recreation zoning is considered to be the most appropriate and is considered satisfactory subject to DCP controls regarding the location and management of passive and active recreation areas. It is recommended that the Director General's approval be sought as required by the Direction.

In doing so, the draft LEP should provide for any required revegetation of creeklines and minimum buffers to development for the existing creekline (20 metre minimum buffer recommended) and the provision of recreation facilities as required by Council's Community Facilities planner within the area nominated as the RE1 zone. The interface between the proposed RU2 and RE1 zone should also be rationalised so as to provide adequate protection to the 20m creek buffer which currently encroaches into the proposed R2 zone and ensure that only appropriate development (if any) occurs in this area.

Consideration should also be given to the best location for a playground in the north eastern corner of the development area (land nominated as being in the R2 zone by the draft zone map) and be provided for by the DCP amendment and/or the VPA as provided by the proponent.

Action required: In any section 64 submission to DoP, Council seek the approval of the Director General to the creation of the RE1 zone in the draft LEP, and during exhibition and detailed design of the subdivision, fine tune the boundaries to ensure adequate, well located public open spaces for both passive and active recreation. This is to address the provision of an appropriate playground in the north eastern corner and rationalisation of the interface between the RE1 and RU2 zones.

6.3 Site Specific Provisions: The draft LEP is consistent with the provisions of the standard instrument and with this direction.

Action required: No further action required.

PROCESS TO BE FOLLOWED

Should Council so resolve, the draft LEP and LES and this Council report should now be forwarded to DoP with a request for a Written Authorisation to Exercise Delegations in respect of section 65(1) of the EP&A Act, meaning that Council can place the draft LEP and any required supporting material on exhibition for public comment. It is anticipated that this matter will now be considered by the DoP LEP Review Panel.

At the end of the exhibition period all submissions will be considered and a further report presented to Council for consideration regarding any necessary amendments to and finalisation of the draft plan.

CONCLUSION

The Government Road Precinct (Cessnock North) represents is one of the new release areas identified in the Lower Hunter Regional Strategy. There are issues to be resolved through further consultation with agencies in consultation with the proponent, during the exhibition period and prior to finalising the draft plan. This consultation may result in minor alterations to the development footprint and the location/spatial extent of the zones proposed, including additional land zoned RE1 and zoning boundary changes relevant to minimum buffers to creeklines and having regard to the State Forest to the east of the site. However, the issues are not considered by Council or DoP to be of such significance that they will prevent development of the precinct for urban and related purposes, providing in the order of 400 new dwellings.

It is therefore recommended that Council resolve to seek Written Authorisation to Exercise Delegations from DoP to allow exhibition of the draft plan for comment from the public and relevant agencies pursuant to section 65 of the EP&A Act.

Submissions received will be considered and the matter reported back to Council for consideration and determination of the final content of the draft LEP.

RECOMMENDATION that:-

1. Pursuant to Section 64 of the *Environmental Planning and Assessment Act 1979*, Council seek Written Authorisation to Exercise Delegations from the Department of Planning, to allow exhibition of the draft LEP and supporting material for the Government Road Precinct (Cessnock North).
2. Council seek any necessary opinions or approvals from the Director General of the Department of Planning in relation to the section 117 Directions of the *Environmental Planning and Assessment Act 1979*.
3. Upon receipt of the Authorisation Council exhibit the draft LEP for a period of 30 days.
4. Council consider a further report following exhibition of the draft LEP to determine the final content of the plan.

To: **The General Manager**
Strategic & Community Services
Committee - 2 April 2008

S EADE
ACTING DIRECTOR STRATEGIC &
COMMUNITY SERVICES
13 March 2008

**ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES
REPORT NO. 28/2008**

SUBJECT: CLEAN UP AUSTRALIA DAY 2008

Sustainability Projects Officer, Tricia Donnelly, reports:-

Approximately 250 community volunteers took part in Clean up Australia Day activities on Sunday 2 March across 25 registered sites in the Cessnock Local Government Area (LGA), cleaning up roadsides, parks and waterways.

In addition, 9 schools across the LGA registered for participation in the schools Clean up Day activities conducted on 2 February.

This year 43.08 tonnes of rubbish was collected and taken to the waste depot as a direct result of Clean up Australia Day activities. This was an increase on the past couple of years due to the large clean up effort by Department of Lands staff and families on a site at Stanford Merthyr. The total waste received at the waste depot on the day was 142.6 tonnes. As in previous years residents getting into the Clean Up spirit were able to take waste to the depot free of charge.

Individual letters of appreciation to participating groups have been sent from Council with a feedback sheet to further develop and improve the event in Cessnock in 2009 as well as to develop other litter reduction programs with which to address this serious environmental problem.

In addition, these annual Clean Up activities continue to be enhanced by Councils Adopt-a-Road program which provides more regular clean ups of main roadways in the LGA by community groups and businesses. The Adopt-a-Road program currently has 22 sponsors covering 76.4kms of roadside in the LGA.

RECOMMENDATION information be noted.

To: **The General Manager**
Strategic & Community Services
Committee - 2 April 2008

S EADE
**ACTING DIRECTOR STRATEGIC &
COMMUNITY SERVICES**
27 March 2008

**ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES
REPORT NO. 29/2008**

**SUBJECT: REPORT OF THE CULTURAL PLANNING & DEVELOPMENT
 COMMITTEE MEETING HELD ON 26 MARCH 2008**

A meeting of the Cessnock City Cultural Planning & Development Committee was held on 26 March 2008 and reports as follows:-

Attendees at the meeting included The Mayor Councillor Clarence (Chairman), Councillors Pynsent, Parsons and Smith, Mr B Andrews, Mesdames P Marsland, V Randall, V Cochrane, C Sadler and Councillor C Parsons, Acting Director Strategic & Community Services Mr S Eade.

GENERAL BUSINESS

**COMMUNITY CULTURAL DEVELOPMENT COMMITTEE \$ FOR \$ GRANT PROGRAM
2007/2008: ASSESSMENT OF APPLICATIONS**

Council's Community Cultural Development \$ for \$ Grant Program was advertised during February 2007, with a closing date of 29 February. Letters were also sent to over 50 representatives of community groups inviting them to submit applications.

19 applications were received from 19 groups, as per the table below:

Arts/cultural group applying	Description of project to be funded	\$ amount requested	Meets guidelines?
<i>Abermain Heritage Preservation Society</i>	Copying and framing of heritage photographs for display	1,500.00	Yes
<i>Bloodtree Festival Sub Committee of Mountain Districts Sports Association</i>	Assistance with cultural components – children's talent quest, dance, children's activities	700.00	Yes
<i>Central Hunter Community Broadcasters Inc</i>	Purchase of new chairs for new studio	388.00	Yes
<i>Cessnock City Country Music Festival Inc</i>	Assistance with production and promotion of 2008 pfinet Cessnock City Country Music Festival	2,000.00	Yes
<i>Cessnock District Historical & Family History Society Inc</i>	Purchase of 20 reels of Maitland Mercury 1843 – 1901 to fill gaps in collection	722.50	Yes
<i>Cessnock Gem & Mineral Club</i>	Ceiling insulation & portable air conditioner	589.00	Yes
<i>Cessnock Quilters & Embroiderers</i>	Purchase of 50 quilt display stands	1,300.00	Yes
<i>Cessnock Senior Citizens & Pensioners Choir</i>	Purchase of photocopier and ink cartridges to copy sheet music	75.00	Yes, subject to evidence of matching funds
<i>Cessnock Woodturners</i>	Purchase of concrete for entry to new workshop	589.00	Yes
<i>Coalfield Heritage Group Inc</i>	Produce 18,000 pages of local history/ heritage for the Edgeworth David Library (stationery supplies only)	600.00	Yes

Arts/cultural group applying	Description of project to be funded	\$ amount requested	Meets guidelines?
<i>Greta Multi Purpose Centre Management Committee Inc</i>	Purchase of bookcases and furniture for Greta Museum	767.84	Yes
<i>Hunter Music Academy</i>	Completion of hall painting and new blinds	1,051.00	Yes
<i>KCAEP – Kulnura Community Arts and Entertainment Program</i>	Series of workshops in visual & performing arts for children, teenagers and adults at weekends & vacations	600.00	Yes, subject to project being within/ servicing residents of the LGA
<i>Kurri Kurri Community Centre/Cessnock Youth Development Project</i>	Recording and production of Nock Rock II CD (youth band project)	2,500.00	Yes, subject to evidence of matching funds
<i>Mount View High School</i>	Battle of the Bands high school competition (LATE APPLICATION)	5,000.00	Yes
<i>Towns with Heart</i>	Design, construct and install creative seating at the community wall in Rotary Park, Kurri Kurri	2,000.00	Yes
<i>Valley Artists Inc</i>	Construct demountable tiered seating system & Tech Box	3,135.00	Yes
<i>Sculpture in the Vineyards along the Wollombi Valley wine trail</i>	Annual exhibition – assistance with advertising, transportation, staging, signage	5,000.00	Yes
<i>Wollombi Valley Arts Council</i>	Emerging Artists Awards 2008	1,500.00	Yes
Total sought		30,017.34	

It was noted that the application from Mount View High School for the Battle of the Bands was received late, ten days after the closing date. This meant that the application was not eligible for consideration, although the Committee was sympathetic to and supportive of the project itself.

The remaining applications totalled \$25,017.34, which was extremely close to the available budget allocation of \$25,000.00.

In discussions, members of the Committee were provided with an opportunity to declare an interest if they were associated with any of the applicant groups, and to withdraw from the discussion. No-one withdrew, but the following interests were declared:

Clr Clarence: member of Central Hunter Community Broadcasters Inc, Chairman of Kurri Kurri Community Centre, member of Towns with Heart

Clr Parsons: member of Towns with Heart, Abermain Heritage Preservation Society and Central Hunter Community Broadcasters Inc

Ms V Randall: Greta Multi Purpose Centre

Mr B Andrews: Coalfields Heritage Group

Ms V Cochrane: Cessnock District Historical & Family History Society Inc

The following motions were moved:

1. That the following applications be supported and funded in full, subject to evidence of the availability of matching funds:

Moved: Clr Clarence, Mayor

Seconded: Clr Pynsent

Arts/cultural group applying	Description of project to be funded	\$ amount requested	Meets guidelines?
<i>Abermain Heritage Preservation Society</i>	Copying and framing of heritage photographs for display	1,500.00	Yes
<i>Bloodtree Festival Sub Committee of Mountain Districts Sports Association</i>	Assistance with cultural components – children's talent quest, dance, children's activities	700.00	Yes
<i>Central Hunter Community Broadcasters Inc</i>	Purchase of new chairs for new studio	388.00	Yes
<i>Cessnock City Country Music Festival Inc</i>	Assistance with production and promotion of 2008 pfinet Cessnock City Country Music Festival	2,000.00	Yes
<i>Cessnock District Historical & Family History Society Inc</i>	Purchase of 20 reels of Maitland Mercury 1843 – 1901 to fill gaps in collection	722.50	Yes
<i>Cessnock Gem & Mineral Club</i>	Ceiling insulation & portable air conditioner	589.00	Yes
<i>Cessnock Quilters & Embroiderers</i>	Purchase of 50 quilt display stands	1,300.00	Yes
<i>Cessnock Senior Citizens & Pensioners Choir</i>	Purchase of photocopier and ink cartridges to copy sheet music	75.00	Yes, subject to evidence of matching funds
<i>Cessnock Woodturners</i>	Purchase of concrete for entry to new workshop	589.00	Yes
<i>Coalfield Heritage Group Inc</i>	Produce 18,000 pages of local history/ heritage for the Edgeworth David Library (stationery supplies only)	600.00	Yes
<i>Greta Multi Purpose Centre Management Committee Inc</i>	Purchase of bookcases and furniture for Greta Museum	767.84	Yes
<i>Hunter Music Academy</i>	Completion of hall painting and new blinds	1,051.00	Yes
<i>KCAEP – Kulnura Community Arts and Entertainment Program</i>	Series of workshops in visual & performing arts for children, teenagers and adults at weekends & vacations	600.00	Yes, subject to project being within/ servicing residents of the LGA
<i>Kurri Kurri Community Centre/Cessnock Youth Development Project</i>	Recording and production of Nock Rock II CD (youth band project)	2,500.00	Yes
<i>Towns with Heart</i>	Design, construct and install creative seating at the community wall in Rotary Park, Kurri Kurri	2,000.00	Yes
<i>Valley Artists Inc</i>	Construct demountable tiered seating system & Tech Box	3,135.00	Yes

Arts/cultural group applying	Description of project to be funded	\$ amount requested	Meets guidelines?
<i>Sculpture in the Vineyards along the Wollombi Valley wine trail</i>	Annual exhibition – assistance with advertising, transportation, staging, signage	5,000.00	Yes
<i>Wollombi Valley Arts Council</i>	Emerging Artists Awards 2008	1,500.00	Yes
Total sought		25,017.34	

2. That at the Council meeting scheduled for 2 April 2008 Council consider making a donation to Mount View High School for the Battle of the Bands from the Donations budget allocation.

Moved: Clr Clarence, Mayor Seconded: Clr Smith

The recommendations will be submitted to the next scheduled Council meeting on 2 April 2008.

5. PROPOSAL FOR AN ART GALLERY FOR CESSNOCK – OUTLINE OF A CONCEPT WHICH HAS BEEN SUGGESTED TO COUNCIL

Ms Patricia Marsland outlined a concept for the establishment of a visual arts centre/art gallery for Cessnock. The proposal was inspired by last year's ArtScrawl, which demonstrated the range of talent in visual arts in the region. Ms Marsland has discussed the concept with Council's Acting Director Strategic & Community Services, and Mr John Reid has also had a meeting with the Mayor.

The centre would host touring exhibitions, temporary exhibitions and also incorporate a visual arts education centre.

It would be owned and operated as a community focused not for profit entity, with a board of directors and members. Its structure would enable tax exempt donations to be a potential source of financial support.

The concept is in its early stages, with a possible site being investigated, and the level of interest amongst potential benefactors being gauged. The concept is seen as a long term project given the fund raising challenges involved.

Ms Marsland will provide an update on the proposal at the next Committee meeting.

6. GENERAL BUSINESS

- 6.1 Clr Smith raised the previously suggested proposal for Council to oversee the establishment of a virtual gallery on its website. The gallery would provide a vehicle for local artists to showcase their works, and provide a point of contact for artists in the LGA. It was agreed that such a concept would be very worthwhile if the means of uploading and maintaining the content could be kept simple.

It was agreed that Mr Eade would re-visit the idea and report back on options to the next Committee meeting.

- 6.2 Ms Randall asked if anyone was aware of a microfilm reader which could be donated to the Greta Court House museum. If anyone can assist, please contact Mr Eade.

RECOMMENDATION that:-

- The following projects are funding through Council's Community Cultural Development \$ for \$ Grant Program:

Arts/cultural group applying	Description of project to be funded	\$ amount requested	Meets guidelines?
<i>Abermain Heritage Preservation Society</i>	Copying and framing of heritage photographs for display	1,500.00	Yes
<i>Bloodtree Festival Sub Committee of Mountain Districts Sports Association</i>	Assistance with cultural components – children's talent quest, dance, children's activities	700.00	Yes
<i>Central Hunter Community Broadcasters Inc</i>	Purchase of new chairs for new studio	388.00	Yes
<i>Cessnock City Country Music Festival Inc</i>	Assistance with production and promotion of 2008 pfinet Cessnock City Country Music Festival	2,000.00	Yes
<i>Cessnock District Historical & Family History Society Inc</i>	Purchase of 20 reels of Maitland Mercury 1843 – 1901 to fill gaps in collection	722.50	Yes
<i>Cessnock Gem & Mineral Club</i>	Ceiling insulation & portable air conditioner	589.00	Yes
<i>Cessnock Quilters & Embroiderers</i>	Purchase of 50 quilt display stands	1,300.00	Yes
<i>Cessnock Senior Citizens & Pensioners Choir</i>	Purchase of photocopier and ink cartridges to copy sheet music	75.00	Yes, subject to evidence of matching funds
<i>Cessnock Woodturners</i>	Purchase of concrete for entry to new workshop	589.00	Yes
<i>Coalfield Heritage Group Inc</i>	Produce 18,000 pages of local history/ heritage for the Edgeworth David Library (stationery supplies only)	600.00	Yes
<i>Greta Multi Purpose Centre Management Committee Inc</i>	Purchase of bookcases and furniture for Greta Museum	767.84	Yes
<i>Hunter Music Academy</i>	Completion of hall painting and new blinds	1,051.00	Yes
<i>KCAEP – Kulnura Community Arts and Entertainment Program</i>	Series of workshops in visual & performing arts for children, teenagers and adults at weekends & vacations	600.00	Yes, subject to project being within/ servicing residents of the LGA
<i>Kurri Kurri Community Centre/Cessnock Youth Development Project</i>	Recording and production of Nock Rock II CD (youth band project)	2,500.00	Yes
<i>Towns with Heart</i>	Design, construct and install creative seating at the community wall in Rotary Park, Kurri Kurri	2,000.00	Yes
<i>Valley Artists Inc</i>	Construct demountable tiered seating system & Tech Box	3,135.00	Yes

Arts/cultural group applying	Description of project to be funded	\$ amount requested	Meets guidelines?
<i>Sculpture in the Vineyards along the Wollombi Valley wine trail</i>	Annual exhibition – assistance with advertising, transportation, staging, signage	5,000.00	Yes
<i>Wollombi Valley Arts Council</i>	Emerging Artists Awards 2008	1,500.00	Yes
Total sought		25,017.34	

2. At the Council meeting scheduled for 2 April 2008 Council consider making a donation to Mount View High School for the Battle of the Bands from the Donations budget allocation.
3. Council endorse the report of the Cessnock Cultural Planning & Development Committee meeting held on 26 March 2008.

To: **The General Manager**
Strategic & Community Services
Committee - 2 April 2008

S EADE
ACTING DIRECTOR STRATEGIC &
COMMUNITY SERVICES
27 March 2008

**ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES
REPORT NO. 30/2008**

**SUBJECT: WHITEBRIDGE OVER WALLIS CREEK ON WHITEBRIDGE ROAD,
 MULBRING – REPAIR AND REPLACEMENT OPTIONS**

The Roads, Bridges, & Drainage Manager, Mr. John Booth, reports:-

PURPOSE

To propose options for the repair or replacement of Whitebridge over Wallis Creek, Whitebridge Road, Mulbring based on the now known estimated cost of repairs and available funding.

BACKGROUND

Whitebridge over Wallis Creek is located on Whitebridge Road 180 metres east of the intersection with MR 195 Leggetts Drive. It provides a link from Leggetts Drive to Richmond Vale Road, New Street and Maitland Street, Mulbring.

The existing Whitebridge is a timber beam bridge consisting of six (6) spans of between 7.8 metres and 10.7 metres in length giving a total length of 55 metres. The width between kerbs is 4.6 metres allowing one lane of traffic to pass. Since 1996, the bridge has had a restricted a load limit of 2.5 tonnes gross vehicle weight.

On 10 May 2007 the bridge was closed following motor vehicle collision damage. While under repair the bridge suffered severe structural damage when inundated by the flood in Wallis Creek resulting from the 8-10 June storm event.

A memorandum from the A/Director Strategic & Community Services dated 18 March 2008 was distributed to Councillors in response to Questions Without Notice from Councillors Smith and Scott at the Council meeting of 5 March 2008 regarding the Whitebridge works and the engagement of the RTA to undertake those works. It also provided a status report on the current situation, based on the most recent information from the RTA. This memorandum was followed up with a letter to the residents on 25 March 2008. Copies of this correspondence are contained in the Enclosures.

DISCUSSION

Council Engineering staff had not been able to assess the options to repair or replace Whitebridge without full knowledge of:

1. The full extent of funding available from the RTA under the Declared Natural Disasters funding from the June 2007 Storm Event. This was dependent upon (2);
2. The final estimate of cost from RTA Bridge Services to repair the existing structure to its pre-existing condition prior to the June 2007 storm flood (estimate \$788,000);
3. The final component of cost estimated to undertake the essential repairs for which Council would bear ultimate responsibility to allow reopening of the structure with a load limit (estimate additional \$74,000; and
4. The additional estimated cost to undertake repairs to deficient members pre-existing prior to the flood damage to increase the load capacity and extend the life of the structure (estimate additional \$272,000).

The required estimates of cost for the above timber bridge repair options were provided by the RTA to Council on 10 March 2008.

At this time a number of discussions to finalise the detail of works and costings occurred between Council and RTA staff, during which the RTA advised that it has received information from a contractor (from whom a quotation had been sought for driving of piles required for the bridge repairs) that a new concrete bridge could be constructed for an amount which would not be much higher, and possibly equivalent to, the costs to repair the existing timber bridge.

It should be noted that Council's original estimate submitted to the RTA to replace the existing Whitebridge with a prestressed concrete structure providing two travel lanes and a pedestrian footway was \$1,700,000.

The concept estimate provided by the contractor to design and construct a single lane prestressed concrete structure 5.0 metres wide was approximately \$770,000. This included provision of access for piling and demolition of the existing bridge. Council's concept estimate for the 2 travel lanes plus footway option (11.0 metres wide) at \$1,700,000 was comparable to the contractor's price on a square metre basis.

Receipt of the RTA estimates to repair the timber bridge has created the need for Council staff to revisit the new concrete bridge replacement options.

As stated above the funding to be provided by the RTA under the Declared Natural Disasters Program to repair the timber bridge is \$788,000. Additional funding in of at least \$74,000 is required from Council as its contribution towards the Mulbring abutment repairs. There is also the preference to replace 11 girders which are known to be in a condition requiring replacement within the next five years (if the bridge is to undergo major works now, it is sensible to replace these girders at this time). The additional cost of girder replacement is estimated to be \$272,000, and would also have to be funded by Council. The total cost of works to restore the current timber bridge is therefore \$1,133,672, as per the RTA quotation.

Although this expenditure would allow significant increase of the load limit (say 25 tonnes), the Council will still have a one lane timber bridge which will incur high ongoing maintenance costs in future years.

Now that the detailed scope of works and cost of repairs for the existing timber bridge have been finalised, the difference in costs between the timber bridge repair and other available options were investigated and reassessed. The options considered were:

1. Repair Existing Timber Bridge Options:

- (a) To bring to pre-existing condition i.e. single lane timber bridge with slightly increased load limit (estimated at 10 tonnes GVM) is estimated to cost \$862,000 with Council's contribution \$74,000. In this case Council will only be deferring additional major structural repairs and will incur ongoing high maintenance liability into the future; or
- (b) To bring to pre existing condition plus undertake required replacement of 11 girders (minimum) identified to extend operational life and allow increase in the load limit to approximately 25 tonnes GVM is estimated to cost \$1,133,672 based on the RTA quotation. Council's contribution would be \$345,672; however this may increase if additional girders are identified during conduct of the repairs. Council will still retain a timber bridge asset with the associated high future maintenance liability.

2. Prestressed Concrete Replacement Bridge (2 Travel Lane plus barrier protected Footway) Option

This 11.0 m wide option would best provide for future traffic growth and potential improved service life; however the estimated cost to design and construct of \$1,700,000 is prohibitive given that Council would have to contribute \$912,000. This estimate does not provide for any contingencies, thus there is potential for the cost to increase if say access or piling conditions are more difficult. This may be offset by the larger structure providing economies of scale to a prospective contractor;

3. Prestressed Concrete Replacement Bridge (1 Travel Lane plus Marked Footway) Option

The estimated cost to design and construct this 6.0 m wide option is \$900,000. Allowing 10% for contingencies (\$90,000) such as approved contract variations and an additional \$100,000 for road approaches the estimated cost is approximately \$1,090,000. This option has the advantage of the deck level being set to provide a level of service consistent with the approach roads in flooding events.

Although it is still a single lane bridge, the bridge load capacity will be in accordance with current bridge design standards (i.e. no load limit for legally registered vehicles). Should development generate additional traffic volume such that the single lane bridge is an obstacle, an additional single lane bridge could be constructed along side at developer's cost. Given current traffic volumes and growth statistics this would not occur for many years.

As the RTA has confirmed a contribution of \$788,000, Council would have to allocate an additional \$302,000. This can be achieved by allocating funding from Council's Rural Construction Program. The impact of this funding allocation would be to defer the commencement of the project to reconstruct and reseal Old North Road, east of Sweetwater Road. A report on the Rural Construction Program containing more detail will be submitted to the 18 April 2008 Meeting.

Both the above prestressed concrete bridge options have the benefits of the reduced likelihood of damage in a storm/flood event, and minimal maintenance costs over a period of 50 years.

4. Two Lane Low Level Causeway Option

Replacing the timber bridge with a two lane low level causeway is an option which provides an improved level of service from the perspective of the two way operation and no issues with load capacity. However by its nature it will be impassable more frequently than a higher level structure, if Wallis Creek rises significantly during periods of high rainfall.

In addition the reduced waterway area of the low level structure is more prone to blockage by flood debris. The risk of structural damage is increased due to blockage and overtopping by floodwater. State Government Agency approval of this option would require the provision of substantial foundation and scour protection measures to the filled road approaches which would considerably add to construction costs. This option would have more serious environment consequences which would involve partial filling of the waterway. As stated structural damage from overtopping or piping during flood inundation may require expensive restoration.

Advice from the RTA regarding actual costs of a low level causeway constructed over the Karuah River in Great Lakes Shire indicates that a low level causeway may not be cost effective given the foundation conditions and flow conditions in Wallis Creek.

Timing for approvals from Government agencies to construct a low level causeway within Wallis Creek may be extensive and in fact may not be given. The risks associated with agreement by Government agencies, cost of design and construction and loss of access and damage due to inundation, in my view discount the low level causeway option.

The other issue which must be addressed is the time to deliver each of the above options. Given the options which it is considered cost effective for Council to fund, the time to completion from the date of approval by Council (depending on Government agencies such as Fisheries and the Heritage Office) for reopening of the connection across Wallis Creek, Mulbring is:

Option 1(a) Repair existing bridge to bring to pre-existing condition i.e. single lane timber bridge with slightly increased load limit (estimated at 10 tonnes GVM) is estimated to take 6 months,

Option 1(b) Repair existing bridge to bring to pre existing condition plus undertake required replacement of 11 girders (minimum) identified to extend operational life and allow increase in the load limit to approximately 25 tonnes GVM is estimated to take 8 months;

Option 3 Prestressed Concrete Replacement Bridge (1 Travel Lane plus Marked Footway) is estimated to take 9 to 12 months (the greatest variable is the time to gain Government agency approvals.

Such a project has required considerable preliminary investigation and liaison with the RTA to confirm the available funding. Although the inconvenience to sections of the community is appreciated, staff have endeavoured to achieve the best outcome for the community of Mulbring and other affected road users in terms of bridge usage and access (now and in the future), mitigation of storm/flood impact and overall value for public money being expended. Accordingly Option 3 Prestressed Concrete Replacement Bridge (1 Travel Lane plus Marked Footway) is the preferred option.

RECOMMENDATION that:-

1. Whitebridge be replaced by a Prestressed Concrete Bridge (1 Travel Lane plus Marked Footway)(Option 3) at an estimated cost of \$1,090,000;
2. Provision of an allocation of \$302,000 be made in Council's Rural Construction Program 2008/2009 to fund Council's contribution;
3. Approval be given for tenders to be called for design and construction of the prestressed concrete bridge.

To: **The General Manager**
Strategic & Community Services
Committee - 2 April 2008

S EADE
ACTING DIRECTOR STRATEGIC &
COMMUNITY SERVICES
27 March 2008