



12 December 2022

**SUPPLEMENTARY AGENDA:**

- (1) **MAYORAL MINUTES**
- MM19/2022 Section 88 Waste Levy Charges .....2
- ‡ MM20/2022 Subdivision and Development in Villages.....4
- (2) **WORKS AND INFRASTRUCTURE**
- WI79/2022 Branxton to Greta Shared Pathway .....6

Mayoral Minute

Report No. MM19/2022

General Manager's Unit



***MAYORAL MINUTE No. MM19/2022***

***SUBJECT: SECTION 88 WASTE LEVY CHARGES***

***RECOMMENDATION***

1. That Council reaffirms its support for the return of 100% of section 88 Domestic Waste Management Service Charge (the "waste levy") funds to be returned to local government for reinvestment in recycling facilities, landfill diversion, community education, technology improvements and circular economy opportunities.
2. That Council notes that Cessnock City Council is liable for the metropolitan levy rate of \$151.60 per tonne of landfill, compared to the regional levy rate of \$87.30 per tonne, a \$64.30 per tonne difference.
3. That Council acknowledges analysis undertaken by Council officers that shows an additional \$5.5 million has been paid by Cessnock ratepayers over the past decade due our categorisation by the NSW Government.
4. That Council notes the waste levy is a large percentage of the cost (over \$64m in the last decade) of waste disposal by Council, with an average of \$5m currently being paid in levy contributions annually. Council received only \$95,000 in the Better Waste & Recycling Fund for the same period [noting this ended at the last financial year with no indication that there will be any further funding (non-contestable) replacing it] to Cessnock City Council to fund its resource recovery projects, which is the actual intention of the levy.
5. That Council writes to the Premier and Opposition Leader calling on them to commit to the full return of 100% of the waste levy to local councils to fund waste diversion from landfill initiatives such as those outlined in 2020-25 Waste and Resource Recovery Management Strategy.

**BACKGROUND:**

The Protection of the Environment Operations Act 1997 (POEO Act) requires certain licensed waste facilities in NSW to pay a contribution for each tonne 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 NSW regulated area includes councils within the metropolitan levy area and the regional levy area who pay differing levy rates. Within the Hunter Region, City of Newcastle, Lake Macquarie, Port Stephens, Maitland and Cessnock are all classified as metropolitan while Muswellbrook, Dungog, Singleton and Upper Hunter are all classified as regional.

**Mayoral Minute**

**Report No. MM19/2022**

**General Manager's Unit**

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In 2022/23 the metropolitan area levy is \$151.60 per tonne while the regional area levy is \$87.30 per tonne.

***ENCLOSURES***

There are no enclosures for this report.

Mayoral Minute

Report No. MM20/2022

General Manager's Unit



***MAYORAL MINUTE No. MM20/2022***

***SUBJECT: SUBDIVISION AND DEVELOPMENT IN VILLAGES***

***RECOMMENDATION***

- 1. That Council notes the information contained within this report.**
- 2. That the General Manager continues to investigate ways to protect our rural villages and increase the minimum lot size and bring a report back to Council following finalisation of the current Villages Master and Public Domain Plans.**

***REPORT/PROPOSAL***

There have been a number of applications and proposals for subdivision of land within our village areas, including battle-axe allotments.

The existing subdivision pattern, historic local planning decisions and current state planning controls and directions mean it is challenging to prohibit or restrict the creation of smaller (or battle-axe) lots or more intense development within our village areas in a lawful manner.

The following mechanisms have been identified as potential pathways for investigation post-finalisation of the Villages Local Character and Public Domain Plan project to limit subdivision within village areas and to protect their local character.

The Department of Planning and Environment will need to endorse possible options 1 and 2.

***1. Development Control Plan***

Local Character Statements (LCS) could be introduced within the Cessnock Development Control Plan 2010 (CDCP 2010).

The LCS would need to include design controls and outcomes to reflect those features of the existing character (e.g. lot size/shape, area, building setbacks, fencing and public domain, laneways, views etc.) which are essential to the sense of place or feel of a locality, and/or promote a desired future character.

As a stand-alone mechanism, DCP controls would not be able to restrict subdivision which complies with the Minimum Lot Size (LSZ), nor influence development which is complying development.

***2. Amendment of Zoning & Increases LSZ***

An amendment to the CLEP2011 to "back zone" villages with a current R2 Low Density Residential zoning (e.g. Abermain, Greta and Kearsley) to an RU5 Village zone, with a comparable LSZ of 750m<sup>2</sup> could be undertaken.

**Mayoral Minute**

**Report No. MM20/2022**

**General Manager's Unit**

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This action would reduce subdivision potential, remove the permissibility of dual occupancy development, but retain opportunities for secondary dwellings.

It is important to consider that in proposing any changes to CLEP 2011, a Planning Proposal would be required to demonstrate consistency with the state and local strategic planning framework. Further, consultation as to the suitability and level of support the options above will be required with the Department of Planning and Environment (DP&E).

***ENCLOSURES***

There are no enclosures for this report

Works and Infrastructure

Report No. WI79/2022

Works and Infrastructure



**SUBJECT:** *BRANXTON TO GRETA SHARED PATHWAY*  
**RESPONSIBLE OFFICER:** *Acting Infrastructure Manager – Jules Bosco*

### **SUMMARY**

The purpose of this report is to advise that Transport for NSW (TfNSW) have notified Council that approval has been given for Council to utilise traffic lanes on the New England Highway for the Branxton to Greta Cycleway.

### **RECOMMENDATION**

- 1. That Council notes that TfNSW have given approved to utilise traffic lanes on the New England Highway for the Branxton to Greta Cycleway.**
- 2. That Council resolves to use the alignment as agreed with TfNSW.**
- 3. That Council will be provided additional information via Councillor Memo after the meeting with TfNSW of 12 December 2022.**

### **BACKGROUND**

At Councils Briefing of 23 November 2022

The following issues were discussed;

- October 2022 – The northern side of the New England Highway between Maitland Street Branxton and Greta has now been selected subject to formal approval by Transport for NSW (TfNSW) for the pathway with a proposed traffic lane allocation pending results of traffic count.
- Since the TfNSW decision to pursue a traffic lane allocation on the northern side of the New England Highway, time is running out for expenditure of the Australian Government funding allocation for construction of the remaining 2,500m of the pathway.
- The Federal Government has announced that it will not provide any extensions of time on the funding grant which expires in March 2023.

### **REPORT/PROPOSAL**

This report is to advise that on 8 December 2022 TfNSW notified Council that approval has been given for Council to utilise traffic lanes on the New England Highway to provide a shared pathway on the northern side of the highway between Branxton turnoff and Greta.

A meeting has been scheduled with TfNSW for 12 December 2022 to discuss the way forward. Council will still be subject to TfNSW programming in regards to the actual handover of the asset.

Regarding delivery of the project within the Federal Government funding timeframe of March 2023, the current status that there will be no additional extensions of time still stands.

**Works and Infrastructure**

**Report No. WI79/2022**

**Works and Infrastructure**



**OPTIONS**

N/A

**CONSULTATION**

N/A

**STRATEGIC LINKS**

**a. Delivery Program**

**Delivery Program 2017- 21 (Extended by 1 year due to Covid-19)**: The recommendation of this report aligns with the following objectives:

- 1.3 Promoting Safe Communities – Our roads are safe for motorists and pedestrians:
- 1.3.5 Improve the safety of the road network.
  
- 4.1 Better transport links:
- 4.1.1: Advocate for increased road, public and community transport and associated infrastructure funding; and
- 4.1.1a: Prepare applications for available grant funding to improve commuter, freight and tourism transport links.
  
- 4.2 Improving the road network:
- 4.2.1 Develop prioritised capital works programs in line with adopted asset management plans; and
- 4.2.2 Deliver prioritised on-ground capital works and maintenance programs.

**b. Other Plans**

**Community Strategic Plan - Cessnock 2027**: This report aligns with the following objectives:

- Objective 1.3 Promoting safe communities - Our roads are safe for motorists and pedestrians.
- Objective 2.3 Our local government area is attractive to visitors
- Objective 4.2 Improving the road network
  - We have a quality road network.
  - We have managed the traffic impact of the Hunter Expressway on local communities.

**Works and Infrastructure**

**Report No. WI79/2022**

**Works and Infrastructure**



**Operational Plan 2021-22:** This report aligns with the following objectives:

Section 4 Better transport links

- 4.1.1 Advocate for increased road, public and community transport and associated infrastructure funding.
- 4.1.1a Prepare applications for available grant funding to improve commuter, freight and tourism transport links.
- 4.1.1b Continue upgrade of Public Transport stops to DDA compliance and apply for available funding in accordance with grant funding guidelines.
- 4.1.2 Commence implementation of the Traffic & Transport Strategy.
- 4.1.3 Commence implementation of the Pedestrian Access & Mobility Plan.
- 4.1.4 Commence implementation of the Cycling Strategy.
- 4.2.1a Develop prioritised capital works programs in line with adopted Asset Management Plans.

**Cessnock Cycling Strategy (2016):** This report aligns with the following objectives:

The vision for cycling in Cessnock is to “Create a safe, attractive and accessible cycling network that improves the community’s connections with key destinations and each other and encourages residents of all ages to use their bicycle for recreation and everyday transport.” The vision is supported by four strategic objectives:

- Provide a cycling environment that is safe, secure and encourages residents to cycle without fear of accident or injury.
- Provide a cohesive and integrated bicycle network that is easy for cyclists to use.
- Integrate cycling into Council’s planning processes.
- Promote awareness of cycling amongst the community and road and path user groups.

**Road Safety Strategic Plan 2020–24**

Objective 5.1.1: Work with stakeholders to create livable communities with infrastructure that supports active transport (walking and cycling) and public transport use.

Objective 5.1.3: Submit for funding under Walking & Cycling program to construct infrastructure supporting active transport.

**Cessnock LGA Pedestrian Access and Mobility Plan (PAMP):** The recommendation of this report generally aligns with the objectives of the Plan.

**Cessnock LGA Traffic and Transport Strategy:** The recommendation of this report generally aligns with the objectives of the Strategy

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A



**Works and Infrastructure**

**Report No. WI79/2022**

**Works and Infrastructure**



**b. Financial Implications**

In addition to grant funding, Council has budgeted a co-contribution as per Council's adopted Operational Plan 2021-22. An assessment of costs will need to be undertaken once the final alignment is determined to ascertain if the current budget is sufficient to complete the project.

**c. Legislative Implications**

TfNSW is the consent authority for works on the proposed cycleway.

**d. Risk Implications**

There are risks associated with the delivery of this project. To utilise traffic lanes on the New England Highway to provide a shared pathway on the northern side of the highway between Branxton turnoff and Greta will require some time-consuming activities to be undertaken and could have an impact on the delivery time of the project.

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

***CONCLUSION***

The notification that Transport for NSW regarding the shared pathway, is just the first step to using the asset for construction of the pathway and that continued negotiation and conversation with TfNSW will be required and that this may push the project completion date past the funding bodies completion date of March 2023.

***ENCLOSURES***

There are no enclosures for this report