



Vincent Street
CESSNOCK

1 June 2018

ORDINARY MEETING OF COUNCIL

WEDNESDAY, 6 JUNE 2018

ENCLOSURES

PAGE NO.

PLANNING AND ENVIRONMENT

PE32/2018 **Development Application 8/2017/148/1 - Extension of Trading Hours of the McDonald's Drive-thru Facility to Allow 24 Hours, 7 Days a Week Trading for a 12 Month Trial Period**

12-14 Allandale Road, Cessnock

Enclosure1: Applicant's Submission 3

PE33/2018 **Development Application 8/2017/438/1 proposing a 24 lot subdivision**

23 Phillips Lane, NULKABA

Enclosure1: Plan of subdivision 8

PE35/2018 **Cessnock Local Environmental Plan 2011 - Planning Proposal to rezone land at Cliftleigh from RE1 Public Recreation to R2 Low Density Residential**

Enclosure1: Planning Proposal - Main Road Cliftleigh 9

WORKS AND INFRASTRUCTURE

WI37/2018 **Draft Policy Financial Assistance for the Disposal of Waste (Charitable and Not for Profit Organisations)**

Enclosure1: Policy: Financial Assistance for the Disposal of Waste (charitable and not for profit organisations) 42

WI38/2018 **Community Sponsorship & Fee Waiving Policy**

Enclosure1: Draft Sponsorships & Subsidies Policy 45

WI40/2018 Miller Park Masterplan

Enclosure1: Miller Park Masterplan 50

CORRESPONDENCE

CO17/2018 Former Wollombi Public School Site

Enclosure1: Correspondence from Mr Clayton Barr MP 57

CO18/2018 Hunter Joint Organisation

Enclosure1: Correspondence - Joint Organisation 59

02 March 2018

Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Attention: Tracey Le Brun

Dear Madam,

Re: Response to Request for Additional Information – 12 – 14 Allandale Road, Cessnock 2325 NSW (DA8/2017/148/1)

This letter is provided in response to the information request issued by Council's Senior Planning Officer, Tracey Le Brun, on 7/02/2018 following from the meeting held at Council on 6/02/2018.

Council's letter outlined three recommended options to progress with the application. The option McDonald's will be pursuing is option 2 which relates to the provision of a revised application to include a 12 month trial of the 24 hour drive-thru.

On this basis this letter is to confirm that the application is to be amended to change the proposal to consist of 24 hour operation of the drive-thru component only with the dining room being limited to the existing hours of operation. The 24 hour operation of the drive-thru will be subject to a 12 month trial period.

To support the 24 hour operation of the drive-thru and to alleviate Council's concerns, additional CCTV cameras have been placed on site to enable complete surveillance of the carparking areas. Figures 1 and 2 below show the existing and proposed CCTV coverage.

Figure 1 – Existing CCTV Coverage

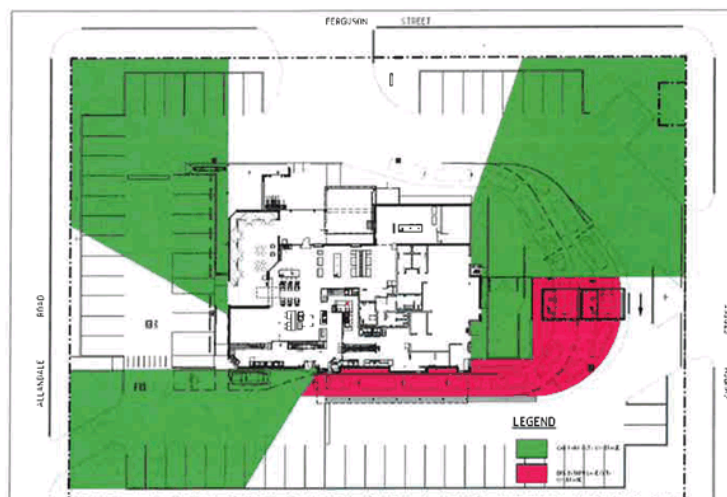
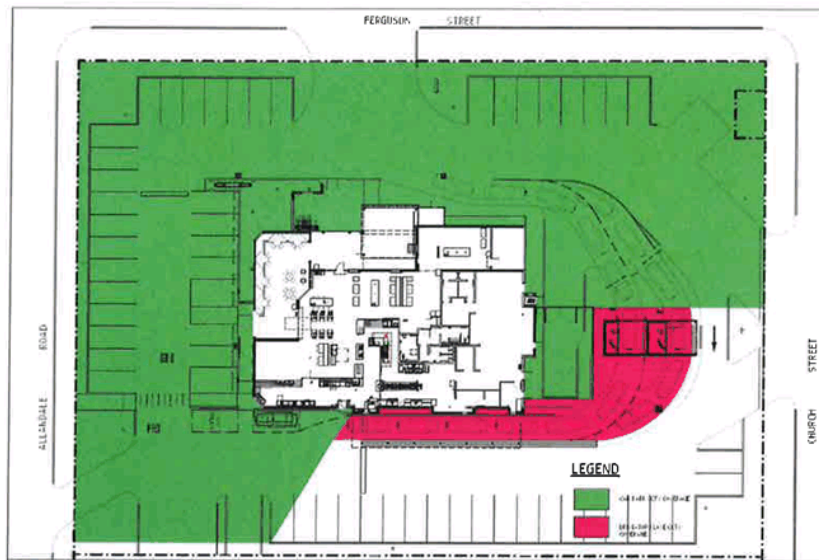




Figure 2 – Proposed CCTV Coverage



Further, additional lighting will be installed in the carpark to eliminate the possibility of any 'dark' spots. This lighting will be provided in accordance with AS2890 Section 4.7. A plan is also attached showing the proposed location of the additional light poles.

To ensure the that site discourages loitering the eastern section of the carpark will be closed off. This will be in accordance with the plan of management that was provided to Council on 25 September 2017. An updated plan showing the proposed areas to be closed off is also attached.

We trust this responds to the concerns raised by Council. If you wish to discuss anything further, please do not hesitate to call Samuel Newman on (02) 4940 0442 or 0422 223 928.

Yours sincerely,

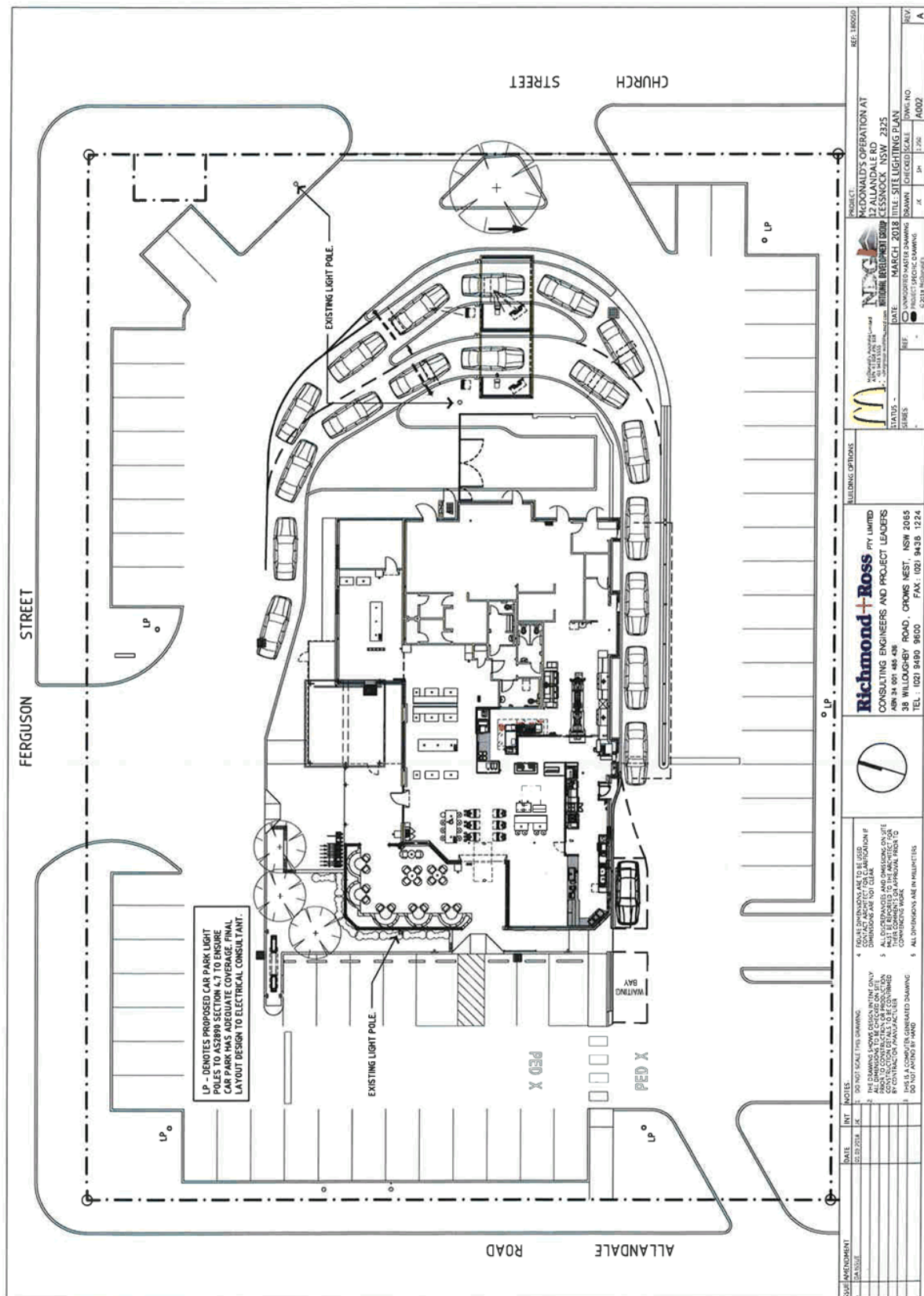
**Samuel Newman
Senior Town Planner
KDC Pty Ltd**

Enclosed

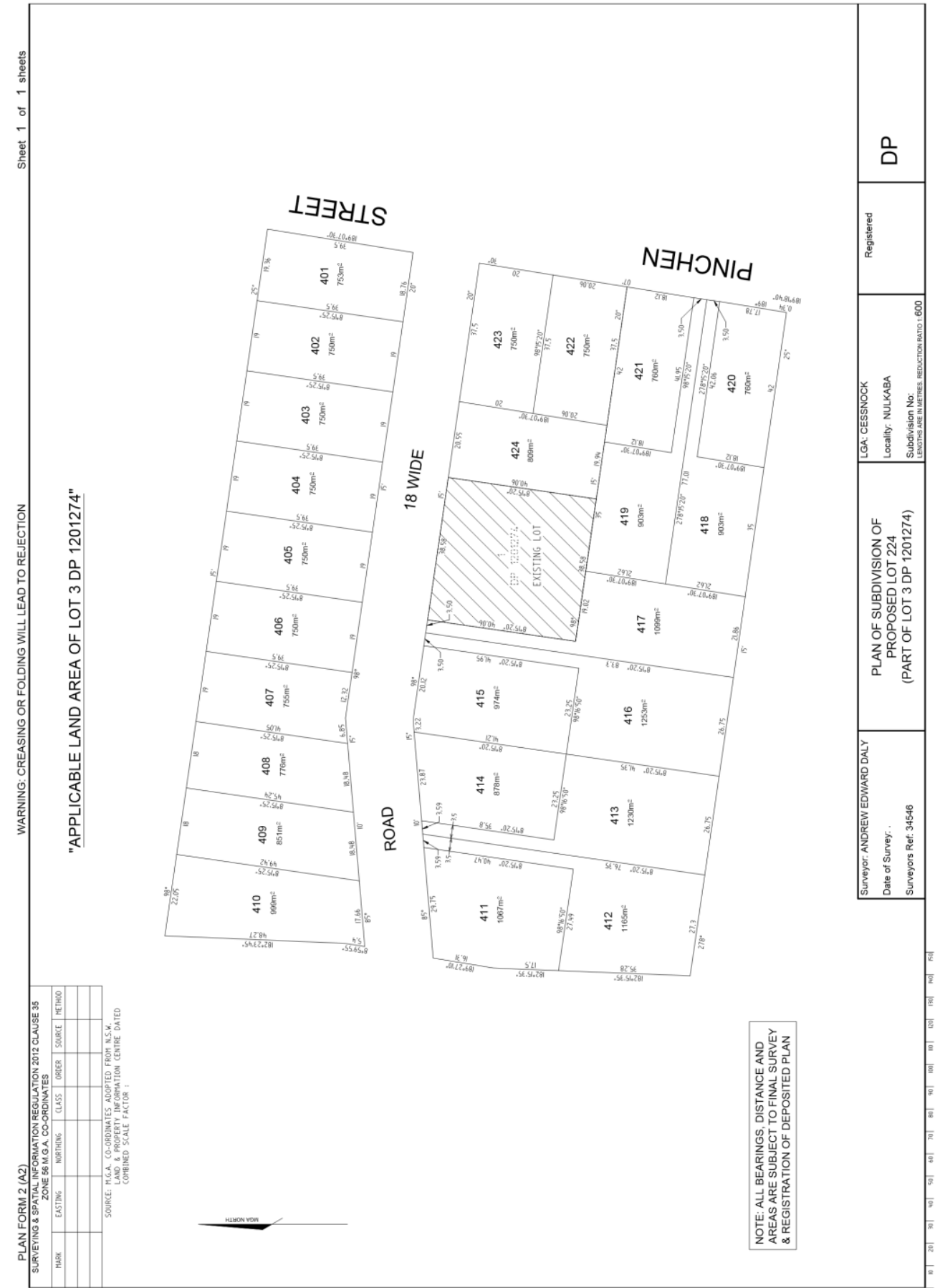
- *Enclosure A – Site Lighting Plan*
- *Enclosure B – Site CCTV Coverage Plan*
- *Enclosure C – Car Park Closure Plan*







23 Phillips Lane, NULKABA





PLANNING PROPOSAL

Amendment to the *Cessnock Local Environmental Plan 2011*

**Rezoning of
Part Lot 949 DP 1223319 & Part Lot: 20 DP: 1175757
(Part of 21 Main Road and part of 43 Main Road Cliftleigh)**

**from
RE1 - Public Recreation Zone to R2 - Low Density
Residential Zone**

Version 1.3

15 May 2018

Contact: Miss Keren Brown

Telephone: 02 4993 4127

Email: keren.brown@cessnock.nsw.gov.au

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

TABLE of CONTENTS

PART 1: OBJECTIVES and OUTCOMES.....	3
PART 2: EXPLANATION of PROVISIONS.....	5
PART 3: JUSTIFICATION.....	6
Section A: Need for Proposal.....	6
1 Resulting from a Strategic Study or Report.....	6
2 Planning Proposal as best way to achieve to objectives	8
Section B: Relationship to Strategic Planning Framework	9
3 Consistency with Objectives and Actions within Regional Strategies	9
4 Consistency with Council's Community Strategic Plan or other Local Strategic Plan ..	9
5 Consistency with State Environmental Planning Policies	10
6 Consistency with s.117 Ministerial Directions for Local Plan Making	16
Section C: Environmental, Social and Economic Impact.....	22
7 Impact on Threatened Species	22
8 Environmental Impact.....	22
9 Social and Economic Impacts.....	22
Section D: State and Commonwealth Interests.....	23
10 Adequate Public Infrastructure	23
11 Consultation with State and Commonwealth Authorities.....	23
PART 4: MAPPING.....	24
PART 5: COMMUNITY CONSULTATION.....	25
PART 6: PROJECT TIMELINE	27

Tables

Table 1: Relevant State Environmental Planning Policies	10
Table 2: Relevant s.117 Ministerial Directions.....	16

Appendices

Appendix 1: Council Report and Minutes	28
Appendix 2: Mapping Amendments	29
Appendix 3: Agency Referrals	31

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

PART 1: OBJECTIVES and OUTCOMES

The intended outcome is for this planning proposal is to:

- Rezone part of Lot 949 DP 1223319 and part of Lot 20 DP 1175757 currently zoned RE1 - Public Recreation to R2 - Low Density Residential.
- Apply a minimum lot size of 450m²

A locality plan is shown as Figure 1a. The part of the lots that is the subject of this Planning Proposal is shown in Figure 1b.



Figure 1a: Locality Plan

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1



Figure 1b: Locality Plan

The site is known as 21 and 43 Main Road, Cliftleigh, and can be legally identified as Lot 949 DP 1223319 & Lot 20 DP1175757 respectively. Note Lot 949 DP 1223319 was previously identified as Lot 200 DP1196167. The western portion of Lot 20 DP 1175757 is currently undeveloped bushland, it is zoned R2 - Low Density Residential and will ultimately be occupied by residential development.

While the subject site is zoned RE1 Public Recreation, the land is currently privately owned and not used for public recreation purposes. The owner is not obliged to allow the public access to the site as it is currently privately owned.

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

PART 2: EXPLANATION of PROVISIONS

The Cessnock Local Environmental Plan 2011 is proposed to be amended in the following ways:

Land Zoning

Amend the RE1 - Public Recreation zoning to R2 - Low Density Residential on Land Zoning Map Sheet 1720_COM_LZN_009A_040_20150318 for that part of Lot 949 DP 1223319 and Lot 20 DP1175757 as shown in Appendix 2.

Lot Size

Amend the minimum lot size map to reflect a minimum lot size of 450m² on map sheet 1720_COM_LSZ_009A_040_20150518 for part of Lot 949 DP 1223319 and part of Lot 20 DP1175757 as shown in Appendix 2.

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

PART 3: JUSTIFICATION

In accordance with the Department of Planning and Environment's "Guide to Preparing Planning Proposals", this section provides a response to the following issues:

- Section A: Need for Proposal;
- Section B: Relationship to Strategic Planning Framework;
- Section C: Environmental, Social and Economic Impact; and
- Section D: State and Commonwealth Interests

Section A: Need for Proposal

1 Resulting from a Strategic Study or Report

The Planning Proposal seeks to rezone the subject site from RE1 - Public Recreation to R2 - Low Density Residential. It is anticipated that an additional 13 allotments will be available for development within the Cliftleigh area if this Planning Proposal proceeds.

Background

The subject site is within the Cliftleigh URA, which was gazetted on 14 November 2008.

The original rezoning of the Cliftleigh Urban Release Area (URA) initially proposed to zone the site R2 Low Density Residential consistent with surrounding land in the URA. The URA was designed with the intention that the site would be zoned R2 Low Density Residential and would consequently be subdivided and developed. However, as part of the final consideration of the proposal in 2007 Council resolved to zone the land to RE1 Public Recreation to address concerns residents raised regarding the need for a visual screen to the proposed Cliftleigh development. Zoning the site RE1 Public Recreation has meant that the land will ultimately be dedicated to Council and that Council will become responsible for the ongoing maintenance and management of the site.

The difficulty with this site will be the ongoing management and maintenance of a relatively isolated parcel of open space of limited recreational value. While the site will have all weeds and rubbish removed by the developer prior to Council dedication, the ongoing maintenance, inclusive of all management costs, will subsequently fall to Council. This will have an impact on Council's existing maintenance program and current and future maintenance levels of open space in the area.

While zoned RE1 - Public Recreation, the land has not been dedicated to Council and therefore does not need to be reclassified. The supporting Cliftleigh Planning Agreement (PA), which was amended to accommodate Council's resolution, requires the dedication of this land valued at \$350,000 to Council prior to the issuing of the Subdivision Certificate that creates the 400th Residential Lot in the Cliftleigh URA development.

Given the size of the lots fronting Main Road Cliftleigh and that they are effectively surrounded by a residential zone, they were rezoned from rural to residential to be consistent with the zoning in the Cliftleigh URA. This makes Maitland Road the boundary between rural and residential zones in this location.

Recreation and Open Space Value

The Planning Proposal was referred to Council's Strategic Recreation and Community Facilities Planner. The site has been reviewed against the principals in the draft Recreation and Open Space Strategic Plan (ROSSP) and the Cycling Strategy 2016 to determine if the

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

site has value for recreation and if sufficient recreational land is being provided in the Cliftleigh Development.

These documents seek to assist Council in the planning for open space, recreation and community facilities through a 'needs' based approach. This is a move away from the use of quantitative standards of provision, such as fixed ratio of supply of open space per 1000 people. The focus on 'needs' based planning has been applied to these plans, with standards used only as an indicative guide. Standards in this regard help to 'benchmark' or quantify current practice against future plans.

The subject site falls within the Kurri Kurri Planning Area, which includes Neath, Abermain, Weston, Mulbring, Heddon Greta and Cliftleigh, for which Council's Draft ROSSP identifies a shortfall of recreation and open space facilities. However, the Cliftleigh URA provides an opportunity to address this, with the Testers Hollow District Park inclusive of an informal kick-a-bout area. In addition, regional sportsground facilities are anticipated to be delivered as part of the Hydro Planning Proposal, which will also address sporting facility shortfalls in this area.

Council's RNA aims to provide 'developed' open space within 500m of most residents. Developed open space includes passive, local, district and regional facilities. Figure 2 shows existing and proposed open space in the immediate vicinity of the subject site.

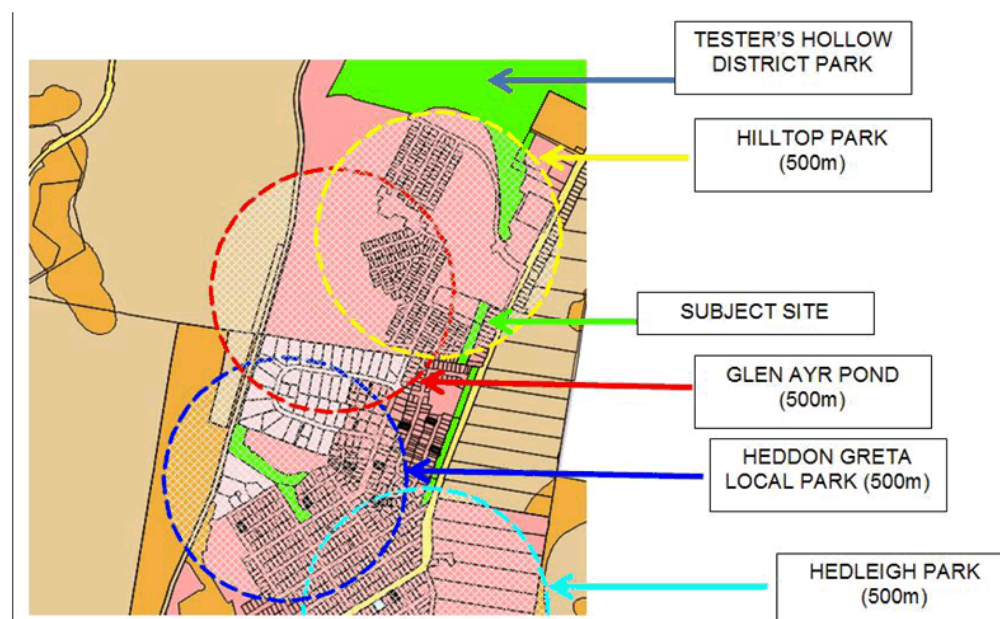


Figure 2: Existing and proposed developed open space

Whilst there is a portion of residents south of the subject site that fall outside the 500m open space area, it is considered that the broader planning area, incorporating Heddon Greta, Cliftleigh, Hedleigh and the proposed Hydro residential site, is currently or will be well serviced.

Notwithstanding these provisions, it is considered that the subject site is of limited recreational value due to the lineal shape not being ideal for the development as a local park in accordance with Open Space Design Guidelines of the ROSSP. Further, it is an isolated parcel of passive open space that has no connectivity to other open space corridors or existing and/or proposed cycleway networks.

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

Current and Future Recreation and Open Space

Despite being privately owned, the exclusion of the subject site as open space will have minimal impact on the overall recreation provisions within the Cliftleigh urban precinct. In all, some 53 hectares (approximately 39% of the total Cliftleigh URA) has been designated for passive and active open space through the Testers Hollow District Park (to be dedicated to Council for public use with embellishments at the 331st lot in the development), Hilltop Park (to be dedicated to Council for public use with embellishments at the 400th lot in the development) and Glen Ayr Pond.

2 Planning Proposal as best way to achieve to objectives

This planning proposal is the best means of achieving the objectives and intended outcomes. There are no other mechanisms to achieve the objectives or intended outcomes.

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

Section B: Relationship to Strategic Planning Framework

3 Consistency with Objectives and Actions within Regional Strategies

Hunter Regional Plan 2016

The Planning Proposal supports the following directions and actions of the Hunter Regional Plan 2036.

Direction	Consistency and Implications
Direction 18: Enhance access to recreational facilities and connect open spaces.	The site is not connected to other recreation and open space areas. As outlined in Section A the site was zoned RE1 to provide a buffer to address concerns residence expressed in relation to the need for a visual screen to the (then) new Cliftleigh development. The site was not intended to provide a connection to urban areas.
Direction 21: Creating a compact settlement.	The site is in the Cliftleigh Urban Release Area, which is a key component of the Kurri Kurri Growth Corridor.

4 Consistency with Council's Community Strategic Plan or other Local Strategic Plan

Community Strategic Plan - Our People, Our Place, Our Future

The Planning Proposal is consistent with Council's Operational Plan, in the better utilisation of existing open space:

- Our open spaces are distributed where people live.
- We have green corridors connecting our open space areas.
- We have high quality, centralised multi-purpose sporting and recreation facilities.

City Wide Settlement Strategy (2010)

The City Wide Settlement Strategy (CWSS) sets out strategic directions and implements a number of the outcomes and actions arising from the Lower Hunter Regional Strategy 2006.

There is no inconsistency between Council's CWSS and the Planning Proposal. The Cliftleigh URA has been approved for residential development since 2009.

Draft Recreation and Open Space Strategic Plan

The Draft Cessnock Recreation and Open Space Strategic Plan has been developed to provide a long term strategic direction for the future provision and management of recreation facilities, programs and services in the Cessnock LGA. As part of this strategy, recreation supply throughout the LGA was examined and recommendations have been provided regarding gaps in the provision of recreation settings.

It should be noted however, that the subject site is currently privately owned and thus it is unlikely this land was examined as part of the strategy. The land could be handed over to Council who would have ongoing maintenance liabilities; however, the proposal is

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

considered a more efficient outcome given other open space areas in the locality and the wider Cliftleigh urban release area.

As outlined in Section A part 1 The subject site falls within the Kurri Kurri Planning Area, which includes Neath, Abermain, Weston, Mulbring, Heddon Greta and Cliftleigh, for which Council's ROSSP identifies a shortfall of recreation and open space facilities. However, the Cliftleigh URA provides an opportunity to address this, with the Testers Hollow District Park inclusive of an informal kick-a-bout area. In addition, regional sportsground facilities are anticipated to be delivered as part of the Hydro Planning Proposal, which will also address sporting facility shortfalls in this area.

Recreation Needs Analysis (2017)

Council's Recreation Needs Analysis aims to provide 'developed' open space within 500m of most residents. Developed open space includes passive, local, district and regional facilities. Section A part 1 provides additional information on this.

5 Consistency with State Environmental Planning Policies

An assessment of relevant SEPPs against the planning proposal is provided in the table below.

Table 1: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 14 - Coastal Wetlands	The aim of this policy is to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the State.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 21 - Caravan Parks	The SEPP provides for development for caravan parks.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 30 - Intensive Agriculture	The SEPP provides considerations for consent for intensive agriculture.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 32 - Urban Consolidation (Redevelopment of Urban Land)	The SEPP makes provision for the re-development of urban land suitable for multi-unit housing and related development.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 33 - Hazardous & Offensive Development	The SEPP provides considerations for consent for hazardous & offensive development.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 36 - Manufactured Homes Estates	The SEPP makes provision to encourage manufactured homes estates through permitting this use where caravan parks are permitted and allowing subdivision.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 44 - Koala Habitat Protection	This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the	Consistent. The ecological investigations undertaken as part of the original rezoning and DA process for the Cliftleigh URA determined that the site did not

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

SEPP	Relevance	Consistency and Implications
	conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	constitute a "Potential Koala Habitat" under the provisions of SEPP 44
SEPP 50 - Canal Estate Development	The SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 55 - Remediation of Land	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 62 - Sustainable Aquaculture	The SEPP relates to development for aquaculture and to development arising from the rezoning of land and is of relevance for site specific rezoning proposals.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 64 - Advertising and Signage	The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 65 - Design Quality of Residential Development	The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 70 – Affordable Rental Housing (Revised Schemes)	The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP Affordable Rental Housing 2009	The aims of this Policy are as follows: (a) to provide a consistent planning regime for the provision of affordable rental housing, (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

SEPP	Relevance	Consistency and Implications
	<p>permissibility, floor space ratio bonuses and non-discretionary development standards,</p> <p>(c) to facilitate the retention and mitigate the loss of existing affordable rental housing,</p> <p>(d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,</p> <p>(e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,</p> <p>(f) to support local business centres by providing affordable rental housing for workers close to places of work,</p> <p>(g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.</p>	
SEPP Building Sustainability Index: BASIX 2004	The SEPP provides for the implementation of BASIX throughout the State.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP (Educational Establishments and Child Care Facilities) 2017	<p>The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by:</p> <p>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</p> <p>(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and</p>	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

SEPP	Relevance	Consistency and Implications
	<ul style="list-style-type: none"> (c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and (d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and (e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and (f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and (g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and (h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design. 	

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

SEPP	Relevance	Consistency and Implications
SEPP Exempt and Complying Development Codes 2008	The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP Housing for Seniors or People with a Disability 2004	The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP Infrastructure 2007	The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP Mining, Petroleum Production and Extractive Industries 2007	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP Miscellaneous Consent Provisions 2007	The aims of this Policy are as follows: (a) to provide that the erection of temporary structures is permissible with consent across the State, (b) to ensure that suitable provision is made for ensuring the safety of persons using temporary structures, (c) to encourage the protection of the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration, (d) to provide that development comprising the subdivision of land, the erection of a building or the demolition of a building, to the extent to	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

SEPP	Relevance	Consistency and Implications
	which it does not already require development consent under another environmental planning instrument, cannot be carried out except with development consent.	
SEPP Rural Lands 2008	The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts and provides development principles.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP State and Regional Development 2011	The SEPP aims to identify development and infrastructure that is State significant and confer functions on the Joint Regional Planning Panels (JRPPs) to determine development applications.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP State Significant Precincts 2005	The aims of this Policy are as follows: (a) (b) (Repealed) (c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State, (d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes. (e), (f) (Repealed)	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP (Vegetation in Non-Rural Areas) 2017	The aims of this Policy are: (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

6 Consistency with s.117 Ministerial Directions for Local Plan Making

An assessment of relevant s.117 Directions against the planning proposal is provided in the table below.

Table 2: Relevant s.117 Ministerial Directions

Ministerial Direction	Objective of Direction	Consistency and Implication
1. EMPLOYMENT AND RESOURCES		
1.1. Business and Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
1.2. Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
1.3. Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
1.4. Rural lands	The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
2. ENVIRONMENT AND HERITAGE		
2.1. Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
2.2. Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
2.3. Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land	Consistent. Nothing in this Planning Proposal impacts upon

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

Ministerial Direction	Objective of Direction	Consistency and Implication
	with significant conservation values from adverse impacts from recreation vehicles.	the operation of this Direction.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1. Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	Consistent – This Planning Proposal is considered to be consistent with this direction for the following reasons: <ul style="list-style-type: none">• Will broaden the choice of building and housing• Make efficient use of existing infrastructure and services• Not increase the urban fringe of Cliftleigh.
3.2. Caravan parks and Manufactured Home Estates	The objectives of this direction are: (a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
3.3. Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
3.4. Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

Ministerial Direction	Objective of Direction	Consistency and Implication
	and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	
3.5. Development Near Licensed Aerodromes	The objectives of this direction are: (a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
3.6. Shooting Ranges	The objectives are: (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
4. HAZARD AND RISK		
4.1. Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid	The subject site is not affected by acid sulphate soils.

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

Ministerial Direction	Objective of Direction	Consistency and Implication
	sulphate soils	
4.2. Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
4.3. Flood Prone Land	The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
4.4. Planning for Bushfire Protection	The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
5. REGIONAL PLANNING		
5.1. Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes, and actions contained in regional strategies.	There is no inconsistency between the Planning Proposal and the objectives or actions of the Hunter Regional Strategy.
5.10. Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions, and actions contained in Regional Plans.	The Planning Proposal is consistent with the following directions of the Hunter Regional Plan 2036. Direction 21: Creating a compact settlement. Direction 18: 'Enhancing access to recreational facilities and connect open space' is relevant to the

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

Ministerial Direction	Objective of Direction	Consistency and Implication
		proposal as the site is currently zoned RE1 Public Recreation. Despite the zoning, the site is privately owned and does not connect urban areas. Further information on the Hunter Regional Plan is provided in Section 3.
5. LOCAL PLAN MAKING		
6.1. Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
6.2. Reserving Land for Public Purposes	The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	<p>Inconsistent - as it proposes to alter and reduce exiting zonings and reservations of land for public purposes.</p> <p>The inconsistency is considered to be of a minor significance as the property has little public benefit in being retained for public purposes if the land were transferred to Cessnock City Council.</p> <p>While the subject site is zoned RE1 Public Recreation, it should be noted that the land is currently privately owned and not used for public recreation purposes.</p> <p>The proposed rezoning reflects the developers preference to develop the land rather than dedicate as recreation, considering it to be a more efficient outcome given other open space and recreational opportunities in the locality.</p> <p>It is considered that the proposed rezoning is consistent with the surrounding development and will minimise the potential for Council maintenance costs if the ownership of the land were transferred.</p> <p>Finally, existing and future recreational needs will be met by existing and planned recreation areas and facilities, including:</p> <p>Testers Hollow District Park, Glen</p>

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

Ministerial Direction	Objective of Direction	Consistency and Implication
		<p>Ayr Pond and Hilltop Park, in all, some 53 hectares.</p> <p>The Delegate for the Minister of Planning advised in the Gateway determination that they agreed with the inconsistency with this Direction and the reduction of land for public purposes.</p>
6.3. Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

Section C: Environmental, Social and Economic Impact

7 Impact on Threatened Species

The EEC the subject of this Planning Proposal was offset under the original VPA biodiversity agreement with the OEH.

8 Environmental Impact

There are two Endangered Ecological Communities (EEC) on site, the Lower Hunter Spotted Gum - Ironbark Forest and Kurri Sand Swamp Woodland. However, the removal of this vegetation has previously been offset under a biodiversity agreement with the (then) Department of Environment and Climate Change (now) Office of Environment and Heritage associated with the original rezoning of for the Cliftleigh URA in 2008.

As a vegetation removal offset, it was agreed that the developer would contribute \$400,000.00 to allow the OEH to implement the Lower Hunter Spotted Gum - Ironbark Forest Recovery Plan Development and Implementation Plan.

Under the terms of the biodiversity agreement, the payment of the \$400,000.00 was paid in two instalments to the Office of Environment and Heritage. The first instalment of \$200,000.00 was paid on 14 November 2008 with the gazettal of the LEP that gave effect to the rezoning. The second instalment of \$200,000.00 was paid on 17 June 2009 with the approval of the Development Consent by Cessnock City Council.

9 Social and Economic Impacts

It is considered that the Planning Proposal will not conflict with the current residential land uses on the adjacent lands, as the proposed zoning is the same R2 - Low Density Residential zone.

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

Section D: State and Commonwealth Interests

10 Adequate Public Infrastructure

The Planning Proposal will not generate demand for additional public infrastructure as the Cliftleigh URA area has adequate infrastructure to support the proposal.

11 Consultation with State and Commonwealth Authorities

The Gateway determination required Council to consult with the following State Government Agencies:

- NSW Rural Fire Service:
 - Raised no objection. Future subdivision will need to meet the requirements of *Planning for Bushfire Protection 2006*.
- Subsidence Advisory:
 - Advised that the site is not undermined nor within the zone of influence for mine workings.
- Office of Environment and Heritage:
 - Advised that the area is part of the previously negotiated Biodiversity Offset Agreement signed on 18 December 2007.

The responses of each Agency is provided in Appendix 3.

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

PART 4: MAPPING

To achieve the intent of the Planning Proposal, it is proposed to amend the following map sheets:

Land Zoning

Replace the RE1 - Public Recreation zoning with R2 - Low Density Residential on map sheet 1720_COM_LZN_009A_040_20150318 for that part of Lot 949 DP 1223319 and Lot 20 DP1175757 as shown as Figure 1 in Appendix 2.

Lot Size

Amend the minimum lot size map to reflect a minimum lot size of 450m² on map sheet 1720_COM_LSZ_009A_040_20150518 for that part of Lot 949 DP 1223319 and Lot 20 DP1175757 as shown as Figure 3 in Appendix 2.

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

PART 5: COMMUNITY CONSULTATION

The Gateway determination required the Planning Proposal to be exhibited for a minimum of 14 days. In accordance with the Gateway determination the Proposal was placed on public exhibition on 28 February for 14 days. However, at the Council meeting on 7 March 2018 Councillors requested the exhibition period be extended. The exhibition period was subsequently extended to 4 April 2018 and the Proposal was exhibited for 36 days in total.

Notification of the exhibition of the Proposal was placed in the Cessnock Advertiser and written notification was sent to surrounding property owners. A second notification letter was sent to surrounding property owners advising of the extension of the exhibition period.

The exhibition material was available from the following locations:

- Council's administration building;
- Cessnock Public Library;
- Kurri Kurri Public Library; and
- Council's Website at www.cessnock.nsw.gov.au

Notice of the exhibition was placed in the Cessnock Advertiser Wednesday 28 February 2018.

1 letter of support was received from the property owner whose property is included in the Planning Proposal to be rezoned to R2 Low Density Residential.

A petition objecting to the Proposal was received. The petitions contained 32 signatures from 22 properties on Main Road and Taminga Road Cliftleigh. The petition stated that the signatories 'strongly objected to the proposal' but did not contain specific reasons for the objection.

One letter of objection was also received. The letter of objection raised two issues.

1. The description of the site: The Planning Proposal stated that the proposal affected part of Lot 9492 DP1225029 and part of Lot 20 DP 1175757, also known as 21 and 43 Main Road. The objection stated that this was incorrect as 43 Main Road was the second most northern house and 21 Main Road is north of the subject area.

This is correct in that 43 Main Road is the second most northern house; however, 43 Main Road is part of a larger allotment that extends back close to Radford Street. The RE1 Public Recreation Zone portion of the property is included in the Planning Proposal.

Due to the staging of the Cliftleigh development and the subdivision layout a significant portion of the undeveloped land is legally known as Lot 9492 DP 1225029 (21 Main Road Cliftleigh). As this is the legal description of the property it was included in the Planning Proposal.

A map highlighting the area affected by the Proposal was included in the Planning Proposal in an attempt to avoid any confusion. The property description included in the Planning Proposal was the correct legal description.

2. Public use of the land: The letter of objection stated that the site is currently used for recreation purposes by children in the neighbourhood.

The two properties are privately owned and the property owners are not obliged to allow the public access. Other recreation lands are planned within the Cliftleigh

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

development to meet the recreation needs of the community including Testers Hollow
District Park Hilltop Park and Glen Ayre Pond.

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential

File No. 18/2016/1/1

PART 6: PROJECT TIMELINE

The Project Timeline will assist with tracking the progress of the Planning Proposal through the various stages of consultation and approval.

It is estimated that this amendment to the Cessnock Local Environmental Plan 2011 will be completed by April 2018.

	April 2017	October 2017	October 2017 – February 2018	March 2018	May / June 2018	June 2018	July - October 2018
Submit Planning Proposal to DoP&E							
Receive Gateway Determination							
Agency consultation							
Preparation of documentation for Public Exhibition							
Public Exhibition							
Review / consideration of submissions							
Report to Council							
Finalise Planning Proposal / request to the DoP&E that the amendment is made							

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential
File No. 18/2016/1/1

Appendix 1: Council Report and Minutes

Council Report PE15/2017 from meeting on 19 April 2017

Council Minute PE15/2017 from meeting on 19 April 2017

Appendix 2: Mapping Amendments



Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential
File No. 18/2016/1/1

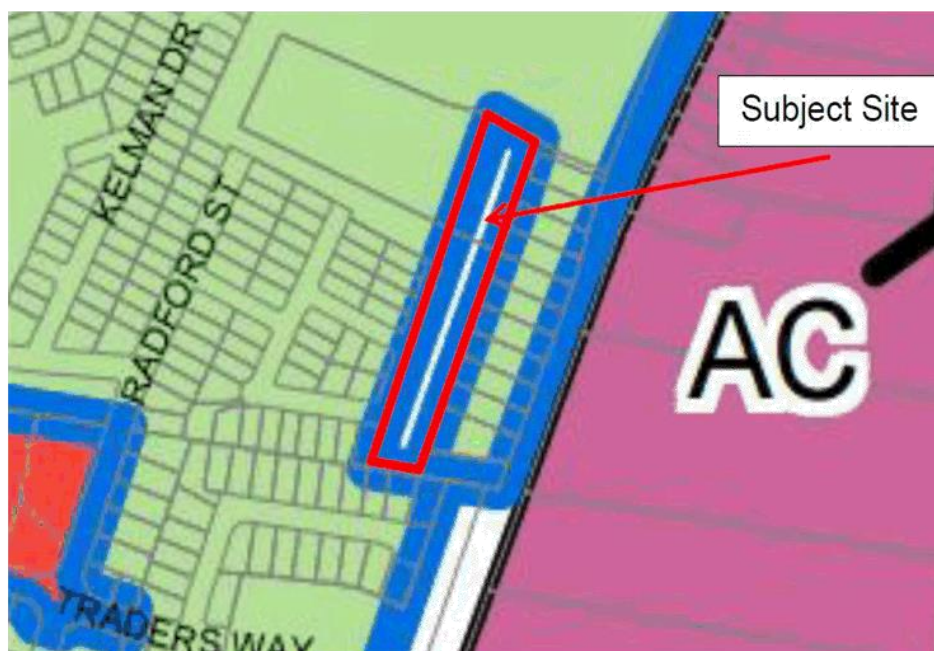


Figure 3 - Existing Lot Size



Figure 4 - Proposed Lot Size

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential
File No. 18/2016/1/1

Appendix 3: Agency Referrals



**Subsidence
Advisory NSW**

117 Bull Street, Newcastle West NSW 2302
Tel 02 4908 4300 | www.subsidenceadvisory.nsw.gov.au
24 Hour Emergency Service: Free Call 1800 248 083
ABN 87 445 348 918

ATTN: Keren Brown
Cessnock City Council
Keren.Brown@cessnock.nsw.gov.au

Dear Keren

**RE: PLANNING PROPOSAL – REZONING OF PART LOT 949 DP 1223319 & PART
LOT 20 DP 1175757, MAIN ROAD CLIFTLEIGH - FROM RE1 - PUBLIC RECREATION
TO R2 - LOW DENSITY RESIDENTIAL – FILE NUMBER 18/2016/1/1**

Thank you for referring the above proposed amendment to Cessnock City Councils' Local
Environmental Plan 2011 to Subsidence Advisory NSW (SA NSW) for advice.

I understand, as per your referral letter that the outcome for this Planning Proposal is to:

- Rezone that part of Lot 949 DP 1223319 and that part of Lot 20 DP 1175757 currently
zoned RE1 – Public Recreation to R2 – Low Density Residential.
- Apply a minimum lot size of 450m2

SA NSW records indicate the site is not undermined, nor within the zone of influence of mine
workings in the Holmesville top split, which are located 640m from the site.

The site is in part within the recently proclaimed Maitland West Mine Subsidence District. The site
is surrounded by existing high density residential development.

SA NSW therefore has no objection to this proposal.

Please contact Shane McDonald on 4908 4328 should you wish to discuss this advice further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Shane McDonald'.

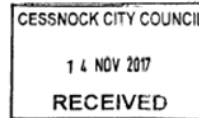
**Shane McDonald
Acting Technical Manager
Subsidence Advisory NSW**

23 January 2018

Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential
File No. 18/2016/1/1



NSW RURAL FIRE SERVICE

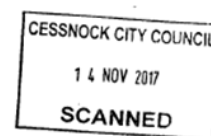


The General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Your reference: R17/3789
Our reference: 18/2016/1
3 November 2017

Attention: Keren Brown

Dear Sir/Madam,



Planning Proposal – Rezoning of 21 & 43 Main Road, Cliftleigh

Reference is made to Council's correspondence dated 12 October 2017 seeking comments in relation to the above planning proposal which seeks to rezone the above land from RE1 Public Recreation to R2 Low Density Residential and apply a minimum lot size of 450m².

The New South Wales Rural Fire Service has reviewed the proposal and raises no objections subject to a requirement that the future subdivision of the land complies with *Planning for Bush Fire Protection 2006*. This includes, but is not limited to:

- Provision of Asset Protection Zones (APZs) within the proposed lots in accordance with Table A2.4;
- Access to be provided in accordance with the design specifications set out in section 4.1.3; and,
- Services to be provided in accordance with section 4.1.3.

If you have any queries regarding this advice, please contact Simon Derevnin, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely,

Jason Maslen
Team Leader, Development Assessment and Planning
Planning and Environment Services (East)

Postal address
NSW Rural Fire Service
Records Management
Locked Bag 17
GRANVILLE NSW 2141

Street address
NSW Rural Fire Service
Planning and Environment Services (East)
42 Lamb Street
GLENDENNING NSW 2761

T 1300 NSW RFS
F (02) 8741 5433
E cso@rfs.nsw.gov.au
www.rfs.nsw.gov.au



Planning Proposal – Cliftleigh RE1 Public Recreation to R2 Low Density Residential
File No. 18/2016/1/1



DOC17/508790-2
18/2016/1

Keren Brown
Senior Strategic Land Use Planner
Cessnock City Council
keren.brown@cessnock.nsw.gov.au

Dear Keren

Planning proposal – rezoning of Lot 949 DP 1223319 & Lot 20 DP 1175757 Main Road Cliftleigh

I refer to the letter dated 12 October 2017 seeking advice from the Office of Environment and Heritage (OEH) in relation to the above mentioned planning proposal. It is understood that the proposal seeks to amend the Cessnock Local Environmental Plan 2011 to rezone part of 21 and 43 Main Road, Cliftleigh from RE1 Public Recreation to R2 Low Density Residential. It is noted that a positive Gateway Determination was made in relation to this proposal on 2 October 2017.

OEH concurs with Council that this area is part of the negotiated biodiversity offsetting outcome outlined in the Deed of Agreement signed on 18 December 2007 between the Director General of the (then) Department of Environment and Climate Change and Winten (No 23) Pty Ltd., and requires no further offsets.

OEH has no other comments to make on this planning proposal. If you require any further information regarding this matter please contact Karen Thumm, Senior Conservation Planner, on 4927 3153.

Yours sincerely

A handwritten signature in black ink, appearing to read "Steven Cox".

STEVEN COX
Senior Team Leader Planning
Hunter Central Coast Branch
Regional Operations Division

20 February 2018

Locked Bag 1002 Dangar NSW 2309
Level 4, 26 Honeysuckle Drive Newcastle NSW 2300
rog.hcc@environment.nsw.gov.au
ABN 30 841 387 271
www.environment.nsw.gov.au



Cessnock City Council Financial Assistance for the Disposal of Waste (charitable and not for profit organisations)

Date Adopted XX/XX/XX Revision: X

1. Policy Objectives

The objectives of this policy are:

- To lessen the financial burden of waste disposal for charitable and not for profit organisations; and
- Minimise the financial incentive for charities to bring waste from other council areas to Cessnock for disposal.

2. Policy Scope

This policy applies to all waste brought to Cessnock Waste Management Centre where the organisation bringing the waste meets the policy requirements.

3. Background

This Financial Assistance Policy allows charitable, not for profit and benevolent organisations to dispose of waste at Cessnock Waste Management Centre at reduced rates. To be eligible, an organisation must first obtain an exemption from paying the waste levy. This is obtained from the NSW Environment Protection Authority. The exemption, referred to as a 'Community Service Exemption,' may be claimed by charities and not-for-profit groups performing a community service that involves collecting or receiving waste. The EPA exemption applies to wastes which are not ordinarily the responsibility of the organisation and helps to alleviate some of the burden associated with managing this waste.

Approved EPA community service exemptions are generally granted for a two-year period after which time the exemption expires and the applicant will need to apply again.

4. Policy Statement

Cessnock City Council recognises the important role that charitable organisations and not for profit groups play in the community. Council also understands the burden that illegally dumped waste and unusable donations place on charities. This policy seeks to establish a fair and equitable system that helps to reduce the burden of waste on charities whilst minimising any financial incentive for charities to bring waste from other council areas to Cessnock for disposal.



In order to lessen the financial burden of waste disposal for charitable and not for profit organisations, Cessnock City Council will charge the fees as given in table 1 below for the disposal of waste from these organisations. The fees mean that charitable, not for profit and benevolent organisations may dispose of waste at no cost up until 20 tonnes of waste, after which a cost per tonne will be payable as shown in Table 1.

TABLE 1: Disposal Cost for Organisations Approved for Financial Assistance 2018-19.

Tonnage (annual)	Cost Per Tonne
0 - 20	Free
>20 - 100	50% of full gate fee minus levy
>100	Full gate fee minus levy

Charges for following financial years will be added to the Annual Fees and Charges for Cessnock Waste Management Centre with increases being limited to increases in CPI.

To qualify for the rates given in Table 1, organisations must first apply to Council using the relevant application form: Financial Assistance for the Disposal of Waste. To be approved, organisations must fulfil the following requirements:

1. Organisations must be registered as a charitable, not for profit or a benevolent organisation. Supporting documentation is required;
2. Organisations must have a valid Community Service Exemption from the NSW EPA and supply this information to Council (this exemption means the organisation is exempt from paying the waste levy)
3. The waste must be generated as part of direct voluntary action (such as Clean Up Australia Day) or be incidental to a community service (an activity that benefits the NSW community or environment and is undertaken voluntarily), such as unusable goods collected from community donations. The exemption does not apply to wastes generated by an organisation in the normal course of its business;
4. The waste must be generated within the Cessnock local government area.
5. The activity must have been undertaken voluntarily or not for profit and with no commercial interest;
6. The applicant must demonstrate that they have explored opportunities to minimise the generation of the waste and/or have explored opportunities for reuse.
7. Waste should be sorted into recyclable and non-recyclable items;
8. The waste must be self-hauled to Cessnock Waste Management Centre.
9. If approval is granted, applicants must acknowledge council's support. This must be via one or more of the following:
 - a. Banner placement at an event.
 - b. Council logo placement on promotional materials.
 - c. Verbal acknowledgement at any events.
 - d. Acknowledgement in newsletter, stories or Annual Report.

Approval will be granted conditional on the above requirements being met, as well as any other specific conditions as imposed by the Environment Protection Authority.



5. Policy Definitions

Sample Type the definition of the term here.

6. Policy Administration

Business Group:	Waste Services
Responsible Officer:	Michael Alexander
Policy Review Date:	Three years from date of adoption unless legislated otherwise
File Number / Document Number:	
Policy Number:	
Relevant Legislation:	<ul style="list-style-type: none"> • Protection of the Environment Operations (Waste) Regulation 2014 • Protection of the Environment Operations Act 1997 • Local Government Act, section 356
Related Policies / Protocols / Procedures	

7. Policy History

Revision	Date Approved / Authority	Description Of Changes
1		New policy adopted
2		Periodic review



Cessnock City Council Community Sponsorship & Fee Waiving Policy

Date Adopted XX/XX/XX Revision: X

1. Policy Objectives

The objectives of this Policy are:

- To establish a governing framework for the consideration of requests for financial and/or in-kind assistance, by way of sponsorship and/or fee waiving;
- To ensure that the administration of such requests is conducted in a consistent, equitable, transparent and financially sustainable manner to provide maximum benefit to the community of the Cessnock Local Government Area (LGA).

2. Legislative Framework

In a local government context sponsorship and fee waiving is governed by relevant clauses in the NSW Local Government Act 1993, being;

Section 356

Can a council financially assist others?

- (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
- (2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.
- (3) However, public notice is not required if:
 - a. the financial assistance is part of a specific program, and
 - b. the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - c. the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - d. the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.
- (4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work.



Section 377(q)

General power of the council to delegate

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following:
- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons.

Section 610(E)

Council may waive or reduce fees

- (1) A council may waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the council is satisfied that the case falls within a category of hardship or any other category in respect of which the council has determined payment should be so waived or reduced.
- (2) However, a council must not determine a category of cases under this section until it has given public notice of the proposed category in the same way as it is required to give public notice of the amount of a proposed fee under section 610F (2) or (3).

3. Policy Definitions

Council	Cessnock City Council (CCC)
Sponsorship	Agreements that provide Financial Assistance (Payment) and/or In-kind Assistance (Council Resource) to a group or organisation in support of a project, event, community initiative or service that meets the objectives of Council's Community Strategic Plan .
Fee Waiver	A fee waiver is the full or partial removal of fees associated with the use of Council facilities and/or receiving of Council goods and services
Not For Profit	A non-government group or organisation that is not operating for the profit or gain of its individual members, whether these gains would be direct or indirect

4. Policy Statement

This Policy sets out the principles and implementing guidelines for providing financial and/or in-kind support, ensuring that any arrangements are transparent and effective.

Financial and/or in-kind support may be provided by Council to community groups, not for profit organisations and other eligible applicants to support the provision of a range of activities and services that:

- Respond to an identified community need and provides benefit to the community
- Are in accordance with key objectives of Council's Community Strategic Plan

The activities and services may include, but not be limited to, community projects, events, cultural programs, sporting programs and other community services that provide benefit to the Cessnock LGA community.

Financial support, by way of reduced fees or fee waiver, may be provided by Council in cases of hardship or any other category that Council has determined it may consider waiving payment, or reducing a fee.



Council will only provide support under this Policy if it is satisfied the applicant meets the eligibility criteria set out in the Policy.

4.1. SPONSORSHIP

4.1.1. Principles for the Provision of Sponsorship

The following principles are specific to the provision of sponsorship by Council. These principles must be followed by Council staff when assessing and administering requests for support.

- 4.1.1.1. There must be no real or apparent conflict between the objectives of the Policy and the mission of the benefactor and Council.
- 4.1.1.2. The opportunity for the provision of sponsorship by Council must be made as widely known as possible. Where a decision is made not to offer sponsorship widely, the reasons for doing so must be clearly documented.
- 4.1.1.3. **Sponsorship proposals must be presented to Council for a decision.**
- 4.1.1.4. Recommendations and approvals for sponsorship should be on the basis of established criteria, consistently applied by Council staff with no personal interest in the outcome.
- 4.1.1.5. Sponsorship proposals must be assessed against the following predetermined and publicly available criteria:
 - The organisation seeking sponsorship must be community based;
 - The organisation seeking sponsorship must be compatible with Council's values;
 - The project or activity being sponsored must have local impact in the Cessnock LGA;
 - The organisation seeking sponsorship must offer tangible benefits to Council in return for sponsorship;
 - The organisation seeking sponsorship must not be actively involved in conflict with Council;
 - The organisation seeking sponsorship must be seen to have the capacity to fulfil its sponsorship obligations.
- 4.1.1.6. The level of recognition and benefits available to Council as a sponsor must be commensurate to the scale of the sponsorship.
- 4.1.1.7. Each sponsorship proposal will be assessed on an individual basis and no on-going sponsorship beyond the terms set out in the arrangement should be implied or assumed.
- 4.1.1.8. Councillors or staff are not permitted to receive a personal benefit from sponsorship arrangements.
- 4.1.1.9. Council must monitor sponsorship arrangements to ensure the promised sponsor benefits are delivered. Sufficient and timely information must be provided by the sponsored organisation to enable Council to evaluate the effectiveness of the sponsorship.



4.2. FEE WAIVERS

Section 610 (E) of the NSW Local Government Act, 1993 allows Council to apply a reduced fee or waiver a fee in a particular case if it is satisfied that the case falls within a category of hardship or any other category that Council has determined it may consider waiving payment, or reducing a fee.

Council has determined the following categories;

Hardship – where there is evidence that the payment of the fee or charge will impose unreasonable financial hardship on the applicant given their particular circumstances.

Charity – where the applicant is a registered charity and the fee is for a service that will enable the provision of charitable services to the community of the Cessnock LGA.

Not For Profit – where the applicant is an organisation that holds “not for profit” status and the fee is for a service that will enable the achievement of their objectives and betterment for the community of the Cessnock LGA and where the payment of standard fees or charges would cause financial hardship.

Commercial – where the Council, or its contractor, operates a service and reduction of the fee is required to compete in the market.

Non-Provision of Service – where the Council is unable to provide a service or venue that has been previously agreed upon and an appropriate discount, fee waiver or substitution is required as compensation.

Filming related activities – applicable fees and charges may be waived or reduced for productions undertaken in the LGA where the production’s purpose relates to charitable, educational or community-based, non-commercial activities or where the production’s primary purpose is to highlight the LGA as a tourist destination.

The following principles will be considered when applying any reduction or waiver of a fee or charge:

- Compliance with statutory requirements
- Fairness and consistency
- Integrity
- Equity
- Transparency
- Commercial imperatives

The Council will directly, or through delegated authority, assess and make determinations on requests for reduction or waiver of fees in accordance with these principles.

Council may also endorse a reduction or waiver of fees to organisations as part of Council’s grant and sponsorship arrangements.



5. Policy Administration

Business Group:	N/A
Responsible Officer:	Director Works & Infrastructure
Policy Review Date:	Three (3) years from date of adoption unless legislated otherwise
File Number / Document Number:	DOC2018/040583
Policy Number:	
Relevant Legislation:	<ul style="list-style-type: none"> • NSW Local Government Act, 1993 • NSW Local Government (General) Regulation, 2005
Related Policies / Protocols / Procedures	<ul style="list-style-type: none"> • CCC – Property Management Policy • CCC – Property Management Guidelines • CCC – Annual Fees & Charges • CCC – Pensioner Rebates Policy • CCC – Donations Policy • CCC – Hardship Policy • CCC – Tidy Town \$ for \$ Grants Policy • CCC – Rates Subsidy to Community Organisations Policy

6. Policy History

Revision	Date Approved / Authority	Description Of Changes
1		New policy adopted
2		Periodic review

landscape masterplan

millar park - branxton



site:
branxton
client:
cesnock city council
proposal:
landscape masterplan
project no:
11605.5
date:
15.05.2018
revision:
K



site analysis

miller park - branxton

01

may 2018



teras
413 King Street
Branxton NSW 2160
ph: 40 254 025
fax: 40 253 069
WWW.TERAS.COM.AU

CESNOCK CITY COUNCIL

masterplan

milller park - branxton

03

may 2018



04

may 2018

masterplan

milller park - branxton



legend

- existing trees
- new street trees
- new general trees
- car parking
- pathway
- existing facilities
- new facilities
- relocated cricket net
- shade terrace seating
- relocated/2nd long jump
- existing long jump to be relocated
- wire fencing
- high chain link fence (2.4m height)
- security fence (900mm height, chain wire fence)
- cricket sight screen
- under path
- waterway
- existing drainage swale - upgrade
- new concrete swale
- project boundary
- new flood lighting
- existing flood lighting
- lockable gate
- existing discus throwing cage
- new discus throwing cage
- signage/wayfinding
- pedestrian linkage

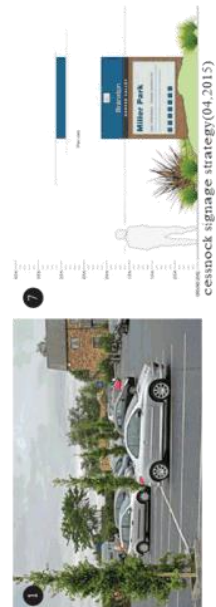


key notes

- 1 carparking formalised parking spaces with shade trees and lighting, mass planting at front to provide stronger entry statement.
- 2 existing carparking, upgrade lighting.
- 3 existing soccer field with high chain link fence at front and restricted access.
- 4 existing amenity building, soccer amenity building with change rooms, toilet, kiosk, and storage room.
- 5 upgrade drainage, provide drainage pit and pipe system to existing grass swale.
- 6 new concrete surface swale drainage, existing swale.
- 7 entry signage/statement set in mass planting.
- 8 bench seating
- 9 kick upgrade and external lighting
- 10 upgrade dugout boxes.
- 11 extend building to the south to provide additional storage.
- 12 covered brick bkg area extension off existing amenities building
- 13 covered concrete area

site details:
 1000 m² site, marland st,
 branxton
 client:
 cesnock city council
 date:
 15.05.18
 job number:
 11605.5
 scale:
 1:1000 @ a3
 revision:
 K

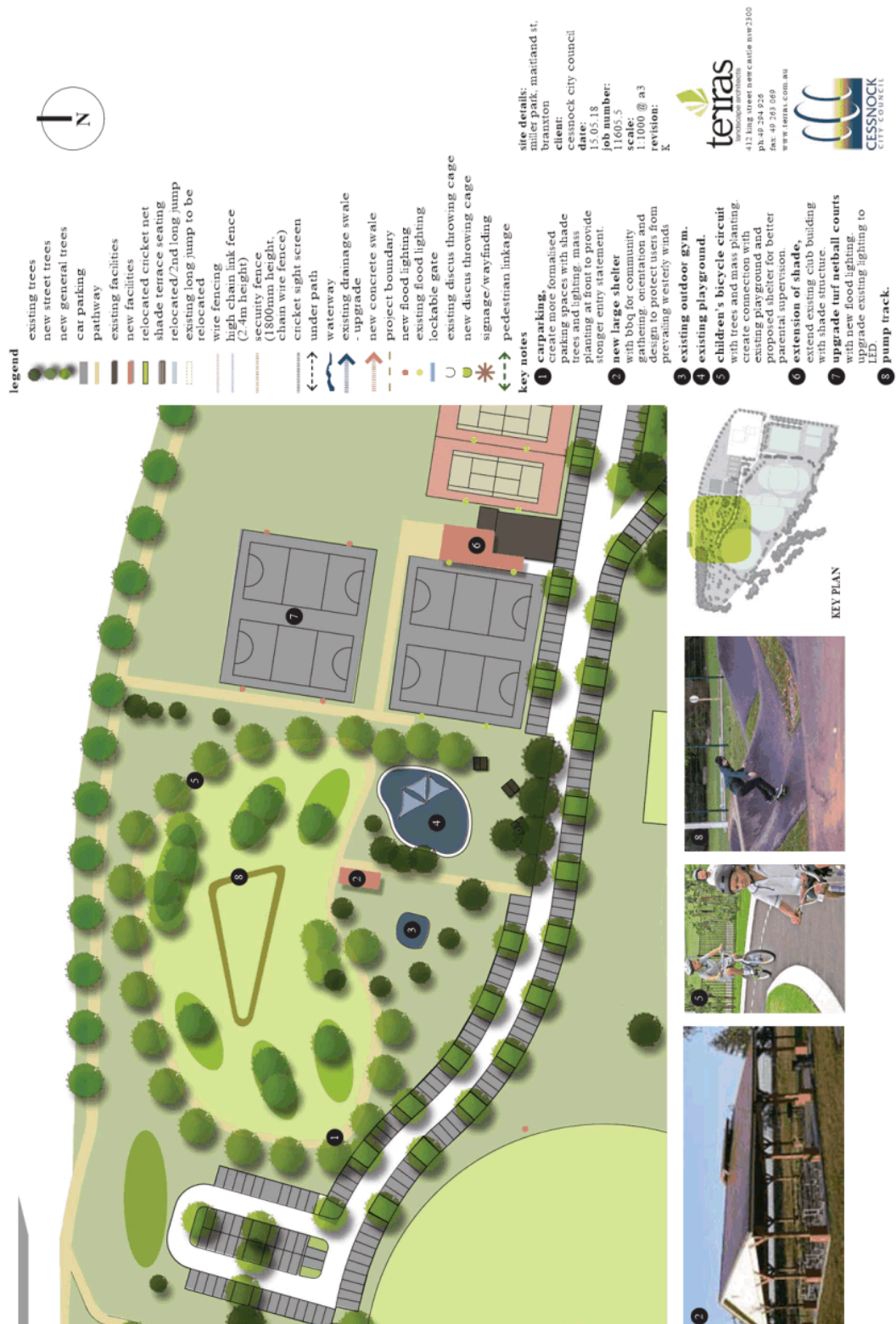
terras
 landscape architects
 41/3 longview road
 ph-40 264 825
 fax- 40 263 569
 www.terras.com.au



masterplan
miller park - brampton

05

may 2018



site details:
 miller park, maitland st.
 brampton
client:
 ceesnoek city council
date:
 15.05.18
job number:
 11605.5
scale:
 NTS
revision:

 **terras**
landscape architects
112 king street newcastle nsw 2300
ph: 49 264 926
fax: 49 263 069
www.terras.com.au

[illegible]

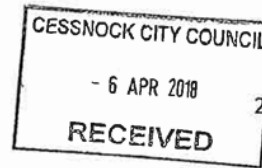
Australian Labor Party

Country Labor - Thinking outside of the City

Clayton Barr, MP

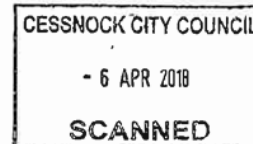
STATE MEMBER FOR THE ELECTORATE OF CESSNOCK

Our Ref CB2-CessnockCityCouncil-Edu180328-1540



28 March 2018

Cr Bob Pynsent
Mayor
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Dear  Cr Pynsent

Thank you for your recent letter regarding Wollombi Public School, see attached copy

As always, I welcome the opportunity to liaise with Council on pursuing the needs and matters of interest for our shared community.

We all share a concern that the Wollombi School site will be sold and lost as a community asset. I have no doubt that this is the path that has been set

Based on my own personal concerns, along with similar requests and concerns from community, I have previously appealed to the former Minister for Education Adrian Piccoli, the current Minister for Education Rob Stokes, the current Deputy Premier John Barilaro and Parliamentary Secretary Scot MacDonald, to keep the school in public hands as a reflection of the key role that it plays in the community as well as its heritage value.

Sadly the school remains on the "to be disposed of" list. The various Ministers have clearly articulated that this is a position of the current State Government, to sell off unwanted properties, and that they individually are captive to this.

The best offer that could be garnished from these many representations is that the school would, in the first instance, be available for sale at a "community use" price. To this end, it was suggested that perhaps Council or a community group could purchase the site, before it went to open market.

.... /2



PARLIAMENT OF NEW SOUTH WALES LEGISLATIVE ASSEMBLY

118 Vincent Street (PO Box 242)
Cessnock NSW 2325
P (02) 4991 1466 | 1300 550 114
F (02) 4991 1103
E cessnock@parliament.nsw.gov.au

. 2 .

Cr Bob Pynsent, Mayor
Cessnock City Council

28 March 2018

The community user group that currently hold a range of events in the Wollombi School are aware of this, but to date, have not identified their ability to raise the necessary funds (one estimate, informally and verbally, of community use value was in the vicinity of \$450,000 00).

It is my understanding that Cessnock City Council has no interest in acquiring the Wollombi school site. If this is true then can I suggest that Council reconsider its interest in a meeting being organised with myself and any Government representative

Nevertheless, if Council would still like to go ahead with a meeting, I am more than happy to see that one is organised and more than happy to attend. Can I suggest, if we go down this path, that the meeting be with Minister Rob Stokes, instead of Scot MacDonald. This might require an amendment to the existing Motion.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Barr', with a stylized flourish at the end.

CLAYTON BARR, MP
State Member for the
Electorate of Cessnock
Shadow Minister for Finance,
Services and Property

enc



The Hon. John Barilaro MP
Deputy Premier
Minister for Regional New South Wales,
Minister for Skills and Minister for Small Business

A591383

24 May 2018

Clr Bob Pynsent
Mayor
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

By email: bob.pynsent@cessnock.nsw.gov.au

Dear Clr Pynsent

We are pleased to advise that the *Local Government (Regional Joint Organisations) Proclamation* and the *Local Government (General) Amendment (Regional Joint Organisations) Regulation 2018* were made on the 11 May 2018. This has enabled the establishment of a network of 11 joint organisations, made up of 74 member councils across regional NSW.

Congratulations on becoming a member of the Hunter Joint Organisation, along with Dungog, Lake Macquarie, Maitland, Mid-Coast, Muswellbrook, Newcastle, Port Stephens, Singleton and Upper Hunter Councils.

We take this opportunity to acknowledge the leadership that your council has demonstrated to engage with other councils in the region and resolving to form a joint organisation. This signals a new chapter for councils in regional NSW and will change the way local councils and the State government will work together to deliver important regional projects. Joint organisations will deliver real benefits for regional communities by working across traditional boundaries to plan and prioritise important initiatives.

The Office of Local Government will work closely with joint organisations and member councils to support the establishment of the Hunter Joint Organisation. The NSW Government has allocated \$300,000 in seed funding to support the establishment of the joint organisation and is committed to working with you to ensure that it is a success.

A comprehensive package of support and guidance materials is available to assist your joint organisation to become operational. An OLG Officer has been assigned to your joint organisation to provide direct support. An on-line portal has been established to share information and regular teleconferences with the interim executive officers of joint organisations are being scheduled.

Level 20, 52 Martin Place, Sydney NSW 2000
Phone: (61 2) 8574 5150 Fax: (61 2) 9339 5558 Email: office@deputypremier.nsw.gov.au

I look forward to joint organisations driving forward the issues that are important to regional NSW, including better strategic planning, economic development and service delivery.

Mr Chris Presland from OLG is available on (02) 4428 4100 or olg@olg.nsw.gov.au should you have any further enquiries.

Yours sincerely



The Hon. John Barilaro MP
Deputy Premier
Minister for Regional New South Wales
Minister for Skills
Minister for Small Business



The Hon. Gabrielle Upton MP
Minister for the Environment
Minister for Local Government
Minister for Heritage