

“Making good development happen the right way”.

**PROPOSED RE-CLASSIFICATION OF LANDS –
CESSNOCK CITY COUNCIL**

REPORT ON PUBLIC HEARING – 13 DECEMBER 2018

Prepared for:

Cessnock City Council

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PROPOSED RECLASSIFICATION OF LANDS IN CESSNOCK CITY:

REPORT ON PUBLIC HEARING – 13 DECEMBER 2018

VENUE:

Council Administrative Centre,
Vincent Street,
Cessnock

ATTENDANCE:

Members of the Public in Attendance:

Name	Address	Contact
Vince Andrews	George Street, East Branxton	
Colleen Penton	Tulloch Street, East Branxton	
Gary Penton	Tulloch Street, East Branxton	
Jo-Ann Smith	Greta Street Aberdare	

Management and Staff from Cessnock City Council in Attendance:

Name	Position	Contact
Martin Johnson	Strategic Planning Manager	Martin.Johnson@cessnock.nsw.gov.au;
Dan Luscombe	Project Manager, Strategic Property Review	dan.luscombe@cessnock.nsw.gov.au;
Ian Shillington	Senior Strategic Planner	Ian.Shillington@cessnock.nsw.gov.au;

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Mr David Broyd	Independent Chair and Project Consultant	Email: davidbcs@Bigpond.com ;
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Apologies: None

INTRODUCTION AND BACKGROUND

This report on a Public Hearing has been prepared by David Broyd, Director of David Broyd Consulting Services Pty Ltd in relation to a Planning Proposal to reclassify land parcels from "Community Land" to "Operational Land" under the terms of the Local Government Act 1993 (LG Act).

INTRODUCTION AND BACKGROUND

This report on a public hearing has been prepared by David Broyd, Director of David Broyd Consulting Services Pty Limited in relation to a planning proposal to re-classify certain land parcels

from community land to operational land in Cessnock City Council under the terms of the Local Government Act 1993 and to rezone one site 16A Stephen Street, Cessnock to R3 Residential.

The Planning Proposal

a) The properties subject of the Planning Proposal for reclassification from community to operational land are as follows:

- Lot 18 Section 46 DP758002 62 Cessnock Street, Aberdare
- Lot 17 Section 46 DP758002 64 Cessnock Street, Aberdare
- Lot 16 Section 46 DP758002 66 Cessnock Street, Aberdare
- Lot 15 Section 46 DP758002 68 Cessnock Street, Aberdare
- Lot 14 Section 46 DP758002 70 Cessnock Street, Aberdare
- Lot 13 Section 46 DP758002 72 Cessnock Street, Aberdare
- Lot 12 Section 46 DP758002 74 Cessnock Street, Aberdare
- Lot 11 Section 46 DP758002 76 Cessnock Street, Aberdare
- Lot 3 Section J DP49276 William Street, Cessnock
- Lot 7 Section A DP 16A Stephen Street, Cessnock
- Lot 507 DP755215 10 Quorrobolong Road, Cessnock
- Lot 508 DP755215 12 Quorrobolong Road, Cessnock
- Lot 9 DP25971826 Tulloch Street, East Branxton
- Lot 9 Section 15 DP758576 29 Cessnock Street, Kitchener
- Lot 10 Section 15 DP758576 31 Cessnock Street, Kitchener
- Lot 11 Section 15 DP758576 29 Aberdare Street, Kitchener
- Lot 12 Section 15 DP758576 27 Aberdare Street, Kitchener

b) The property subject of the Planning Proposal for rezoning and amendment of the lot size map is Lot 7 Section A 16A Stephen Street, Cessnock

The Local Government Act 1993 requires public land to be classified as either “community land” or “operational land” and contains provisions for the re-classification of land.

LEGAL REQUIREMENTS AND PURPOSES

David Broyd explained that the hearing was being conducted in accordance with Section 29 (1) of the Local Government Act 1993. Such a public hearing was a legal requirement when a Council proposes reclassification of land from community to operational. The Local Government Act requires that such a public hearing is chaired and reported upon independently and under Section 47G (3) of the Local Government Act 1993, a copy of the report on this public hearing must be made available for public inspection no later than four days of its receipt by Council.

The purposes of the public hearing are therefore to present advice regarding the legal framework and process for land reclassification, to explain State Government agency submissions and public submissions and to enable members of the public to make statements and / or raise questions regarding the sites proposed for reclassification.

WELCOME BY MARTIN JOHNSON (STRATEGIC PLANNING MANAGER, CESSNOCK CITY COUNCIL)

Mr Johnson spoke of the need for Council to address long term sustainability goals in relation to the Cessnock City Council's "Fit for the Future" initiative. Council's Strategic Property Review – which included the subject sites – is one of the initiatives to address such long-term sustainability of the Council.

Mr Johnson then re-affirmed the welcome to all present at the public hearing and emphasised the independence of the public hearing process.

THE PROCESS FOR PROPOSED LAND RECLASSIFICATION

David Broyd explained the process involved for a Council to propose the re-classification of sites from "community land" to "operational land" and summarised the following:

- a) Council endorsed the Planning Proposal in April 2018.
- b) A gateway determination was issued by the NSW Department of Planning & Environment on 27 July 2018 which, in part, enabled its public exhibition.
- c) The public exhibition arrangements included advertising in local newspapers, advice by letters to all adjoining property owners to the subject sites, and a feature on Council's website.
- d) In response, there were submissions from the following State Government Agencies:
 - NSW Office of Environmental and Heritage.
 - NSW Rural Fire Service.
 - NSW Subsidence Advisory.
 - Hunter Water.

It was advised that, based upon research of certificates of title, 3 sites are subject to public reserve status. The removal of this status which would require the approval of the NSW Governor

STATE GOVERNMENT AGENCY SUBMISSIONS - SUMMARY

David Broyd then summarised the State Government submissions as follows:

Subsidence Advisory NSW:

Re: 62 – 76 Cessnock Street, Aberdare:

- Acknowledged that potential rezoning to R3 will allow medium density residential development.
- Is undermined by historical mine workings at "150 metres cover".

Advised about the relevance of Guideline 2 which would allow the construction of two storey brick veneer dwelling on the site. With reinforced concrete footings/slab in accordance with AS 2870/ The dwelling would be limited to a maximum length of 24 metres and a maximum footprint of 400 square metres.

Hunter Water:

No objection and advised that water and sewer are available for all of the subject sites with the exception of 10 Quorrobolong Road and 12 Quorrobolong Road, Cessnock and that sewer is not available at 26 Tulloch Street, East Branxton.

The Office of Environment & Heritage

The Office of Environment & Heritage referred to the direction regarding flood prone land and advised that 6 William Street and 10 – 12 Quorrobolong Road, Cessnock were subject to flood liability and recommended that:

- a) Council consider whether the R3 zoning for 6 William Street, Cessnock is appropriate given flood impacts and access difficulties and asked whether this lot is required for maintenance and future augmentation of the open channel.
- b) Further flood analysis is required to support any development application for 10 – 12 Quorrobolong Road, Cessnock.

NSW Rural Fire Service

NSW Rural Fire Service had no objection and re-affirmed that any future subdivision plan must comply with "Planning for Bushfire Protection 2006" in terms of asset protection zones, access and services.

PUBLIC SUBMISSIONS:

Public submissions were received in relation to the proposed reclassification and re-zoning of 16A Stephen Street in the following terms:

- Concerns regarding the potential for 4 dwellings – site is better suited to dual-occupancy;
- Advocacy for single storey development only;
- The difficulties with parking in Stephen Street.
- The potential for additional crime resulting from such additional development.
- There are stormwater run-off and flooding issues in relation to adjacent property.

In relation to 26 Tulloch Street, East Branxton:

- Development of this site is strongly opposed.
- Concerns were raised that more traffic will be generated by the development of the site.
- Children cannot use the park on the corner of Dalwood Road, McMullins and Tullochs Roads given safety issues.
- There is a stormwater easement diagonal across the site plus "community sewer services".
- The reason that a property was bought was on the basis of real estate agent advice "the park will never be sold" and therefore this should retain such a commitment. Why is this park no longer required?

- The rear lane through this property provides access to George Street – what will happen to this laneway and if it is left open, what will it be used for?

Properties at Aberdare, Cessnock, East Branxton and Kitchener:

- General commentary that there is a lack of open space in the area now and it was a shame to lose more and that many such areas of open space were valuable because of the bird species, various community uses and the high incidents of paper bark and gum trees.

STATEMENTS AND QUESTIONS FROM ATTENDEES

Lot 9 DP259718 (26 Tulloch Street, East Branxton)

- Concerns were raised again about the additional traffic that would be generated from additional dwellings on the site.
- Concerns were raised about the fact that the site is currently vacant and that stormwater runs across the site. It was noted that there is a sewer line running through and that the property is subject to stormwater inundation / local flooding.
- A resident also stated that he had brought his block 36 years ago, and that he was told that the block at 26 Tulloch Street would be retained for open space purposes / as a park. He also suggested that the sewer easement would be a constraint to future development on the site.
- Another resident stated that he had purchased his block in 1980 and the reserve had been created in 1979.
- There was a question about the rear lane way owned by Council adjoining this block.
- It was noted that the attendees indicated children play every day on the subject site and it is regarded as a “safe haven”. It was also stated that the nearby park at the intersection of Dalwood Road and Tulloch Street is unsuitable for children due to being located close to busy roads and that it is not fenced.
- Concerns were raised that development on this site would result in increased parking pressures due to every additional house having at least two cars. Parking pressure would only increase in the future with increasing development in the area.
- It was noted that a previous public hearing was held for this property for a proposed reclassification to operational about 15 years ago – however this reclassification did not proceed. The question was therefore asked as to why this planning proposal was proceeding again at this time.

Lots 11 – 18 Section 46 DP758002 (62 to 76 Cessnock Street, Aberdare)

- Concerns were raised that water pressure in the area and the potential impact that additional development would have on such water pressure, e.g. if say up to 16 villas were developed on the eight blocks. Anecdotally, residents stated that they get a small rebate of \$35.00 per year from Hunter Water due to water pressure issues.
- Bats are known to frequent existing trees on the land.
- It will be a shame if development was to proceed on this site but if it does then it should be a single storey development only.

- It was noted that there is an existing preschool on an adjacent block.
- Existing stormwater flows onto this land and needs to be considered if development was to proceed. It is requested that the existing un-formed rear laneway be retained if future development goes ahead.
- It was noted that Cessnock Street is commonly used as a local “race track” for speeding vehicles.
- Assertions were made about some “social problems” in the area..

COUNCIL RESPONSES OF RELEVANT INFORMATION (DURING AND AFTER THE PUBLIC HEARING):

(Undertakings were given at the Public Hearing to research these matters further and advise responses in the Public Hearing report)

Lot 9 DP259718 (26 Tulloch Street, East Branxton)

- Council’s flood mapping shows that the site is outside the flood planning level but is affected by the PMF (Probable Maximum Flood);
- A property search has shown that the property was dedicated as a public reserve of DP 259718 on 14/6/1979;
- There is no record on file of a previous proposal to reclassify the Tulloch St land.
- Council’s Strategic Recreation and Community Facilities Planner advised (18/12/18) that:

“A playground upgrade at Brunner Park (corner of Tulloch Street & Dalwood Road) has been included within the draft 2019/2020 Operational Plan for Council’s consideration. Fencing of the playground will be considered when a concept design for the playground has been completed and funding has been confirmed”.

- *If the land is reclassified, then any development proposal will be subject of a development application which will be notified to neighbouring property owners who will have the opportunity to comment/object.*

Lots 11 – 18 Section 46 DP758002 (62 to 76 Cessnock Street, Aberdare)

- Account Manager Major Development of the Hunter Water Corporation advised (20/12/18) that”

“We have modelled the local water supply network and acknowledge there are properties in Aberdare that may experience low water pressure during periods of high demand. However, the additional connection of the eight vacant lots in Cessnock St will not have any significant impact on the existing residents”.

- *If the land is reclassified, then any development proposal will be subject of a development application which will be notified to neighbouring property owners who will have the opportunity to comment/object.*

Lot 3 Section J DP4927 6 William Street, Cessnock and Lots 507 and 508 DP755215 10 to 12 Quorrobolong Road, Cessnock

As a consequence of the submission from the NSW Office of Environment and Heritage, Council’s Flood Engineers have reviewed the flood liability pertaining to both sites and the need for potential

access from 6 William Street for augmentation and maintenance. The outcomes of this Review are appropriately to be presented in the report to Council on the Planning Proposal in the near future.

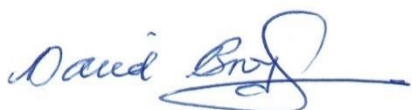
General

When the report on this Planning Proposal is presented to Council in the near future, any member of the public can request to address Council.

MEETING CONCLUSION

David Broyd thanked all members of the public and Council management and staff for their attendance at this public hearing and re-affirmed that his report on this public hearing will be prepared as soon as possible (targeted for the week ending 11 January 2019) and that Council will place this report on the website within four days of receipt.

Meeting Closed at 6:50pm.



David Broyd
14 January 2019