



2 November 2018

To All Councillors

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that the next Ordinary Meeting of Council will be held in the Council Chambers, on Wednesday, 7 November 2018 at 6.30 pm, for the purposes of transacting the undermentioned business.

**AGENDA:**

PAGE NO.

**(1) OPENING PRAYER**

**(2) ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**

**(3) RECEIPT OF APOLOGIES**

Apologies received from:  
Councillor John Fagg

**(4) CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

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**(5) DISCLOSURES OF INTEREST**

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**(6) PETITIONS**

**(7) ADDRESS BY INVITED SPEAKERS**

The following person has been invited to address the meeting of Council:

Speakers	Company	For / Against	Report	Page No.	Duration
James Sugumar	Audit Office NSW	For	CC78/2018 - Financial Statements for the Year Ended 30 June 2018 - Presentation to Council and the Public	283	7 mins

**(8) CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBO OR INDIVIDUALLY WITH NOMINATED EXCEPTIONS**

**(9) MAYORAL MINUTES**

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**(10) MOTIONS OF URGENCY**

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**(11) GENERAL MANAGER'S UNIT**

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**(12) PLANNING AND ENVIRONMENT**

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	PE60/2018	DA 8/2017/461/1 proposing development of a manufactured home estate comprising 165 movable dwelling sites and ancillary facilities to be constructed in six (6) phases	
		17 Ash Street, Cessnock .....	57
	PE61/2018	Joint Cessnock and Singleton 'Vineyard's District' Planning Proposal Exhibition Outcomes.....	163
‡	PE62/2018	Annual Code of Conduct Complaints Report .....	278

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**(14) WORKS AND INFRASTRUCTURE**

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**(15) BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN**

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**(17) QUESTIONS FOR NEXT MEETING**



**(18) CORRESPONDENCE**

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**(19) COUNCILLORS' REPORTS**



## ***Principles for Local Government***

### **Exercise of functions generally**

The following general principles apply to the exercise of functions by Councils:

- a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- e) Councils should work co-operatively with other Councils and the State government to achieve desired outcomes for the local community.
- f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- g) Councils should work with others to secure appropriate services for local community needs.
- h) Councils should act fairly, ethically and without bias in the interests of the local community.
- i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

### ***Council's Values***

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

### ***Our Community's Vision***

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

*Cessnock – thriving, attractive and welcoming.*

### ***Our Community's Desired Outcomes***

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



## ***Council Model Code of Conduct***

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

Generally, the policies refer to the following issues:

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

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 17 OCTOBER 2018, COMMENCING  
AT 6.30 PM**

**PRESENT:** Councillor Dagg, Deputy Mayor, (in the Chair) and Councillors Olsen, Doherty, Dunn, Stapleford, Suvaal, Fitzgibbon, Gray, Burke, Sander and Lyons.

**IN ATTENDANCE:** Acting General Manager (Director Works and Infrastructure)  
Director Planning and Environment  
Director Corporate and Community Services  
Acting Director Works and Infrastructure (Infrastructure Manager)  
Human Resource Manager  
Finance and Administration Manager  
Media & Communication Officer  
Corporate Governance Officer

**APOLOGIES:**

**MOTION**

**Moved:** Councillor Burke

**Seconded:** Councillor Sander

694

**RESOLVED** that the apologies tendered on behalf of Mayor Pynsent and Councillor Fagg, for unavoidable absence, be accepted and leave of absence granted.

**FOR**

**AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons

**Total (11)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**MINUTES:****MOTION****Moved:** Councillor Sander**Seconded:** Councillor Burke

695

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 3 October 2018, as circulated, be taken as read and confirmed as a correct record.

**FOR****AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons

**Total (11)****Total (0)****CARRIED UNANIMOUSLY**

## ***DISCLOSURES OF INTEREST***

### ***DISCLOSURES OF INTEREST NO. DI18/2018***

***SUBJECT: DISCLOSURES OF INTEREST***

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

NIL

## ***PETITIONS***

NIL

## ***ADDRESS BY INVITED SPEAKERS***

NIL

**MOTION** *Moved:* Councillor Doherty **Seconded:** Councillor Suvaal  
696

### That Report No's:-

**Be dealt with englobo.**

**CARRIED UNANIMOUSLY**



**MOTION**

697

**Moved:** Councillor Suvaal**Seconded:** Councillor Dunn**RESOLVED****That the following reports:-**

CC74/2018	Investment Report - September 2018
CC75/2018	Resolutions Tracking Report
CC76/2018	Tender Evaluation Report for T1819-03 Maintenance of Fire Protection Services
CC77/2018	Minutes of the Council Initiated Awards Meeting Held on 19 September 2018
WI82/2018	Tender Evaluation Report T1718-15 Batter Stabilisation - Paynes Crossing Road, The Grange
WI83/2018	Tender Evaluation Report T1718-14 Frame Drive Power Relocation
WI85/2018	Minutes of Floodplain Management Committee held 3 August 2018
CO38/2018	National Heritage Listing Nomination of the Wollombi Public School

**Be resolved as recommended.****FOR****AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
**Total (11)**

**Total (0)**

**CARRIED UNANIMOUSLY**

## ***MOTIONS OF URGENCY***

### ***MOTIONS OF URGENCY NO. MOU18/2018***

***SUBJECT: MOTIONS OF URGENCY***

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NIL

## **GENERAL MANAGER'S UNIT**

### **GENERAL MANAGER'S UNIT NO. GMU22/2018**

**SUBJECT: DOMESTIC AND FAMILY VIOLENCE PROTOCOL AND GUIDELINES**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Burke

698

#### **RESOLVED**

1. That Council receive the report and note the information.
2. That the General Manager update the Domestic and Family Violence Protocol to note there are existing provisions under the *Local Government (State) Award 2017* and Council Policies that provide leave options for Council staff wishing to support an immediate family member who is affected by Domestic and Family Violence.
3. That the General Manager undertake a review within 6 months on the effectiveness of the Domestic and Family Violence Protocol and Guidelines, including ensuring that the Protocol provides adequate arrangements for staff and immediate family members.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC74/2018**

**SUBJECT: INVESTMENT REPORT - SEPTEMBER 2018**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Dunn  
699  
**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC75/2018**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Dunn  
700  
**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC76/2018**

**SUBJECT: TENDER EVALUATION REPORT FOR T1819-03 MAINTENANCE OF FIRE PROTECTION SERVICES**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Dunn  
701  
**RESOLVED**

That Council accept the tender from Wormald Australia Pty Ltd for a schedule of rates for services under tender T1819-03 maintenance of Fire Protection Equipment from 1 October 2018 to 30 June 2020 with an option for 3 x 12 month contract extensions based on satisfactory supplier performance.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC77/2018**

**SUBJECT: MINUTES OF THE COUNCIL INITIATED AWARDS MEETING HELD ON 19 SEPTEMBER 2018**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Dunn  
702  
**RESOLVED**

1. That the Minutes of the Council Initiated Award Committee of 19 September 2018 be adopted as a resolution of the Ordinary Council.
2. That Council adopts the amended Guidelines and Criteria for the nomination and selection of both Freeman of the City and Hall of Fame members.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI82/2018**

**SUBJECT: TENDER EVALUATION REPORT  
T1718-15 BATTER STABILISATION - PAYNES CROSSING ROAD, THE  
GRANGE.**

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**MOTION**      **Moved:**    Councillor Suvaal      **Seconded:**    Councillor Dunn  
703  
**RESOLVED**

That Council accept the tender from Specialist Site Services Pty Ltd in the lump sum amount of \$129,100.91 (including GST) for T1718-15 - Batter Stabilisation, Paynes Crossing Road, The Grange.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**WORKS AND INFRASTRUCTURE NO. WI83/2018**

**SUBJECT: TENDER EVALUATION REPORT  
T1718-14 FRAME DRIVE POWER RELOCATION**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Dunn  
704  
**RESOLVED**

That Council accept the tender from Systems Construction Pty Ltd in the lump sum amount of \$271,680 (including GST) for T1718-14 - relocation of the power assets as part of the reconstruction of Frame Drive.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI84/2018**

**SUBJECT: ACCELERATED REPLACEMENT OF 2,013 AUSGRID RESIDENTIAL ROAD STREET LIGHTS**

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**MOTION**                      **Moved:**    Councillor Burke                      **Seconded:**    Councillor Suvaal  
705  
**RESOLVED**

1.     That Council accept Ausgrid's proposal (with the conditions proposed by SSROC) for the accelerated replacement of 2,013 Ausgrid lights on residential roads across the Cessnock Local Government Area over the next three years.
2.     That Council endorse both internal and external borrowing options up to \$1m for a duration of 10 years with savings realized being used to pay back principal and interest charges on the loans.
3.     That Council amend dot point 3 of part 2 of the resolution for Vineyard Grove Stage 8 Development dated 6 June 2018 (Report PE37/2018) to reflect the guidance provided in the "Financial Implications" section of the report, namely to authorise Council to undertake a mixture of internal and external borrowing required up to the borrowing limit within the original resolution to ensure Council has sufficient internal funds to meet other funding requirements and to ensure Council maintains a prudent liquidity position, with a preference to utilise internal funds where prudent to do so.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI85/2018**

**SUBJECT: MINUTES OF FLOODPLAIN MANAGEMENT COMMITTEE HELD 3 AUGUST 2018**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Dunn  
706  
**RESOLVED**

**That the Minutes of the Flood Plain Management Committee of 3 August 2018 be adopted as a resolution of the Ordinary Council.**

**FLOCLM9/2018 – Greta Flood Study**

1. That Council note the status of the Greta Flood Study.
2. That a Councillor Briefing be held to provide background information and the outcomes of the Greta Flood Study ahead of endorsing public exhibition of the *Draft Greta Flood Study Report* for comment.

**FLOCLM10/2018 - Wallis, Swamp-Fishery Creek Flood Study**

1. That Council note the status of the Wallis, Swamp-Fishery Creek Flood Study.
2. That a Councillor Briefing be held to provide background information and the outcomes of the Wallis, Swamp-Fishery Creek Flood Study ahead of endorsing public exhibition of the *Draft Wallis, Swamp-Fishery Creek Flood Study Report* for comment.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN**

### **BUSINESS WITH NOTICE NO. BN30/2018**

**SUBJECT: GRETA ARMY AND MIGRANT CAMPS ANNIVERSARIES**

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**MOTION**                      **Moved:**    Councillor Dagg                      **Seconded:**    Councillor Sander

707

#### **RESOLVED**

1.     That Council note the anniversaries of the Greta Army and Migrant Camps in 2019.
2.     That Council acknowledge the work of the community members, community groups, Cessnock Library and the Hunter Multicultural Centre in preparing events, commemorations and celebrations dedicated to the anniversaries.
3.     That Council provide the necessary in kind support to promote the events and bring attention to the 80<sup>th</sup> Anniversary of the founding of the Greta Army Camp and the 70<sup>th</sup> Anniversary of the Greta Migrant Camp in 2019 and pay tribute to the importance they have played in our community and LGA's history.
4.     That Councillor Dagg be appointed to the Greta Anniversary planning committee.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**ANSWERS TO QUESTIONS FOR NEXT MEETING**

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ102/2018**

**SUBJECT:     FRAME DRIVE / GINGERS LANE INTERSECTION**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ103/2018**

**SUBJECT:     CONCRETE BLOCKS - SANDY CREEK ROAD / HAMILTON ROAD**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ104/2018**

**SUBJECT:     SEALING OF GOVERNMENT ROAD TO MITCHELL AVENUE, WESTON**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ105/2018**

**SUBJECT:     LIGHTING AND ELECTRONIC SIGNAGE COSTS HART ROAD,  
LOXFORD**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ106/2018**

**SUBJECT:     TEMPORARY ROUND-ABOUT – HART ROAD, LOXFORD**

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The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ107/2018***

***SUBJECT:     REMOVAL OF DEAD ANIMALS***

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The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ108/2018***

***SUBJECT:     ILLEGAL CAR PARKING - CAR YARDS***

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The answer was noted.

***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ109/2018***

***SUBJECT:     ABBOTSFORD STREET BRIDGE***

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The answer was noted.

## **QUESTIONS FOR NEXT MEETING**

*Councillor Di Fitzgibbon*

### **ST PHILLIPS CHRISTIAN COLLEGE TRAFFIC SOLUTION**

Councillor Fitzgibbon asked for a progress report on the traffic solution for St Phillips Christian College.

*Councillor Ian Olsen*

### **GALLAGHER STREET WORKS**

Councillor Olsen asked when was Gallagher Street put into the Works Programme, why it was a priority over other roadworks and how much it would cost to be done.

*Councillor Ian Olsen*

### **AIR VENTURE AIRSHOW**

Councillor Olsen asked if a report will be coming to Council regarding the Air Venture show held at the Cessnock Airport.

The Acting General Manager advised that council has been in contact with Air Venture and a report will be coming to Council when information is received.

*Councillor Mark Lyons*

### **INDOOR SPORTS STADIUM – MOUNT VIEW ROAD, CESSNOCK**

Councillor Lyons asked for an update on the extensions that were proposed at the Indoor Sports Stadium on Mount View Road, Cessnock.

*Councillor Paul Dunn*

### **COLES CARPARK DRAIN**

Councillor Dunn asked if there is anything that Council can do regarding the cover over the drain in the Coles Carpark.

The Director Planning and Environment advised that yes, Council would follow up and provide an update at the next meeting.

*Councillor Allan Stapleford*

### **ENDEAVOUR INDUSTRIES**

Councillor Stapleford asked for a report on Endeavour Industries and whether Council can assist in keeping the entity running.

*Councillor Anne Sander*

**CLASSIFICATION DATE – MITCHELL AVENUE AND GOVERNMENT ROAD.**

Councillor Sander asked what the RMS classification date is for Mitchell Avenue and Government Road, Weston.

*Councillor Darrin Gray*

**FRAME DRIVE ABERMAIN WORKS**

Councillor Gray asked if Council could send a mail out to the affected residents advising of the works to be carried out in Frame Drive Abermain as notified in WI83/2018.



## **CORRESPONDENCE**

### **CORRESPONDENCE NO. CO38/2018**

**SUBJECT:**     **NATIONAL HERITAGE LISTING NOMINATION OF THE WOLLOMBI  
PUBLIC SCHOOL**

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**MOTION**       **Moved:**   Councillor Suvaal       **Seconded:**   Councillor Dunn  
708  
**RESOLVED**

**That the correspondence be noted.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **COUNCILLOR'S REPORTS**

NIL

*The Meeting Was Declared Closed at 6.51pm*

**CONFIRMED AND SIGNED** at the meeting held on 7 November 2018

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

**Disclosures Of Interest**

**Report No. DI19/2018**

**Corporate and Community Services**



**SUBJECT:** *DISCLOSURES OF INTEREST*

**RESPONSIBLE OFFICER:** *Finance and Administration Manager - Andrew Glauser*

**RECOMMENDATION**

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

**SUMMARY**

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

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

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

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

**ENCLOSURES**

There are no enclosures for this report.

Mayoral Minute

Report No. MM11/2018

General Manager's Unit



***MAYORAL MINUTE No. MM11/2018***

***SUBJECT: MINUTES OF THE ORGANISATIONAL AND GENERAL MANAGERS REVIEW COMMITTEE MEETING HELD 10 OCTOBER 2018***

***RECOMMENDATION***

That the Minutes of the Organisational and General Managers Review Committee of 10 October 2018 be adopted as a resolution of the Ordinary Council.

- That the Performance Agreement for the General Manager for the period of 2018/2019 in accordance with Clause 7.10 of the Standard Contract of Employment, be signed by the Mayor on behalf of Council.
- That the amended four point assessment scale contained within the Performance Agreement be noted.
- That for the 2018/2019 review period a rating of 2.5 or above is required for the General Manager to achieve a better than satisfactory standard in accordance with Clause 8.3 of the Standard Contract of Employment.
- That the General Manager be awarded a discretionary increase of 2.5% in the total remuneration package due to better than satisfactory performance in the 2017/2018 review period in accordance with Clause 8.3 of the Standard Contract of Employment, effective from the first full pay period on or after 1 July 2018.

***REPORT/PROPOSAL***

***MINUTES OF THE ORGANISATIONAL AND GENERAL MANAGERS REVIEW COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD ON 10 OCTOBER 2018, COMMENCING AT 3.00 PM***

***PRESENT:*** The Mayor, Councillor Bob Pynsent  
Councillors Stapleford, Suvaal and Lyons

***IN ATTENDANCE:*** Councillors Fitzgibbon, Sander and Gray  
Darrylen Allan, Human Resource Manager

***APOLOGIES:*** Councillor Burke  
Matthew McArthur, McArthur

***Moved:*** Councillor Stapleford ***Seconded:*** Councillor Lyons

**Mayoral Minute**

**Report No. MM11/2018**

**General Manager's Unit**



**LISTED MATTERS**

- a. The committee review and consider the draft Performance Agreement for 2018/2019 in accordance with clause 7.10 of the Standard Contract of Employment, including the amended assessment scale and rating required to achieve a better than satisfactory standard.
- b. The committee give consideration to whether a discretionary increase in the General Managers total remuneration be awarded, as provided for by clause 8.3 of the Standard Contract of Employment.

**RESOLUTIONS**

1. That the Performance Agreement for the General Manager for the period of 2018/2019 in accordance with Clause 7.10 of the Standard Contract of Employment, be signed by the Mayor on behalf of Council.
2. That the amended four point assessment scale be noted.
3. For the 2018/2019 review period a rating of 2.5 or above is required for the General Manager to achieve a better than satisfactory standard in accordance with Clause 8.3 of the Standard Contract of Employment.
4. That the General Manager be awarded a discretionary increase of 2.5% in the total remuneration package due to better than satisfactory performance in the 2017/2018 review period in accordance with Clause 8.3 of the Standard Contract of Employment, effective from the first full pay period on or after 1 July 2018.

**Moved:** Councillor Suvaal

**Seconded:** Councillor Stapleford

**GENERAL BUSINESS**

NIL

**ENCLOSURES**

- 1 18/19 Performance Agreement (Provided to Councillors only under Separate Cover) -  
*This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.*

Mayoral Minute

Report No. MM12/2018

General Manager's Unit



***MAYORAL MINUTE No. MM12/2018***

***SUBJECT: LG NSW SAVE OUR RECYCLING CAMPAIGN***

***RECOMMENDATION***

1. That Council endorse Local Government NSW's campaign, *Save Our Recycling*, to realise the reinvestment of a 100% of the Waste Levy collected each year by the NSW Government in waste minimisation, recycling and resource recovery.
2. That Council make representation to the State Member for Cessnock, Clayton Barr MP, in support of this campaign objective - for the NSW Government to commit to reinvest 100% of the Waste Levy in waste minimisation, recycling and resource recovery.
3. That Council write to the Premier, the Hon Gladys Berejiklian MP, the Opposition Leader, the Hon Luke Foley MP, the Minister for Local Government and the Minister for the Environment, the Hon Gabrielle Upton MP, and the Shadow Minister for the Environment and Heritage, Penny Sharpe MLC, seeking bipartisan support for the 100% reinvestment of the Waste Levy collected each year into waste minimisation, recycling and resource recovery.
4. That Council take a lead role in activating the Local Government NSW *Save Our Recycling* campaign locally.
5. That Council endorse the distribution and display of the Local Government NSW *Save Our Recycling* information on Council premises, as well as involvement in any actions arising from the initiative.
6. That Council formally advise Local Government NSW that Council has endorsed the *Save Our Recycling* advocacy initiative.

***REPORT/PROPOSAL***

Council has considered a number of reports relating to recycling over the last 12 months, including *WI61/2017 Glass Recycling 6 September 2017*, *BN22/2018 Recycling 18 July 2018* and *WI71/18 China Sword Policy – Recycling*, which all provided background to the issues being faced not only by Cessnock, but all local governments in NSW and Australia.

I am calling on Councillors to support Local Government NSW in its advocacy to all those contesting the 2019 State election to reinvest 100% of the waste levy collected each year into waste management, recycling and resource recovery in NSW.

The *Protection of the Environment Operations Act 1997* (POEO Act) requires certain licensed waste facilities in NSW to pay a contribution to the NSW Government for each tonne

Mayoral Minute

Report No. MM12/2018

General Manager's Unit



of waste received at the facility. Referred to as the 'waste levy', the contribution aims to reduce the amount of waste being landfilled and promote recycling and resource recovery.

The waste levy applies in the regulated area of NSW which comprises the Sydney metropolitan area, the Illawarra and **Hunter regions**, the central and north coast local government areas to the Queensland border as well as the Blue Mountains, Wingecarribee and Wollondilly local government areas.

In 2016-17, the NSW Government collected \$726 million from local government, community, businesses and industry via the waste levy, but only committed to use \$72 million through its Waste Less Recycle More initiative, or 10% on waste minimisation and recycling in 2017-18.

Overall the NSW Government's *Waste Less Recycle More* initiative allocates \$801 million over 8 years (2013-2021) to waste and recycling, however the waste levy collected over that same period will be over \$4.62 billion.

At a local government level, just 18% of the \$300 million collected from the local government sector each year is reinvested in recycling and waste management. Cessnock's Annual Financial Statements for 2017-18 showed that Council paid \$7.984m and \$6.899m in waste levy in financial years 17-18 and 16-17 respectively, while Council received \$209,000 and \$322,000 in contestable / non-contestable funding over the same financial periods to assist the council with waste management and recycling infrastructure, programs and education.

Regardless of how you look at it, the principle remains the same – very little of the waste levy is currently used to support waste minimisation, recycling and resource recovery. The remainder is returned to NSW Government's consolidated revenue.

The reinvestment of the waste levy to support waste and resource recovery infrastructure, develop markets and innovative solutions, and undertake other initiatives to encourage reuse and recycling also offers wide-ranging benefits to our communities right across NSW. There is the potential for economic growth, new infrastructure, new technology and new jobs, particularly in our regional areas.

It should be noted that the following motion was unanimously endorsed at the Local Government NSW 2018 Conference:

*That the NSW Government be called upon to ensure that 100% of the levy arising from Section 88 of the Protection of the Environment Operations Act 1997 be used for waste infrastructure and programs, predominantly by local government and the waste sector, for initiatives such as:*

- *Development of regional and region-specific solutions for sustainable waste management (e.g. soft plastic recycling facilities, green waste, waste to energy).*
- *Support innovative solutions to reduce waste and waste transport requirements.*
- *Protect existing and identify new waste management locations.*
- *Local community waste recovery and repair facilities.*
- *Funding a wider range of sustainability initiatives, such as marketing and strategies, that promote and support a circular economy.*

**Mayoral Minute**

**Report No. MM12/2018**

**General Manager's Unit**

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This motion covered motions proposed by Blacktown City Council (Resource recovery locations); Central Coast Council (Waste levy revenues); **Cessnock City Council (Recycling crisis - funding support)**; City of Ryde (Revenue raised by the waste levy); Federation Council (Waste resource); Gwydir Shire Council (Tyre recycling); Hornsby Shire Council (Increase in grant funding for waste levy program); Leeton Shire Council (Increase of waste levy distribution); and Shoalhaven City Council (POEO Levies). Related motions were also submitted by Tweed Shire Council (Recycled products and procurement); Lake Macquarie Council (Support for recycle end markets, reusable, recyclable or compostable packaging); and Orange City Council (Waste management).

As previously noted, this is not a party-political issue: the advocacy initiative calls on all parties and candidates to commit to the 100% hypothecation of the Waste Levy to the purpose for which it is collected.

I am recommending that we support this campaign by the NSW local government sector and Local Government NSW and call on all political parties to commit to the reinvestment of 100% of the Waste Levy collected each year by the NSW Government into waste management, recycling and resource recovery.

**ENCLOSURES**

There are no enclosures for this report



**Motions of Urgency**

**Report No. MOU19/2018**

**Corporate and Community Services**



**SUBJECT: MOTIONS OF URGENCY**

**RESPONSIBLE OFFICER: Finance and Administration Manager - Andrew Glauser**

**RECOMMENDATION**

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

**SUMMARY**

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

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

**ENCLOSURES**

There are no enclosures for this report.

General Manager's Unit  
Report No. GMU23/2018  
General Manager's Unit



**SUBJECT:** *MINUTES OF THE SPECIAL AUDIT AND RISK COMMITTEE MEETING HELD 16 OCTOBER 2018*

**RESPONSIBLE OFFICER:** *Internal Auditor - Ian Lyall*

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**RECOMMENDATION**

That the Minutes of the Special Audit and Risk Committee Meeting of 16 October 2018 be adopted as a resolution of the Ordinary Council.

**MINUTES OF SPECIAL AUDIT & RISK COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON TUESDAY, 16 OCTOBER 2018, COMMENCING AT 2.03 PM**

**PRESENT:** Mrs Jennifer Hayes – Independent Chair  
Mayor Pynsent  
Councillor Dunn  
Mr Stephen Coates – Independent Member  
Dr Felicity Barr – Independent Member

**IN ATTENDANCE:** Mr Stephen Glen – General Manager  
Mr Robert Maginnity – Director Corporate & Community Services  
Mr Justin Fitzpatrick-Barr – Director Works & Infrastructure  
Mr James Sugumar – NSW Audit Office  
Mr Furqan Yousuf - NSW Audit Office  
Mr Ian Lyall – Internal Auditor  
Mr Andrew Glauser – Finance and Administration Manager  
Ms Vivian Waugh – Minute Taker

**INVITEES:** Mr Paul Grosbernd – Management Accountant  
Ms Kelly McGowan – Operations Accountant  
Ms Catherine Bradley – Infrastructure Accountant  
Mr Wayne Reid – Business Partner and Service Accountant  
Mr Manav Sharma – Financial Accountant

**APOLOGIES**

Mr Gareth Curtis – Director Planning & Environment  
Ms Darrylen Allan – Human Resources Manager

General Manager's Unit  
Report No. GMU23/2018  
General Manager's Unit



## ***DISCLOSURES OF INTEREST***

### ***COMMITTEE DISCLOSURE OF INTEREST NO. ACCDI4/2018***

***SUBJECT: DISCLOSURES OF INTEREST***

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NIL

## ***LISTED MATTERS***

### ***LISTED MATTERS - COMMITTEE NO. ACCLM34/2018***

***SUBJECT: FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018***

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***MOTION Moved: Dr Felicity Barr Seconded: Stephen Coates***  
***RECOMMENDATION***

That the Audit and Risk Committee note the audited 2017-18 Annual Financial Statements prior to presentation to Council and the public at the Ordinary Council Meeting of 7 November 2018.

***CARRIED UNANIMOUSLY***

## ***CORRESPONDENCE***

Nil

## ***GENERAL BUSINESS***

Nil

*The Meeting Was Declared Closed at 3.05pm*

## ***ENCLOSURES***

There are no enclosures for this report.

Planning and Environment

Report No. PE59/2018

Planning and Environment



**SUBJECT:** *ABANDONED VEHICLES*

**RESPONSIBLE OFFICER:** *Health & Building Manager - Colin Davis*

### **SUMMARY**

The report is provided in relation to correspondence Item No. CO19/2018 – Abandoned Vehicles.

### **RECOMMENDATION**

**That Council note the report.**

### **BACKGROUND**

Council resolved at its meeting of 20 June 2018:

1. **That the General Manager bring a report back to Council to further consider the advice from LGNSW regarding the removal of abandoned vehicles where they present a bushfire and safety risk to the community.**
2. **That the report consider the previous advice and statutory requirements.**

### **REPORT/PROPOSAL**

#### **Summary of Previous Advice and Statutory Requirements**

A copy of Report No. PE57/2017 to Ordinary Meeting of Council on 18 October 2017, including previous advice is provided in **Enclosure 1**.

In summary the advice states that an impounding officer cannot immediately impound a motor vehicle under section 16(5) of the *Impounding Act 1993* (the Act) as it is likely to be a danger to the public because it may be vandalised and/or set on fire, thereby causing a bushfire. The advice was very precise in its interpretation of “*is likely to be a danger to the public*” – refer clause 2.9 & 2.10 of legal advice. The advice also stated that in their view the fact that a motor vehicle may be vandalised and/or set on fire, thereby causing a bushfire, would not satisfy the requirement that the motor vehicle is likely to be a danger to the public. Furthermore, if an impounding officer does exercise power in this way, the Council and the officer personally may be liable for damages suffered by the owner of the motor vehicle so impounded because the Council officer failed to act in good faith or without reasonable care in accordance with the Act.

It is important to note that the power to impound a motor vehicle immediately in accordance with Section 16(5) of the Act is vested by legislation in the authorised Impounding Officer and must be exercised by that officer.

**Planning and Environment**

**Report No. PE59/2018**

**Planning and Environment**



**Response from Office of Local Government**

A copy of Report No. CO19/2018 to Ordinary Meeting of Council on 20 June 2018, including correspondence from the Office of Local Government, is provided in **Enclosure 2**.

The response in part states “it is a matter for each council to determine, based on local conditions, whether an abandoned vehicle poses a particular danger”. As detailed above this advice is referring to Council in a general sense given the Act clearly places the onus and authority on the Impounding Officer, rather than the Council.

The Director Legal, from NSW Office of Local Government, was contacted to discuss the response provided by the Acting Chief Executive Officer of Local Government in his letter dated 2 March 2018. The DLO also reinforced the fact that the liability rests with the Impounding Officer and that the Impounding Officer must form the view that the motor vehicle is likely to be set alight and thereby likely to be a danger to the public.

The Director however posed the question that if the Impounding Officer had evidence/criteria beyond reasonable doubt that would allow the Impounding Officer to form the view that the abandoned motor vehicle, if set alight in a particular environment, is likely to be a danger to the public then they may be able to make an informed decision whether to exercise the powers under the Act to have the motor vehicle removed immediately. He asked whether Council had statistics from NSW Rural Fire Service on frequent motor vehicle fires resulting in third party property loss as this may assist Impounding Officers in making an informed decision.

**NSW Rural Fire Service**

NSW Rural Fire Service have advised that the Rural Fire Service and Fire & Rescue NSW have attended 81 motor vehicle fires in the Cessnock LGA from 1 January 2018 until 11 September 2018. These statistics include motor vehicle fires on the Hunter Expressway and both State and private land.

The Manager Central Coast, NSW Rural Fire Service (previously Acting Manager Lower Hunter, NSW Rural Fire Service) and District Officer L3, Infrastructure Services, Lower Hunter NSW Rural Fire Service were interviewed and advised that the incidence of property loss from abandoned vehicles being set alight is very rare and both officers could not recall any third party property damage during 2018.

In summary, data from the NSW Rural Fire Service does not provide any evidence to support forming a view that an abandoned vehicle poses an immediate bushfire threat. However, the Council’s Impounding Officers, as previously outlined would need to use their authority to and follow the statutory process if such a situation existed.

**Summation**

The advice obtained by Council is very succinct in its interpretation of the provisions of the Act relating to impounding of abandoned vehicles and is the interpretation/approach accepted within local government across NSW.

**Planning and Environment**

**Report No. PE59/2018**

**Planning and Environment**



The power to impound a motor vehicle immediately in accordance with Section 16(5) of the Act is vested by the legislation in the authorised Impounding Officer and must be exercised by that officer.

The response from the Office of Local Government did not specifically address Council's concerns as outlined in Local Government NSW letter dated 14 December 2017 and does not provide any new information that is contrary to the previous advice regarding emergency impound provisions for abandoned vehicles provided to Council.

For Councillors information it is also advised that Council Impounding Officers only have delegation to impound abandoned motor vehicles in a public place. They have no jurisdiction to impound abandoned motor vehicles in national parks, on crown land or private land.

**CONSULTATION**

Director Planning and Environment  
Ranger Team Leader  
Impounding Officers (Rangers)  
Director Legal, Office of Local Government  
Manager Central Coast NSW Rural Fire Service  
District Officer L3 / Infrastructure Services / Lower Hunter NSW Rural Fire Service  
Secretary, NSW Rangers Institute

**STRATEGIC LINKS**

**a. Delivery Program**

This report is linked to Objective 1.3.2 of the Delivery Program "Carry out regulatory and education programs to protect residential amenity and community health and safety".

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

Nil

**c. Legislative Implications**

Council officers are authorised under the Impounding Act 1993 to investigate and impound abandoned motor vehicles. Requirements under the Act specify specific timeframes for investigating an abandoned vehicle to ensure procedural fairness is extended to vehicle owners to rectify the matter before Council takes action.

**Planning and Environment**

**Report No. PE59/2018**

**Planning and Environment**



**d. Risk Implications**

Nil

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

**CONCLUSION**

The response from the Office of Local Government does not provide any new information that is contrary to the advice regarding emergency impound provisions for abandoned vehicles provided to Council by Local Government Legal.

The advice obtained by Council is very succinct in its interpretation of the provisions of the Act relating to impounding of abandoned vehicles and is the interpretation/approach generally accepted within local government across NSW.

The advice states that under the provisions of the Impounding Act 1993 an impounding officer cannot immediately impound a motor vehicle under Section 16(5) as it is likely to be a danger to the public because it may be vandalised and/or set on fire, thereby causing a bushfire.

**ENCLOSURES**

- [1](#) Abandoned Vehicles - Report No. PE57/2017
- [2](#) Abandoned Vehicles - Report No. CO19/2018

## Report To Ordinary Meeting of Council - 18 October 2017

Planning and Environment

Report No. PE57/2017

Planning and Environment

**SUBJECT: ABANDONED VEHICLES****RESPONSIBLE OFFICER: Health & Building Manager - Colin Davis****SUMMARY**

This report is provided in response to Council's resolution regarding Notice of Motion BN49/2017 – Abandoned Vehicles.

**RECOMMENDATION**

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

**BACKGROUND**

Council resolved at its meeting of 4 October 2017:

1. That the General Manager investigates if Council can impound an abandoned vehicle immediately under Section 16 (5) of the Impounding Act 1993 if the impounding officer is satisfied that it may be vandalised or set on fire and is likely to be a danger to the public.
2. That the General Manager writes to the NSW Police informing them of the abnormal high number of abandoned vehicles in the Cessnock Local Government Area.
3. That the following motion be submitted to the Local Government NSW Board for consideration for inclusion as an agenda item for the 2017 Local Government NSW Annual Conference:
  - That the NSW Government review Section 16(5) of the Impounding Act 1993 to enable the immediate removal of abandoned motor vehicles where the motor vehicles are likely to be set alight thereby causing potential bushfires.
4. That a report be considered by Council at its meeting of 18 October 2017.

**REPORT/PROPOSAL**

In response to the above resolution a legal opinion has been obtained to specifically address point 1. The advice by Local Government Legal is provided in **Enclosure 1**.

The advice in summary states:

*"We are therefore of the opinion that an impounding officer cannot immediately impound a motor vehicle under section 16(5) of the Impounding Act 1993 as it is likely to be a danger to the public because it may be vandalised and/or set on fire, thereby causing a bushfire. Furthermore, if an impounding officer does exercise power in this way, the Council, and the*



## Report To Ordinary Meeting of Council - 18 October 2017

## Planning and Environment

## Report No. PE57/2017

## Planning and Environment



*officer personally, may be liable for damages suffered by the owner of the motor vehicle so impounded because the Councilor officer failed to act in good faith or with reasonable care".*

To specifically address the proprietary rights of citizens, the advice specifies that as the *Impounding Act 1993* permits the serious invasion of the proprietary rights of citizens (and corporations) the powers granted by the Act must be exercised in accordance with the conditions expressly imposed by it, or fairly to be implied in it. Section 45(3) of the *Impounding Act 1993* states:

*"A person is not prevented from recovering damages from an impounding authority in respect of the sale or disposal of an item if the person establishes that the authority, or the person who effected the sale or disposal, did not act in good faith or acted without reasonable care".*

Local Government Legal has also advised that they are not aware of any other legislative provisions that would enable abandoned motor vehicles to be impounded immediately.

In reference to Resolutions 2 and 3, a letter has been sent to the NSW Police informing them of the high number of abandoned vehicles in the Cessnock Local Government Area. The Motion has been lodged with Local Government NSW.

**CONSULTATION**

Ranger Team Leader  
Acting Director Planning and Environment  
Local Government Legal

**STRATEGIC LINKS****a. Delivery Program**

This report is linked to Objective 1.3.2 of the Delivery Program "Carry out regulatory and education programs to protect residential amenity and community health and safety".

**b. Other Plans**

Nil

**IMPLICATIONS****a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

Nil

**c. Legislative Implications**

Council officers are authorised under the *Impounding Act 1993* to investigate and impound abandoned motor vehicles. Requirements under the Act specify specific timeframes for investigating an abandoned vehicle to ensure procedural fairness is extended to vehicle owners to rectify the matter before Council takes action.

## Report To Ordinary Meeting of Council - 18 October 2017

## Planning and Environment

Report No. PE57/2017

## Planning and Environment

**d. Risk Implications**

Nil

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

**CONCLUSION**

Legal advice provided to Council states that under the provisions of the Impounding Act 1993 an impounding officer cannot immediately impound a motor vehicle under Section 16(5) as it is likely to be a danger to the public because it may be vandalised and/or set on fire, thereby causing a bushfire. The Advice also states that there are no other legislative provisions that would enable abandoned motor vehicles to be impounded immediately.

However Councils resolution of 4 October 2017 seeks through a motion to be submitted to the LGNSW Board for consideration for inclusion as an agenda Item for the 2017 Local Government NSW Annual Conference, a review of S16(5) of the *Impounding Act 1993* by the NSW Government.

**ENCLOSURES**

- 1** Advice Regarding Abandoned Vehicles - Emergency Impound provisions - *This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*



LOCAL  
GOVERNMENT  
LEGAL

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Our Ref: BS:170192  
Your Ref: Colin Davis

3 October 2017

**Confidential**

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

**By email**

**Attention: Martin Johnson & Colin Davis**

Dear General Manager

**Advice regarding abandoned vehicles – emergency impound provisions**

We refer to Martin Johnson's letter to Ben Swain of our office dated 27 September 2017 requesting legal advice regarding:

- (a) Can an impounding officer immediately impound a motor vehicle under section 16(5) of the *Impounding Act 1993* as it is likely to be a danger to the public because it may be vandalised and/or set on fire, thereby causing a bushfire?
- (b) Is there any other legislative provisions that would enable abandoned motor vehicles to be impounded immediately?

We will address each of these questions below.

**1. Facts**

- 1.1 The facts of this matter are contained in Mr Johnson's letter to Mr Swain dated 27 September 2017.

Please inform us immediately should any of the facts be incorrect, as this may change our legal advice.

**2. Advice**

- (a) **Can an impounding officer immediately impound a motor vehicle under section 16(5) of the Impounding Act 1993 as it is likely to be a danger to the public because it may be vandalised and/or set on fire, thereby causing a bushfire?**
  - 2.1 The object of the *Impounding Act 1993* (the "**Impounding Act**") includes to empower authorised persons to impound and deal with articles in *public places* and places owned or under the control of certain public authorities if, in the case of *articles*, they have been abandoned or left unattended (section 3).



Liability limited by a scheme approved under Professional Standards Legislation.  
Legal practitioners employed by Local Government Legal are members of the scheme.

- 2.2 The Dictionary to the Impounding Act provides the following relevant definitions (our emphasis):

**area of operations** of an impounding officer means:

- in the case of an impounding officer appointed by a council, any place in the area of the council and any place in the area of another council in which that other council has authorised it to impound under this Act, but does not include the area of operations of an impounding officer appointed by the Director of National Parks and Wildlife...

**article** means anything capable of ownership except a living creature.

**impounding authority** means each of the following authorities:

- a council,...

**impounding officer** means a person appointed by an impounding authority to exercise the powers of an impounding officer.

**motor vehicle** means:

(a) a motor vehicle within the meaning of the Road Transport Act 2013, and includes a caravan, boat trailer or other trailer (whether or not attached to such a vehicle), and

(b) the remains of such a vehicle, and

(c) any article (including parts and accessories) that is secured to or in such a vehicle at the time it is impounded.

**owner** of an animal or article means any person who alone or jointly is entitled, whether at law or in equity, to possession of the animal or article.

**public place** means a place (other than a place declared by the regulations not to be a public place) that is open to or frequented by the public:

(a) whether or not payment for admission to the place is required, and

(b) whether or not the place is usually open to or frequented by the public,

and, in particular, includes:

(c) any place dedicated or reserved for a public purpose, and

(d) a place which, although privately owned, is a place to which the public are permitted to have access for the purposes of business or leisure or to use as a thoroughfare.

- 2.3 Impounding officers can impound certain articles, as provided by the Impounding Act (section 5(1)).

- 2.4 An *impounding officer* may impound something under the Impounding Act only in the *area of operations* of the *impounding officer*. The Act does not confer power on an *impounding officer* to enter a place that the officer could not otherwise lawfully enter (section 6).
- 2.5 An *impounding officer* may impound an *article* found in the officer's *area of operations* if the officer believes on reasonable grounds that the article has been abandoned or left unattended. Section 16 affects this if the *article* is a motor vehicle (section 15). The case of *Woolworths v Waverley Council* [1999] NSWSC 308 (the "**Woolworths case**") was an appeal from the Local Court to the Supreme Court of NSW regarding ten shopping trolleys impounded by Waverley Council. The plaintiff exercised its right of appeal to the Local Court under the Impounding Act. Hidden J of the Supreme Court held that (our emphasis):

**"44 The Act should be construed in the light of the fact that it permits the serious invasion of the proprietary rights of citizens (and corporations). The powers granted by the Act must be exercised in accordance with the conditions expressly imposed by it, or fairly to be implied in it. While s20(3) does not impose a time frame for notification of an owner whose identity is known, it is appropriate to imply a requirement that it also be done as soon as practicable. Unreasonable delay in notifying the owner in those circumstances, far from advancing the objects of the Act, would be an abuse of the powers conferred by it and would render the detention of the article unlawful. ...**

- 46 It will be remembered that s15 enables an officer to impound an article reasonably believed to have been "abandoned or left unattended". In this Court, but not in the Local Court, it was argued on behalf of the plaintiff that the defendant impounded the trolleys on the basis that they were abandoned, rather than left unattended. As observed earlier in these reasons (paragraph 7), on each occasion a Council officer prepared a report on a standard form referring to the trolley as "abandoned". The same expression was used in the notification forwarded by the defendant to the plaintiff on 25 June 1997.
- 47 **That being so, submitted senior counsel for the plaintiff, the seizure of each trolley was lawful only if the impounding officer reasonably believed it to be abandoned, rather than left unattended. In the Macquarie Dictionary the word "abandon" is defined, relevantly for present purposes, as "to cast away or leave personal property with no intention of reclaiming it, thereby making the property available for appropriation by any person". This is consistent with the legal notion of abandonment to be found, for example, in the law of larceny: *Hibbert v McKiernan* [1948] 2 KB 142.**
- 48 Clearly, the argument continued, the plaintiff had not abandoned any of the trolleys. They had been removed from the store unlawfully by customers, who had left them where they were later found by officers of the defendant. There was no basis on which any of those officers could have believed otherwise. Accordingly, the only belief they might reasonably have formed was that the trolleys had been left unattended.



49 Counsel for the defendant suggested that a trolley left in the street by a customer of the plaintiff might properly be described as "abandoned" by that customer. I do not agree. **I accept the plaintiff's argument that the word should be confined to articles relinquished by their owner.** On the evidence before me, it does seem that the trolleys would more properly be described as "left unattended". However, this does not mean that the plaintiff has succeeded in establishing that they were unlawfully impounded.

50 In the absence of further evidence, I would not conclude that the officer in each case formed the belief that the trolley was abandoned, as opposed to left unattended, merely from the fact that that word was used in the defendant's documentation. **More importantly, however, I do not accept that a valid exercise of the power conferred by s15 requires the impounding officer to choose whether the article has been abandoned or left unattended.** The plaintiff's argument would put the officer to such an election, much as an informant in criminal proceedings might have to select one of a number of statutory alternatives in framing a charge. This cannot be the intention of the legislation. In many cases an officer might fairly conclude that an article has been abandoned or left unattended, but would have no way of knowing which. He or she would still be entitled to impound it. ..."

2.6 Accordingly, Hidden J in the Woolworths case held that the word "abandoned" should be confined to *articles* relinquished by their owner. As the Impounding Act permits the serious invasion of the proprietary rights of citizens (and corporations) the powers granted by the Act must be exercised in accordance with the conditions expressly imposed by it, or fairly to be implied in it.

2.7 The Impounding Act provides special procedures for impounding of *motor vehicles* (section 16). An *impounding officer* must make all reasonable inquiries in an effort to find out the name and address of the owner of a motor vehicle before the officer impounds the vehicle. If the *impounding officer's* inquiries:

- (a) fail to reveal the name and address of the owner, the officer may proceed to impound the vehicle (section 16(2));
- (b) do reveal the name and address of the owner, the officer is not to impound the vehicle until notice of the proposed impounding has been given to the owner and the period specified in the notice has elapsed (section 16(3)). The notice to the owner must be in writing addressed to the owner and must indicate that the vehicle may be impounded unless it is removed within a specified period (not less than 3 days) and may be destroyed if its value is less than \$500 (or such other amount as may be prescribed under section 18).

We note that section 43 of the Impounding Act provides for police assistance in finding out who the owner of a *motor vehicle* is.

A motor vehicle may be impounded immediately (without following the procedures in section 16) if the vehicle is in a *public place* and the *impounding officer* is satisfied on reasonable grounds that its immediate removal is justified because it is causing an obstruction to traffic (vehicular or pedestrian) or is likely to be a danger to the public.

- 2.8 Whilst we have been unable to find reported caselaw on section 16 of the Impounding Act, Hidden J in the Woolworths case held that as the Impounding Act permits the serious invasion of the proprietary rights of citizens (and corporations) the powers granted by the Act must be exercised in accordance with the conditions expressly imposed by it, or fairly to be implied in it.
- 2.9 We note that for the power provided by section 16(5) of the Impounding Act to be exercised the *impounding officer* must be satisfied on reasonable grounds that the immediate removal of the motor vehicle is justified because it "is likely to be a danger to the public" (our emphasis). Whilst the word "*likely*" is not defined in the Impounding Act, it has a legal meaning of "*having a degree of probability greater than merely possible, but less than certain*"<sup>1</sup>.
- 2.10 Accordingly, the ability to exercise the power provided by section 16(5) will depend upon the facts of each case. The fact that a motor vehicle "may be vandalised and/or set on fire, thereby causing a bushfire" (our emphasis), in our view would not satisfy the requirement that the motor vehicle is likely to be a danger to the public. Furthermore, the *impounding officer* would need to be satisfied on reasonable grounds that the vandalising and/or setting on fire of the motor vehicle is likely to be a danger to the public.
- 2.11 We note that section 45 of the Impounding Act provides protection from liability as follows:
- (a) A person who destroys or otherwise disposes of a motor vehicle under section 18 (which deals with the destroying of impounded motor vehicles worth less than \$500) is not liable in damages for any loss that the owner of the motor vehicle or any other person has sustained as a result of that action and nor is any impounding authority that authorised the person, unless it is proved that the person or authority did not act in good faith (section 45(1)); and
- (b) A person is not prevented from recovering damages from an impounding authority in respect of the sale or disposal of an item if the person establishes that the authority, or the person who effected the sale or disposal, did not act in good faith or acted without reasonable care (section 45(3)).
- 2.12 We are therefore of the opinion that an *impounding officer* **cannot** immediately impound a motor vehicle under section 16(5) of the Impounding Act as it is likely to be a danger to the public because it may be vandalised and/or set on fire, thereby causing a bushfire. Furthermore, if an *impounding officer* does exercise power in this way, the Council, and the officer personally, may be liable

<sup>1</sup> Butterworths, *Concise Australian Legal Dictionary*, Second Edition.

for damages suffered by the owner of a motor vehicle so impounded because the Council or officer failed to act in good faith or with reasonable care.

(b) **Is there any other legislative provisions that would enable abandoned motor vehicles to be impounded immediately?**

2.13 Whilst Council has power under section 124 of the *Local Government Act 1993* to issue an order to remove an object or matter from a public place, where the object or matter:

(a) is causing or is likely to cause an obstruction or encroachment of or on the public place and the obstruction or encroachment is not authorised by or under any Act, or

(b) is causing or is likely to cause danger, annoyance or inconvenience to the public,

and under section 107 of the *Roads Act 1993* to issue a direction to remove an obstruction or encroachment on a public road, the Impounding Act is the relevant legislation that provides Council with powers to impound an abandoned motor vehicle. The Impounding Act provides the ability to impound a motor vehicle immediately subject to the conditions imposed by section 16(5) being satisfied, as discussed above.

2.14 Accordingly, we are unaware of any other legislative provisions that would enable abandoned motor vehicles to be impounded immediately.

We trust this answers your request for legal advice. Please feel free to contact Ben Swain of our office should you wish to discuss this matter further.

Yours faithfully  
**Local Government Legal**



Ben Swain  
Senior Lawyer



## Report To Ordinary Meeting of Council - 20 June 2018

Correspondence

Report No. CO19/2018

Corporate and Community Services

**SUBJECT: ABANDONED VEHICLES****RESPONSIBLE OFFICER:** Director Corporate and Community Services - Robert Maginnity**RECOMMENDATION:****That Council note the correspondence received.**

At its Ordinary Meeting of 18 October 2017 Council considered Notice of Motion BN49/2017 regarding abandoned vehicles in the Local Government Area and resolved:

1. That the General Manager investigates if Council can impound an abandoned vehicle immediately under Section 16 (5) of the Impounding Act 1993 if the impounding officer is satisfied that it may be vandalised or set on fire and is likely to be a danger to the public.
2. That the General Manager write to the NSW Police informing them of the abnormal high number of abandoned vehicles in the Cessnock Local Government Area.
3. That the following motion be submitted to the Local Government NSW Board for consideration for inclusion as an agenda item for the 2017 Local Government NSW Annual Conference:
  - That the NSW Government review Section 16(5) of the Impounding Act 1993 to enable the immediate removal of abandoned motor vehicles where the motor vehicles are likely to be set alight thereby causing potential bushfires.
4. That a report be considered by Council at its meeting of 18 October 2017.

This report relates to item 3 of the resolution. The matter was referred to LG NSW for consideration as part the 2017 Conference agenda with the Board declining to accept as a conference motion and dealing with the item separately.

Correspondence from Local Government NSW dated 29 May 2018 has been received following the association's advocacy with the Office of Local Government (OLG) on this and other matters. Copies of the representations to the OLG Chief Executive, Tim Hurst on behalf of LGNSW and the response received is attached for Councillors information.

**ENCLOSURES**

- 1 Letter to Tim Hurst - OLG from LGNSW
- 2 Response to LGNSW from OLG



Our ref: R15/0015 Out-27219

14 December 2017

Mr Tim Hurst  
Acting Chief Executive  
Office of Local Government  
Locked Bag 3015  
NOWRA NSW 2541

Dear Mr Hurst *Tim*

I write regarding a number of key issues raised by Local Government NSW (LGNSW) member councils.

We believe the following issues warrant action and seek your response.

#### 1. Environmental accounting

Councils asked LGNSW to call on the State Government to investigate the benefits, practicalities and costs of introducing environmental accounting information into local government reporting.

Identifying a practical and cost effective means of introducing environmental accounting information into local government reporting will benefit the sector in the following ways:

- Improved policy and decision-making through the tracking of natural capital (i.e. environmental and ecosystem assets) in monetary and non-monetary terms;
- Improved sustainability outcomes;
- Enhanced quadruple bottom line reporting;
- Increased transparency and accountability; and
- Increased investment in environmental management activities.

An accounting framework titled the System of Environmental-Economic Accounting (SEEA) has been developed that potentially meets the needs of NSW local government. However there are challenges regarding the implementation and ongoing costs associated with applying this framework.

#### 2. Pensioner concession rebate on rates and Domestic Waste Charges

Councils asked LGNSW to call on the State and Federal Governments to fund an increase in the concessions for pensioners legislated under s. 575 of the *Local Government Act 1993* (NSW). This includes rebates on council rates and domestic waste charges to better reflect increases in the cost of living and the average cost of rates to NSW households.

The council rates and charges rebate concession has not increased for a considerable period of time, while rates have increased substantially, therefore decreasing the real value of this concession to pensioners. The current subsidy is now less than 25% of the average ratings charge yet the subsidy was at a level of 50% of the then average ratings charge when it was introduced in 1993.

As the concession reflects a State policy, any future increases should be fully funded by the State Government.

Additionally, we call on the State Government to review the difference between pensioner rebates for water and sewer services in regional NSW compared to Sydney Water to ensure greater fairness across the State. There has been a long history of inequities of pensioner

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rebates for water and sewer between customers of Sydney Water and those of other service providers in regional NSW.

### **3. Reinstatement of property investment capabilities to local government organisations**

Under the *Local Government Act* councils asked LGNSW to seek the capability to invest in land and property assets as a form of income generating asset. This is to correct a restriction implemented by way of Ministerial Investment Order on 31 July 2008.

LGNSW is aware that councils in NSW have different interpretations of this legislation and we seek for the removal of doubt about a council's ability to buy land for investment through issuing a revised Ministerial Investment Order or an OLG Circular.

### **4. Review of the Local Government Rating System**

Councils asked LGNSW to call on the State Government to respond to the Independent Pricing and Regulatory Tribunal (IPART) Report - 'Review of the Local Government Rating System' and release the final version of the Report as a matter of urgency. The recommendations within the Report, if adopted, may have significant implications on the manner in which councils levy rates.

Currently many councils are reviewing their rates structures for 2018/19, and to ensure these reviews include any amendments to the rating system framework, the immediate release of the Report is critical.

### **5. Rating of national parks, nature reserves, State Conservation Areas & State forests**

Councils asked LGNSW to call on the State Government to apply local government rates to national parks, nature reserves, State Conservation Areas and State forests.

This is in recognition that non-rateable land such as national parks and State forests require significant local support services, notably roads, bridges and rural fire services which benefit the wider population but are funded by a small population base local to the local government area.

### **6. Impounding Act 1993 – removal of abandoned vehicles**

Councils asked LGNSW to call on the State Government to review s. 16(5) of the *Impounding Act 1993* to enable the immediate removal of abandoned motor vehicles where the motor vehicles are likely to be set alight thereby causing potential bushfires.

Currently, s. 16(5) allows for the immediate impounding of a vehicle if the vehicle is in a public place and likely to be a danger to the public. Potential bushfires caused by persons setting fire to abandoned motor vehicles are likely to be a danger to the public; however it is unclear if this was the legislative intent.

We therefore request the Act is amended to include additional wording to explicitly allow the immediate removal of a vehicle where it "represents a potential bushfire hazard or is likely to be a danger to the public".

### **7. Lifting of councils' borrowing restrictions**

As argued before by LGNSW, the Minister for Local Government should immediately lift the block on councils' ability to borrow from TCorp.

Due to Fit for the Future findings, some councils were found to be financially sound but 'unfit' in scale and capacity and are unfairly blocked from borrowing from T-Corp.

### **8. Untied funding**

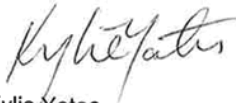
In relation to grant funding to councils by the NSW Government, councils should be provided

with the discretion to expend those funds in the manner deemed most appropriate by that council in accordance with the type of funding and community priorities. If funding has been successfully secured councils should have the option to achieve priorities of the Integrated Planning and Reporting Framework that have the greatest benefit to the community, rather than priorities being set by the NSW Government.

I look forward to your consideration of, and response to, these particular issues of concern for councils in NSW.

If you have any questions please contact me on 9242 4000 or [kylie.yates@lgnsw.org.au](mailto:kylie.yates@lgnsw.org.au).

Yours sincerely



Kylie Yates  
Director – Advocacy





## Office of Local Government

5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541

Our Reference:

A577752

Your Reference:

Contact:

Policy

Phone:

02 4428 4100

Ms Donna Rygate  
Chief Executive Officer  
Local Government NSW  
GPO Box 7003  
SYDNEY NSW 2001

By email: [lgnsw@lgnsw.org.au](mailto:lgnsw@lgnsw.org.au)

Attention: Ms Kylie Yates

Local Government NSW	
CE .....	COMMS.....
- 2 MAR 2018	
CORP .....	POLICY.....
FILE No .....	WPLACE.....
	RIS/0015

Dear Ms Rygate

Thank you for Local Government NSW's (LGNSW) letter of 14 December 2017 outlining key issues raised by member councils of LGNSW. I note that these are additional to the matters addressed in the LGNSW conference motions. The Office of Local Government is preparing a separate response to the conference motions.

### Environmental accounting

Councils have been encouraged to take a quadruple bottom line approach to their strategic planning, service delivery and reporting since the introduction of Integrated Planning and Reporting (IP&R) in 2009. IP&R provides flexibility to accommodate the needs and priorities of each local government area, and allows councils to adopt planning and reporting regimes that are appropriate to their scale of operations.

While councils' interest in environmental accounting is commendable, it is important to ensure that any mandatory local government reporting requirements are within the capabilities and resources of all councils. LGNSW may wish to consult further with its member councils and the Auditor General on this matter, including options for the voluntary introduction of environmental accounting.

### Pensioner concession rebates

Pensioner rebates are a significant and growing cost for government, as the population continues to age. This creates a challenge for all levels of government to balance the level of pensioner subsidy provided with the need to fund services and infrastructure for the wider community and future generations.

The NSW Government currently provides the greater proportion of the pensioner rebate payment (55%) and any additional concessions for rates and charges are a matter for individual councils or water utilities.

At present, the cost of providing water services varies considerably throughout NSW, depending on the levels of service and asset management responsibilities of the local water utility.

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Strengthening local government

**Property investment capabilities**

The current Ministerial Investment Order does not restrict councils' capacity to invest in land and property assets. Section 186(1) of the *Local Government Act 1993* (the Act) provides that: "A council may acquire land (including an interest in land) for the purpose of exercising any of its functions". This includes investment purposes. As councils already had capacity for property investment under the Act, it was not considered necessary to specifically include it in the current Investment Order.

**Review of the Local Government rating system and rating exemptions**

As you are aware, the NSW Government commissioned the Independent Pricing and Regulatory Tribunal (IPART) to undertake a review of the local government rating system, including rating exemptions and the associated impact on council revenue. Rating is a matter of significant concern to the community and it is important to ensure that any proposed changes to the system will not unfairly disadvantage homeowners and other community members. The review's recommendations are still being considered and the Government will respond in due course.

**Impounding Act 1993 – removal of abandoned vehicles**

As your letter notes, Section 16 (5) of the *Impounding Act 1993* allows councils the discretion to impound vehicles that are "likely to be a danger to the public". It is a matter for each council to determine, based on local conditions, whether an abandoned vehicle poses a particular danger.

**Access to TCorp borrowing facility**

On 15 November 2017, the Minister for Local Government, the Hon. Gabrielle Upton MP wrote to councils that had been deemed 'not fit' due to scale and capacity advising that the Fit for the Future process had concluded and they now have access to the TCorp borrowing facility.

**Untied funding**

Councils currently receive the greater proportion of their government funding via the Financial Assistance Grants program. Grants under this program are untied and councils are free to use the funding on local priority projects. Councils also receive funding through special purpose grants, administered by various State Agencies. These programs allow councils to nominate their local priority projects, identified through IP&R, for funding, on a competitive basis.

I trust that this information is of assistance to you and your member councils.

Yours sincerely



**Tim Hurst**  
**Acting Chief Executive**  
**Office of Local Government**

2/3/18

Planning and Environment

Report No. PE60/2018

Planning and Environment



**SUBJECT:** ***DA 8/2017/461/1 PROPOSING DEVELOPMENT OF A MANUFACTURED HOME ESTATE COMPRISING 165 MOVABLE DWELLING SITES AND ANCILLARY FACILITIES TO BE CONSTRUCTED IN SIX (6) PHASES***

***17 ASH STREET, CESSNOCK***

**RESPONSIBLE OFFICER:** ***Development Services Manager – Janine Maher***

<b>APPLICATION NUMBER:</b>	8/2017/461/1
<b>PROPOSAL:</b>	Development of a manufactured home estate comprising 165 movable dwelling sites and ancillary facilities, including manager's dwelling, club house, outbuildings, recreational facilities, car parking and roads, associated clearing and demolition of existing dwelling, to be constructed in six (6) phases
<b>PROPERTY DESCRIPTION:</b>	Lot 20, DP 837941
<b>PROPERTY ADDRESS:</b>	17 Ash Street, Cessnock
<b>ZONE:</b>	RU2 Rural Landscape
<b>OWNER:</b>	Mr EM & Mrs JL Craft
<b>APPLICANT:</b>	Land Dynamics

## **RECOMMENDATION**

**1. That:**

- (i) Development Application No. 8/2017/461/1 proposing development of a manufactured home estate comprising 165 movable dwelling sites and ancillary facilities to be constructed in six (6) phases at 17 Ash Street, Cessnock, be approved pursuant to Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained in this report.**
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:**

- The proposal is consistent with the relevant provisions contained within State Environmental Planning Policy No. 36 Manufactured Home Estates.
- The proposal is a permitted land use in the RU2 Rural Landscape zone under Cessnock Local Environmental Plan 2011.
- The proposal is consistent with objectives of the RU2 Rural Landscape zone under Cessnock Local Environmental Plan 2011.
- The subject development is designed in a manner that takes into account the constraints of the site and proposes measures that will minimise any impacts on the natural and built environments. The development, in the manner proposed, is suitable for the site.
- The development provides a form of housing that will add to the diversity of housing stock in the area. The development provides a social benefit and serves in the public interest by contributing to housing affordability.

**(iii) In considering community views, the following is relevant:**

- The proposal has been designed in such a way that its impact on the natural and built environment is considered acceptable, and the proposal is consistent with the character of the existing residential area.
- Approval of the development will result in improvements to the adjoining residential area with regards to upgrades to existing infrastructure and services within the locality.
- The design of the development, along with the recommended conditions of consent, have adequately responded to issues raised by the public during the exhibition period relating to the development application.

**(iv) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the Environmental Planning and Assessment Act 1979**

- 2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.**

## **REASON FOR REPORT**

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Development Application No 8/2017/461/1 is being referred to Council for determination, as it has been called-up by three (3) Councillors in accordance with the provisions of Development Practice Note G3 – Delegations for Determination of Development Applications.



## EXECUTIVE SUMMARY

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Council is in receipt of Development Application No 8/2017/461/1 seeking approval for the development of a manufactured home estate comprising 165 movable dwelling sites and ancillary facilities, to be constructed in six (6) phases at 17 Ash Street, Cessnock.

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

The proposal is compliant with the relevant planning controls, most notably those contained within *State Environmental Planning Policy No. 36 - Manufactured Home Estates*, and *Cessnock Local Environmental Plan 2011*.

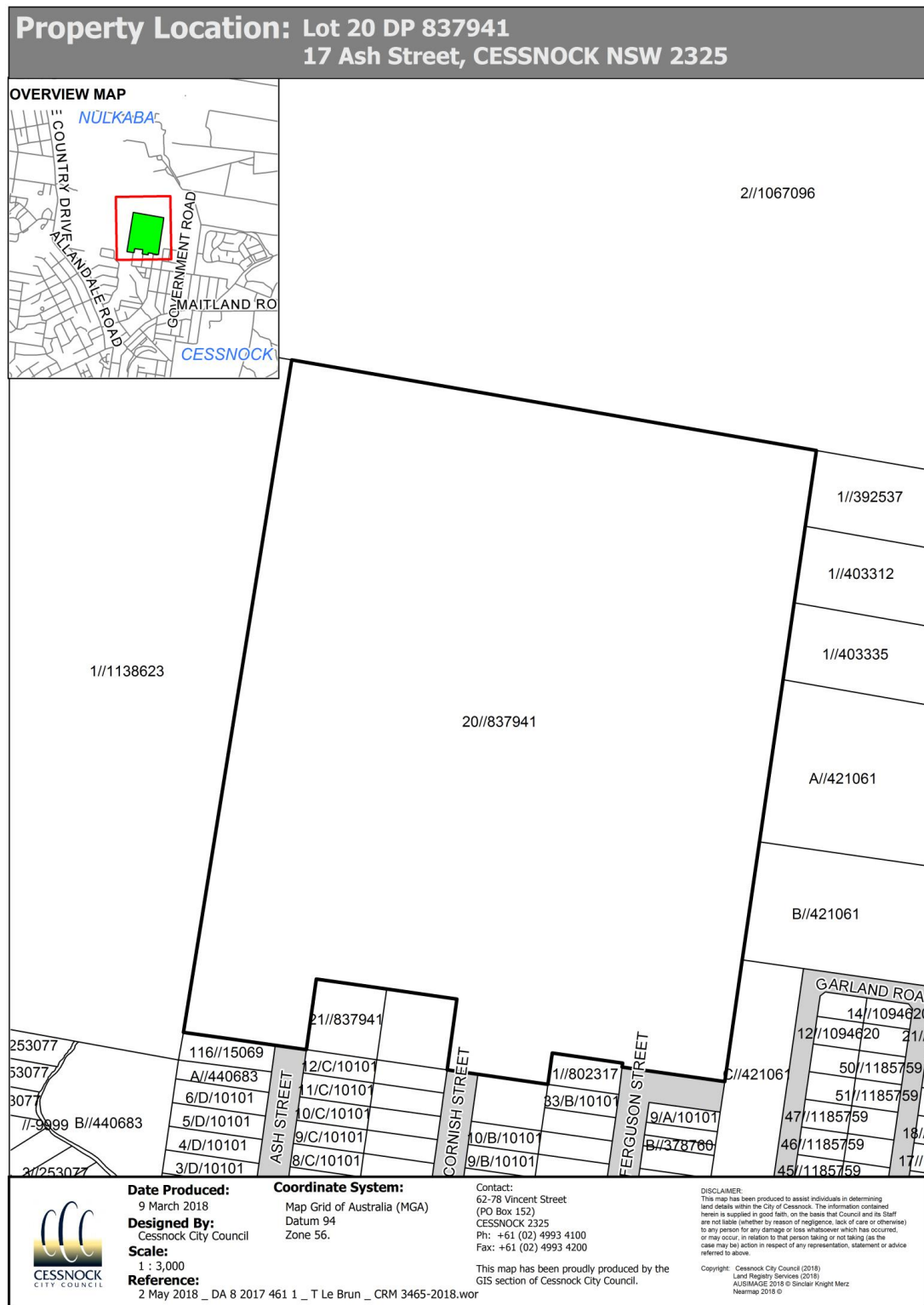
The development application was publicly exhibited on two (2) occasions. On the first occasion, four (4) submissions representing four (4) households, were lodged with Council. On the second occasion, one (1) submission representing one (1) household was lodged, reiterating previously expressed concerns. The issues and concerns raised in the submissions are addressed in the following report.

The development footprint is minimally affected by physical constraints, able to be serviced by available infrastructure, and will visually appear as an extension of the existing residential area. The built environment has specifically been considered in the development design to respect the amenity and character of adjoining existing development. Overall, the site is considered suitable for the proposed development.

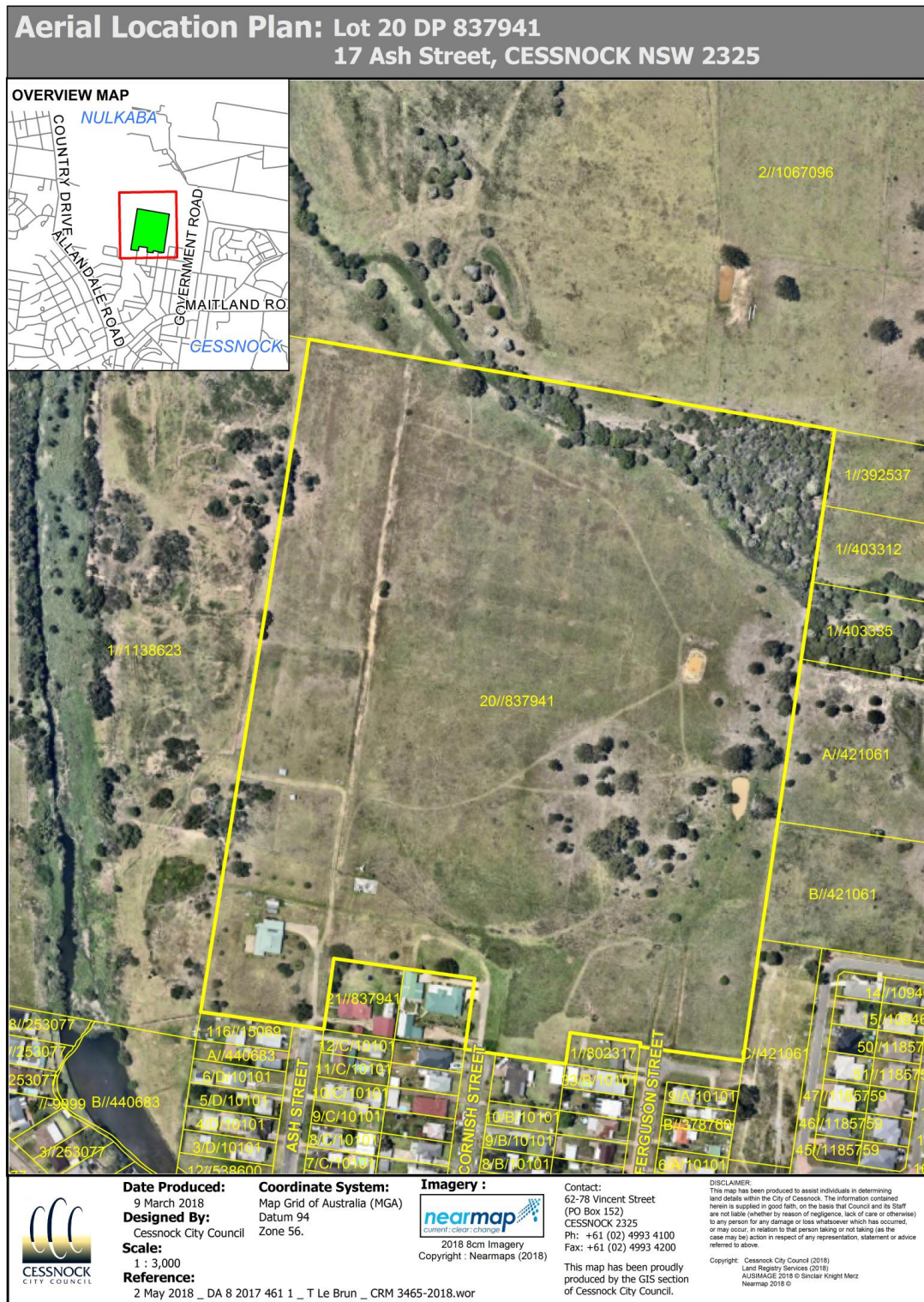
It is considered that the proposed development will result in positive social benefits as it will provide an alternative affordable housing choice comprising low maintenance residential sites and associated facilities.

Based on the assessment, it is recommended that the Development Application be approved subject to the conditions of consent included in this report.

## LOCATION MAP



## AERIAL



## SITE DESCRIPTION AND LOCALITY

The subject site is commonly known as 17 Ash Street, Cessnock, and is legally described as Lot 20, Deposited Plan 837941.

The subject site is located on the northern side of Ash Street, Cornish Street and Ferguson Street. The site has a lot width of 167m, an average depth of 424m and an overall site area of 14.37 hectares. The subject site is currently occupied by a dwelling house located near the southwestern corner of the site.

Existing vehicular access to the site is available from the Ash Street frontage to the existing dwelling house located on the site.

A second order watercourse is located in the northeastern corner of the subject site. The watercourse enters the site from the east (100 south of the northern boundary), runs diagonally through the site and exits through the northern boundary (110m from the western boundary).

The site is predominantly clear of vegetation with the exception of an area of riparian vegetation that exists adjacent to the waterway in the northeastern corner of the site.

The site lies on the northern fringe of an existing residential area. Land to the south of the subject site is developed for low-density residential uses. Land to the east of the site comprises smallholdings used for rural residential purposes, along with a small-scale transport depot and an animal boarding establishment (dog kennels). The Cessnock wastewater treatment works are situated to the north of the site.

## HISTORY

Prior to submitting a development application, the proponent submitted a preliminary proposal for consideration through Council's Pre DA lodgement service. The preliminary proposal was for a manufactured home estate comprising 194 movable dwelling sites. A meeting to discuss the proposal was held with Council officers on 16 June 2017, and minutes were subsequently provided in respect of the proposal.

A chronology in respect to this application is detailed below:

Date	Action
24 August 2017	Development Application lodged with Council.
5 September 2017	Referred to Flooding Engineer, Building Surveyor, Ecologist, Community Planner, NSW Rural Fire Service, Ausgrid, Hunter Water Corporation and NSW Police.
7 September 2017	Amended/additional information received from the applicant comprising revised Statement of Environmental Effects, Traffic Impact Assessment including SIDRA modelling, and a letter from the Cessnock Chamber of Commerce.



**Planning and Environment**

**Report No. PE60/2018**

**Planning and Environment**



11 September 2017	Referral from Flooding Engineer received and forwarded to Council's Development Engineer for assessment.
14 September 2017 to 28 September 2017	Application placed on public exhibition. Four (4) submissions representing four (4) households lodged with Council.
15 September 2017	Referral received from Ausgrid, providing comments/recommended conditions of consent.
20 September 2017	Referral received from the NSW Rural Fire Service providing General Terms of Approval.
22 September 2017	Referral received from Council's Ecologist, providing comments/recommended conditions of consent.
6 October 2017	Referral received from Council's Building Surveyor stating that the applicant's Section 82 objection lodged under the Local Government Act 1993 is not supported. The objection sought to construct the manufactured homes on-site.
10 October 2017	Referral received from Council's Development Engineer requesting the submission of additional information in respect to flooding and internal roads, and requesting that a referral be made to both the Traffic Engineer (Local Development Committee) and the NSW Roads and Maritime Services.
12 October 2017	Referred to the NSW Roads and Maritimes Services and Council's Traffic Engineer to facilitate referral to Council's Local Development Committee.
17 October 2017	Referral received from Council's Community Planner advising that further information is required in relation to: <ul style="list-style-type: none"> <li>• visual amenity</li> <li>• CPTED analysis of the Ash street pedestrian pathway</li> <li>• plan of management</li> </ul>
23 October 2017	Referral received from Hunter Water Corporation providing comments in relation to easements and an odour buffer to the Cessnock Waste Water Treatment Plant.
31 October 2017	<p>Correspondence issued to the applicant confirming that the Section 82 objection proposing to construct the manufactured homes on-site is not supported on the basis that <i>each major section of the home has been constructed and assembled at, and transported to the manufactured home estate from, a place of manufacture outside the manufactured home estate</i>, as prescribed in Clause 41 of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i>.</p> <p>The correspondence also requested additional information in relation to flooding, internal roads, visual amenity, a CPTED analysis of the Ash Street pedestrian pathway, plan of management and general information including in respect to various matters under the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i>.</p>
2 November 2017	Applicant withdraws Section 82 objection lodged under the Local Government Act 1993.
29 November 2017	Application referred to Council's Development Engineer.

**Planning and Environment**

**Report No. PE60/2018**

**Planning and Environment**



18 December 2017	Additional information received from applicant.  Referral received from Council's Development Engineer requesting information in relation to flooding, traffic, parking and internal roads.
20 December 2017	Referral received from NSW Roads and Maritime Services and NSW Police.
15 January 2018	Amended information in respect of flooding lodged by applicant.
29 January 2018	Additional information received from applicant and referred to Council's Development Engineer.
31 January 2018	Additional information received from applicant and referred to Council's Community Planner.
12 February 2018	Application considered by the Local Development Committee.
14 February 2018	Correspondence issued to the applicant requesting the submission of additional information in relation to estimated cost of works, flooding, traffic, parking and internal roads.
27 February 2018	Meeting held between the applicant and Council staff to discuss issues including referral responses from the Community Planner and the Local Development Committee. Issues discussed included flooding, traffic, parking and internal road requirements as set out in correspondence from staff.
28 February 2018	Minutes issued to the applicant in respect of the meeting held on 27 February 2018. Correspondence also provides advice in respect of access requirements from the NSW RFS and comments from NSW Police.
1 March 2018	Minutes received from the Local Development Committee meeting, providing draft conditions of consent.
27 March 2018	Correspondence issued to the applicant in respect of previously requested information, and affording seven (7) days in which to provide the requested information.
9 April 2018	Additional information received from the applicant.
11 April 2018	Additional information referred to Council's Development Engineer and Community Planner for comment.
18 April 2018	Referral received from Council's Development Engineer.
20 April 2018	Correspondence issued advising that 'staging' is not applicable and a phasing plan is instead required to be submitted.  Referral received from Council's Community Planner seeking clarification on plan details relating to access and fencing.
1 May 2018	Amended plans submitted by the applicant.
7 May 2018	Additional information submitted by the applicant referred to Council's Community Planner.
18 May 2018	Completed referral response received from Council's Community Planner advising that the redesign of the Ash Street pedestrian access way is satisfactory and in whole, there are no further concerns from a community planning perspective. No conditions of consent applicable.
7 June 2018	Referral to Council's Building Surveyor for conditions of consent pursuant to the Local Government Act 1993, the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i> and other relevant matters.

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21 June 2018	Referral received from Council's Building Surveyor.
July 2018	<p>Draft assessment report prepared and reviewed by Council's Development Services Manager, whereby a number of issues identified including flooding, waste collection, buffer distances to boundaries, fencing details and hours of operation/patronage of clubhouse.</p> <p>Referral initiated to Council's Flooding Engineer in respect of flood/hazard category relevant to the site. Matter subsequently referred to Council's external flood consultant for review.</p>
3 August 2018	Meeting held with applicant to provide advice in respect of the matters identified during review of the draft assessment report. Applicant advised that Council officers are seeking clarification with respect to flooding issues.
6 August 2018	<p>Correspondence issued to applicant in respect of the matters identified and discussed at the meeting held on 3 August 2018. Letter states that Council staff are in the process of verifying flood information, and requests that the applicant address the remainder of the issues raised.</p> <p>Council's Flooding Engineer continues liaising with external flood consultant to verify flood information and ensure that there are no discrepancies in mapping/flood data.</p>
7 August 2018	Proponent requests flood data verification data be provided as soon as possible to enable finalisation of the application.
23 August 2018	Council's Flood Engineer obtains flood data/mapping verification from external flood consultant.
27 August 2018	Discussions held between assessment officer, Principal Development Engineer and Development Services Manager in respect of the updated flood data/mapping.
29 August 2018	Applicant provided with updated flood mapping and afforded the opportunity to amend the proposed development in consideration of the updated information.
6 September 2018	Applicant submits revised plans and information.
14 September 2018 to 28 September 2018	Application re-notified and re-referred to Council's Development Engineer for assessment.
17 September 2018	Referral received from Council's Principal Development Engineer.
22 October 2018	Assessment finalised.

## **DETAILS OF THE PROPOSED DEVELOPMENT**

Development Application No 8/2016/461/1 seeks approval for the development of a manufactured home estate comprising 165 movable dwelling sites and ancillary facilities, to be constructed in six (6) phases, as follows:

- Phase 1 – community buildings and 39 dwelling sites (this includes the manager's residence);
- Phase 2 – 34 dwelling sites;

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- Phase 3 – 16 dwelling sites;
- Phase 4 – 37 dwelling sites;
- Phase 5 – 16 dwelling sites; and
- Phase 6 – demolition of existing dwelling house and 23 dwelling sites.

The development application seeks approval for the use of the land as a manufactured home estate. Separate approval will be required to be obtained under the *Local Government Act 1993* and the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*, in order to operate the manufactured home estate and install the manufactured homes.

In addition to the use of the land, development consent is also sought for the erection of the associated facilities (community buildings, swimming pool etc.), and construction of the associated civil works (drainage works and road construction). It is noted that a construction certificate will be required for these works.

Development composition proposed, is as follows:

- A total of 165 moveable dwelling sites
- Sites vary in size from 209m<sup>2</sup> to 392m<sup>2</sup> to accommodate a dwelling, parking, private open space and landscaping
- Range of dwelling types and indicative floor plans provide for up to three (3) bedrooms per dwelling
- Information provided indicates that dwelling types are to be single-storey
- On-site manager's residence.

The development proposed also incorporates the following elements:

- Existing dwelling to be demolished in Phase 6.
- New internal roads with vehicle access to be provided via Ferguson Street.
- Controlled pedestrian access to/from the manufactured home estate to be provided via Ash Street (Phase 6), and pedestrian pathways proposed throughout the site.
- Security gated access for emergency vehicles to be provided from Ash Street.
- Community facilities include:
  - single-storey clubhouse
  - swimming pool
  - bowling green
  - pavilion
  - community garden
  - recreational facility (men's shed)
  - caravan/boat storage area
  - maintenance shed
  - garbage collection area



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- Car parking including 28 visitor spaces, one (1) dedicated space for community bus, and two (2) spaces per dwelling house site.
- Provision of a community bus with dedicated parking area near mens shed.
- Clearing of approximately thirty (30) trees scattered over 1.2ha area of the site, and potentially a further 1500m<sup>2</sup> of clearing associated with the provision of Asset Protection Zones. The development provides for the retention of vegetation in the north-eastern corner of the site.
- Associated landscaping plantings along roads and throughout the site, along with establishment of vegetation buffers of varying widths to provide screening to existing development located to the south, east and west.
- Security and privacy fencing throughout the site, including construction of a 1.8m high decorative security fence along the southern boundary of the site, and 1.8m high palisade security fencing along the northern, eastern and western boundaries.
- Boom gate providing access from Ferguson Street, with security keys or swipe cards to be provided for residents.

## ASSESSMENT

### ***Environmental Planning and Assessment Act 1979 – Section 4.15(1)***

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

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

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

1. *State Environmental Planning Policy No. 36 – Manufactured Home Estates*
2. *State Environmental Planning Policy No. 55 – Remediation of Land*
3. *Cessnock Local Environmental Plan 2011*

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

#### **1. State Environmental Planning Policy No. 36 Manufactured Home Estates**

*State Environmental Planning Policy No. 36 – Manufactured Home Estates (SEPP 36)*, applies to the proposed development.

In accordance with SEPP 36, a '*manufactured home estate*' means:

*'land on which manufactured homes are, or are to be, erected'.*

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A 'manufactured home' means:

*'a self-contained dwelling (that is, a dwelling that includes at least 1 kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:*

*(a) that comprises 1 or more major sections that are each constructed, and assembled, away from the manufactured home estate and transported to the estate for installation on the estate, and*

*(b) that is not capable of being registered under the Traffic Act 1909,*

*and includes any associated structures that form part of the dwelling'.*

**1.1 Clause 3 – Aims and strategies**

The aims of SEPP 36 are as follows:

- (a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and*
- (b) to provide immediate development opportunities for manufactured home estates on the commencement of this Policy, and*
- (c) to encourage the provision of affordable housing in well designed estates, and*
- (d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and*
- (e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and*
- (f) to protect the environment surrounding manufactured home estates, and*
- (g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.*

The development proposes a form of affordable housing through the provision of small dwelling sites.

The estate design satisfies the Local Government Regulation with minor refinements as set out in the draft notice of determination.

It is considered that the site is suitable for the proposed development as it is not located on land having important resources or having landscape or scenic qualities that should be preserved. Furthermore, the application proposes to retain a large portion of the existing vegetation located in the northeastern corner of the site.

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The development site directly adjoins the existing residential zone, thereby meaning it has the ability to connect to available services and infrastructure, subject to upgrading requirements. The site is within reasonable distance of community facilities and services in Cessnock.

The development is proposed to be visually separated from existing development located to the east, south and west via the use of landscape buffers, and will appear as an extension of these residential areas. Furthermore, a significant portion of the northern part of the site will be maintained in an unaltered state, i.e., open grass paddock. This aligns with the physical constraints of the site, most relevantly flooding and odour associated with the Cessnock wastewater treatment works.

Future residents of the proposed development will be supported by the ability to readily access services and infrastructure in Cessnock by public or private transport. In this regard, the Cessnock CBD is located just over 1.0 km from the subject site. A community bus is to be provided for residents that will further facilitate access to services and facilities in Cessnock.

For the reasons discussed above, it is considered that the proposed development is consistent with the aims of the SEPP 36.

**1.2 Clause 6 - Where development for the purposes of a manufactured home estate may be carried out**

Clause 6 of SEPP 36 prescribes as follows:

*'Development for the purposes of a manufactured home estate may be carried out pursuant to this Policy on any land on which development for the purposes of a caravan park may be carried out, except:*

- (a) *land within one or more of the categories described in Schedule 2, or*
- (b) *land dedicated or reserved under the National Parks and Wildlife Act 1974, or*
- (c) *land within a Crown reserve'.*

The site is zoned RU2 Rural Landscape under the provisions of *Cessnock Local Environmental Plan (CLEP) 2011*. A 'caravan park' is permitted with consent in the RU2 zone; therefore, development for the purposes of a manufactured home estate may be carried out on the subject site.

A review of *'Schedule 2 Categories of excluded land'* has identified that the subject land is not excluded land pursuant to Items 2 and/or 6. In this regard, the following is noted:

*Item 2 – Land which the council, after taking into account the principles set out in the Floodplain Development Manual published by the New South Wales Government in December 1986, considers is unsuitable for residential development because of flooding.*

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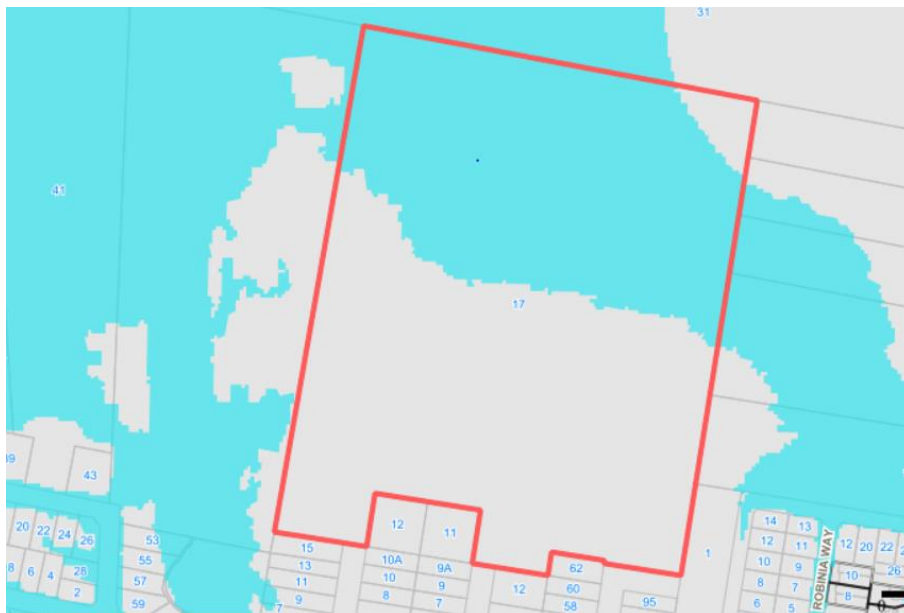
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The site is partially affected by flooding. The diagram below shows the subject land and, in blue, the extent of the subject land which is affected by the 1% Annual Exceedance Probability (AEP). The proposed development has been designed in such a way to ensure that the future dwelling sites are located in the parts of the site that are flood free. As outlined above, a significant portion of the northern part of the site will be maintained in an unaltered state, i.e., open grass paddock. This aligns with the 1% AEP constraint identified below.

Matters such as flood free access, flood hazards and the compliance of the development in respect to flooding requirements are discussed later in this report - refer to assessment against the provisions of *Chapter C.9 Development on Flood Prone Land* of the Cessnock Development Control Plan 2010. Overall, it is considered that the site is suitable for residential development and that the flood affectation does not preclude a development of this scale and nature from being supported by Council.



*Item 6 – Land which under any environmental planning instrument is within an area or zone identified in that instrument by the description:*

- *open space, other than open space (private recreation)*
- *environmental protection*
- *scenic protection*
- *rural (where the land is not adjacent to or adjoining land zoned for urban use).*

The site is not located within an area or zone identified as open space, environmental protection or scenic protection. Whilst it is noted that the site is zoned rural, the subject land directly adjoins land zoned R2 Low Density Residential under the *Cessnock Local Environmental Plan 2011*, thereby meeting the requirement that any rural land must be located adjacent to or adjoining land zoned for urban use.

Clauses (b) and (c) do not apply to the land.

### 1.3 Clause 9 – Matters to be considered by Councils

Clause 9 of SEPP 36 prescribes as follows:

- (1) A Council may grant development consent pursuant to this Policy allowing development for the purposes of a manufactured home estate only if it is satisfied:*
- a) that each of the sites on which a manufactured home is or will be installed within the manufactured home estate is or will be adequately provided with reticulated water, a reticulated sewerage system, drainage and electricity, and*
  - b) that the manufactured home estate is or will be provided with adequate transport services, and*
  - c) that sufficient community facilities and services, whether situated within or outside the estate, are or will be available and reasonably accessible to the residents of the manufactured home estate, and*
  - d) that the development will not have an adverse effect on any:*
    - conservation area*
    - heritage item*
    - waterway or land having special landscape, scenic or ecological qualities, which is identified in an environmental planning instrument applicable to the land concerned.*
- (2) A Council may grant a development consent pursuant to this Policy allowing development for the purposes of a manufactured home estate only after it has considered the following:*
- a) the cumulative impact of the proposed development and other manufactured home estates in the locality,*
  - b) any relevant guidelines issued by the Director,*
  - c) the provisions of the Local Government (Manufactured Home Estates) Transitional Regulation 1993’.*

An assessment of the application against Clause 9 of SEPP 36 has concluded that the proposed development is consistent with the above provisions for the reasons outlined below:

- Each of the individual dwelling sites are capable of being provided with reticulated sewer, reticulated water, drainage and electricity. Conditions of consent have been imposed on the draft determination notice in this regard.
- Public transport is available outside the estate from Anzac Avenue by bus, and from within the estate by a community bus in the event that residents do not have access to a private motor vehicle. A taxi service is also available within the area.

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- A range of community services are proposed to be provided in conjunction with the development, including a community bus, clubhouse, swimming pool, mens shed, pavilion and a bowling green. The clubhouse will have a dining and bar area, cinema, craft, gym, and library and games area. Furthermore, the subject land is located within reasonably close proximity to the Cessnock Pool, Manning Reserve and other community facilities such as the Cessnock Hospital and the Cessnock Library.
- The development is not located in vicinity to a conservation area or a heritage item, nor is it considered that the proposal will adversely impact on Black Creek or the ecological qualities of the site. The subject land is not located adjoining land having special landscape or scenic qualities and will appear as a small extension of the existing residential locality when viewed from Allandale Road.
- The cumulative impact of the proposal development and other manufactured home estates within the locality has been considered. The 'Southwood Park Village' - a caravan park used for long term residential occupation, is located approximately 5.2km away at Neath and a 'Ingenia Holidays' caravan park is located approximately 2km away on Mount View Road Cessnock. The 'Ingenia Holidays' caravan park primarily caters for both short-term and long-term residency. It is considered that the sites are sufficiently separated to ensure no adverse cumulative impacts occur within the wider locality.

Sub-clauses (2)(b) and (c) do not apply as no guidelines have been issued by the Director, and the *Local Government (Manufactured Home Estates) Transitional Regulation 1993* has been repealed. It is noted that the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* instead applies. The Regulation states that approval must not be granted to operate a manufactured home estate unless the consent authority is satisfied that the estate will be designed, constructed, maintained and operated in accordance with Division 3 of the Regulation. A compliance report was provided in conjunction with the application. Such report was reviewed during assessment of the application and is considered to satisfy the requirements of Division 3 of the Regulation.

The development is considered to satisfactorily address the requirements of Clause 9 of SEPP 36.

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

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

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

The subject site has historically been used for semi-rural purposes associated with a dwelling house. No evidence of contamination was observed during inspection of the site, or through a review of historical aerial photography. The Statement of Environmental Effects submitted in conjunction with the application outlines that the site is not identified as being contaminated.

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As there is no historical evidence of the site being previously used for a purpose which would result in the land being contaminated, further testing of the site in respect of contamination is not warranted in this instance.

### **3. Cessnock Local Environmental Plan 2011**

#### **3.1 Permissibility**

The subject site is zoned RU2 Rural Landscape under the provisions of *Cessnock Local Environmental Plan 2011* (LEP).

As previously outlined in this report, a manufactured home estate is permitted on any land on which development for the purpose of a 'caravan park' may be carried out. A 'caravan park' is permitted with consent in the RU2 zone; therefore, development for the purposes of a manufactured home estate may be carried out on the subject site.

#### **3.2 Objectives**

The objectives of the RU2 zone are as follows:

- a) *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- b) *To maintain the rural landscape character of the land.*
- c) *To provide for a range of compatible land uses, including extensive agriculture.*
- d) *To enable other forms of development that are associated with rural activity and require an isolated location or support tourism and recreation.*
- e) *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.*
- f) *To maintain and enhance the scenic character of the land.*
- g) *To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.*
- h) *To minimise the visual impact of vegetation clearing in order to be consistent with the rural character of the locality.*
- i) *To minimise disturbance to the landscape from development through clearing, earthworks, access roads and construction of buildings.*
- j) *To ensure development does not intrude into the skyline when viewed from a road or other public place.*

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The following comments are noted in respect of the above objectives, respectively:

- a) It is acknowledged that the site is not proposed to be used for the purpose of primary industry production.
- b) In part, the rural character of the land will be maintained through the retention of a significant portion of the site (to the north) in its unaltered state.
- c) In the form proposed, the development is considered a compatible land use.
- d) The development is not of a form associated with rural activity that requires an isolated location to support tourism and recreation.
- e) The type and intensity of development is considered appropriate. In this regard, the application proposes to retain a large portion of the site in its unaltered state, thereby effectively providing a buffer between the residential component and the *adjoining rural land*.
- f) The scenic character of the land will be maintained through the establishment of a rural buffer to the north. Furthermore, landscaped buffers are proposed to the east, west and south.
- g) The proximity of the site to existing residential land will ensure that the development can readily integrate into existing infrastructure/services.
- h) The site is disturbed and largely cleared. Therefore, limited clearing will be required. It is also noted that remnant vegetation in the north-eastern corner of the site will be retained.
- i) The development site is located on that part of the land which is largely cleared and disturbed. Minimal disturbance will occur from clearing, earthworks, road construction and building construction.
- j) The development will not intrude into the skyline as it is will be characterised by low scale residential development and will appear as an extension to the existing residential area when viewed from a road or public place.

The development is considered suitable on the land having regard to applicable physical constraints and its proximity to an existing residential area. For these reasons, the development is considered to satisfy the zone objectives.

### 3.3 Relevant Clauses

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

- Clause 2.2 – Zoning of land to which Plan applies

Pursuant to the provisions of the Cessnock LEP 2011, the subject site is zoned RU2 Rural Landscape. A discussion of the proposed development against the objectives of the RU2 zone is provided above.



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- Clause 2.7 – Demolition requires development consent

The objective of this Clause is to ensure that development consent is obtained for the demolition of structures.

As part of this application, consent is sought for the demolition of the existing dwelling and associated outbuildings, thereby addressing the requirements of Clause 2.7.

- Clause 7.2 – Earthworks

The objectives of this Clause are to ensure that earthworks will not detrimentally impact the surrounding environment, neighbouring uses, or items having cultural or heritage value. In addition, Clause 7.2 requires that, where relevant, development consent is obtained for the carrying out of earthworks.

Earthworks are proposed as part of the current application to address flooding management requirements and facilitate the inclusion of roads and utilities throughout the development. Works will also be required during construction of the community facilities (buildings and swimming pool). These works will not result in any detrimental impact upon:

- existing drainage patterns or soil stability,
- future use or redevelopment of the land,
- quality of excavated material, and
- amenity of adjoining properties.

In consideration of the above, the application is consistent with the requirements of Clause 7.2.

- Clause 7.3 – Flood planning

As illustrated previously in this report, the site is partially affected by flooding.

In part, Clause 7.3 states as follows:

- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
- (a) *is compatible with the flood hazard of the land, and*
  - (b) *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
  - (c) *Incorporates appropriate measures to manage risk to life from flood, and*
  - (d) *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*

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- (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding'.*

The following is a discussion against the provisions outlined above:

**7.3(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:**

**a. is compatible with the flood hazard of the land**

Comment

The following tables summarises flooding information relevant to the site including the depth of floodwater across the site, related velocity depth products and flood hazards.

	20 Year ARI Flood	100 Year ARI Flood
Max. Water Level (m AHD)	64.75	64.96
Min. Water Level (m AHD)	64.12	64.42
Max. Water Depth (m)	1.53	1.82
Min. Water Depth (m)	0.06	0.01
Max. Velocity (m/s)	2.49	1.54
Min. Velocity (m/s)	0.00	0.00
Max. Hazard (H1 to H6)	H5	H5
Min. Hazard (H1 to H6)	H1	H1

The development proposed to be located within the flood affected portion of the site consists of non-habitable buildings/structures including community buildings, community facilities and an internal access road, however, this area of flood affectation is H1 which is generally considered safe for vehicles, buildings and people.

The proposed dwelling sites are located in the flood free portions of the site, that is, above the 100 year ARI level. To ensure all the sites are flood free and to achieve flood free access it is proposed to fill this part of the site to depths of approximately 400mm. As discussed later in this report, the filling is not significant, it will occur in the lowest hazard category being H1, and is in accordance with Council's flooding requirements.

No development is proposed in the high hazard areas at the rear of the site. Overall, it is considered that the proposal is compatible with the flood hazard of the land.

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- b. is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and :**

The proponent proposes selective filling of the subject land. The information submitted in respect to the volume and depth of filling is sufficient to determine that the filling will not result in detrimental increases in the potential flood affectation of other development or properties. As outlined above, the depth of fill is approximately 400mm.

- c. incorporates appropriate measures to manage risk to life from flood, and:**

The proposal incorporates appropriate measures to manage risk to life from flood, i.e., a minor amount of filling is proposed to a small area of the site to ensure that flood free access is available. Furthermore, the applicant has submitted a flood evacuation plan that has been assessed by Council officers and is considered acceptable. Such flood evacuation plan forms part of the approved documents/conditions of consent, and is therefore required to be complied with.

- d. is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses**

As proposed, the development is unlikely to have a significant adverse impact on the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

- e. is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.**

The proposal will not result in unsustainable social and economic costs to the community due to the measures proposed to address the flooding constraints, essentially these consist of a suitable evacuation route, an approved evacuation plan and the inclusion of a minor amount of fill to ensure the dwelling sites are above the flood level.

In consideration of the above, the site is considered to be suitable for the development and the application is consistent with the requirements of Clause 7.3.

- Clause 7.14 - Essential Services

This Clause requires that development consent must not be granted unless essential services are available or that adequate arrangements have been made to make them available, when required.

As outlined previously within this report, the development site and individual dwelling sites are capable of being provided with reticulated sewer, reticulated water, drainage and electricity. Conditions of consent have been imposed on the draft determination notice in this regard.

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In consideration of the above, the application is consistent with the requirements of this Clause.

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

No Draft Environmental Planning Instruments are relevant to the application.

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

**Cessnock Development Control Plan 2010**

The following is an assessment of the proposal's compliance with the relevant requirements contained within the Cessnock Development Control Plan (DCP) 2010:

Chapter C.1 Parking and Access

Council's car parking requirements for manufactured home estates specify that one (1) space per dwelling site and one (1) space per 10 sites for visitors parking, must be provided on-site. This equates to a requirement for 165 resident parking spaces and 17 visitor on-site parking spaces.

It should also be noted that the development is required to comply with car parking requirements prescribed under the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*. These regulations require the provision of visitor parking as follows:

*23(1) (d) 20 spaces for a manufactured home estate containing more than 105 sites, plus one additional space for each additional 7 sites (or part of a site) over 140.*

Therefore, 24 visitor parking spaces are required to comply with the Regulation.

The applicant proposes to exceed the requirements of both Council's Development Control Plan and the Regulations. In this regard, the following tables illustrate the requirements of both controls, and the number of spaces proposed to be provided by the applicant:

**Parking Required**

	Required – dwelling sites	Required – visitor parking
Chapter C.1 of CDCP 2010	165	17
Local Government Regulation 2005	N/A	24

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Parking Proposed

	Provided – dwelling sites	Provided – visitor parking
Proposed development	330	28

Chapter C.2 Flora and Fauna Survey Guidelines

A preliminary ecological assessment identified that the majority of the site has previously been cleared of any significant vegetation. The assessment identified that no riparian vegetation is to be removed, however there will be clearing of part of a Cabbage Gum Floodplain Woodland Endangered Ecological Community (EEC), i.e., a total of thirty (30) trees are to be removed within a highly modified vegetation community. There is further clearing expected for the provision of Asset Protection Zones estimated at 0.15ha, however, as such clearing will be mainly selective thinning and trimming, it is not expected to result in any significant impact upon biodiversity.

The development is consistent with Chapter C.2 of the DCP and acceptable from an ecological perspective, subject to the imposition of relevant conditions of consent. The draft determination notice includes conditions in this regard.

Chapter C.3 Contaminated Lands

As the DCP has been prepared in accordance with the requirements of SEPP 55, the proposed development is consistent with the requirements of this chapter as discussed previously in this report (refer to consideration of SEPP 55).

Chapter C.4 Land Use Conflict and Buffer Zones

The purpose of Chapter C.4 is to provide consistent development guidelines for the consideration of applications for development which:

- *may conflict with existing developments or environmentally sensitive areas because of emission of an odour, noise, vibration, visual impact or other nuisance and may therefore require a separation or other means of reducing the conflict to an acceptable level;*
- *is proposed in a location where there is an existing development which adversely affect it and may therefore need to provide its own separation or other means of reducing or removing the conflict in order to minimise land use conflicts between potentially incompatible land uses.*

An assessment of the development firstly requires that the land use be defined and that adjoining development also be categorised.

In this case, the proposed development is defined as a Category A Sensitive Land Use, i.e., a use which warrants protection from amenity reducing off-site effects from other land uses.

Consideration of adjoining land uses has identified two (2) Category 'C' land uses in proximity to the manufactured home estate, being a wastewater treatment plant and an animal boarding establishment (kennels).

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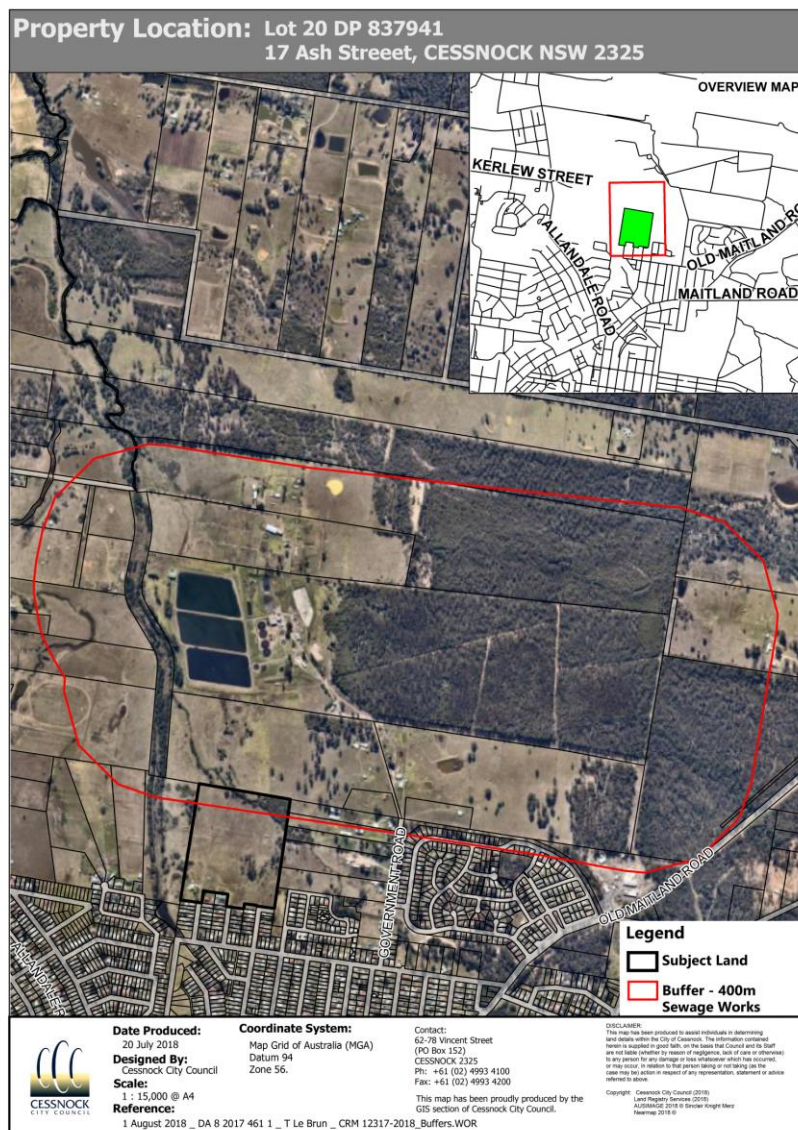


Clause 4.2.5 prescribes that minimum separation distances refer to a measurement from the development to the property boundary of the affected land use. The DCP further prescribes that, in cases where a land use conflict is likely, it is the developer's responsibility to provide the recommended buffer, or satisfactorily remove the conflict through some other approved method.

Cessnock Wastewater Treatment Plant

The impacts from the wastewater treatment plant (WWTP) onto the development and vice versa, are required to be taken into account.

The DCP states that a minimum 400m buffer from the WWTP is required to address the principal concern of odour. The below map identifies the WWTP, the subject site, and illustrates the 400m buffer:



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The subject land is located approximately 325m from the WWTP, and a further 75m buffer is proposed within the subject land to ensure that the required 400m buffer is achieved.

The caravan/boat storage area is located within the buffer, however it is a non-habitable use consistent with the Hunter Water Corporation's (HWC) policy of an activity compatible with wastewater treatment operations such as open space, recreation areas, drainage basins, natural bush/forest, constructed wetlands, flora and fauna reserve, certain industries and agricultural use.

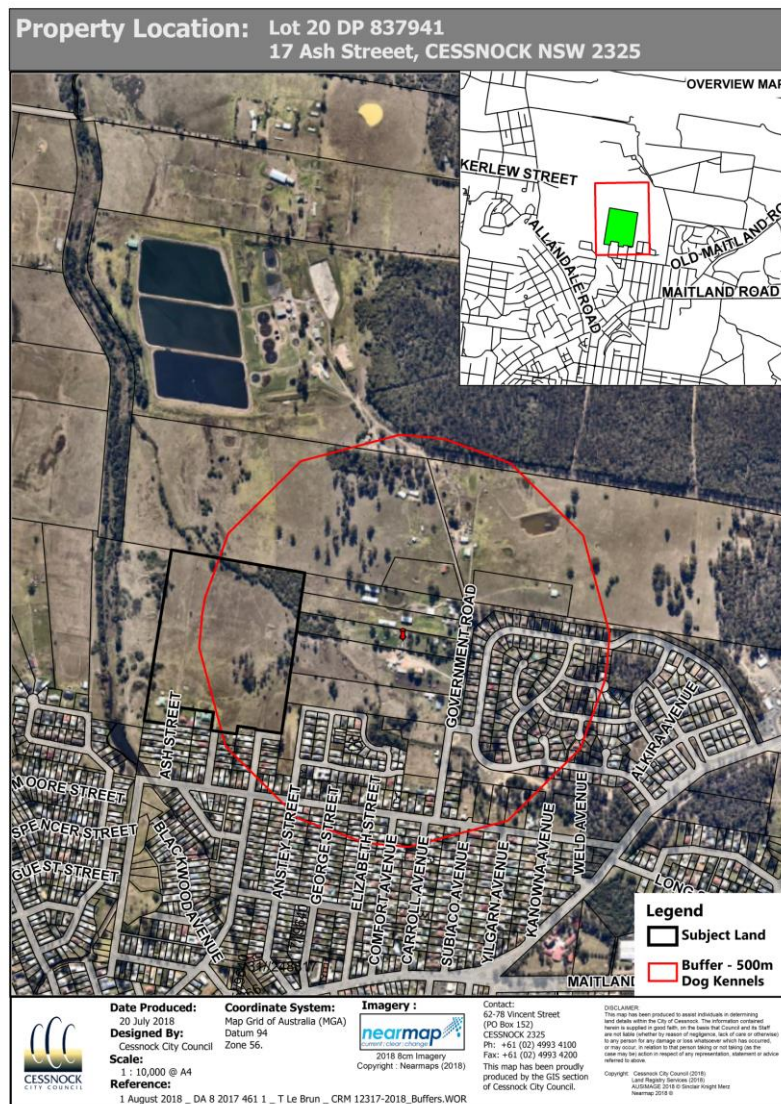
The HWC was consulted on the development proposal and confirmed that no objection was raised to the proposal as the home sites and community facilities are located outside the buffer. The HWC further advised that in the event future development is proposed within the buffer zone, this would require consultation with the HWC.

**Animal Boarding Establishment (Kennels)**

The impacts from the boarding kennels located at 23 Government Road Cessnock, onto the development and vice-a-versa, are required to be taken into account.

The DCP states that a minimum 500m buffer from the boarding kennels is required to address the principal concerns of noise, odour, runoff and waste disposal. The below map identifies the boarding kennels, the subject site, and illustrates the 500m buffer:





Approximately 50% of the development site is located within 500m of the boarding kennels, with the closest proposed dwelling site (No. 64), being located approximately 323m from the boarding kennels.

It is noted that a significant amount of existing residential development is located within the prescribed buffer, as depicted in the above map.

The applicant considers that noise impacts from the boarding kennels will be mitigated by virtue of the buffer from the lot boundary to the boarding kennels, '*...this distance combined with boundary fencing and the landscaped strip along the eastern boundary and perimeter road all assist in providing adequate separation to the kennel.*

The applicant's justification is supported. The siting of community facilities (acting as a buffer) will also minimise potential noise impacts from the boarding kennels on the proposed development.



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It is further noted that boarding kennels are subject to noise controls including the *Protection of the Environment Operations Act 1997*. In this regard, noise from the kennels must comply with these legislative provisions in order to ensure that the kennels do not adversely impact on occupiers of residential properties.

Zoning of Surrounding Land

Further to the above discussion in relation to the WWTP and boarding kennels, it is noted that a large portion of land within the abovementioned buffer zones was zoned residential as part of the Government Road Cessnock, Urban Release Area. This rezoning was gazetted as part of CLEP 2011, on 23 December 2011.

As part of the rezoning, a large portion of the site containing the boarding kennels was rezoned R2 Low Density Residential. The actual boarding kennel facility is located on the part of the site that is zoned R2.

The issue regarding the WWTP and boarding kennels was considered as part of the rezoning process. In respect of the WWTP, Hunter Water Corporation provided comment whereby the existing buffer was significantly reduced, however, it is noted that Chapter C.4 has not been updated to reflect the amended buffer.

In consideration of the above, it is considered that the proposed development is consistent with the requirements of Chapter C.4.

Chapter C8 – Council's Social Impact Assessment and Crime Prevention Through Environmental Design Guideline

A Social Impact Assessment (SIA) was submitted in conjunction with the application. The SIA assessed the existing environment, expected consequences from the development including social impacts and the capacity of existing services, facilities and infrastructure to service the development. It is noted that community consultation was carried out for the purpose of developing the SIA in accordance with the DCP.

The SIA identifies that there remains a need for smaller cheaper housing sites to cater for people who are couples, singles without children and older people downsizing with limited resources. The SIA notes that, *"...there is a higher than average proportion of reduced accommodation in Cessnock however the area still does not have a good match of bedroom mix to household type. The fit between household type and bedroom number is reported to be worsening over time. The existing housing stock in Cessnock is built for families and has not adapted to change."*

Council's Community Planner reviewed the SIA and raised no objection to the development, however further information was requested to clarify visual amenity concerns raised in community consultation; privacy and crime prevention relating to the Ash Street pedestrian accessway; and submission of a draft plan of management. In response, information and plans were provided including details in relation to the Ash Street pedestrian accessway.

In respect of the Ash Street pedestrian accessway, the plans identify the provision of security fencing (on the subject land's perimeter to the south), landscaping, lighting, signage and security access in order to preserve privacy and increase safety for both future residents in the estate, and occupants of adjoining existing dwelling houses external to the site.

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In consideration of the provided draft plan of management (POM) and the matter of social impacts, it is noted that the general objectives of the plan are as follows:

- i) *the continued health and safety of all residents within the estate at all times;*
- ii) *that the estate operates with minimal impact upon the surrounding area and adjoining dwellings;*
- iii) *the presentation, maintenance and repairs of the estate are to a high standard and undertaken in a timely fashion;*
- iv) *the cleanliness of the lifestyle estate;*
- v) *the safety and security of the lifestyle estate;*
- vi) *restricting access to the premises to promote safety and security for residences;*
- vii) *control of any anti-social behaviour within the estate; and,*
- viii) *the updating and carrying out of emergency procedures.*

The POM proposes to implement the objectives via policies and procedures that will be administered by staff and the site manager, and set rules and regulations applicable to residents including control of visitors and the use of community facilities provided for the estate. The policies and procedures include:

- health and well being
- safety
- managing visitors
- unauthorised activities on the premises
- control of anti-social behaviour
- maintenance and repairs
- emergency procedures
- community bus

The additional information and plan adjustments made by the applicant are considered generally satisfactory however, have been reinforced by recommendations made by NSW Police to be integrated into the draft notice of determination.

On the basis of the above, it is considered that the proposed development is consistent with the requirements of this chapter.

Chapter C.9 Development on Flood Prone Land

It is noted that Chapter C.9 is relevant to the assessment of the application. In this regard, Clause 1.5 (Savings Provisions) of the DCP states as follows:

*'Any application lodged but not determined prior to this Chapter coming into effect will be determined as though the provisions of this Chapter apply'.*

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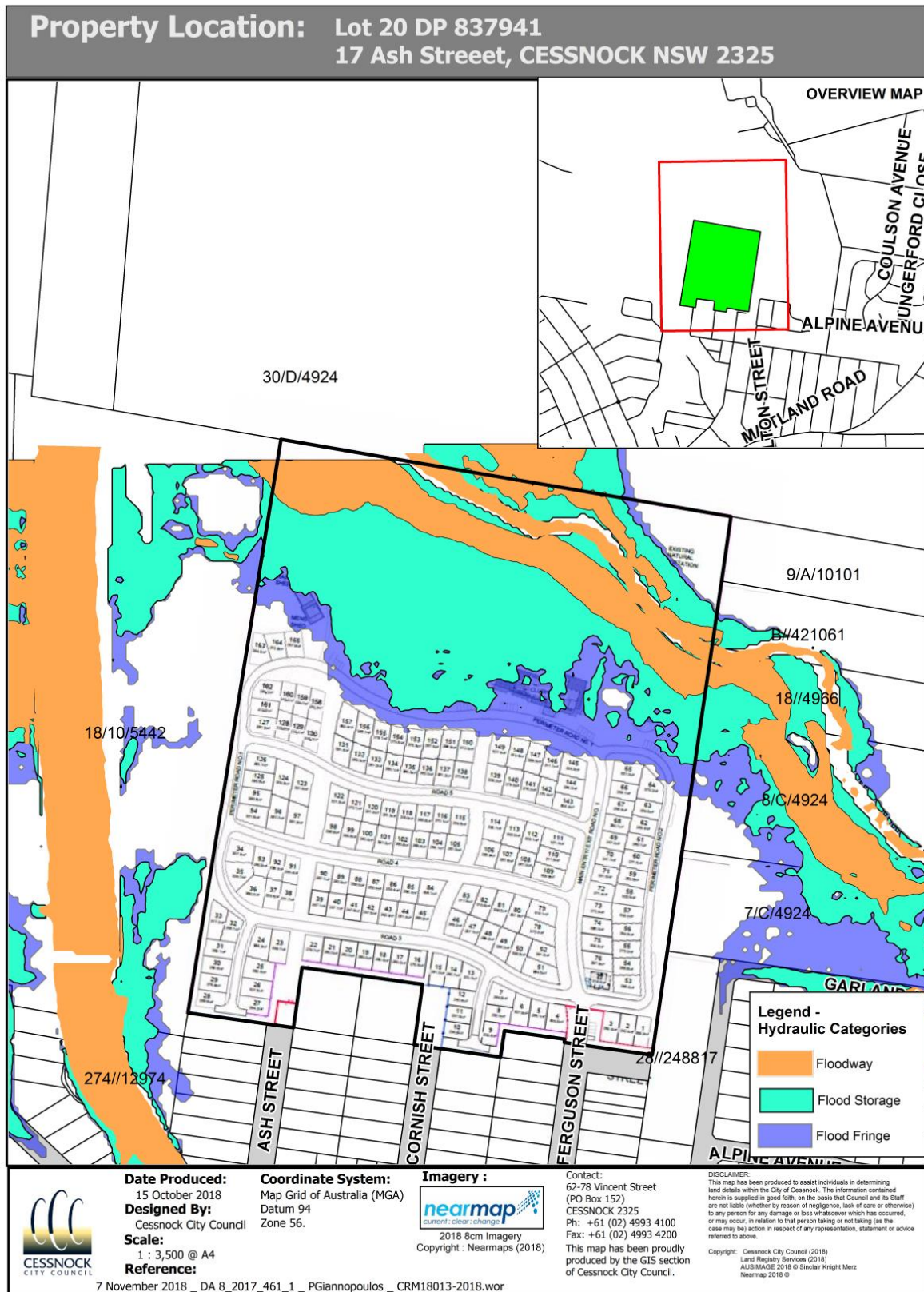


In consideration of the above, the application must be assessed against the provisions of Chapter C.9 and determined accordingly.

In accordance with the provisions of the DCP, flood prone land falls into the following three (3) categories:

- Flood fringe
- Flood storage
- Floodway

Council's Hydraulic Category Maps identify the existence of a floodway and flood fringe on the subject site, as illustrated by the below map:



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The floodway is an area where a significant volume of water flows during floods and is often aligned with a natural watercourse (in this case Black Creek). It relates to areas that, even if only partially blocked, would cause a significant increase in flood levels and/or significant redistribution of flood flow, which may in turn have a detrimental impact on neighbouring properties. Flood fringe is the remaining area affected by flooding after the floodway and flood storage areas are taken up. Development in the flood fringe area is not expected to have any significant effect on flood levels or the pattern of flood flows.

Section 3.9.1 of the DCP (Flood Storage) details the following restrictions in relation to flood storage controls:

- *Up to 20% of the area of any development site in a flood storage area may be filled. The remaining 80% is un-developed allowing for underfloor storage of floodwater by the use of suspended floor techniques such as pier and beam construction.*

Comment – The proponent proposes minor filling with the site's flood storage area. The provisions of the DCP enable filling of up to 20% of the flood storage area to be conducted. The applicant proposes to fill proposed approximately 895.2m<sup>2</sup> of the 31,300m<sup>2</sup> of flood storage area this equates to 2.8%, being significantly less than 20% maximum specified in the DCP.

Section 3.9.2 of the DCP (Floodways) details the following restrictions on land identified as a floodway:

- *No building or structure is to be erected on land identified as a floodway on the Hydraulic Category Maps.*

Comment – The proposed development complies with this requirement as no building or structure is to be sited within the defined floodway.

- *No land fill by way of deposition of any material is to occur within an area identified as a floodway except for minor alterations to ground levels.*

Comment – As outlined previously, approximately 400mm of fill is proposed to be deposited on a small portion of the site to enable the relevant components of the proposed development to be located above the 1% AEP. The total flood storage area within the site is calculated to be approximately 31,300m<sup>2</sup>. The filling proposed in flood storage area equates to approximately 895.2m<sup>2</sup>, or 2.8% of the area. It is considered that this is a minor alteration to the existing ground levels.

- *New development is to be designed to avoid fences in floodways. Where dividing fences across floodways are unavoidable, they are to be constructed only of open type fencing that does not restrict the flow of water.*

Comment – Open type fencing will be utilised on the boundaries and within the site, as required.

- *Flood mitigation works are to meet the requirement of the relevant Flood Risk Management Plan.*

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Comment – It is considered that the works proposed meet the requirements of the relevant Flood Risk Management Plan.

The DCP also identifies the following hazard classifications for land affected by flooding:

Hazard Vulnerability Classification	Description
H1	Generally safe for vehicles, people and buildings.
H2	Unsafe for small vehicles.
H3	Unsafe for vehicles, children and the elderly.
H4	Unsafe for vehicles and people.
H5	Unsafe for vehicles and people. All buildings vulnerable to structural damage. Some less robust buildings subject to failure.
H6	Unsafe for vehicles and people. All building types considered vulnerable to failure.



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The subject land is affected by hazard classifications H1 to H5 as identified on the map below:



As discussed in this report, the majority of the development site is unaffected by flooding and only a small portion of the site is located in either the flood storage or the flood fringe.

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The small amount of fill proposed, i.e., approximately 400mm, will not result in any adverse impacts on adjoining land. Further consideration of flood hazards confirm that the part of the site which is flood affected, and where minor components of the development are proposed to be located, is categorised as H1, with this category generally being safe for vehicles, buildings and people.

On the basis of the above, it is considered that the proposed development is consistent with the requirements of Chapter C.9.

***(a)(iia) The provision of any Planning Agreement that has been entered into under Section 7.4, or any draft Planning Agreement that a developer has offered to enter into under Section 7.4***

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

***(a)(iv) The provisions of the Regulations***

There are no matters prescribed by the Regulations that apply to this development.

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

The principal likely impacts of the development are discussed below:

**Traffic**

A Traffic Impact Assessment and SIDRA analysis were submitted in conjunction with the application. The RMS Guide to Traffic Generating Development does not nominate a traffic generation rate for manufactured home estates, however, it is considered a similar form of development to a residential subdivision, and in this regard, traffic movements are likely to be similar.

The RTA Technical Direction TDT 2013/04a suggests specific traffic generation rates for residential developments as 0.4 - 0.5 trips per dwelling per peak hour. Based on 165 dwelling sites, the following traffic generation potential is estimated:

AM Peak =	66 - 83 vehicle trips per hour
PM Peak =	66 - 83 vehicle trips per hour
Total Daily Generation =	825 - 1072 vehicle trips per day

Traffic from the site has numerous route options through the local road network, and surveys carried out by the applicant identified that filtering through the local streets to avoid queues and delays at major intersections, was common. The results of the SIDRA analysis show that the post-development level of service at all three (3) intersections, being Anzac Avenue - Ferguson Street; Ferguson Street – Henderson Avenue; and Ferguson Street – Allandale Road (taking into account traffic growth up to 2027), will remain at their respective levels. This analysis demonstrates that the existing road infrastructure has adequate capacity for servicing the development, and in this regard, no upgrade to those three (3) intersections identified, is required.



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The community buildings and facilities are ancillary to the estate and are primarily intended for use by estate residents and invited visitors. The additional traffic generation is expected to be minimal, and any additional vehicle trips resulting from such visitors will be adequately catered for by the surplus capacity of the road network.

Road upgrade works are required to the 155m section of Ferguson Street between the subject site and Anzac Avenue intersection, which will involve:

- upgrade of the Ferguson Street pavement to 7m minimum width carriageway
- construction of kerb and gutter
- two (2) coat hot bitumen seal on road pavement
- construction and sealed road shoulders
- construction of drainage works
- top-dress and turfing of the footpath

Additional works were recommended by the Local Development Committee for traffic management, which have been integrated into the draft notice of determination as follows;

- a local area traffic management (LATM) scheme delivering a change of intersection priority at the intersection of Ferguson Street and Doyle Street, providing route priority for the western leg of Ferguson Street, and the southern leg of Doyle Street, with suitable controls for the other intersection legs, as per AS1742.2 Manual of Uniform Traffic Control Devices;
- upgrade of the existing bus stop on the northern side of Anzac Avenue, west of Anstey Street through the provision of bus stop signage and a bus shelter in accordance with Council's POLICY No. B37.1 – BUS SHELTER DESIGNS; and,
- an alternate egress from the site suitable for use under emergency conditions for the purpose of evacuation or the like.

Suitable conditions of consent have been imposed on the draft determination notice to reflect the specific road/traffic works required.

**Crime Prevention and Safety**

The proposal was referred to the NSW Police for comment. The development is rated as a medium crime risk according to NSW Police, however the Police have not objected to the proposal, and recommendations have been provided for inclusion in the draft notice of determination. The nature of the recommendations will add weight to a specific plan of management (POM) to be put in place in respect to safety and crime prevention. Natural surveillance will be reliant on estate residents as there will be no passing traffic due to the gated nature of the development however, surveillance will be encouraged through the implementation of a revised POM and associated education of the estate residents.

The NSW Police have made recommendations in respect of the use of extra lighting (and sensors), CCTV, graffiti removal, dwelling house design specifications, street numbering, signage, gate controls, fencing, letter boxes and landscaping maintenance. The applicant has agreed to these measures and draft conditions of consent include the measures recommended by the NSW Police.

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**Visual Impact and Dwelling Design**

The applicant has provided a visual impact assessment to support the position that the development will not have a detrimental impact on the views from Allandale Road to the east. The applicant has identified that the site will be screened by development and natural features on adjoining land, including an existing shed, the topography of the land and existing vegetation. Fencing and landscaped buffers will give the estate the appearance of an extension to the existing residential area. It is further noted that the site will retain its rural characteristics in the northern half, as this area of the site will remain largely undeveloped.

The applicant has provided details on the manager's residence and two (2) 'indicative dwelling' designs. As outlined previously in this report, the dwellings will not be constructed as part of this application, rather, this application only facilitates the establishment of the dwelling sites. The manufactured homes will be assembled on-site via a separate approval process. Therefore, issues relating to the visual impact of the moveable dwellings will be considered during assessment of future applications.

**Privacy**

Privacy concerns are relevant within and external to the development site. Privacy fencing and gates for each dwelling house will be required within the estate. The proposed use of single-storey dwellings as advised in the application, dwelling site placement and setback requirements specified in the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*, (Regulation), will further aid in the provision of privacy within the estate.

The Regulation sets out general design standards that apply on and between dwelling sites and to the site boundary. In the event that consent is granted, applications for the installation and operation of the manufactured home estate will be required to demonstrate compliance with design requirements in the Regulation. It is noted that the Regulation allows for buffer areas created from setbacks to be used for community amenities, access roads, car parking spaces, footpaths, landscaping or any similar purpose.

It is noted that compliance with the above buffers will, in some cases, require amendment to the proposed dwelling site layout, however, any amendments will be minor. Furthermore, the proposed dwelling sites are larger than required under the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*. Specifically, Clause 14 of the Regulation requires a dwelling site to have a minimum area of at least 130m<sup>2</sup>. The plans submitted in conjunction with the proposal illustrate a minimum dwelling site area of 209m<sup>2</sup> (and a maximum of 392m<sup>2</sup>), therefore this amendment can be easily accommodated to ensure provision of the required landscape buffers.

The abovementioned buffer widths are considered sufficient to provide visual benefits between the estate and existing development on adjoining land. The regular maintenance of the buffers are the responsibility of the estate management and this responsibility is set out in the draft plan of management.

To ensure privacy to adjoining residential lots, along with positive visual impact, the following fencing requirements have been proposed and confirmed on a fencing plan that forms part of the application:

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- Ash Street pedestrian accessway - 1.8m high decorative security fence (as depicted on the approved plans);
- North, East and West boundaries – 1.8m high palisade fence (designed in such a way to prevent scaling);
- Southern boundary in instances where the fence does not adjoin another lot – 1.8m high decorative security fence (such as palisade, designed in such a way to prevent scaling); and
- Southern boundary in instances where the fence directly adjoins another lot – 1.8m high colorbond fence.

The draft condition of consent prescribes that all fencing be erected at full cost to the developer.

All buffer areas and perimeter fencing including that in relation to the Ash Street pedestrian accessway, will be required to be completed in Phase 1, and this is reflected in the draft determination notice.

Acoustic privacy concerns are addressed by setbacks, fencing and landscaping and a requirement for air conditioners and heat pumps for hot water systems to comply with the *Protection of the Environment Operations Act 1997*. Construction/transportation noise associated with installation of the estate are also subject to standard requirements.

Suitable conditions of consent have been imposed on the draft determination notice to address the issue of privacy.

**Buffer from the Cessnock Waste Water Treatment Plant (WWTP)**

The issue of the WWTP buffer has been addressed previously in the report.

**Noise**

Noise impacts from the development are not expected to be significant, as the manufactured home estate will operate similarly to a residential subdivision.

The POM submitted in conjunction with the application contains requirements with respect to noise. In addition, conditions of consent have been imposed on the draft determination notice in respect of hours of operation for the associated community facilities, including the men's shed and the clubhouse. In this regard, approved hours of operation for these facilities will be as follows:

*Office*

Monday to Friday:	9:00am to 4:00pm
Saturday:	9:00am to 12.00 noon

*Men's shed*

Monday to Friday:	9:00am to 4:00pm
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*Clubhouse*

7 days: 6:00am to 11:00pm

Further to the above, a condition of consent has been imposed on the draft determination notice prescribing that the facilities (including the clubhouse), are only to be used by residents and their guests, and that unaccompanied third parties are not permitted to use/book these facilities. Furthermore, the draft condition of consent prescribes that a record of bookings be maintained and made available for inspection by Council officers, when requested.

In addition to the above prescribed hours of operation, the proposed facilities will be required to comply with the noise criteria specified under the *Protection of the Environment Operations Act 1997*, at all times.

Noise impacts from the nearby boarding kennels have been addressed previously in the report.

**Clearing**

The majority of the site has previously been cleared of any significant vegetation with most of the remaining vegetation associated with the natural watercourse in the north-eastern portion of the site. No clearing is proposed within forty (40) metres of the natural watercourse.

The removal of thirty (30) trees over an area of 1.2ha and potentially a further 1500m<sup>2</sup> in relation to APZ requirements is not considered significant due to the endangered ecological community (the Cabbage Gum Floodplain Woodland) being highly modified. It is considered that removal of this vegetation will not result in any significant impact given that the site is predominantly cleared of native vegetation. It is noted that the proposed development will be positioned in areas where native vegetation is minimal.

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

**(c) *The suitability of the site for the development***

The subject site presents a number of environmental constraints, all of which have been considered during assessment of the application. Below is a discussion of the key issues:

**Bushfire Hazard**

The subject land is categorised as predominantly Vegetation Category 3 with minor buffer coverage off Ash Street. The applicant opted to lodge the application as 'Integrated Development' under the *Environmental Planning and Assessment Act 1979*, and in this respect, Council is required to obtain General Terms of Approval from the NSW Rural Fire Service (RFS) prior to approving the application. A bushfire hazard assessment report was submitted in conjunction with the application and such report was referred to the NSW RFS for comment. General Terms of Approval were subsequently issued by the NSW RFS.

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**Flooding**

Flooding considerations have been addressed previously in this report.

**Access**

A single point of access is favoured from a security and crime prevention perspective. The estate will have security gated motor vehicle access/egress from Ferguson Street for residents and other approved vehicles.

Emergency access has been provided from the Ash Street pedestrian accessway at the recommendation of the Local Development Committee as an alternate access. The emergency access will be restricted to key access and available only for use by emergency personnel.

The Ash Street pedestrian accessway has been designed to be used by pedestrians and will be accessible by swipe card or key by estate residents.

As demonstrated by the above assessment, the site is considered suitable for the proposed development subject to appropriate conditions of consent.

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

The Development Application was publicly exhibited on two (2) occasions, as follows:

- On the first occasion, the application was exhibited from 14 September to 28 September 2017. Four (4) submissions on behalf of four (4) households were received, representing 5.2% of the seventy-six (76) properties notified of the proposal. Three (3) submissions were in objection to the proposal, and one (1) submission provided comments in relation to the consideration of the odour buffer associated with the Cessnock wastewater treatment works.
- Upon lodgement of amended plans, the application was re-exhibited from 14 September to 28 September 2018. Council's exhibition letters advised residents that previous submissions would be taken into account. One (1) submission was lodged by a resident who had previously objected during the first exhibition period, reiterating previous concerns raised.

The following discussion addresses the issues and concerns raised in the submissions.

**1. Concern that the plans do not define the extent of the odour buffer associated with the Cessnock sewage treatment works**

This matter has been discussed previously in this report.

**2. Concern that Ferguson Street should be upgraded, including the installation of kerb and gutter**

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The requirement for Ferguson Street to be upgraded is acknowledged, and a 155 metre section of the street to the intersection of Anzac Avenue will be upgraded to incorporate new pavement, kerb and gutter, construction and sealing of road shoulders, drainage works and topdressing and turfing of the footpath. This is reflected in the draft notice of determination.

**3. Concern in respect of noise impacts from 165 dwelling houses proposed on the land**

The issue of noise has been previously considered in this report with information provided in relation to estate design features and refinements to be provided by condition of consent. Essentially, the development is similar to a 'residential subdivision' and will have the same noise characteristics as a conventional residential area. This concern has been raised by an adjoining property located more than 20m from the nearest home site. The buffers provided from the development are considered adequate to ensure privacy to existing residents, and it is noted that proposed community facilities are further separated at the northern end of the development site.

The phasing of the development means that general construction noise, along with noise associated with transportation of the manufactured home pieces/parts to the site via Ferguson Street and other local streets, will be intermittent. Whilst some short term disruption is acknowledged, this is generally the case when any new residential area is developed, and this site will be no different.

Noise from motor vehicles within the estate is subject to the provisions of a Plan of Management and, in respect to the public road, subject to the authority of the NSW Police.

**4. Concern that visitor parking is not adequate and will overflow onto the street**

The development has provided visitor parking in excess of the DCP and the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

The spaces are located near the community facilities in the northern part of the development site, and in addition, five (5) spaces are located just within the boundaries of the estate.

**5. Concern that there will be extra traffic on Ferguson Street, and Ferguson Street is already difficult to get into and out of**

The issue of traffic in relation to Ferguson Street has been considered in the assessment of the application and comments have been provided previously in this report. In summary, the existing road hierarchy is capable of accommodating the additional traffic movements associated with the proposed development.

Specific road/traffic works have been identified, and include the upgrade of Ferguson Street (to the intersection of Anzac Avenue), modification to the existing traffic arrangements at the intersection of Ferguson Street and Doyle Street, and provision of a bus shelter on the northern side of Anzac Avenue, west of Anstey Street.

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**6. Concerns that existing community infrastructure such as the hospital, doctors, parking in Cessnock, and schools, are stretched to the limit**

Community infrastructure/services provision is demand driven and the subsequent increase in population from the development will encourage investment in current infrastructure and services to cater for the growth. The development is to be phased which will allow community infrastructure and community services to grow gradually with the increase in population.

The development is consistent with the directions of the *Lower Hunter Regional Plan 2036* to provide additional dwelling houses for the future in the Lower Hunter broadly and more specifically, in the Cessnock Local Government Area. The increase in growth resulting from the proposal will act as a trigger for the planning and provision of infrastructure and services in support of such population growth.

**7. Concern that the development will exacerbate drainage and flooding impacts on Cornish Street**

A resident of Cornish Street advised of existing drainage concerns, along with a concern about flooding and drainage impacts resulting from the proposed development.

Cornish Street is not identified as subject to the 1% Annual Exceedance Probability (AEP) however, the entire site and a significant number of existing lots developed for residential purposes to the south, east and west, are affected by the probable maximum flood. The development proposes onsite detention where stormwater will be dispersed by swales over the land to the natural watercourse located in the north-eastern corner of the site.

The stormwater management plan submitted in conjunction with the application satisfactorily addresses drainage concerns, noting that the works required will improve the existing drainage issue in Cornish Street by directing stormwater to the rear of the site.

**8. Incorrect terminology**

A concern has been raised on a plan reference that referred to a right of carriageway off Cornish Street as an 'easement for storm water overflow and landscaping'.

It is confirmed that both a right of carriageway and easements in support of a water main and an electricity transmission line, are located on the subject land.

**9. No vehicle and pedestrian access from the development should be permitted directly onto Cornish Street**

A right of carriageway exists over Lot 20 DP 837941, which benefits Lot 22 DP 837941 by providing vehicular access. The right of carriageway is 20.115m wide.

The legal right of Lot 22 DP 837941 to use the right of carriageway over Lot 20 DP 837941 is acknowledged. Legal access for Lot 22 DP 837941 cannot be restricted by the development. In fact, the right of carriageway is clearly identified on the plans submitted in conjunction with the application.

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The plans also clearly confirm that there is to be no vehicle and pedestrian access to Cornish Street to/from the development site.

**10. Cornish Street should have kerbing and piping of stormwater into the estate's buffer zones and between home sites 15 and 16**

There is no nexus for kerb and gutter to be provided to Cornish Street, as no vehicle and/or pedestrian access is proposed from the development into Cornish Street. Plans lodged with the application confirm that stormwater from Cornish Street is to be directed north through a vegetation buffer which will be eventually dispersed to the natural watercourse in the north-eastern part of the site.

**11. Concern that the Ash Street pedestrian access should be security gated given a recent crime spree that affected properties on Ash Street and Cornish Street**

The plans provided in support of the application confirm that a secure pedestrian access entrance gate with key/swipe card for residents will be provided at Ash Street. In addition, access for emergency vehicles via Ash Street will be security locked and only available for use by emergency personnel.

**12. Concerns about sub-letting, Airbnb, teenage neighbours, and age group proposed is contrary to 'lifestyle village'**

The applicant has confirmed that no sub-letting will be permitted in the estate. Documentation provided by the applicant indicates that no age or other restriction will apply but that the estate *"will be ideally suited to people who want to downsize or like to travel and have the security of their dwelling being looked after when away."*

**13. Concern about what penalties or disciplinary measures will be put in place to manage breaches in behaviour**

A draft plan of management has been provided which is indicative of how the estate and its residents including visitors, will be managed. The site manager will have the responsibility of enforcing estate rules. Estate rules will be advertised within the site and provided to new residents. Residents will be held responsible for visitor behavior. In cases where anti-social behavior continues, the police are likely to be called upon.

It should be noted that as a controlled community, residents will be required to sign agreements to comply with the rules of the estate, thereby providing an extra layer of commitment compared to conventional residential estates.

**14. Crime prevention principles need to be considered in the development**

The principles of crime prevention through environmental design have been considered in the design of the development, including in relation to the Ash Street pedestrian accessway. The NSW Police have also made recommendations in relation to refining these matters. In this regard, conditions of consent on the draft determination notice have been applied to reinforce crime prevention principles in the design and management of the estate.



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**15. Concern that the development will have future owners of home sites residing in caravans onsite**

The application seeks consent for a manufactured home estate, and this is clearly identified on the plans and within the supporting documentation lodged in conjunction with the application. It is not proposed to install caravans on any of the dwelling sites. It is noted that a caravan storage area is proposed to be provided, however this is for storage purposes only.

**16. Concern that the buffer areas will be used by estate residents or adjoining neighbours**

The landscaped buffer areas are common areas for the estate and not extensions of dwelling sites. The use of these buffers in a passive sense by estate residents, is permitted under the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

In accordance with the POM, all landscaped areas throughout the site will be maintained by the estate management.

Unauthorised access and use of the subject land by neighbours, or trespass by others, is the responsibility of the landowner and/or NSW Police.

**(e) The public interest**

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

The development proposal is considered to satisfy the public interest as it will provide a varied form of housing, thereby increasing housing choice within the locality. Furthermore, assessment of the proposal has demonstrated that the development will not result in adverse impacts on nearby residents or the wider locality.

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

## **SECTION 7.11 CONTRIBUTIONS**

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In the event the application is approved, Section 7.11 Contributions will be payable in accordance with the *Residential Section 94 Contributions Plan*.

The proponent held discussions with Council's Strategic Planning section in respect of the contribution applicable to this type of development, as it is acknowledged that the relevant contributions plan does not specifically consider development of a manufactured home estate, rather, the contribution plan envisages a more traditional form of residential subdivision. Subsequently, the applicant has requested that Council apply the contribution rate for two (2) bedroom dwellings and states that, in the event a three bedroom dwelling is

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proposed at a future date, Council could levy the contribution rate that applies to a three bedroom dwelling should this situation arise. However, it is noted that there is no mechanism to levy higher contributions at a later time, rather, the opportunity for levying the contribution occurs during consideration of this application, i.e., when the intensification of development initially occurs.

No objection is raised by Council officers to levying a contribution rate that will reflect the future development of two bedroom manufactured homes on the sites created under this approval. However, to ensure that the bedrooms numbers are in accordance with the contributions levied, conditions of consent have been imposed on the draft determination notice to ensure that a maximum of two bedroom manufactured homes are installed on the site/s.

The following contributions rates are applicable:

Phase	Calculation
1	Section 7.11 rate applied to 39 x 2 bedroom dwellings. Total (based on current indexation) = \$109,371.99
2	Section 7.11 rate applied to 34 x 2 bedroom dwellings. Total (based on current indexation) = \$95,349.94
3	Section 7.11 rate applied to 16 x 2 bedroom dwellings. Total (based on current indexation) = \$44,870.56
4	Section 7.11 rate applied to 37 x 2 bedroom dwellings. Total (based on current indexation) = \$103,763.17
5	Section 7.11 rate applied to 16 x 2 bedroom dwellings. Total (based on current indexation) = \$44,870.56
6	Section 7.11 rate applied to 22 x 2 bedroom dwellings. (Credit given for the existing dwelling house which will be demolished in phase 6) Total (based on current indexation) = \$61,697.02
Total contribution payable over 6 phases	\$459,923.24

Note: Based on the current indexation, the rate for a 1 x 2 bedroom dwelling is calculated at \$2,804.41 under the *Residential Section 94 Contributions Plan*.

## INTERNAL REFERRALS

The Development Application was referred to the following Council officers for comment:

Officer	Comment
Building Services	<p>A referral was made to Building Services as a result of lodgement of a notice of an intention by the applicant of a Section 82A objection under the <i>Local Government Act 1993</i> to construct the manufactured homes on site.</p> <p>The referral response from Building Services outlined that the Section 82A objection proposing to construct the manufactured homes onsite, was not supported. The non-support of the objection was on the grounds that onsite construction would not comply with Clause 41 of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i>.</p> <p>Clause 41 prescribes that <i>each major section of the home has been constructed and assembled at, and transported to the manufactured home estate from, a place of manufacture outside the manufactured home estate</i>.</p> <p>The applicant was advised of the non-support by staff and amended the application in writing to confirm an intention to comply with the Regulation.</p> <p>Conditions of consent were subsequently provided to the amended application pursuant to the proposed installation and operation of a manufactured home estate under the Local Government Act 1993, the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i> and other relevant matters.</p>
Development Engineering	No objection raised to the proposal, subject to relevant conditions of consent.
Traffic Engineer	The referral response provided draft conditions of consent from the Local Development Committee, noting that some deficiencies were identified in trip distribution allocations for traffic modelling purposes but that the overall assumptions and recommendations were appropriate.
Flooding Engineer	Flooding information was provided for assessment by Council's Development Engineer.

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Social Impact/ Community Planning CPTED	<p>The Social Impact Assessment (SIA) was reviewed and comments were provided which resulted in revised information in relation to visual amenity, the Ash Street pedestrian access way and a draft plan of management.</p> <p>Final assessment of the revised information was undertaken, and no objection was raised to the proposal, subject to relevant conditions of consent.</p>
Ecologist	No objection raised to the proposal, subject to relevant conditions of consent.
Strategic Planner	The Section 7.11 rate for a three (3) bedroom dwelling house was confirmed under the Residential Section 94 Contributions Plan for each dwelling site.

## EXTERNAL REFERRALS

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

Agency	Comment
NSW Rural Fire Service	NSW RFS provided General Terms of Approval.
NSW Police	NSW Police raised no objection to the proposal and provided recommendations in relation to crime security, safety and crime prevention that have been integrated into the draft notice of determination.
NSW Roads and Maritime Services	The RMS provided comments and raised no objection to the proposal on the basis that it will not result in a significant impact on the nearby classified (State) road network.
Ausgrid	Ausgrid raised no objection to the proposal and provided recommendations that have been integrated into the draft notice of determination.
Hunter Water Corporation	The Hunter Water Corporation raised no objection to the proposal and requested the imposition of certain conditions of consent which have been integrated into the draft notice of determination.

## CONCLUSION

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The Development Application has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies.

The proposal complies with the relevant planning controls, most notably those contained within *State Environmental Planning Policy No. 36 – Manufactured Home Estates, Cessnock Local Environmental Plan 2011*, and Cessnock Development Control Plan 2010.

The development application was publicly exhibited on two occasions, in total five (5) submissions representing four (4) households, were lodged with Council in response to the two exhibition periods. The issues and concerns raised in the submissions have been addressed during assessment of the application.

It is considered that the manufactured home estate has generally been designed to have regard to the natural and built environments, and is sympathetic to existing residential development within the direct locality, as well as existing rural land through the maintenance of the northern part of the site in a predominantly unaltered state.

It is considered that the site is suitable for the proposed development, and that the addition of a manufactured home estate within the locality will result in positive social benefits as it will provide an alternative affordable housing choice.

Based on the assessment, it is recommended that Development Application No 8/2017/461/1 be approved, subject to the conditions of consent included in this report.

## ENCLOSURES

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- 1 Development Plans
- 2 Draft Plan of Management
- 3 Public Submissions - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*
- 4 Public Submission 2nd Notification - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*

## CONDITIONS OF CONSENT

### SCHEDULE 1

#### TERMS OF CONSENT

#### CONDITIONS OF CONSENT

##### 1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2017/461 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Phases Plan, Issue C,	Land Dynamics Australia	30 August 2018
General Layout Plan, Issue E,	Land Dynamics Australia	30 August 2018
Landscape Concept Plan, Issue C,	Land Dynamics Australia	30 August 2018
Ash Street Laneway Details, Issue D,	Land Dynamics Australia	30 August 2018
Visual Assessment Details, Issue C,	Land Dynamics Australia	30 August 2018
Fencing Plan, Issue A,	Land Dynamics Australia	30 August 2018
Community Facilities Plan, Issue B	OA+D O'Connell Architecture and Design	12 July 2018
Clubhouse Plan, Issue A	OA+D O'Connell Architecture and Design	11 August 2017
Clubhouse Elevations, Issue A	OA+D O'Connell Architecture and Design	11 August 2017
Sheds Floor Plans and Elevations, Issue A	OA+D O'Connell Architecture and Design	11 August 2017
Managers Residence, Issue A	OA+D O'Connell Architecture and Design	11 August 2017
Dwelling Plan 1, Typical Layout Rear to North or Side, Issue A	OA+D O'Connell Architecture and Design	11 August 2017
Dwelling Plan 2, North to Internal Road, Issue A	OA+D O'Connell Architecture and Design	11 August 2017

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Document Title	Prepared By	Dated
Statement of Environmental Effects, Revision 2,	Land Dynamics Australia	September 2017
Draft Flood Evacuation Plan	Land Dynamics Australia	January 2018
Traffic Impact Assessment, Revision 3, Final J/N 042017	Streetwise Road Safety & Traffic Services	31 August 2017
Preliminary Ecological Assessment	Wildthing Environmental Consultants	1 August 2017
Social Impact Statement	Complete Planning Solutions	August 2017

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

**2. General Terms of Approval**

All General Terms of Approval issued by NSW Rural Fire Services Dated 20 September 2017 shall be complied with prior, during and at the completion of the development, as required.

A copy of the General Terms of Approval is attached to this determination notice.

**3. Phasing Sequence Approved**

The development must sequentially follow the phasing proposed. Phase 2 to follow Phase 1, Phase 3 to follow Phase 2, Phase 4 to follow Phase 3, Phase 5 to follow Phase 4 and Phase 6 to follow Phase 5.

**4. Compliance with Division 3 of Local Government (Manufactured Home Estates, Caravan Parks, Camping Ground and Moveable Dwellings) Regulation 2005**

The proposed development (for each phase) must be designed, constructed, maintained and operated in accordance with the requirements of Division 3 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Ground and Moveable Dwellings) Regulation 2005*.

**5. Compliance with Division 4 of Local Government (Manufactured Home Estates, Caravan Parks, Camping Ground and Moveable Dwellings) Regulation 2005**

All future dwellings to be located within the manufactured home estate must comply with the provisions of Division 4 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

**6. Restriction to the number of bedrooms for dwellings**

Any future dwelling located within the manufactured home estate must not exceed two (2) bedrooms with the exception of one (1) dwelling that will be used for the purpose of a manager's residence. The estate managers must take reasonable measure to ensure that the restriction to the maximum number of bedrooms is conveyed to prospective residents and must not advertise dwelling sites in such a manner to mislead prospective residents/purchasers in this regard.

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**7. Swimming Pools and Spas**

The approved swimming pool / spa must comply with the *Swimming Pools Act 1992* and relevant standards. Pool filters, pumps and related plant must only operate in accordance with the *Protection of the Environment Operations Act 1997*.

**8. Plan of Management Revision Requirement**

Draft Plan of Management for the Hunter Lifestyle Estate Dated November 2017 is to be amended to be consistent with all of the conditions of consent. The revised management plan is to be prepared and implemented for the development. The management plan to include:

- a. Restrictions to prevent any dwelling that has more than two (2) bedrooms being located on any of dwelling site with the exception of one dwelling site that is for the purpose of a Manager's residence.
- b. Control access of residents and visitors to the development after the closing of the main gate;
- c. Provide an after-hours contact and that contact is to have the ability to access the premises;
- d. Ensure that the onsite manager is present on the premises at all hours;
- e. Private waste collection information and schedules;
- f. Estate management is responsible for the regular maintenance of the buffer areas on the southern, eastern and western boundaries of the development site.
- g. A community map is to be provided;

A copy of the amended Plan of Management is to be provided to Council prior to issue of the CC for Phase 1.

The approved Plan of Management must be adhered to at all times.

**9. Documents Availability**

The holder of the approval to operate the manufactured home estate must ensure that copies of the following documents must be readily available for inspection (without cost) by any person:

- (a) the approval for the manufactured home estate,
- (b) the current community map,
- (c) *the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.*



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**10. Community Building Noise Restrictions**

The use and activities within or associated with the operation of the Community Building shall not unreasonably interfere with the amenity of the neighbourhood by reason of emission of noise and shall not give rise to an 'offensive noise' as defined under the provisions of the Protection of the Environmental Operations Act 1997. Noisy activities audible at any adjacent residential premises must not occur between the hours 10.00pm to 7.00am.

**11. Design Guidelines Requirements**

Design guidelines are to be developed for prospective dwelling site purchasers for each phase which offer a visual mix of varied dwelling designs in order to avoid sameness in adjoining dwellings in the estate. These guidelines will address at a minimum:

- street elevations;
- variety in materials and external colour scheme without jeopardy to the requirements of the Local Government Regulation;
- no primary colours, highly reflective or zinalume roofing; and,
- landscaping plan.

A copy of the Design Guidelines is to be provided to Council prior to the issue of the CC for each phase.

**12. Plan of Management Revisions**

A graffiti management plan and a maintenance policy is to be incorporated into the maintenance plan for the development.

**13. Lighting Design Requirements**

Lighting is to be designed to not impact on adjoining development and to be in accordance with the Australian and New Zealand Lighting Standards, particularly Australian and New Zealand Lighting Standard 1158.1 – Pedestrian.

**14. CC, PCA & Notice Required**

In accordance with the provisions of Section 6.6 (cf previous s 81A) of the *EP&A Act 1979* construction works approved by this consent must not commence until:

- a) A CC has been issued by the consent authority, Council or an accredited certifier; and
- b) A PCA has been appointed by the person having benefit of the development consent in accordance with Section 6.5 (cf previous s 109E) of the *EP&A Act 1979*; and
- c) If Council is not the PCA, notify Council no later than two (2) days before building work commences as to who is the appointed PCA; and

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- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

**15. Minimum Parking Requirements for Dwelling Houses**

The minimum number of car spaces to be provided for is:

- Two (2) spaces per dwelling houses;
- Twenty-eight (28) visitor car spaces including
- Two (2) car parking spaces for use by persons with a disability;
- One (1) community bus space;

**16. BCA Compliance**

Pursuant to Section 4.17(11) (cf previous s 80A) of the *EP&A Act 1979* all building work must be carried out in accordance with the requirements of the BCA.

**17. Section 68 Activity Approval Application Required**

Prior to works commencing, an approval to operate a manufactured home estate must be obtained under Part 1 of chapter 7 of the Local Government Act 1993.

The application shall be subject to a fee as listed in Council's Fees and Charges Schedule, an inspection and assessment.

**18. Disabled Access and Facilities**

The community buildings and facilities in Phases 1 and 5 are to be provided with access and facilities for people with disabilities in accordance with the provisions of the Disability (Access to Premises-Buildings) Standard 2010.

**19. Fire Hydrants**

No part of a dwelling site or community building within the manufactured home estate shall be situated more than 90 metres from a fire hydrant. Any fire hydrant located within the manufactured home estate must be a double-headed pillar type fire hydrant, and be listed in the properties Fire Safety Schedule as an essential fire safety measure. A final Fire Safety Certificate including the fire hydrant installation is to be submitted to Council prior to occupation of any building and before the issue of an Approval to Operate a Manufactured Home Estate.

## 20. Clearing Specifications

All clearing of habitat trees is to be done under the direct supervision of a suitably qualified and experienced Ecologist. When fauna are present, the animals are to be removed and relocated to the adjacent bushland prior to felling or the tree shall be sectionally dismantled under the supervision of the Ecologist before relocating animals to the adjacent bushland. Where, in spite of precautions, wildlife is injured the Ecologist is to take the necessary action to treat the animal, which may include veterinary treatment or transfer of the animal to a volunteer wildlife carer group.

### **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE/ACTIVITY APPROVAL – GENERAL REQUIREMENTS**

**The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of a Construction Certificate/Activity Approval.**

## 21. Hunter Water Corporation Requirements

Consultation and compliance with the requirements of the HWC:-

- a. All development works are required to comply with the Hunter Water's *Building Over or Encroaching on Hunter Water Easements or Property Policy*;
- b. Prior to construction, the sewer mains is to be physically located via non-destructive means;
- c. Construction access to the site is to be arranged to avoid loading or any disturbance to the mains;
- d. Compaction if required shall be undertaken with a plate compactor. No heavy vibratory rollers or other vibration construction techniques are permitted within 5.0m of the mains;
- e. The internal roads are to be designed to ensure that loads are not transferred to the sewer mains. To facilitate the approval of the roads over the sewer mains and/or easement, the following details are to be provided to the Hunter Water Corporation:
  - I. A long section plan showing the depth of the sewer mains and the clearance to the proposed internal road. The Hunter Water Corporation requires a minimum cover of 750mm over the sewer mains in accordance with the Hunter Water's Design Code; and,
  - II. A detailed design showing the measures to ensure no loads are transferred to the water main and the pavement jointing;
- f. The easement area is not to be excavated or filled without approval from the Hunter Water Corporation. If excavation or filling is proposed, then the developer is to provide Hunter Water with a surveyed plan and a longitudinal section showing the sewer main, existing and finished surface levels and the locations and clearances of all other pipes and utilities proposed to be constructed within

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Hunter Water Corporation's easement. Pipe clearances and minimum depths are to comply with the Hunter Water's Water Design Manual;

- g. House drains or other private services are not to be constructed within the easement without approval from the Hunter Water Corporation. The Account Manager Major Development (Newcastle Office – Mr. Malcom Withers) is to be contacted should private services be proposed to be constructed in the easement;
- h. Any structure within or adjacent to the easement is to be designed and constructed to ensure the structural integrity of the structure is not compromised by any excavation by the Hunter Water Corporation within the easement;
- i. All due care must be taken when working and excavating in the vicinity of the sewer mains. The Developer is required to ensure that all workers and contractors are made aware of the potential safety risks associated with working in the vicinity of the sewer mains. The Developer will be responsible for any damage that may be caused to the sewer main during construction and costs of any subsequent repairs and/or third party injury or damage caused by the failure of the sewer main during construction; and,
- j. The repair and reinstatement of the private road surface or any other improvement on the land over the Hunter Water assets associated with future repair replacement or renewal

**22. Ausgrid Requirements**

Consultation and compliance with the requirements of Ausgrid letter dated 15 September 2017 including:

- a. A connection application form will be required to be lodged with Ausgrid;
- b. A kiosk sub-station will be required which is to be protected by a registered easement in accordance with Ausgrid Network Standard 141;
- c. Any works proposed within an existing easement located on the subject land or works in the public road, must be approved by Ausgrid prior to issue of the CC;
- d. Any Ausgrid assets located on the subject land or in the road reserve is to be covered by an easement or relocated at the developers cost;

**23. Dust Control – Construction Management Plan Requirement**

A construction management plan shall be submitted with the application for the CC and approved by the CA as satisfying the below requirements:

- a) Details of sedimentation and erosion control
- b) Details of provision of truck and machinery wash down areas. Note: All trucks and machinery must be free from all foreign material where such material is likely

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to cause pollution. An area must be set aside for the cleaning of concrete agitator trucks.

- c) Details of dust mitigation on building sites and access roads
- d) Location and phone number of the site office
- e) Details regarding provision of areas set aside for the storage/stockpiling of:
  - i) Construction refuse
  - ii) Construction materials
  - iii) Raw materials such as sand, soil, mulch and the like
  - v) Details regarding the provision of facilities for workers associated with the development.

Note: All protection and control of earthworks shall be carried out in accordance with Council's "Engineering Requirements for Development", Department of Conservation and Land Management's 'Urban Erosion and Sediment Control' requirements, and the Department of Housing 'Soil and Water Management for Urban Developments'.

**24. Car parking design**

The design of the vehicular access and off street parking facilities must comply with AS 2890.1:2004 Parking Facilities – Off-Street Car Parking. Details demonstrating compliance with this Standard are to be included on the plans submitted in association with a CC application.

The minimum number of car spaces to be provided:

- Two (2) spaces per dwelling houses for all phases
- Twenty-eight (28) visitor car spaces in phase 1
- Two (2) car parking spaces for use by persons with a disability in phase 1
- One (1) community bus space in phase 1

A design certificate satisfying these requirements is to be issued by a suitably qualified professional engineer and submitted to the CA prior to the issue of a CC / Activity Approval.

**25. Asset Protection Zone Requirements**

Prior to a CC and Activity Approval for each phase being issued, the boundaries of the approved Asset Protection Zone are to be clearly delineated using brightly coloured tape to ensure that construction and development activities do not encroach or impact on any areas of native vegetation outside of the approved Asset Protection Zone. Clearing of native vegetation and development activities must only occur within the approved development footprint and Asset Protection Zone.

**26. Hollow Bearing Trees Retention**

Hollow bearing trees are to be retained where possible. Nest boxes are to be installed in retained habitat areas to replace roosting habitat lost through the clearing of hollow bearing trees. Nest boxes are to replace lost hollows at a ratio of one (1) nest box per hollow. A variety of nest box types are to be installed to provide roosting habitat for a range of native fauna species. Nest boxes are to be installed prior to clearing of known habitat trees. Additional nest boxes are to be installed if additional hollows are discovered after trees are felled. Evidence that this has occurred is to be submitted to and approved by Councils Ecologist prior to the issue of a CC / Activity Approval for each phase.

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – PHASE 1 CIVIL WORKS AND COMMUNITY BUILDINGS/ SWIMMING POOL**

**The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of a Construction Certificate.**

**27. Lighting**

A plan of external lighting arrangements including sensor lighting for the entire development is to be provided prior to issue of the CC for the community building.

**28. External Colour and Materials Schedule**

An external colour and materials schedule is to be provided for the community buildings.

**29. Air Conditioning Units/ Hot Water Storage Units**

Any individual air conditioning unit and heat pump for hot water storage units on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the *Protection of the Environment Operations Act 1997*.

Details demonstrating noise attenuation measures in this regard are to be submitted to the CA prior to the issue of a CC.

**30. Communal Waste Storage and Collection Area**

Prior to issue of either the CC for Phase 1, plan details are to be provided which confirm the floor plan, screening materials and the provision of a wash down area with taps.

**31. Fencing Requirements**

The entirety of the development site is to be fenced with an open style fence (school fencing) of a height to prevent scaling except where agreement on alternative fencing (materials and height) has been reached with adjoining private landowners on the southern lot boundary prior to the issue of any Activity Approval.

**32. Local Traffic Committee Approval**

Any application involving the installation of, or amendment to, regulatory signage, line marking and/or traffic control devices, will require approval of the Council Local Traffic Committee. Full details shall be submitted to, and approved by the Council Local Traffic Committee, prior to the issue of any CC / Activity Approval, and subsequent Section 138 Roads Act Approval.

**33. Long Service Levy**

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a CC / Activity Approval.

**34. Security for cost of damage and completion of public work**

Prior to issue of a CC / Activity Approval authorising the carrying out of any work in accordance with this development consent, the applicant must provide security to the Council for the payment of the cost of the following:

- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates,
- b) completing any public work (such as road work, kerbing and guttering, footway construction, storm water drainage and environmental controls) required in connection with the consent,
- c) remedying any defects in any such public work that arise within six (6) months after the work is completed.

The security is to be for an amount that is the greater of \$5000 or 5% of the estimated cost of carrying out the development and may be provided by way of:

- a) cash deposit with the Council, or
- b) an unconditional bank guarantee in favour of the Council.

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

**35. Disabled car parking spaces**

A total of 2 car parking spaces for use by persons with a disability must be provided as part of the total car parking requirements.

Plans demonstrating compliance with this requirement and the following Australian Standards are to be submitted to, and approved by, the CA prior to the issue of a phase 1 CC / Activity Approval for.

- AS/NZS 2890.1:2004 Parking Facilities – Off street car parking;
- AS/NZS 1428.1:2009 Design for access and mobility – General requirements for access – New building work; and,
- AS/NZS 1428.4.1:2009 Design for access and mobility – Means to assist the orientation of people with vision impairment – Tactile ground surface indicators.

**36. Road Internal access construction-Perimeter Road No.1**

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a phase 1 CC for the civil works.

- a. Construct a 7m wide pavement in accordance with phase 1 of the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary;
- e. Construct a 1.2m wide concrete footpath within the development in accordance with the approved plans; and,
- f. Construct a gravel fire trail 4m wide with a passing bay every 200m to exit the development through phase 5 and 6.



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**37. Road Internal access construction-Perimeter Road No.2**

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a phase 1 CC for the civil works.

- a. Construct a 5.5m wide pavement in accordance with the approved plans;
- b. Construct passing bays every 200m;
- c. Construct kerb and gutter;
- d. Place two (2) coat hot bitumen seal on new works; and,
- e. Construct drainage works as necessary.

**38. Road Internal access construction Main/Entry/Exit -Road No.1**

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a phase 1 CC for the civil works.

- a. Construct a 7m wide pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary;
- e. Construct a 1.2m wide concrete footpath within the development in accordance with the approved plans; and,
- f. Provide a temporary turning head 8.5m radius to truncated roads 3, 4 and 5.

**39. Road Bond –Ferguson Street**

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

Based on a road length of approximately 155 metres. Final bond amounts will be levied on accurate dimensions contained within the engineering plans.

- a) Road fees – engineering plan checking and supervision of \$6,800.
- b) A performance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (transferable).
- c) A road maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (refundable).

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

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

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

**40. Road- upgrade of Ferguson Street**

The registered proprietors of the land shall construct the following for the length of Ferguson street, a distance of approximately 155m in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to the issue of a phase 1 construction certificate and release of the S138 Roads Act Approval.

- a. Upgrade Ferguson Street pavement to 7m minimum width carriageway;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on road pavement, Construct and seal road shoulders;
- d. Construct drainage works; and,
- e. Top-dress and turf footpath.

**41. Stormwater Detailed Design Requirements**

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

The plans submitted in association with a phase 1 CC application are to demonstrate compliance with this requirement. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a CC.

#### **42. Stormwater Detention Requirement**

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

Detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development, shall be prepared by an engineer suitably qualified and experienced in the field of hydrology and hydraulics. The plans submitted in association with the phase 1 CC application are to demonstrate compliance with this requirement. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a CC.

#### **43. Detention Basin Engineering Checking**

The applicant shall pay Detention Basin(s) engineering checking and site supervision fees in accordance with Council's current Fees & Charges prior to release of a Civil CC for the site. Council's current fee is \$500per basin for basins less than 50m<sup>3</sup>. Final fee amounts will be levied on accurate dimensions contained within the engineering plans and in accordance with Council's current Fees & Charges.

#### **44. Traffic Management – Intersection Treatments**

Submit for approval a Concept Design and subsequent Detailed Design, in accordance with Austroads, Council's Engineering Requirements for Development, RMS Technical Directions, including the RMS Guide to Road Design – Part 4A Unsignalised and Signalised Intersections and all relevant Australian Standard's for the following:

- a) a local area traffic management (LATM) scheme delivering a change of intersection priority at the intersection of Ferguson Street and Doyle Street, providing route priority for the western leg of Ferguson Street, and the southern leg of Doyle street, with suitable controls for the other intersection legs, as per AS1742.2 Manual of Uniform Traffic Control Devices;
- b) kerb and gutter, sealed shoulders, and line marking on Ferguson Street, north of Anzac Avenue, to the site entry point;
- c) upgrade of the existing bus stop on the northern side of Anzac Avenue, west of Anstey Street by the provision of bus stop signage and a bus shelter in accordance with Council's POLICY No. B37.1 – BUS SHELTER DESIGNS; and,
- d) an alternate egress from the site suitable for use under emergency conditions for the purpose of evacuation or the like.

**PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 FOR ALL PHASES – GENERAL CONDITIONS**

The following general conditions are to be complied with, to the satisfaction of the Council, prior to issue of an Activity Approval under Section 68 (Part A1) of the Local Government Act, 1993.

**45. Civil Works to be completed**

Civil works for all phases are to be completed prior to issue of the Activity Approval for each phase.

**46. Section 68 (Part A1) Activity Approval Required**

Works associated with the dwelling houses (being a manufactured home) approved by this consent must not commence until an Activity Approval under Section 68 (Part A1) of the Local Government Act 1993 has been issued by Council for installation of manufactured homes on the land for each phase.

**47. Amended Plans and Certification Required**

The plans submitted in association of the Activity Approval applications for the manufactured dwelling houses for each phase must incorporate the following amendments:

- a) All dwelling houses are to be provided with an outdoor clothes line for drying purposes;
- b) All dwelling design plans are to be marked to clearly identify the laundry areas and comply with the Local Government Regulation minimum size requirements;
- c) All home sites are to have privacy fencing and gates to the private open space areas for the dwelling houses;
- d) Mechanical ventilation is required in all bathrooms and toilets; and,
- e) Plans and certification of compliance with the Local Government Regulation requirements is to be lodged where relevant.

The plans must be submitted to and approved by the CA as satisfying these required amendments prior to the issue of the Activity Approvals for each phase.

**48. Dwelling House Specifications**

The dwelling houses are to comply with the following safety requirements for doors, windows and fire safety equipment:

**Doors**

- a. External doors and frames shall be of solid construction;

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- b. Glass within doors may be reinforced to restrict access;
- c. Door locks shall comply with the *Australian Standard - Mechanical locksets for doors in buildings, AS:4145* and the National Construction Code of Australia (fire regulations) to restrict access;
- d. Locks are to be checked and maintained on a regular basis to ensure that the locks are in good working order;
- e. A door viewer or security/screen doors may be used and such doors are to be designed and installed to the Australian Standard;
- f. Patio bolts on sliding doors are recommended; and,
- g. Under access points to be restricted.

**Windows**

- a. External windows and frames to be of solid construction;
- b. Window frames to be anchored to the building to prevent easy removal;
- c. Windows shall be fitted with locks that comply with the *Australian Standard - Mechanical locksets for doors in buildings, AS:4145* to restrict access;
- d. Glass within windows to be reinforced to restrict access; and,
- e. Metal security grilles or shutters may be installed to restrict access but are to be designed to allow occupants to depart the building in fire events.

**Fire Safety Equipment**

- a. Each dwelling house must have a minimum of one (1) working smoke alarm;
- b. Fire extinguishers and fire blankets to be installed in those parts of the building where fires are likely; and,
- c. All dwelling houses to have a Fire Escape Plan. For further information on Home Fire Safety, refer to NSW Rural Fire Services website, [www.fire.nsw.gov.au](http://www.fire.nsw.gov.au).

**49. Air Conditioning Units/ Hot Water Storage Units**

Any individual air conditioning unit and heat pump for hot water storage units on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the *Protection of the Environment Operations Act 1997*.

Details demonstrating noise attenuation measures in this regard are to be submitted to the CA prior to the issue of an Activity Approval for the each phase.

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**50. Street Numbers**

The home site numbers must be prominently displayed at the front of home sites to comply with the Local Government Act or must be painted on the street kerb outside the home site to assist emergency services and visitors to locate the home site. The number is to be a minimum height of 120mm above ground if signposted and be visible at night.

**PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 FOR THE THIRTY-NINE (39) DWELLING HOUSES FOR PHASE 1**

The following conditions are to be complied with, to the satisfaction of the Council, prior to issue of an Activity Approval under Section 68 (Part A1) of the Local Government Act, 1993.

**51. Residential S94 Contributions Plan (39 Dwelling Houses)**

A contribution pursuant to the provisions of Section 7.11 (cf previous s 94) of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of an Activity Approval for phase 1:

<b>Fee Type Code</b>	<b>Contribution Type</b>	<b>Amount Payable</b>
<b>525</b>	District Open Space	\$38,235.60
<b>523</b>	District Community Facilities (Halls)	\$23,380.89
<b>524</b>	District Community Facilities (Libraries)	\$6,276.66
<b>522</b>	District Community Facilities (Bushfire)	\$1,778.40
<b>527</b>	District Roads – Urban Areas	\$29,134.56
<b>543</b>	Studies (Plan Preparation)	\$2,196.87
<b>540</b>	Plan Administration	\$8,369.01
	<b>Total</b>	<b>\$109,371.99</b>

A copy of the Residential Contributions Plan may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au).

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

**52. Side Setback Home Site 163**

The dwelling house on Home Site 163 must be located a minimum of 3.0 metres from the boundaries of the subject land.

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – PHASE 2 CIVIL WORKS**

The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of a Construction Certificate.

**53. Long Service Levy**

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a CC.

**54. Road Internal access construction Road 3**

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a 7m wide pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary; and,
- e. Provide a temporary turning head 8.5m radius to truncated road 3.

**55. Road Internal access construction Road 4**

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a variable width pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary; and,
- e. Provide a temporary turning head 8.5m radius to truncated roads 3, 4 and 5.

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**56. Road Internal access construction Road 5**

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a variable width pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary; and,
- e. Provide a temporary turning head 8.5m radius to truncated road 5.

**57. Footpath**

Provide a 1.2m wide concrete footpath linking Cornish Street to the proposed bowling green in accordance with the approved plan and Council engineering guidelines for developments.

**58. Stormwater Detailed Design Requirements**

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

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

**PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 FOR THIRTY-FOUR (34) DWELLING HOUSES FOR PHASE 2**

The following conditions are to be complied with, to the satisfaction of the Council, prior to issue of an Activity Approval under Section 68 (Part A1) of the Local Government Act, 1993.



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**59. Residential S94 Contributions Plan (34 Dwelling Houses)**

A contribution pursuant to the provisions of Section 7.11 (cf previous s 94) of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of an Activity Approval for Phase 2:

<b>Fee Type Code</b>	<b>Contribution Type</b>	<b>Amount Payable</b>
<b>525</b>	District Open Space	\$33,333.60
<b>523</b>	District Community Facilities (Halls)	\$20,383.34
<b>524</b>	District Community Facilities (Libraries)	\$5,471.96
<b>522</b>	District Community Facilities (Bushfire)	\$1,550.40
<b>527</b>	District Roads – Urban Areas	\$25,399.36
<b>543</b>	Studies (Plan Preparation)	\$1,915.22
<b>540</b>	Plan Administration	\$7,296.06
	<b>Total</b>	<b>\$95,349.94</b>

A copy of the Residential Contributions Plan may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au).

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – PHASE 3 CIVIL WORKS**

The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of a Construction Certificate.

**60. Long Service Levy**

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a CC.

**61. Road Internal access construction Road 5**

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a variable width pavement in accordance with the approved plans;
- b. Construct kerb and gutter;

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- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary;
- e. Provide a temporary turning head 8.5m radius to truncated road 5.

**62. Stormwater Detailed Design Requirements**

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

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

**PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 FOR SIXTEEN (16) DWELLING HOUSES FOR PHASE 3**

The following conditions are to be complied with, to the satisfaction of the Council, prior to issue of an Activity Approval under Section 68 (Part A1) of the Local Government Act, 1993.

**63. Residential S94 Contributions Plan (16 Dwelling Houses)**

A contribution pursuant to the provisions of Section 7.11 (cf previous s 94) of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of an Activity Approval for Phase 3:

<b>Fee Type Code</b>	<b>Contribution Type</b>	<b>Amount Payable</b>
<b>525</b>	District Open Space	\$15,686.40
<b>523</b>	District Community Facilities (Halls)	\$9,592.16
<b>524</b>	District Community Facilities (Libraries)	\$2,575.04
<b>522</b>	District Community Facilities (Bushfire)	\$729.60
<b>527</b>	District Roads – Urban Areas	\$11,952.64
<b>543</b>	Studies (Plan Preparation)	\$901.28
<b>540</b>	Plan Administration	\$3,433.44
	<b>Total</b>	<b>\$44,870.56</b>

A copy of the Residential Contributions Plan may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au).

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The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – PHASE 4 CIVIL WORKS**

**The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of a Construction Certificate.**

**64. Long Service Levy**

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a CC.

**65. Road Internal access construction Road 3**

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a 7m wide pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary;
- e. Provide a temporary turning head 8.5m radius to truncated road 3.

**66. Road Internal access construction Road 4**

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a variable width pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary;
- e. Provide a temporary turning head 8.5m radius to truncated roads 3, 4 and 5.

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**67. Stormwater Detailed Design Requirements**

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

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

**PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 FOR THIRTY-SEVEN (37) DWELLING HOUSES FOR PHASE 4**

The following conditions are to be complied with, to the satisfaction of the Council, prior to issue of an Activity Approval under Section 68 (Part A1) of the Local Government Act, 1993.

**68. Residential S94 Contributions Plan (37 Dwelling Houses)**

A contribution pursuant to the provisions of Section 7.11 (cf previous s 94) of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of an Activity Approval for phase 4:

<b>Fee Type Code</b>	<b>Contribution Type</b>	<b>Amount Payable</b>
<b>525</b>	District Open Space	\$36,274.80
<b>523</b>	District Community Facilities (Halls)	\$22,181.87
<b>524</b>	District Community Facilities (Libraries)	\$5,954.78
<b>522</b>	District Community Facilities (Bushfire)	\$1,687.20
<b>527</b>	District Roads – Urban Areas	\$27,640.48
<b>543</b>	Studies (Plan Preparation)	\$2,084.21
<b>540</b>	Plan Administration	\$7,939.83
	<b>Total</b>	<b>\$103,763.17</b>

A copy of the Residential Contributions Plan may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au).

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE - PHASE 5 CIVIL WORKS**

The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of a Construction Certificate.

**69. Long Service Levy**

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a CC.

**70. Road Internal access construction Road 5**

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a 5.5m wide pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works;
- d. Construct drainage works as necessary.

**71. Road Internal access construction-Perimeter Road No.1**

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a variable 5.5m to 7.0m wide pavement in accordance with phase 5 of the approved plans
- b. Construct kerb and gutter
- c. Place two (2) coat hot bitumen seal on new works
- d. Construct drainage works as necessary

**72. Footpath**

Provide a 1.2m wide concrete footpath linking Ash Street to the proposed Facilities in accordance with the approved plan and Council engineering guidelines for developments.

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**73. Stormwater Detailed Design Requirements**

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

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

**PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 FOR SIXTEEN (16) DWELLING HOUSES FOR PHASE 5**

The following conditions are to be complied with, to the satisfaction of the Council, prior to issue of an Activity Approval under Section 68 (Part A1) of the Local Government Act, 1993.

**74. Residential S94 Contributions Plan (16 Dwelling Houses)**

A contribution pursuant to the provisions of Section 7.11 (cf previous s 94) of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of an Activity Approval for Phase 5:

<b>Fee Type Code</b>	<b>Contribution Type</b>	<b>Amount Payable</b>
<b>525</b>	District Open Space	\$15,686.40
<b>523</b>	District Community Facilities (Halls)	\$9,592.16
<b>524</b>	District Community Facilities (Libraries)	\$2,575.04
<b>522</b>	District Community Facilities (Bushfire)	\$729.60
<b>527</b>	District Roads – Urban Areas	\$11,952.64
<b>543</b>	Studies (Plan Preparation)	\$901.28
<b>540</b>	Plan Administration	\$3,433.44
	<b>Total</b>	<b>\$44,870.56</b>

A copy of the Residential Contributions Plan may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au).

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – PHASE 6 CIVIL WORKS AND DEMOLITION OF DWELLING HOUSE AND IMPROVEMENTS**

The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of a Construction Certificate.

**75. Long Service Levy**

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a CC.

**76. Road Internal access construction Road 3**

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a 5.5m wide pavement in accordance with the approved plans,
- b. Construct kerb and gutter,
- c. Place two (2) coat hot bitumen seal on new works,
- d. Construct drainage works as necessary.

**77. Road Internal access construction Road 4**

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

- a. Construct a 5.5m wide pavement in accordance with the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works; and,
- d. Construct drainage works as necessary.

**78. Road Internal access construction-Perimeter Road No.1**

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works.

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- a. Construct a 5.5m wide pavement in accordance with phase 6 of the approved plans;
- b. Construct kerb and gutter;
- c. Place two (2) coat hot bitumen seal on new works; and,
- d. Construct drainage works as necessary.

**79. Footpath**

Provide a 1.2m wide concrete footpath linking Ash Street to the proposed Facilities in accordance with the approved plan and Council engineering guidelines for developments.

**80. Stormwater Detailed Design Requirements**

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

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

**PRIOR TO ISSUE OF AN ACTIVITY APPROVAL UNDER SECTION 68 (PART A1) OF THE LOCAL GOVERNMENT ACT 1993 FOR TWENTY-THREE (23) DWELLING HOUSES FOR PHASE 6**

**The following conditions are to be complied with, to the satisfaction of the Council, prior to issue of an Activity Approval under Section 68 (Part A1) of the Local Government Act, 1993.**

**81. Residential S94 Contributions Plan (23 Dwelling Houses)**

A contribution pursuant to the provisions of Section 7.11 (cf previous s 94) of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of an Activity Approval for phase 6. The contributions are based on the construction of 22 x 2 bedroom dwelling houses (a credit of one dwelling house has been attributed to the demolition of the existing dwelling house):



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<b>Fee Type Code</b>	<b>Contribution Type</b>	<b>Amount Payable</b>
<b>525</b>	District Open Space	\$21,568.80
<b>523</b>	District Community Facilities (Halls)	\$13,189.22
<b>524</b>	District Community Facilities (Libraries)	\$3,540.68
<b>522</b>	District Community Facilities (Bushfire)	\$1,003.20
<b>527</b>	District Roads – Urban Areas	\$24,253.90
<b>543</b>	Studies (Plan Preparation)	\$1,239.26
<b>540</b>	Plan Administration	\$4,720.98
	<b>Total</b>	<b>\$61,697.02</b>

A copy of the Residential Contributions Plan may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au).

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

## 82. Demolition of dwelling prior to activity Approval

The dwelling must be demolished and an asbestos clearance certificate prepared by a qualified occupational hygienist must be provided to CA prior to the issue of an Activity Approval for phase 6.

## PRIOR TO COMMENCEMENT OF WORKS FOR ALL PHASES

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

## 83. Demolition Proposed – Phase 6

Consent is granted for the demolition of dwelling house and improvements currently existing on the property in Phase 6, subject to strict compliance with the following conditions:

- The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
- Written notice is to be given to the Council prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number, and licence number of the demolisher.

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- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves, etc.). Access to the site must be restricted to authorised persons only, and the site must be secured against unauthorised entry when work is not in progress, or the site is otherwise unoccupied.
- e) Demolition is to be carried out in accordance with the relevant provisions of AS 2601:2001: *Demolition of structures*.
- f) The hours of demolition work are limited to between 7.00am and 5.00pm on Monday to Saturday. No demolition work is to be carried out on Sundays and public holidays.
- g) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of the WorkCover Authority and the Office of Environment and Heritage.
- h) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- i) During demolition, public property (footpaths, roads, reserves, etc.) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition. No materials shall be stockpiled on footpaths or road carriageways.
- j) All vehicles leaving the site with demolition materials must have their loads covered, and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves, etc.) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- k) The burning of any demolished material on site is not permitted, and offenders will be prosecuted.
- l) Care must be taken during demolition to ensure that existing services on the site (i.e. sewer, electricity, gas, and phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense.
- m) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works, and must be maintained at all times.
- n) Prior to demolition, a Work Plan must be prepared in accordance with the relevant provisions of AS 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the

precautions to be employed to minimise any dust nuisance, and the disposal methods for hazardous materials.

- o) If the building contains asbestos, an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
  - i) A SafeWork licensed contractor must undertake removal of all asbestos.
  - ii) During the asbestos removal, a sign “DANGER ASBESTOS REMOVAL IN PROGRESS” is to be erected in a visible position on the site to the satisfaction of Council, and *AS 2601:2001: Demolition of structures*.
  - iii) Waste disposal receipts must be provided to Council / CA as proof of correct disposal of asbestos laden waste.
  - iv) All removal of asbestos must comply with the requirements of the WorkCover Authority.

An asbestos clearance certificate prepared by a qualified occupational hygienist must be provided to CA at the completion of the demolition works if asbestos is identified in the demolition of the dwelling house and improvements on the land.

#### **84. Construction and Traffic Management Plan**

The applicant must prepare a Construction Management and Traffic Management Plan incorporating the following matters. The plan must be submitted to and approved by the CA as satisfying these matters prior to the commencement of works.

- a) A plan view of the entire site and frontage roadways indicating:
  - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
  - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
  - iii) The locations of proposed work zones in the frontage roadways.
  - iv) Location of any proposed crane, concrete pump, and truck standing areas on and off the site.
  - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
  - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
  - vii) An onsite parking area for employees, tradespersons and construction vehicles as far as possible.

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- viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
  - ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
  - x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered civil engineer.
- 
- b) During excavation, demolition and construction phases, noise generated from the site must be controlled.
  - c) All site works must comply with the work health and safety requirements of the New South Wales WorkCover Authority.
  - d) All site works must comply with the requirements of Ausgrid and the Hunter Water Corporation and the telecommunications provider.
  - e) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
  - f) All traffic control plans must be in accordance with the RMS publication Traffic Control Worksite Manual and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of six (6) weeks prior to the proposed activity being undertaken.

**85. Soil and water management plan**

The applicant must prepare a Soil and Water Management Plan, being compatible with the Construction Management and Traffic Management Plan referred to in this Development Consent and incorporating the following matters. The plan must be submitted to and approved by the CA as satisfying these matters prior to the commencement of works.

- a) Minimise the area of soils exposed at any one time
- b) Conservation of top soil
- c) Identify and protect proposed stockpile locations
- d) Preserve existing vegetation. Identify revegetation technique and materials
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner

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- f) Control surface water flows through the site in a manner that:
  - i) Diverts clean-runoff around disturbed areas
  - ii) Minimises slope gradient and flow distance within disturbed areas
  - iii) Ensures surface run-off occurs at non erodible velocities
  - iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences
- h) Materials are not tracked onto the road by vehicles entering or leaving the site
- i) Details of drainage to protect and drain the site during works.

**86. Public Liability insurance**

Any person or contractor undertaking works on public property must take out Public Risk insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within, public property. The Policy is to note, and provide protection for Cessnock City Council as an interested party, and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property. The insurance shall also note the location and the risk.

**87. Road Opening Permit**

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

**88. S.138 Roads Act 1993 Approvals**

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

**89. Over mass over size approval**

Obtain and comply with over mass over size (OMOS) approval from the National Heavy Vehicle Regulator for delivery and removal of manufactured homes. Include OMOS requirements in the Construction Traffic Management and Traffic Control Plans.

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**90. Soil and Water Management Plan implemented**

The requirements of the Soil and Water Management Plan shall be in place prior to the commencement of demolition works and/or construction works and shall be maintained throughout the demolition and/or construction process.

**91. Relocation Services**

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

**DURING WORKS FOR ALL PHASES**

**The following conditions are to be complied with during works.**

**92. Construction Hours**

Excavation and building work must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. Work is not to be carried out on Sundays and public holidays.

**93. Construction Noise**

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment and Heritage *Noise Guide for Local Government*.

**94. Construction Vehicles**

Construction material and vehicles must not be placed on public footpaths. The use of footpaths or roadways shall be undertaken in accordance with the prevailing kerbside restrictions, the Australian Road Rules and Council's Parking Code.

**95. Erosion and Sediment Controls**

The control of erosion, and the prevention of silt discharge into drainage systems and waterways, will be necessary in accordance with Council's "Engineering Requirements for Development", and Landcom's Soils and Construction Manual - April 2004. Erosion control measures are to be implemented prior to the commencement of any earthworks, and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

**96. Virgin Fill to be used**

All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste, and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities, and which do not contain sulphate ores or soils.

**97. Stormwater-Impact on adjoining land-Natural drainage**

Filling shall not be placed in such a manner that natural drainage from adjoining land will be obstructed.

**98. Stormwater-Impact on adjoining land-Surface water**

Filling shall not be placed on land in such a manner that surface water will be diverted to adjoining land.

**99. Implementation of Soil and Water Management Plan**

The requirements of the Soil and Water Management Plan must be maintained at all times during the works, and any measures required by the Soil and Water Management Plan shall not be removed until the site has been stabilised.

Materials from the site are not to be tracked into the road by vehicles entering or leaving the site. At the end of each working day, any dust/dirt or other sediment shall be swept off the road and contained on the site, and not washed down any storm water pit or gutter.

The sediment and erosion control measures are to be inspected daily, and defects or system failures are to be repaired as soon as they are detected.

**100. Floor level Certification**

The floor level of the proposed building community buildings (mens/maintenance shed, pavilion and clubhouse) must be certified by a registered surveyor as being not less than 500mm above the 100 year Average Recurrence Interval (ARI) flood level.

The floor level must be certified as being not less than RL 65.46m Australian Height Datum (AHD).

The evidence to be submitted to the CA prior to construction works proceeding beyond floor level stage.

**101. Swimming Pool**

The swimming pool and safety fences and gates shall be installed in accordance with the approved plans, specifications, the *Swimming Pools Act 1992* (as amended) and the BCA. The swimming pool shall at all times be surrounded by a child resistant barrier:

- a) that separates the swimming pool from any residential building situated on the premises, and from any place (whether public or private) adjoining the premises; and
- b) that is designed, constructed, installed and maintained in accordance with the standards prescribed by the Swimming Pools Regulation 2008 and AS1926.1 "Safety barriers for swimming pools".

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Waste water from the pool shall be disposed of, so as not to create a nuisance to surrounding properties, or to pollute the environment. Where the Hunter Water Corporation's sewer is available, wastewater shall be drained or pumped to the sewer.

All requirements of the Hunter Water Corporation shall be observed in relation to waste water disposal.

Swimming pool surrounds and/or paving shall be constructed so as to ensure water from the pool overflow or surge does not discharge onto neighbouring property.

**102. Clearing Restriction**

Clearing of native vegetation is not to occur in the spring nesting season (September – November) to minimise impacts on native nesting birds and their offspring.

**PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE FOR PHASE 1 – COMMUNITY BUILDINGS/SWIMMING POOL**

**The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of either an Interim or Final Occupation Certificate (as specified within the condition):**

**103. Occupation Certificate required**

Prior to use of the premises approved by this consent, the applicant must obtain an OC.

**104. Landscape buffers and boundary fencing**

All of the landscape buffer areas, the Ash Street pedestrian accessway and all perimeter fencing must be completed prior to issue of the OC in Phase 1.

**105. Swimming Pool**

The swimming pool must not be filled with water until such time as the safety fencing and gates have been completed in accordance with the approved plans and specifications.

Note: It is the applicant's responsibility to ensure that all excavations and incomplete pools have appropriate safety fencing, or are otherwise protected.

**106. Plan of Management**

A copy of the revised plan of Management is to be provided to Council prior to issue of the OC in phase 1.



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**107. Fire Hydrants**

The community buildings must comply with the fire safety provisions applicable to the approved use. The applicant shall provide Council and the Fire Commissioner with a copy of the Final Fire Safety Certificate and the Fire Safety Schedule relating to the required fire safety measures, in accordance with Division 4 of the Environmental Planning and Assessment Regulation 2000 prior to occupation of the buildings or issue of an OC.

The Final Fire Safety Certificate and the Fire Safety Schedule are to be prominently displayed in the buildings.

**108. Signage**

Signs are to be erected clearly defining who may enter the premises, times of entry, behaviour on premises and general directions.

**109. Warning Signs**

Warning signs are to be displayed around the perimeter of the premises to warn intruders of what security treatments have been implemented to reduce opportunities for crime. For example;

- a. Warning – Trespassers will be prosecuted; and,
- b. Warning – This property is under electronic surveillance, etc.

The warning signs to be fixed at a height of approximately 1.5m above ground level and intervals not less than of 20m.

**110. Gate Controls**

The entrance/exit points to the development site are to be fitted with electronic gates to control access to the site during the night by vehicles and pedestrians.

The design and management of the entrance/exit gates are to allow entrance for any emergency vehicles.

**111. Roads-Concrete Crossing**

The registered proprietors shall construct and maintain a concrete access crossing from the kerb and gutter in Ferguson Street to the property boundary, in accordance with Council's "Engineering Requirements for Development" and AS 2890.1. A S138 Roads Act Approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of an OC. .

Construction of the crossing will require inspections to be undertaken by Council. The applicant shall pay Council engineering site supervision fees in accordance with Council's current Fees & Charges, prior to the inspections being undertaken.

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The initial fee will facilitate approval of the application and one (1) construction inspection (steel and formwork inspection).

A final inspection will be required upon completion of the driveway and restoration of all disturbed footway areas. (A separate fee will be required to be paid when the final inspection is booked.) Should further inspections become necessary as a result of unsatisfactory or defective works, additional inspection fees will be charged in accordance with Council's current Fees & Charges.

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

**112. All services provided**

Certification that all services as required (e.g. water supply, gas, electricity, telephone, sewer), are available to the site, shall be submitted to the PCA prior to issue of an OC.

**113. Allocation of car parking spaces**

The approved parking spaces must be allocated for each phase of the development. All spaces must be appropriately line marked and labelled according to these requirements prior to the issue of an OC. If the development is strata subdivided, the car park layout must be in accordance with the required allocation:

- a) 2 residential off street parking spaces per house site.
- b) 28 visitor parking spaces and a community bus space.
- b) 2 disabled parking spaces for phase 1.

**114. Road - Access Completion**

The access road to serve the development shall be completed in accordance with Council's 'Engineering Requirements for Development' prior to the issue of an OC.

**115. Road – Signage (Access)**

The vehicular entrance and exit driveways, and the direction of traffic movement within the site, shall be clearly indicated by means of reflective signs and pavement markings prior to issue of an OC.

**116. Positive Covenant – OSD**

Prior to the issue of an OC, a positive covenant must be created under Section 88E of the *Conveyancing Act 1919*, burdening the owner(s) with the requirement to maintain the onsite detention and onsite retention/re-use facilities on the property.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

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- a) The proprietor of the property to be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the onsite storm water detention facilities ("OSD").
- b) The proprietor to have the OSD inspected annually by a competent person.
- c) The Council to have the right to enter upon the land referred to above, at all reasonable times, to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures which comprise the OSD, or which convey storm water from the said land, and recover the costs of any such works from the proprietor.
- d) The registered proprietor to indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

The proprietor, or successor, to bear all costs associated with the preparation of the subject 88E instrument. Proof of registration with the NSW Department of Lands must be submitted to, and approved by, the *PCA* prior to the issue of an *OC*.

**117. Stormwater plan of management**

The registered proprietor of the land shall prepare a Plan of Management for the OSD facilities within the development. The plan shall set out all design and operational parameters for the detention facilities, including design levels, hydrology and hydraulics, inspection and maintenance requirements, and time intervals for such inspection and maintenance. The plan shall be submitted to the *PCA* for approval prior to the issue of an *OC*.

**118. Completion of driveway access crossing**

The driveway access crossing is to be constructed prior to the issue of an *OC*.

**119. Roof stormwater-Clear of buildings**

Prior to issue of an *OC*, roof water from the building and any rainwater tank overflow shall be piped clear of the building, without creating any nuisance on the property or to adjoining properties.

**120. Flooding-Evacuation Management Plan**

The applicant must prepare a flood emergency evacuation and management plan for the proposed development. The plan should advise occupants of flood evacuation procedures and emergency contact telephone numbers. The management plan should avoid the letting of the premises during periods of flood emergency or when flood warnings are issued. The applicant should contact Council and the State Emergency Service for advice in the preparation of the management plan.

The evacuation procedures should be permanently fixed to the building in a prominent location, and kept up to date at all times.

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The management plan shall be submitted to, and approved by, Council prior to the issue of an OC.

**121. Section 50 – Hunter Water Board (Corporation) Act 1991**

Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the Hunter Water Board (Corporation) Act 1991. Such evidence shall be submitted to Council prior to the issue of the OC / Completion Certificate.

**122. Telecommunications**

Prior to the issue of OC / Completion Certificate, the developer must provide documentary evidence to the CA that the telecommunications carrier is satisfied that the fibre ready facilities and fixed-line telecommunications infrastructure are fit for purpose to all premises.

**123. Electricity Connection Requirements**

Prior to the issue of the OC, the developer must provide documentary evidence to the CA that the energy provider is satisfied that the development complies with the requirements.

**PRIOR TO THE ISSUE OF A COMPLETION CERTIFICATE FOR THE MANUFACTURED DWELLING HOUSES FOR ALL PHASES – GENERAL CONDITIONS**

**The following conditions are to be complied with, to the satisfaction of Council, prior to issue of either an Interim or Final Completion Certificate (as specified within the condition) for each phase of the development for the manufactured dwelling houses:**

**124. Letter Boxes for the Dwelling Houses**

Letterboxes are to be of a suitable size and conform with the Australian Standards and to be fitted with a suitable lock set to restrict access to the mail.

**125. Power Board Requirements for the Dwelling Houses**

Power boards to be housed within cabinets made of solid construction to restrict tampering with the power supply and the cabinets are to be secured with locksets approved by the energy provider.

**126. All services provided**

Certification that all services as required (e.g. water supply, gas, electricity, telephone, sewer), are available to the site, must be submitted to the PCA prior to issue of a Completion Certificate.

**127. Completion of driveway access crossing**

The driveway access crossing is to be constructed prior to the issue of a Completion Certificate.

**128. Roof stormwater-Clear of buildings**

Prior to issue of a Completion Certificate, roof water from the building and any rainwater tank overflow shall be piped clear of the building, without creating any nuisance on the property or to adjoining properties.

**129. Section 50 – Hunter Water Board (Corporation) Act 1991**

Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the Hunter Water Board (Corporation) Act 1991. Such evidence shall be submitted to Council prior to the issue of the Completion Certificate.

**130. Telecommunications**

Prior to the issue of Completion Certificate, the developer must provide documentary evidence to the CA that the telecommunications carrier is satisfied that the fibre ready facilities and fixed-line telecommunications infrastructure are fit for purpose to all premises.

**131. Electricity Connection Requirements**

Prior to the issue of the Completion Certificate, the developer must provide documentary evidence to the CA that the energy provider is satisfied that the development complies with the requirements.

**ONGOING USE**

**The following conditions are to be complied with as part of the ongoing use of the manufactured home estate.**

**132. Site Management Plan**

The development must be undertaken as described within the revised Plan of Management.

**133. Estate Incident Book and Accident Injury Register**

An estate incident book and accident injury register is to be regularly maintained and is required to be made available on request by NSW Police or Council officers.

**134. Complaints Register**

A complaints register is to be kept in the event that complaints are received from the general public on the estate. Full details of the complaint are to be recorded including date, name, address, nature of the complaint and the outcome of the complaint. The register is to be made available on request by NSW Police or Council officers.

### 135. Use of Swimming Pool

The swimming pool shall not be used for commercial or professional purposes without separate approval from Council.

Access gates are to be self-closing and self-latching, and shall open outwards from the pool area. The occupier of any premises in or on which a swimming pool is situated must ensure that gates providing access to the swimming pool are kept securely closed at all times when they are not in actual use.

Pool plant (i.e. filter) shall be sited and operated so as not to cause a noise nuisance to adjoining neighbours. Provisions of the *Protection of the Environment Operations Act* include restrictions relating to noise levels.

The occupier of the property in or on which a swimming pool is situated must ensure that there is at all times a sign complying with the requirements of clause 10 of the Swimming Pools Regulation 2008, prominently displayed and permanently fixed in the vicinity of the swimming pool.

### 136. Outdoor lighting

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

### 137. Lighting

Adequate and uniform lighting is to be provided throughout the development, especially in vicinity of the clubhouse recreational area, maintenance building, and entrance/exit gates to the development and the Ash Street pedestrian pathway. Lighting is to work in conjunction with the CCTV.

### 138. Surveillance – CCTV

Sufficient CCTV cameras are to be located in and around the clubhouse, maintenance shed, recreational areas and entrance/exit points including the Ash Street pedestrian pathway.

Minimum standards for CCTC are:

- a. CCTV to operate on a 24 hour basis;
- b. CCTV footage is to be recorded in digital format on a hard drive that is capable of retaining stored images for a 28 day period;
- c. Staff to be trained in the use of the CCTV system and be able to download footage for NSW Police use as required;

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- d. CCTV camera covering the entrances/exits to be placed in a location as to allow the recording of persons faces upon entry;
- e. Recording equipment should be installed in a lockable, restricted area where persons/s cannot tamper with the equipment

**139. Road-Advice**

The applicant is advised that Council will not accept responsibility for the road access. In this respect, the care, control and maintenance thereof, is the sole responsibility of the user/s, in perpetuity.

**140. Surveillance Landscaping Maintenance**

A landscaping maintenance program is to be implemented to ensure that surveillance opportunities are not hindered due to neglected landscaping areas, especially on the perimeter of the development.

**141. Landscaping**

Landscaping in the public areas and on the perimeter of the development site including the Ash Street pedestrian pathway is to be managed on an ongoing basis as follows:

- a. Trees and shrubs are to be trimmed to reduce hiding places and increase visibility to and from the street. Shrubs should not be allowed to grow above 1.0m and trees should be trimmed of foliage below a height of 1.8m;
- b. Overhanging branches are to be trimmed to prevent people using them to access other parts of the property;
- c. No objects or plants are to be placed close to fences or buildings so as to provide a natural ladder to unauthorised persons;

**142. Retention of Vegetation Not Approved for Clearing**

All native vegetation (as defined under the Local Land Services Amendment 2016) on the lot outside of the development footprint and approved Asset Protection Zone is to be retained in a natural state and not disturbed or cleared (as defined under the Local Land Services Amendment 2016).

**143. Graffiti Resistant Materials and Graffiti Removal**

Graffiti resistant materials are to be used in fencing and ground floor areas and graffiti is to be removed within forty-eight (48) hours.

**144. Private Contractor – Waste Collection**

A private contractor is to be engaged for waste collection including general waste, recycling, green waste and regular bulk waste collection.

## ADVISORY NOTES

### A. Disability Inclusion Act

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Inclusion Act 2014*. The applicant/owner is responsible for ensuring compliance with this, and other, anti-discrimination legislation. The *Disability Inclusion Act 2014* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *AS 1428.1 - Design for Access and Mobility*. *AS1428 Parts 2, 3 & 4* provide the most comprehensive technical guidance under the *Disability Inclusion Act 2014* currently available in Australia.

### B. "DIAL BEFORE YOU DIG" DIAL 1100

Before any excavation work starts, contractors and others should phone the "Dial Before You Dig" service to access plans/information for underground pipes and cables.  
[www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)

### C. Dividing Fences

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.

### D. Other Approvals and Permits

The applicant shall apply to Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, and/or any other approvals under *Section 68 (Approvals)* of the *Local Government Act, 1993* or *Section 138 of the Roads Act, 1993*.

### E. Responsibility for Other Consents/Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### F. Site Contamination Issues During Construction

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, Council must be immediately notified by the applicant, and works must cease. Works must not recommence on site until approval is granted by Council.



**G. Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics**

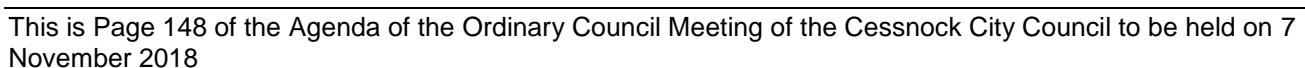
If any archaeological relics are uncovered during the course of the work, all works shall cease immediately in that area, and the OEH Heritage Branch shall be contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977*, may be required before further works can continue in that area.

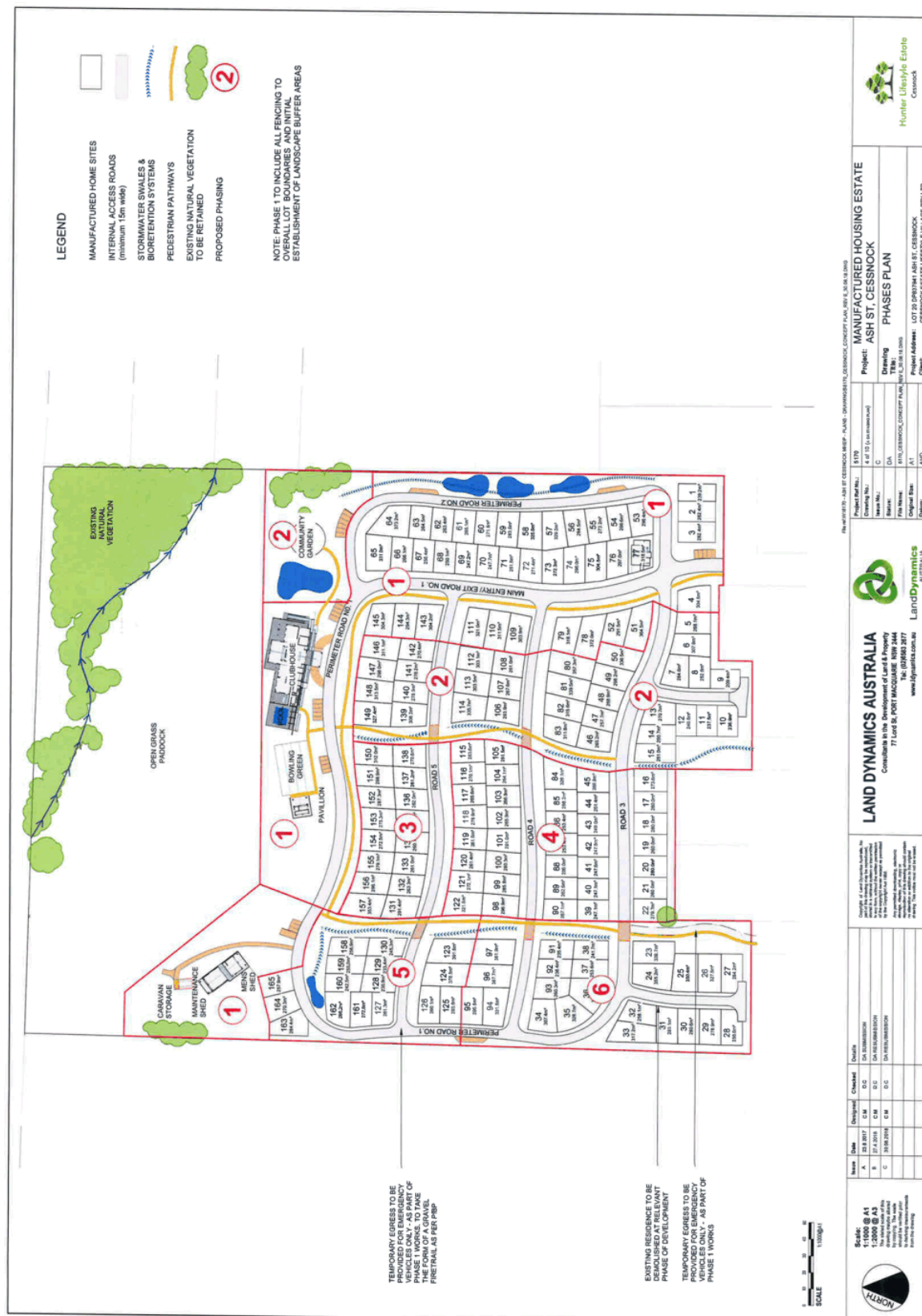
**H. Aboriginal Heritage**

As required by the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *Heritage Act 1977* to obtain the necessary approvals/permits from the Heritage Division of the OEH.

**Note:** The *National Parks and Wildlife Act 1974* and the *Heritage Act 1977* impose substantial penalty infringements and/or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.





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## **DRAFT PLAN OF MANAGEMENT**

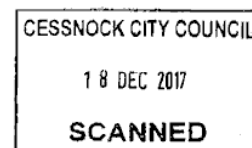
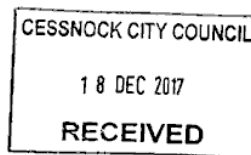
For

The Hunter Lifestyle Estate

For

Cessnock Estate Lifestyle Village Pty Ltd

November 2017



DRAFT



**Hunter Lifestyle Estate**  
Cessnock



17 Ash Street, Cessnock

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## MANAGEMENT STATEMENT

The intention of The Hunter Lifestyle Estate is to provide quality manufactured homes in a safe, secure environment that offers an alternative environmental approach to the traditional housing sector. There is currently very strong demand for alternative housing options as our ageing population increases at a rapid rate.

Manufactured Home Estates place high quality homes within the reach of many, even those with limited means. It is often the case that a senior may live in an older owner-occupied dwelling, which returns land value when sold. Higher priced Retirement Village Independent Living Units are often out of their financial reach and also carry the significant financial imposts of Deferred Management (DMR) or Exit Fees and Capital Gain sharing. Manufactured Home Estates carry no such imposts.

Manufactured Home Estates offer seniors and others an opportunity to buy and live in a standard of home they may never have enjoyed in the past and never thought was in reach for them.

Manufactured Home Estates are also an attractive option to those who may currently own a more substantial residence by allowing them to sell and capitalise. The available funds can finance their new manufactured home and free up more money for them to enjoy their new lifestyle. For those eligible for a pension, site fees in Manufactured Home Estates may qualify for Commonwealth Government Rental Assistance. These attributes can make life in a Manufactured Home Estate a much more affordable and attractive alternative to that of a traditional housing or a bricks and mortar DMF style Retirement Village.

The Inquiry Into Social Public and Affordable Housing submission by the Caravan, Camping & Touring Industry and Manufactured Housing Industry Association of NSW Ltd during the NSW State Government inquiry in early 2014 stated:-

*"Research indicates that there are over 100,000 permanent residents living in parks and MHEs across Australia and over one third of these permanent residents are in NSW. Many of these residents are from rural and regional communities and the majority of them are retired persons on fixed incomes, pensioners or people from low socio-economic backgrounds. To this end, the Caravan Park and Manufactured Housing Industry is in a position to make an immediate and significant contribution to improving the stock of housing within New South Wales,*

**17 Ash Street, Cessnock**

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*particularly for the benefit of those people who need affordable housing the most".*

The Hunter Lifestyle Estate has been designed with sensitivity toward the environment and its location in mind. A majority of the lots offer a rural outlook and there is an extensive network of walking tracks for a morning or afternoon stroll. Large areas of landscaped passive open space have been provided for the enjoyment of residents and visitors to the estate.

The nature of the development will encourage social cohesion amongst residents of the Estate. The provision of community facilities and areas will encourage positive social interaction between residents. Furthermore, the demographics of the residents will result in similar characteristics – these could include age, income, life experiences and education.

In relation to the existing community cohesion it is envisaged that the residents will assimilate with their peers and other residents currently residing in the Cessnock area. Given that 37 percent of the existing population of Cessnock falls within the expected residents' age group (50 years and over) it would be likely that community cohesion could expand outside of the Estate and into the general community.

It is envisaged that the residents and acquaintances when invited, from outside the estate would use the community recreational facilities, e.g. bowling green for social bowling and practice and would still participate within the local areas competitive weekly events.

## **1.0 INTRODUCTION**

This Plan of Management is to ensure that The Hunter Lifestyle Estate achieves the general objectives set out below.

This Plan of Management forms part of the manufactured housing development and its provisions are to be satisfied by the operator of the business at Number 17 Ash Street. In the event there is a change in the ownership of the premises, Cessnock City Council is to be notified in writing within three (3) weeks of such change of ownership. The letter of notification is to provide Council the details of the new operator including name, address and contact phone number.

## **2.0 DESCRIPTION OF SUBJECT PREMISES**

Address: 17 Ash Street Cessnock

Telephone: To be advised

Operator: Cessnock Estate Lifestyle Village Pty Limited

**17 Ash Street, Cessnock**

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## **2.1 Services and Facilities**

The services offered are that of a long term residency manufactured housing estate consisting of one hundred and sixty five manufactured home sites.

Facilities include:-

- (i) on-site manager
- (ii) Club House including gymnasium, multi-function room, lounge, games room, kitchen, indoor/outdoor dining area;
- (iii) hair dresser/visiting doctors/nurse consultation room (within Club House);
- (iv) outdoor swimming pool;
- (v) bowling green;
- (vi) passive recreation areas and walking trails;
- (vii) community bus
- (viii) children's play area
- (ix) men's shed
- (x) communal vegetable garden

## **2.2 Hours of Operation**

The office hours are:-

- (i) 9:00am to 4:00pm Monday to Friday;
- (ii) 9:00am to 12:00 noon Saturday; and
- (iii) Closed Sundays

Men's Shed operating hours:-

- (i) 9.00am to 4.00pm Monday to Friday
- (ii) Closed Saturday and Sunday

The operation of the dwellings and community facilities are not restricted by hours of operation, but rather by standard noise criteria under the Protection of the Environment Operations Act 1997

An on-site manager resides within the estate and is available for after-hours emergencies.

### **2.3 Record Keeping**

Management shall maintain and keep secure a record of all residents.

## **3.0 GENERAL OBJECTIVES**

### **3.1 Aims**

This Plan of Management aims to ensure:

- (i) the continued health and safety of all residents within the estate at all times;
- (ii) that the estate operates with minimal impact upon the surrounding area and adjoining residential dwellings;
- (iii) the presentation, maintenance and repairs of the estate are to a high standard and undertaken in a timely fashion;
- (iv) the cleanliness of the lifestyle estate;
- (v) the safety and security of the lifestyle estate;
- (vi) restricting access to the premises to promote safety and security for residences;
- (vii) control of any anti-social behaviour within the estate; and
- (viii) the updating and carrying out of emergency procedures.

### **3.2 Proprietor's Roles and Responsibilities**

The proprietor/operator has overall responsibility for ensuring that the lifestyle estate achieves the objectives set out in this plan and in accordance with any conditions of development consent that may be imposed by Cessnock City Council or the NSW Land & Environment Court.

The proprietor/operator is responsible for the overall management of the lifestyle estate and overseeing the implementation of all:-

- (i) management and operating policies and procedures;
- (ii) the recruitment, training and supervision of staff; and
- (iii) roles and responsibilities



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Management and staff will be responsible for upholding and implementing all policies and procedures set out in this plan with particular reference to monitoring access, unauthorised activities and difficult and/or anti-social behaviour.

This will include:-

- (i) monitoring the entrance to the lifestyle estate;
- (ii) communicating with police, ambulance and other emergency services where required;
- (iii) overseeing procedures for evacuation in the case of fire or other emergency;
- (iv) induction and supervision of all personnel;
- (v) preparation and implementation of the staff roster;
- (vi) education and training of all personnel
- (vii) resolving any issues of conflict;
- (viii) oversight of all health, safety and security procedures;
- (ix) oversight of all cleaning and maintenance;
- (x) regular evaluation of the premises for maintenance, repairs, and replacements;
- (xi) implementation of EEO requirements, NSW Health and WorkCover NSW requirements and regulations;
- (xii) oversight of stocktaking with particular reference to ensuring a well-stocked supply of cleaning products and linen for the community/club house facilities;
- (xiii) oversight of maintenance of incidents and accident/injury registers;
- (xiv) liaise with neighbours as required to ensure the lifestyle estate operates in a manner that does not adversely impact on the social amenity of surrounding residents.

### **3.3 Staff Roles and Responsibilities**

A Manager is to be appointed to run the lifestyle estate on a day-to-day basis. Any Manager must have clear "Working with Children" check prior to being appointed to the position.

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The Manager will be responsible for:-

- (i) day to day running of the lifestyle estate;
- (ii) conducting interviews with potential residents and direct communication with residents, including resolving any problems that may arise;
- (iii) ensuring repairs and maintenance works are carried out in a timely manner;
- (iv) maintain hygiene standards within the lifestyle estate and ensuring regular cleaning of facilities and the estate;
- (v) enforcement of the lifestyle estate rules;
- (vi) communicating and building a positive relationship with neighbours;

The roles and responsibilities of the management staff include:-

- (i) assisting in upholding and implementing all relevant policies and procedures with particular reference to monitoring access, unauthorised activities and difficult and/or anti-social behaviour;
- (ii) contribute to the monitoring of the entrance of the lifestyle estate and its facilities;
- (iii) spot cleaning of common areas and estate facilities on a needs basis;
- (iv) cleaning and laundering of all linen for the community/club house facilities;
- (v) removal of waste and maintenance of waste collection areas;
- (vi) cleaning and disinfecting all wet areas, toilets and common areas;
- (vii) maintenance of cleaning schedules and spot cleaning checklist;
- (viii) act under instructions of the manager/proprietor in case of an emergency and/or evacuation of the lifestyle estate or any of its facilities;

### **3.4 Cleaning of Estate Facilities**

All cleaning must ensure that all dirt, dust and substances are collected

**17 Ash Street, Cessnock**

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and removed. All sanitary facilities and surfaces are cleaned first with neutral detergents and any bleach or disinfectants are used strictly in accordance with the manufacturer's instructions.

All equipment used for mopping including mop and bucket are to be cleaned with warm water and detergent after use and the equipment is then stored to dry with buckets placed upside down and mop supported off the ground.

Warning signs are posted in areas where floor surfaces may be damp or slippery during and after the floor cleaning activities.

#### **4.0 IMPLEMENTATION OF PLAN OBJECTIVES**

The above Plan objectives will be achieved via the following in-house management policies and procedures.

##### **4.1 Health and Well-Being**

Management will be responsible for the regular inspection of all estate facilities and common areas.

Management will be responsible for regular pest control.

All new residents will be provided with an information pack containing the following:-

- (i) locality map and directions;
- (ii) public transport options, bus time tables and community bus details;
- (iii) information on local community services, activities and community groups (council services, doctors, pharmacies, Lions Club, Not for profit organizations, volunteering opportunities etc.);
- (iv) shopping centre location;
- (v) estate rules;
- (vi) business hours contact details and emergency contact details for estate management;
- (vii) alternative contact details if manager unavailable; and
- (viii) emergency evacuation procedures

Estate Rules will be prepared and adopted covering the following issues:-

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- (i) rental/lease payments;
- (ii) policies regarding unauthorised activities;
- (iii) peace and quiet, abusive language, excessive noise and anti-social behaviour in consideration of internal and adjoining neighbours;
- (iv) behaviour and conduct in communal areas and estate facilities; and
- (v) contact details for emergencies

#### **4.2 Safety**

The entrance to the estate will be provided with low glare security lighting after dark. The Manager is to be on site at all times.

In addition, the following procedures will be implemented:-

- (i) the preparation of fire and other emergency evacuation plans. All personnel are trained in emergency evacuation procedures;
- (ii) emergency services number is coded into the telephone for easy access to Police and other emergency services;
- (iii) all fire extinguishers, smoke detectors, exit signs and emergency signs serviced regularly. All personnel are familiar with the use of fire extinguishers;
- (iv) all gas installations and fittings must be checked at least once every two years by a licensed gas fitter;
- (v) all electrical installations and fittings must be checked at least once every five years by a licensed electrician;
- (vi) all power outlets and electrical circuits must be connected to circuit breakers that comply with the applicable Australian Standard;
- (vii) all bathrooms or toilets within the community facilities must be fitted with a privacy latch that can be securely latched from the inside without a key;
- (viii) training is provided in dealing with difficult or intoxicated persons;
- (ix) adequate lighting for security purposes is provided in

**17 Ash Street, Cessnock**

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accorded with any CPTED report approved with the development;

(x) management staff are to maintain the estate incident book and accident/injury register. Any breach of security or related episode is entered into the incident book and reported to the Manager. The incident book is to be provided to NSW Police if and when requested; and

(xi) all cash money is to be kept in a safe/strong box in the office on the estate premises. Cash is to be banked on a daily basis.

#### **4.3 Managing Visitors**

(i) visitors may stay for no longer than six (6) weeks unless otherwise agreed by the Manager;

(ii) all visitors, including children must be accompanied by a resident whilst they are within the common areas and facilities of the estate; and

(iii) visitors (including children) cannot ride bicycles, roller blades, skateboards or the like within the common areas of the estate

#### **4.4 Unauthorised Activities on the Premises**

The Management Policy on unauthorised activities on the premises is prominently display at the entrance and in the reception area of the estate. Any residents found involved in any unauthorised activity will be subject to the provisions under the applicable Residential Site Agreement (RSA).

#### **4.5 Control of Anti-Social Behaviour**

Prevention of anti-social behaviour is the first course of action. Visitors are personally asked to restrain their behaviour. In the event of continuing anti-social behaviour, the Police will be called immediately.

In the event of an incident occurring within the lifestyle estate all personnel are instructed never to escalate the situation, but to wait at all times for the Police.

A back to base duress alarm is to be available in the front office / reception area.

#### **4.6 Maintenance and Repairs**



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Staff and any contract cleaning personnel will report to the Manager on any property damage and/or obvious signs of wear and tear. The Manager is to undertake a quarterly evaluation of the estate for maintenance, repairs, and replacement purposes which include:-

- (i) All paint finishes – any paint used will be of a wash and wear product standard;
- (ii) Tiling – tiling to be provided in bathrooms, toilets and around hand washbasins, staff tea and coffee making areas. Any chipped or broken tiles will be replaced;
- (iii) Floor coverings – all floor coverings will be kept clean and replaced when worn.
- (iv) Furniture and fittings – these items will be repaired and replaced within communal areas and facilities as required;
- (v) Evidence of anti-social behaviour and vandalism (ie graffiti, broken glass) to be removed within 24 hours;
- (vi) Broken fixtures and fittings such as lights to be repaired / replaced within 12 hours; and
- (vii) All gardens and landscaped areas are to be maintained on a regular basis

#### **4.7 Emergency Procedures**

All personnel are trained in emergency procedures as part of ongoing personnel training including familiarity with fire exits and position of fire extinguishers throughout the village facilities. In the event of fire or other emergency requiring evacuation of the communal facilities or the estate, the manager and/or the estate staff will implement fire evacuation procedures. All persons will be removed from the estate facilities immediately. The Manager or the estate staff will report the fire immediately to the appropriate service via the pre-coded number in the telephone.

A first aid kit and instructions on CPR are to be maintained in a readily accessible location on the premises.

#### **4.8 Garbage Collection**

Estate management is to collect all domestic waste from each individual dwelling site and transport this waste to the screened waste enclosure area. An approved private waste contractor will then service the bin areas

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and transport all waste material to Council's local landfill at the Cessnock Waste & Reuse Centre on Old Maitland Road.

Estate management will be responsible for the regular cleaning and maintenance of the screened waste enclosure.

#### **4.9 Community Bus**

Management is to provide a community bus for the use by residents. The community bus will be available for regular trips to Cessnock or other excursions as required by residents of the estate.

The community bus is to be maintained and serviced on a regular basis by management.

### **5.0 ASSET PROTECTION ZONES**

#### **5.1 General**

A *Bushfire Assessment Report* has been prepared by Newcastle Bushfire Consulting as a small portion of the site falls within a Bushfire Prone Area as identified by Cessnock City Council.

The *Bushfire Assessment Report* serves to identify issues relating to the condition of the site as part of the level of assurance required for consent by Cessnock City Council to the Development Application (DA) pertaining to the proposed development on the site. The report forms the basis for providing an assessment of the bushfire protection requirements for the estate and provides recommendations on the provision of Asset Protection Zones (APZ), accessibility and water supply. An Asset Protection Zone is provided in the north eastern corner of the site. The primary purpose of an APZ is to ensure that a progressive reduction of bushfire fuels occurs between the bushfire hazard and any habitable structures within the development.

#### **5.2 Maintenance of Asset Protection Zones**

Fuel management within the nominated APZ should be maintained with regular maintenance of the landscaped areas, managed lawns in accordance with an Inner Protection Area (IPA) and RFS guidelines: *Standards for Asset Protection Zones* (NSW RFS, 2005).

Management will be responsible for ensuring that all required maintenance is undertaken in accordance with the relevant guidelines.

Works are to include:-

- (i) raking or manual removal of fine fuels – ground fuels such as

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fallen leaves, twigs (less than 6 mm in diameter) and bark should be removed on a regular basis. This is fuel that burns quickly and increases the intensity of a fire. Fine fuels are to be removed by hand or with tools such as rakes, hoes and shovels;

(ii) mowing or grazing of grass – grass is to be kept short and, where possible, green;

(iii) the removal or pruning of trees, shrubs and understorey – the control of existing vegetation involves both selective fuel reduction (removal, thinning and pruning) and the retention of vegetation;

(iv) the pruning or removal of trees so as not to have a continuous tree canopy leading from the hazard to the asset. Separate tree crowns by two to five metres. A canopy should not overhang within two to five metres of a dwelling; and

(v) ensuring that native trees and shrubs be retained as clumps or islands and maintain a covering of no more than 20% of the area.

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Planning and Environment

Report No. PE61/2018

Planning and Environment



**SUBJECT:** ***JOINT CESSNOCK AND SINGLETON 'VINEYARD'S DISTRICT' PLANNING PROPOSAL EXHIBITION OUTCOMES***

**RESPONSIBLE OFFICER:** ***Strategic Planning Manager - Martin Johnson***

<b>APPLICATION NUMBER:</b>	18/2015/1
<b>PROPOSAL:</b>	Joint Cessnock and Singleton 'Vineyard's District' Planning Proposal
<b>PROPERTY DESCRIPTION:</b>	Applies to land zoned RU4 Primary Production Small Lots in the local government areas of Cessnock and Singleton
<b>PROPERTY ADDRESS:</b>	As above
<b>ZONE: (CURRENT)</b>	RU4 Primary Production Small Lots Zone
<b>ZONE (PROPOSED)</b>	No change
<b>OWNER:</b>	Applies to land zoned RU4 Primary Production Small Lots in the local government areas of Cessnock and Singleton
<b>PROPONENT:</b>	Cessnock City Council and Singleton Council

### **SUMMARY**

The purpose of this Report is to advise Council of the outcomes of the public exhibition of the Joint 'Vineyard's District' Planning Proposal (the Proposal) and provide options regarding the Proposal.

Council has been delegated authority to exercise the functions of the Minister for Planning and Environment to make, vary or not proceed with the proposed amendment to the *Cessnock Local Environmental Plan 2011* (CLEP 2011) as set out in the Proposal.

### **RECOMMENDATION**

1. That Council not proceed with the Joint Cessnock and Singleton 'Vineyard's District' Planning Proposal.
2. That Council notify the Department of Planning and Environment of its decision pursuant to Section 3.35 of the *Environmental Planning and Assessment Act 1979*.
3. That Council undertake further strategic analysis, including potentially a 'precinct' based approach to land use planning in the Cessnock RU4 Primary Production Small Lots Zone.
4. That Council write to those who made submissions, informing them of its decision.

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**BACKGROUND**

On 1 August 2012, Cessnock City Council resolved to adopt the 'Vineyard's Visioning Statement' (Vineyard's Vision), as amended by the wine and tourism industry. The document established the following vision for the Vineyard's District:

*'The Vineyard's District:*

- 1. Recognises and protects the primacy of the vineyards and maintains and enhances the existing vineyards, wineries and tourist uses*
- 2. Maintains and preserves the rural amenity, character and scenic vistas of the region for future generations to enjoy*
- 3. A place that reinforces the Hunter Valley Wine Brand as the key component of its tourism identity*
- 4. Allows and fosters a mix of diverse business, accommodation and employment options – creating a balance between working vineyards, tourist uses, residential and visitor amenity*
- 5. Council, peak business groups and community work collaboratively*
- 6. Has high quality infrastructure and services which meet the community's and visitors' needs'*

The Vineyard's Vision contains 37 actions, including an action that Cessnock City Council and Singleton Council amend their respective local environmental plans to adopt the same zones and objectives within the District. In response to this action, in November 2014, Cessnock City Council invited Singleton Council to work in partnership to prepare a joint planning proposal to align the objectives and land use table of the RU4 Primary Production Small Lots Zone of the *Cessnock Local Environmental Plan 2011* (CLEP 2011) and the *Singleton Local Environmental Plan 2013* (SLEP 2013). Singleton Council and Cessnock City Council subsequently resolved to prepare a joint proposal on 16 November and 9 December 2015, respectively. The project has involved substantial consultation and negotiation between the two councils.

A Gateway determination was issued in respect of the Proposal on 3 March 2016. However, for the remainder of 2016 and much of 2017, the Proposal was delayed to allow the finalisation of the Vineyard's District Study, prepared by specialist agricultural consultants RMCG. The Vineyard's District Study was primarily prepared to support the preparation of the Cessnock City Planning Strategy; however, the document also provides detailed guidance regarding the Proposal.

Preparation of the Vineyard's District Study included input from a vineyard's 'reference group', which met on three occasions between April and August 2016. The reference group included a selection of vignerons, developers and representatives from the Department of Planning and Environment, Singleton Council, Hunter Valley Wine and Tourism Association and Broke Fordwich Wine and Tourism Association. Cessnock Councillors were briefed on the outcomes of the Vineyard's District Study on 8 February 2017 and the final Study was submitted to Cessnock City Council on 21 June 2017.

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The Planning Proposal was revised in consideration of the recommendations of the Vineyard's District Study. The prohibition of the *serviced apartments* land use in the RU4 Zone was one of a small number of resulting amendments. On 16 October 2017, the Department of Planning and Environment (DoPE) confirmed that the proposed amendments, brought about by the Vineyards District Study, would not require an amended Gateway determination.

Councillors were briefed on the detail of the revised Proposal on 8 November 2017 and 1 February 2018, including the proposal to prohibit the *serviced apartments* land use and insert an additional local clause regarding *rural workers' dwellings*. The Proposal was placed on public exhibition between 21 June and 3 August 2018, including a two week extension. A total of 112 submissions were received in response to exhibition, 94 of which were received by Cessnock City Council and 18 received by Singleton Council.

The Gateway timeframe to finalise the Proposal has been extended on two occasions, 21 December 2016 and 19 December 2017. The extensions were to allow the Vineyard's District Study to be finalised by RMCG and its recommendations to be reflected in the Proposal. The timeframe to complete the Proposal is currently 10 December 2018.

Chronology

Date	Brief Description
1 Aug 2012	Vineyard's Vision adopted by Cessnock City Council
2 Dec 2015	Cessnock councillors briefed on the Proposal
16 Nov 2015	Singleton Council resolves to prepare the Proposal
9 Dec 2015	Cessnock Council resolves to prepare the Proposal
3 Mar 2016	Department of Planning and Environment Gateway determination issued
27 Apr 2016	Vineyard's District Study reference group meeting 1
29 Jul 2016	Vineyard's District Study reference group meeting 2
30 Aug 2016	Vineyard's District Study reference group meeting 3
21 Dec 2016	Gateway timeframe extended until 10 December 2017
8 Feb 2017	Cessnock councillors briefed on the Vineyard's District Study
21 Jun 2017	Final Vineyard's District Study submitted to Cessnock City Council
16 Oct 2017	DoPE confirm the revised Proposal does not require amended Gateway
8 Nov 2017	Cessnock councillors briefed on the revised Proposal
19 Dec 2017	Gateway timeframe extended until 10 December 2018
14 Feb 2018	Cessnock councillors briefed on the revised Proposal
21 Jun 2018	Public exhibition of the Proposal commences
20 Jul 2018	Public exhibition period extended until 3 Aug 2018

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Date	Brief Description
22 Aug 2018	Cessnock councillors briefed on the exhibition outcomes 1
26 Sep 2018	Cessnock councillors briefed on the exhibition outcomes 2

**REPORT/PROPOSAL**

The aim of the Proposal (**Enclosure 1**) is to align, as far as possible, the objectives and land use tables of the RU4 Primary Production Small Lots Zone in the Local Government Areas (LGAs) of Singleton and Cessnock so that there is effectively no arbitrary planning boundary within the area of the Pokolbin Vineyard's District. The Proposal reflects the intent of the Vineyards Vision to recognise and protect the primacy of the vineyards agricultural land use in the Cessnock RU4 Primary Production Small Lots Zone.

For the Cessnock LGA, the Proposal involves the following key land use amendments:

Land Uses to Become Permitted

*aquaculture*  
*eco-tourist facilities*  
*flood mitigation works*  
*home-based child care*  
*sewerage systems*  
*water supply systems*

Land Uses to Become Prohibited

*advertising structure*  
*centre-based child care facility*  
*neighbourhood shops*  
*respite day care centres*  
*rural supplies*  
*serviced apartments*  
*waste or resource management facilities*

For the Singleton LGA, the Proposal involves the following key land use amendments:

Land Uses to Become Permitted

*backpackers' accommodation*  
*eco-tourist facilities*  
*rural workers' dwellings*  
*secondary dwellings*

Land Uses to Become Prohibited

*airstrips*  
*composting facilities and works*  
*dual occupancies*  
*forestry*  
*helipads*

In addition to the above land use amendments, the Proposal seeks to amend the Singleton RU4 Zone objectives and include development standards in both CLEP 2011 and SLEP 2013 for *rural workers' dwellings*. Other minor amendments are also proposed; however, these will not alter either councils' existing policy direction.

Potential Impacts of the Proposal

The Proposal does not achieve full alignment of the Cessnock and Singleton RU4 Zone land use tables. Inconsistencies remain in relation to the permissibility of *hotel and motel accommodation*, *recreation areas* and *recreation facilities (outdoor)*. These land uses will remain permissible in the Singleton RU4 Zone and prohibited in the Cessnock RU4 Zone.

The Proposal will affect the overall range of activities that may occur in the Vineyard's District with consent. Some additional uses will be permitted, while others will be prohibited. However, the extent of the impact is largely dependent upon how each development is (or has been) 'characterised' and this varies on a case by case basis.

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For example, if the character of a proposed 'guest house' (non-LEP defined term) is consistent with the definition of *farm stay accommodation* (LEP defined term) it will be permissible with consent as *farm stay accommodation* in the RU4 Zone. However, if a proposed 'guest house' is consistent with the definition of *hotel or motel accommodation*, it is currently prohibited in the Cessnock RU4 Zone. Should none of the other *tourist and visitor accommodation* 'sub-term' land uses adequately define the character of a 'guest house', it might simply be characterised as *tourist and visitor accommodation* (the group term) and therefore considered permissible in the RU4 Zone.

Justification for the Proposal

There is considerable information that supports the intent of the Proposal to recognise and protect the primacy of *viticulture* and the rural amenity of the District, which draws tourism to the area. This includes Direction 9 of the Hunter Regional Plan 2036, Statements 1 and 2 of the Vineyard's Vision document, as amended by the wine and tourism industry and more recently, the 2017 Vineyard's District Study, prepared by specialist agricultural consultants RMCG. Much of the Cessnock and Singleton wine region is also identified by the State government as 'Strategic Agricultural Land' for the Critical Industry Cluster of *viticulture*.

While it is acknowledged that State and local strategies such as the Hunter Regional Plan and the Vineyards Vision also highlight the importance of 'complementary' tourist activities, these are considered in the context of *viticulture* as the prime land use in the RU4 Zone. In this regard, State and local strategies set out that all other land uses, including those related to wine tourism, must 'recognise and protect' the vineyards and 'maintain and preserve' the rural character of the area and not detract from it.

To this end, the Planning Proposal sets out that certain forms of development have the potential to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural and viticultural character of the land. This is not to say that these developments cannot co-exist with viticulture, rather that they present a significantly higher likelihood of land use conflict, particularly within certain areas of the Vineyard's District.

The Proposal outlines one way this land use conflict can be managed, that is by addressing the potentially 'high risk' land uses in the RU4 Zone. This approach is supported by the Vineyard's District Study, prepared by specialist agricultural consultants RMCG in 2017 and is implied in the Department of Primary Industries' advice of May 2016.

Ultimately, the Vineyard's District occupies a relatively small area of land in the Hunter Region. Careful consideration must be given to the siting and built form of any non-viticultural development that is proposed within the land. Over time, proliferation of non-viticultural development in the District, primarily development that is more akin to urban areas, will have a cumulative impact on the rural and viticultural character of the land, will result in amenity impacts and may eventually undermine the rural landscape and character that is fundamental to the overall appeal of the District for tourists.

It is worth noting that since the commencement of the 1989 Cessnock LEP, approximately 200 *known* tourist related applications have been lodged with Cessnock City Council for the Vineyard's District. Many of these applications incorporate some form of tourist accommodation. This figure is unlikely to include many of the 'Airbnb' style accommodation, which is becoming more prevalent in the Hunter Region.

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In contrast, since 2001, a total of 1,600 hectares of vineyards have been removed from the Hunter Valley region (RMCG, 2017). While only a proportion of this occurred in the Pokolbin Vineyard's District, such changes to the development landscape impacts the delicate relationship between viticulture and wine tourism and clearly underscores the need to manage development appropriately in the District to ensure the sustainability of both industries for future generations.

Key Issues Raised During Exhibition

112 submissions were received in response to the exhibition of the Proposal. The submissions generally emphasise the economic value of wine tourism to the local and regional economy and highlight the significant interrelationship between wine tourism and viticulture. The submissions outline that property values, capital investment and income will be negatively impacted by the Proposal and will result in negative flow on effects to the wider economy. A detailed summary and response to the key issues raised during the exhibition period is included at **Enclosure 1**.

Recommendation not to Proceed with the Proposal

Proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allows for and considers land use differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist between certain precincts in the District.

Proceeding with the Proposal as exhibited is also likely to result in further amendments to CLEP 2011, including perhaps the need to reintroduce at a later time land uses prohibited as result of this Proposal. This may be the case if it is determined at a future time that those uses are appropriate in certain 'character' precincts.

Deferring the Proposal, or certain aspects of the Proposal, such as the *tourist and visitor accommodation* land use group, is also not recommended. This is primarily because the Proposal would remain for an indefinite period of time on Council's planning certificates. This would result in a high degree of uncertainty for land owners, developers and prospective purchasers of land. It is also clear that, aside from *viticulture*, the *tourist and visitor accommodation* land use group accounts for a substantial proportion of the existing land uses that occur in the Vineyard's District. Deferring such an important land use group from the Proposal will mean the key objective of standardisation has not been achieved.

For these reasons, it is considered that not proceeding with the Proposal is the most logical outcome at this time. Therefore, it is recommended that Council undertake further strategic analysis, including potentially a 'precinct' based approach to land use planning in the Cessnock RU4 Primary Production Small Lots Zone.

A 'Precinct' Based Planning Approach

The Proposal has provided Council valuable information regarding the 'mechanics' of the Vineyard's District. This information will be considered in any amended Proposal or alternative land use outcomes for the District.

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One alternative option available to Council is a 'precinct' based planning approach. The approach would involve identifying specific 'character' precincts (clusters of allotments) in the Vineyard's District that share similar attributes. Development standards and controls, specific to each precinct, would then be applied.

A 'precinct' based approach would also allow for the application of a new zone, for example the SP3 Tourism Zone, to one or more precincts to encourage 'larger' scale tourism development around tourism nodes. The siting and built form of 'lower impact' tourist development would be subject to development standards and controls that vary depending upon the precinct in which the property is located.

A precinct based approach would likely entail amendments to CLEP 2011 and the Cessnock Development Control Plan 2010.

**OPTIONS**

1. Not proceed with the Planning Proposal, but undertake further strategic analysis, including potentially a 'precinct' based approach to land use planning in the Cessnock RU4 Primary Production Small Lots Zone. This is the recommended option. It will allow Council to consider land use differentiation between the District's existing 'character' precincts.
2. Progress the Planning Proposal as exhibited. This option is not recommended. Proceeding with a 'broad brush' planning approach to the District will not reflect important differences that exist between certain 'character' precincts in the District.
3. Defer the *tourist and visitor accommodation* component of Proposal. This option is not recommended. Deferring such an important land use group from the Proposal will mean the key objective of standardisation has not been achieved. This approach will also result in considerable uncertainty for land owners, developers and prospective purchasers of land.
4. Defer the entire Planning Proposal. This option is not recommended due to the resulting uncertainty for land owners, developers and prospective purchasers of land.

**CONSULTATION**

The Proposal was placed on public exhibition between 21 June and 20 July 2018; however, this period was extended until 3 August 2018 to provide additional time for interested parties to consider and respond to the Planning Proposal, specifically in relation to its impact on the *tourist and visitor accommodation* land use group.

The exhibition period resulted in 112 submissions: 94 of which were received by Cessnock City Council and 18 were received by Singleton Council.

While the submissions generally support the intent of the Proposal to standardise the RU4 Zone and protect the primacy of the vineyards, there was significant disagreement regarding the outcome for particular land uses, for example, the *serviced apartments* land use.

A list of the key issues raised by the community during the exhibition of the Proposal is included at **Enclosure 2**.

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Consultation has occurred with the Department of Planning and Environment throughout the Planning Proposal process. The Department has indicated its support with the recommendation to not proceed with the Planning Proposal at this stage, but undertake further strategic analysis, including potentially a 'precinct' based approach to land use planning in the Cessnock RU4 Primary Production Small Lots Zone.

**STRATEGIC LINKS**

**a. Delivery Program**

A Sustainable and Healthy Environment: Objective 3.1 Protecting and Enhancing the Natural Environment and the Rural Character of the Area.

**b. Other Plans**

Hunter Regional Plan 2036

The Proposal seeks to recognise and protect the primacy of the vineyards and maintain the scenic rural landscape of the Vineyard's District, which draws tourism to the area. This is consistent with Direction 9 of the Hunter Regional Plan 2036.

While it is acknowledged that State and local strategies, such as the Hunter Regional Plan, also contain directions regarding wine tourism, these need to be considered in the context of viticulture as the prime land use in the RU4 Zone. In this regard, the documents set out that other land uses, including those related to wine tourism, must recognise and protect the primacy of the vineyards.

Upper Hunter Strategic Regional Land Use Plan

The Planning Proposal is consistent with the relevant actions specified in the Upper Hunter Strategic Regional Land Use Plan (UHSRLUP), including Action 3.3 of UHSRLUP that aims to protect strategic agricultural land, including the critical industry cluster of viticulture.

Cessnock City Council Community Strategic Plan - Our People, Our Place, Our Future

The Proposal is consistent with Council's Community Strategic Plan.

Singleton Council Community Strategic Our Place: A Blueprint for 2023

The Proposal is consistent with Council's Community Strategic Plan.

Cessnock City Wide Settlement Strategy 2010

The Planning Proposal is consistent with the Cessnock City Wide Settlement Strategy (CWSS). CWSS identifies the uniqueness of the Vineyards District as both a specialised commercial centre and regionally significant agricultural land and this is reflected in the objectives of this Planning Proposal.

Vineyards Vision Statement

The Proposal reflects the intent of the Vineyards Vision to recognise and protect the primacy of the vineyards agricultural land use in the Cessnock RU4 Primary Production Small Lots Zone.



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Consistency with State Environmental Planning Policies

The Proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs). An assessment of relevant SEPPs against the Planning Proposal is provided in the accompanying Planning Proposal.

Ministerial Section 9.1 Directions

Section 9.1 of the *Environmental Planning & Assessment Act 1979* enables the Minister for Planning and Environment to issue directions that Council must address when preparing planning proposals to amend a Local Environmental Plan. An assessment of relevant 9.1 Directions are provided in the accompanying Planning Proposal. The Proposal is considered to be consistent with the relevant Ministerial Directions.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

This Report has regard to the provision of the *Environmental Planning and Assessment Act 1979* and associated Regulations. The current status of the Proposal is identified in the following process.

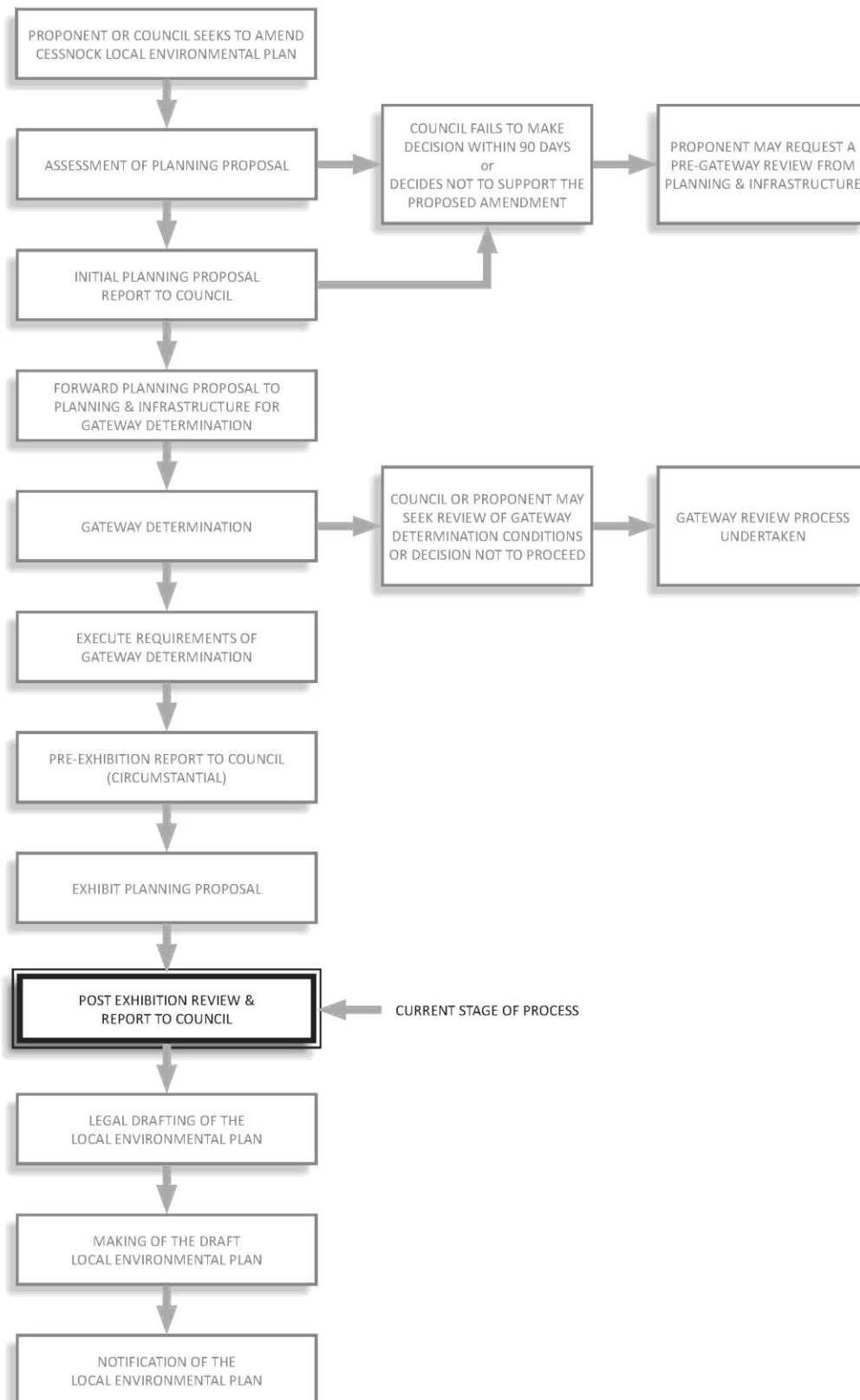
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PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



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**b. Financial Implications**

The cost of this project is funded from Council's Strategic Land Use Planning budget.

The cost of precinct planning if endorsed will be funded from Council's Strategic Land Use Planning budget.

**c. Legislative Implications**

This Report has regard to the provisions of the *Environmental Planning & Assessment Act 1979* and its Regulations and the *Standard Instrument (Local Environmental Plans) Order 2006* (as amended).

**d. Risk Implications**

The Proposal will affect the overall range of activities that may occur in the Vineyard's District with consent. Some additional uses will be permitted, while others will be prohibited. However, the extent of the impact is largely dependent upon how each development is (or has been) 'characterised' and this varies on a case by case basis.

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

**CONCLUSION**

From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allows for and considers land use differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist between certain precincts in the District.

It is considered that not proceeding with the Proposal is the most logical outcome at this time. Therefore, it is recommended that Council undertake further strategic analysis, including potentially a 'precinct' based approach to land use planning in the Cessnock RU4 Primary Production Small Lots Zone.

**ENCLOSURES**

- [1](#) Joint Cessnock and Singleton 'Vineyards District' Planning Proposal
- [2](#) Summary of Submissions



## **JOINT PLANNING PROPOSAL**

*Amendments to the:*

*Cessnock Local Environmental Plan 2011*

*and*

*Singleton Local Environmental Plan 2013*

## **RU4 Zone (Vineyards) Planning Provisions**

Version 1.2

12 April 2018

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## **PART 1: OBJECTIVES and OUTCOMES**

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The objective of this Planning Proposal is to standardise, as far as possible, the objectives and land use tables of the RU4 Primary Production Small Lots Zone in the Local Government Areas (LGAs) of Singleton and Cessnock so that there is effectively no arbitrary planning boundary within the area of the Pokolbin Vineyard District. This Proposal is consistent with the principles of the *Standard Instrument (Local Environmental Plans) Order 2006*.

The outcome of this Planning Proposal will be amended objectives and Land Use Tables of the RU4 Zone in both the *Cessnock Local Environmental Plan 2011* (CLEP 2011) and the *Singleton Local Environmental Plan 2013* (SLEP 2013). The Land Use Tables will be amended to be as compatible as possible, while respecting important differences between the LGAs. The differences that will remain relate to the permissibility of *hotel and motel accommodation, recreation areas and recreation facilities (outdoor)*. The differences reflect certain characteristics that are unique to each LGA.

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## **PART 2: EXPLANATION of PROVISIONS**

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### Overview

This Planning Proposal has been prepared to enable amendments to be made to the objectives and land use table of the RU4 Primary Production Small Lots Zone in both the:

- *Cessnock Local Environmental Plan 2011*, gazetted on 23 December 2011 and came into effect on that date; and
- *Singleton Local Environmental Plan 2013*, gazetted on 6 September 2013 and came into effect on that date.

The amendments have been prepared to standardise the provisions of the RU4 Zone across the adjoining LGAs. This is primarily to ensure consistency in the planning provisions in the Vineyards District of the Pokolbin locality, where the RU4 Zone of each LGA adjoins along Hermitage Road. The amendments will also apply to the Vineyards area of the Broke-Fordwich locality in Singleton LGA, also zoned RU4.

### Affected Land

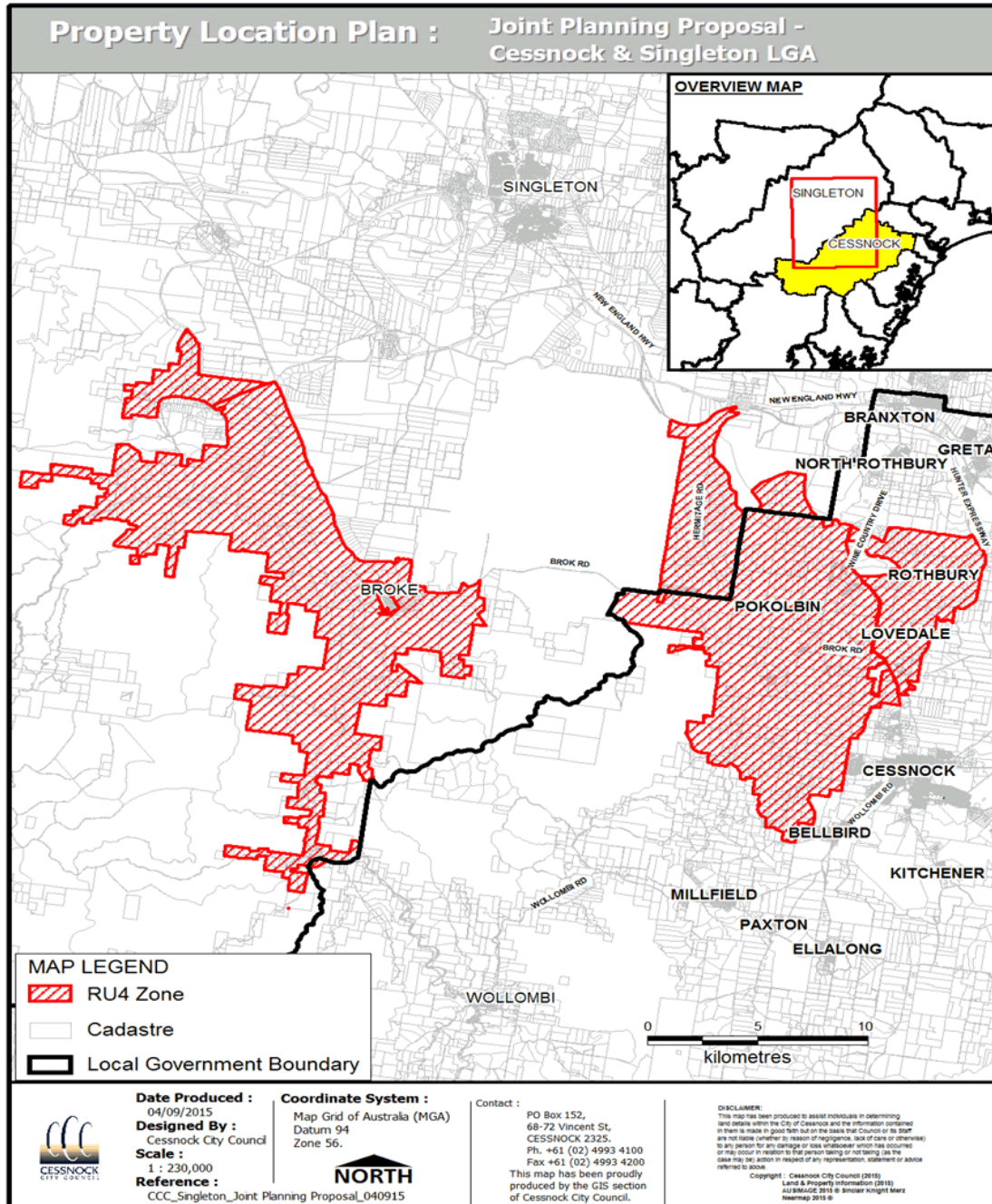
The amendments relate to all land zoned RU4 Primary Production Small Lots in both LGAs, as shown in **Figure 1** and **Figure 2** on the following pages.



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Figure 1 - RU4 Zone, Cessnock and Singleton LGAs (Pokolbin and Broke/Fordwich Area)

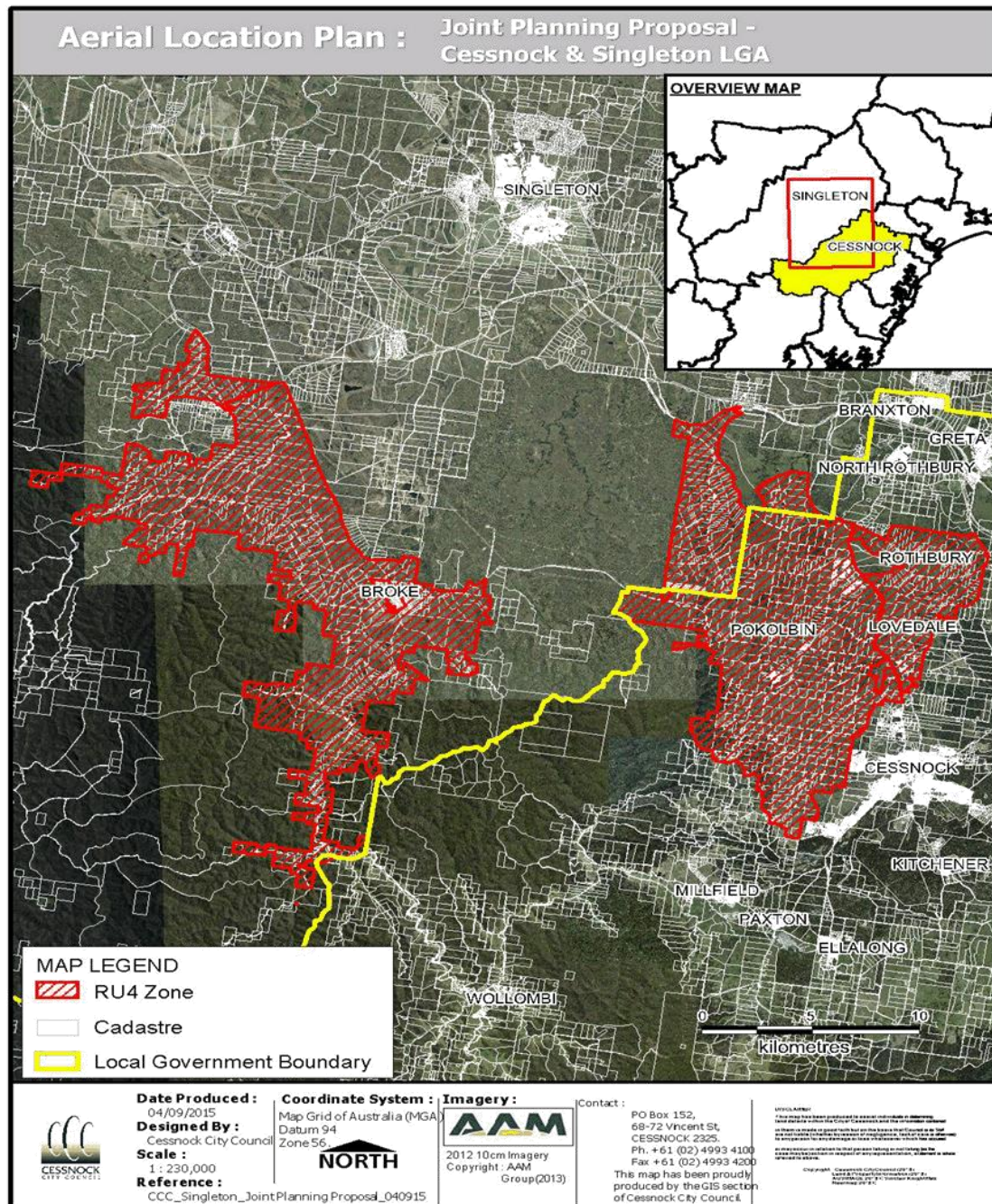




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Figure 2 - RU4 Zone, Cessnock and Singleton LGAs (Pokolbin and Broke/Fordwich Area) - Aerial



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## **1. Amendments to the Cessnock and Singleton RU4 Zone Objectives**

### Issue

The Standard Instrument – Principal Local Environmental Plan mandates that the following objectives must be included in respect of the RU4 Primary Production Small Lots Zone, where that Zone is adopted:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

In addition to the mandated objectives, Cessnock and Singleton councils chose to include local objectives for the RU4 Zone when preparing their respective Standard Instrument LEPs. The local objectives included by Cessnock and Singleton Council are different, but have similar intent.

In CLEP 2011, the following additional local objectives were included for the RU4 Zone:

- *To maintain prime viticultural land and enhance the economic and ecological sustainability of the Vineyards District.*
- *To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the Vineyards District.*
- *To enable the continued rural use of land that is complementary to the viticultural character of the land.*

In SLEP 2013, the following additional local objective was included for the RU4 Zone:

- *To recognise Hunter Valley Wine Country and the adjoining environs of Broke-Fordwich as a major viticultural and tourist destination by providing additional opportunities for compatible tourist uses.*

This Planning Proposal seeks to amend the objectives of the RU4 Zone in SLEP 2013 to reflect the existing RU4 Zone objectives in CLEP 2011. The intent of the Zone objectives in CLEP 2011 are fundamentally the same as the objective in SLEP 2013; however, it is considered that the objectives in CLEP 2011 expand more thoroughly on key viticultural principles of economic and ecological sustainability and of tourism brought about by the vineyards and associated land uses.

### Recommendation

1. In SLEP 2013, remove the following:

- *To recognise Hunter Valley Wine Country and the adjoining environs of Broke-Fordwich as a major viticultural and tourist destination by providing additional opportunities for compatible tourist uses.*

2. In SLEP 2013, insert the following:

- *To maintain prime viticultural land and enhance the economic and ecological sustainability of the Vineyards District.*
- *To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the Vineyards District.*
- *To enable the continued rural use of land that is complementary to the viticultural character of the land.*



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## **2. Amendments to the Cessnock and Singleton RU4 Zone Land Use Tables**

### Issue

The land use table that applies to the RU4 Primary Production Small Lots Zone under the *Cessnock Local Environmental Plan 2011* and *Singleton Local Environmental Plan 2013* are slightly different. Certain land uses permitted in one council's RU4 Zone are not permitted in the other, and vice versa.

The outcome of this Planning Proposal will be amended Land Use Tables of the RU4 Zone in both CLEP 2011 and SLEP 2013. The land use tables will be amended to be as similar as possible, while respecting important differences between the local government areas. The differences that will remain relate to the permissibility of *hotel and motel accommodation*, *recreation areas* and *recreation facilities (outdoor)*. The differences will reflect certain characteristics that are unique to each Local Government Area.

Some of the changes included in this Planning Proposal will not alter either Council's policy position, but will simplify each Council's RU4 Zone Land Use Table by incorporating 'group terms' where it is appropriate to do so.

Group terms are used to identify particular categories of land uses, which comprise one or more sub-terms. For example, the land use, *intensive plant agriculture*, is a group term that comprises several sub-terms, including *horticulture*, *turf farming*, and *viticulture*. Where a group term is included in a zone land use table, each corresponding sub-term is also taken to be included, unless that sub-term is expressly prohibited in the same land use table.

In addition to simplifying the RU4 Zone Land Use Table, this Planning Proposal also involves including and removing other land uses to bring about consistency between the CLEP 2011 and SLEP 2013. These land use amendments are discussed in the recommendations below.

### Points of Difference

#### **1. Hotel and Motel Accommodation**

##### Cessnock City Council Consideration and Response

Larger forms of *tourist and visitor accommodation*, such as *hotel and motel accommodation*, are more likely to conflict with viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural character and scenic vista of the area, which are important and dominant features of the Viticultural District. Tourist related developments that aren't ancillary to viticultural developments are considered more appropriately located in established urban areas where there are supporting facilities, retail and infrastructure.

Cessnock Council has traditionally taken the approach of limiting the density and size of tourist developments in the Viticultural District. This was previously achieved under Clause 52 of the LEP 1989, and currently achieved under Clause 7.6 of the LEP 2011 and Parts D and E of the Cessnock Council Development Control Plan 2010.

Limiting the size and density of *tourist and visitor accommodation* in the Viticultural District was recommended in the Cessnock City Wide Settlement Strategy (CWSS) 2010 (Actions T2 and T5). The CWSS highlights the need to enforce strict density and size controls to 'ensure that tourism does not interfere with the operation of agricultural and intensive agricultural pursuits such as vineyards [...]'. Prohibiting 'stand-alone' forms of tourist related development in the RU4 Zone is also consistent with the Vineyards Vision and the more recent, Vineyards District Study, carried out by consultants RMCG.

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The view that tourism land uses should not be 'stand-alone' was also supported during the preparation of CLEP 2011 by the then Department of Industry and Investment (Agriculture) that commented, 'it is important to acknowledge that tourist and related developments should be ancillary to viticultural developments'.

Larger forms of *tourist and visitor accommodation* may still be considered on a case by case basis by Council within the Zone and, if assessed as appropriate, enabled for certain parcels of land. This approach has traditionally been utilised by Cessnock Council, previously under Schedule 5 of the LEP 1989 and currently, under Schedule 1 of the LEP 2011.

#### Singleton Council Consideration and Response

Singleton Council is proposing to maintain the permissibility of *hotel and motel accommodation* in the RU4 Zone until such time as an appropriate planning study for the Vineyards District in Singleton has been completed. Where such a study identifies that the permissibility of *hotel and motel accommodation* should change, Council will amend the LEP accordingly. This would enable the identification of appropriately scaled and planned local tourism enterprise opportunities and enhance the attractiveness and competitiveness of the Singleton Vineyards District.

At present, it is considered that providing diversity in accommodation types and styles for temporary or short-term accommodation might encourage a broader range of visitors to the Vineyards District in the Singleton Local Government Area. Given the relative size and scale of existing development within the Singleton Vineyards District and the contrasting unique characteristics of Broke – Fordwich, prohibiting *hotel and motel accommodation* in the RU4 zone has the potential to limit future growth and development of tourism in the Singleton LGA.

Community consultation at the time of exhibition of the Planning Proposal would be directed towards determining if *hotel and motel accommodation* should be permissible in the RU4 zone.

## **2. Recreation Areas and Recreation Facilities (Outdoor)**

#### Cessnock City Council Consideration and Response

Recreation land uses are currently prohibited in the RU4 Zone in Cessnock and are proposed to remain so under this Planning Proposal. *Recreation areas* and *recreation facilities (outdoor)* that are not ancillary to viticultural developments are considered to be more appropriately located in established urban areas, where they are less likely to conflict with the viticultural pursuits occurring in the Zone. Outdoor concerts that attract tourism, like Lovedale Long Lunch and Jazz in the Vines, are assessed as 'temporary events' and remain permissible pursuant to clause 2.8 of CLEP 2011.

#### Singleton Council Consideration and Response

Recreation land uses are currently permitted in the RU4 zone in Singleton. Singleton Council is proposing to maintain the permissibility of recreation land uses within the SLEP until such time as an appropriate planning study for the Vineyards District within the Singleton Local Government Area has been completed. Where such a study identifies that the permissibility of *Recreation areas* and *recreation facilities (outdoor)* should change, Council will amend the LEP accordingly. This would enable the identification of appropriately scaled and planned local tourism enterprise opportunities and enhance the attractiveness and competitiveness of the Singleton Vineyards District.

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Community consultation at the time of exhibition of the Planning Proposal would be directed towards determining if *recreation areas* and *recreation facilities (outdoors)* should be permissible in the RU4 zone.

#### Recommendation

1. In CLEP 2011, remove the following from 'Permitted with consent' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:

- *centre-based child care facility* The land use is appropriate in urban zones, rather than primary production zones. The amendment will bring about consistency between CLEP 2011 and SLEP 2013. *Home-based child care* is proposed to be permitted with consent in the RU4 Zone to allow low key child care activities to occur.
- *intensive plant agriculture* The land use will remain permissible with consent under the *agriculture* group term in both CLEP 2011 and SLEP 2013.  
  
In this important viticultural area *intensive plant agriculture* is to be permitted with consent, so that appropriate assessment can be made of developments, particularly *turf farming* and *horticulture*, which have the potential of comprising buildings and/or practices close to established *viticulture*. The establishment of buffers between existing *viticulture* and other land uses is important in this regard.
- *neighbourhood shops* The amendment will bring about consistency between CLEP 2011 and SLEP 2013. While it is acknowledged that there are some existing tourist related shops in the RU4 Zone, these are likely reliant on existing use rights or approved as development ancillary to a permitted use, such as *viticulture* or *cellar door premises*. A 'tourist related shop' is not separately defined in the LEP and would likely be considered a *retail premises (shop)* under the Standard Instrument LEP. *Shops* are currently prohibited in the RU4 Zone in both Cessnock and Singleton and are considered more appropriate in urban zones. A 'tourist related shop' would not meet the standard instrument definition of a *neighbourhood shop*, which provides '[...] for the day-to-day needs of people who live or work in the local area'.
- *respite day care centres* The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the land use is appropriate in urban zones, rather than rural zones.
- *rural supplies* As above.
- *waste or resource management facilities* The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the land use is out of character with the objectives of the RU4 Zone.

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2. In CLEP 2011, add the following to 'Permitted with consent' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:

- *agriculture*

The land use is a group term that will help simplify the Zone RU4 land use table and permit the following sub-term land uses to be carried out with development consent: *aquaculture*, *intensive plant agriculture*, and *viticulture*. *Intensive livestock agriculture* is to be the only land use within the group term that will be prohibited.
- *home-based child care*

*Home-based child care* is proposed to be permitted with consent to allow low key child care activities to occur in the Zone. The amendment will also bring about consistency between CLEP 2011 and SLEP 2013.
- *eco-tourist facilities*

The land use was only specifically defined in the Standard Instrument LEP after the gazettal of CLEP 2011. The land use relates to temporary or short term accommodation located in or adjacent to an area with special ecological or cultural features, which is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The land use is subject to the development standards contained in Cl.5.13 of the Standard Instrument LEP. It is considered appropriate to include the land use in the RU4 Zone.

Note: Clause 7.6 of CLEP 2011, regarding *tourist and visitor accommodation*, may need to be amended in conjunction with this particular amendment to include *eco-tourist facilities*. This matter will require further review by Cessnock Council following community consultation.
- *sewerage systems*

The land use is permitted with consent in the RU4 Zone under *State Environmental Planning Policy (Infrastructure) 2007*. The amendment will bring about consistency with the Infrastructure SEPP and SLEP 2013.
- *water supply systems*

The amendment will bring about consistency between CLEP 2011 and SLEP 2013. A *water supply system* includes a *water reticulation system*, *water storage facility*, and *water treatment facility*. It is considered appropriate to permit *water supply systems* with consent in the RU4 Zone.

Note: Under *State Environmental Planning Policy (Infrastructure) 2007*, public authorities are permitted to carry out development for the purpose of a *water reticulation system* and *water treatment facility* without consent in the RU4 Zone.
- *flood mitigation works.*

The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered



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appropriate to permit *flood mitigation works* with consent in the RU4 Zone.

3. In CLEP 2011, add the following to 'Prohibited' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:

- *intensive livestock agriculture* The proposed amendment will not change Cessnock Council's policy position regarding *intensive livestock agriculture* in the RU4 Zone. Because the group term *agriculture* is proposed to be included in the CLEP 2011 RU4 Zone land use table, it is critical to also amend the land use table to clearly prohibit *intensive livestock agriculture* in the RU4 Zone.

- *advertising structure* The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Strict requirements apply to *advertising signage* on rural or non-urban land under *State Environmental Planning Policy 64 – Advertising Signage*, which already limits Council's ability to grant consent to *advertising signage*.

Building and business identification signage will remain permissible with consent in the RU4 Zone.

- *serviced apartments* Larger forms of *tourist and visitor accommodation*, such as *serviced apartments*, are likely to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural character of the area. The *serviced apartments* land use is considered to be more appropriately located in established urban areas, where there are supporting facilities, retail and infrastructure.

Cessnock Council may consider permitting *serviced apartments* at key 'destination nodes' in the Viticultural District, perhaps with the application of different zone, e.g. the SP3 Zone, or a property specific additional permitted use.

4. In SLEP 2013, remove the following from 'Permitted without consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:

- *intensive plant agriculture* The land use will remain permissible with consent under the *agriculture* group term in both CLEP 2011 and SLEP 2013.

In this important viticultural area, *intensive plant agriculture* is to be permitted with consent, so that appropriate assessment can be made of developments, particularly *turf farming* and *horticulture*, which have the potential of comprising buildings and/or practices close to established *viticulture*. The establishment of buffers between existing *viticulture* and other land uses is important in this regard.

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5. In SLEP 2013, remove the following from 'Permitted with consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:

- *airstrips* The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Temporary use of land for the purpose of an *airstrip* may still be approved by Council subject to the provisions of Clause 2.8 of the LEP.
- *aquaculture* The land use will remain permissible with consent under the *agriculture* group term in CLEP 2011 and SLEP 2013. The proposed amendment will not change Singleton Council's policy position regarding *aquaculture* in the RU4 Zone, but will help simplify the RU4 Zone land use table.
- *building identification signs* The land use will remain permissible with consent under the *signage* group term in CLEP 2011 and SLEP 2013. The proposed amendment will not change Singleton Council's policy position regarding *building identification signs* in the RU4 Zone, but will help simplify the RU4 Zone land use table.
- *business identification signs* As above.
- *dual occupancies* The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the *dual occupancy* land use is out of character with the objectives of the RU4 Zone. *Secondary dwellings* and *rural workers dwellings* will be permissible with consent in the RU4 Zone, which will provide opportunities to accommodate rural workers, required to carry on primary production.
- *forestry* *Forestry* is considered to be inconsistent with the character and objectives of the RU4 Zone.
- *helipads* A *helipad* means a place not open to the public used for the taking off and landing of helicopters. The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Temporary use of land for the purpose of a *helipad* may still be approved by Council subject to the provisions of Clause 2.8 of the LEP.
- *turf farming* The land use will remain permissible with consent under the *agriculture* group term in both LEPs. The proposed amendment will not change Singleton Council's policy position regarding *turf farming* in the RU4 Zone, but will help simplify the RU4 Zone land use table.
- *viticulture* As above.
- *rural industries* *Rural industries* is a group term that comprises several sub-term land uses, including *agricultural produce*



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*industries, livestock processing industries, sawmill or log processing works, stock and sale yards and composting facilities and works (including the production of mushroom substrate).*

While the *rural industries* group term will be removed from the permitted land uses in the RU4 Zone of SLEP 2013, Singleton Council's policy position will not change significantly in relation to the aforementioned sub-term land uses. The only change from the existing provisions will be the prohibition of *composting facilities and works (including the production of mushroom substrate)*. It is considered that this use is unsuitable on smaller agricultural lots and the removal of the land use will therefore not have significant impact on development in the RU4 zone.

The amendment will help simplify the Zone RU4 land use table in CLEP 2011 and SLEP 2013.

6. In SLEP 2013, add the following to 'Permitted with consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:

- *agriculture* The land use is a group term that will help simplify the Zone RU4 land use table and permit the following sub-term land uses to be carried out with development consent: *aquaculture, intensive plant agriculture, and viticulture*. *Intensive livestock agriculture* is to be the only land use within the group term that will be prohibited.
- *agricultural produce industries* The proposed amendment will not change Singleton Council's policy position regarding *agricultural produce industries* in the RU4 Zone, but will help simplify the Zone RU4 land use table.
- *eco-tourist facilities* The land use relates to temporary or short term accommodation located in or adjacent to an area with special ecological or cultural features, which is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The land use is subject to the development standards contained in Cl.5.13 of the Standard Instrument LEP. It is considered appropriate to include the land use in the RU4 Zone.
- *rural workers dwellings* A *rural worker's dwelling* means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of *agriculture* or a *rural industry* on that land. It is considered appropriate to include the land use in the RU4 Zone and will provide additional accommodation opportunities for rural workers. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.

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- *secondary dwellings*      A *secondary dwelling* means a self-contained dwelling that is established in conjunction with another dwelling (the *principal dwelling*), and is on the same lot of land as the principal dwelling, and is located within, or is attached to, or is separate from, the principal dwelling. It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.
  - *signage*      The proposed amendment will not change Singleton Council's policy position regarding *signage* in the RU4 Zone, but will help simplify the Zone RU4 land use table.
7. In SLEP 2013, remove the following from 'Prohibited' in the Land Use Table for RU4 Primary Production Small Lots Zone:
- *backpackers' accommodation*      *Backpackers' accommodation* means a building or place that provides temporary or short-term accommodation on a commercial basis, and has shared facilities, such as a communal bathroom, kitchen or laundry, and provides accommodation on a bed or dormitory-style basis (rather than by room). It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.
  - *livestock processing industries*      The proposed amendment will not change Singleton Council's policy position regarding livestock processing industries in the RU4 Zone, but will help simplify the Zone RU4 land use table. *Livestock processing industries* will remain prohibited under the *rural industries* group term.
  - *sawmill or log processing industries*      As above.
  - *stock and sale yards*      As above.
8. In SLEP 2013, add the following to 'Prohibited' in the Land Use Table for the RU4 Primary Production Small Lots Zone:
- *advertising structure*      The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Strict requirements apply to *advertising signage* on rural or non-urban land under *State Environmental Planning Policy 64 – Advertising Signage*, which already limits Council's ability to grant consent to *advertising signage*.  
  
Building and business identification signage will remain permissible with consent in the RU4 Zone.

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### **3. Include development standards for rural workers' dwellings in CLEP 2011 and SLEP 2013**

#### Issue

The proposed amendment relates to the erection of *rural workers' dwellings* in the Cessnock and Singleton Local Government Areas.

*A rural worker's dwelling means 'a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land'.*

*Rural workers' dwellings* are currently permissible with consent in the Cessnock RU4 Primary Production Small Lots Zone and will become permissible in the Singleton RU4 Primary Production Small Lots Zone as a result of this Planning Proposal.

At present, neither CLEP 2011 or SLEP 2013 include development standards for *rural workers' dwellings*. Establishing development standards for the land use in the respective plans will prevent inappropriate forms of the development and ensure that consent is only granted where a bone fide need for a *rural workers' dwelling* has been established.

The amendment to CLEP 2011 and SLEP 2013 involves the inclusion of a new clause that must be satisfied before any approval may be granted to a *rural worker's dwelling*. A version of the proposed clause has already been implemented by a number of councils in NSW where *rural workers' dwellings* are permissible. The clause aims to prevent the proliferation of dwellings in rural areas and the fragmentation of rural land.

#### Affected Land

The proposed amendment will apply wherever *rural workers' dwellings* are permissible in the Cessnock and Singleton local government areas. At present, rural workers' dwellings are only permissible in the Cessnock RU4 Primary Production Small Lots Zone.

#### Recommendation

Include the following clause in CLEP 2011 and SLEP 2013.

#### **Erection of rural workers' dwellings on land in Zone RU4**

- (1) The objectives of this clause are as follows:
  - (a) to facilitate, on the same land, the provision of adequate accommodation for employees involved in existing agricultural activities, including agricultural produce industries,
  - (b) to maintain the non-urban landscape and development characters of certain rural and environment protection zones.
- (2) This clause applies to land in Zone RU4 Primary Production Small Lots.
- (3) Development consent must not be granted for the erection of a rural workers' dwelling on land to which this clause applies unless the consent authority is satisfied that:
  - (a) the development will be on the same lot as an existing lawfully erected dwelling house, and
  - (b) the development will not impair the use of the land for agricultural activities, including agricultural produce industries, and

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- (c) the agricultural activity or agricultural produce industry being carried out on the land has an economic capacity to support the ongoing employment of rural workers, and
- (d) the development is necessary considering the nature of the existing or proposed agricultural activity or agricultural produce industry occurring on the land, and
- (e) the development will not result in more than one rural workers' dwelling being erected on the lot comprising the agricultural or rural industry.

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## **PART 3: JUSTIFICATION**

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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**

##### **Cessnock LGA**

In the Cessnock LGA, the Planning Proposal is consistent with:

- the *Cessnock City Wide Settlement Strategy 2010*, which provides for the strategic planning framework for development in Cessnock LGA; and
- *Vineyards Visioning Statement*, adopted by Council on 1 August 2012, and available on Council's website at:  
<http://www.cessnock.nsw.gov.au/resources/file/Publications/Vineyards%20Vision%20Statement.pdf>

The *Vineyards Visioning Statement* is that the Vineyards District:

1. Recognises and protects the primacy of the vineyards and maintains and enhances the existing vineyards, wineries and tourist uses;
2. Maintains and preserves the rural amenity, character and scenic vistas of the region for future generations to enjoy;
3. A place that reinforces the Hunter Valley Wine Brand as the key component of its tourism identity;
4. Allows and fosters a mix of diverse business, accommodation and employment options – creating a balance between working vineyards, tourist uses, residential and visitor amenity;
5. Council, peak business groups and community work collaboratively; and
6. Has high quality infrastructure and services which meet the community's and visitors' needs.

The *Vineyards Visioning Statement* also put forward a range of amended Objectives and Actions that relate to each of the Visions above. Cessnock City Council has identified two key Actions listed under Vision 1 as being of priority, being:

- Cessnock and Singleton Councils amend their LEPs to adopt the same zones and objectives within the district; and
- Cessnock City Council request that Singleton consider adopting the same objectives in its LEP and DCP.

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**Singleton LGA**

The Planning Proposal is consistent with the following local planning documents that relate to the Singleton LGA:

- *Singleton Land Use Strategy 2008*; and
- *Hermitage Road Pokolbin Planning Study, 2014*

**2 *Planning Proposal as best way to achieve to objectives***

The aim of the Planning Proposal is to standardise, as far as is possible, the objectives and land use table associated with the RU4 Primary Production Small Lots Zone in the LGAs of Singleton and Cessnock. A Planning Proposal is required to make the proposed changes to the respective local environmental plans of each LGA.

**3 *Net Community Benefit***

The intended outcomes will provide a net community benefit by ensuring, as far as possible, that:

- land uses permitted in one LGA, are not prohibited in the other; thereby reducing the impact of the arbitrary local government 'planning boundary' as it relates to the Pokolbin Vineyard District area; and
- important differences between the LGAs are respected and maintained.



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## **Section B: Relationship to Strategic Planning Framework**

### **4 *Consistency with Objectives and Actions within Regional Strategies***

#### **Hunter Regional Plan 2036**

The Hunter Regional Plan supersedes the Lower Hunter Regional Strategy 2006 and provides the overarching framework to guide the NSW Government's land use planning priorities and decisions to 2036.

The Plan includes the following directions, relevant to the Vineyards District:

- Grow tourism in the region
- Protect and enhance agricultural productivity

The Plan seeks to encourage growth in tourism and agricultural production whilst recognising and maintaining the scenic and rural landscape of the Pokolbin and Broke Fordwich wine-growing areas.

#### **Upper Hunter Strategic Regional Land Use Plan**

The Planning Proposal is consistent with actions specified in the Upper Hunter Strategic Regional Land Use Plan (UHSRLUP). The Proposal is consistent with Action 3.3 of UHSRLUP that aims to protect strategic agricultural land, including the critical industry cluster of viticulture.

### **5 *Consistency with Councils' Community Strategic Plans or other Local Strategic Plan***

#### **Cessnock City Council Community Strategic Plan - Our People, Our Place, Our Future**

There is no inconsistency between Council's Community Strategic Plan and the Planning Proposal.

#### **Singleton Council Community Strategic Our Place: A Blueprint for 2023**

There is no inconsistency between Council's Community Strategic Plan and the Planning Proposal.

#### **Cessnock City Wide Settlement Strategy 2010**

There is no inconsistency between the Cessnock City Wide Settlement Strategy (CWSS) and the Planning Proposal. CWSS identifies the uniqueness of the Vineyards District as both a specialised commercial centre and regionally significant agricultural land and this is reflected in the objectives of this Planning Proposal.

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## 6 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
<b>SEPP 1 - Development Standards</b>	The SEPP makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.	<b>Consistent.</b> SEPP 1 only remains relevant to the deferred matter sites in the Cessnock and Singleton LGAs. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 14 – Coastal Wetlands</b>	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
<b>SEPP 19 – Bushland in Urban Areas</b>	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
<b>SEPP 21 - Caravan Parks</b>	The SEPP provides for development for caravan parks.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 26 – Littoral Rainforests</b>	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
<b>SEPP 30 - Intensive Agriculture</b>	The SEPP provides considerations for consent for intensive agriculture.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 33 - Hazardous &amp; Offensive Development</b>	The SEPP provides considerations for consent for hazardous & offensive development.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 36 - Manufactured Homes Estates</b>	The SEPP makes provision to encourage manufactured homes estates through permitting this use where caravan parks are permitted and allowing subdivision.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 44 - Koala Habitat Protection</b>	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 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.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 47 – Moore Park Showground</b>	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
<b>SEPP 50 - Canal Estate Development</b>	The SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.



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SEPP	Relevance	Consistency and Implications
	these developments.	
<b>SEPP 52 – Farm Dams and Other works in Land and Water Management Plan Areas</b>	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
<b>SEPP 55 - Remediation of Land</b>	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	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 62 - Sustainable Aquaculture</b>	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.	<b>Consistent.</b> SEPP 62 permits pond-based and tank-based aquaculture with consent in the RU4 Zone. This Planning Proposal will align the permissibility of aquaculture in the SEPP with the Cessnock and Singleton LEPs.
<b>SEPP 64 - Advertising and Signage</b>	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.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 65 - Design Quality of Residential Development</b>	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.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 70 – Affordable Rental Housing (Revised Schemes)</b>	The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 71 – Coastal Protection</b>	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
<b>SEPP Affordable Rental Housing 2009</b>	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 permissibility, floor space	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.

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SEPP	Relevance	Consistency and Implications
	<p>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>	
<b>SEPP Building Sustainability Index: BASIX 2004</b>	The SEPP provides for the implementation of BASIX throughout the State.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP (Educational Establishments and Child Care Facilities)</b>	<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</p>	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.

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SEPP	Relevance	Consistency and Implications
	<p>exempt development), and</p> <p>(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</p> <p>(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</p> <p>(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</p> <p>(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and</p> <p>(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</p> <p>(h) encouraging proponents of new developments or modified premises and</p>	

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SEPP	Relevance	Consistency and Implications
	consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.	
<b>SEPP Exempt and Complying Development Codes 2008</b>	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.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP Housing for Seniors or People with a Disability 2004</b>	The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP Infrastructure 2007</b>	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.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP (Kosciuszko National Park – Alpine Resorts) 2007</b>	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
<b>SEPP (Kurnell Peninsula) 1989</b>	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
<b>SEPP Mining, Petroleum Production and Extractive Industries 2007</b>	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.	<p><b>Consistent.</b> Mining and extractive industries will remain permissible with consent in that part of the RU4 Zone that is not identified as 'strategic agricultural land' under the SEPP.</p> <p>The majority of the RU4 zoned land in Singleton and Cessnock LGA is identified as 'strategic agricultural land' under <i>State Environmental Planning Policy (Mining, Petroleum Production and</i></p>

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SEPP	Relevance	Consistency and Implications
		<i>Extractive Industries) 2007</i> and any mining or petroleum development in that area must be accompanied by a gateway certificate or site verification certificate. The Planning Proposal will not alter this requirement.
<b>SEPP Miscellaneous Consent Provisions 2007</b>	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 which it does not already require development consent under another environmental planning instrument, cannot be carried out except with development consent.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP Penrith Lakes Scheme 1989</b>	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
<b>SEPP Rural Lands 2008</b>	The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts and provides development principles.	<b>Consistent.</b> This Planning Proposal is consistent with the principles of the SEPP by protecting opportunities for current and potential productive and sustainable economic activities in land zoned RU4. The Planning Proposal also recognises the importance of the industry cluster of viticulture.
<b>SEPP State and Regional Development 2011</b>	The SEPP aims to identify development and infrastructure that is State significant and confer functions on the Joint Regional Planning Panels (JRPPs) to determine	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.

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SEPP	Relevance	Consistency and Implications
	development applications.	
SEPP (Sydney Drinking Water Catchment 2011)	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP Sydney Region Growth Centres 2006	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP (Three Ports_ 2013	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP (Urban Renewal) 2010	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
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.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP (Western Sydney Employment Area) 2009	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP (Western Sydney Parklands) 2009	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>

## 7 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
<b>1 EMPLOYMENT AND RESOURCES</b>		
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.	<i>Not applicable to this Planning Proposal</i>
1.2 Rural Zones	The objective of this direction is	<b>Consistent.</b> It is considered that



Planning Proposal – Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)  
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Ministerial Direction	Objective of Direction	Consistency and Implication
	to protect the agricultural production value of rural land.	the Planning Proposal is consistent with this Direction and will assist in achieving the objectives 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.	<b>Consistent.</b> The Planning Proposal does not propose to make any amendments that would affect the permissibility of mining on the subject lands.  It is considered that the Planning Proposal is consistent with this Direction.
1.4 Oyster Aquaculture	<i>The objectives of this direction are: (a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, (b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</i>	<i>Not Applicable to LGAs</i>
1.5 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.	<b>Consistent.</b> It is considered that the Planning Proposal is consistent with this Direction and will assist in achieving the objectives of this Direction.  The Planning Proposal is consistent with the rural planning principles specified in the Rural Land SEPP.
<b>2 ENVIRONMENT AND HERITAGE</b>		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	<b>Consistent.</b> Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
2.2 Coastal Protection	<i>The objective of this direction is to implement the principles in the NSW Coastal Policy.</i>	<i>Not Applicable to LGAs</i>
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and	<b>Consistent.</b> Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.

Planning Proposal – Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

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Ministerial Direction	Objective of Direction	Consistency and Implication
	indigenous heritage significance.	
2.4 Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	<b>Consistent.</b> Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
<b>3 HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>		
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.	<i>Not applicable to this Planning Proposal</i>
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.	<b>Consistent.</b> Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	<b>Consistent.</b> Nothing in this Planning Proposal is contrary to the objectives of the Ministerial 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	<b>Consistent.</b> Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.



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Ministerial Direction	Objective of Direction	Consistency and Implication
	generated by development 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.	<b>Consistent.</b> Cessnock Aerodrome is located in a SP2 Infrastructure Zone within the RU4 Primary Production Small Lots Zone. The Planning Proposal will not amend the SP2 Zone or any land uses permitted in that Zone that may hinder the operation of the aerodrome.  Nothing in this Planning Proposal affects the aims and provisions of this Direction.
<b>4 HAZARD AND RISK</b>		
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 sulphate soils	<i>Not applicable to this Planning Proposal</i>
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.	<i>Not applicable to this Planning Proposal</i>
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	<b>Consistent.</b> In the Cessnock LGA, the draft Black Creek Flood Study and draft Black Creek Floodplain Management Study and Plan identifies that part of the RU4 zone is within the floodplain.  However, nothing in this Planning Proposal affects the aims and provisions of this Direction.

Planning Proposal –Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

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Ministerial Direction	Objective of Direction	Consistency and Implication
	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.	
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.	<b>Consistent.</b> Some properties in the RU4 zone will be required to be developed with regard to <i>Planning for Bush Fire Protection 2006</i> , however nothing in this Planning Proposal affects the aims and provisions of this Direction.
<b>5 REGIONAL PLANNING</b>		
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.	<b>Consistent.</b> This Planning Proposal gives effect to the provisions of the <i>Lower Hunter Regional Strategy 2006</i> in relation to the Cessnock LGA. The Proposal seeks to maintain and protect regionally significant agricultural land and critical industry cluster of viticulture, whilst seeking to achieve a consistent approach to the zoning of rural lands across adjoining LGAs.  With regards to the land within the Singleton LGA, the Planning Proposal is consistent with Action 3.3 of Upper Hunter Strategic Regional Land Use Plan that aims to protect strategic agricultural land, including the critical industry cluster of viticulture.
5.2 Sydney Drinking Water Catchment	<i>The objective of this Direction is to protect water quality in the Sydney drinking water catchment.</i>	<i>Not Applicable to LGAs</i>
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<i>The objectives of this direction are: (a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre, (b) to provide more certainty on the status of the best</i>	<i>Not Applicable to LGAs</i>

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<b>Ministerial Direction</b>	<b>Objective of Direction</b>	<b>Consistency and Implication</b>
	<p><i>agricultural land, thereby assisting councils with their local strategic settlement planning, and</i></p> <p><i>(c) to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.</i></p>	
5.4 <i>Commercial and Retail Development along the Pacific Highway, North Coast</i>	<p><i>The objectives for managing commercial and retail development along the Pacific Highway are:</i></p> <p><i>(a) to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route;</i></p> <p><i>(b) to prevent inappropriate development fronting the highway</i></p> <p><i>(c) to protect public expenditure invested in the Pacific Highway,</i></p> <p><i>(d) to protect and improve highway safety and highway efficiency,</i></p> <p><i>(e) to provide for the food, vehicle service and rest needs of travellers on the highway, and</i></p> <p><i>(f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</i></p>	<i>Not Applicable to LGAs</i>
5.5 <i>Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</i>	<i>(Revoked 18 June 2010)</i>	<i>Not Applicable to LGAs</i>
5.6 <i>Sydney to Canberra Corridor</i>	<i>(Revoked 10 July 2008. See amended Direction 5.1)</i>	<i>Not Applicable to LGAs</i>
5.7 <i>Central Coast</i>	<i>(Revoked 10 July 2008. See amended Direction 5.1)</i>	<i>Not Applicable to LGAs</i>
5.8 <i>Second Sydney Airport: Badgerys Creek</i>	<i>The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</i>	<i>Not Applicable to LGAs</i>

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<b>Ministerial Direction</b>	<b>Objective of Direction</b>	<b>Consistency and Implication</b>
5.9 North West Rail Link Corridor Strategy	<i>The objectives of this direction are to: (a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL) (b) ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.</i>	<i>Not Applicable to LGAs</i>
5.10 Implementation of Regional Plans	<i>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</i>	<b>Consistent.</b> Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
<b>6 LOCAL PLAN MAKING</b>		
6.1 Approval and Referral Requirements	<i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i>	<i>Not relevant to this Planning Proposal</i>
6.2 Reserving Land for Public Purposes	<i>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.</i>	<b>Consistent.</b> Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
6.3 Site Specific Provisions	<i>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</i>	<i>Not relevant to this Planning Proposal</i>
<b>7 Metropolitan Planning</b>		
7.1 Implementation of A Plan for Growing Sydney	<i>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i>	<i>Not Applicable to LGAs</i>

Planning Proposal –Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

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## **Section C: Environmental, Social and Economic Impact**

### **8 *Impact on Threatened Species***

As the Planning Proposal is only recommending changes to the objectives and land use table of the RU4 Zones in both LGAs, there is no effect on threatened species, populations, ecological communities or critical habitat as a result.

### **9 *Environmental Impact***

As the Planning Proposal is only recommending changes to the objectives and land use table of the RU4 Zones in both LGAs, there are no adverse environmental impacts as a result of this Planning Proposal.

### **10 *Social and Economic Impacts***

The Planning Proposal intends to continue to facilitate economic development of the significant Vineyards District of the mid-Hunter Region, in particular the viticultural and tourism industries. It is hoped that economic development will be further enhanced by the amendments that are designed to ensure compatibility of land uses in this area that straddles the Cessnock/Singleton LGA boundary, where the permissible land uses either side of the boundary currently differ. There are no foreseeable adverse social impacts as a result of this Planning Proposal.

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## **Section D: State and Commonwealth Interests**

### **11 Adequate Public Infrastructure**

The Planning Proposal will not generate demand for additional public infrastructure.

### **12 Consultation with State and Commonwealth Authorities**

It is proposed to consult with the following State or Commonwealth authorities with regard to this Planning Proposal:

- NSW Department of Primary Industries – Agriculture

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## **PART 4: MAPPING**

No amendments to mapping are required to achieve the intent of the Planning Proposal.



Planning Proposal –Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

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## **PART 5: COMMUNITY CONSULTATION**

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Community consultation will be undertaken in accordance with the Department of Planning and Environment in its Gateway Determination.

The proposed consultation strategy for this Planning Proposal includes:

- Notification in the Cessnock Advertiser and Singleton Argus, locally circulating newspapers in the each LGA;
- Hard copy display at Council's Administration Building (Help & Information Centre); and Cessnock Public Library; and
- Web based notification on Council's website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au)
- Written notification to key interest groups, being:
  - Hunter Valley Wine & Tourism Association;
  - Around Hermitage Association Inc.;
  - Broke Fordwich Wine & Tourism Association;
  - Cessnock Chamber of Commerce; and
  - Singleton Business Chamber.



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## **PART 6: PROJECT TIMELINE**

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It is estimated that this proposed amendment to both the *Cessnock Local Environmental Plan 2011* and *Singleton Local Environmental Plan 2013* will be completed by Dec 2018

**PROJECT TIMELINE**

	Dec 2015	Jan 2016	Feb 2016	June 2018	July 2018	Sep 2018	Dec 2018
<b>STAGE 1</b> Submit to DoP&E – Gateway Panel consider Planning Proposal							
<b>STAGE 2</b> Receive Gateway Determination							
<b>STAGE 3</b> Preparation of documentation for Public Exhibition							
<b>STAGE 4</b> Public Exhibition							
<b>STAGE 5</b> Review/consideration of submission received							
<b>STAGE 6</b> Report to Council							
<b>STAGE 7</b> Forward Planning Proposal to DoP&E with request the amendment is made							

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## Appendix 1: Council Reports and Minutes

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### Singleton Council Meeting Minutes

(Thompson/Capsanis)

*Planning and Sustainable Environment (DP&SE49/15)*

**DP&SE49/15 Joint Planning Proposal - Singleton and Cessnock  
Councils - Vineyards District**

**FILE:14/0951**

The purpose of this Report was to seek Council's approval to prepare a joint Planning Proposal with Cessnock Council to standardise, as far as possible, the objectives and land use table of the RU4 Primary Production Small Lots Zone under *Singleton Local Environmental Plan 2013* (SLEP 2013), and *Cessnock Local Environmental Plan 2011* (CLEP 2011) so that there is effectively no arbitrary planning boundary within the Vineyards District of Pokolbin.

238/15 **RESOLVED** that :

1. Council prepare a Planning Proposal in conjunction with Cessnock Council to

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Minutes of Meeting of Singleton Council held on 16 November 2015

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### **SINGLETON COUNCIL**

*Council Meeting - 16 November 2015*

standardise, as far as possible, the Objectives and Land Use Table of the RU4 Primary Production Small Lots Zone.

2. Council and Cessnock Council request a Gateway determination in respect of the Planning Proposal from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
3. Council and Cessnock Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. A further report be presented to Council following any public exhibition of the Planning Proposal, if significant objections are received.
5. Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

(Moore/Diemar-Jenkins)

*Upon being put to the meeting, the motion was declared carried.*

*For the Motion were Crs S Moore, G Adamthwaite, T McNamara, V Scott, B Keown, D Thompson, T Capsanis, R Rogers, H Diemar-Jenkins and J Martin Total (10).*

*Against the Motion was Nil Total (0).*

Report to Singleton Council

**SINGLETON COUNCIL**

*Meeting of Singleton Council - 16 November 2015*

*Planning and Sustainable Environment Report (Items Requiring Decision) - DP&SE49/15*

- 49. Joint Planning Proposal - Singleton and Cessnock  
Councils - Vineyards District**  
**Author:** Julie Wells

**FILE:** 14/0951

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**Executive Summary**

The purpose of this Report is to seek Council's approval to prepare a joint Planning Proposal with Cessnock Council to standardise, as far as possible, the objectives and land use table of the RU4 Primary Production Small Lots Zone under *Singleton Local Environmental Plan 2013* (SLEP 2013), and *Cessnock Local Environmental Plan 2011* (CLEP 2011) so that there is effectively no arbitrary planning boundary within the Vineyards District of Pokolbin.

**RECOMMENDED** that:

1. Council prepare a Planning Proposal in conjunction with Cessnock Council to standardise, as far as possible, the Objectives and Land Use Table of the RU4 Primary Production Small Lots Zone.
2. Council and Cessnock Council request a Gateway determination in respect of the Planning Proposal from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
3. Council and Cessnock Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. A further report be presented to Council following any public exhibition of the Planning Proposal, if significant objections are received.
5. Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

**Background**

At its Ordinary Meeting on 1 August 2012, Cessnock City Council resolved to adopt a *Vineyards Visioning Statement* (Vineyards Vision) with respect to the Vineyards District.

The adopted Vineyards Vision is that the Vineyards District:

1. Recognises and protects the primacy of the vineyards and maintains and enhances the existing vineyards, wineries and tourist uses.
2. Maintains and preserves the rural amenity, character and scenic vistas of the region for future generations to enjoy.

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3. A place that reinforces the Hunter Valley Wine Brand as the key component of its tourism identity.
4. Allows and fosters an economically sustainable future which embraces a mix of diverse business, accommodation and employment options – creating a balance between working vineyards, tourist uses, residential and visitor amenity.
5. Council, stakeholder groups and community work collaboratively.
6. A place which has high quality infrastructure and services which meet the community's and visitor's needs.

The Vineyards Vision also put forward a range of objectives and actions that relate to each of the visions above. Two key actions listed under Vision 1 were identified by Cessnock City Council as being:

- Cessnock and Singleton Councils amend their LEPs to adopt the same zones and objectives within the district; and
- Cessnock City Council request that Singleton consider adopting the same objectives in its LEP and DCP.

To achieve the above actions, in November 2014, Cessnock City Council invited Singleton Council to work in partnership to prepare a joint Planning Proposal to standardise the objectives and land use table of the RU4 Primary Production Small Lots Zone in both CLEP 2011 and SLEP 2013. With the formation of the Hunter Valley Wine and Tourism Alliance it is now appropriate to progress such a proposal.

**Report/Proposal**

The 'Vineyards District' is that area of land zoned RU4 Primary Production Small Lots under SLEP 2013 and CLEP 2011. The Vineyards District encompasses land in the Pokolbin and Broke-Fordwich locality, as shown in Figure 1.

The vineyards and associated tourism developments are the principal economic generator for the Vineyards District as well as being a major contributor to the economy of the Lower Hunter and NSW economy. The importance of the Vineyards District to the Hunter Region, and the local area generally, is recognised in both the Lower Hunter Regional Strategy 2006 and the Upper Hunter Strategic Regional Land Use Plan.

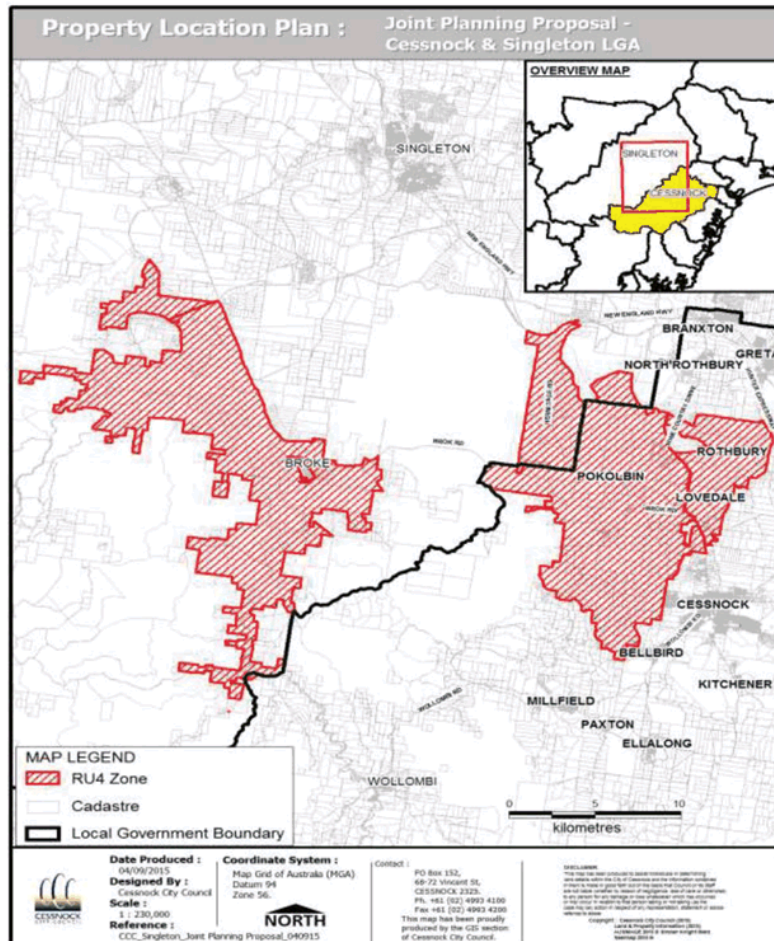
Subject to Council's support of this report, the joint Planning Proposal appended as **Attachment 1** will be forwarded to the Department of Planning & Environment for Gateway determination.

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Figure 1: Land Zoned RU4 Primary Production Small Lots in Cessnock and Singleton Local Government Areas



The purpose of this Planning Proposal is to recognise and protect the primacy of the Vineyards District and maintain and enhance the existing vineyards, wineries and tourist uses by standardising, as far as possible, the objectives and land use table of the RU4 Zone in the Local Government Areas of Singleton and Cessnock. The Planning Proposal will ensure that there is effectively no arbitrary planning boundary within the area of the Vineyards District.



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It is anticipated that the Planning Proposal will be finalised by June, 2016.

This Planning Proposal has been prepared to enable the following amendments to be made to CLEP 2011 and SLEP 2013.

**Proposed Amendment No. 1 – RU4 Zone Objectives**

**Issue**

The Standard Instrument – Principal Local Environmental Plan mandates that the following objectives must be included in respect of the RU4 Primary Production Small Lots Zone, where that Zone is adopted:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

In addition to the mandated objectives, Singleton and Cessnock Councils chose to include local objectives for the RU4 Zone when preparing their respective Standard Instrument LEPs. The local objectives included by Singleton and Cessnock Council are different, but have very similar intent.

In SLEP 2013, the following additional local objective was included for the RU4 Zone:

- To recognise Hunter Valley Wine Country and the adjoining environs of Broke-Fordwich as a major viticultural and tourist destination by providing additional opportunities for compatible tourist uses.

In CLEP 2011, the following additional local objectives were included for the RU4 Zone:

- To maintain prime viticultural land and enhance the economic and ecological sustainability of the Vineyards District.
- To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the Vineyards District.
- To enable the continued rural use of land that is complementary to the viticultural character of the land.

This Planning Proposal seeks to amend the objectives of the RU4 Zone in SLEP 2013 to reflect the existing RU4 Zone objectives in CLEP 2011. The intent of the Zone objectives in CLEP 2011 are fundamentally the same as the objective in SLEP 2013; however, it is considered that the objectives in CLEP 2011 expand more thoroughly on key viticultural principles of economic and ecological sustainability and of tourism brought about by the vineyards and associated land uses.

**Recommendation**

1. In Singleton LEP 2013, remove the following:

**SINGLETON COUNCIL**

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- To recognise Hunter Valley Wine Country and the adjoining environs of Broke-Fordwich as a major viticultural and tourist destination by providing additional opportunities for compatible tourist uses.
2. In Singleton LEP 2013, insert the following:
- To maintain prime viticultural land and enhance the economic and ecological sustainability of the Vineyards District.
  - To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the Vineyards District
  - To enable the continued rural use of land that is complementary to the viticultural character of the land.

**Proposed Amendment No. 2 – RU4 Zone Permitted and Prohibited Land Uses**

**Issue**

The land use table that applies to the RU4 Primary Production Small Lots Zone under the *Singleton Local Environmental Plan 2013* and *Cessnock Local Environmental Plan 2011* are slightly different. Certain land uses permitted in one Council's RU4 Zone are not permitted in the other, and vice versa.

The outcome of this Planning Proposal will be amended Land Use Tables of the RU4 Zone in both SLEP 2013 and CLEP 2011. The land use tables will be amended to be as similar as possible, while respecting important differences between the Local Government Areas. The differences that will remain relate to the permissibility of hotel and motel accommodation, forestry, recreation areas and recreation facilities (outdoor). The differences will reflect certain characteristics that are unique to each Local Government Area.

Many of the changes included in this Planning Proposal will not alter either Council's policy position regarding permissible land uses in the Zone, but will simplify each Council's RU4 Zone Land Use Table by incorporating 'group terms' where it is appropriate to do so.

Group terms are used to identify particular categories of land uses, which comprise one or more sub-terms. The land use, *intensive plant agriculture*, for example, is a group term that comprises several sub-terms, including *horticulture*, *turf farming*, and *viticulture*. Where a group term is included in a zone land use table, each corresponding sub-term is also taken to be included, unless that sub-term is expressly prohibited in the same land use table.

In addition to simplifying the RU4 Zone Land Use Table, this Planning Proposal also involves including and removing other land uses to bring about consistency between the SLEP 2013 and CLEP 2011.

1. In SLEP 2013, remove the following from 'Permitted without consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:
- |   |  |
|---|--|
| <ul style="list-style-type: none"><li>• intensive plant agriculture</li></ul> | <p>The land use will remain permissible with consent under the 'agriculture' group term in both SLEP 2013 and CLEP 2011.</p> |
|---|--|



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2. In SLEP 2013, remove the following from 'Permitted with consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:

- |                                 |  |
|---------------------------------|--|
| • airstrips                     | An <i>airstrip</i> means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad. The amendment will bring about consistency between SLEP 2013 and CLEP 2011. Temporary use of land for the purpose of an airstrip may still be approved by Council subject to the provisions of Clause 2.8 of the LEP. |
| • aquaculture                   | The land use will remain permissible with consent under the 'agriculture' group term in CLEP 2011 and SLEP 2013. The proposed amendment will not change Singleton Council's policy position regarding aquaculture in the RU4 Zone, but will help simplify the RU4 Zone land use table.   |
| • building identification signs | The land use will remain permissible with consent under the 'signage' group term in SLEP 2013 and CLEP 2011. The proposed amendment will not change Singleton Council's policy position regarding building identification signs in the RU4 Zone, but will help simplify the RU4 Zone land use table.   |
| • business identification signs | As above.  |
| • dual occupancies              | The amendment will bring about consistency between SLEP 2013 and CLEP 2011. It is considered the dual occupancy land use is out of character with the objectives of the RU4 Zone. Secondary dwellings and rural workers dwellings will be permissible with consent in the RU4 Zone, which will provide opportunities to accommodate rural workers, required to carry on primary production.          |
| • helipads                      | A <i>helipad</i> means a place not open to the public used for the taking off and landing of helicopters. The amendment will bring about consistency between SLEP 2013 and CLEP 2011. Temporary use of land for the purpose of a helipad may still be approved by Council subject to the provisions of Clause 2.8 of the LEP.  |
| • turf farming                  | The land use will remain permissible with consent  |

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under the 'agriculture' group term in both LEPs. The proposed amendment will not change Singleton Council's policy position regarding farming in the RU4 Zone, but will help simplify the RU4 Zone land use table.

- viticulture

As above.

- rural industries

'Rural industries' is a group term that comprises several sub-term land uses, including agricultural produce industries, livestock processing industries, sawmill or log processing works and stock and sale yards.

While the 'rural industries' group term will be removed from the permitted land uses in the RU4 Zone of SLEP 2013, Singleton Council's policy position will not change in relation to the aforementioned sub-term land uses.

The amendment will help simplify the Zone RU4 land use table in CLEP 2011 and SLEP 2013.

3. In SLEP 2013, add the following to 'Permitted with consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:

- agriculture

The land use is a group term that will help simplify the Zone RU4 land use table and permit the following sub-term land uses to be carried out with development consent: aquaculture, intensive plant agriculture, and viticulture.

- agricultural produce industries

The proposed amendment will not change Singleton Council's policy position regarding agricultural produce industries in the RU4 Zone, but will help simplify the Zone RU4 land use table.

- eco-tourist facilities

The amendment will bring about consistency between CLEP 2011 and SLEP 2013. The land use relates to temporary or short term accommodation located in or adjacent to an area with special ecological or cultural features, which is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The land use is subject to the development standards contained in Cl.5.13 of the Standard Instrument LEP. It is considered appropriate to include the land use in the RU4 Zone.

- rural workers

A *rural worker's dwelling* means a building or

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- |   |   |
|---|---|
| dwellings   | place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land. It is considered appropriate to include the land use in the RU4 Zone and will provide additional accommodation opportunities for rural workers. The amendment will bring about consistency between SLEP 2013 and CLEP 2011.                                   |
| <ul style="list-style-type: none"><li>• secondary dwellings</li></ul>   | A <i>secondary dwelling</i> means a self-contained dwelling that is established in conjunction with another dwelling (the <i>principal dwelling</i> ), and is on the same lot of land as the principal dwelling, and is located within, or is attached to, or is separate from, the principal dwelling. It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between SLEP 2013 and CLEP 2011. |
| <ul style="list-style-type: none"><li>• signage</li></ul>   | The proposed amendment will not change Singleton Council's policy position regarding signage in the RU4 Zone, but will help simplify the Zone RU4 land use table.   |
| <br>  |   |
| 4. In SLEP 2013, remove the following from 'Prohibited' in the Land Use Table for RU4 Primary Production Small Lots Zone: |   |
| <ul style="list-style-type: none"><li>• backpackers' accommodation</li></ul>  | <i>Backpackers' accommodation</i> means a building or place that provides temporary or short-term accommodation on a commercial basis, and has shared facilities, such as a communal bathroom, kitchen or laundry, and provides accommodation on a bed or dormitory-style basis (rather than by room). It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between SLEP 2013 and CLEP 2011.  |
| <ul style="list-style-type: none"><li>• livestock processing industries</li></ul>   | The proposed amendment will not change Singleton Council's policy position regarding livestock processing industries in the RU4 Zone, but will help simplify the Zone RU4 land use table. Livestock processing industries will remain prohibited under the 'rural industries' group term.   |
| <ul style="list-style-type: none"><li>• sawmill or log</li></ul>  | As above.   |

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processing  
industries

- serviced apartments      A *Serviced apartment* means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents. It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between SLEP 2013 and CLEP 2011.
  - stock and sale yards      The proposed amendment will not change Singleton Council's policy position regarding stock and sale yards in the RU4 Zone, but will help simplify the RU4 Zone land use table. Stock and sale yards will remain prohibited under the 'rural industries' group term.
5. In SLEP 2013, add the following to 'Prohibited' in the Land Use Table for the RU4 Primary Production Small Lots Zone:
- advertising structure      The amendment will bring about consistency between SLEP 2013 and CLEP 2011. Strict requirements apply to advertising signage on rural or non-urban land under *State Environmental Planning Policy 64 – Advertising Signage*, which already limits Council's ability to grant consent to advertising signage.
- Building and business identification signage will remain permissible with consent in the RU4 Zone.
6. In CLEP 2011, remove the following from 'Permitted with consent' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:
- childcare centres      It is considered the land use is appropriate in urban zones, rather than primary production zones. The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Home-based child care is proposed to be permitted with consent in the RU4 Zone to allow low key child care activities to occur.
  - intensive plant agriculture      The land use will remain permissible with consent under the 'agriculture' group term in both CLEP

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2011 and SLEP 2013.*

- neighbourhood shops      The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the land use is appropriate in urban zones, rather than primary production zones.
  - respite day care centres      As above.
  - rural supplies      As above.
  - waste or resource management facilities      The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the land use is out of character with the objectives of the RU4 Zone.
7. In CLEP 2011, add the following to 'Permitted with consent' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:
- agriculture      The land use is a group term that will help simplify the Zone RU4 land use table and permit the following sub-term land uses to be carried out with development consent: aquaculture, intensive plant agriculture, and viticulture.
  - home-based child care      Home-based child care is proposed to be permitted with consent to allow low key child care activities to occur in the Zone. The amendment will also bring about consistency between CLEP 2011 and SLEP 2013.
  - eco-tourist facilities      The land use was only specifically defined in the Standard Instrument LEP after the gazettal of CLEP 2011. The land use relates to temporary or short term accommodation located in or adjacent to an area with special ecological or cultural features, which is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The land use is subject to the development standards contained in Cl.5.13 of the Standard Instrument LEP. It is considered appropriate to include the land use in the RU4 Zone.
  - sewerage systems      The land use is permitted with consent in the RU4 Zone under *State Environmental Planning Policy (Infrastructure) 2007*. The amendment will bring about consistency with the Infrastructure SEPP and SLEP 2013.



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- water supply systems  
The amendment will bring about consistency between CLEP 2011 and SLEP 2013. A water supply system includes a water reticulation system, water storage facility, and water treatment facility. It is considered appropriate to permit water supply systems with consent in the RU4 Zone.

Note: Under *State Environmental Planning Policy (Infrastructure) 2007*, public authorities are permitted to carry out development for the purpose of a water reticulation system and water treatment facility without consent in the RU4 Zone.

- flood mitigation works.  
The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered appropriate to permit flood mitigation works with consent in the RU4 Zone.

8. In CLEP 2011, add the following to 'Prohibited' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:

- intensive livestock agriculture  
The proposed amendment will not change Cessnock Council's policy position regarding intensive livestock agriculture in the RU4 Zone. Because the group term, 'agriculture', is proposed to be included in the CLEP 2011 RU4 Zone land use table, it is critical to also amend the land use table to clearly prohibit 'intensive livestock agriculture' in the RU4 Zone.

- advertising structure  
The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Strict requirements apply to advertising signage on rural or non-urban land under *State Environmental Planning Policy 64 – Advertising Signage*, which already limits Council's ability to grant consent to advertising signage.

Building and business identification signage will remain permissible with consent in the RU4 Zone.

**Consultation**

This Planning Proposal has been jointly prepared by Singleton Council and Cessnock City Council and is reported to each Council for consideration on 16 November 2015 and 9 December 2015 respectively. The Planning Proposal may only progress if supported by both Councils.

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If supported by both councils, the proposal will be submitted to the Department of Planning and Environment for a Gateway determination in December 2015 and jointly exhibited following the receipt of a favourable Gateway determination. It is critical that the proposal progresses concurrently within each council and that consultation continues to occur between councils and with the recently formed Hunter Valley Wine and Tourism Alliance until the LEP amendment is gazetted.

Technical Studies have not been identified as a component of the Planning Proposal. If the Department of Planning and Environment Gateway determination makes prescriptions relating to technical studies, this will adversely impact on the estimated completion date.

It is proposed to consult with the NSW Department of Primary Industries – Agriculture in regard to this Planning Proposal.

**Community Strategic Plan**

The proposal supports the following plan community outcomes:

- Our community has a strong sense of identity and place;
- Our community has vibrant spaces and places;
- Our community is attractive for locals and visitors;
- Our community protects and enhances natural and built environments; and
- Our community has a diverse economy.

**Other Plans**

Lower Hunter Regional Strategy 2006

The Lower Hunter Regional Strategy (LHRS) applies to the Cessnock Local Government Area only. The 'Pokolbin vineyard and tourism precinct' is recognised in the LHRS as a 'Specialised Centre' in the hierarchy of Commercial Centres servicing the Lower Hunter. The Strategy projects that an additional 1600 jobs will be required in the next 25 years to accommodate employment opportunities associated with population growth within the region.

There is no inconsistency between this Planning Proposal and the objectives or actions of the LHRS. The Planning Proposal is consistent with the following action of the Strategy:

- Rural Landscape and Rural Communities - Local environmental plans are to maintain rural zoning for regionally significant agricultural land including the vineyard district as defined by the existing 1(v) zone (as it was then) in Cessnock Local Environmental Plan and the irrigated floodplains.

Upper Hunter Strategic Regional Land Use Plan

The Planning Proposal is consistent with the relevant actions specified in the Upper Hunter Strategic Regional Land Use Plan (UHSRLUP), including Action 3.3 of UHSRLUP that aims to protect strategic agricultural land, including the critical industry cluster of viticulture.

Cessnock City Council Community Strategic Plan - Our People, Our Place, Our Future

The Planning Proposal is consistent with Council's Community Strategic Plan and the Planning Proposal.

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*Cessnock City Wide Settlement Strategy 2010*

The Planning Proposal is consistent with the Cessnock City Wide Settlement Strategy (CWSS) and the Planning Proposal. CWSS identifies the uniqueness of the Vineyards District as both a specialised commercial centre and regionally significant agricultural land and this is reflected in the objectives of this Planning Proposal.

*Cessnock Vineyards Vision Statement*

The Planning Proposal is considered to be consistent with the Vineyards Visioning Statement.

*State Environmental Planning Policies*

The proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs). An assessment of relevant SEPPs against the Planning Proposal is provided in the accompanying Planning Proposal.

*Ministerial Section 117 Directions*

Section 117(2) of the *Environmental Planning & Assessment Act 1979* enables the Minister for Planning and Environment to issue directions that Council must address when preparing planning proposals to amend a Local Environmental Plan. An assessment of relevant s.117 Directions are provided in the accompanying Planning Proposal. The Proposal is considered to be consistent with the relevant Ministerial Directions.

**Policy and Procedural Implications**

Following Council's endorsement, a Planning Proposal will be submitted to the Department of Planning and Environment for a Gateway determination.

It is intended that the Planning Proposal be exhibited in accordance with any specific requirements made by the Department of Planning and Environment during the Gateway determination.

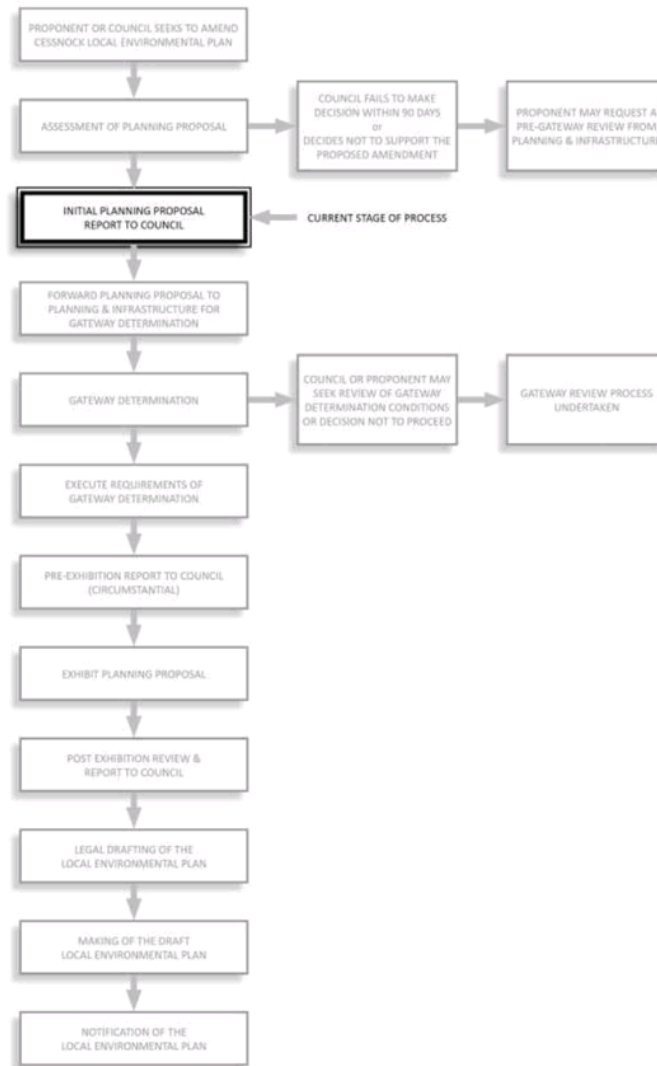


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**PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN**



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**Financial Implications**

The cost of this project is funded from Council's Strategic Land Use Planning budget.

**Legislative Implications**

This Report has regard to the provisions of the *Environmental Planning & Assessment Act 1979* and its Regulations and the *Standard Instrument (Local Environmental Plans) Order 2006* (as amended).

**Risk Implications**

The proposed changes will remove potential problems and / or delays for planned or possible future development.

**Other Implications**

Nil.

**Options**

The following options are available to Council:

1. Resolve to support the recommendations of this Report and submit a Planning Proposal to the Department of Planning and Environment for a Gateway determination. This is the recommended option.
2. Request changes to the Planning Proposal. This option will delay the proposed amendments.
3. Not support the recommendation of this Report. This is not the preferred option and will not assist the improvement in the operation of the SLEP 2013 and associated consistency of both LEPs.

Option one is recommended.

**Conclusions**

This Planning Proposal seeks to recognise and protect the primacy of the Vineyards District and maintain and enhance the existing vineyards, wineries and tourist uses by standardising, as far as possible, the land use table of the RU4 Primary Production Small Lots Zone in the *Singleton Local Environmental Plan 2013* and *Cessnock Local Environmental Plan 2011*. The Planning Proposal will ensure that there is effectively no arbitrary planning boundary within the area of the Pokolbin Vineyards District.

Should Singleton and Cessnock Councils determine to support the matter, a planning proposal will be forwarded to the Department of Planning and Environment for Gateway determination. The Gateway determination is likely to contain conditions that will need to be satisfied before exhibition can commence. If significant objections are received during the exhibition, a further report will be presented to each Council following public exhibition

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of the Planning Proposal, advising of the outcomes of the consultation program and any recommendations relating to the adoption of the final amendment.

*Mark Ihlein*

**Mark Ihlein**

Director Planning & Sustainable Environment Group

**Attachments**

<b>AT-1</b>	Joint Regional Planning Proposal Singleton and Cessnock Councils - Vineyards District - Report attachment	Attachment Under Separate Cover
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Cessnock Council Meeting Minutes

**PLANNING AND ENVIRONMENT NO. PE99/2015**

**SUBJECT:** 18/2015/1: JOINT PLANNING PROPOSAL - CESSNOCK AND  
SINGLETON COUNCILS - VINEYARDS DISTRICT

Councillor Hawkins declared a Pecuniary Interest for the reason that his family own property in the RU4 Zoning. Councillor Hawkins left the Chamber and took no part in discussion and voting.

Councillor James Hawkins left the meeting, the time being 7.01 pm

**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Parsons

1. That Cessnock City Council prepare a Planning Proposal in conjunction with Singleton Council to standardise, as far as possible, the objectives and Land Use Table of the RU4 Primary Production Small Lots Zone.
2. That Cessnock City Council, in conjunction with Singleton Council, request a Gateway determination in respect of the Planning Proposal from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
3. That Cessnock City Council, in conjunction with Singleton Council, undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. That a further report be presented to Council following the public exhibition of the Planning Proposal, to consider any submissions received.
5. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

**AMENDMENT**      **Moved:** Councillor Ryan      **Seconded:** Councillor Olsen

1. That Cessnock City Council prepare a Planning Proposal in conjunction with Singleton Council to standardise, as far as possible, the objectives and Land Use Table of the RU4 Primary Production Small Lots Zone.
2. The planning proposal come back to Council for further discussion.

FOR	AGAINST
Councillor Olsen	Councillor Gibson
Councillor Ryan	Councillor Doherty
	Councillor Stapleford
	Councillor Smith
	Councillor Campbell
	Councillor Parsons
	Councillor Pynsent
<b>Total (2)</b>	<b>Total (7)</b>

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.....General Manager .....Chairperson

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

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

**MOTION**      **Moved:**    Councillor Smith      **Seconded:**    Councillor Parsons  
1511  
**RESOLVED**

1. That Cessnock City Council prepare a Planning Proposal in conjunction with Singleton Council to standardise, as far as possible, the objectives and Land Use Table of the RU4 Primary Production Small Lots Zone.
2. That Cessnock City Council, in conjunction with Singleton Council, request a Gateway determination in respect of the Planning Proposal from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
3. That Cessnock City Council, in conjunction with Singleton Council, undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. That a further report be presented to Council following the public exhibition of the Planning Proposal, to consider any submissions received.
5. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

FOR	AGAINST
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (7)</b>	<b>Total (2)</b>

**CARRIED**

*Councillor James Hawkins returned to the meeting, the time being 7.06 pm*

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.....General Manager .....Chairperson

Report to Cessnock Council

**Report To Ordinary Meeting of Council - 9 December 2015**

Planning and Environment

Report No. PE99/2015

Planning and Environment



**SUBJECT:** 18/2015/1: JOINT PLANNING PROPOSAL - CESSNOCK  
AND SINGLETON COUNCILS - VINEYARDS DISTRICT

**RESPONSIBLE OFFICER:** Strategic Landuse Planning Manager - Martin Johnson

<b>APPLICATION NUMBER:</b>	18/2015/1
<b>PROPOSAL:</b>	Joint Planning Proposal – Cessnock and Singleton Councils – Vineyards District
<b>PROPERTY DESCRIPTION:</b>	Applies to all land within the RU4 Primary Production Small Lots Zone in the Local Government Areas of Singleton and Cessnock
<b>PROPERTY ADDRESS:</b>	As above
<b>ZONE: (CURRENT)</b>	RU4 Primary Production Small Lots Zone
<b>ZONE: (PROPOSED)</b>	Not Applicable
<b>OWNER:</b>	Applies to all land within the RU4 Primary Production Small Lots Zone in the Local Government Areas of Singleton and Cessnock
<b>PROPONENT:</b>	Cessnock City Council and Singleton Council

**SUMMARY**

The purpose of this Report is to seek Council's approval to prepare a joint Planning Proposal with Singleton Council to standardise, as far as possible, the objectives and land use table of the RU4 Primary Production Small Lots Zone under *Cessnock Local Environmental Plan 2011* (CLEP 2011) and *Singleton Local Environmental Plan 2013* (SLEP 2013), so that there is effectively no arbitrary planning boundary within the Vineyards District of Pokolbin.

**RECOMMENDATION**

1. That Cessnock City Council prepare a Planning Proposal in conjunction with Singleton Council to standardise, as far as possible, the objectives and Land Use Table of the RU4 Primary Production Small Lots Zone.
2. That Cessnock City Council, in conjunction with Singleton Council, request a Gateway determination in respect of the Planning Proposal from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
3. That Cessnock City Council, in conjunction with Singleton Council, undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.

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4. That a further report be presented to Council following the public exhibition of the Planning Proposal, to consider any submissions received.
5. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

**BACKGROUND**

At its Ordinary Meeting on 1 August 2012, Cessnock City Council resolved to adopt a *Vineyards Visioning Statement* (Vineyards Vision) in respect of the Vineyards District.

The adopted Vineyards Vision is that the Vineyards District:

1. Recognises and protects the primacy of the vineyards and maintains and enhances the existing vineyards, wineries and tourist uses.
2. Maintains and preserves the rural amenity, character and scenic vistas of the region for future generations to enjoy.
3. A place that reinforces the Hunter Valley Wine Brand as the key component of its tourism identity.
4. Allows and fosters an economically sustainable future which embraces a mix of diverse business, accommodation and employment options – creating a balance between working vineyards, tourist uses, residential and visitor amenity.
5. Council, stakeholder groups and community work collaboratively.
6. A place which has high quality infrastructure and services which meet the community's and visitor's needs.

The Vineyards Vision also put forward a range of objectives and actions that relate to each of the visions above. Two key actions listed under Vision 1 were identified by Cessnock City Council as being:

- Cessnock and Singleton Councils amend their LEPs to adopt the same zones and objectives within the district; and
- Cessnock City Council request that Singleton consider adopting the same objectives in its LEP and DCP.

To achieve the above actions, in November 2014, Cessnock City Council invited Singleton Council to work in partnership to prepare a joint Planning Proposal to standardise the objectives and land use table of the RU4 Primary Production Small Lots Zone in both CLEP 2011 and SLEP 2013. This Report is the result of that partnership.

**REPORT/PROPOSAL**

The 'Vineyards District' is that area of land zoned RU4 Primary Production Small Lots under CLEP 2011 and SLEP 2013. The Vineyards District encompasses land in the Pokolbin and Broke-Fordwich locality, as shown in Figure 1.

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Planning and Environment

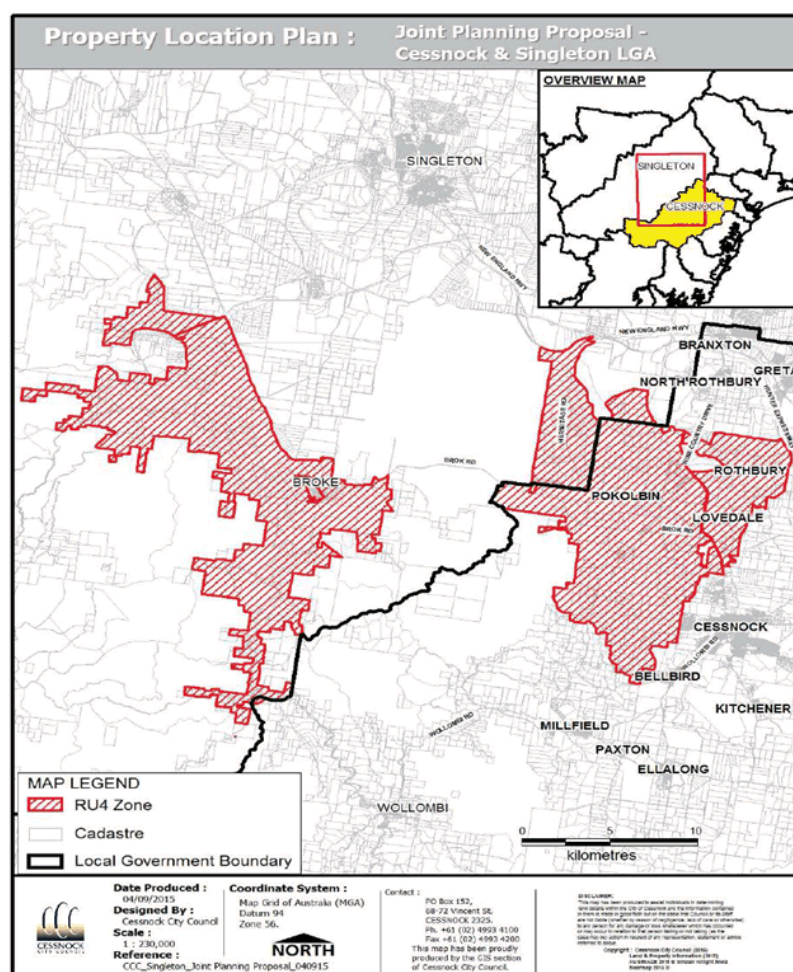
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The vineyards and associated tourism developments are the principal economic generator for the Vineyards District as well as being a major contributor to the economy of the Lower Hunter and NSW economy. The importance of the Vineyards District to the Hunter Region, and the local area generally, is recognised in both the Lower Hunter Regional Strategy 2006 and the Upper Hunter Strategic Regional Land Use Plan.

Figure 1: Land Zoned RU4 Primary Production Small Lots in Cessnock and Singleton Local Government Areas



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**Planning and Environment**

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**Planning and Environment**



The purpose of this Planning Proposal is to recognise and protect the primacy of the Vineyards District and maintain and enhance the existing vineyards, wineries and tourist uses by standardising, as far as possible, the objectives and land use table of the RU4 Zone in the Local Government Areas of Singleton and Cessnock. The Planning Proposal will ensure that there is effectively no arbitrary planning boundary within the area of the Vineyards District.

This Planning Proposal has been prepared to enable the following amendments to be made to CLEP 2011 and SLEP 2013.

**Proposed Amendment No. 1 – RU4 Zone Objectives**

**Issue**

The Standard Instrument – Principal Local Environmental Plan mandates that the following objectives must be included in respect of the RU4 Primary Production Small Lots Zone, where that Zone is adopted:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

In addition to the mandated objectives, Cessnock and Singleton Councils chose to include local objectives for the RU4 Zone when preparing their respective Standard Instrument LEPs. The local objectives included by Cessnock and Singleton Council are different, but have very similar intent.

In CLEP 2011, the following additional local objectives were included for the RU4 Zone:

- To maintain prime viticultural land and enhance the economic and ecological sustainability of the vineyards district.
- To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the vineyards district.
- To enable the continued rural use of land that is complementary to the viticultural character of the land.

In SLEP 2013, the following additional local objective was included for the RU4 Zone:

- To recognise Hunter Valley Wine Country and the adjoining environs of Broke-Fordwich as a major viticultural and tourist destination by providing additional opportunities for compatible tourist uses.

This Planning Proposal seeks to amend the objectives of the RU4 Zone in SLEP 2013 to reflect the existing RU4 Zone objectives in CLEP 2011. The intent of the Zone objectives in CLEP 2011 are fundamentally the same as the objective in SLEP 2013; however, it is considered that the objectives in CLEP 2011 expand more thoroughly on key viticultural principles of economic and ecological sustainability and of tourism brought about by the vineyards and associated land uses.

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**Recommendation**

1. In Singleton LEP 2013, remove the following:
  - To recognise Hunter Valley Wine Country and the adjoining environs of Broke-Fordwich as a major viticultural and tourist destination by providing additional opportunities for compatible tourist uses.
2. In Singleton LEP 2013, insert the following:
  - To maintain prime viticultural land and enhance the economic and ecological sustainability of the vineyards district.
  - To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the vineyards district
  - To enable the continued rural use of land that is complementary to the viticultural character of the land.

**Proposed Amendment No. 2 – RU4 Zone Permitted and Prohibited Land Uses**

**Issue**

The land use table that applies to the RU4 Primary Production Small Lots Zone under the *Cessnock Local Environmental Plan 2011* and *Singleton Local Environmental Plan 2013* are slightly different. Certain land uses permitted in one Council's RU4 Zone are not permitted in the other, and vice versa.

The outcome of this Planning Proposal will be amended Land Use Tables of the RU4 Zone in both CLEP 2011 and SLEP 2013. The land use tables will be amended to be as similar as possible, while respecting important differences between the Local Government Areas. The differences that will remain relate to the permissibility of hotel and motel accommodation, forestry, and recreation areas and facilities. The differences will reflect certain characteristics that are unique to each Local Government Area.

Many of the changes included in this Planning Proposal will not alter either Council's policy position regarding permissible land uses in the Zone, but will simplify each Council's RU4 Zone Land Use Table by incorporating 'group terms' where it is appropriate to do so.

Group terms are used to identify particular categories of land uses, which comprise one or more sub-terms. The land use, *intensive plant agriculture*, for example, is a group term that comprises several sub-terms, including *horticulture*, *turf farming*, and *viticulture*. Where a group term is included in a zone land use table, each corresponding sub-term is also taken to be included, unless that sub-term is expressly prohibited in the same land use table.

In addition to simplifying the RU4 Zone Land Use Table, this Planning Proposal also involves including and removing other land uses to bring about consistency between the CLEP 2011 and SLEP 2013. A Land Use Zone Matrix is attached at Enclosure 2, detailing the proposed land use table amendments.

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Recommendation

1. In CLEP 2011, remove the following from 'Permitted with consent' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:
  - childcare centres  
It is considered the land use is appropriate in urban zones, rather than primary production zones. The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Home-based child care is proposed to be permitted with consent in the RU4 Zone to allow low key child care activities to occur.
  - intensive plant agriculture  
The land use will remain permissible with consent under the 'agriculture' group term in both CLEP 2011 and SLEP 2013.
  - neighbourhood shops  
The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the land use is appropriate in urban zones, rather than primary production zones.
  - respite day care centres  
As above.
  - rural supplies  
As above.
  - waste or resource management facilities  
The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the land use is out of character with the objectives of the RU4 Zone.
2. In CLEP 2011, add the following to 'Permitted with consent' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:
  - agriculture  
The land use is a group term that will help simplify the Zone RU4 land use table and permit the following sub-term land uses to be carried out with development consent: aquaculture, intensive plant agriculture, and viticulture.
  - home-based child care  
Home-based child care is proposed to be permitted with consent to allow low key child care activities to occur in the Zone. The amendment will also bring about consistency between CLEP 2011 and SLEP 2013.
  - eco-tourist facilities  
The land use was only specifically defined in the Standard Instrument LEP after the gazettal of CLEP 2011. The land use relates to temporary or short term accommodation located in or adjacent to an area with

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special ecological or cultural features, which is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The land use is subject to the development standards contained in Cl.5.13 of the Standard Instrument LEP. It is considered appropriate to include the land use in the RU4 Zone.

- sewerage systems

The land use is permitted with consent in the RU4 Zone under *State Environmental Planning Policy (Infrastructure) 2007*. The amendment will bring about consistency with the Infrastructure SEPP and SLEP 2013.

- water supply systems

The amendment will bring about consistency between CLEP 2011 and SLEP 2013. A water supply system includes a water reticulation system, water storage facility, and water treatment facility. It is considered appropriate to permit water supply systems with consent in the RU4 Zone.

Note: Under *State Environmental Planning Policy (Infrastructure) 2007*, public authorities are permitted to carry out development for the purpose of a water reticulation system and water treatment facility without consent in the RU4 Zone.

- flood mitigation works.

The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered appropriate to permit flood mitigation works with consent in the RU4 Zone.

3. In CLEP 2011, add the following to 'Prohibited' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:

- intensive livestock agriculture

The proposed amendment will not change Cessnock Council's policy position regarding intensive livestock agriculture in the RU4 Zone. Because the group term, 'agriculture', is proposed to be included in the CLEP 2011 RU4 Zone land use table, it is critical to also amend the land use table to clearly prohibit 'intensive livestock agriculture' in the RU4 Zone.

- advertising structure

The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Strict requirements apply to advertising signage on rural or non-urban land under *State Environmental Planning Policy 64 – Advertising Signage*, which already limits Council's ability to grant consent to advertising signage.

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Building and business identification signage will remain permissible with consent in the RU4 Zone.

4. In SLEP 2013, remove the following from 'Permitted without consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:
  - intensive plant agriculture      The land use will remain permissible with consent under the 'agriculture' group term in both CLEP 2011 and SLEP 2013.
5. In SLEP 2013, remove the following from 'Permitted with consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:
  - airstrips      An *airstrip* means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad. The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Temporary use of land for the purpose of an airstrip may still be approved by Council subject to the provisions of Clause 2.8 of the LEP.
  - aquaculture      The land use will remain permissible with consent under the 'agriculture' group term in CLEP 2011 and SLEP 2013. The proposed amendment will not change Singleton Council's policy position regarding aquaculture in the RU4 Zone, but will help simplify the RU4 Zone land use table.
  - building identification signs      The land use will remain permissible with consent under the 'signage' group term in CLEP 2011 and SLEP 2013. The proposed amendment will not change Singleton Council's policy position regarding building identification signs in the RU4 Zone, but will help simplify the RU4 Zone land use table.
  - business identification signs      As above.
  - dual occupancies      The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the dual occupancy land use is out of character with the objectives of the RU4 Zone. Secondary dwellings and rural workers dwellings will be permissible with consent in the RU4 Zone, which will provide opportunities to accommodate rural workers, required to carry on primary production.

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- helipads

A *helipad* means a place not open to the public used for the taking off and landing of helicopters. The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Temporary use of land for the purpose of a helipad may still be approved by Council subject to the provisions of Clause 2.8 of the LEP.
  - turf farming

The land use will remain permissible with consent under the 'agriculture' group term in both LEPS. The proposed amendment will not change Singleton Council's policy position regarding turf farming in the RU4 Zone, but will help simplify the RU4 Zone land use table.
  - viticulture

As above.
  - rural industries

'Rural industries' is a group term that comprises several sub-term land uses, including agricultural produce industries, livestock processing industries, sawmill or log processing works and stock and sale yards.

While the 'rural industries' group term will be removed from the permitted land uses in the RU4 Zone of SLEP 2013, Singleton Council's policy position will not change in relation to the aforementioned sub-term land uses.

The amendment will help simplify the Zone RU4 land use table in CLEP 2011 and SLEP 2013.
6. In SLEP 2013, add the following to 'Permitted with consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:
- agriculture

The land use is a group term that will help simplify the Zone RU4 land use table and permit the following sub-term land uses to be carried out with development consent: aquaculture, intensive plant agriculture, and viticulture.
  - agricultural produce industries

The proposed amendment will not change Singleton Council's policy position regarding agricultural produce industries in the RU4 Zone, but will help simplify the Zone RU4 land use table.
  - eco-tourist facilities

The amendment will bring about consistency between CLEP 2011 and SLEP 2013. The land use relates to temporary or short term accommodation located in or adjacent to an area with special ecological or cultural

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- features, which is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The land use is subject to the development standards contained in Cl.5.13 of the Standard Instrument LEP. It is considered appropriate to include the land use in the RU4 Zone.
- rural workers dwellings

A *rural worker's dwelling* means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land. It is considered appropriate to include the land use in the RU4 Zone and will provide additional accommodation opportunities for rural workers. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.
  - secondary dwellings

A *secondary dwelling* means a self-contained dwelling that is established in conjunction with another dwelling (the *principal dwelling*), and is on the same lot of land as the principal dwelling, and is located within, or is attached to, or is separate from, the principal dwelling. It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.
  - signage

The proposed amendment will not change Singleton Council's policy position regarding signage in the RU4 Zone, but will help simplify the Zone RU4 land use table.
7. In SLEP 2013, remove the following from 'Prohibited' in the Land Use Table for RU4 Primary Production Small Lots Zone:
- backpackers' accommodation

*Backpackers' accommodation* means a building or place that provides temporary or short-term accommodation on a commercial basis, and has shared facilities, such as a communal bathroom, kitchen or laundry, and provides accommodation on a bed or dormitory-style basis (rather than by room). It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.

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- livestock processing industries  
The proposed amendment will not change Singleton Council's policy position regarding livestock processing industries in the RU4 Zone, but will help simplify the Zone RU4 land use table. Livestock processing industries will remain prohibited under the 'rural industries' group term.
  - sawmill or log processing industries  
As above.
  - serviced apartments  
A *Serviced apartment* means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents. It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.
  - stock and sale yards  
The proposed amendment will not change Singleton Council's policy position regarding stock and sale yards in the RU4 Zone, but will help simplify the RU4 Zone land use table. Stock and sale yards will remain prohibited under the 'rural industries' group term.
8. In SLEP 2013, add the following to 'Prohibited' in the Land Use Table for the RU4 Primary Production Small Lots Zone:
- advertising structure  
The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Strict requirements apply to advertising signage on rural or non-urban land under *State Environmental Planning Policy 64 – Advertising Signage*, which already limits Council's ability to grant consent to advertising signage.
- Building and business identification signage will remain permissible with consent in the RU4 Zone.

**OPTIONS**

1. Council resolve to support the recommendations of this Report and submit a Planning Proposal to the Department of Planning and Environment for a Gateway determination. This is the recommended option.
2. Request changes to the Planning Proposal. This option will delay the proposed amendments.

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3. Not support the recommendation of this Report. This is not the preferred option and will not assist the improvement in the operation of the LEP 2011 and alignment and consistency of LEPs.

**CONSULTATION**

This Planning Proposal has been jointly prepared by Singleton Council and Cessnock City Council and is reported to each Council for consideration on 16 November 2015 and 9 December 2015 respectively. A Councillor briefing occurred on 2 December 2015 for Cessnock City Councillors in relation to the Planning Proposal. The Planning Proposal may only progress if supported by both Councils.

If supported by both Councils, the proposal will be submitted to the Department of Planning and Environment for a Gateway determination in December 2015 and jointly exhibited following the receipt of a favourable Gateway determination. It is critical that the proposal progresses concurrently within each council and that consultation continues to occur between councils until the LEP amendment is gazetted.

Technical Studies have not been identified as a component of the Planning Proposal. If the Department of Planning and Environment Gateway determination makes prescriptions relating to technical studies, this will adversely impact on the estimated completion date.

It is proposed to consult with the NSW Department of Primary Industries – Agriculture in regard to this Planning Proposal.

**STRATEGIC LINKS**

**a. Delivery Program**

The recommendations of this report are consistent with the following objectives of the Cessnock Community Strategic Plan – Cessnock 2023.

A connected and safe community  
Objective 1.2 – Strengthening community culture

A sustainable and prosperous community  
Objective 2.3 – Increasing tourism opportunities and visitation in the area

A sustainable and healthy environment  
Objective 3.1 – Protecting and enhancing the natural environment and the rural character of the area.

**b. Other Plans**

Lower Hunter Regional Strategy 2006

The Lower Hunter Regional Strategy (LHRS) applies to the Cessnock Local Government Area only. The 'Pokolbin vineyard and tourism precinct' is recognised in the LHRS as a 'Specialised Centre' in the hierarchy of Commercial Centres servicing the Lower Hunter. The Strategy projects that an additional 1600 jobs will be required in the next 25 years to accommodate employment opportunities associated with population growth within the region.

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There is no inconsistency between this Planning Proposal and the objectives or actions of the LHRS. The Planning Proposal is consistent with the following action of the Strategy:

- Rural Landscape and Rural Communities - Local environmental plans are to maintain rural zoning for regionally significant agricultural land including the vineyard district as defined by the existing 1(v) zone in Cessnock Local Environmental Plan and the irrigated floodplains.

Upper Hunter Strategic Regional Land Use Plan

The Planning Proposal is consistent with the relevant actions specified in the Upper Hunter Strategic Regional Land Use Plan (UHSRLUP), including Action 3.3 of UHSRLUP that aims to protect strategic agricultural land, including the critical industry cluster of viticulture.

Cessnock City Council Community Strategic Plan - Our People, Our Place, Our Future

The Planning Proposal is consistent with Council's Community Strategic Plan and the Planning Proposal.

Singleton Council Community Strategic Plan - Our Place: A Blueprint for 2023

The Planning Proposal is consistent with Council's Community Strategic Plan and the Planning Proposal.

Cessnock City Wide Settlement Strategy 2010

The Planning Proposal is consistent with the Cessnock City Wide Settlement Strategy (CWSS) and the Planning Proposal. CWSS identifies the uniqueness of the Vineyards District as both a specialised commercial centre and regionally significant agricultural land and this is reflected in the objectives of this Planning Proposal.

Vineyards Vision Statement

The Planning Proposal is considered to be consistent with the Vineyards Visioning Statement.

Consistency with State Environmental Planning Policies

The proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs). An assessment of relevant SEPPs against the Planning Proposal is provided in the accompanying Planning Proposal.

Ministerial Section 117 Directions

Section 117(2) of the *Environmental Planning & Assessment Act 1979* enables the Minister for Planning and Environment to issue directions that Council must address when preparing planning proposals to amend a Local Environmental Plan. An assessment of relevant s.117 Directions are provided in the accompanying Planning Proposal. The Proposal is considered to be consistent with the relevant Ministerial Directions.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Following Council's endorsement, a Planning Proposal will be submitted to the Department of Planning and Environment for a Gateway determination.

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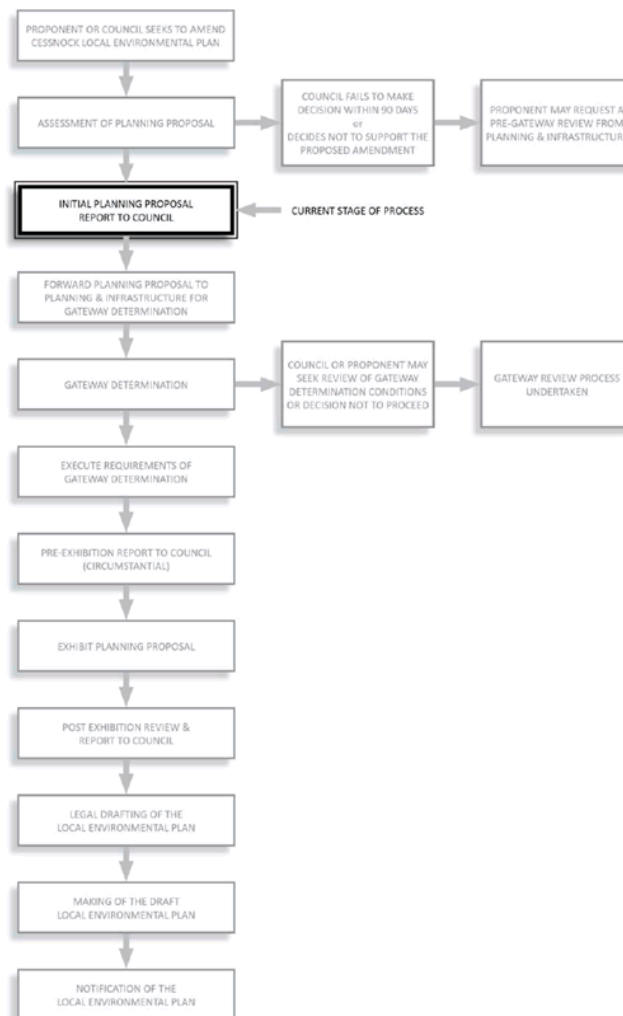
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It is intended that the Planning Proposal be exhibited in accordance with any specific requirements made by the Department of Planning and Environment during the Gateway determination.

**PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN**



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**b. Financial Implications**

The cost of this project is funded from Council's Strategic Land Use Planning budget.

**c. Legislative Implications**

This Report has regard to the provisions of the *Environmental Planning & Assessment Act 1979* and its Regulations and the *Standard Instrument (Local Environmental Plans) Order 2006* (as amended).

**d. Risk Implications**

The proposed changes will remove potential problems and / or delays for planned or possible future development.

**e. Other Implications**

Nil

**CONCLUSION**

This Planning Proposal seeks to recognise and protect the primacy of the vineyards district and maintain and enhance the existing vineyards, wineries and tourist uses by standardising, as far as possible, the land use table of the RU4 Primary Production Small Lots Zone in the *Cessnock Local Environmental Plan 2011* and *Singleton Local Environmental Plan 2013*. The Planning Proposal will ensure that there is effectively no arbitrary planning boundary within the area of the Pokolbin Vineyards District.

Should Cessnock and Singleton Council determine to support the proposal, a planning proposal will be forwarded to the Department of Planning and Environment for Gateway determination. The Gateway determination is likely to contain conditions that will need to be satisfied before exhibition can commence. If objections are received, a further report will be presented to each Council following public exhibition of the Planning Proposal, advising of the outcomes of the consultation program and any recommendations relating to the adoption of the final amendment.

**ENCLOSURES**

- 1** Planning Proposal
- 2** RU4 Zone Land Use Matrix

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Appendix 2: RU4 Zone Land Use Matrix

JOINT PLANNING PROPOSAL: RU4 Zone (Vineyards) Planning Provisions

Cessnock Local Environmental Plan 2011 and Singleton Local Environmental Plan 2013

Land Use Matrix for RU4 Zone

Legend

- o permitted without consent [mandated under the SI].
  - o permitted without consent.
  - c permitted with consent [mandated under the SI].
  - c permitted with consent.
  - x prohibited [mandated under the SI].
  - x prohibited.
  - A permitted under SEPP (Affordable Rental Housing) 2009.
  - I permitted under SEPP (Infrastructure) 2007.
- fill colours in **green** or **red** mandated under the SI.  
fill colour in **purple** public infrastructure permitted under a SEPP.

	Cessnock LEP 2011		Singleton LEP 2013		Notes where changes are required
	Current	Proposed	Current	Proposed	
<b>agriculture</b>	x	c	x	c	The amendment reflects the fact that the majority of the Agriculture sub-term land uses are permitted with consent in the RU4 Zone. The amendment will help simplify the RU4 Zone Land Use Table, but will not result in a change in policy direction for either council. <b>Action: Amend CLEP 2011 and SLEP 2013 by including Agriculture as permitted with consent.</b>
aquaculture	x	c	c	c	The amendment affects the Cessnock RU4 Zone only. Aquaculture is already permissible in the Singleton RU4 Zone. The amendment will enable the keeping of fish or marine vegetation in a confined area for a commercial purpose and permit tourist attractions like 'fishbouts' in the Vineyards District. <b>Action: Amend SLEP 2013 by removing Aquaculture from permitted with consent. The land use will remain permissible under the Agriculture group term.</b>
extensive agriculture [eg. grazing of livestock, etc.]	o	o	o	o	
bee keeping	o	o	o	o	
dairy (pasture-based)	o	o	o	o	
intensive livestock agriculture [eg. poultry farms, etc.]	x	x	x	x	Because the group term, 'Agriculture', is proposed to be included as permitted with consent, 'intensive livestock agriculture' must be included as prohibited to maintain each council's policy position. <b>Action: Amend CLEP 2011 by including intensive livestock agriculture as prohibited development. The land use is already prohibited in SLEP 2013.</b>
feedlots	x	x	x	x	
dairies (restricted)	x	x	x	x	
intensive plant agriculture [eg. cultivation of irrigated crops]	c	c	o	c	Intensive Plant Agriculture is to be permitted with consent so that appropriate assessment can be undertaken regarding the impacts of the land use, such as spray drift.
horticulture	c	c	o	c	<b>Action: Amend SLEP 2013 by removing Intensive Plant Agriculture from permitted without consent. Also, remove Turf Farming and Viticulture from permitted with consent. The land uses will remain permissible with consent under the Agriculture group term.</b>
turf farming	c	c	c	c	
viticulture	c	c	c	c	<b>Action: Amend CLEP 2011 by removing Intensive Plant Agriculture from permitted with consent. The sub-term land use will remain permissible under the Agriculture group term.</b>



	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
(LAND USE terms OUTSIDE agriculture group term)					
animal boarding or training establishments	C	C	C	C	
farm buildings	C	C	C	C	
forestry	X	X	C	X	Forestry is considered to be inconsistent with the character and objectives of the RU4 Zone. <b>Action: Amend SLEP 2013 by removing Forestry from permitted with consent.</b>
<b>residential accommodation</b>					
attached dwellings	X	X	X	X	
boarding houses	X	X	X	X	
dual occupancies	X	X	C	X	Dual occupancy development is considered to be out of character with the objectives of the RU4 Zone.
dual occupancies (attached)	X	X	C	X	<b>Action: Amend SLEP 2013 by removing Dual Occupancies from permitted with consent.</b>
dual occupancies (detached)	X	X	C	X	
dwellings houses	C	C	C	C	
group homes	X	X	X	X	
group homes (permanent)	X	X	X	X	
group homes (transitional)	X	X	X	X	
hostels	X	X	X	X	
multi dwelling housing	X	X	X	X	
residential flat buildings	X	X	X	X	
rural workers' dwellings	C	C	X	C	Rural workers' dwellings may be appropriate in the RU4 Zone to enable accommodation for employees involved in existing agricultural activities, including agricultural produce activities. It is proposed that the land use will be subject to specific development standards, set out in a new clause to the LEP. <b>Action: Amend SLEP 2013 by including rural workers' Dwellings as permitted with consent. Include new clause in CLEP 2011 regarding rural workers' dwellings (Singleton will be including Clause in a separate Planning Proposal).</b>

	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
secondary dwellings	C	C	X	C	Secondary dwellings will provide an alternative form of accommodation for employees involved in existing tourist related developments. The amendment will also bring about consistency between CLEP 2011 and SLEP 2013.  Cessnock Council notes that secondary dwellings have the potential to be used as de facto tourist accommodation. This would be a major concern in Cessnock if the number of secondary dwellings in the RU4 Zone were to increase significantly. As it is, only five secondary dwellings have been approved in the RU4 Zone at Cessnock since the introduction of the current LEP 2011.  Cessnock Council will continue to monitor the number of approvals issued for secondary dwellings in the RU4 Zone and may revisit the permissibility of secondary dwellings in the future, if it is determined that the number of secondary dwellings is impacting the character of the Zone.  <b>Action: Amend SLEP 2013 by including secondary dwellings as permitted with consent.</b>
semi-detached dwellings	X	X	X	X	
seniors housing	X	X	X	X	
residential care facilities	X	X	X	X	
shop top housing	X	X	X	X	
(LAND USE terms OUTSIDE residential accommodation group term)					
home-based child care	X	C	C	C	Home-based child care will allow for low key child care activities to occur in the RU4 Zone.  <b>Action: Amend CLEP 2011 by including Home-based Child Care as permitted with consent.</b>
home business	C	C	C	C	
home occupations	O	O	O	O	
home occupation (sex services)	X	X	X	X	
<b>tourist and visitor accommodation</b>	C	C	C	C	
backpackers' accommodation	C	C	X	C	It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities for employees involved in existing agricultural activities, including agricultural produce activities.  <b>Action: Amend SLEP 2013 by including backpackers' accommodation as permitted with consent.</b>



	Cessnock LEP 2011	Proposed	Singleton LEP 2013	Proposed	Notes where changes are required
	Current		Current		
bed & breakfast accommodation farm stay accommodation	c c	c c	c c	c c	This will be a point of difference in the Planning Proposal with each Council seeking to maintain its existing policy position.  Cessnock City Council  Larger forms of Tourist and Visitor accommodation, such as Hotel or Motel Accommodation, are likely to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural character of the area. The Hotel or Motel Accommodation land use is considered to be more appropriately located in established urban areas, where there are supporting facilities, retail and infrastructure.
hotel or motel accommodation	x	x	c	c	Cessnock Council may consider permitting Hotel or Motel Accommodation at key 'destination nodes' in the Viticultural District, perhaps with the application of different zone, e.g. the SP3 Zone, or a property specific additional permitted use.  <b>Action: Nil</b>  Singleton Council  Singleton Council has not undertaken a detailed study to support a change in policy direction regarding hotel or motel accommodation. Singleton Council will seek community feedback regarding the land use during the community consultation phase of the Planning Proposal. This will help inform any change in policy regarding the land use.  <b>Action: Nil</b>  Cessnock Council
serviced apartments	c	x	x	x	Larger forms of Tourist and Visitor accommodation, such as Serviced Apartments, are likely to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural character of the area. The Serviced Apartments land use is considered to be more appropriately located in established urban areas, where there are supporting facilities, retail and infrastructure.  Cessnock Council may consider permitting Serviced Apartments at key 'destination nodes' in the Viticultural District, perhaps with the application of different zone, e.g. the SP3 Zone, or a property specific additional permitted use.

	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
					<b>Action: Amend CLEP 2011 by including serviced apartments as prohibited.</b>  Singleton Council No change. Serviced apartments are already prohibited in the RU4 Zone. <b>Action: Nil</b>
(LAND USE terms OUTSIDE tourist and visitor accommodation group term)					
camping grounds	X	X	X	X	
caravan parks	X	X	X	X	
eco-tourist facilities	X	C	X	C	The land use was only specifically defined in the Standard Instrument LEP after the gazettal of CLEP 2011. The land use relates to temporary or short term accommodation located in or adjacent to an area with special ecological or cultural features, which is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The land use is subject to the development standards contained in Cl.5.13 of the Standard Instrument LEP. It is considered appropriate to include the land use in the RU4 Zone.
					<b>Action: Amend CLEP 2011 and SLEP 2013 by including Eco-tourist Facilities as permitted with consent.</b>
<b>commercial premises</b>	X	X	X	X	
<b>business premises</b> [eg. banks, post offices, hairdressers, etc.]	X	X	X	X	
funeral homes	X	X	X	X	
<b>office premises</b>	X	X	X	X	
<b>retail premises</b>	X	X	X	X	
bulky goods premises	X	X	X	X	
cellar door premises	C	C	C	C	
food & drink premises	X	X	X	X	
pubs	X	X	X	X	
restaurants or cafes	C	C	C	C	
take-away food & drink premises	X	X	X	X	

	Cessnock LEP 2011		Proposed	Singleton LEP 2013		Proposed	Notes where changes are required
	Current			Current			
garden centres	X		X	X		X	
hardware & building supplies	X		X	X		X	
kiosks	X		X	X		X	
landscaping material supplies	X		X	X		X	
markets	X		X	X		X	
plant nurseries	X		X	X		X	
roadside stalls	C		C	C		C	
rural supplies	C		C	C		C	Rural Supplies are considered appropriate in urban zones, rather than rural zones. <b>Action: Amend CLEP 2011 by removing rural supplies from permitted with consent.</b>
shops	X		X	X		X	
neighbourhood shops	C		X	X		X	While it is acknowledged that there are some existing tourist related shops in the Cessnock RU4 Zone, these are likely reliant on existing use rights or approved as ancillary development. A tourist related shop is not separately defined in the LEP and would likely be considered a retail premises (shop) under the Standard Instrument LEP. Shops are currently prohibited in the RU4 Zone in both Cessnock and Singleton and are considered more appropriate in urban zones. A 'tourist related shop' would not meet the standard instrument definition of a 'neighbourhood shop', which provides '[...] for the day-to-day needs of people who live or work in the local area'.
timber yards	X		X	X		X	<b>Action: Amend CLEP 2011 by removing neighbourhood shops from permitted with consent.</b>
vehicle sales or hire premises	X		X	X		X	
<b>(LAND USE IERMS OUTSIDE commercial premises group term)</b>							
amusement centres	X		X	X		X	
entertainment facilities	X		X	X		X	
function centres	C		C	C		C	No change in position. <b>Action: Nil</b>

	Cessnock LEP 2011		Proposed	Singleton LEP 2013		Proposed	Notes where changes are required
	Current			Current			
highway service centres	x		x	x		x	
industrial retail outlets	x		x	x		x	
registered clubs	x		x	x		x	
restricted premises	x		x	x		x	
service stations	x		x	x		x	
sex services premises	x		x	x		x	
veterinary hospitals	x		x	x		x	
wholesale supplies	x		x	x		x	
<b>rural industries</b> [eg. use of composting facilities and works]	x		x	c		x	The amendment reflects that the majority of the Rural Industry sub-term land uses are prohibited in the RU4 Zone. The amendment will help simplify the RU4 Zone Land Use Table. <b>Action: Amend SLEP 2013 by removing Rural Industries from permitted with consent.</b>
agricultural produce industries	c		c	c		c	Because the group term, Rural Industries is proposed to be prohibited, Agricultural Produce Industries must be included as permitted with consent. <b>Action: Amend SLEP 2013 by including Agricultural Produce Industries as permitted with consent. The land use is already included in CLEP 2011.</b>
liveslock processing industries	x		x	x		x	
sawmill or log processing industries	x		x	x		x	
stock & sale yards	x		x	x		x	
<b>industries</b>	x		x	x		x	
heavy industries	x		x	x		x	
hazardous industry	x		x	x		x	
offensive industry	x		x	x		x	
light industries	x		x	x		x	
high technology industries	x		x	x		x	
home industry	c		c	c		c	
general industries	x		x	x		x	
<b>(LAND USE terms OUTSIDE industry group term)</b>	x		x	x		x	
boat building and repair facilities							

	Cessnock LEP 2011		Singleton LEP 2013 Current	Proposed	Proposed	Notes where changes are required
	Current					
vehicle body repair workshops	x	x	x	x	x	
vehicle repair stations	x	x	x	x	x	
<b>heavy industrial storage establishments</b>	x	x	x	x	x	
hazardous storage establishments	x	x	x	x	x	
liquid fuel depots	x	x	x	x	x	
offensive storage establishments	x	x	x	x	x	
<b>storage premises</b>	x	x	x	x	x	
self storage units	x	x	x	x	x	
<b>(LAND USE terms OUTSIDE storage premises group term)</b>						
depots	x	x	x	x	x	
warehouse or distribution centres	x	x	x	x	x	
<b>sewerage systems</b>	x	c	c	c	c	The land use is permitted with consent in the RU4 Zone under State Environmental Planning Policy (Infrastructure) 2007 and will bring about consistency with the Infrastructure SEPP and SLEP 2013.  <b>Action: Amend CLEP 2011 by including Sewerage Systems as permitted with consent. The land use is already included in SLEP 2013.</b>
biosolids treatment facilities	l	l	l	l	l	
sewage reticulation systems	l	l	l	l	l	
sewage treatment plants	l	l	l	l	l	
water recycling facilities	l	l	l	l	l	
<b>waste or resource management facilities</b>	c	x	x	x	x	The land use is out of character with the objectives of the RU4 Zone.
resource recovery facilities	c	x	x	x	x	<b>Action: Amend CLEP 2011 by removing Waste or Resource Management Facilities from permitted with consent. The land use is already prohibited in SLEP 2013.</b>
waste disposal facilities	c	x	x	x	x	
waste or resource transfer stations	c	x	x	x	x	
<b>water supply systems</b>	x	c	c	c	c	The amendment will bring about consistency between CLEP 2011 and SLEP 2013. A water supply system includes a water reticulation system, water storage facility, and water treatment facility. It is considered appropriate to permit water supply systems with consent in the RU4 Zone.
water reticulation systems	x	c	c	c	c	Under State Environmental Planning Policy (Infrastructure) 2007, public authorities

	Cessnock LEP 2011	Proposed	Singleton LEP 2013	Proposed	Notes where changes are required
	Current		Current		
water storage facilities	X	C	C	C	are permitted to carry out development for the purpose of a water reticulation system and water treatment facility without consent in the RU4 Zone.
water treatment facilities	X	C	C	C	<b>Action: Amend CLEP 2011 by including Water Supply Systems as permitted with consent. The land use is already included in SLEP 2013.</b>
<b>air transport facilities</b>					
airport	X	X	X	X	
helipad	X	X	X	X	
<b>(LAND USE terms OUTSIDE air transport facility group term)</b>					
airstrip	X	X	C	X	Temporary use of land for the purpose of an airstrip may still be approved by Council subject to the provisions of Clause 2.8 of the LEP. <b>Action: Amend SLEP 2013 by removing Airstrips from permitted with consent. The land use is already prohibited in CLEP 2011.</b>
helipad	X	X	C	X	Temporary use of land for the purpose of a helipad may still be approved by Council subject to the provisions of Clause 2.8 of the LEP. <b>Action: Amend SLEP 2013 by removing Helipads from permitted with consent. The land use is already prohibited in CLEP 2011.</b>
<b>(Other LAND USE terms relating to infrastructure)</b>					
car parks	X	X	X	X	
electricity generating works	I	I	I	I	
freight transport facilities	X	X	X	X	
passenger transport facilities	X	X	X	X	
port facilities	X	X	X	X	
roads	C	C	C	C	
transport depots	X	X	X	X	
truck depots	X	X	X	X	
wharf or boating facilities	X	X	X	X	
<b>educational establishments</b> [eg. TAFE establishment, etc.]	I	I	I	I	
schools	I	I	I	I	
<b>health services facilities</b>	I	I	I	I	
hospitals	I	I	I	I	

	Cessnock LEP 2011		Proposed	Singleton LEP 2013		Proposed	Notes where changes are required
	Current			Current			
medical centres health consulting rooms	I		I	I		I	
	I		I	I		I	
(Other LAND USE terms relating to community infrastructure)							
child care centres	C		X	X		X	The land use is appropriate in urban zones, rather than rural zones. Home-based child care is proposed to be permitted with consent in the RU4 Zone to allow low key child care activities to occur.  <b>Action: Amend CLEP 2011 by removing Child Care Centres from permitted with consent. The land use is already prohibited in SLEP 2013.</b>
community facilities	C		C	C		C	No change in position  <b>Action: Nil</b>
correctional centres	X		X	X		X	
emergency services facilities	I		I	I		I	
industrial training facilities	X		X	X		X	
information and education facilities	C		C	C		C	
places of public worship	X		X	X		X	
public administration building	X		X	X		X	
research stations	X		X	X		X	
respite day care centres	C		X	X		X	The land use is appropriate in urban zones, rather than rural zones.  <b>Action: Amend CLEP 2011 by removing Respite Day Care Centres from permitted with consent. The land use is already prohibited in SLEP 2013.</b>
signage	C		C	X		C	The amendment reflects that the majority of the Signage sub-term land uses are permitted with consent in the RU4 Zone. The amendment will help simplify the RU4 Zone Land Use Table.
	C		X	X		X	<b>Action: Amend SLEP 2013 by including Signage as permitted with consent.</b> Strict requirements apply to advertising signage on rural or non-urban land under State Environmental Planning Policy 64 – Advertising Signage, which already limits Council's ability to grant consent to advertising signage.
advertising structure	C		X	X		X	<b>Action: Amend CLEP 2011 and SLEP 2013 by prohibiting Advertising Structures. Advertising Structures are already prohibited in the Singleton RU4 Zone</b>

	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
building identification sign	C	C	C	C	Because the group term, 'Signage', is proposed to be included as permitted with consent, 'Building Identification Signage' can be removed from the SLEP 2013 RU4 Zone Land Use Table. <b>Action: Amend SLEP 2013 by removing Building Identification Signage from permitted with consent. The land use will be permitted under the Signage group term.</b>
business identification sign	C	C	C	C	Because the group term, 'Signage', is proposed to be included as permitted with consent, 'Business Identification Signage' can be removed from the SLEP 2013 RU4 Zone Land Use Table. <b>Action: Amend SLEP 2013 by removing Business Identification Signage from permitted with consent. The land use will be permitted under the Signage group term.</b>
(LAND USE terms relating to recreation)					
boat launching ramps	X	X	X	X	
boat sheds	X	X	X	X	
charter & tourism boating facilities	X	X	X	X	
environmental facilities	C	C	C	C	
jetties	X	X	X	X	
marinas	X	X	X	X	
mooring	X	X	X	X	
mooring pens	X	X	X	X	
recreation areas	X	X	C	C	This will be a point of difference in the Planning Proposal with each Council seeking to maintain its existing policy position. Cessnock City Council Recreation Areas that are not ancillary to viticultural developments are considered to be more appropriately located in established urban areas, where they are less likely to conflict with the viticultural pursuits occurring in the Zone. Outdoor concerts that attract tourism, like Lovedale Long Lunch and Jazz in the Vines, are assessed as 'temporary events' and remain permissible pursuant to clause 2.8 of CLEP 2011 and SLEP 2013. <b>Action: Nil</b>



	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
recreation facilities (indoor)	X	X	X	X	Singleton Council has not undertaken a detailed study to support a change in policy direction regarding Recreation Areas. Singleton Council will seek community feedback on the matter during the community consultation phase of the proposal and this will help inform its decision regarding the land use. <b>Action: Nil</b>
recreation facilities (major)	X	X	X	X	This will be a point of difference in the Planning Proposal with each Council seeking to maintain its existing policy position.
recreation facilities (outdoor)	X	X	C	C	Cessnock City Council Recreation Facilities (Outdoor) that are not ancillary to viticultural developments are considered to be more appropriately located in established urban areas, where they are less likely to conflict with the viticultural pursuits occurring in the Zone. <b>Action: Nil</b> Singleton Council Singleton Council has not undertaken a detailed study to support a change in policy direction regarding Recreation Facilities (Outdoor). Singleton Council will seek community feedback on the matter during the community consultation phase of the proposal and this will help inform its decision regarding the land use. <b>Action: Nil</b>
water recreation structures	X	X	X	X	
(Other miscellaneous LAND USE terms)					
cemetery	X	X	X	X	
crematorium	X	X	X	X	
environmental protection works	C	C	C	C	
exhibition homes	X	X	X	X	
exhibition villages	X	X	X	X	
extractive industries	X	X	X	X	

	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
flood mitigation works	x	c	c	c	It is considered appropriate to include Flood Mitigation Works as permitted with consent in the RU4 Zone to mitigate flood risk. Under State Environmental Planning Policy (Infrastructure) 2007, public authorities are permitted to carry out Flood Mitigation works without consent in the RU4 Zone. <b>Action: Amend CLEP 2011 by including Flood Mitigation Works as permitted with consent.</b>
mortuaries	x	x	x	x	Pursuant to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, mining and extractive industries are permissible with consent on land where development for the purposes of agriculture or industry may be carried out. A gateway certificate or site verification certificate must accompany the development application for mining or petroleum development where the land is also identified as strategic agricultural land.
open cut mining	x	x	x	x	The majority of the RU4 zoned land in Singleton and Cessnock LGA is identified as 'strategic agricultural land' under State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 and any mining or petroleum development in that area must be accompanied by a gateway certificate or site verification certificate. <b>Action: Nil</b>



Overarching Issue	Occasions Raised	Issue Summary and Planning Response
The <i>serviced apartments</i> land use should remain permissible	> 40	<p>The submissions emphasise the economic value of <i>tourist and visitor accommodation</i> to the local and regional economy. Particular reference is made to the <i>serviced apartments</i> land use. The submissions outline that this economic value is not reflected or acknowledged by the Proposal. The submissions also emphasise the important interrelationship between wine tourism and viticulture and highlight that the uses are significantly co-dependent.</p> <p>The Proposal sets out that certain forms of development have the potential to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural and viticultural character of the land. This is not to say that these developments cannot co-exist with viticulture or they are not important, rather that they present a significantly higher likelihood of land use conflict, particularly within certain areas of the Vineyard's District. This potential for land use conflict must be carefully managed with emphasis on maintaining the scenic rural landscape of the Vineyard's District and the primacy of <i>viticulture</i>. This approach is consistent with Direction 9 of the Hunter Regional Plan 2036 and the Vineyards Vision Statement.</p> <p>The Proposal outlines one way land use conflict can be managed, that is by prohibiting potentially 'high risk' land uses in the RU4 Zone. This approach is supported by the Department of Primary Industries in their advice to Council of May 2016 and the Vineyard's District Study, prepared by specialist agricultural consultants RMCG, in 2017.</p> <p>However, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p> <p>The submissions generally outline that the Planning Proposal will result in negative flow on effects, including reduced investment in the regional economy, impacting the viability of both the viticulture and wine tourism industry. The submissions also indicate that the Proposal sends the wrong signal to investors and to those who promote tourism.</p> <p>There is considerable information that supports the Proposal, which seeks to recognise and protect the primacy of the vineyards and the rural amenity of the District. This includes Direction 9 of the Hunter Regional Plan 2036, the Vineyard's Vision document, as amended by the wine and tourism industry and more recently, the 2017 Vineyard's District Study, carried out by specialist agricultural consultants RMCG.</p>
Restricting tourist and visitor accommodation in the Cessnock RU4 Zone would be detrimental to economic growth in the region	> 30	

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
		Notwithstanding this, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.
The Proposal will result in financial hardship	> 20	<p>The submissions outline that property values, capital investment and income will be negatively impacted by the Planning Proposal.</p> <p>The concerns raised in the submissions are relevant and financial impacts will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p> <p>It is considered that larger forms of <i>tourist and visitor accommodation</i>, such as <i>hotel or motel accommodation</i>, are more likely to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural character of the area. This is not to say that these developments cannot co-exist with viticulture, or that they are not important, rather that they present a significantly higher likelihood of land use conflict, particularly within certain areas of the Vineyard's District. This potential for land use conflict must be carefully managed with emphasis on maintaining the scenic rural landscape of the Vineyard's District and the primacy of viticulture.</p>
The <i>hotel or motel accommodation</i> land use should be permissible	> 20	<p>Council has traditionally taken the approach of limiting the density and size of tourist developments in the viticultural zone; previously under Clause 52 of the LEP 1989 – tourist development densities within Zone No 1 (v); and currently, under Clause 7.6 of the LEP 2011 – tourist and visitor accommodation in certain rural and environmental zones, and Parts D and E of Council's Development Control Plan 2010.</p> <p>Notwithstanding this, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
The Proposal does not achieve the primary objective of standardisation	> 20	<p>The Planning Proposal does not fully align land uses in the Cessnock and Singleton RU4 Zone. Inconsistencies remain in relation to the permissibility of <i>hotel and motel accommodation, recreation areas and recreation facilities (outdoor)</i>. These land uses remain permissible in the Singleton RU4 Zone and prohibited in the Cessnock RU4 Zone.</p> <p>It is acknowledged that, aside from <i>viticulture</i>, the <i>tourist and visitor accommodation</i> land use group accounts for a substantial proportion of the land uses that occur in the Vineyard's District. Deferring such an important land use group from the Proposal will mean the key objective of standardisation has not been achieved.</p> <p>In response, it is recommended that further strategic analysis be undertaken, including potentially a 'precinct' planning approach to land use in the Viticultural District.</p>
The Proposal will result in non-conforming land uses	> 20	<p>The submissions outline that the Planning Proposal should avoid a conglomeration of development reliant on existing use rights.</p>



Overarching Issue	Occasions Raised	Issue Summary and Planning Response
The <i>neighbourhood shops</i> land use should remain permissible.	> 20	<p>The submissions outline the importance of <i>neighbourhood shops</i> in providing goods and services to people who live and work in the area as well as tourists.</p> <p>While it is acknowledged that there are some existing tourist related shops in the RU4 Zone, these are likely reliant on existing use rights or approved as development ancillary to a permitted use, such as viticulture or cellar door premises. A 'tourist related shop' is not separately defined in the LEP and would be considered a retail premises (shop) under the Standard Instrument LEP. Shops are currently prohibited in the RU4 Zone in both Cessnock and Singleton and are considered more appropriate in urban zones. A 'tourist related shop' would not meet the standard instrument definition of a neighbourhood shop, which provides '[...] for the day-to-day needs of people who live or work in the local area'.</p> <p>Notwithstanding this, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment. In this regard, <i>shops</i> may be appropriate in certain areas within the Viticultural District.</p> <p>The submissions generally outline that the Planning Proposal will result in the closure of cellar doors and wineries, which are dependent on wine sales to tourists. The submissions also note that the Vineyard's District operates successfully because of its ability to allow viticulture and tourism related industries to co-exist and grow together.</p> <p>The Proposal sets out that certain forms of development have the potential to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural and viticultural character of the land. This is not to say that these developments cannot co-exist with viticulture or they are not important, rather that they present a significantly higher likelihood of land use conflict, particularly within certain areas of the Vineyard's District. This potential for land use conflict must be carefully managed with emphasis on maintaining the scenic rural landscape of the Vineyard's District and the primacy of <i>viticulture</i>. This approach is consistent with Direction 9 of the Hunter Regional Plan 2036 and the Vineyards Vision Statement.</p> <p>The Proposal outlines one way land use conflict can be managed, that is by prohibiting potentially 'high risk' land uses in the RU4 Zone. This approach is supported by the Department of Primary Industries in their advice to Council of May 2016 and the Vineyard's District Study, prepared by specialist agricultural consultants RMCG, in 2017.</p>
The Proposal is detrimental to wine tourism in the region	10-20	

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
The Proposal does not acknowledge the value of wine tourism or its interrelationship with viticulture in the Hunter Valley		However, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.
		The submissions outline that viticulture on small holdings is not a viable option in the Hunter, but must be supplemented with other income streams, e.g. <i>tourist and visitor accommodation</i> .
	10-20	<p>The viticultural district occupies a relatively small area of land in the Hunter Region. As a result, careful consideration must be given to the siting and built form of any development that occurs on the land. Over time, proliferation of non-agricultural development will have a cumulative impact on the rural character of the land, result in amenity impacts and may eventually undermine the rural landscape, which is significant to the overall appeal of the District for tourists.</p> <p>The Proposal outlines one way land use conflict can be managed, that is by prohibiting potentially 'high risk' land uses in the RU4 Zone. This approach is supported by the Department of Primary Industries in their advice to Council of May 2016 and the Vineyard's District Study, prepared by specialist agricultural consultants RMCg, in 2017.</p> <p>However, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p>



Overarching Issue	Occasions Raised	Issue Summary and Planning Response
Tourists wanting to see the vineyards do not want to stay overnight in the urban centres of Cessnock	10-20	<p>The submissions outline that tourists visiting the region do not want to stay in the Cessnock urban centres, but are instead attracted to the rural amenity and character of the Vineyard's District. The submissions note that new tourist accommodation will not establish in the Cessnock urban centre in response to the Proposal.</p> <p>While establishing stronger links between the Vineyard's District and the Cessnock urban centres would benefit the Centres in an economic sense, this is not a core aim of the Proposal. The Proposal responds to certain forms of development that have the potential to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural and viticultural character of the land. The Proposal outlines one way this conflict may be mitigated.</p> <p>The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p>
Prohibit backpackers' accommodation	10-20	<p>The submissions generally outline that accommodation in the Vineyard's District is directed toward the 'higher end' of the tourist market. Backpackers' accommodation is considered a low-cost form of travel that adds little to the tourist economy and character of the area.</p> <p>The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p>
There has been a lack of community consultation regarding the Proposal	10-20	<p>Preparation of the associated Vineyards District Study included input from a vineyards reference group, which met on three occasions between April and August 2016. The reference group included a selection of vignerons, developers and representatives from the Department of Planning and Environment, Singleton Council, Hunter Valley Wine and Tourism Association and Broke Fordwich Wine and Tourism Association. Cessnock Councillors were briefed on the outcomes of the Vineyards District Study on 8 February 2017 and the final Study was submitted to Council on 21 June 2017. It is also noted that purpose of the exhibition period is to consult with the community.</p>
The Proposal is unclear, misleading, incomplete or divisive	10-20	<p>The submissions raise a variety of concerns, including that the Proposal has been presented as a relatively minor planning reform and that the impact of the major changes are not fully detailed. The submissions also outline that the Proposal as exhibited is not what was assessed by the Department of Planning and Environment and that it misrepresents the outcomes of the City Wide Planning Strategy and Vineyards Vision Statement. The submissions also highlight that the Vineyards District Study, prepared by RMCg, is not a public document.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
		<p>It is acknowledged that aspects of the Proposal, including the Standard Instrument land use terms and definitions are complicated. For this reason, a factsheet broadly outlining the key amendments was circulated with each notification letter.</p> <p>The Proposal will affect the overall range of activities that may occur in the Vineyard's District with consent. Some additional uses will be permitted, while others will be prohibited. However, the extent of the impact is largely dependent upon how each development is (or has been) 'characterised' and this varies on a case by case basis.</p> <p>The prohibition of the <i>serviced apartments</i> land use in the RU4 Zone was one of a small number of amendments that were proposed on the basis of the recommendations from the Vineyard's District Study. The Vineyard's District Study was carried out by specialist agricultural consultants, RMCg, to support the preparation of the new Cessnock City Planning Strategy. The Vineyard's District Study also provides detailed guidance regarding the Proposal. The Study has not been made public because it serves as background information to the forthcoming Strategy.</p> <p>On 16 October 2017, the Department of Planning and Environment confirmed that the proposed amendments, brought about by the Vineyards District Study, would not require an amended Gateway determination.</p> <p>There is considerable information that supports the Proposal, which seeks to recognise and protect the primacy of the vineyards and the rural amenity of the District. This includes Direction 9 and 10 of the Hunter Regional Plan 2036, the Vineyard's Vision document, as amended by the wine and tourism industry and more recently, the 2017 Vineyard's District Study, carried out by specialist agricultural consultants RMCg. The Department of Primary Industries (Agriculture) has also indicated its support for the intent of the Proposal to protect the primacy of the vineyards and to re-consider whether all the tourist and visitor sub-term land uses are required in the RU4 Zone.</p> <p>While it is acknowledged that State and local strategies, such as the Hunter Regional Plan and the Vineyards Vision, also contain directions regarding wine tourism, these need to be considered in the context of viticulture as the prime land use in the RU4 Zone. In this regard, the documents set out that other land uses, including those related to wine tourism, must recognise and protect the primacy of the vineyards.</p> <p>Proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character'</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
		precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.
The Proposal will result in reduced capital investment in the Cessnock Local Government Area	10-20	<p>The submissions outline that the Planning Proposal will deter further investment in the Vineyard's District, including from other levels of government.</p> <p>From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p>
The objective of standardising the RU4 Zone is supported	10-20	The feedback is noted.
Permit recreation areas and recreation facilities (outdoor)	10-20	<p>The submissions generally outline that recreation areas and outdoor facilities will be needed as the community grows and matures. Examples provided include footpaths, bushwalking tracks and an aquatic centre, whilst 'amusement park' facilities should be prohibited.</p> <p>From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment. This may include permitting recreation areas and recreation facilities (outdoor) in certain areas within the Vineyard's District.</p>
The Cessnock Local Government Area does not stand to benefit from the Proposal.	10-20	<p>The submissions outline that only the Singleton LGA stands to benefit from the Proposal. The submissions also outline that the Proposal supports the larger wineries that are financially capable of integrating ancillary tourist land uses. The Proposal does not appear to support smaller scale 'stand-alone' tourist development.</p> <p>The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
The Proposal will significantly affect options for development and planned expansion or upgrading of tourism accommodation in the Cessnock wine region.	10-20	<p>The submissions outline that to remain competitive and ensure continued use and contribution to wine tourism, developments need to be able to upgrade or expand. The Proposal will make it more difficult for existing tourism developments to upgrade and expand.</p> <p>The Vineyard's District occupies a relatively small area of land in the Hunter Region. As a result, careful consideration must be given to the siting and built form of any development that occurs on the land. Over time, proliferation of non-agricultural development in the Viticultural District, primarily development that is more akin to urban areas, will have a cumulative impact on the rural character of the land, result in amenity impacts and may eventually undermine the rural landscape that is fundamental to the overall appeal of the District for tourists.</p> <p>The Proposal outlines one way land use conflict can be managed, that is by prohibiting potentially 'high risk' land uses in the RU4 Zone. This approach is supported by the Department of Primary Industries in their advice to Council of May 2016 and the Vineyard's District Study, prepared by specialist agricultural consultants RMCg, in 2017.</p> <p>Notwithstanding this, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p>
Tourist and visitor accommodation will be restricted to uses that are commercially unviable in the Cessnock wine region	10-20	<p>The submissions outline that none of the remaining accommodation land uses are suitable to the character of the area, target market or number of potential guests. The submissions also outline that the remaining land uses will not counterbalance the prohibition of serviced apartments.</p> <p>From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p>
The Proposal will reduce local employment opportunities in the Cessnock Local Government Area	10-20	<p>The submissions outline that the Proposal will result in direct and indirect employment job losses and will limit future job opportunities in the region.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
		<p>The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p> <p>The submissions outline that child care facilities should be available in the vineyard area so that workers don't have the added burden of travelling to a regional centre. The submissions also outline that child care facilities provide business opportunities to service tourists during school holidays.</p> <p>The Proposal sets out that certain forms of development have the potential to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural and viticultural character of the land. This is not to say that these developments cannot co-exist with viticulture or they are not important, rather that they present a significantly higher likelihood of land use conflict, particularly within certain areas of the Vineyard's District. This potential for land use conflict must be carefully managed with emphasis on maintaining the scenic rural landscape of the Vineyard's District and the primacy of viticulture. This approach is consistent with Direction 9 of the Hunter Regional Plan 2036 and the Vineyards Vision Statement.</p> <p>The Proposal outlines one way land use conflict can be managed, that is by prohibiting potentially 'high risk' land uses in the RU4 Zone. This approach is supported by the Department of Primary Industries in their advice to Council of May 2016 and the Vineyard's District Study, prepared by specialist agricultural consultants RMCG, in 2017.</p> <p>However, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p> <p>The submissions outline that the Cessnock Development Control Plan and Cessnock Local Environmental Plan already achieve a perfect balance in preserving the character of the Vineyard's District and that no further amendments are required.</p> <p>It is worthwhile noting that, since the commencement of the 1989 Cessnock LEP, 201 known tourist related applications have been lodged with Cessnock City Council for Vineyard's District. Many of which incorporate some form of accommodation. This figure is unlikely to include many of the 'Airbnb' style accommodation, which is becoming more prevalent in the Hunter Region.</p>
Permit centre-based childcare	< 10	
The Cessnock Local Environmental Plan and Development Control Plan already contains appropriate mechanisms to manage development in the RU4 Zone	< 10	

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
		In contrast, since 2001, a total of 1,600 hectares of vineyards have been removed from the Hunter Valley region (RMCG, 2017). These changes to the development landscape impact the delicate balance between viticulture and wine tourism in the Pokolbin area, which needs to be managed appropriately to ensure the sustainability of both industries into the future.
Permit advertising structures	< 10	The submissions outline that <i>signage</i> is already well administered under the Vineyards Signage Code.  <i>Advertising structures</i> are typically utilised for large 'billboard' style advertisements, which are generally inconsistent with the rural character of the Vineyard's District. The Proposal does not seek to prohibit <i>building identification signage</i> or <i>business identification signage</i> , which is administered by Council's Signage Policy.
<i>Advertising structures</i> should be prohibited in the Vineyards District, but permitted at major gateways	< 10	The submissions outline that advertising structures promoting fast food chains, soft drinks and similar are not in keeping with the character of the area and should be prohibited. However, advertising structure located at the gateway to the Vineyard's District that promote local events, concerts and other activities should be permitted.  The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.
The Proposal needs to be informed by a Strategy	< 10	The submissions outline that the Proposal needs to be informed by a joint planning strategy and that, until such time as that occurs, the Proposal should only include positive amendments.  From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.
The Proposal will negatively impact the livelihood of business owners and their employees in the local area	< 10	The feedback is noted.
The Proposal is not in the best interest of the Pokolbin area	< 10	The feedback is noted.



Overarching Issue	Occasions Raised	Issue Summary and Planning Response
Much of the land in the Vineyards District is unsuitable for growing grapes	< 10	<p>The submissions outline that, whilst there are 'pockets' of good viticultural land, much of the Vineyard's District is unsuitable for growing grapes. The submissions also outline that economics plays an increasing role in land utilisation. Hence we see more tourism related projects.</p> <p>The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p>
Obtaining finance for new or existing ventures will be difficult as a result of the Proposal	< 10	<p>The feedback is noted.</p>
The <i>rural workers' dwellings</i> land use should be prohibited	< 10	<p>The submissions generally outline that it will be difficult to justify an application for a <i>rural workers' dwelling</i> given the proximity of the Vineyard's District to the urban centres of Cessnock and Singleton. The submissions also outline that <i>rural workers' dwellings</i> may also be used for short term rental accommodation and that there is no guarantee Council will be able to ensure ongoing compliance with the proposed development standards.</p> <p>The concerns raised in the submissions are relevant and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.</p>
Enabling tourism land uses for particular parcels of land (e.g. application of SP3 Zone) is not a practical or viable solution.	< 10	<p>The feedback is noted.</p>
Serviced apartments and hotel and motel accommodation are central to the wine and tourism experience	< 10	<p>The submissions outline that the Hunter Valley wineries depend on visitation to drive high margin sales through cellar door and restaurant experiences.</p> <p>The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p>
People have purchased property on the basis of what was permissible in the RU4 Zone at that time	< 10	<p>The feedback is noted.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
The <i>helipads</i> land use should be permitted	< 10	<p>The submissions outline that <i>helipads</i> support the wedding market and general access to the cellar door and restaurant.</p> <p><i>Helipads</i> that are ancillary to existing or proposed development could still be considered in the RU4 Zone as a result of the Proposal. The 'ancillary development' provisions would respond to the majority of proposed or established <i>helipads</i> in the RU4 Zone.</p>
The <i>dual occupancies</i> land use should be permitted	< 10	<p>The submissions outline that prohibiting dual occupancies will result in additional accommodation costs to small vineyard owners who wish to pursue family operated tourism on their property.</p> <p>Dual occupancies are currently prohibited in the Cessnock RU4 Zone. It is considered that the use is out of character with the objectives of the RU4 Zone.</p> <p>Proliferation of non-agricultural development in the Viticultural District, primarily development that is more akin to urban areas, will have a cumulative impact on the rural character of the land, result in amenity impacts and may eventually undermine the rural landscape that is fundamental to the overall appeal of the District for tourists.</p>
There is no need to standardise the Cessnock and Singleton RU4 Zone	< 10	<p>The submissions outline that the priorities and character of the Cessnock and Singleton wine regions are different and that, as a result, there is no need to align the RU4 Zone.</p> <p>The Proposal reflects the intent of the Vineyards Vision to protect the primacy of the vineyards in the RU4 Zone and is a specific action of that document. Aligning the RU4 Zone ensures that there is effectively no arbitrary planning boundary within the area of the Pokolbin Vineyard District.</p>
The Cessnock and Singleton development control plans should also be aligned in relation to the Vineyards District	< 10	<p>The concerns raised in the submissions are relevant and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.</p>
Cessnock Council should consider reinstating the Vineyard's District Advisory Group	< 10	<p>The feedback is noted.</p>



Overarching Issue	Occasions Raised	Issue Summary and Planning Response
Prohibiting centre-based childcare in the RU4 Zone is supported	< 10	<p>The feedback is noted.</p> <p>The submissions outline that the Proposal does not give full and proper consideration to the local and regional planning strategies and that an incomplete application of the RU4 Zone objectives has been made.</p> <p>The Proposal is consistent with the outcomes of local and regional strategies that seek to recognise and protect the primacy of the vineyards and the rural amenity of the District. This includes Direction 9 and 10 of the Hunter Regional Plan 2036, the Vineyard's Vision document, as amended by the wine and tourism industry and more recently, the 2017 Vineyard's District Study, carried out by specialist agricultural consultants RMCg. The Department of Primary Industries (Agriculture) has also indicated its support for the intent of the Proposal to protect the primacy of the vineyards and to re-consider whether all the tourist and visitor sub-term land uses are required in the RU4 Zone.</p> <p>This is not to say that these developments cannot co-exist with viticulture or they are not important, rather that they present a significantly higher likelihood of land use conflict, particularly within certain areas of the Vineyard's District. This potential for land use conflict must be carefully managed with emphasis on maintaining the scenic rural landscape of the Vineyard's District and the primacy of viticulture. This approach is consistent with Direction 9 of the Hunter Regional Plan 2036 and the Vineyards Vision Statement.</p> <p>From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p> <p>The submissions outline that the Proposal will result in an increase in 'Airbnb' style tourist accommodation in the RU4 Zone, increasing pressure on existing tourist accommodation land uses.</p> <p>The State Government has recently announced its intention to amend the regulatory framework to include standards for short-term holiday letting, including 'Airbnb' style tourist accommodation. The impact of these changes along with the community's comments will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.</p>
The Proposal is contrary to local and regional planning strategies	< 10	
Short stay 'AirBNB' style accommodation is detrimental to businesses in the Vineyards District	< 10	

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
The Department of Primary Industries' response to the Proposal is not balanced	< 10	The submissions outline that the Department of Primary Industries is an industry specific organisation and that their opinion may not be balanced with regard to wine tourism.  The concerns raised in the submissions are relevant and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.
The existing minimum lot size of 40 hectares is supported	< 10	The feedback is noted.
The objective of prohibiting large scale, inappropriate development is supported	< 10	The feedback is noted.
The Proposal will benefit the Vineyard area	< 10	The feedback is noted.
As an alternative, Cessnock Council should consider strengthening the Development Control Plan in relation to 'large scale' tourist land uses	< 10	The submissions generally outline that, as an alternative to the Proposal, which will affect both 'large' and 'small' scale tourism land uses, the Cessnock DCP should be amended to include additional provisions to better manage 'large scale' tourism development.  The concerns raised in the submissions are relevant and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.
Clause 5.4 of the Cessnock and Singleton Local Environmental Plan should also be aligned	< 10	Clause 5.4 of the Cessnock and Singleton local environmental plans outline additional provisions to control the scale of particular land uses. Of relevance are the controls relating to the <i>tourist and visitor accommodation</i> sub-term land uses.  The concerns raised in the submissions are relevant and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.
The <i>viticulture</i> land use should be permitted without consent	< 10	The submissions outline that, in light of the intent of the Proposal to recognise the primacy of <i>viticulture</i> , the use should be permissible without the need for consent in the RU4 Zone.  The RU4 Zone contains a substantial number of existing residential and tourist land uses, which are sensitive to the impacts of <i>viticulture</i> , such as spray drift. As a result, the siting of new viticulture must be appropriately managed.

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
All existing allotments should receive a dwelling entitlement	< 10	<p>The submissions outline that certain 'undersized' allotments in the Vineyard's District do not have the benefit of a dwelling entitlement and are therefore restricted in terms of possible use.</p> <p>The issue of dwelling entitlement is beyond the scope of the Proposal. The Proposal aims to align, as far as possible, the objectives and land use tables of the RU4 Primary Production Small Lots Zone in the LGAs of Singleton and Cessnock. In this regard, the Proposal does not seek to amend either council's existing policy position regarding the permissibility of <i>dwelling houses</i> in the RU4 Zone.</p> <p>Notwithstanding this, the concerns raised in the submissions have been noted and may be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.</p>
The <i>eco-tourism facilities</i> land use should be prohibited	< 10	<p>The submissions outline that accommodation in the Vineyard's District is directed toward the 'higher end' of the tourist market and that <i>eco-tourist facilities</i> are overly regulated, impractical or unviable in the RU4 Zone.</p> <p>The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.</p>
The <i>secondary dwellings</i> land use should be prohibited	< 10	<p>The submissions generally outline that permitting <i>secondary dwellings</i> will lead to an increase in 'Airbnb' style tourist accommodation, which is an undesirable outcome for the Vineyard's District.</p> <p>The State Government has recently announced its intention to amend the regulatory framework to include standards for short-term holiday letting, including 'Airbnb' style tourist accommodation. The impact of these changes along with the community's comments will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.</p>

## Planning and Environment

Report No. PE62/2018

## Planning and Environment

**SUBJECT: ANNUAL CODE OF CONDUCT COMPLAINTS REPORT****RESPONSIBLE OFFICER: Director Planning and Environment - Gareth Curtis****SUMMARY**

Under the Procedures for the Model Code of Conduct, Council's Complaints Coordinator provide an annual report to the Council and to the NSW Office of Local Government on a range of code of conduct complaint statistics. The annual report is now provided for Council's information.

**RECOMMENDATION**

**That Council note the Annual Code of Conduct Complaints Report.**

**BACKGROUND**

Under Part 12, Clause 12.1 of the Procedures for the Administration of the Model Code of Conduct (the 'Procedures'), Council's appointed Complaints Coordinator is required to provide a report to Council on Code of Conduct Complaints Statistics within three months of the end of September each year. Council's Director Planning and Environment is the appointed Complaints Coordinator.

The Annual Code of Conduct Complaints Report is also required to be provided to the NSW Office of Local Government by 31 December 2018. The completed report was forwarded to the Office of Local Government on 26 October 2018.

The statistical reporting period referred to in this report is from 1 September 2017 up to and including 31 August 2018.

**REPORT/PROPOSAL****Table 1: Annual code of conduct complaints report**

Number of Complaints		
1	a	The total number of complaints <b>received</b> in the period about councillors and the General Manager (GM) under the code of conduct
		1
	b	The total number of complaints <b>finalised</b> in the period about councillors and the GM under the code of conduct
		2
Overview of Complaints and Cost		
2	a	The number of complaints <b>finalised at the outset</b> by alternative means by the GM or Mayor
		0

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b	The number of complaints <b>referred to the Office of Local Government</b> under a special complaints management arrangement	0
c	The number of code of conduct complaints <b>referred to a conduct reviewer</b>	1
d	The number of code of conduct complaints <b>finalised at preliminary assessment</b> by conduct reviewer	0
e	The number of code of conduct complaints <b>referred back to GM or Mayor</b> for resolution after preliminary assessment by conduct reviewer	1
f	The number of finalised code of conduct complaints <b>investigated by a conduct reviewer</b>	0
g	The number of finalised code of conduct complaints <b>investigated by a conduct review committee</b>	0
h	The number of finalised complaints investigated where there was found to be <b>no breach</b>	0
i	The number of finalised complaints investigated where there was found to be <b>a breach</b>	0
j	The number of complaints referred by the GM or Mayor <b>to another agency</b> or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
k	The number of complaints being investigated that are <b>not yet finalised</b>	0
l	The <b>total cost</b> of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	26,881
Preliminary Assessment Statistics		
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:	
a	To take no action	0
b	To resolve the complaint by alternative and appropriate strategies	0

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c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies	1
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
e	To investigate the matter	0
f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter	0
Investigation Statistics		
4	The number of investigated complaints resulting in a determination that there was <b>no breach</b> , in which the following recommendations were made:	
a	That the council revise its policies or procedures	0
b	That a person or persons undertake training or other education	0
5	The number of investigated complaints resulting in a determination that there <b>was a breach</b> in which the following recommendations were made:	
a	That the council revise any of its policies or procedures	0
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach	0
c	That the subject person be counselled for their conduct	0
d	That the subject person apologise to any person or organisation affected by the breach	0
e	That findings of inappropriate conduct be made public	0
f	In the case of a breach by the GM, that action be taken under the GM's contract for the breach	0
g	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993	0

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h	In the case of a breach by a councillor, that the matter be referred to the Office for further action	0
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures	0
Categories of misconduct		
7	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a	General conduct (Part 3)	0
b	Conflict of interest (Part 4)	0
c	Personal benefit (Part 5)	0
d	Relationship between council officials (Part 6)	0
e	Access to information and resources (Part 7)	0
Outcome of determinations		
8	The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	0
9	The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office	0

**OPTIONS**

N/A

**CONSULTATION**

General Manager  
Director Corporate and Community Services  
Governance and Council Support Coordinator

**Planning and Environment**

**Report No. PE62/2018**

**Planning and Environment**



**STRATEGIC LINKS**

**a. Delivery Program**

The Delivery Program 2017-2021 link is; *Action 5.3.5 - Carry out governance functions, provide advice and conduct education programs to comply with legislation and best practice.*

**b. Other Plans**

Part 12, Clause 12.1 of the Procedures for the Administration of the Model Code of Conduct requires an annual report to the Council and to the NSW Office of Local Government.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

The report is provided to ensure conformance to the Procedures for the Administration of the Model Code of Conduct published by the NSW Office of Local Government

**b. Financial Implications**

The cost of complaint handling is provided in the table to the report.

**c. Legislative Implications**

N/A

**d. Risk Implications**

Providing the annual report prior to state government deadlines is considered to be effective open and transparent governance. This report is in keeping with Council's adopted strategic risk related to minimising "NSW State Government Intervention".

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

**CONCLUSION**

The report is provided for Council's information in accordance with the Procedures for the Administration of the Model Code of Conduct.

**ENCLOSURES**

There are no enclosures for this report



Corporate and Community

Report No. CC78/2018

Corporate and Community Services



**SUBJECT:** *FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018 - PRESENTATION TO COUNCIL AND THE PUBLIC*

**RESPONSIBLE OFFICER:** *Finance and Administration Manager - Andrew Glauser*

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## **SUMMARY**

The report presents the audited financial statements for the year ended 30 June 2018 to Council and the public in accordance with Section 419 of the Local Government Act 1993.

## **RECOMMENDATION**

**That the Annual Financial Statements incorporating the Auditor's Reports for the year ended 30 June 2018 be received and the information noted.**

## **BACKGROUND**

The Local Government Act 1993 requires Council to prepare General Purpose Financial Reports for the financial year ending 30 June and for the audited financial statements to be presented to the public following audit.

The reports have been posted on Council's website and are now presented to the public.

## **REPORT**

The statements set out the financial performance, financial position and cash flows of Council at each year ending 30 June, and are supported by detailed notes to the statements.

Council is required under Section 413(1) of the Local Government Act 1993 to prepare financial reports each year and refer them for audit. The financial reports must include a general purpose financial report, any other matter prescribed by the regulations and a statement in the approved form by the Council as to its opinion on the general purpose financial reports.

The statement by Council and management was authorised by a resolution of Council on 5 September 2018 (Report No. CC62/2018) and was signed in accordance with that resolution by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer.

## **Audit and Risk Committee**

The Financial Statements and Auditors Report were presented for review to the Audit and Risk Committee at its meeting on 16 October 2018. Following review and questioning of management and the External Auditor regarding the Statements, the Committee has made the following recommendations (wording subject to confirmation of Committee minutes).

**Corporate and Community**

**Report No. CC78/2018**

**Corporate and Community Services**



1. That the Audit and Risk Committee note the audited 2017-18 Annual Financial Statements prior to presentation to Council and the public at the Ordinary Council Meeting of 7 November 2018.

**Financial Report Summary**

The Income Statement shows a Net Operating Surplus of \$39.363M compared to a surplus of \$18.804M in 2016-17. The Net Operating Result before Capital Grants & Contributions shows a deficit of \$5.374M compared to a surplus of \$86,000 in 2016-17.

The change in the result from the prior year was attributable to a number of items. For further details refer to Notes 3 to 5 in the Financial Statements. Also the 2017-18 operating result included the advance payment of the Financial Assistance Grant \$3.644M.

The Auditors report on the conduct of the audit will also provide commentary on the factors contributing to the financial result. The Auditors reports can be found in the Financial Statements commencing on page 75.

**Cash and Investments (Restricted Assets)**

Cash and investments at 30 June 2018 totalled \$39.160M, compared to \$36.539M at 30 June 2017. Details around the level of investments held and reasons for fluctuations are provided within the monthly investment report provided to Council. It is highlighted that Council's investment portfolio consistently outperformed the benchmark indices for the financial period, with an annualised return 0.52% above the benchmark.

Restrictions on cash and investments are divided into externally restricted assets where the funds are restricted in their use by externally imposed requirements and internally restricted assets where the funds are restricted in their use by resolution or policy of Council to reflect forward plans, identified programs of works and are, in fact, Council's "Reserves".

Full disclosure of the restricted assets held and balances are shown in Note 6 of the Financial Statements.

**Balance Sheet**

Net current assets recorded at \$25.446M, increasing from \$23.939M in 2016-17.

Net total assets have increased to \$776.343M from \$744.347M.

Full disclosure of the Statement of Financial Position (Balance Sheet) is shown in Notes 6 to 11 of the Financial Statements.

**TCorp Performance Measures**

Following the sustainability reviews undertaken by NSW Treasury Corporation (TCorp) on all NSW councils, its financial indicators have now been prescribed within the Financial Statements. Note 22 of the General Purpose Financial Statements and Special Schedule 7 provide details of the calculations used in the performance measures and commentary on each individual ratio.

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**Budget Variations**

Note 18 of the General Purpose Financial Statements provide commentary on significant budget variations for the year. This highlights variations to original budget not to the revised budget adopted by Council each quarter.

**Public Notice**

A summary of Council's financial statements was published in The Advertiser on Wednesday 31 October 2018 giving notice that the financial statements and auditor reports will be presented to the Ordinary Council Meeting to be held 7 November 2018. The financial statements will be made available for public inspection at Council's offices and on Council's website. Written submissions on the financial statements may be lodged up until 4.00 pm Wednesday 14 November 2018.

**NSW Audit Office**

A representative from Councils external auditors, the NSW Audit Office will be in attendance at the meeting and will be making a short presentation on the scope of the audit and the audit findings.

**OPTIONS**

N/A

**CONSULTATION**

Senior Finance Staff  
Asset Management Staff  
Forsyths Chartered Accountants  
Audit Office of NSW  
Audit and Risk Committee

**STRATEGIC LINKS**

**Delivery Program**

This report is linked to the Community Strategic Plan Cessnock 2027, specifically, the key objective of *Civic Leadership and Effective Governance*.

**Other Plans**

N/A

**STATUTORY IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**Corporate and Community**

**Report No. CC78/2018**

**Corporate and Community Services**



**Financial Implications**

N/A

**Legislative Implications**

Council's General Purpose Financial Reports have been prepared in accordance with Section 413 of the Local Government Act 1993.

This report supports meeting Council's statutory obligations in accordance with provisions of Local Government Act 1993 for the presentation of the financial statements and auditors reports to Council (Section 419), the public notice of the presentation (Section 418) and time for preparation and submission of audited financial statements (Section 416).

**Risk Implications**

N/A

**Other Implications**

N/A

**CONCLUSION**

Following audit Council's Annual Financial Statements for 2017-18 are required to be presented to Council and the public. The Audit and Risk Committee reviewed the statements and auditors reports at the Audit and Risk Committee meeting on 16 October 2018. Copies of the Annual Financial Statements have been given to Councillors as an inclusion with the Audit and Risk Committee agenda for the meeting on 16 October 2018 and are also available on Council's website.

**ENCLOSURES**

- 1 2017-18 Annual Financial Statements including Audit Reports (Provided under Separate Cover)
- 2 Independent Auditor's Report - General Purpose Financial Report
- 3 Report on the Conduct of the Audit
- 4 Independent Auditor's Report - Special Purpose Financial Report
- 5 Independent Auditor's Report - Special Schedule 2 - Permissible Income for General Rates

# Placeholder for Enclosure 1

Corporate and Community No.

2017-18 Annual Financial Statements including Audit  
Reports (Provided under Separate Cover)



## **INDEPENDENT AUDITOR'S REPORT**

### **Report on the general purpose financial report**

#### **Cessnock City Council**

To the Councillors of the Cessnock City Council

### **Opinion**

I have audited the accompanying financial report of Cessnock City Council (the Council), which comprise the Income Statement and Statement of Comprehensive Income for the year ended 30 June 2018, the Statement of Financial Position as at 30 June 2018, the Statement of Changes in Equity and Statement of Cash Flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the Statement by Councillors and Management.

In my opinion,

- the Council's accounting records have been kept in accordance with the requirements of the *Local Government Act 1993*, Chapter 13, Part 3, Division 2 (the Division)
- the financial report:
  - has been presented, in all material respects, in accordance with the requirements of this Division
  - is consistent with the Council's accounting records
  - presents fairly, in all material respects, the financial position of the Council as at 30 June 2018, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- all information relevant to the conduct of the audit has been obtained
- no material deficiencies in the accounting records or financial report have come to light during the audit.

My opinion should be read in conjunction with the rest of this report.

### **Basis for Opinion**

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Report' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

### **Other Information**

Other information comprises the information included in the Council's annual report for the year ended 30 June 2018, other than the financial report and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the special purpose financial statements and Special Schedules (the Schedules).

My opinion on the financial report does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the special purpose financial statements and Special Schedule 2 - Permissible income for general rates.

In connection with my audit of the financial report, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

### **The Councillors' Responsibilities for the Financial Report**

The Councillors are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards and the *Local Government Act 1993*, and for such internal control as the Councillors determine is necessary to enable the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting except where the Council will be dissolved or amalgamated by an Act of Parliament, or otherwise cease operations.

### **Auditor's Responsibilities for the Audit of the Financial Report**

My objectives are to:

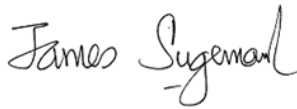
- obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial report.

A description of my responsibilities for the audit of the financial report is located at the Auditing and Assurance Standards Board website at: [www.auasb.gov.au/auditors\\_responsibilities/ar4.pdf](http://www.auasb.gov.au/auditors_responsibilities/ar4.pdf). The description forms part of my auditor's report.

My opinion does *not* provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- on the Original Budget information included in the Income Statement, Statement of Cash Flows, and Note 18 Material budget variations
- on the Special Schedules. A separate opinion has been provided on Special Schedule 2 - Permissible income for general rates
- about the security and controls over the electronic publication of the audited financial report on any website where it may be presented
- about any other information which may have been hyperlinked to/from the financial report.



James Sugumar  
Director

18 October 2018  
SYDNEY





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

Contact: James Sugumar  
Phone no: 02 9275 7288  
Our ref: D1822730/1712

19 October 2018

Dear Councillor Pynsent

**Report on the Conduct of the Audit  
Cessnock City Council  
Audit for the year ended 30 June 2018**

I issued an unmodified audit opinion in my Independent Auditor's Report for the general purpose financial statements of Cessnock City Council (the Council) for the year ended 30 June 2018.

The audit was required by section 415 of the *Local Government Act 1993* (the Act).

This Report on the Conduct of the Audit is issued in accordance with section 417 of the Act and should be read in conjunction with my audit opinion issued under section 417(2) of the Act.

**SIGNIFICANT AUDIT ISSUES AND OBSERVATIONS**

I did not identify any significant audit issues or observations during my audit of the Council's general purpose financial statements.

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## FINANCIAL RESULTS

### INCOME STATEMENT

	2018 \$m	2017 \$m	Variation \$m	Variation %
Rates and annual charges revenue	47.2	46.0	+1.2	2.6
Grants and contributions revenue	58.1	34.4	+23.7	68.9
Total Revenue	121.4	94.8	+26.6	28.1
Total Expenses	82.0	76.0	+6.0	7.9
Operating result for the year	39.4	18.8	+20.6	109.6

Increase of \$1.2 million in rates and annual charges revenue was mainly due to 1.5 per cent rate rise.

Grants and contributions revenue increase of \$23.7 million is largely attributable to \$32.1 million increase of revenue from assets received free of charge from developers during the year partially offset by \$9.4 million decrease in financial assistance grant revenue.

Movement in Council's total expenses represents:

- increase of \$1.5 million payroll award costs
- rise of \$2.7 million in materials and contract expense due to additional contract work undertaken by the Council.
- waste levy increase of \$1.2 million

Larger increase in revenue in comparison to expense contributed to \$20.6 million growth in the operating result for the year.

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## BALANCE SHEET

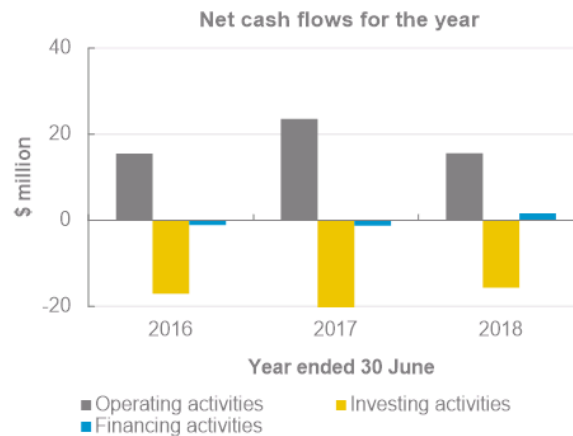
	2018 \$m	2017 \$m	Variation \$m	Variation %
Current assets	43.1	42.1	+1.0	↑ 2.4
Non-current assets	773.5	739.9	+33.6	↑ 4.5
Total Assets	816.7	781.9	+34.8	↑ 4.5
Total Liabilities	40.3	37.6	+2.7	↑ 7.2
Net Assets	776.3	744.3	+32.0	↑ 4.3

Council's current assets increased by \$1.0 million mainly due to an increase in cash and investments from grant receipts.

Non-current assets increased by \$33.6 million mainly due to the additions of \$32.1 million assets received free of charge recognised at fair value.

## CASH FLOWS

- The Council reported positive operating cash flows in the past three years.
- Investing cash outflows represents acquisition of \$16.2 million infrastructure assets and \$5.3 million investment securities for year ended 30 June 2018.
- Increased financing cash inflows represents borrowings of \$1.6 million for year ended 30 June 2018.



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## CASH POSITION

Cash and Investments	2018	2017	Commentary
	\$m	\$m	
External restrictions	15.6	13.6	Increase in developer contributions by \$2.2 million increased the externally restricted cash at 30 June 2018.
Internal restrictions	22.1	22.8	
Unrestricted	1.5	0.2	Unrestricted cash balance increased to \$1.5 million at 30 June 2018 from positive operating result for the year.
<b>Cash and investments</b>	<b>39.2</b>	<b>36.6</b>	

## COUNCIL'S PERFORMANCE RATIOS FOR 30 JUNE 2018

I provide a summary of outcome and an analysis of the Council's key performance ratios for the year ended 30 June 2018 as below:

Performance ratio	Outcome	Reference
Operating performance ratio	Not Achieved	<u>1</u>
Own source operating revenue ratio	Not Achieved	<u>2</u>
Unrestricted current ratio	Achieved	<u>3</u>
Debt service cover ratio	Achieved	<u>4</u>
Rates and annual charges cover ratio	Achieved	<u>5</u>
Cash expense cover ratio	Achieved	<u>6</u>
Building and infrastructure renewals ratio	Not Achieved	<u>7</u>

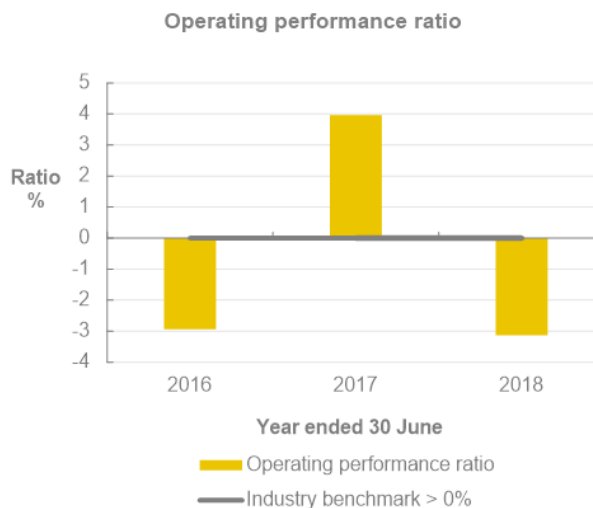
The ratios and the definitions (except for the 'building and infrastructure renewals ratio') are reported in Note 22 of the Council's audited general purpose financial statements. The 'building and infrastructure renewals ratio' is defined in Council's Special Schedule 7 which has not been audited.

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## 1. Operating performance ratio (operating margin to operating revenue)

- Council did not achieve the OLG benchmark for the year ended 30 June 2018.
- It achieved this benchmark for 2016-17 from early receipt of Financial Assistance Grants of \$3.5 million.
- Council's expenses of \$1.6 million on the installation of new drainage infrastructure on New England Highway and \$0.6 million on Kurri Kurri Ambulance Hall due to the storm event, contributed to the negative operating performance ratio.

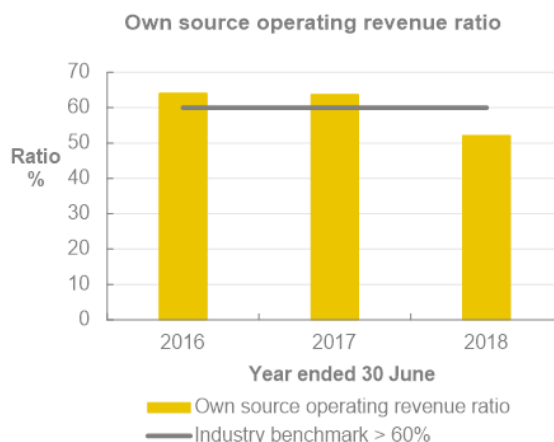


The 'operating performance ratio' measures how well council contained operating expenditure within operating revenue (excluding capital grants and contributions, fair value adjustments, and reversal of revaluation decrements).

The benchmark set by the Office of Local Government (OLG) is greater than zero per cent.

## 2. Own source operating revenue ratio (own funding to total funding)

- Council did not achieve the benchmark of 60 per cent for own source revenue ratio for the year ended 30 June 2018.
- The ratio decreased to below 60 per cent mainly due to non-cash revenue from assets received free of charge.
- It achieved the benchmark in the previous two years.



The 'own source operating revenue ratio' measures council's fiscal flexibility and the degree to which it relies on external funding sources such as operating grants and contributions.

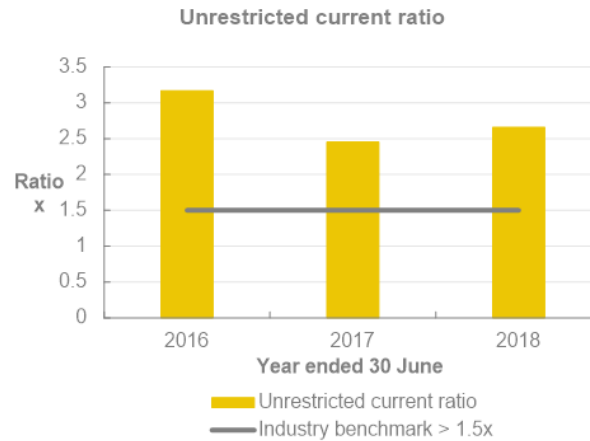
The benchmark set by OLG is greater than 60 per cent.

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### 3. Unrestricted current ratio (unrestricted cash to liabilities)

- Council continued to exceed the unrestricted current ratio benchmark for the past three years.
- The Council will be able to meet its short-term obligations as and when they fall due.

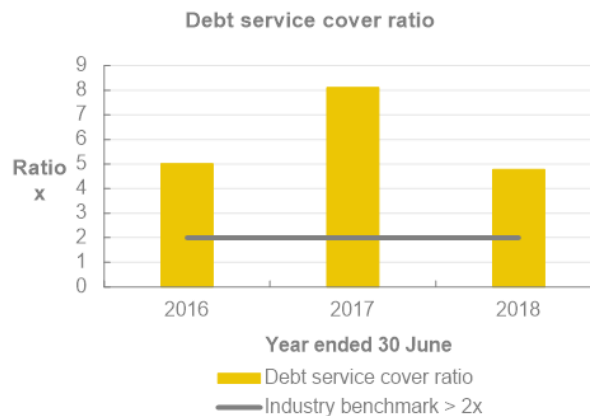


The 'unrestricted current ratio' is specific to local government and represents council's ability to meet its short-term obligations as they fall due.

The benchmark set by OLG is greater than 1.5 times.

### 4. Debt service cover ratio (operating cash to loan obligations)

- Council continued to exceed the debt service cover ratio benchmark for the past three years.
- The debt service cover ratio for 2016-17 was higher due to early receipt of Financial Assistance Grants of \$3.5 million.



The 'debt service cover ratio' measures the operating cash to service debt including interest, principal and lease payments.

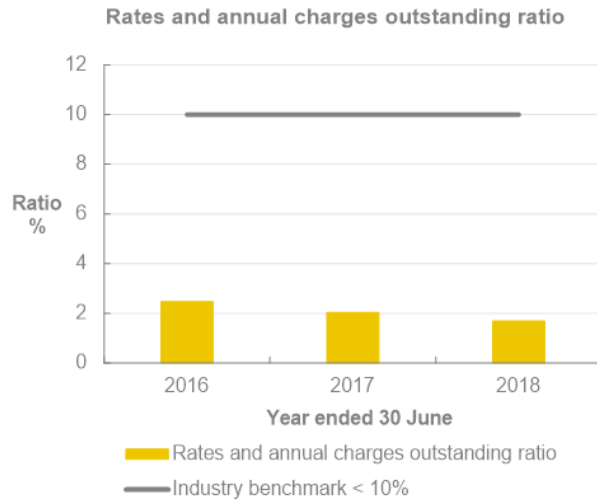
The benchmark set by OLG is greater than two times.

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## 5. Rates and annual charges outstanding ratio (uncollected rates to total rates)

- Council continued to achieve the rates and annual charges outstanding ratio benchmark for the past three years.
- The collection procedures of the Council operated effectively to collect more than 90 per cent of the rates and annual charges revenue within the receivable due dates.

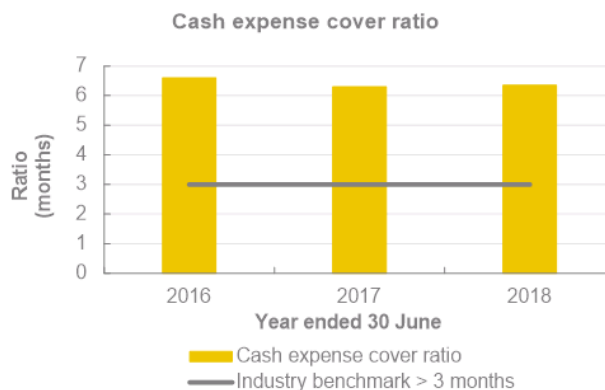


The 'rates and annual charges outstanding ratio' assesses the impact of uncollected rates and annual charges on council's liquidity and the adequacy of debt recovery efforts.

The benchmark set by OLG is less than 10 per cent for regional and rural councils.

## 6. Cash expense cover ratio (cash balance to monthly outgoings)

- Council exceeded the benchmark of three months for the past three years.
- It will be able to meet its immediate expenses for more than six months without additional cash inflows.



This liquidity ratio indicates the number of months the council can continue paying for its immediate expenses without additional cash inflow.

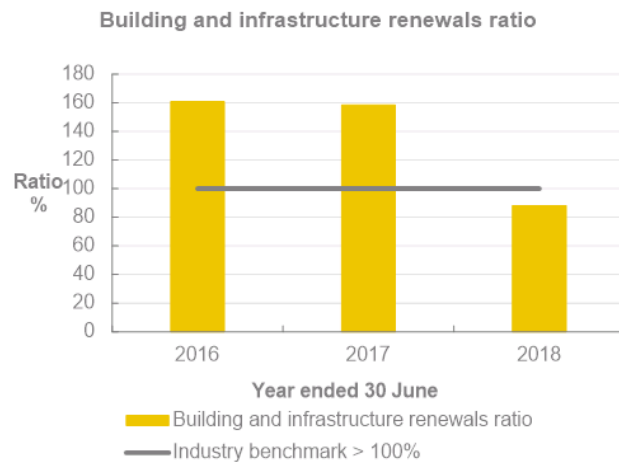
The benchmark set by OLG is greater than three months.

## 7. Building and infrastructure renewals ratio (unaudited)

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- Council has not achieved the benchmark for this ratio in 2017-18.
- The building and infrastructure renewals ratio decreased to 88.2 per cent in 2017-18 due to assets received free of charge.



The 'building and infrastructure renewals ratio' assesses the rate at which these assets are being renewed against the rate at which they are depreciating.

The benchmark set by OLG is greater than 100 per cent.

This ratio is sourced from council's Special Schedule 7 which has not been audited.

## OTHER MATTERS

### Legislative compliance

My audit procedures did not identify any instances of non-compliance with legislative requirements or a material deficiency in the Council's accounting records or financial reports.

The Council's:

- accounting records were maintained in a manner and form to allow the general purpose financial statements to be prepared and effectively audited
- staff provided all accounting records and information relevant to the audit.

James Sugumar  
Director, Financial Audit Services

cc: Mr Stephen Glen, General Manager  
Ms Jennifer Hayes, Chair of Audit, Risk and Improvement Committee  
Mr Tim Hurst, Chief Executive, Office of Local Government





## **INDEPENDENT AUDITOR'S REPORT**

### **Report on the special purpose financial report**

#### **Cessnock City Council**

To the Councillors of the Cessnock City Council

### **Opinion**

I have audited the accompanying special purpose financial report (the financial report) of Cessnock City Council's (the Council) Declared Business Activity, which comprise the Income Statement of the Declared Business Activity for the year ended 30 June 2018, the Statement of Financial Position of the Declared Business Activity as at 30 June 2018, notes comprising a summary of Significant accounting policies and other explanatory information for the Business Activity declared by Council, and the Statement by Councillors and Management.

The Declared Business Activity of the Council is:

- Strategic Services Australia Limited.

In my opinion, the financial report presents fairly, in all material respects, the financial position of the Council's declared Business Activity as at 30 June 2018, and its financial performance for the year then ended, in accordance with the Australian Accounting Standards described in Note 1 and the Local Government Code of Accounting Practice and Financial Reporting (LG Code).

My opinion should be read in conjunction with the rest of this report.

### **Basis for Opinion**

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Report' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as the auditor of councils
- precluding the Auditor-General from providing non-audit services.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

### **Emphasis of Matter - Basis of Accounting**

Without modifying my opinion, I draw attention to Note 1 to the financial report which describes the basis of accounting. The financial report has been prepared for the purpose of fulfilling the Council's financial reporting responsibilities under the LG Code. As a result, the financial report may not be suitable for another purpose.

### **Other Information**

Other information comprises the information included in the Council's annual report for the year ended 30 June 2018, other than the financial report and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the general purpose financial statements and Special Schedules (the Schedules).

My opinion on the financial report does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the general purpose financial statements and Special Schedule 2 - Permissible income for general rates.

In connection with my audit of the financial report, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

### **The Councillors' Responsibilities for the Financial Report**

The Councillors are responsible for the preparation and fair presentation of the financial report and for determining that the accounting policies, described in Note 1 to the financial report, are appropriate to meet the requirements in the LG Code. The Councillors' responsibility also includes such internal control as the Councillors determine is necessary to enable the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless it is not appropriate to do so.

### **Auditor's Responsibilities for the Audit of the Financial Report**

My objectives are to:

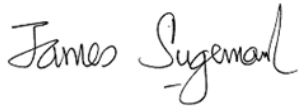
- obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial report.

A description of my responsibilities for the audit of the financial report is located at the Auditing and Assurance Standards Board website at: [www.auasb.gov.au/auditors\\_responsibilities/ar4.pdf](http://www.auasb.gov.au/auditors_responsibilities/ar4.pdf). The description forms part of my auditor's report.

My opinion does not provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited financial report on any website where it may be presented
- about any other information which may have been hyperlinked to/from the financial report.



James Sugumar  
Director

18 October 2018  
SYDNEY



## **INDEPENDENT AUDITOR'S REPORT**

### **Special Schedule 2 - Permissible Income for general rates**

#### **Cessnock City Council**

To the Councillors of Cessnock City Council

### **Opinion**

I have audited the accompanying Special Schedule 2 – Permissible Income for general rates (the Schedule) of Cessnock City Council (the Council) for the year ending 30 June 2019.

In my opinion, the Schedule of the Council for the year ending 30 June 2019 is prepared, in all material respects in accordance with the requirements of the Local Government Code of Accounting Practice and Financial Reporting (LG Code) issued by the Office of Local Government (OLG), and is in accordance with the books and records of the Council.

My opinion should be read in conjunction with the rest of this report.

### **Basis for Opinion**

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Schedule' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

### **Emphasis of Matter – Basis of Accounting**

Without modifying my opinion, I draw attention to the special purpose framework used to prepare the Schedule. The Schedule had been prepared for the purpose of fulfilling the Council's reporting obligations under the LG Code. As a result, the Schedule may not be suitable for another purpose.

### **Other Information**

Other information comprises the information included in the Council's annual report for the year ended 30 June 2018, other than the Schedule and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the general purpose financial statements, special purpose financial statements and the Special Schedules excluding Special Schedule 2 (the other Schedules).

My opinion on the Schedule does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the general purpose financial statements and the special purpose financial statements.

In connection with my audit of the Schedule, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the Schedule or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

### **The Councillors' Responsibilities for the Schedule**

The Councillors are responsible for the preparation of the Schedule in accordance with the LG Code. The Councillors' responsibility also includes such internal control as the Councillors determine is necessary to enable the preparation of the Schedule that is free from material misstatement, whether due to fraud or error.

In preparing the Schedule, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless it is not appropriate to do so.

### **Auditor's Responsibilities for the Audit of the Schedule**

My objectives are to:

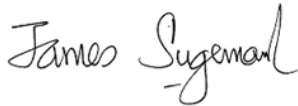
- obtain reasonable assurance whether the Schedule as a whole is free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the Schedule.

A description of my responsibilities for the audit of the Schedule is located at the Auditing and Assurance Standards Board website at: [www.auasb.gov.au/auditors\\_responsibilities/ar8.pdf](http://www.auasb.gov.au/auditors_responsibilities/ar8.pdf). The description forms part of my auditor's report.

My opinion does *not* provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited Schedule on any website where it may be presented
- about any other information which may have been hyperlinked to/from the Schedule.



James Sugumar  
Director

18 October 2018  
SYDNEY

Corporate and Community

Report No. CC79/2018

Corporate and Community Services



**SUBJECT:** *ANNUAL REPORT 2017-18*

**RESPONSIBLE OFFICER:** *Finance and Administration Manager - Andrew Glauser*

## **SUMMARY**

Section 428(1) of the *Local Government Act 1993* requires Council to prepare an Annual Report within five months of the end of the financial year.

## **RECOMMENDATION**

**That the report be received and the information noted.**

## **BACKGROUND**

The contents of the Annual Report are specified in Sections 428 and 428A of the *Local Government Act 1993* and in clauses 132 and 217(1) of the *Local Government (General) Regulation 2005*.

In addition, there are a number of other requirements in associated legislation that are required to be incorporated in the Annual Report, including *Privacy and Personal Information Protection Act 1998*, *Government Information (Public Access) Act 2009* and matters relating to planning agreements.

## **REPORT/PROPOSAL**

It is a requirement of the *Local Government Act 1993* that within five months after the end of each financial year, a council must prepare a report (its annual report) for that year.

Council's Annual Report has been prepared in accordance with the statutory requirements.

A copy of the Annual Report will be posted on Council's website and the link forwarded to the Minister prior to the 30 November deadline, as required by the *Local Government Act 1993*.

The Annual Report is available online at Council's website or hard copies have been made available to view at the Council Administration Building or Cessnock and Kurri Kurri libraries.

## **OPTIONS**

N/A

## **CONSULTATION**

Information in the report is sourced from the quarterly reports on the Delivery Program and staff from across the organisation also provided information for inclusion in the Annual Report. The Executive, managers and staff have provided feedback and reviewed the draft of the Annual Report.

Corporate and Community

Report No. CC79/2018

Corporate and Community Services



## **STRATEGIC LINKS**

### **Delivery Program**

The annual report is part of Council's governance framework contributing towards the community's desired outcome of: *Civic Leadership and Effective Governance*.

## **IMPLICATIONS**

### **a. Policy and Procedural Implications**

N/A

### **b. Financial Implications**

N/A

### **c. Legislative Implications**

The preparation of the Annual Report is a statutory requirement under Section 428 of the *Local Government Act 1993*.

### **d. Risk Implications**

N/A

### **e. Other Implications**

N/A

## **CONCLUSION**

The Cessnock City Annual Report for the 2017-18 financial year will now be submitted to the Minister for Local Government as required by the Local Government Act.

## **ENCLOSURES**

- 1 Annual Report 2017-18 Provided under Separate Cover (available on Council website)



# Placeholder for Enclosure 1

Corporate and Community No.

Annual Report 2017-18 Provided under Separate Cover  
(available on Council website)

Corporate and Community

Report No. CC80/2018

Corporate and Community Services



**SUBJECT:** *MINUTES OF THE CULTURAL FACILITIES COMMITTEE  
MEETING OF CESSNOCK CITY COUNCIL HELD 16  
OCTOBER 2018*

**RESPONSIBLE OFFICER:** *Community & Cultural Engagement Manager - Natalie  
Drage*

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**RECOMMENDATION**

That the minutes of the meeting of the Cultural Facilities Committee held on 16 October 2018 be adopted as a resolution of the Ordinary Council.

**MINUTES OF CULTURAL FACILITIES COMMITTEE MEETING OF THE CESSNOCK CITY  
COUNCIL HELD TUESDAY, 16 OCTOBER 2018, COMMENCING AT 4.20PM**

**PRESENT:** The Mayor, Councillor Pynsent  
Councillor Dunn  
Councillor Fitzgibbon

**IN ATTENDANCE:** General Manager  
Director Corporate & Community Services  
Community and Cultural Engagement Manager

**INVITEES:** Nil

**APOLOGIES**

Nil

**CONFIRMATION OF MINUTES**

**MINUTES:** **RECOMMENDED** that the Minutes of the Cultural Facilities Committee held on 18 April 2018, as circulated, be taken as read and confirmed as a correct record.

## **LISTED MATTERS**

### **LISTED MATTERS - COMMITTEE NO. CFCCLM4/2018**

**SUBJECT: LEASE AGREEMENT WITH SAMARITANS FOR USE OF AREAS  
WITHIN THE CESSNOCK PERFORMING ARTS CENTRE**

**Moved:** Councillor Dunn  
**RESOLVED**

**Seconded:** Councillor Fitzgibbon

That the Committee note the outcome of negotiations with Samaritans for a lease to use areas within the Cessnock Performing Arts Centre.

**CARRIED UNANIMOUSLY**

## **CORRESPONDENCE**

Nil

## **GENERAL BUSINESS**

Nil

*The Meeting was Declared Closed at 4:30pm*

## **ENCLOSURES**

There are no enclosures for this report

Corporate and Community

Report No. CC81/2018

Corporate and Community Services



**SUBJECT:** *DRAFT COPYRIGHT POLICY*

**RESPONSIBLE OFFICER:** *Finance and Administration Manager - Andrew Glauser*

## **SUMMARY**

This report outlines a draft Copyright Policy whose purpose is to ensure that Council complies with legal requirements arising from Council's usage and distribution of copyright protected material. This report follows the Councillor briefing in relation to Disclosure of Information and Copyright provided on 19 September 2018.

## **RECOMMENDATION**

**That Council adopts the draft Copyright Policy.**

## **BACKGROUND**

Council is subject to the provisions of the *Copyright Act 1968* (NSW) (**Act**). All usage and distribution of copyright-protected material owned by Council and others must be in accordance with the provisions of the Act and any relevant copyright agreement(s) or licence(s) currently in force. The draft policy is provided at **Enclosure 1**. This report follows the Councillor briefing in relation to Disclosure of Information and Copyright provided on 19 September 2018.

## **REPORT/PROPOSAL**

To ensure Council remains compliant with copyright-protected material held by Council, this policy establishes a framework for handling copyright-protected materials both internal and external to Council. It also serves to protect its own copyright and the copyrights of others in relation to copyright-protected materials.

This Policy may have been appropriate to propose as a Protocol (Internal Policy, approved by the General Manager) due to the fact that it deals with internal processes, management of operational documentation and personal information. However as a gesture of transparency and good will the Copyright Policy has been drafted as a Policy of Council to demonstrate Council's commitment to protecting the Copyrights of its stakeholders and the community as well as the copyrights of Council.

It is also noted however that whilst this Policy is to be adopted by council it is not required to be exhibited under the *Local Government Act 1993* (NSW). Examples of policies which do require public exhibition are; Payment of Expenses to Councillors, Code of Conduct and Code of Meeting Practice.

## **OPTIONS**

This Policy can be adopted as presented or adopted with amendments as determined by Council.

**Corporate and Community**

**Report No. CC81/2018**

**Corporate and Community Services**



**CONSULTATION**

This report has been prepared in consultation with:

- General Manager
- Executive Leadership team
- Management Team

A briefing to Councillors on 19 September 2018 incorporated the draft Copyright Policy.

**STRATEGIC LINKS**

**a. Delivery Program**

This report links directly to the community's desired outcome of strong civic leadership and effective governance. More specifically, this report links to strategic direction:

- 5.3.7: continue to educate staff on statutory compliance obligations, and
- 5.3.8: carry out governance functions, provide advice and conduct education programs to comply with legislation and best practice.

**b. Other Plans**

N/A.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Once adopted, the policy will be supported by a Protocol which will outline the controls, checks and balances to be implemented by Council Officials. Education and training initiatives will be rolled out to ensure Council Officials receive proper understanding about the purpose and implementation of the copyright compliance framework.

**b. Financial Implications**

The implementation of the policy will attract costs associated with the education and training of Council Officials, however these costs are already budgeted for within the Learning and Development budget.

**c. Legislative Implications**

- *Copyright Act 1968 (NSW);*
- *Government Information (Public Access) Act 2009 (NSW);*
- *Environmental Planning and Assessment Regulation 2000 (NSW);*
- *Local Government Act 1993 (NSW);*
- *State Records Act 1998 (NSW).*

**Corporate and Community**

**Report No. CC81/2018**

**Corporate and Community Services**



**d. Risk Implications**

Non-compliance with copyright laws has already been identified as one of the areas which exposes both Council and Council officials to a liability for potential breaches. The adoption of the policy and associated documents and initiatives will provide guidance to ensure that this liability exposure is minimised.

**e. Environmental Implications**

N/A.

**f. Other Implications**

Not having a mechanism in place that discourages and minimises or prevents copyright non-compliance may have a negative impact on Council's insurance coverage.

**CONCLUSION**

Copyright infringement through inappropriate copying or distribution of copyright-protected material may be a personal as well as a corporate liability. Council respects the copyrights of others and has made it a priority to ensure all Council officials comply with copyright law and adhere to Council's Copyright Policy and Protocol.

**ENCLOSURES**

- [1](#) Draft Copyright Policy



## Cessnock City Council Copyright Policy

Date Adopted XX/XX/2018 Revision: 1

### 1. POLICY OBJECTIVES

- 1.1. The objectives of this policy are to:
- 1.1.1. Ensure Council complies with the requirements of the Act,
  - 1.1.2. Protect the copyrights of others with respect to copyright-protected material held by Council;
  - 1.1.3. Protect Council's copyright in accordance with the Act;
  - 1.1.4. Establish a framework in relation to copyright compliance when using copyright protected materials both internal and external to Council.

### 2. POLICY SCOPE

- 2.1. This policy applies to all Council Officials which include Councillors, employees, consultants, volunteers and contractors of Council.
- 2.2. All copying of copyright material undertaken by Council Officials shall be in accordance with the provisions of the Act and any relevant copyright agreement(s) or licences currently in force.

### 3. POLICY STATEMENT

- 3.1. Council respects the copyrights of others and has made it a priority to ensure all Council Officials comply with copyright law and adhere to Council's Copyright Policy and Protocol.

### 4. WHAT IS COPYRIGHT?

- 4.1. Copyright is the exclusive right and assignable legal right given to copyright holders for a fixed number of years to print, publish, perform, film, or record literary, artistic, or musical material. The purpose of copyright law is to provide authors and other creators (and those who obtain rights through such persons) with an incentive to create and share creative works by granting them exclusive rights to control how their works may be used.
- 4.2. Works are automatically protected by copyright under Australian law. Among the exclusive rights granted to those authors / creators are the rights to reproduce, distribute, publicly perform and publicly display a work. These rights provide copyright holders' control over the use of their creations, and an ability to benefit, monetarily and otherwise, from the exploitation of their works.
- 4.3. Copyright also protects the right to 'make a derivative work', such as a movie from a book; the right to include a piece in a collective work, such as publishing an article in a book or journal; and the rights of attribution and integrity for 'authors' of certain works of visual art.



- 4.4. If you are not the copyright holder, you must ordinarily obtain permission prior to re-using or reproducing someone else's work or purchase a copyright licence to use the said work. Acknowledging the source of a work is not a substitute for obtaining permission. However, permission generally is not necessary for actions that do not implicate the exclusive rights of the copyright holder, such as reviewing, reading or borrowing a book or a photograph.

## 5. WHAT IS PROTECTED BY COPYRIGHT?

- 5.1. The rights granted under the Act are intended to benefit 'authors' of 'original works of authorship', including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural and audio-visual creations.
- 5.2. This means that virtually any creative work that you may come across in readable or viewable format, including books, magazines, journals, newsletters, maps, charts, photographs, graphic materials; unpublished materials, such as analysts' reports and consultants advice; and non-print materials, including websites, computer programs and other software, databases, sound recordings, motion pictures, video files, sculptures and other artistic works are almost certainly protected by copyright.

## 6. WHAT IS NOT PROTECTED BY COPYRIGHT?

- 6.1. Not everything is protected by copyright. Works that are not fixed i.e.: titles, names, slogans; ideas, facts and data; listings of ingredients or contents; natural or self-evident facts; and public domain works do not have copyright protection.
- 6.2. Some of these works may, however, be protected under other areas of law, such as patent or trademark law, or by contract. It is important to be sure that no other form of protection restricts the use of such materials before using them.

## 7. OBTAINING COPYRIGHT PROTECTION

- 7.1. Copyright protection is automatic under Australian law from the moment a piece of work is placed in a material form. This includes writing down, recording or filming. A piece of work does not have to be published to be protected by copyright. Copyright also protects unpublished works.

## 8. PERFORMER'S RIGHTS

- 8.1. The Act provides certain rights to performers. These rights are in addition to the rights of the copyright owners and creators of the material performed. Under the Act, people generally are required to obtain consent from a performer to record or broadcast a live performance. The performer's consent may also be required to use an unauthorised recording of a performance, or to use an authorised sound recording of a performance on a film soundtrack. Performers on audio recordings have additional rights, including moral rights.

## 9. EXPIRY OF COPYRIGHT

- 9.1. Copyright lasts for different periods depending on a number of factors, including the type of material, when it was created, when the creator died and when it was published. Copyright periods can also vary from country to country.
- 9.2. The duration of copyright was extended from 50 years to 70 years in 2005 for content which still had copyright on 1 January 2005. For works in which copyright remained in force as at 1 January 2005, their copyright generally lasts for 70 years





after the year of the death of its author/creator even if copyright has subsequently been transferred to another owner.

- 9.3. Works in which copyright has expired on 1 January 2005 (usually 50 years after the year of the creator's/author's death), are referred to as being "in the public domain" or "out of copyright".

Works type	Copyright expired in Australia if
Text Print music	Published before 1955 AND <ul style="list-style-type: none"> <li>▪ Creator died before 1955 OR</li> <li>▪ Published anonymously or under pseudonym, and author cannot be identified</li> </ul>
Image	<ul style="list-style-type: none"> <li>▪ Photograph taken before 1955</li> <li>▪ Engraving, such as etching lithograph, woodblock or print, published before 1955 AND artist died before 1955</li> <li>▪ Other image: artist died before 1955</li> </ul>
Government works [(Commonwealth, State, Territory) owns copyright OR work made for, or first published by, government]	<ul style="list-style-type: none"> <li>▪ text, print music, photo, engraving published 50+ years before current year</li> <li>▪ other image made 50+ years before current year</li> </ul>

- 9.4. For further advice in relation to Copyright contact the Governance and Council Support Team.

## 10. COPYRIGHT EXEMPTION

- 10.1. The Act includes provisions for the fair use of copyright protected works for the purpose of research or study, criticism or review, reporting news, parody or satire, judicial proceedings or professional advice.
- 10.2. Exceptions to copyright protection include newspapers using copyrighted materials without permission for reporting, libraries reproducing copyright materials for users and teachers who make multiple copies of copyrighted materials for classroom distribution.

## 11. ROLES AND RESPONSIBILITIES

### 11.1. Council's Public Officer

- 11.1.1. Council's Public Officer will address copyright risks and or alleged breaches in the first instance.
- 11.1.2. Council's Public Officer may seek the authority to audit whether Council Officials are compliant with copyright law. Such an audit may be conducted without notice after providing the Council Official with a copy of an authority to conduct the audit.

### 11.2. Council Officials



- 11.2.1. Council expects Council Officials to be responsible consumers of copyright protected materials. Council Officials must not reproduce any work protected by copyright without either a copyright licence or express authority to Council from the copyright owner regardless of it being in print, video or digital form.
- 11.2.2. As there is no registration of copyright in Australia and no formal procedures to go through, Council Officials must assume that the work of others are protected by copyright until proven otherwise.
- 11.2.3. Council Officials are encouraged to educate their peers on copyright compliance. If any Council Official witnesses a potential copyright infringement they must bring the matter to the attention of the individual, and Council's Governance and Council Support Team.
- 11.2.4. Council Officials must seek out and receive through a copyright licence or the express written permission of the copyright holder, the right to reuse copyright protected work in order to avoid an infringement of copyright.
- 11.2.5. When work is not covered by copyright, Council Officials are to confirm that the material is not protected by any other area of law, such as trademark or trade secret law.
- 11.2.6. Where copyright audits are concerned, Council Officials must provide all reasonable assistance and cooperation in complying with the audit.
- 11.2.7. The Council Official being audited will be provided with an opportunity to have their comments (if any) included in the audit report.
- 11.2.8. If the Council Official fails to satisfactorily implement the recommendations contained within the copyright audit report, the matter will be dealt in accordance with clause 12.
- 11.2.9. For further advice in relation to Copyright contact the Governance and Council Support Team.
- 11.3. Use of council created materials**
  - 11.3.1. Copyright in works created by Council Officials in the course of their employment or engagement is owned by Council. As such, Council Officials may use the works for Council related business only.
  - 11.3.2. When Council owned copyright protected materials are used, a copyright notice is to be included on the works when being distributed or published outside of Council, otherwise such distribution or publication is deemed as unauthorised. If there is any doubt as to whether the work is covered by copyright it is best to be cautious and contact the Governance and Council Support Team seeking advice.
  - 11.3.3. If Council Officials become aware of any unauthorised use or distribution of Council created materials they should promptly notify the Governance and Council Support Team.
- 11.4. Copyright ownership for third party produced materials**
  - 11.4.1. Council Officials, when entering into an agreement or contract with third parties to produce materials, are to take care and adequately address the ownership of copyright before any work commences. This should be by



way of a written agreement that clearly states who owns the copyrights to any material created by the third party.

11.4.2. The agreement is to identify:

- i. who has the ownership of the third party produced materials,
- ii. who has the right to exploit the ownership,
- iii. who is to pay for the ownership, and
- iv. whether and in what circumstances improvements or modifications to the third party produced materials are allowed.

11.4.3. Council Officials should seek assistance from the Governance and Council Support Team in the first instance.

**11.5. Confidentiality**

11.5.1. Council Officials, prior to distributing any information externally to Council must ensure that any confidentiality restrictions applicable to that information are adhered to.

**11.6. Records management**

11.6.1. Staff must maintain all records relevant to administering this policy in accordance with Council's [Records Management Policy](#).

**12. POLICY BREACHES**

12.1. Use of Council equipment, facilities and/or premises for a purpose which infringes copyright is expressly forbidden and will constitute a breach of this policy. Council Officials who commit such an infringement shall be personally liable under the Act. Council may also be found liable.

12.2. Council Officials who fail to comply with this policy or the Act will be subject to Council's disciplinary procedures and Council's Code of Conduct.

**13. POLICY DEFINITIONS**

<b>Act</b>	means the <i>Copyright Act 1968</i> (Cth).
<b>Council</b>	means Cessnock City Council.
<b>Copyright</b>	means a bundle of exclusive rights of the owner to publish, copy, adapt, broadcast and perform material contained in literary, dramatic, musical, and artistic works, and in computer software, sound recordings, films, and broadcasts.
<b>Copyright Licence</b>	means a licence assigned to an individual, business or organisation by the copyright owner for the rights to their work. Assignment of copyright and licences can include a number of limitations and conditions. These can include limitations on the type of use that can be made of the work, the period of time for which a licence applies and requirements for payment.
<b>Owner</b>	means the author or maker of the copyright material, but may be another person, or legal entity, in accordance with the Act.



#### 14. POLICY ADMINISTRATION

<b>Business Group:</b>	Corporate and Community Services
<b>Responsible Officer:</b>	Governance Coordinator
<b>Policy Review Date:</b>	Three years from date of adoption unless legislated otherwise
<b>File Number / Document Number:</b>	DOC2018/040492
<b>Relevant Legislation: (reference specific sections)</b>	<ul style="list-style-type: none"> <li>ss10. 13 – 30A, 31 – 36, 39A – 44, 44D – 44F, 74 – 84, 101 – 112E, Part V and Part IX of the <i>Copyright Act 1968</i> (Cth)</li> <li>s 6(6) of the <i>Government Information (Public Access) Act 2009</i> (NSW)</li> <li>s 10.14 of the <i>Environmental Planning and Assessment Regulation 2000</i> (NSW)</li> <li>Part 2 of the <i>State Records Act 1998</i> (NSW)</li> </ul>
<b>Related Policies / Protocols / Procedures</b>	<ul style="list-style-type: none"> <li>Records Management Policy</li> <li>Public Information Access Policy</li> <li>Code of Conduct</li> <li>Copyright Protocol</li> </ul>

#### 15. POLICY AUTHORISATIONS

Code	Authorisation	Role(s)
	Investigation of Copyright policy breaches	Public Officer
	Conduct compliance audits in accordance with the Copyright Policy	Public Officer

#### 16. POLICY HISTORY

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

**SUBJECT:** *NEAR BUTTAI ROAD, BLACK HILL - PROPOSED ROAD CLOSURE*

**RESPONSIBLE OFFICER:** *Infrastructure Manager - Katrina Kerr*

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### **SUMMARY**

This report seeks Council's consent to the proposed closure of a number of sections of unformed public road near Buttai Road, Black Hill.

### **RECOMMENDATION**

1. That Council consent to the closure of the sections of unconstructed public road near Buttai Road, Black Hill, as indicated on the Property Location Plan.
2. That Council writes to the Hon. Paul Toole MP, Minister for Lands and Forestry requesting to transfer the roads to the Crown in accordance with the provisions of the *Roads Act 1993*.

### **BACKGROUND**

An application has been received from The Bloomfield Group on behalf of Ashtonfields Management Pty Ltd for closure of a number of sections of unnamed, unconstructed public road near Buttai Road, Black Hill.

The land parcels adjoining the subject road are owned primarily by Ashtonfields Management Pty Ltd. Other parcels adjoining the roads are owned by Hunter Water Corporation containing a water pipeline. Subject to closure and Council resolution, Ashtonfields Management Pty Ltd intend to purchase and consolidate the land with their existing property.

### **REPORT/PROPOSAL**

**Location:** The proposed road closure, marked in red, is shown in Figure 1 below. This road is within the Black Hill locality.



Works and Infrastructure  
Report No. WI86/2018  
Works and Infrastructure

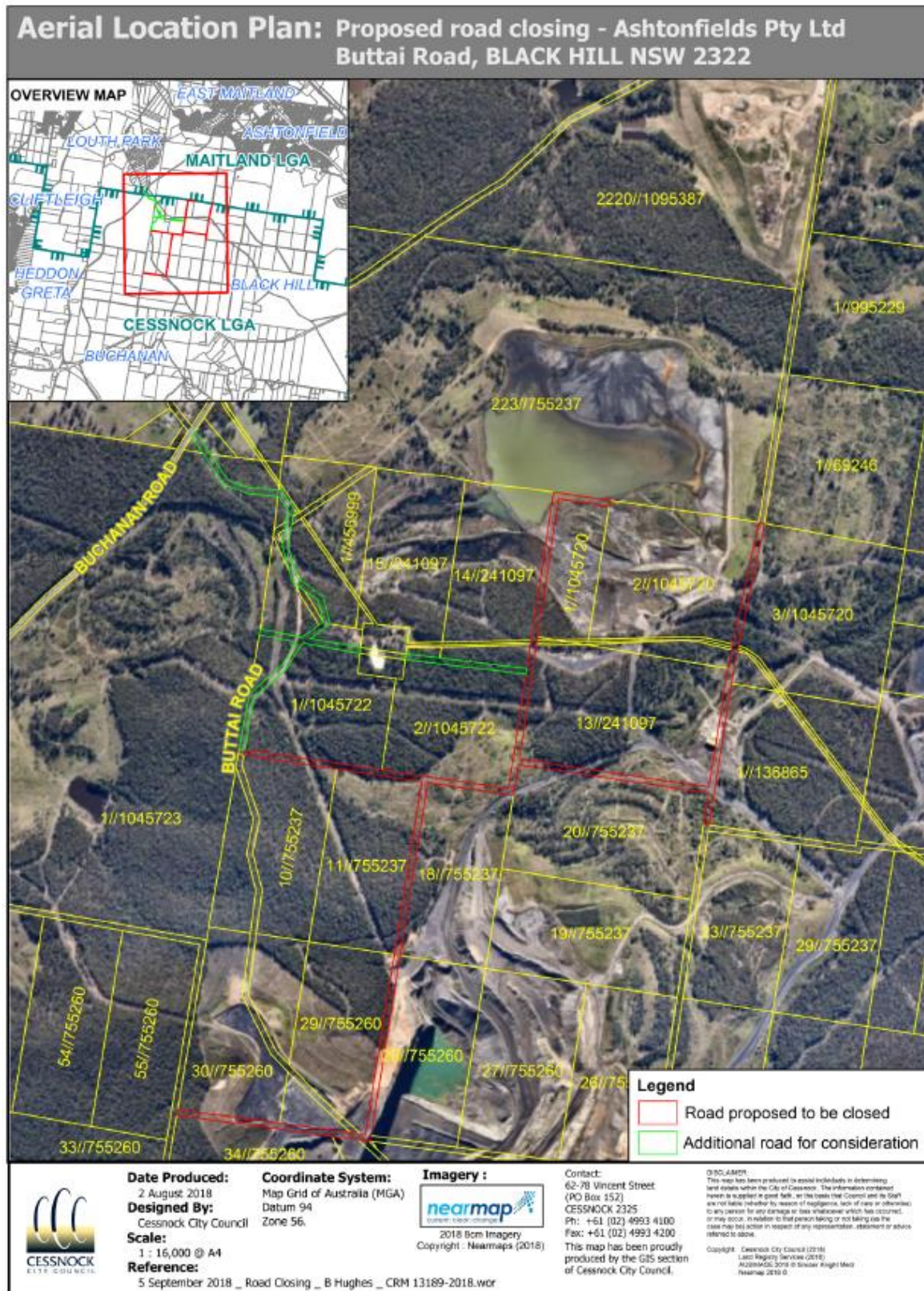


Figure 1 - Aerial Location Plan

Works and Infrastructure  
Report No. WI86/2018  
Works and Infrastructure

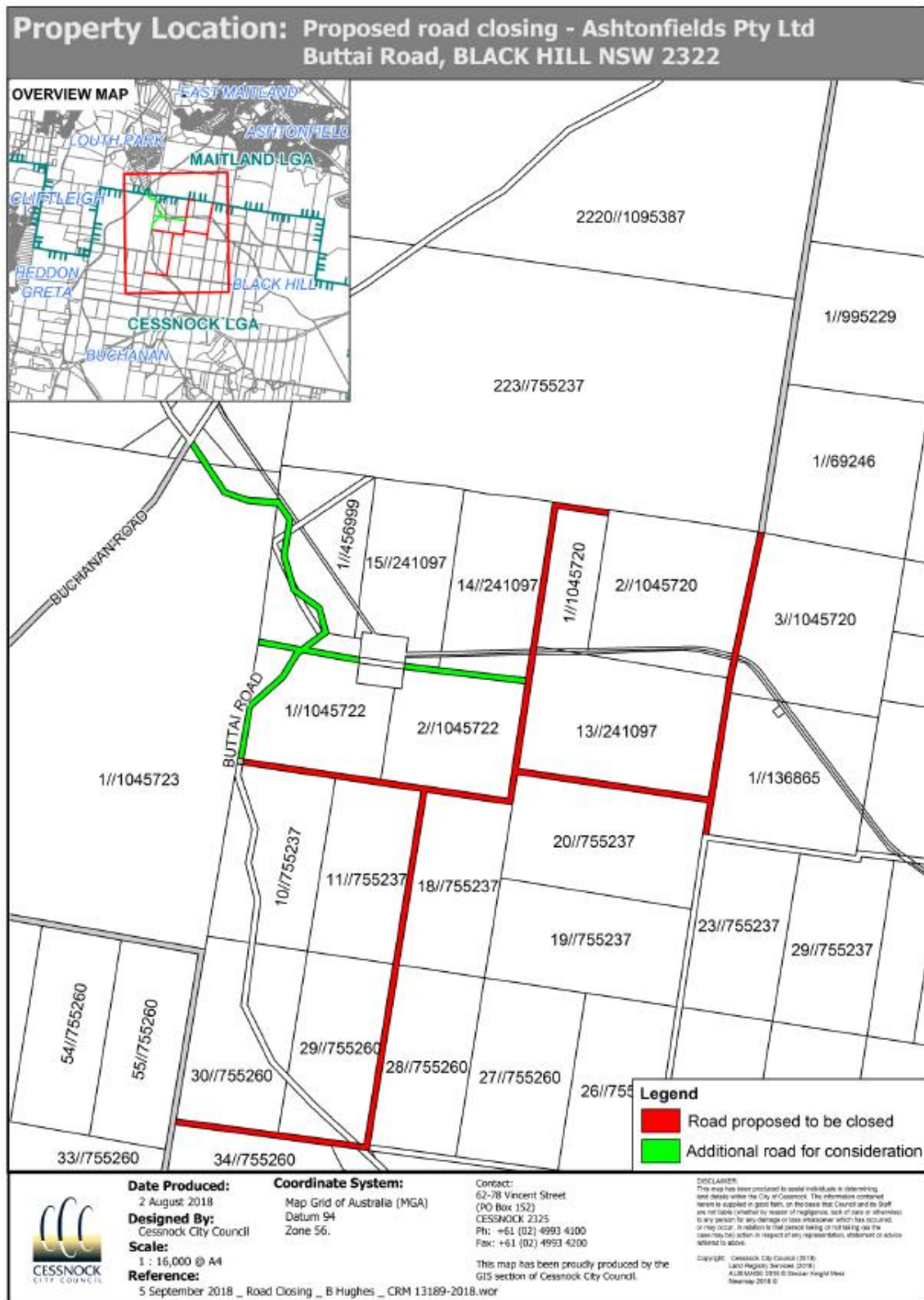


Figure 2 - Property Location Plan



**Works and Infrastructure**

**Report No. WI86/2018**

**Works and Infrastructure**



**Status of Road:** The subject roads are council public roads but no record has been found of Council constructing or maintaining the roads. The road reserve is not required for public purposes and is not considered necessary for any future road links.

**Infrastructure and Utilities:** The subject public road reserve contains no existing Council infrastructure.

Hunter Water Corporation has infrastructure in that location. Hunter Water Corporation have been consulted and advise that they provide in principal approval subject to conditions (that sections of the road reserve containing Hunter Water infrastructure be vested in Hunter Water).

Telstra has Telstra assets in the vicinity but subject to their conditions have no objection to the proposed closures.

NBN Co, Jemena and Ausgrid have no objection to the proposed road closures.

The road reserves are located on a working mine site and presently legally allow public access. Closure of the road reserve is desirable to reduce public safety risk.

**Road Closure:** Avenues toward closure of the roads are:

- transfer the roads back to the Crown, for subsequent closure by the Crown, or
- for Council to complete the road closure process in accordance with the *Roads Act 1993*.

Transfer is anticipated to be relatively straight forward, while closure is a more complex process. Details of these processes are described under the *IMPLICATIONS*, Policy and Procedural Implications section of this report.

**OPTIONS**

**Option 1:**

1. That Council consent to the closure of the sections of unconstructed public road near Buttai Road, Black Hill, as indicated on the Property Location Plan.
2. That Council request the Minister to transfer the roads to the Crown in accordance with the provisions of the *Roads Act 1993*.

This is the preferred option as transfer of the roads back to the Crown achieves the desired outcome without significant effort or resources expended for Council.

**Option 2:**

1. That Council consent to the closure of the sections of unconstructed public road near Buttai Road, Black Hill, as indicated on the Property Location Plan.
2. That Council close the roads and complete the road closure process.



**Works and Infrastructure**

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This is not the preferred option as it imposes significant impost on Council for no financial or operational benefit.

**Option 3:**

1. That Council not consent to the road closures.

This is not the preferred option as the roads have never been constructed, and the road reserve is not required for public purposes and is not considered necessary for any future road links.

**CONSULTATION**

External consultation has occurred with the following:

- NSW Department of Industry – Crown Lands & Water
- Hunter Water Corporation
- Ausgrid
- Jemena
- Telstra
- NBN Co

Should Council, or the Crown consent to the closure of the roads the following external consultation and notification will occur calling for any submissions on the proposal:

- public advertising,
- nearby landowners notified, and
- various government authorities and utility providers referenced.

Internal consultation has occurred with the following:

- Senior Property Officer, Finance & Administration Unit,
- Senior Strategic Planner, Strategic Planning Unit, and
- Strategic Traffic & Transport Planning Engineer.

**STRATEGIC LINKS**

**a. Delivery Program**

**Delivery Program 2017-21:** The recommendation of this report is aligned with the Community's Desired Outcome:

- Objective 5 Civic Leadership and Effective Governance

**b. Other Plans**

N/A

Works and Infrastructure

Report No. WI86/2018

Works and Infrastructure



**IMPLICATIONS**

**a. Policy and Procedural Implications**

**Road Transfer Process:** The alternate to road closure is to seek consent to transfer the roads back to the Crown. The Crown would then complete the road closure process, significantly reducing the work required by Council considering that Council does not receive the proceeds of sale.

**Road Closure Process:** Section 38 of the *Roads Act 1993* legislates that a road, of which no construction has ever taken place, vests in the Crown as Crown Land upon closure.

Prior to 1 July 2018, if Council consented to the closure of an unconstructed council public road, it could supply a letter of consent to the closure, acknowledging that the road, upon closure, would vest in the Crown and the Crown would complete the closure process.

Post 1 July 2018 the *Roads Act 1993* has been amended so that Councils are responsible for the council public road closure process. This involves:

- notifying the required authorities,
- considering and if necessary resolving any objections,
- commissioning the survey of the road and preparation of plans,
- obtaining appropriate signatures and consents (e.g. subdivision certificate, S88b instrument),
- lodging plans and documents with NSW Land Registry Services,
- Gazetting the road closure notice, and
- notifying NSW Department of Industry – Crown Lands & Water to facilitate the sale of land for which the Crown receives the proceeds.

**b. Financial Implications**

Council's direct costs are covered by the application fee and with the land vesting in the Crown, subsequent financial transactions are between the applicant and Crown Lands.

The process of transfer, being simpler imposes less on Council resources. The process of closure is relatively labour intensive and will require a greater level of resourcing by Council officers.

**c. Legislative Implications**

**Local Government Act 1993:** On closure of these roads, ownership of the residual land will vest in the Crown. Vesting in the Crown involves the surrender of the land to the Crown. Dealings in relation to land matters require a resolution of Council in accordance with the *Local Government Act 1993*:

- S.377 General power of the council to delegate.
- S.377 (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.

**Works and Infrastructure**

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**Works and Infrastructure**



- S.377 (1)(h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment).

**Roads Act 1993:** Closing public roads is undertaken in accordance with the provisions of the *Roads Act 1993*:

- Part 4, Sections 33 to 38 regulates the closing of public roads.

**d. Risk Implications**

Nil

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

**CONCLUSION**

It is appropriate to support the proposed road closures as the roads are unconstructed and the road reserve is not necessary for any future road link.

The most straightforward approach to achieve closure of the roads is to transfer them to the Crown for their consideration.

**ENCLOSURES**

There are no enclosures for this report

**SUBJECT:** *TRAFFIC AND TRANSPORT STRATEGY -  
IMPLEMENTATION PRIORITIES*

**RESPONSIBLE OFFICER:** *Infrastructure Manager - Katrina Kerr*

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### **SUMMARY**

This report provides a breakdown of Capital Works priorities to deliver outcomes identified in the adopted Cessnock LGA Traffic and Transport Strategy.

### **RECOMMENDATION**

1. That Council endorse the breakdown of priorities for implementation of the Cessnock LGA Traffic and Transport Strategy.
2. That Council make provision for the prioritised implementation of the Cessnock LGA Traffic and Transport Strategy in consideration of available development contributions and grant funding.
3. That Council writes to the NSW Minister Roads, Maritime and Freight, the NSW Parliamentary Secretary for Planning, the Central Coast and the Hunter, the State Member for Cessnock and Taylor Martin MLC seeking support for funding to implement the high priority projects.

### **BACKGROUND**

At its Ordinary Meeting of 19 September 2018, Council considered Report WI743/2018 - *Draft Cessnock LGA Traffic and Transport Strategy* and resolved:

1. *That Council note the outcome of the public exhibition and community submissions.*
2. *That Council adopt the Cessnock LGA Traffic and Transport Strategy Technical Report, as amended.*
3. *That the General Manager write to all those persons who made a submission thanking them for their input and to advise of Council's decision.*
4. *That a further report come back to Council by the 1<sup>st</sup> meeting in November providing a breakdown of the Capital Works priorities listed in the Strategy under Part D Implementation along with estimated timeframe and costs for various priorities and sources of potential funding.*

This report responds to item 4 and, from *Part D Implementation* of the *Cessnock LGA Traffic and Transport Strategy* (The Strategy), provides:

- a breakdown of Capital Works priorities,
- estimated timeframes, and
- estimated costs and sources of potential funding.

## Works and Infrastructure

Report No. WI87/2018

## Works and Infrastructure

**REPORT/PROPOSAL****Conclusions of the Strategy**

The main conclusions of the Strategy included connection and bypass roads to separate longer-distance through traffic from local access and shorter trips with the LGA.

**Implementation of the Strategy**

Considerable planning, investigation and design is required to achieve the Strategies preferred road networks for 2021, 2031 and 2041. At *Part D Implementation Plan*, the Strategy provides a Recommended Action Plan in two parts:

- At Table 20, a Summary of Strategic Actions, and
- At Table 21, a Road Capital Works Priorities.

**Strategic Actions:** The key strategic actions recommended in the short term include amending existing environmental/land use planning controls, and traffic engineering investigations and design as summarised in **Enclosure 1**.

**Parking:** Two key strategic actions include parking improvements to facilitate visitation and safe car pooling for commuter using the Hunter Expressway (HEX) as show on **Table 1** below:

Table 1 – Parking Priorities

<b>Parking Capital Works</b>				
Priority	Project:	Issue:	When:	Cost:
PK3.3	Provide RV, coach and caravan/trailer parking in town centres	Facilitate convenient visitation	2019/20	\$10k
PK4.1	Provide commuter parking at public transport and HEX interchange nodes	Facilitate safe car pooling	2020/21	\$4.0M

**Road Capital Works:** The Implementation Plan tabulates recommended Road Capital Works to achieve the preferred road network. The table, provided for information at **Enclosure 2** identified immediate, short, medium and long term projects. The highest priority immediate and short term priority projects are shown on **Table 2** below:

Table 2 – Road Capital Works Priorities

<b>Road Capital Works</b>				
Priority	Project:	Issue:	When:	Cost:
1	Orange Street/Cessnock Road, Abermain Install traffic signals	Operational efficiency	2018/19	\$0.35M
2	Wollombi Road, Cessnock Upgrade intersections, increase to 4 lanes	Operational efficiency	2019/20	\$9.01M
3	Old Maitland Road, Cessnock Upgrade to 2 lane urban arterial standard	Level of service	2020/21	\$18.51M

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**Work Breakdown:** Preparations for delivery of critical components of the new connections and bypass roads featured in the preferred road network for 2021 will require a staged effort over time.

While planning for the installation of traffic signals at Orange Street/Cessnock Road, Abermain is to be undertaken by RMS, early planning, investigation and design should be commenced to enable timely construction of the two high priority road capital works projects:

- Wollombi Road, Cessnock: to improve operational efficiency, and
- Old Maitland Road, Cessnock: to improve the level of service.

A breakdown, to show sub projects with immediate and short term priority, the estimated timeframes and costs, is shown on **Table 3** below.

Table 3 – Work Breakdown

	Sub Project:	Timeframe:	Cost:
2.	Wollombi Road, Cessnock		
2.1	Chidgey, Desmond & Miller Streets Upgrade intersections	2019/20	\$120k
2.2	Abbotsford Street to Allandale Road Open 4 lanes	2020/21	\$7.80M
2.3	Bellbird North Install traffic signals	2021/22	\$250k
2.4	Campbell Street Install traffic signals	2021/22	\$220k
2.5	Darwin Street Install traffic signals	2021/22	\$250k
2.6	West Avenue Install traffic signals	2022/23	\$150k
2.7	Ivan Street/James Street Install traffic signals	2022/23	\$220k
	Sub Project:	Timeframe:	Cost:
3.	Old Maitland Road, Cessnock		
3.1	Maitland Road to Sawyers Gully Upgrade road	2022/23	\$18.5M
3.2	Sawyers Gully to to HEX Upgrade road	2023/24	\$26.0M

The timeframes shown are dependent on funding and resources to undertake investigation, design. Investigation tasks taking up to 6 months include:

- community consultation,
- survey, and
- services location.

Design tasks taking up to 6 months include:

- community consultation,
- concept, preliminary, and final designs,

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- schedule staging, and
- cost estimates.

**Active Transport Capital Works:** In addition, the Strategy promotes the active transport solutions through implementation of high priority projects from the Pedestrian Access and Mobility Plan (PAMP) and Cessnock Cycling Strategy. The highest priority immediate and short term priority projects are shown on **Table 4** below:

Table 4 – Active Transport Capital Works Priorities

Priority	Project:	Timeframe:	Cost:
1	Wollombi Road, Cessnock Upgrade Footpaths	2022/23	\$1.0M
2	Cessnock Road, Abermain Cycleway connection Kurri Kurri to Cessnock.	2022/23	\$1.0M

**OPTIONS**Option 1 (Preferred):

- That Council endorse the proposed priorities for implementation of the Cessnock LGA Traffic and Transport Strategy.
- That Council make provision for the prioritised implementation of the Cessnock LGA Traffic and Transport Strategy in consideration of available development contributions and grant funding.
- That Council writes to the NSW Minister Roads, Maritime and Freight, the NSW Parliamentary Secretary for Planning, the Central Coast and the Hunter, the State Member for Cessnock and Taylor Martin MLC seeking support for funding to implement the high priority projects.

This is the preferred option as it presents good strategic direction, planning, improving and future proofing the LGA's transport network.

Option 2 (Not Preferred):

- That Council notes the report.
- That Council reconsiders the priorities in the Road Capital Works Priorities shown in Part D Implementation of the Cessnock LGA Traffic and Transport Strategy.

This is not the preferred option as the LGA has suffered due to the absence of a specific vision and strategic framework.

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**CONSULTATION**

**Internal:** Internal consultation has occurred with staff across all three directorates of Council, during the preparation of the Strategy.

- Director Works and Infrastructure,
- Strategic Land Use Planning Team,
- Recreation Services Team,
- Design Delivery Team,
- Works and Operations Manager,
- Development Services Team,
- Economic Development Team,
- Finance Team, and
- Community and Cultural Engagement Team.

**External:** Further and targeted stakeholder consultation throughout planning for all stages of the projects will be undertaken with:

- Roads and Maritime Services (RMS),
- Directly affected property owners.
- Maitland City Council,
- Rover Coaches,
- Public Utilities, and
- NSW Department of Primary Industries - Lands.

**STRATEGIC LINKS**

**a. Delivery Program**

**Delivery Program 2013-2017:** The recommendation of this report aligns with the following action:

- 4.1.3. Commence the Transport & Land Use Planning Needs Analysis component of the City Wide Infrastructure Strategy

**Community Strategic Plan Cessnock 2027:** The recommendation of this report aligns with:

- Section 4 Accessible infrastructure, services and facilities:
  - Objective - 4.1 better transport links,
  - Objective - 4.2 Improving the road network.

**Delivery Program 2017-21:** The recommendation of this report aligns with:

- Section 4 Better transport links:
  - 4.1.1: Advocate for increased road, public and community transport and associated infrastructure funding.

**b. Other Plans**

**2017-18 Operational Plan:** The activity aligns with:

- Section 4 Better transport links



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- 4.1.1 Advocate for increased road, public and community transport and associated infrastructure funding
- 4.1.1a Advocate for commuter car parking to provide carpooling and community transport opportunities associated with the Hunter Expressway
- 4.1.1b Support applications for upgrades of bus stops
- 4.2.2c Advocate for and support applications for grant funding to improve road infrastructure
- 4.2.4 Work with the State Government to develop a land use strategy for the Hunter Expressway corridor

There are links to many existing plans at State, Regional and Local planning level. A full summary of relevant plans is detailed in the Planning Context section of the Strategy, including the following:

- Future Transport Strategy 2056,
- Hunter Regional Plan 2036,
- Pedestrian Access and Mobility Plan 2016,
- Cessnock Cycling Strategy 2016
- Hunter Strategic Infrastructure Plan 2013,
- City Wide Settlement Strategy 2010,
- Recreation and Open Space Strategic Plan 2009
- Draft Hunter Region Special Infrastructure Contribution,
- Greater Newcastle Metropolitan Plan,
- Cessnock 2023 Community Strategic Plan,
- Cessnock LGA Economic Development Strategy,
- Branxton Town Centre Masterplan,
- Kurri Kurri District Strategy, and
- Weston Commercial Centre Masterplan

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

**Funds Required:** The Road Capital Works Priorities outlined in the Strategy provides an estimated cost as follows:

- |                          |          |
|--------------------------|----------|
| • Commuter Car Parks     | \$1.0M   |
| • Wollombi Road Cessnock | \$9.01M  |
| • Old Maitland Road      | \$18.51M |

These works are currently unfunded.

**Source of Funds:** It is anticipated that funding for the works proposed by the Recommended Implementation Plan will be considered in a revision of Councils existing s94 Contribution Plans (s94) and Planning Agreements. Existing s94 Plans will enable a small portion of the works proposed to be levied for and constructed, however funding the majority

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of the works will need to be raised through new planning agreements, development contributions, state government, road reclassification, grants and Councils capital works program.

Minor intersection upgrades are to be funded from Council's Delivery Program or grants.

Major proposed works are typically undertaken in phases over many years. The exact alignment, mode or type of infrastructure required within the corridor may not be certain for many years or decades. Initial concept designs would be prepared by Council.

A range of variables can influence final infrastructure outcomes and the timing of infrastructure project delivery. This can include a change of housing and job growth rates within NSW, consumer and user behavioral change, and advances in technology. Therefore, preliminary design would only proceed if all external funding became available.

Implementation of the Road Capital Works Priorities, will have implications on Council's long term financial plan and each element of the Strategy will compete against other projects within Council's *Delivery Program 2017-21* and subsequent annual Operational Plans.

Where applicable grant funding and developer contributions will also be sourced and factored in the project budgets.

RMS are responsible for the approval of any new or changes to signalised intersections on roads. Council officers will continue to work with RMS for the proposed traffic signal installation.

**Grant Opportunities:** A number of Federal and State funding sources could be pursued as Council can demonstrate links to an adopted strategy that has had a high level of community involvement which is often one of the key criteria to be met when applying for funds. Possible sources of grant funds may include:

- National Stronger Regions Fund
- Fixing Country Roads
- Roads To Recovery
- NSW Government Safer Roads Program Local Government Road Safety
- Hunter Infrastructure Investment Fund

Immediate funding is required to progress planning, detailed investigation and the designs necessary to prepare shovel ready plans in time to meet the anticipate demand. Shovel ready plans are also important to guide development contributions and attract external funding.

**c. Legislative Implications**

***Environmental Planning and Assessment Act 1979:*** Council will be required to consider the adopted Strategy in the assessment of planning proposals and development applications in accordance with the Act.

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**d. Risk Implications**

**Reputational Risk:** Potential impacts on Council's standing in the community may be mitigated by commencing implementation of the Strategy in a timely manner.

**Financial Risk:** Potential impacts on the cost of roadworks may be mitigated by early planning, investigation and design to test the practicality, timeframes and cost estimates.

**e. Environmental Implications**

**Flora and Fauna:** Investigation and design will consider the ecological impact of road works including preparation of Environmental Impacts Assessments, Species Impact Assessments and Reviews of Environmental Factors.

**Cultural Heritage:** The heritage significance of any affected site will also be considered at detailed planning stages.

**f. Other Implications**

Nil

**CONCLUSION**

To successfully achieve the vision of the adopted Traffic and Transport Strategy a number of actions need to occur over the short, medium and long term. The Road Capital Works Priorities, listed in Part D Implementation prioritises actions based on cost, opportunities and benefit to the community has identified major high priority projects.

It is appropriate to progress the planning, investigation and design for RV and commuter car parking, and the Wollombi Road and Old Maitland Road Projects identified in the Strategy.

**ENCLOSURES**

- 1** Enclosure 1 - Short Term Strategic Actions
- 2** Enclosure 2 - Cessnock LGA Traffic and Transport Strategy - Part D Implementation Plan

**ENCLOSURE 1 Traffic and Transport Strategy – Implementation Priorities**

Enclosure 1 – Short Term Strategic Actions

<b>Land Use Planning</b>				
No.	Action:	Lead	When:	Cost:
LU1.1	Discourage residential densification in areas without adequate transport infrastructure	CCC	Short term	
LU2.1	Encourage reduced block sizes in high activity town centres	CCC	Short term	
LU2.2	Encourage pedestrian and cyclist permeability in town centres to and from public transport	CCC	Short term	
AT1.1	Include types of cycle paths required in each area	CCC	Short term	
AT1.1	Include cycling end of trip facilities	CCC	Short term	
<b>Traffic Engineering</b>				
No.	Action:	Lead	When:	Cost:
<b>Parking:</b>				
PK3.3	Provide RV, coach and caravan/trailer parking in town centres	CCC	Short term	
PK4.1	Provide commuter parking at public transport and HEX interchange nodes	State CCC	Short term	
PK4.2	Introduce 3 hour parking on western side of Cumberland Street, Cessnock	CCC	Short term	
<b>Active Transport:</b>				
AT1.3	Seek increased funding for cycling infrastructure	State CCC	Short term	
<b>Public Transport:</b>				
PT1.1	Review public transport network and current services	State CCC	Short term	
<b>Roads and Freight:</b>				
RF1.1	Establish functional road hierarchy and access management plan for local government roads	CCC	Short term	
RF1.2	Investigate bypasses of town centres and villages	CCC	Short term	
RF1.3	Investigate control of access to arterial road network to reduce delays to through traffic	CCC	Short term	

End of Enclosure 1

## **Enclosure 1 - Part D Implementation Plan**

To successfully achieve the vision of the Strategy a number of actions need to occur over the short, medium and long term. An Implementation Plan which prioritises actions based on cost, opportunities and benefit to the community has been developed and will inform future works programs.

The following tables outline the proposed strategic actions and recommended road capital works program, to be implemented over the next 25-30 years. The Strategy should be reviewed every five years through its life to monitor and evaluate progress and to update the implementation plan as required.

**Table 1 - Recommended Action Plan**

No.	Action	Lead Area	When
LU1.1	Through planning controls, discourage residential densification in areas without adequate transport infrastructure to service the travel demands	CCC	Short term
LU1.2	Encourage new development in close proximity to the key business centres/villages or close to employment to reduce trips lengths and encourage more sustainable transport options	CCC	On-going
LU2.1	Ensure DCP's in centres aim to reduce block sizes in high activity areas	CCC	Short term
LU2.2	Development controls are put in place in centres to ensure pedestrian and cyclist permeability is achieved, with permeability orientated to/from railway stations and major bus stops	CCC	Short term
LU3.1	Implement the high priorities from the Cessnock PAMP and Cessnock Cycle Strategy	CCC	Medium term
LU3.2	Investigate development incentives/controls to encourage facilitation of improved active transport access and connectivity and end of trip facilities	CCC	Medium term
PK2.1	Sufficient off-street parking capacity is provided for long-stay purposes in centres.	CCC	On-going
PK2.2	Work with land owners to consolidate off-street parking west of Vincent Street to support "park once" principals and reduce traffic movements for short parking trips	CCC and stakeholders	Medium term
PK3.1	Audit kerbside allocation in key centres and apply the allocation hierarchy principles to each centre to define a kerbside allocation program	CCC	Medium term
PK3.2	Monitor short-stay parking occupancy levels in Cessnock CBD, Kurri Kurri, Branxton and Greta, and expand time-limited parking area when occupancy levels exceed 85% capacity at peak times	CCC	On-going
PK3.3	Investigate RV, coach and caravan/trailer parking in town centres	CCC	Short Term
PK4.1	Investigate commuter parking opportunities at public transport nodes and along HEX interchange nodes	State and CCC	Short-term
PK4.2	Introduce medium term parking (i.e. 3P) on the western side of Cumberland Street to increase parking access for longer-stay customer needs	CCCC	Short-term
AT1.1	Development controls be updated to reflect the types of bicycle paths required in each area within the Cessnock LGA.	CCC	Short term
AT1.2	Implement Cycling Strategy	CCC	On-going
AT1.3	Continue to increase annual funding for cycling infrastructure	State & CCC	Short term

No.	Action	Lead Area	When
AT2.1	Investigate key linkages and undertake negotiations with land owners for right of way corridors through sites.	CCC	Medium term
AT3.1	Development controls be updated to reflect the level of cycling end of trip facilities required in each area. Development controls are to include a component of visitor cycle facilities.	CCC	Short term
AT4.1	Assess the available and quality of safe cycle routes to/from each primary school and develop a program of improvements/upgrades, prioritised on the basis of proximity to each school and in consideration of Action AT1.1. (only for areas not considered by PAMPS).	CCC	Long term
AT5.1	Develop a series of cycling and walking guide maps of Cessnock LGA including safe cycling and walk routes to key destination (e.g. Wineries, Arts and Community Centre, Libraries)	CCC	Medium term
PT1.1	Work with the State Government to review the public transport network to understand current service provision	State & CCC	Short term
PT1.2	Lobby State Government for increased hour of operation and frequency of services between Newcastle and Cessnock LGA	State & CCC	Medium term
PT2.1	Lobby State Government to reintroduce and increase the frequency of rail services	State & CCC	Long term
PT3.1	Work with the State and bus operators to integrate and expand service coverage of bus services	State & CCC	Medium term
RF1.1	Establish a functional road hierarchy and access management plan for local government roads within the Cessnock LGA to support the arterial road system and improve local accessibility	CCC	Short term
RF1.2	Investigate opportunities to bypass centres and villages (e.g. Cessnock CBD Neath and Weston) for longer distance trips	State & CCC	Short term
RF1.3	Manage/introduce access control on the arterial network to reduce delays to through traffic movements	State & CCC	Short term
RF2.1	Develop a Local Area Traffic Management (LATM) scheme warrants and implementation policy	CCC	Medium term
R3.1	Assess the Cessnock LGA industrial areas and truck routes for impacts on residential areas and develop appropriate management measures	CCC	Medium term

**Table 2 - Road Capital Works Priorities**

Location	Section	Proposed Works	Potential Funding	*Indicative Cost	Comment	Timeframe	Lead Agency
Orange Street	Cessnock Road	install traffic control signals	State	\$350,000	improve capacity, pedestrian facilities and road safety	Immediate	StateCCC
Cessnock Road	between Kline Street and Station Street	Parking restriction to increase intersection capacity	CCC & Developer	\$5,000	local area traffic management	Immediate	CCC
Chidgey Street	Wollombi Road	Left In - Left Out	CCC & Developer	\$40,000	road safety and network efficiency	Immediate	CCC
Desmond Street	Wollombi Road	Left In - Left Out	CCC & Developer	\$40,000	road safety and network efficiency	Immediate	CCC
Miller Street	Wollombi Road	Left In - Left Out	CCC & Developer	\$40,000	road safety and network efficiency	Immediate	CCC
Wollombi Road	Abbotsford Street to Allandale Road	Upgrade to provide four lanes	CCC & Developer	\$7,800,000	to improve capacity	Immediate	State
Barnett Street	Mt View Road	Left In - Left Out	CCC & Developer	\$40,000	road safety and network efficiency	Short-term	CCC
Barton Street	Kurri Kurri	Pedestrian facility	CCC	\$20,000	local area traffic management	Short-term	State
Bellbird North	Wollombi Road	Install traffic control signals	Developer	\$250,000	new access	Short-term	CCC
Bridge Street/Drinan Street	intersection	install high visibility skid resistant surfacing	CCC	\$30,000	local area traffic management	Short-term	CCC
Campbell Street	Wollombi Road	Install traffic control signals	CCC	\$220,000	to improve operation efficiency	Short-term	CCC
Cessnock Road	Branxton	expand and landscape car park	CCC & Grants	\$100,000	local area traffic management	Short-term	CCC
Charlton Street	between Cooper Street and Maitland Road	upgrade road link through Marketplace	CCC & Grants	\$500,000	local area traffic management	Short-term	CCC
Colliery Street	Greta Street	Install traffic signal or roundabout	State	\$220,000	to improve operation efficiency and promote CBD bypass	Short-term	CCC
Colliery Street	Aberdare Road	Install traffic signal or roundabout	State	\$220,000	to improve operation efficiency and promote CBD bypass	Short-term	CCC
Darwin Street	Wollombi Road	Install traffic control signals & dual right turns	CCC & Developer	\$250,000	to improve operation efficiency	Short-term	CCC
South Street	West Avenue	new roundabout	CCC	\$150,000	to improve operation efficiency and promote CBD bypass	Short-term	CCC
Hart Road	Sawyers Gully Road	intersection upgrade (new signals or roundabout)	State & CCC	\$300,000	capacity upgrade and road safety improvement	Short-term	CCC

Location	Section	Proposed Works	Potential Funding	*Indicative Cost	Comment	Timeframe	Lead Agency
Ivan Street/James Street	Wollombi Road	Install traffic control signals	Developer	\$220,000	to improve operation efficiency	Short-term	CCC
Main Road	Hunter Expressway to Cliftleigh	Upgrade to provide four lanes	State	\$15,612,500	capacity upgrade and road safety improvement	Short-term	State
Maitland Road	between Allandale Road and Old Maitland Roads	introduce peak hour clearways	State & CCC	\$100,000	local area traffic management	Short-term	State
Marketplace Entry	Wollombi Road	Install traffic control signals	CCC & Grants	\$220,000	improved access	Short-term	CCC
Mount View Road	Wollombi Road	Install traffic control signals	State & CCC	\$220,000	to improve operation efficiency and promote CBD bypass	Short-term	CCC
Old Maitland Road - Stage 1	Maitland Road to new Weston bypass link	upgrade to 2 lane urban arterial standard	CCC, Grants & Developers	\$18,510,000	to improve operation efficiency and promote Weston, Neath & Kurri Kurri bypass	Short-term	CCC & State
O'Neill Street	Wollombi Road	Left In - Left Out	Developer	\$40,000	road safety and network efficiency	Short-term	CCC
Second Avenue and Third Avenue	Weston	LATM traffic calming devices	CCC	\$50,000	local area traffic management	Short-term	CCC
Station Street	between Cessnock Road and First Street	Install 2hr parking signage	CCC	\$5,000	local area traffic management	Short-term	CCC
Wangi Avenue	Wollombi Road	Left In - Left Out	Developer	\$40,000	road safety and network efficiency	Short-term	CCC
West Avenue	Wollombi Road	Install traffic control signals & dual right turns	CCC, Developer & State	\$250,000	to improve operation efficiency and promote CBD bypass	Short-term	CCC
West Avenue	Miller Street	Left In - Left Out	CCC	\$40,000	road safety and network efficiency	Short-term	CCC
West Avenue	Wollombi Road to North Avenue	Upgrade to provide four lanes	CCC & Developer	\$950,000	to improve operation efficiency and promote CBD bypass	Short-term	CCC
Weston bypass link	Old Maitland Road to Sawyers Gully Road	new 2 lane road	CCC & Developer	\$18,000,000	to improve operation efficiency and promote Weston, Neath & Kurri Kurri bypass	Short-term	CCC & State
Wine Country Drive	Bridge Street to 700m south of Bridge Street	Upgrade to provide four lanes	State	\$1,718,500	improved network efficiency	Short-term	State
Wollombi	Wollombi	LATM treatments	CCC	\$200,000	local traffic management	Short-term	CCC
Old Maitland Road	Maitland Road	install traffic control signals	CCC & State	\$350,000	to improve capacity	Short-term	CCC
Branxton	between Cliff Street and	new road link	CCC	\$50,000	local area traffic management	Medium-term	CCC



Location	Section	Proposed Works	Potential Funding	*Indicative Cost	Comment	Timeframe	Lead Agency
	Cessnock Road						
Northern Outer CBD Bypass Stage 1	Wollombi Road to Wine Country Drive	new 2 lane road	CCC, Grants & Developers	\$34,000,000	to improve operation efficiency and promote CBD bypass	Medium-term	CCC
Northern Outer CBD Bypass Stage 2	Wine Country Drive to Old Maitland Road	new 2 lane road	CCC, Grants & Developers	\$14,000,000	to improve operation efficiency and promote CBD bypass	Medium-term	CCC
Old Maitland Road - Stage 2	Weston bypass link road to HEX	realign and upgrade to 2 lane urban arterial	CCC & Grants	\$26,000,000	to improve capacity	Medium-term	CCC & State
Victoria Street/Lang Street	Mitchell Avenue	replace roundabout with traffic signals and pedestrian facilities	State	\$3,000,000	improve capacity, pedestrian facilities and road safety	Medium-term	State
Vincent/Snap e	Aberdare Road	intersection improvements	CCC & Grants	\$100,000	to improve operation efficiency and promote CBD bypass	Medium-term	CCC
CBD Southern Bypass Stage 1	Wollombi Road to Aberdare Road	new 2 lane road	CCC, Grants & Developers	\$22,800,000	to improve operation efficiency and promote CBD bypass	Long-term	CCC
CBD Southern Bypass Stage 2	Maitland Road to Old Maitland Road	new 2 lane road	CCC, Grants & Developers	\$6,400,000	to improve operation efficiency and promote Weston, Neath & Kurri Kurri bypass	Long-term	CCC
Colliery Street / Duffie Drive	Aberdare Road to Maitland Road	Upgrade to 2 lane urban arterial standard	CCC, State & Grants	\$2,820,000	to improve operation efficiency and promote CBD bypass	Long-term	CCC & State
Lang Street	between Victoria Street and HEX	Upgrade to provide four lanes with landscaped central median	State	\$1,720,000	to improve capacity	Long-term	State
Old Maitland Road - Stage 34	Maitland Road to new Weston bypass link	Upgrade to provide four lanes	Grants	\$18,510,000	to improve capacity	Long-term	CCC & State

Potential Funding Sources by: Grants, Cessnock City Council (CCC), Developers Contribution and State Government

\*Note: The above costs are strategic estimated costs and are not based on detailed investigation and design. Whilst potential contingencies have been considered final costs will more closely reflect site constraints such as local topography, environmental, heritage, and utility services. Project costs have been developed as strategic estimates using rates defined by the Independent Pricing and Regulatory Tribunal of New South Wales (IPART). Local Infrastructure Benchmarking Cost. It is available on the [www.ipart.nsw.gov.au](http://www.ipart.nsw.gov.au)

**SUBJECT:** *MINUTES OF THE DOLLAR FOR DOLLAR GRANTS  
COMMITTEE MEETING OF CESSNOCK CITY COUNCIL  
HELD 10 OCTOBER 2018*

**RESPONSIBLE OFFICER:** *Open Space and Community Facilities Manager - Nicole Benson  
Community & Cultural Engagement Manager - Natalie Drage  
Environmental & Waste Services Manager - Michael Alexander*

### **RECOMMENDATION**

1. That Council adopt the Minutes of the Dollar for Dollar Committee held on 10 October 2018.
2. That Council write to all applicants advising them of the outcome of their applications and thank them for their ongoing support and commitment to the enhancement of either Council's sporting and community facilities, the local environment, community and the arts.

### **Community and Cultural Development Dollar for Dollar**

3. Fund the projects as per the 'Funding Payable' column in Table 2.

**Table 2 – Eligible Applications – Recommended for Funding**

APPLICANT	PROJECT DESCRIPTION	TOTAL COST	FUNDING SOUGHT	FUNDING PAYABLE
Abermain Eisteddfod Committee	Purchase HP computer and printer	\$1,695	\$847.50	\$847.50
Branxton Greta Business Chamber	Business and Community Forum  Hire of toilet, table, chairs generator & onsite security. Printing & promotion. Entertainment & hire of jumping castle	\$9,625	\$3,000	\$3,000
Central Hunter Community Broadcasters Inc	Purchase two CD players	\$878.90	\$439.45	\$439.45
Cessnock No.252 (Cessnock Masonic Lodge)	Cessnock Masonic Centre Transformation Project – Furniture	\$9,365.34	\$3,000	\$3,000

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	Tables, chairs & trollies			
Cessnock Regional Art Galley	Spring Art Fair Cessnock	\$6,550	\$2,000	\$2,000
	Acquisitive Art Prize			
Coalfields Heritage Group	Undertake local history research	\$3,000	\$1,500	\$1,500
	Printing, stationary, internet costs			
Kurri Kurri Community Centre	Greta, Branxton, Huntlee Family Disco 2019	\$4,200	\$2,100	\$2,100
	Promotions, decorations, entertainment, catering			
Reach Foundation	Secondary School workshops	\$6,703.27	\$3,000	\$3,000
	Facilitator, transport, project management, logistics, & administration			
Richmond Vale Preservation Co-operative Society	Rebuild museum website	\$3,985	\$1,992.50	\$1,992.50
	Contractor fee – design, page preparation, host backup and update website			
Sculpture in the Vineyards	Wollombi Sculpture in the Vineyards	\$24,000	\$3,000	\$3,000
	Marketing, transportation, venue hire, printing			
Towns with Heart	2019 Town of Murals Show	\$14,300	\$2,200	\$2,200
	Major Award (\$2,200) Acquisitive art prize			
Youth off the Streets	Cessnock Community Services Day (November 2018)	\$2,035	\$1,017.50	\$1,017.50
	Promotion, personal care packs, birth certificates, refreshments, transport,			

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	venue hire, co-ordination & facilitation			
<b>TOTAL</b>		<b>\$86,337.51</b>	<b>\$24,096.95</b>	<b>\$24,096.95</b>

4. Fund the project as per the 'Funding Payable' column in Table 3.

Table 3 – Recommended for Funding

APPLICANT	PROJECT DESCRIPTION	TOTAL COST	FUNDING SOUGHT	FUNDING PAYABLE
Stanford Merthyr Infants School	Stanford Merthyr Infants First Nation culture, education and enrichment activities  Bus hire, replacement costumes	\$2,200	\$1,100	\$1,100
<b>TOTAL</b>		<b>\$2,200</b>	<b>\$1,100</b>	<b>\$1,100</b>

5. That Council endorse the amendment to the 2019 Dollar for Dollar Grant Scheme Guidelines for the Community and Cultural Development Dollar for Dollar Grant Scheme.

**Schools Environment Grant**

6. Fund the applications as per the 'Grant Requested' column in Table 2 of the report.
7. Remaining \$700 funds to be provided to Office of Environment Heritage for Woodlands Bird Resource Kit.

Table 2 – Eligible Applications – Recommended for Funding

School	Project Description	Total Cost	Grant Requested	Grant Proposed
Kurri Kurri and District Preschool Kindergarten	Papermaking project to demonstrate reuse of waste paper	\$1744	\$200	\$200
Cessnock Occasional Childcare Centre	Potted Garden for herbs and vegetables.	\$460	\$200	\$200
Nulkaba Preschool	Worm farm and supporting educational resources	\$485	\$200	\$200
*Bees Nees Early Learning	Indoor plants for air quality improvement	\$213	\$200	\$200
*Stanford Merthyr Infants School	Restore and improve existing Aboriginal garden within the school grounds.	\$1,000	\$500	\$500

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*Kitchener Public School	Greenhouse for seed propagation	\$839	\$500	\$500
Laguna Public School	New watering system for vegetable garden	\$1000	\$500	\$500
Cessnock West Public	School wide waste management program	\$2,379	\$500	\$500
Cessnock High School	Life Skills gardening program for 4 support classes	\$2,000	\$1,000^	\$500
*Kurri Kurri High School	Materials for nesting boxes and insect hotels	\$2,100	\$500	\$500
St Phillip's Christian College	Attend OEH workshop and participate in development of "Woodland Birds" resource kit	\$900	\$500	\$500
<b>TOTAL</b>		<b>\$13,420</b>	<b>\$4,800</b>	<b>\$4,300</b>

**Tidy Towns Dollar for Dollar Grant**

8. Provide the following funding through the Tidy Towns Dollar for Dollar program for:

- Greta Tidy Town \$172.50
- North Rothbury Tidy Town \$715.50

**Eligible Applications – Recommended for Funding**

<b>TIDY TOWN GROUP</b>	<b>PROJECT</b>	<b>TOTAL COST (exc. GST)</b>	<b>GRANT FUNDS REQUESTED</b>	<b>PROPOSED FUNDING AMOUNT 2018-19</b>
Greta Tidy Towns	Repair donated display cases for Greta Museum	\$345	\$172.50	\$172.50
North Rothbury Tidy Towns	Purchase self-propelled mower to assist with cleanup.	\$1431	\$715.50	\$715.50
<b>TOTAL</b>		<b>\$1,776</b>	<b>\$888.00</b>	<b>\$888.00</b>

9. That a second round of grants for the remaining budget (\$9,112.00) be run in February 2019.

10. Examine the eligible groups criteria for this grant and present an options paper for discussion to the next Committee meeting.

**Community Facilities Dollar for Dollar Grant**

11. Fund all eligible projects, as per the 'Funding Payable' column in Table 1 of the report.

**Table 1 – Eligible Applications – Recommended for Funding**

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FACILITY/ ORGANISATION	DESCRIPTION	TOTAL COST (ex. GST)	FUNDING SOUGHT (ex. GST)	FUNDING PAYABLE (ex. GST)
Abermain Plaza Hall Section 355 Committee	Purchase of a vacuum cleaner for Abermain Plaza Hall	\$907	\$454	\$454
Branxton Community Hall Section 355 Committee	Purchase and installation of sensor lights at Branxton Community Hall	\$1,775	\$886	\$886
Branxton Playgroup	Replacement of vinyl and carpet floor coverings at Branxton Community Hall (Playgroup area)	\$13,170	\$6,585	\$6,585
Branxton Playgroup	Replacement of kitchen at Branxton Community Hall (play group area)	\$8,645	\$4,318	\$4,318
Cessnock Multi-Purpose Children's Centre	Water engineering for water play at Cessnock Multi-Purpose Children's Centre	\$9,965	\$4,982	\$4,982
Wollombi Valley Progress Association	Supply and installation of stainless steel drinking bubbler at Laguna Community Hall	\$4,173	\$2,086	\$2,086
Wollombi Valley Progress Association	Stainless steel cleaners sink and grate for Laguna Community Hall	\$1,896	\$948	\$948
Wollombi Valley Progress Association	Hardwood slab storage area for cleaning equipment and products at Laguna Community Hall	\$2,409	\$1,205	\$1,205
<b>TOTAL</b>		<b>\$42,940</b>	<b>\$21,464</b>	<b>\$21,464</b>

**Sporting Facilities Dollar for Dollar Grant**

- 12. Fund all eligible projects, as per the 'Funding Payable' column in Table 1 of the report.**

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13. Transfer \$1,464 from the Sporting Facilities Dollar for Dollar Grant Scheme to the Community Facilities Dollar for Dollar Grant Scheme to fully fund all Community Facilities projects.

Table 1 – Eligible Applications – Recommended for Funding

FACILITY/ORGANISATION	DESCRIPTION	TOTAL COST (\$) (ex. GST)	FUNDING SOUGHT (\$) (ex. GST)	FUNDING PAYABLE (\$) (ex GST)
Abermain Weston Hawks Rugby League Football Club	Purchases of appliances for Howe Park Abermain	\$1,661	\$830	\$830*
Cessnock Athletics Centre	Purchase of ride on lawn mower for Turner Park Cessnock (athletic track)	\$6,168	\$2,727	\$2,727**
Cessnock Dog Club	Improvements to the training area at Baddeley Park Cessnock (dog obedience area)	\$4,736	\$2,368	\$2,368
Kearsley Community Sporting Association	Purchase of line marker and paint for Jeffrey Park Kearsley	\$2,800	\$1,400	\$1,400
Kurri Kurri Tennis Club	Replacement of floodlighting at Kurri Kurri Central Park (tennis courts)	\$20,735	\$3,636	\$7,597***
Wollombi Pony Club	Construction of a timber horse round yard at Wollombi Recreation Ground	\$7,226	\$3,614	\$3,614
<b>TOTAL</b>		<b>\$43,326</b>	<b>\$14,575</b>	<b>\$18,535</b>

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***MINUTES OF THE DOLLAR FOR DOLLAR GRANTS COMMITTEE MEETING OF  
CESSNOCK CITY COUNCIL HELD IN COMMUNITY MEETING ROOM ON WEDNESDAY,  
10 OCTOBER 2018, COMMENCING AT 3:30PM***

***PRESENT:*** The Mayor, Councillor Pynsent  
Councillor Sander  
Councillor Fitzgibbon

***IN ATTENDANCE:*** Councillor Stapleford  
Councillor Lyons  
Councillor Gray  
Mr Justin Fitzpatrick-Barr Director Works & Infrastructure  
Ms Natalie Drage - Community & Cultural Engagement Manager  
Ms Jo Dennis - Principal Community Planner  
Ms Jo Miller- Community and Cultural Engagement Officer  
Ms Patricia Donnelly - Sustainability Officer  
Ms Emma Crosdale – Recreation & Community Facilities Planner  
Ms Kate Hicks – Recreation & Community Liaison Officer

***INVITEES:***

Nil

***APOLOGIES***

Nil

***CONFIRMATION OF MINUTES***

***MINUTES:*** ***RECOMMENDED*** that the Minutes of the \$ for \$ Grants Committee held on 18 April 2018, as circulated, be taken as read and confirmed as a correct record.



## LISTED MATTERS

### LISTED MATTERS - COMMITTEE NO. DOLCLM3/2018

**SUBJECT:**     **COMMUNITY AND CULTURAL DEVELOPMENT DOLLAR FOR DOLLAR GRANT SCHEME 2018/19**

**MOTION Moved:**   Councillor Fitzgibbon   **Seconded:**     Councillor Sander

That the Dollar for Dollar Grants Committee recommend that Council:

1.     Fund the projects as per the 'Funding Payable' column in Table 2.
2.     Fund the project as per the 'Funding Payable' column in Table 3.
3.     Write to all applicants advising them of the outcome of their application and thanking them for their contribution to the development of community, arts and culture in the Cessnock Local Government Area.

**Table 2 – Eligible Applications – Recommended for Funding**

APPLICANT	PROJECT DESCRIPTION	TOTAL COST	FUNDING SOUGHT	FUNDING PAYABLE
Abermain Eisteddfod Committee	Purchase HP computer and printer	\$1,695	\$847.50	\$847.50
Branxton Greta Business Chamber	Business and Community Forum  Hire of toilet, table, chairs generator & onsite security. Printing & promotion. Entertainment & hire of jumping castle	\$9,625	\$3,000	\$3,000
Central Hunter Community Broadcasters Inc	Purchase two CD players	\$878.90	\$439.45	\$439.45
Cessnock No.252 (Cessnock Masonic Lodge)	Cessnock Masonic Centre Transformation Project – Furniture  Tables, chairs & trollies	\$9,365.34	\$3,000	\$3,000
Cessnock Regional Art Galley	Spring Art Fair Cessnock	\$6,550	\$2,000	\$2,000

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	Acquisitive Art Prize			
Coalfields Heritage Group	Undertake local history research	\$3,000	\$1,500	\$1,500
	Printing, stationary, internet costs			
Kurri Kurri Community Centre	Greta, Branxton, Huntlee Family Disco 2019	\$4,200	\$2,100	\$2,100
	Promotions, decorations, entertainment, catering			
Reach Foundation	Secondary School workshops	\$6,703.27	\$3,000	\$3,000
	Facilitator, transport, project management, logistics, & administration			
Richmond Vale Preservation Co-operative Society	Rebuild museum website	\$3,985	\$1,992.50	\$1,992.50
	Contractor fee – design, page preparation, host backup and update website			
Sculpture in the Vineyards	Wollombi Sculpture in the Vineyards	\$24,000	\$3,000	\$3,000
	Marketing, transportation, venue hire, printing			
Towns with Heart	2019 Town of Murals Show	\$14,300	\$2,200	\$2,200
	Major Award (\$2,200) Acquisitive art prize			
Youth off the Streets	Cessnock Community Services Day (November 2018)	\$2,035	\$1,017.50	\$1,017.50
	Promotion, personal care packs, birth certificates, refreshments, transport, venue hire, co-ordination & facilitation			
<b>TOTAL</b>		<b>\$86,337.51</b>	<b>\$24,096.95</b>	<b>\$24,096.95</b>

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Table 3 – Recommended for Funding

APPLICANT	PROJECT DESCRIPTION	TOTAL COST	FUNDING SOUGHT	FUNDING PAYABLE
Stanford Merthyr Infants School	Stanford Merthyr Infants First Nation culture, education and enrichment activities  Bus hire, replacement costumes	\$2,200	\$1,100	\$1,100
<b>TOTAL</b>		<b>\$2,200</b>	<b>\$1,100</b>	<b>\$1,100</b>

**CARRIED UNANIMOUSLY****LISTED MATTERS - COMMITTEE NO. DOLCLM8/2018**

**SUBJECT: AMENDMENT TO COMMUNITY AND CULTURAL DEVELOPMENT DOLLAR FOR DOLLAR GRANT SCHEME GUIDELINES**

**MOTION Moved:** Councillor Sander **Seconded:** Councillor Fitzgibbon

That the Committee endorse the amendment to the 2019 Dollar for Dollar Grant Scheme Guidelines for the Community and Cultural Development Dollar for Dollar Grant Scheme.

**CARRIED UNANIMOUSLY**

**Note:** The above amendment is 'Schools are not eligible to apply, however School P & C's are eligible to apply for projects that can demonstrate community, arts and/or cultural benefit to the wider community. Applications from P & C's will also need to demonstrate the project is not the responsibility of the school's funding body'.

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**LISTED MATTERS - COMMITTEE NO. DOLCLM4/2018****SUBJECT: 2018/19 SCHOOLS ENVIRONMENT GRANT APPLICATIONS****MOTION Moved:** Councillor Sander **Seconded:** Councillor Fitzgibbon**The Dollar for Dollar Committee recommend that Council:**

1. Thank all applicants for their contribution towards the enhancement of the local environment.
2. Fund the applications as per the 'Grant Requested' column in Table 2 of the report.
3. Remaining \$700 funds to be provided to Office of Environment Heritage for Woodlands Bird Resource Kit.

**Table 2 – Eligible Applications – Recommended for Funding**

School	Project Description	Total Cost	Grant Requested	Grant Proposed
Kurri Kurri and District Preschool Kindergarten	Papermaking project to demonstrate reuse of waste paper	\$1744	\$200	\$200
Cessnock Occasional Childcare Centre	Potted Garden for herbs and vegetables.	\$460	\$200	\$200
Nulkaba Preschool	Worm farm and supporting educational resources	\$485	\$200	\$200
*Bees Nees Early Learning	Indoor plants for air quality improvement	\$213	\$200	\$200
*Stanford Merthyr Infants School	Restore and improve existing Aboriginal garden within the school grounds.	\$1,000	\$500	\$500
*Kitchener Public School	Greenhouse for seed propagation	\$839	\$500	\$500
Laguna Public School	New watering system for vegetable garden	\$1000	\$500	\$500
Cessnock West Public	School wide waste management program	\$2,379	\$500	\$500
Cessnock High School	Life Skills gardening program for 4 support classes	\$2,000	\$1,000^	\$500
*Kurri Kurri High School	Materials for nesting boxes and insect hotels	\$2,100	\$500	\$500

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St Phillip's Christian College	Attend OEH workshop and participate in development of "Woodland Birds" resource kit	\$900	\$500	\$500
<b>TOTAL</b>		<b>\$13,420</b>	<b>\$4,800</b>	<b>\$4,300</b>

**CARRIED UNANIMOUSLY**

**Note:** ^ Cessnock High School has requested \$1,000 from Council when the maximum grant is \$500. In discussing this with the teacher who submitted the application they confirmed that the project can go ahead with \$500 but would just be scaled back to fit. Given that Cessnock High School has not received a grant since 2014-15 and that there were sufficient funds in the budget the full amount requested is supported.

\* School received funding in 2017-18.

**LISTED MATTERS - COMMITTEE NO. DOLCLM5/2018**

**SUBJECT: 2018-19 TIDY TOWNS DOLLAR FOR DOLLAR GRANT APPLICATIONS**

**MOTION Moved:** Councillor Fitzgibbon **Seconded:** Councillor Sander

The Dollar for Dollar Committee recommend that Council:

- Provides the following funding through the Tidy Towns Dollar for Dollar program for:
  - Greta Tidy Town \$172.50
  - North Rothbury Tidy Town \$715.50
- That a second round of grants for the remaining budget (\$9,112.00) be run in February 2019.
- Thank all applicants for their contribution towards the enhancement of the local environment.
- Examine the eligible groups criteria for this grant and present an options paper for discussion to the next Committee meeting.

**Table - Eligible Applications – Recommended for Funding**

TIDY TOWN GROUP	PROJECT	TOTAL COST (exc. GST)	GRANT FUNDS REQUESTED	PROPOSED FUNDING AMOUNT 2018-19
Greta Tidy Towns	Repair donated display cases for Greta Museum	\$345	\$172.50	\$172.50

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North Rothbury Tidy Towns	Purchase self-propelled mower to assist with cleanup.	\$1431	\$715.50	\$715.50
<b>TOTAL</b>		<b>\$1,776</b>	<b>\$888.00</b>	<b>\$888.00</b>

**CARRIED UNANIMOUSLY****LISTED MATTERS - COMMITTEE NO. DOLCLM6/2018**

**SUBJECT:** 2018/19 COMMUNITY FACILITIES DOLLAR FOR DOLLAR GRANT SCHEME

**MOTION Moved:** Councillor Sander **Seconded:** Councillor Fitzgibbon

That the Dollar for Dollar Committee recommend that Council:

1. Fund all eligible projects, as per the 'Funding Payable' column in Table 1 of the report.
2. Transfer \$1,464 from the Sporting Facilities Dollar for Dollar Grant Scheme to the Community Facilities Dollar for Dollar Grant Scheme to ensure all projects are fully funded.
3. Write to all applicants advising them of the outcome of their application and thank them for their ongoing support and commitment to the enhancement of Council's community facilities.

**Table 1 – Eligible Applications – Recommended for Funding**

FACILITY/ ORGANISATION	DESCRIPTION	TOTAL COST (ex. GST)	FUNDING SOUGHT (ex. GST)	FUNDING PAYABLE (ex. GST)
Abermain Plaza Hall Section 355 Committee	Purchase of a vacuum cleaner for Abermain Plaza Hall	\$907	\$454	\$454
Branxton Community Hall Section 355 Committee	Purchase and installation of sensor lights at Branxton Community Hall	\$1,775	\$886	\$886
Branxton Playgroup	Replacement of vinyl and carpet floor coverings at Branxton Community Hall (Playgroup area)	\$13,170	\$6,585	\$6,585
Branxton Playgroup	Replacement of kitchen at Branxton	\$8,645	\$4,318	\$4,318

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	Community Hall (play group area)			
Cessnock Multi-Purpose Children's Centre	Water engineering for water play at Cessnock Multi- Purpose Children's Centre	\$9,965	\$4,982	\$4,982
Wollombi Valley Progress Association	Supply and installation of stainless steel drinking bubbler at Laguna Community Hall	\$4,173	\$2,086	\$2,086
Wollombi Valley Progress Association	Stainless steel cleaners sink and grate for Laguna Community Hall	\$1,896	\$948	\$948
Wollombi Valley Progress Association	Hardwood slab storage area for cleaning equipment and products at Laguna Community Hall	\$2,409	\$1,205	\$1,205
<b>TOTAL</b>		<b>\$42,940</b>	<b>\$21,464</b>	<b>\$21,464</b>

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. DOLCLM7/2018**

**SUBJECT: 2018/19 SPORTING FACILITIES DOLLAR FOR DOLLAR GRANT SCHEME**

**MOTION Moved:** Councillor Fitzgibbon **Seconded:** Councillor Sander

**That the Dollar for Dollar Committee recommend that Council:**

- 1. Fund all eligible projects, as per the 'Funding Payable' column in Table 1 of the report.**
- 2. Transfer \$1,464 from the Sporting Facilities Dollar for Dollar Grant Scheme to the Community Facilities Dollar for Dollar Grant Scheme to fully fund all Community Facilities projects.**
- 3. Council writes to all applicants advising them of the outcome of their**

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application and thanks them for their ongoing support and commitment to the enhancement of Council's sporting facilities.

Table 1 – Eligible Applications – Recommended for Funding

FACILITY/ORGANISATION	DESCRIPTION	TOTAL COST (\$) (ex. GST)	FUNDING SOUGHT (\$) (ex. GST)	FUNDING PAYABLE (\$) (ex GST)
Abermain Weston Hawks Rugby League Football Club	Purchases of appliances for Howe Park Abermain	\$1,661	\$830	\$830*
Cessnock Athletics Centre	Purchase of ride on lawn mower for Turner Park Cessnock (athletic track)	\$6,168	\$2,727	\$2,727**
Cessnock Dog Club	Improvements to the training area at Baddeley Park Cessnock (dog obedience area)	\$4,736	\$2,368	\$2,368
Kearsley Community Sporting Association	Purchase of line marker and paint for Jeffrey Park Kearsley	\$2,800	\$1,400	\$1,400
Kurri Kurri Tennis Club	Replacement of floodlighting at Kurri Kurri Central Park (tennis courts)	\$20,735	\$3,636	\$7,597***
Wollombi Pony Club	Construction of a timber horse round yard at Wollombi Recreation Ground	\$7,226	\$3,614	\$3,614
<b>TOTAL</b>		<b>\$43,326</b>	<b>\$14,575</b>	<b>\$18,535</b>

**CARRIED UNANIMOUSLY**

**Note:** \*Approved for funding on the condition that the Club does not purchase the appliances before they can be stored in a council owned facility.

\*\*Approved for funding on the condition the Club completes the Ground Maintenance application form and is approved by the Parks & Reserves Coordinator.

\*\*\*Due to a remaining balance of \$3,961 it is recommended these additional funds are allocated to the Kurri Kurri Tennis Club to assist with the delivery of their project.



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## ***CORRESPONDENCE***

Nil

## ***GENERAL BUSINESS***

Nil

*The Meeting Was Declared Closed at 3:55pm*

## ***ENCLOSURES***

There are no enclosures for this report

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**SUBJECT:** *COUNCIL OWNED CAR PARKS - PRIORITY FOR RENEWAL*

**RESPONSIBLE OFFICER:** *Infrastructure Manager - Katrina Kerr*

**SUMMARY**

This report proposes the priority for expenditure on resurfacing/rehabilitation of Council owned car parks across the Local Government Area (LGA) for 2017-21.

**RECOMMENDATION**

**That Council endorse the priority for expenditure on resurfacing/rehabilitation of Council owned car parks for 2017-21 in accordance with the ranking criteria.**

**BACKGROUND**

The Local Road Renewal Program in the adopted *Delivery Program 2017-21* allocates \$50,000 each year, to a total of \$200,000 over four years, for resurfacing/rehabilitation in Council owned car parks across the LGA.

A report regarding Council owned car parks in the Cessnock CBD was presented to the Ordinary meeting of 18 July 2018. The report outlined the Council owned car parks in the Cessnock CBD, the work required to upgrade to a suitable standard, and options for funding.

At its Ordinary Meeting of 18 July 2018, Council resolved as follows:

- 1. That Council note the Council owned car parks in the Cessnock CBD, the work required to upgrade to a suitable standard, and options for funding.**
- 2. That Council hold a briefing session on the priority for expenditure of currently available funds for car park renewal.**
- 3. That following the briefing session a report come back to Council to endorse the priority funding.**

In accordance with Item 2 of the above resolution, a Councillor Briefing was held on 8 August 2018. The Briefing presented information on:

- asset management processes,
- the current surface condition of all Council owned car parks in the LGA,
- renewal ranking criteria, and
- a list of the 5 top priority projects.

**REPORT/PROPOSAL**

**Cessnock CBD:** Council owns 10 car parks in the Cessnock CBD. **Figure 1** below shows the Council owned car parks in Cessnock CBD.

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Figure 1 – Council Owned Car Parks in Cessnock CBD

In addition to the above Council owned car parks, there are numerous privately owned car parks in Cessnock CBD including Coles, Woolworths, Big W, and IGA.

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There are also Council owned car parks in other CBDs as shown in **Table 1** below:

Table 1 – Car Parks in CBDs

Location:	No.
Cessnock CBD	10
Kurri Kurri CBD	1
Branxton CBD	2

**Cessnock LGA:** In total, Council owns 62 car parks across the LGA with 35 of these being located in the central parts of various towns and villages, **Table 2** below provides a breakdown of these car parks:

Table 2 – Car Parks by Location

Location:	No.
Cessnock	22
Kurri Kurri	2
Weston	6
Branxton	4
Greta	1

**Level of Service:** Due to limited funds, not all Council owned car parks can be renewed or upgraded to the desired level of service as shown in Council's adopted *Asset Management Strategy 2011/2020*. Therefore, a systematic evidence based process has been used to prioritise renewal works including resurfacing/rehabilitation.

**Assessment Criteria:** The adopted asset management process of prioritising the entire 62 car parks across the LGA involved the following renewal ranking criteria:

- hierarchy based on usage;
- surface condition;
- pavement condition;
- risk; and
- future capital works.

**Results of Assessment:** Based on the above renewal ranking criteria the resulting priorities for renewal of the 62 car parks across the LGA are as shown in **Enclosure 1** attached.

The top five priorities for the LGA, based on asset management principles are shown in **Table 3** below. The top five priorities include two within the Cessnock CBD.

Table 3 – Top Five Priorities for LGA

Priority	Address	Car Park
1	P11 - 49A Aberdare Road, Cessnock	Turner Park
2	P12 - 49A Aberdare Road, Cessnock	Turner Park
3	P12 - 49A Aberdare Road, Cessnock	Turner Park
4	P8 - 232A Wollombi Road, Cessnock	Rear of Cessnock Hotel
5	P7 - 15 Charlton Street, Cessnock	Rear of Coles Express

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**Turner Park:** As shown in the table above, the first priority for renewal is Turner Park car park, Aberdare Road, Cessnock. See **Enclosure 2** for photographs showing the condition of the car park. Comments on the assessment are provided below:

**Hierarchy:** Turner Park achieves the highest score on hierarchy as it is identified within Council's adopted *Recreation and Open Space Strategic Plan*, as a regional sporting facility catering for approximately 80,000 participants annually, excluding spectators. The facility is utilised on a daily basis by local sporting groups, along with primary and high schools. In addition to year round sporting events, the Park is also a popular rest stop and is frequently visited by local tourists to the area and local residents for passive play opportunities.

**Surface and Pavement Condition:** Turner Park rated the highest on condition assessment as major or serious deterioration is evident for both the surface and pavement. The surface is affected by patches and potholes. The pavement is in very poor condition and water currently penetrates the surface resulting in depressions as shown in the images in **Enclosure 2**.

**Risk:** Turner Park car park is rated highest on risk factors. Car park users are exposed to trip hazards, particularly when the car park is used in the night. Reputation risk to Council is high as use of the car park is not limited to the local community, but used widely by sports participants, spectators and tourists from other regions.

**Future capital works:** There are no upgrade works listed for Turner Park in the adopted *Delivery Program 2017-21*.

**OPTIONS**

**Option1 (Preferred):**

- That Council endorse the priority for expenditure on resurfacing/rehabilitation of Council owned car parks across the LGA for 2017-21 in accordance with the ranking criteria.

This is the preferred option based on standard asset management principles for renewal ranking criteria relating to pavements.

**Option 2 (Not Preferred):**

- That Council amend the priority for expenditure of the current funds available for car park renewal;

This is not the preferred option as limited resources may be diverted from assets with the greatest need.



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**CONSULTATION**

**Internal Consultation:** Consultation has occurred with the following Council officers:

- Asset Engineering Officer, Transportation
- Strategic Recreation & Community Facilities Planner
- Vegetation and Open Space Coordinator

**External Consultation:** Communication about proposed works will be ongoing. For residents and businesses generally, Council's website will provide information and access to a *Community Newsletter*, and Council's Facebook Page offers opportunity for feedback.

Direct consultation will be undertaken with key stakeholders and user groups.

**STRATEGIC LINKS**

**a. Delivery Program**

***Delivery Program 2017-21:*** The recommendation of this report aligns with:

- Objective 1.3 Promoting Safe Communities:
  - Our residents and visitors feel safe in the Cessnock local government area.
  - Our roads are safe for motorists and pedestrians.

**b. Other Plans**

***Road and Road Infrastructure Network Asset Management Plan:*** The Plan provides the monitoring, maintenance and renewal approach for car parks.

***Master Plan Turner Park:*** The Master Plan adopted by Council in March 2018 shows expansion of the existing parking area including other potential parking areas to meet the demand for the parking. Work within the Masterplan is not currently identified in Council's adopted Capital Works Program. Implementation of the Plan will be undertaken as funds become available.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

NIL

**b. Financial Implications**

***Local Road Renewal Program:*** The adopted Program within the *Delivery Program 2017-21* provides \$50,000 per year for "Car Park Resurfacing/Rehabilitation" for use across the whole LGA.

The scope of works required to upgrade other prioritised Council owned car parks in the Cessnock CBD will need to be undertaken over time unless the funding level is increased.

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Due to the level of funding available each year, the scope of works required to upgrade Turner Park car park needs to be carried out over the next three financial years: 2018/19, 2019/20 and 2020/21 as shown on **Table 4** below.

Table 4 – Existing Budget Allocation

Priority	Car Park	Budget	Financial Year
1	P11 - 49A Aberdare Road, Cessnock Turner Park	\$50,000	2018/19 Stage 1
2	P12 - 49A Aberdare Road, Cessnock Turner Park	\$50,000	2019/20 Stage 2
3	P12 - 49A Aberdare Road, Cessnock Turner Park Car Park Stage 3	\$50,000	2020/21 Stage 3
4	P8 - 232A Wollombi Road, Cessnock Rear of Cessnock Hotel	TBC	2021/22
5	P7 - 15 Charlton Street, Cessnock Rear of Coles Express	TBC	2022/23

**Traffic Facilities Program:** Other sources of funds for installation of signage and line marking may be available at the end of the financial year from Council's Traffic Facilities Program – Improvement & Maintenance which has a budget allocation of \$109,000 for 2018-19. However, as this budget funds minor improvement and maintenance of traffic facility lines and signs carried out by Council's Works and Operations Unit, there are not expected to be any surplus funds available.

**Long Term Financial Plan:** Implementation of the *Master Plan Turner Park* will have implications on Council's *Long Term Financial Plan* and each element of the Masterplan will compete against other projects within Council's future Delivery Programs and subsequent annual Operational Plans. Where applicable grant funding and developer contributions will also be sourced and factored in the project budgets.

The Masterplan will also support Council when applying for future grant funds as it will be able to demonstrate links to an adopted strategy, which has a high level of community involvement.

**Grants:** External grant funding for standalone car park projects has not been found and is unlikely to become available as funding criteria generally seeks measurable benefits against economic and social benchmarks, which are difficult to achieve by upgrading car parking alone.

Grant funding may become available for upgrade of regional sporting facilities, which may or may not include car parks. These opportunities will be continually explored. In the event that a grant that will cover work on the car park is secured, the priority ranking will be adjusted accordingly.

**c. Legislative Implications**

**Road Rules 2014 – REG 211:** *This legislation* regulates use of Council owned public car parks as road related areas.

**Works and Infrastructure**

**Report No. WI89/2018**

**Works and Infrastructure**



**d. Risk Implications**

**Safety Risk:** Risks to safety may be mitigated by improving the condition and facilities in Council owned car parks including lighting for car parks used at night, passive supervision and surfaces without trip hazards.

**Reputation Risk:** Risks to Council's reputation may be mitigated by considering the condition and expenditure on car parks in a timely and equitably manner. Decisions should also achieve value for money and appropriate facilities are provided to meet demand.

**e. Environmental Implications**

**Water Quality:** Car parks in poor condition may contribute to unclean water runoff, or siltation of storm water drains.

**Air Quality:** Car parks in poor condition may contribute to dust generation.

**f. Other Implications**

NIL

**CONCLUSION**

Based on the adopted asset management plan renewal ranking criteria, the priority for allocation of Council funds for car park rehabilitation over the next three years is Turner Park. This is based on a combination of criteria including utilization, pavement condition assessment and public safety.

Upgrade works for other prioritised car parks will need to be undertaken over time unless the funding level is increased through an additional Council allocation, developer contributions or external funding opportunities.

**ENCLOSURES**

- [1](#) Traffic & Transport \_ Council Owned Car Parks \_ LGA \_ Priority List
- [2](#) Traffic & Transport \_ Council Owned Car Park \_ Turner Park \_ Images



## Council Owned Car Parks in Cessnock City LGA - Priority List

Asset ID	Asset Name	Surface Type	Hierarchy	Surface Condition	Pavement Condition	Risk	Future Capital Works	Score	Priority
1500.B.2	Aberdare Road - Recreation Parking	AC	30	4	4.5	4.5	10	0	90
1500.B.1	Aberdare Road - Recreation Parking	AC	30	4.5	4	4	10	0	85
2480.B.2	Wollombi Road - Parking	SS	25	3.5	4	4	10	0	75
1550.B.2	Charlton Street - Ex Services Parking	SS	25	4	3.5	3.5	10	0	75
2480.B.4	Wollombi Road - Wollombi Rd Parking	SS	25	4	4	4	10	0	75
10015.B	Baddeley Park Road - Recreation Area Parking	AC	30	3.5	3.5	2	10	0	70
1570.B.5	Cumberland Street - Cumberland Parking North	AC	25	3.5	3.5	3	10	0	70
1570.B.6	Cumberland Street - Cumberland Parking South	SS	25	3.5	3.5	2.5	10	0	70
3210.B	Bridges/Convent Hill Park	AC	30	3.5	3.5	2	10	0	70
2290.B.3	Bimbadeen Lookout	AC	10	4.5	5	5	2	0	67
1830.B.2	Vincent Street - Vincent Parking	AC	30	3	3	3	10	0	60
210.B.4	Chinaman's Hollow Carpark	SS	30	2.5	2.5	2.5	10	0	60
3660.B	Allworth Street - Allworth Parking	SS	20	3.5	3.5	3	5	0	60
3940.B	Mitchell Avenue - Maitland Parking	US	10	3.5	3.5	3.5	2	0	57
1200.B	Cessnock Road - Brantxton Parking	SS	25	2.5	2.5	3	10	0	55
1500.B.3	Aberdare Road - Recreation Parking	SS	30	2.5	2.5	2	10	0	55
2480.B.1	Wollombi Road - Parking	SS	25	3	3	3	10	0	55
2480.B.3	Wollombi Road - Wollombi Rd Parking	SS	25	3	3	3	10	0	55
8210.B	Great North Road - Wollombi Parking	US	20	3	3	3	5	0	55
1300.B	John Rose Avenue - Recreation Parking	SS	15	4	4	3	2	0	52
2290.B.1	Mount View Road - Mount View Rd Parking	SS	15	3.5	3.5	3	2	0	52
3950.B	Mulbring Street - South Kurri Kurri Parking	SS	15	3.5	3.5	3	2	0	52
1830.B.1	Vincent Street - Cessnock Sports Ground Parking	AC	30	2	2	2	10	0	50
210.B.2	Cessnock Road - Recreation Area Parking	SS	30	2	2	2	10	0	50
210.B.3	Cessnock Road - Recreation Area Parking	AC	30	1.5	1.5	1.5	10	0	50
1000.B	Hetton Street - Carmichael Park	SS	30	2	2	1	10	0	45
1490.B.1	New England Highway - Miller Park	AC	30	1.5	1.5	1	10	0	45
1490.B.2	New England Highway - Miller Park	AC	30	1.5	1.5	1	10	0	45
1550.B.1	Charlton Street - Charlton Parking	AC	25	2	2	1.5	10	0	45
210.B.1	Cessnock Road - Recreation Area Parking	AC	30	2	2	1	10	0	45
3700.B	Boundary Street - Boundary Parking	AC	30	1.5	1.5	1	10	0	45
5385.B.2	Pokolbin Hall Parking	AC	20	3	3	2.5	5	0	45
10018.B	Castlemaine Street - Aberdare Parking	AC	25	2	2	1	10	0	40
1570.B.2	Cumberland Street - Cessnock Council Chamber	AC	25	2	2	1	10	0	40
1640.B	Hall Street - Hall Parking	US	20	2.5	1.5	1.5	5	0	40
2290.B.2	Mount View Park	AC	20	2.5	1.5	1.5	5	0	40
2380.B	South Avenue - South Av Parking	SS	5	3.5	2.5	2.5	0	0	40
2480.B.5	Wollombi Road - Stephen Hopkins Parking	AC	25	2	2	1	10	0	40
8200.B	Cessnock Street - Kitcheners Poppethead Park	AC	30	0	0	0	10	0	40
4.1	Aerodrome Parking Carpark	AC	20	2	1.5	1.5	5	0	35
4.4	Aerodrome Parking Carpark	AC	20	2	1.5	1.5	5	0	35
410.B	Orange Street - Football Club Parking	SS	15	2.5	1.5	1.5	2	0	32
4.2	Aerodrome Parking Carpark	AC	20	2	1	1	5	0	30
4.3	Aerodrome Parking Carpark	AC	20	1.5	1	1	5	0	30
1570.B.1	Cumberland Street - Cessnock Council Chamber	AC	20	2	1	1	5	0	30
1570.B.3	Cumberland Street - Cessnock Council Chamber	AC	20	2	1	1	5	0	30
1570.B.4	Cumberland Street - Cessnock Council Chamber	AC	20	2	1	1	5	0	30

Council Owned Car Parks in Cessnock City LGA - Priority List									
8412.B	Paynes Crossing Road - Wollombi Parking	SS	20	2	1	5	0	30	48
993.B.1	DeHaviland Drive	AC	20	2	1	5	0	30	49
New	Opposite Grafton St - Jeffries Park	#N/A	10	3	2	2	0	27	50
8210.B.1	Laguna Community Hall Carpark	SS	20	0		5	0	25	51
220.B	Charles Street - Off Street Parking	AC	10	2.5	1	2	0	22	52
3150.B	East End Oval Carpark	AC	15	2	1	2	0	22	53
3350.B	Weston Workers Club Carpark	SS	15	2	1	2	0	22	54
4770.B	Bennett Street - Crawfordville Park	AC	10	2	1.5	2	0	22	55
	670.1 Greta RFS Carpark (non-public)	AC	10	2	1	2	0	17	56
10161.B	Council Depot Carpark	AC	10	0	2	2	0	17	57
4157.B	Firefighters Park Parking	AC	10	1.5	1	2	0	17	58
5385.B.1	Pokolbin Park Parking	AC	10	1.5	1	2	0	17	59
New	Laguna Fire Shed (non-public)	#N/A	10	1.5	1	2	0	17	60
993.B.2	CFA Parking	AC	5	1.5	1	0	0	10	61
1230.B	Dalwood Road	AC	5	0	0	0	0	5	62

## **Turner Park, Aberdare**

### **Car Park Images**







Notices Of Motion

Report No. BN31/2018

General Manager's Unit



***NOTICES OF MOTION No. BN31/2018***

**SUBJECT:** *PEDESTRIAN CROSSING SIGNS*

**COUNCILLOR:** *Mark Lyons*

***MOTION***

**That Council as part of it's signage Strategy and regular signage maintenance and improvement program start painting 'look to your right' signs on pedestrian crossings, similar to what the City of Sydney and other major centres have.**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 7 November 2018.

**RATIONALE**

Cessnock is one of NSW's top tourist destinations. The majority of countries drive on the opposite side of the road to Australia which may lead tourist from these countries to not remember which way to look to check that it is safe to cross the road. A simple reminder in the form of a sign may avoid an accident.

Sgd: Mark Lyons

Date: 17 October 2018

***ENCLOSURES***

There are no enclosures for this report

Notices Of Motion

Report No. BN32/2018

General Manager's Unit



***NOTICES OF MOTION No. BN32/2018***

**SUBJECT:** *DRUG ADDICTION REHABILITATION FACILITY*

**COUNCILLOR:** *Paul Dunn*

***MOTION***

1. That the General Manager write to Hunter New England Health seeking information to allow for lobbying for the provision of adequate resources to address the ice addiction in the Cessnock local government area, and that the information sought from Hunter New England Health include:
  - The scale of the issue, the admission rates for drug induced medical incidents and the like for the Cessnock local government area.
  - Hunter New England Health policy and operational responses to the high incidence of illicit drug use in the Cessnock local government area.
  - Community support programs assisting in the rehabilitation of ice addicts for the region.
2. That Council consider a report on the information provided by Hunter New England Health to support the introduction of a rehabilitation facility and associated community support in the Cessnock local government area and the provision of sufficient ongoing resources to tackle the illicit drug use issue.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 7 November 2018.

**RATIONALE**

Three currently exists significant problems in the local community in relation to the impacts of ice addiction and use in the LGA, a problem which is not confined to Cessnock. Council needs to be proactive in seeking support and services from the State so that the appropriate authorities can deal with the issue.

To enable lobbying of NSW government members, including the Parliamentary Secretary for the Hunter, Scot MacDonald MLC and local member Clayton Barr MP, Council needs to seek information from Hunter New England Health so as to gain evidenced facts and figures to support appropriate lobbying for resources to address the issue.

Sgd: Paul Dunn

Date: 26 October 2018

**ENCLOSURES**

There are no enclosures for this report

Notices Of Motion

Report No. BN33/2018

General Manager's Unit



***NOTICES OF MOTION No. BN33/2018***

**SUBJECT:** *WOMENS LEGAL STATUS ACT 1918*

**COUNCILLOR:** *Melanie Dagg*

**MOTION**

1. That Council acknowledges that on the 21st December 2018, it will be 100 years since the commencement of the *Women's Legal Status Act 1918*.
2. That Council notes that the *Women's Legal Status Act 1918* removed gender as a barrier to women seeking the positions of councillor, mayor, Member of the Legislative Assembly, solicitor, barrister, justice of the peace, judge and others, in New South Wales.
3. That Council acknowledges the contribution of women to public life and the diversity of views and perspective obtained through women's inclusion.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 7 November 2018.

**RATIONALE**

Until the commencement of the *Women's Legal Status Act 1918*, women had been prohibited from seeking the above positions as a result of their gender. The Act states in Part 2 that:

*A person shall not by reason of sex be deemed to be under any disability or subject to any disqualification:*

- (a) to be elected and to act as a Member of the Legislative Assembly,*
- (b) to be elected and to act as Lord Mayor or councillor of the City of Sydney or mayor or councillor of any other area within the meaning of the [Local Government Act 1993](#) ,*
- (c) to be appointed a judge of the Supreme Court of New South Wales, or of a district court of New South Wales, or chairman of Quarter Sessions, or a stipendiary or police magistrate, or a justice of the peace,*
- (d) to be admitted and to practise as a barrister or solicitor of the Supreme Court of New South Wales, or to practise as a conveyancer,*

*any law or usage to the contrary notwithstanding.*

**Notices Of Motion**

**Report No. BN33/2018**

**General Manager's Unit**

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It was not until ten years later when Alderman Lillian Maud Fowler MBE was the first woman elected to a council in New South Wales, and ten years after that elected the first female mayor.

The election of Alderman Fowler, her contribution and that of every women elected to public office since, would not have been possible without the *Women's Legal Status Act 1918* and it is therefore appropriate that Council acknowledges its 100 year anniversary.

Sgd: Melanie Dagg

Date: 29 October 2018

***ENCLOSURES***

There are no enclosures for this report



Answers To Questions For Next Meeting

Report No. AQ110/2018

Works and Infrastructure



**SUBJECT:** *ST PHILIPS CHRISTIAN COLLEGE TRAFFIC SOLUTION*

**RESPONSIBLE OFFICER:** *Infrastructure Manager - Katrina Kerr*

**Q108/2018 – St Philips Christian College Traffic Solution**

Asked by Councillor Fitzgibbon at the Ordinary Meeting of Council held on 17 October 2018.

*“for a progress report on the traffic solution for St Phillips Christian College”.*

As previously reported to Council on 19 September 2018, a solution for the traffic issues associated with St Philips Christian College has been progressed through high level meetings where the issues, roles and responsibilities, and the actions required were defined.

A meeting between Roads and Maritime Services (RMS), Council officers and representatives of the School was facilitated by Stephen Wills of the NSW Department of Premier and Cabinet on 6 August 2018.

The meeting received observations from Council officers on traffic issues occurring for short school day morning and afternoon peaks. The Meeting also heard the process required for RMS consideration of an additional access to the school property from Wine Country Drive. It was noted that a second access is not supported based on the information currently available and that management of traffic within the school site is needed to minimise the impact of queuing onto the public road network.

A follow up meeting was held on 27 August 2018 between Council officers and representatives of the School. At the meeting Council officers clarified the current conditions of development consent for the School and outlined the benefit of preparing a Masterplan for the site to facilitate communication between stakeholders. Officers also pointed out the need to consider flooding and ecological constraints when planning the potential of the site.

A subsequent teleconference was held on 4 September 2018 between RMS, Council officers and the School Principal. The RMS Regional Manager reiterated the need to understand the root cause of the traffic pattern and for further information in the form of a Masterplan to facilitate consideration of any additional access.

Council officers have assisted in investigating the current traffic pattern and driver behaviour on both the site and the public road network by commissioning video recordings by drone. In addition, Council's Rangers have carried out highly visible patrols to monitor compliance in the school safety zones (no stopping zones) and infringements have been issued on occasions.

A further meeting is to be scheduled when the School is ready to discuss the anticipated Masterplan.

**Answers To Questions For Next Meeting**

**Report No. AQ110/2018**

**Works and Infrastructure**

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In the meantime, Council Officers are preparing suggested improvements based on the data now available from the drone video recordings, and it is understood that the School is considering how it can alleviate traffic queues from its site onto the public road network.

***ENCLOSURES***

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ111/2018

Works and Infrastructure



**SUBJECT:** *GALLAGHER STREET, CESSNOCK - TURNING HEAD*

**RESPONSIBLE OFFICER:** *Infrastructure Manager - Katrina Kerr*

**Q109/2018 – Gallagher Street Works**

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 17 October 2018.

*“when was Gallagher Street put into the Works Program, why it was a priority over other roadworks and how much it would cost to be done”.*

The need for a cul-de-sac turning head in Gallagher Street, Cessnock was recognised in 2015/16. Gallagher Street, Cessnock Turning Head was included in the Local Road Construction Program of the Capital Works Program within the *2016-2017 Operational Plan*.

A link to this Plan is provided below;

[http://www.cessnock.nsw.gov.au/resources/file/Publications/Adopted%20Operational%20Plan%202016-17\\_%20adopted%2015%20June%202016.pdf](http://www.cessnock.nsw.gov.au/resources/file/Publications/Adopted%20Operational%20Plan%202016-17_%20adopted%2015%20June%202016.pdf)

Construction of a cul-de-sac turning head in Gallagher Street was considered a priority over other projects due to the safety concerns raised by Council’s waste services operators who are unable to turn their trucks in the street. Damage to the edge of the road pavement also evidenced the difficulty experienced by other motorists who found the street too constrained with embankments on either side making three point turns unsafe.

The construction cost estimate to install a turning head before the southern end of the street is \$150,000. The steepness of the embankments on either side of the road and the presence of substantial rock make construction of a turning head at the very southern end of the street impractical and not cost effective.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ112/2018

Works and Infrastructure



**SUBJECT:** *INDOOR SPORTS STADIUM - MOUNT VIEW ROAD, CESSNOCK*

**RESPONSIBLE OFFICER:** *Open Space and Community Facilities Manager - Nicole Benson*

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**Q111/2018 – Indoor Sports Stadium – Mount View Road, Cessnock**

Asked by Councillor Lyons at the Ordinary Meeting of Council held on 17 October 2018.

*“for an update on the extensions that were proposed at the Indoor Sports Stadium on Mount View Road, Cessnock”.*

There are no immediate plans to extend the Cessnock Civic Indoor Sports Centre on Mount View Road, Cessnock.

The Recreation and Open Space Strategic Plan 2018 (ROSSP) notes that partial acquisition of the adjoining showground may be required to accommodate an expansion of the Indoor Sports Centre, however currently there is no demand for the land for recreational purposes.

Recommendation A2.1.2 of the ROSSP is to undertake a detailed indoor sports centre analysis to ensure the provision of indoor sports centres is undertaken strategically across the LGA to meet the significant expected growth and that facilities will function as dedicated indoor sporting centres.

This task is a medium priority and scheduled to occur in the coming one to five years. At this stage it would not occur earlier than the 2020/2021 financial year due to a number of competing strategies and analysis that need to be undertaken.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ113/2018

Works and Infrastructure

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**SUBJECT:** *CLASSIFICATION DATE - MITCHELL AVENUE AND GOVERNMENT ROAD*

**RESPONSIBLE OFFICER:** *Infrastructure Manager - Katrina Kerr*

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**Q113/2018 – Classification Date – Mitchell Avenue and Government Road**

Asked by Councillor Sander at the Ordinary Meeting of Council held on 17 October 2018.

*“what the RMS classification date is for Mitchell Avenue and Government Road, Weston”.*

Roads and Maritime Services (RMS) have not provided a date for the classification of either Mitchell Avenue or Government Road, Weston.

Current dealings with Council officers regarding classification of roads associated with the Hunter Expressway are focused on the Gingers Lane, Frame Drive route between Hart Road Loxford and Cessnock Road, Abermain. A decision on the classification of Mitchell Avenue and Government Road will most likely occur concurrently with the final decision on the Gingers Lane and Frame Drive route.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ114/2018

Works and Infrastructure

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**SUBJECT:** *FRAME DRIVE ABERMAIN WORKS*

**RESPONSIBLE OFFICER:** *Infrastructure Manager - Katrina Kerr*

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**Q114/2018 – Frame Drive Abermain Works**

Asked by Councillor Gray at the Ordinary Meeting of Council held on 17 October 2018.

*“if Council could send a mail out to the affected residents advising of the works to be carried out in Frame Drive Abermain as notified in W183/2018”.*

A mail out has been prepared to advise residents and property owners of the upcoming power relocation works and the appropriate contact person for enquiries. This mail out is on hold pending further advice from the appointed contractor regarding the approximate timing of works.

In addition, the mail out provides a general update on road works on Frame Drive and points to the Community Newsletter available on Council’s web site.

**ENCLOSURES**

There are no enclosures for this report

**Answers To Questions For Next Meeting**

**Report No. AQ115/2018**

**General Manager's Unit**

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**SUBJECT: ENDEAVOUR INDUSTRIES**

**RESPONSIBLE OFFICER: Acting Economic Development Manager - Rhiannon Stevens**

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**Q115/2018 – Endeavour Industries**

Asked by Councillor Stapleford at the Ordinary Meeting of Council held on 17 October 2018.

*“for a report on Endeavour Industries and whether Council can assist in keeping the entity running?”*

Endeavour Industries Ltd is currently under administration. Administrators, Rapsey Griffiths Insolvency & Advisory were appointed on 4 June 2018 under Section 436A of the *Corporations Act 2001*.

Council officers have held discussions with the Administrators, and have confirmed that Cessnock City Council would be unable to provide any assistance in order to maintain the operations of the existing company.

Administrators have also confirmed they continue to work through all of the issues of, and available options for, this business, bearing in mind the social and community impact on all stakeholders should the final outcome be the closure of the business.

**ENCLOSURES**

There are no enclosures for this report

**Answers To Questions For Next Meeting**

**Report No. AQ116/2018**

**Planning and Environment**

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**SUBJECT:** ***DRAIN COVER ISSUE AT COLES SUPERMARKET,  
CESSNOCK***

**RESPONSIBLE OFFICER:** ***Health & Building Manager - Colin Davis***

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**Q112/2018 – Coles Carpark Drain**

Asked by Councillor Dunn at the Ordinary Meeting of Council held on 15 October 2018.

*“If there is anything that Council can do regarding the cover over the drain in the Coles Carpark?”*

Further to the response from the Director of Planning and Environment at the Council meeting of 15 October 2018, follow up by Council Officers revealed works to the drain at Coles are currently being progressed and safety barricades had been erected around the works. It is understood the works are almost finalised.

Council's role is not as a regulatory authority on this matter given the drain is owned by Hunter Water Corporation. Notwithstanding, we take on a facilitator role and request action where necessary. In this situation staff will continue to monitor and follow up where needed.

**ENCLOSURES**

There are no enclosures for this report



Correspondence

Report No. CO39/2018

Corporate and Community Services



**SUBJECT:** *PUBLIC LIBRARY FUNDING*

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

**RECOMMENDATION**

**That the correspondence be noted.**

At its Ordinary Meeting of 4 July 2018 Council considered a Mayoral Minute No. 6/2018 – Library Funding and resolved (inter alia):-

1. *That Council write to the Premier, The Hon. Gladys Berejiklian MP and the Treasurer, The Hon. Dominic Perrottet MP condemning the NSW Government cutting funding to libraries in the recent State budget with copies to be sent to Parliamentary Secretary for Planning, the Central Coast and the Hunter, Scot McDonald MLC, Temporary Chair of Committees, The Hon. Taylor Martin MLC and State Member for Cessnock, Clayton Barr MP.*

At its Ordinary Meeting of 1 August 2018 Council considered a Mayoral Minute No. 7/2018 – Public Library Funding and resolved (inter alia):

3. *That Council write to the Hon. Don Harwin, MLC, Minister for the Arts and the Hon. Walt Secord, MLC, Shadow Minister for the Arts, calling for bi-partisan support for the provision of a significant increase in state funding for NSW public libraries, supported by a sustainable future funding model.*

In relation to the resolution from 4 July 2018, responses were received from the Parliamentary Secretary for Treasury, Jonathan O'Dea and from the Hon Don Harwin MLC, Minister for the Arts which were reported to Council on 15 August 2018.

Correspondence from the Hon Don Harwin MLC, Minister for the Arts announcing that the State Government has committed to an extra \$60 million in funding over four years to transform NSW public libraries and correspondence from LGNSW acknowledging Council's support for the Renew our Libraries campaign was reported to Council on 3 October 2018.

On 2 October 2018 Council received correspondence from Parliamentary Secretary for Treasury, Jonathan O'Dea referring to the State Government's commitment to an extra \$60 million in funding over four years to transform NSW public libraries.

On 11 October 2018 Council received correspondence from the Member for Cessnock, Clayton Barr, MP advising his appreciation that Council's concerns were brought to his attention and that he has forwarded Council's letter to the Minister for the Arts, the Hon Don Harwin, MP.

On 15 October, 2018 Council received correspondence from Parliamentary Secretary for Treasury, Jonathan O'Dea referring to the State Government's commitment to an extra \$60 million in funding over four years to transform NSW public libraries.

**Correspondence**

**Report No. CO39/2018**

**Corporate and Community Services**

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On 17 October 2018 Council received correspondence from the Member for Cessnock, Clayton Barr, MP enclosing a copy of the correspondence to the General Manager from the Hon Don Harwin MLC, Minister for the Arts which has already been reported to Council.

Copies of the four additional letters of correspondence are attached for Council's information.

***ENCLOSURES***

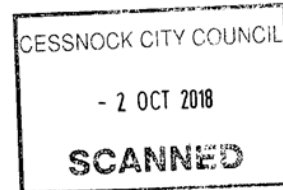
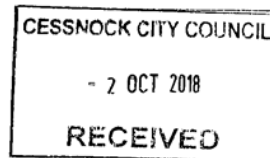
- [1](#) Jonathan ODea \_ Extra Funding over 4 Years for Libraries \_ 26-09-2018
- [2](#) Clayton Barr \_ Public Library Funding \_ 20-09-2018
- [3](#) Jonathan ODea \_ Funding For Public Libraries - Letter Dated 11-10-18
- [4](#) Clayton Barr \_ Advice of Additional Funding for Public Libraries \_ Letter from Minister 25-09-18



**Jonathan O'Dea MP**  
Parliamentary Secretary to the Premier and Treasurer

Ref: A2614202

26 SEP 2018



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

Dear Mayor

Thank you for your correspondence regarding funding for public libraries. I am replying on behalf of the Premier and I have noted Council's resolutions. Please accept my sincere apologies for the delay in replying to you. I am now able to provide you with the most up to date information.

I am pleased to advise that the NSW Government has recently announced an extra \$60 million in funding over four years to transform NSW public libraries across the state. Every one of NSW's more than 370 public libraries will benefit from the new investment, ensuring they remain at the heart of every community.

As the single largest increase in State Government public library funding since the *Library Act 1939*, this historic funding reaffirms the NSW Government's commitment to literacy, lifelong learning, connectivity, and community wellbeing through public libraries.

The funding will transform and modernise public libraries, especially those in regional areas, delivering key services and educational and cultural experiences across the entire state.

All councils will receive an increase in annual library funding between 40 and 50 per cent by 2022-23.

A new \$24 million infrastructure grants program over four years will be rolled out for public libraries, with the first year of funding in 2019-20.

- \* This funding also includes a \$1 million investment to support more Service NSW self-serve kiosks at public libraries. These will allow everyone to access key government services such as vehicle registration, licenses, and fee payments.

I am pleased to further advise that funding for infrastructure programs at public libraries outside of Newcastle, Sydney, and Wollongong will be available in 2018-19 through the Regional Cultural Fund (RCF). Public libraries in regional NSW can apply for capital grants to build new, or improve existing, infrastructure under the RCF fund, which was introduced in 2017-18.

Later this year, the government will also offer a new funding program for capital works at metropolitan libraries in NSW.

GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 5000 ■ F: (02) 9339 5500 ■ W: [premier.nsw.gov.au](http://premier.nsw.gov.au)

If you have any more questions about public library subsidies, please contact Mr Cameron Morley, Manager, Public Library Services at the State Library of NSW on 9273 1483. For more details about the RCF, please contact Mr Craig Limkin, Executive Director, Create Infrastructure, at Create NSW on 8289 6659.

I trust this information is of assistance. Thank you for writing.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jonathan O'Dea', written in a cursive style.

**Jonathan O'Dea MP**  
Parliamentary Secretary to the Premier and Treasurer

Australian Labor Party

Country Labor - Thinking outside of the City

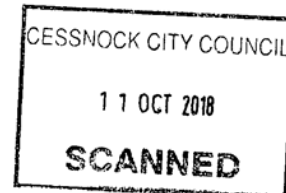
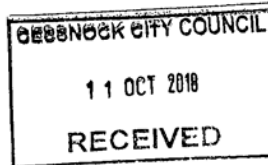
**Clayton Barr, MP**

STATE MEMBER FOR THE ELECTORATE OF CESSNOCK

Our Ref: CB2-CessnockCityCouncil-Art180920-1644  
 Council's Ref: MM7/2018

20 September 2018

Mr Stephen Glen  
 General Manager  
 Cessnock City Council  
 PO Box 152  
 CESSNOCK NSW 2325



Dear  Mr Glen

Thank you for Council's recent letter, advising of a resolution from Cessnock Council's meeting on 1 August 2018, relating to public library funding.

I appreciate that Council have brought their concerns to my attention and have forwarded Council's letter to the Minister for the Arts, the Hon Don Harwin, MP.

Yours sincerely



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

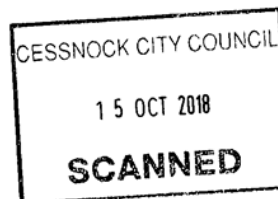
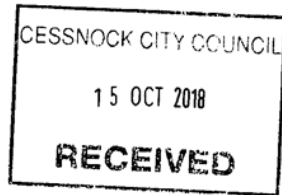


PARLIAMENT OF NEW SOUTH WALES LEGISLATIVE ASSEMBLY

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](mailto:cessnock@parliament.nsw.gov.au)



**Jonathan O'Dea MP**  
Parliamentary Secretary to the Premier and Treasurer



Ref: A2617347

11 OCT 2018

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

Dear Mayor,

Thank you for your correspondence of 9 July 2018 regarding funding for public libraries. I am replying on behalf of the Premier and I appreciate you expressing your views on this matter.

As you may be aware, the NSW Government has announced an extra \$60 million in funding over four years to transform NSW public libraries across the state. Every one of NSW's more than 370 public libraries will benefit from the new investment, ensuring they remain at the heart of every community.

As the single largest increase in State Government public library funding since the *Library Act 1939*, this historic funding reaffirms the NSW Government's commitment to literacy, lifelong learning, connectivity, and community wellbeing through public libraries.

The funding will transform and modernise public libraries, especially those in regional areas, by delivering key services and educational and cultural experiences across the entire state. All councils will receive an increase in annual library funding between 40 and 50 per cent by 2022-23.

A new \$24 million infrastructure grants program over four years will be rolled out for public libraries, with the first year of funding to begin in 2019-20.

This funding also includes a \$1 million investment to support more Service NSW self-serve kiosks at public libraries. These kiosks will allow greater access to key government services such as vehicle registration, licenses, and fee payments.

I am pleased to advise that funding for infrastructure programs at public libraries in regional NSW will be available in 2018-19 through the Regional Cultural Fund (RCF). Public libraries in regional NSW can apply for capital grants to build new, or improve existing, infrastructure under the RCF fund, which was introduced in 2017-18.

You may be pleased to learn that later this year, the government will also offer a new \$1 million funding program for capital works at metropolitan libraries in NSW.

This means that over the 2018-19 financial year, the NSW Government will provide over \$29.5 million in funding for public libraries.

If you have any more questions about public library subsidies, please contact Mr Cameron Morley, Manager, Public Library Services at the State Library of NSW on 9273 1483.

GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 5000 ■ F: (02) 9339 5500 ■ W: [premier.nsw.gov.au](http://premier.nsw.gov.au)

For more details about the RCF, please contact Mr Craig Limkin, Executive Director, Create Infrastructure, at Create NSW on 8289 6659.

Thank you for taking the time to bring this matter to my attention.

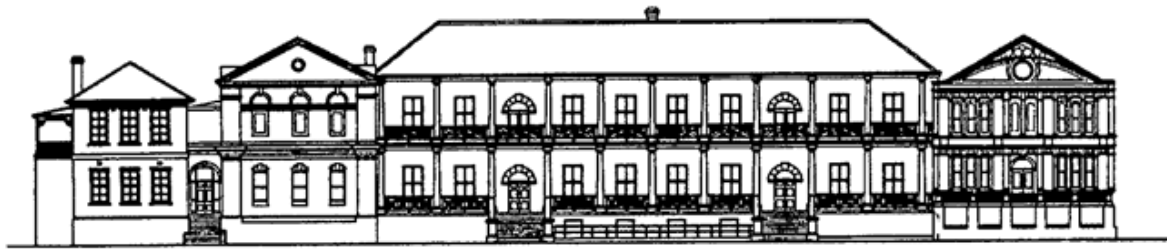
Yours sincerely,



**Jonathan O'Dea MP**  
Parliamentary Secretary to the Premier and Treasurer

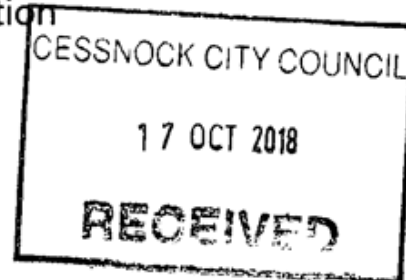
CC: The Hon Don Harwin MLC, Minister for the Arts





11 October 2018

For your information



*Forwarded with the Compliments of*

**CLAYTON BARR, MP  
STATE MEMBER FOR THE  
ELECTORATE OF CESSNOCK**

*Electorate Office:  
PO Box 242  
Cessnock NSW 2325*

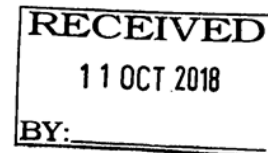
*Phone: (02) 4991-1466  
or 1300 550 114*





**Don Harwin MLC**

Minister for Resources, Minister for Energy and Utilities,  
Minister for the Arts, Vice-President of the Executive Council



Your ref: MM7/2018  
Our refs: IM18/26281 / MDPE18/3444

Mr Stephen Glen  
General Manager  
Cessnock City Council  
PO Box 152  
CESSNOCK NSW 2325

Dear Mr Glen

Thank you for your correspondence of 12 September 2018 about funding for public libraries.

I am pleased to advise that the NSW Government has announced an extra \$60 million in funding over four years to transform NSW public libraries across the state. Every one of NSW's more than 370 public libraries will benefit from the new investment, ensuring they remain at the heart of every community.

As the single largest increase in State Government public library funding since the *Library Act 1939*, this historic funding reaffirms the NSW Government's commitment to literacy, lifelong learning, connectivity, and community wellbeing through public libraries.

The funding will transform and modernise public libraries, especially those in regional areas, delivering key services and educational and cultural experiences across the entire state.

All councils will receive an increase in annual library funding between 40 and 50 per cent by 2022-23.

A new \$24 million infrastructure grants program over four years will be rolled out for public libraries, with the first year of funding to begin in 2019-20.

This funding also includes a \$1 million investment to support more Service NSW self-serve kiosks at public libraries. These will allow everyone to access key government services such as vehicle registration, licenses, and fee payments.

I am pleased to advise that funding for infrastructure programs at public libraries outside of Newcastle, Sydney, and Wollongong will be available in 2018-19 through the Regional Cultural Fund (RCF). Public libraries in regional NSW can apply for capital grants to build new, or improve existing, infrastructure under the RCF fund, which was introduced in 2017-18.

GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 7200 ■ F: (02) 9339 5568 ■ E: [office@harwin.minister.nsw.gov.au](mailto:office@harwin.minister.nsw.gov.au)

Later this year, the government will also offer a new funding program for capital works at metropolitan libraries in NSW.

If Council has any more questions about public library subsidies, please contact Mr Cameron Morley, Manager, Public Library Services at the State Library of NSW on 9273 1483. For more details about the RCF, please contact Mr Craig Limkin, Executive Director, Create Infrastructure, at Create NSW on 8289 6659.

I trust this is of assistance.

Yours sincerely



**Don Harwin MLC**  
Leader of the Government in the Legislative Council  
Minister for Resources  
Minister for Energy and Utilities  
Minister for the Arts  
Vice-President of the Executive Council

Date: 25.9.18

GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 7200 ■ F: (02) 9339 5568 ■ E: office@harwin.minister.nsw.gov.au

Correspondence

Report No. CO40/2018

Corporate and Community Services



**SUBJECT:** *FUTURE OF WASTE RECYCLING IN NSW*

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

**RECOMMENDATION**

**That the correspondence be noted.**

At its Ordinary Meeting of 18 July 2018 Council considered a Notice of Motion BN22/2018 – Future of Waste Recycling in NSW and resolved (inter alia):

7. **That Council write to the NSW Premier, The Hon. Gladys Berejiklian MP; Parliamentary Secretary for Planning, the Central Coast and the Hunter, Scot MacDonald MLC; Minister for the Environment, Minister for Local Government, and Minister for Heritage, The Hon. Gabrielle Upton MP; and State Member for Cessnock, Mr Clayton Barr MP seeking their support for Council's position and the future of waste recycling in this State.**

Council has received a response as provided to the Parliamentary Secretary for Planning, the Central Coast and the Hunter, Scot MacDonald MLC from the Minister for the Environment, the Hon Gabrielle Upton MP, with the letter also covering as a response from the NSW Premier, the Hon Gladys Berejiklian MP.

A response has also been received from the Member for Cessnock, Clayton Barr, MP, advising that he will seek advice from the Shadow Minister for the Environment and Heritage, the Hon Penny Charpe, MLC regarding the matter.

A copy of both correspondence items are attached for Council's information.

**ENCLOSURES**

- 1 Response from Office of Hon Gabrielle Upton MP
- 2 Response from Member for Cessnock



**Office of the Hon Gabrielle Upton MP**

Minister for the Environment  
Minister for Local Government  
Minister for Heritage

MD18/4071

Mr Scot MacDonald MLC  
Parliamentary Secretary for Planning, the Central Coast and the Hunter  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

By email: [scot.macdonald@parliament.nsw.gov.au](mailto:scot.macdonald@parliament.nsw.gov.au)

Dear Mr MacDonald

Thank you for your letter to the Minister for the Environment, the Hon Gabrielle Upton MP on behalf of Cr Bob Pynsent, Mayor, Cessnock City Council about waste recycling in NSW. I appreciate you bringing Council's concerns to the Minister's attention and I have been asked to reply.

Cr Pynsent also wrote to the Premier, the Hon the Hon Gladys Berejiklian MP, and to Minister Upton directly about this matter. Please accept this as a response to all correspondence.

I can assure you the NSW Government is committed to supporting councils and protecting NSW's strong history of innovation and responsible waste management in partnership with local government and industry.

The waste levy collected by councils directly funds the \$802 million Waste Less, Recycle More initiative. This is the largest waste and recycling funding program in Australia and provides funding for a range of recycling and litter reduction programs, market development and waste management and infrastructure for business and local councils.

As Council is aware, China is enforcing its National Sword policy, restricting the types of recyclable material it will accept. In March 2018, the Minister announced a one-off package of up to \$47 million to support local government and industry respond to China's policy.

The package provides a range of initiatives to ensure kerbside recycling continues and to promote industry innovation. It also includes the Circulate and Civil Construction programs that support manufacturers find alternative uses for these recovered materials. These programs actively support the development of local markets.

GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 6107 ■ F: (02) 9339 5546 ■ E: [www.nsw.gov.au/ministerupton](http://www.nsw.gov.au/ministerupton)

- 2 -

The Environment Protection Authority (EPA) is leading an inter-governmental taskforce to find a long-term response to China's policy in partnership with industry and councils. The taskforce is also working closely with the Commonwealth Government, and other states and territories, to find national solutions that strengthen the local recycling industry and develop local markets.

Part of the Taskforce's work is the development of a circular economy policy. I note your nomination of the Kurri Kurri Precinct as a potential location for circular economy initiatives.

If Cessnock City Council has any further questions about this issue, it can contact Carmen Dwyer, Acting Executive Director, Waste and Resource Recovery, NSW Environment Protection Authority, on 6883 5366 or at [carmen.dwyer@epa.nsw.gov.au](mailto:carmen.dwyer@epa.nsw.gov.au).

Yours sincerely



**Kevin Wilde**  
Chief of Staff  
Office of the Hon Gabrielle Upton MP

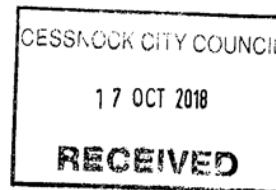
**Clayton Barr, MP**

STATE MEMBER FOR THE ELECTORATE OF CESSNOCK

Our Ref: CB2-CessnockCityCouncil-Env180914-1323  
Council's Ref: BN22/2018

14 September 2018

Mr Stephen Glen, General Manager  
Clr Bob Pynsent, Mayor  
Cessnock City Council  
PO Box 152  
CESSNOCK NSW 2325



*Stephen & Bob*

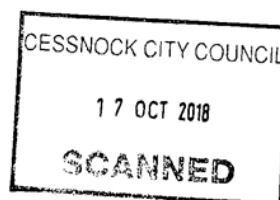
Dear ~~Mr Glen and~~ Clr Pynsent

Thank you for your Council's letter, in which my support is sought for Cessnock City Council's position on the future of Waste Recycling in NSW.

I appreciate that Council have brought their concerns to my attention on this matter.

I note the concern of Council that Cessnock City Council in 2017/18 paid a large amount of waste levy charges (just under \$8 million) to the State Government and yet only a small amount (\$218,000.00) was returned.

I will seek the advice of Shadow Minister for the Environment and Heritage, the Hon Penny Sharpe, MLC regarding this matter.



Yours sincerely

*CLB*

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



PARLIAMENT OF NEW SOUTH WALES LEGISLATIVE ASSEMBLY

118 Vincent Street (PO Box 242)  
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P (02) 4991 1466 | 1300 550 114  
F (02) 4991 1103  
E [cessnock@parliament.nsw.gov.au](mailto:cessnock@parliament.nsw.gov.au)



Correspondence

Report No. CO41/2018

Corporate and Community Services



**SUBJECT:** *CESSNOCK CORRECTIONAL CENTRE ACCESS ROAD*

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

**RECOMMENDATION**

**That the correspondence be noted.**

At its Ordinary Meeting of 19 September 2018 Council considered a Notice of Motion BN27/2018 – Cessnock Correctional Centre Access Road and resolved (inter alia):

7. **That Council write to Mr Clayton Barr MP Member for Cessnock, The Hon Scot McDonald MLC, Parliamentary Secretary for the Hunter and the Hon Joel Fitzgibbon MP, Member for Hunter of our position and request their support.**

In relation to the above, a response has been received from the Hon Joel Fitzgibbon MP, Federal Member for Hunter advising that although the matter is for the NSW Government, Council has his full support and he will write to the NSW Minister on behalf of both Council and affected residents.

A copy of the correspondence is attached for Council's information.

**ENCLOSURES**

- [1](#) Reply from Federal Member for Hunter



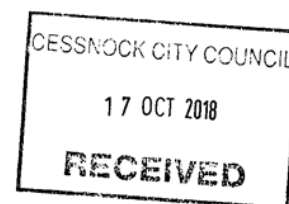
**THE HON JOEL FITZGIBBON MP**

FEDERAL MEMBER FOR HUNTER  
SHADOW MINISTER FOR AGRICULTURE, FISHERIES & FORESTRY  
SHADOW MINISTER FOR RURAL & REGIONAL AUSTRALIA



12 October, 2018

Mr Stephen Glen  
General Manager  
Cessnock City Council  
PO Box 152  
CESSNOCK NSW 2325



Dear Stephen

**RE: ACCESS TO CESSNOCK CORRECTIONAL CENTRE**

I thank Council for its letter dated 10 October, 2018 in relation to a new access and entrance to the expanded Cessnock Correctional Centre.

While entirely a matter for the New South Wales Government, Council has my full support and I will write to the New South Wales Minister on behalf of both Council and affected residents.

Yours sincerely

Joel Fitzgibbon MP

Electorate Office: 3 Edward Street, PO Box 526  
CESSNOCK NSW 2325

Phone: 02 4991 1022  
Facsimile: 02 4991 2322

Email: joel.fitzgibbon.mp@aph.gov.au  
Web: www.joelfitzgibbon.com

Follow me on Twitter and Facebook

Joel Fitzgibbon

Canberra Office: PO Box 6022  
CANBERRA ACT 2600

Phone: 02 6277 4550  
Facsimile: 02 6277 8556

Fitzhunter