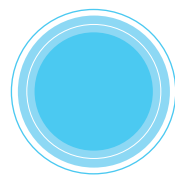


VILLAGES LOCAL CHARACTER STATEMENT AND PUBLIC DOMAIN PLAN DISCUSSION PAPER

PLANNING FOR OUR PEOPLE
OUR PLACE OUR FUTURE



Acknowledgement of Country

Cessnock City Council acknowledges that within its Local Government Area boundaries are the Traditional Lands of the Wonnarua people, the Awabakal people and the Darkinjung people.

We acknowledge these Aboriginal peoples as the traditional custodians of the land on which our offices and operations are located, and pay our respects to Elders past and present.

We also acknowledge all other Aboriginal and Torres Strait Islander people who now live within the Cessnock Local Government Area.

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Purpose

What is the purpose of this Discussion Paper?

The purpose of this Discussion Paper is to introduce the Villages Local Character Statement (LCS) and Public Domain Plan (PDP) project being undertaken by Council.

With the support of the local community, this project seeks to (where appropriate):

- a. Define the existing local character of the village areas within the Cessnock Local Government Area (LGA);
- b. Develop a desired future character for each village;
- c. Determine which villages may have future growth potential (if any); and
- d. Develop PDPs for each village.

PDPs identify projects (with an action schedule) which can be undertaken on public land to reinforce the existing and desired future character of each village.

Our villages are an important part of our history, and they support thriving communities.

Many of our villages exist in rural or environmental settings. This important quality reflects their histories and provides 'breaks' between one village and the next. This promotes a sense of arrival and departure. It is also important that the rural use or potential rural use of the surrounding land be not undermined by encroaching development.

What is the relationship to Council's Community Strategic Plan, Operational Plan and Local Strategic Planning Statement?

Cessnock 2027, our Community Strategic Plan (CSP) seeks to establish "A Sustainable and healthy environment". Fundamental to supporting this goal is a balance between development and the existing environment, including the built and natural environments.

To support this vision, Council's Operational Plan 2021-2022 identifies the completion of a LCS, including Village Masterplans as a priority project (Action 3.1.2.a) by June 2022.

This project has direct connection to a number of priorities in our Local Strategic Planning Statement (LSPS):

Planning Priority 28:

Our commercial centres and villages are tourist destinations in their own right

Planning Priority 29:

Our villages retain their unique qualities that reflect their histories

Planning Priority 30:

Growth of our villages occurs in a way that protects their character and setting in the rural and environmental landscape and responds to risk of bushfire and flooding

Action 13 of the LSPS responds to these priorities, requiring Council to "Prepare a villages strategy that:

- *Identifies key features of each village*
- *Identifies opportunities for Facilities / Embellishments to the public domain in each village."*

Purpose

Additionally, Council's *Village and Activation Plan* (November 2020) recommends the preparation of LCS to inform place activation.

How will the project be implemented?

Implementation of the LCS for each village will depend on what actions are proposed. Where particular features of a village are identified that require preservation or enhancement, additional development requirements may be included within Council's Local Environmental Plan 2011 (CLEP 2011) and/or Development Control Plan 2011 (DCP 2011).

In some instances, it may be that land for further investigation for other purposes may be identified, and potentially require rezoning or reclassification. Identification of land for rezoning will be assessed against the principles established by Council's Urban Growth Management Plan (UGMP) 2021. Any consequential rezonings or reclassifications will be undertaken as a separate project in the future.

Any public domain improvements identified will be costed and where appropriate, identified within PDP for each village. The PDP will be supported by an implementation plan to prioritise and schedule timeframes for the completion of public domain works. These plans will be exhibited once prepared.

What Villages are we looking at?

Our LGA has many villages, however not all will be considered by this project, as some have already been or will be addressed by other strategies or plans.¹

Those villages addressed by this project are:

- Abermain
- Abernethy
- Ellalong
- Greta
- Kearsley
- Kitchener
- Laguna
- Millfield
- Mulbring
- Neath
- North Rothbury
- Paxton
- Pelaw Main
- Stanford Merthyr
- Wollombi

Each village is connected to other villages and towns by roads, formal and informal tracks, environmental corridors, heritage, and economic activity to form a hub and spoke wheel of interconnectedness. Each village and its people combine to form the Cessnock LGA (Figure 1).

Whilst each village is a discrete entity, some villages may exhibit similar features and characteristics to other villages, particularly those near each other. For this reason, this project may "group" villages with like characteristics for the purposes of preparing LCS. Additionally, some villages may not warrant a specific LCS. This is open for discussion.

¹ *Cessnock Vineyard's District Review, including the Pokolbin and Lovedale, Cliftleigh/Heddon Greta Urban Corridor Strategy & Nulkaba Structure Plan*

Local Character

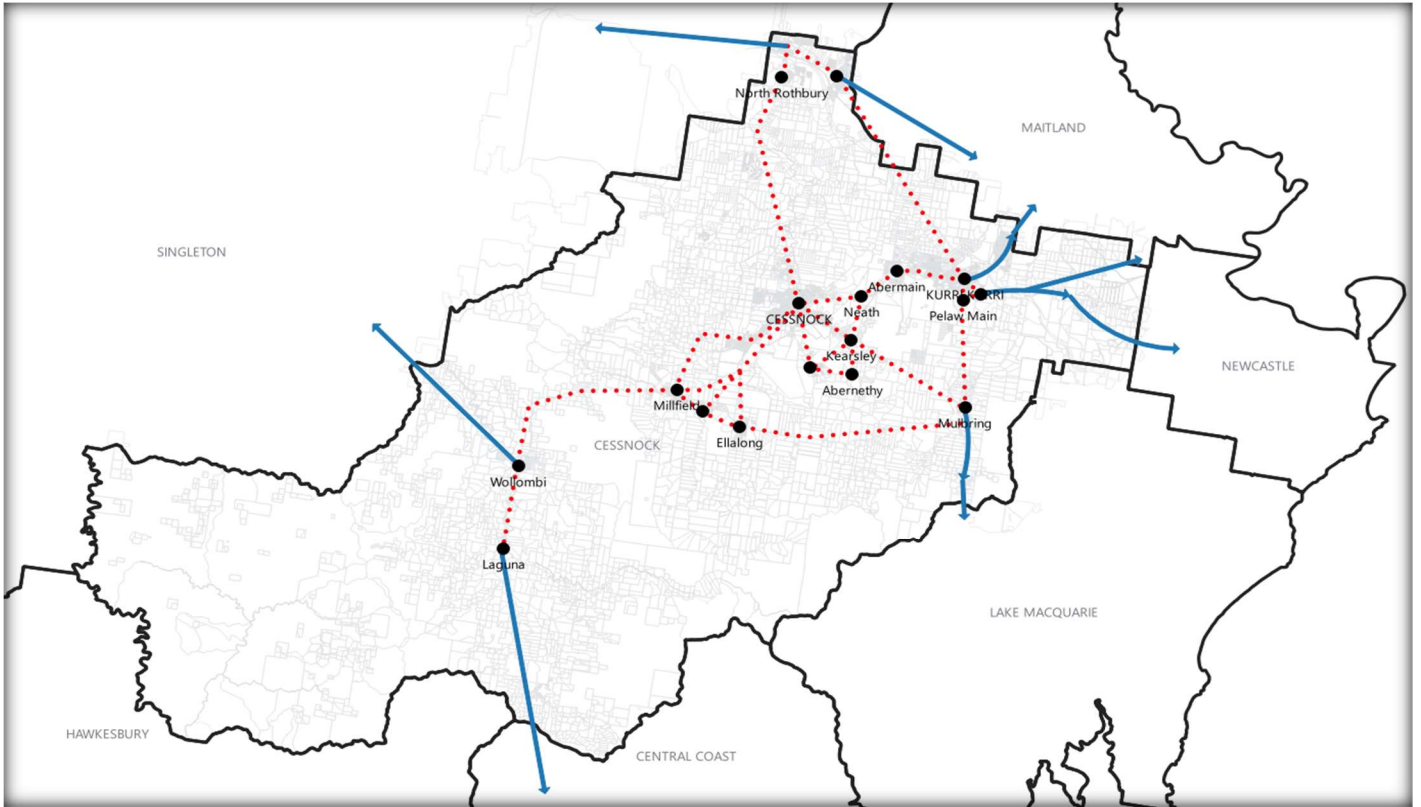


Figure 1: Cessnock LGA Village Connectivity

What is local character? How is it defined?

Local character is what makes a place or area distinctive or unique. Local character is the combination of multiple factors, which relate to an area's history, built form, public and private spaces, community values, and how they connect to a place.

Local character is influenced by social, economic, and environmental factors.

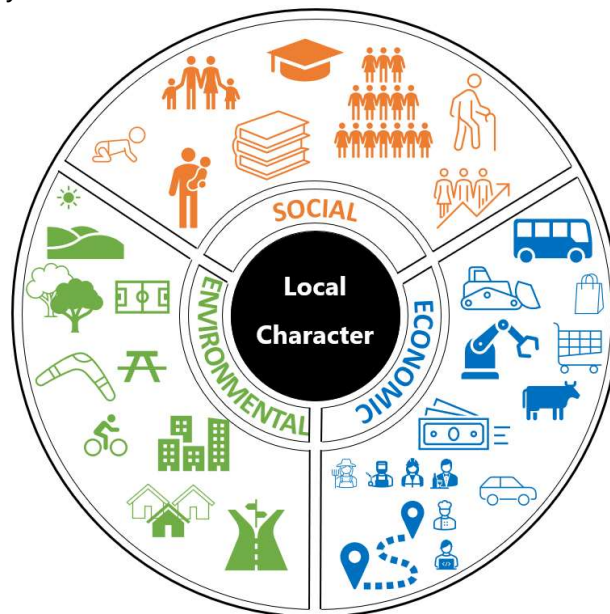


Figure 2: Wheel of Local Character (modified from DPIE Local Character and Place Guideline, 2019)

Local Character

Social Environment

The social environment relates to the local population, being the people who live, work and/or visit a place. The existing and predicted, or forecasted, demography (e.g. age, gender, dwelling types, family and household composition, education, employment etc.) can influence how a place feels and functions, and can help determine what is needed to support the existing and growing community.

The social environment also includes the social infrastructure that supports the local population and creates social hubs to meet, play or relax. In many cases, this can include aspects of the natural and built environment, such as a pub, sporting facility or park.

Economic Environment

The economic environment relates to how an area forms part of a local or broader economic framework. A place can be defined by the type of businesses it supports, what types of employment is available for its residents, retail activity and the local road network to move people, goods and services.

Natural and Built Environment

The interaction of the natural and built environment also informs the character of a place. The built environment refers to the type of development in an area, including land uses, subdivision pattern, building setbacks, streetscapes/types, architectural styles, density and building height.

The natural environment includes bushland, open spaces (including public parks), watercourses, topography (including landforms and views), vegetation cover and the opportunities it provides for recreation and refuge. The natural environment is also a critical component of connection to country for traditional landowners.

Planning Considerations

Planning Considerations

This initial review of the villages has highlighted some important land use planning issues for consideration as discussed below. These issues may be used for the purposes of generating discussion in relation to village expansion, land use zoning, minimum lot size and land uses.

Land Use Zoning, Land Use Permissibility and Minimum Lot Size

The zoning of each of the villages is variable, as is the applicable minimum lot size under CLEP 2011. Zoning and minimum lot size can guide and determine local character.

The objectives of a zone inform the purpose of an area, and supported by land uses, help to deliver development that is consistent with a current or desired future character.

Land use permissibility is an important consideration for villages. By permitting or prohibiting different types of development, the ability for the provision of necessary services, support infrastructure and opportunities to age in place is determined.

The minimum lot size is also an important consideration, as it influences how dense development can be within an area, which affects the way a place feels and looks. Lot size is important for being able to manage matters associated with development, such as effluent disposal, where reticulated sewerage infrastructure is not available.

RU5 Village Zone

The RU5 Village zones applies to many of the villages, including Abernethy, Ellalong, Kitchener, North Rothbury, Millfield, Mulbring, Paxton and Wollombi. A small area of Neath also comprises the RU5 zoning.

The objectives of the RU5 Village zone are:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To ensure that development is compatible with the amenity, functioning and scale of a rural village.

Home occupations are permissible with consent; however, the following land uses require consent:

Bed and breakfast accommodation; Boarding houses; Business premises; Cemeteries; Centre-based child care facilities; Community facilities; Crematoria; Dwelling houses; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Food and drink premises; Home-based child care; Home businesses; Horticulture; Hotel or motel accommodation; Information and education facilities; Light industries; Mortuaries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Roadside stalls; Rural supplies; Schools; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Sewerage systems; Shops; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals

Planning Considerations

Pond-based aquaculture or any other land use not listed above are prohibited within the RU5 Village zone.

Mapped minimum lot sizes within the RU5 Village zone varies across the villages. Generally, where a village does not have access to a reticulated water and sewerage system, subdivision of land to the mapped minimum lot size is not permissible. This restricts further densification of the village through formal subdivision, however does not affect the ability to increase density through the introduction of other land uses, such as secondary dwellings, semi-detached dwellings, boarding houses or seniors housing.

R2 Low Density Residential Zone

Abermain, Greta, Kearsley, Neath, Pelaw Main and Stanford Merthyr are predominantly or partially zoned R2 Low Density Residential under CLEP 2011. The objectives of this zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Home occupations are permissible with consent; however, the following land uses require consent:

Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hospitals; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Residential accommodation; Respite day care centres; Roads; Sewerage systems; Tank-based aquaculture; Water supply systems.

Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Shop top housing; or any other land use not listed above are prohibited within the R2 Low Density Residential zone.

The mapped minimum lot size generally applying to the R2 Low Density Residential zone is 450m².

R5 Large Lot Residential Zone

The R5 Large Lot Residential zone applies to land in/surrounding the villages of Ellalong, Greta, Kearsley, Mulbring, Millfield and Paxton.

The objectives of the R5 Large Lot Residential zone are:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Planning Considerations

Home occupations are permitted without consent within the R5 Large Lot Residential zone; however, the following uses require consent:

Bed and breakfast accommodation; Dwelling houses; Extensive agriculture; Horticulture; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Roads; Sewerage systems; Tank-based aquaculture; Water supply systems; or any other land use not listed as prohibited.

The following uses are prohibited:

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Attached dwellings; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Function centres; Group homes; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Multi dwelling housing; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Restricted premises; Rural workers' dwellings; Semi-detached dwellings; Seniors housing; Service stations; Sex services premises; Shop top housing; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies

The mapped minimum lot size applying to the R5 Large Lot Residential zone varies between the villages, generally between 2,000m² and 4 hectares.

RU2 Rural Landscape Zone

Laguna is the only village zoned RU2 Rural Landscape. However, this zone does adjoin some of the other villages. The objectives of are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To enable other forms of development that are associated with rural activity and require an isolated location or support tourism and recreation.
- To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production potential of the land, the rural environment (including scenic resources) and the costs of providing services and amenities.
- To maintain and enhance the scenic character of the land.

Planning Considerations

- To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.
- To minimise the visual impact of vegetation clearing in order to be consistent with the rural character of the locality.
- To minimise disturbance to the landscape from development through clearing, earthworks, access roads and construction of buildings.
- To ensure development does not intrude into the skyline when viewed from a road or other public place.

Extensive agriculture, Home occupations and Horticulture are permitted without development consent; however, the following land uses require consent.

Aquaculture; Cellar door premises; Dual occupancies; Dwelling houses; Environmental protection works; Farm buildings; Health consulting rooms; Home industries; Hospitals; Neighbourhood shops; Pubs; Restaurants or cafes; Roads; Roadside stalls; Rural supplies; Self-storage units; or any other land use not listed as prohibited or permissible without consent.

The following land uses are prohibited within the RU2 Rural Landscape Zone:

Boat building and repair facilities; Car parks; Charter and tourism boating facilities; Commercial premises; Depots; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Heliports; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Passenger transport facilities; Recreation facilities (indoor); Residential accommodation; Restricted premises; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

The minimum lot size applicable to land zoned RU2 Rural Landscape is 40 hectares.

Heritage

Many villages across the LGA have a distinct or unique character, reflective inter alia of their topography, history, external influences and prosperity. The historical character and historical narrative, including factors such as early land grants and subdivision patterns, have influenced density, street alignment, retention of topographical features etc. and the historical development of the locality has influenced the present-day character.

Evidence of particular phases of activity or development such as mining, stone kerb and guttering, wide carriageways, deep verges, soft edges to roads, absence of more formal 'urban' elements such as kerb and guttering or footpaths, is present in many villages.

Built and landscape heritage together with Indigenous cultural heritage are significant factors that create a sense of place and identity to an area. Heritage buildings give a sense of longevity and 'rooted establishment' of a place. They often form significant features that are identifiable, such as a landmark or recognisable feature – the 'pub on the corner' the 'band rotunda', the 'clock tower', the 'old house on the hill'.

Planning Considerations

Similarly, cultural landscapes are of importance and consideration must be given to views, vistas, and retention of significant features and relationships, including protecting the visual periphery or heritage curtilage of the town or village.

Not all villages have the same tolerances to opportunities for growth and change. For instance, where much of a village is situated within a Heritage Conservation Area or contains a large number of heritage items, there will be a higher degree of sensitivity to new development and change, which if permitted, needs to be carefully managed.

Climate Change

Climate change represents one of the biggest challenges for land-use planning. There are expected impacts of increased number of hot days and heatwaves, greater intensity of bushfires, and more frequent and severe storm events. This has consequential impacts on not only the natural environment, but also human mortality and morbidity.

Many villages are surrounded by natural bushland. In the recent past, we have seen earlier commencement of the bushfire seasons, and very severe bushfires some of which have been experienced locally and recently. This pattern is likely to continue, which places pressure on local communities, including government agencies, to prepare for such events.

In hotter climates, we will also see more impacts on human health. Prolonged periods of hot weather can increase the risk of heat stress, particularly in communities with higher rates of elderly people. This prompts the need for consideration of urban heat islands. Urban tree canopy cover is sparse within many villages, and there are limited areas or spaces available for refuge during hot days, outside of the private dwelling.

The increased severity and frequency of storm events, including rainfall intensity increases between 10% and 30% are likely to increase the risk of flash flooding, and reduce warning times for safe evacuation. This is particularly problematic for villages located in low-lying areas or valleys, or where isolation during the 1% Annual Exceedance Probability (AEP) event is already occurs. Coupled with more severe storms with higher velocity winds, increased damage to property and life is also expected.

Land Use Conflicts

Many villages are isolated from other urban areas and surrounded by rural land or natural bushland. In localities surrounded by agricultural land, conflicts between existing or new agricultural land uses (e.g. horse studs, poultry farms etc.) and urban development through amenity, noise or odour, can occur.

For existing agricultural land, the policy of "right to farm" exists. This can be problematic when urban expansion occurs as it generates a conflict between this right and expectations of new residents. This is a particularly important issue when considering whether existing villages should be permitted to expand.

Other potential conflicts can exist between residential and non-residential uses in some of the more urban village settlements. For example, trading hours of businesses or lighting, can introduce conflicts of noise and/or light spill that result in loss of amenity for adjoining/surrounding residents.

Planning Considerations

Wastewater Management

For those villages connected to a reticulated sewer infrastructure, disposal of wastewater does not necessarily represent an issue, unless there are pockets of developed areas that cannot connect to this service (e.g. due to topographic constraints). However, many villages do not have access to such infrastructure and therefore rely on domestic on-site wastewater management systems to perform this function. Whether operating an aerated system or standard septic system, land disposal area is required, in addition to a reserve disposal area in most cases. These areas are likely required to be larger if a reticulated water supply is utilised.

Many villages have relatively large lot sizes, compared to the urban townships. Typically, these are in the range of approximately 700m² - 5000m², however, there are some outside this range (such as in Ellalong).

Lots in the order of 4,000m² to one hectare are the preferred minimum size for the management of wastewater using on-site wastewater management systems. However, many if not most of the villages are below this lot size.

In addition to small lots sizes, there are a number of factors that contribute to wastewater management problems, including:

- Many older systems were not design for the use of automatic dishwashers or washing machines;
- Occupancy levels of dwellings may have changed over time, which may have been enabled through renovations and home improvements;
- Use of dwellings for short-term rental accommodation;
- Historical sizing of disposal areas was generally less conservative than current standards;
- Systems may have been altered from that originally approved.

Site Coverage

Site coverage of a lot by the principal dwelling and ancillary development (e.g. sheds, carports, swimming pools etc.) is also an important consideration for villages (and other urban areas).

Firstly, this relates to the land area available for on-site wastewater management system disposals. For lots at the larger end of the spectrum, this issue is less relevant (but still a matter for consideration), provided there is adequate area remaining available for wastewater disposal (including a reserve area).

However, for those lots at the smaller end of the lot size spectrum, ancillary development creates problems for the ability to dispose of wastewater on-site sustainably. This can result in health, environmental and amenity/odour issues, and significantly constrain the options available for development of a site. There can often be a disconnect between the expectations of the development potential of a site, and its actual capacity.

Secondly, this issue relates to soil infiltration and deep soil zones. By increasing the hardstand (or built) area of a lot, there is a consequential decrease of land available for disposal of stormwater. As a result, sheet overflow of stormwater occurs, which can create localised nuisance flooding, but also increase the risk of pollutants that enter into natural waterways (including from on-site wastewater systems).

Planning Considerations

Lots of ancillary development can also reduce the area available for planting large trees, which provide urban amenity, reduce heat island effects, and increase the permeability of the soil.

Thirdly, a proliferation of ancillary development can also decrease the area of open space available within the individual lot, as well as result in overshadowing and loss of amenity for neighbouring properties.

Many forms of ancillary development, such as large sheds, can be inconsistent with the character of an area, streetscape or individual allotment. This is particularly evident when large sheds are constructed on a lot that comprises a small cottage or dwelling. The ancillary development becomes the predominant built form, and that can alter the character of an area.

Infill Development and Secondary Dwellings

There are opportunities for the supply of new dwellings within established areas through infill development such as the development of vacant allotments or knock-down and rebuilding. Additionally, this can include higher density dwelling type to an allotment with a principle dwelling already established (i.e. secondary dwelling, semi-attached dwelling or dual occupancy).

The delivery of new housing through infill development can be a challenge to local character. It can result in development that is inconsistent with the existing character of an area, or it can be the catalyst to deliver a desired future character. However, if character (existing and/or future) is not defined and managed, infill development will lead to an altered character, whether desired or otherwise.

For example, many of the existing villages are intrinsically linked to early European settlement, as evidenced by their layout and built form: buildings are generally compact, with generous front, side and rear setbacks, building materials are predominantly timber or weatherboard etc. with an elevated subfloor where located on sloping sites.

In contrast, contemporary homes are often large and elongated, generally slab on ground, and comprise different materials, e.g. brick, or rendered, colourbond etc., which are often standard selections in the project home market.

There is a distinct difference between the original and the new. By introducing new built forms, even on vacant allotments, over time, the character of the area will change.

In addition, the preference for slab on ground can require extensive cut and fill which alters the natural landform, thus changes the relationship a new dwelling has to its adjoining dwelling, and can introduce issues for drainage and stormwater management, as well as fencing and retaining walls.

The same can be said for higher density development types, such as secondary dwellings, semi-attached dwellings and dual occupancies. Depending on their situation, built form and access arrangements, higher density development can also change the local character of an area. There are some examples of these development types occurring within the subject villages.

Planning Considerations

Council's ability to influence design can be limited, particularly when developments are assessed through complying development approval pathways enabled by State Government policy, such as the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Paper Subdivisions and Laneways

Many villages were created as government subdivisions, or paper subdivisions. Most government subdivisions were grid-like, comprising regular shaped and sized allotments, supported by local roads and mid-block laneways.

Many areas of paper subdivisions are developed, but there are examples where lots within these subdivisions have not been. In most instances, these parcels are on the outer extent of the villages, still in the ownership of the Crown, and remain heavily vegetated.

In most villages, laneways are unformed (or unsealed) and are located to the rear of property boundaries. The utilisation of these laneways for access purposes varies between villages, with some having high degrees of use, to access the rear of properties and ancillary structures, but also as alternative movement pathways within the village. In short, they can promote permeability within a village.

Laneways can provide opportunities for additional development to the rear of lots, but this needs to be balanced against the above considerations (e.g. character access and egress, wastewater disposal etc.) to ensure land capacity is not exceeded, and to avoid generation of land use conflicts, such as over-crowding and loss of amenity and/or character.

Existing Character

Existing Character (what we know so far)

The social, economic, and built and natural environment features of each village have been described for each village in a separate summary (see www.cessnock.nsw.gov.au/Villages). As identified above, these features will help us describe the character of the village.

As also noted above, the purpose of this discussion paper is to prompt responses to enable the development of a LCS for the village areas and to identify changes to land use planning controls where necessary. It is also a prompt for identifying what embellishments can be implemented to improve the public domain.

Feedback

What do you want to see?

During this consultation period, we want feedback from you as to what you think the character of each village is now, and what it should be in the future. Any changes that you think are required to address land use planning considerations are also welcome.

We also want to know what public domain facilities / embellishments or improvements can be made to embed the current character and achieve the desired future character.

Please feel welcome to attend a drop-in session, talk to a member of staff, complete a survey, or add any comments to an interactive map. All material and links for registrations for events are available from www.cessnock.nsw.gov.au/Villages.

What happens next?

The responses to this discussion paper and any feedback received will be used to draft LCS and PDPs for each village.

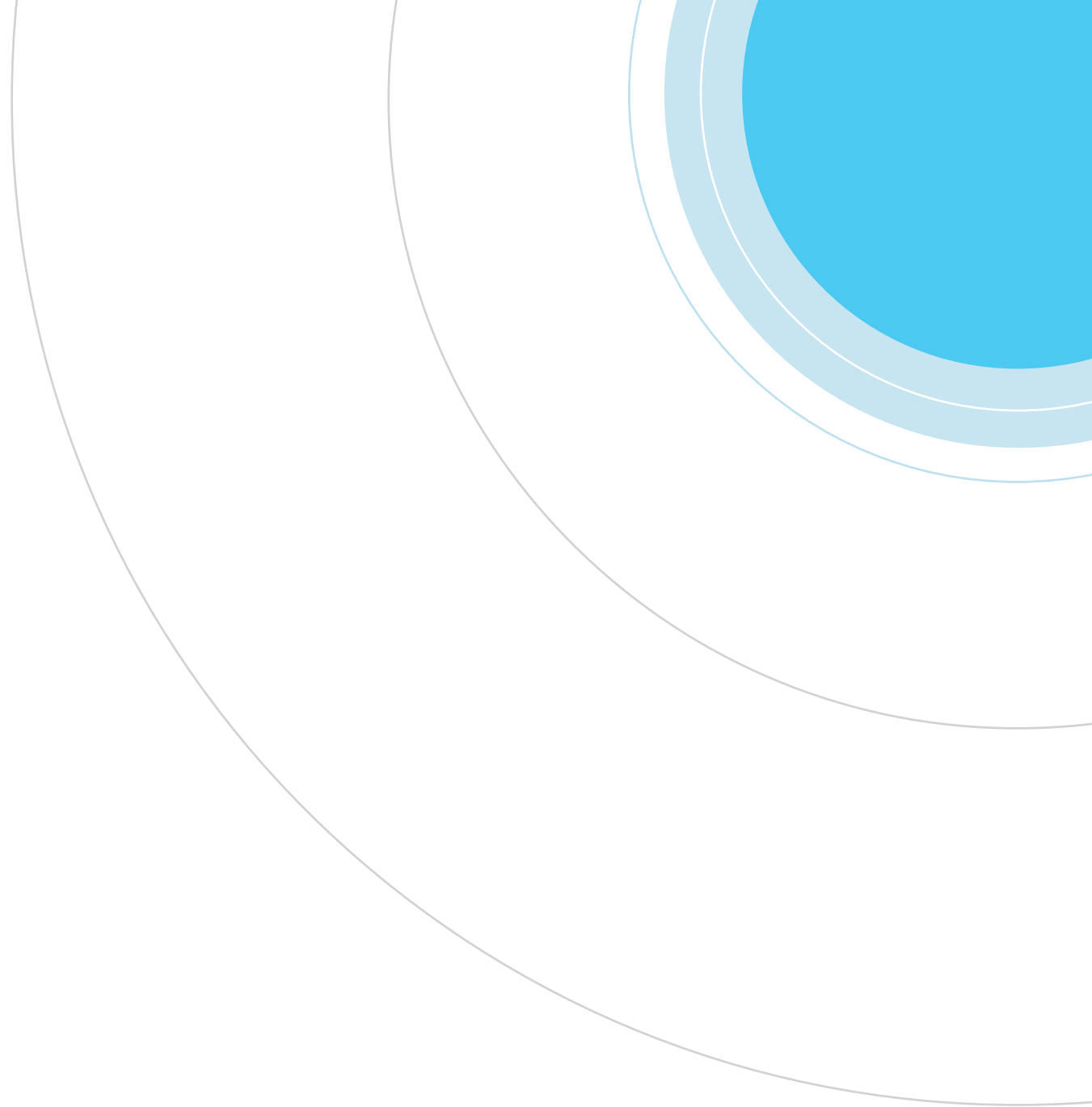
Prior to public exhibition of the draft LCS and PDP, Council may again seek your feedback to validate what we heard during this initial consultation activity.

The draft statements and plans will be exhibited for further comment and feedback. This feedback will be used to modify the exhibited statements and plans (if required) and reported to Council for endorsement.

Contacts (Who's Listening?)

If you would like to discuss this project, please contact:

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