



Vincent Street  
CESSNOCK

29 July 2016

## ORDINARY MEETING OF COUNCIL

**WEDNESDAY, 3 AUGUST 2016**

### ENCLOSURES

*PAGE NO.*

#### PLANNING AND ENVIRONMENT

**PE52/2016 DA 8/2015/551/1 - Alterations and Additions to Existing Medical Centre**

**259 Maitland Road, Cessnock**

<b>Enclosure1:</b> Development Plans .....	3
<b>Enclosure2:</b> Existing Floor Plan .....	8
<b>Enclosure3:</b> Councillor Call-up notice .....	9
<b>Enclosure4:</b> Applicant's Submission .....	10
<b>Enclosure5:</b> Draft Conditions of Consent .....	13

**PE53/2016 Development Application 8/2015/663/1 Proposing Erection of a Business Identification Sign**

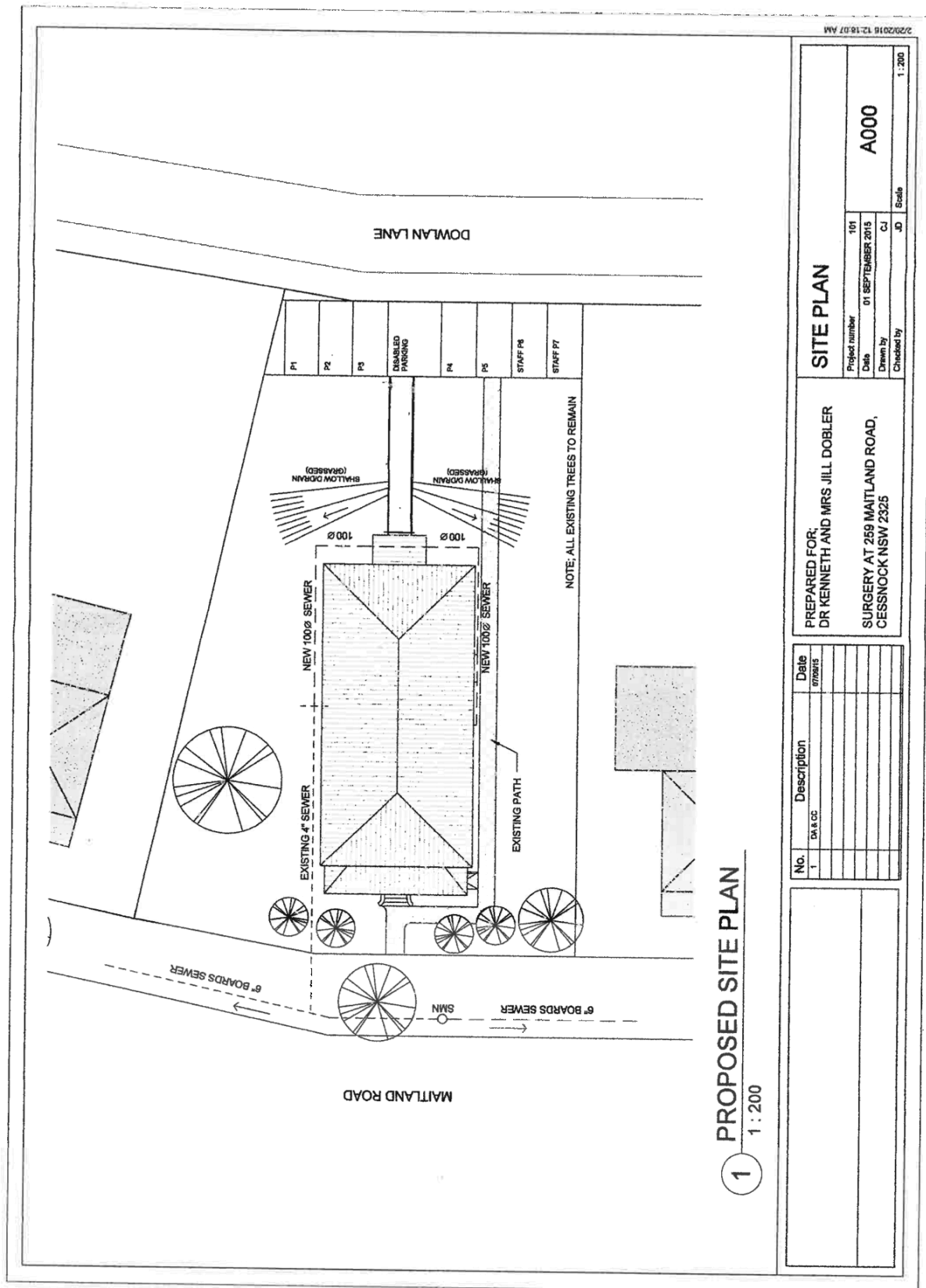
**141 Main Road 195, Heddon Greta**

<b>Enclosure1:</b> Lodgement Plan 1 .....	20
<b>Enclosure2:</b> Lodgement Plan 2 .....	21
<b>Enclosure3:</b> View of site .....	22
<b>Enclosure4:</b> RMS Referral 5 February 2016 .....	23
<b>Enclosure5:</b> RMS Referral 16 June 2016 .....	25
<b>Enclosure6:</b> Photo Montage 20 Metres .....	27
<b>Enclosure7:</b> Draft Conditions of Consent .....	28

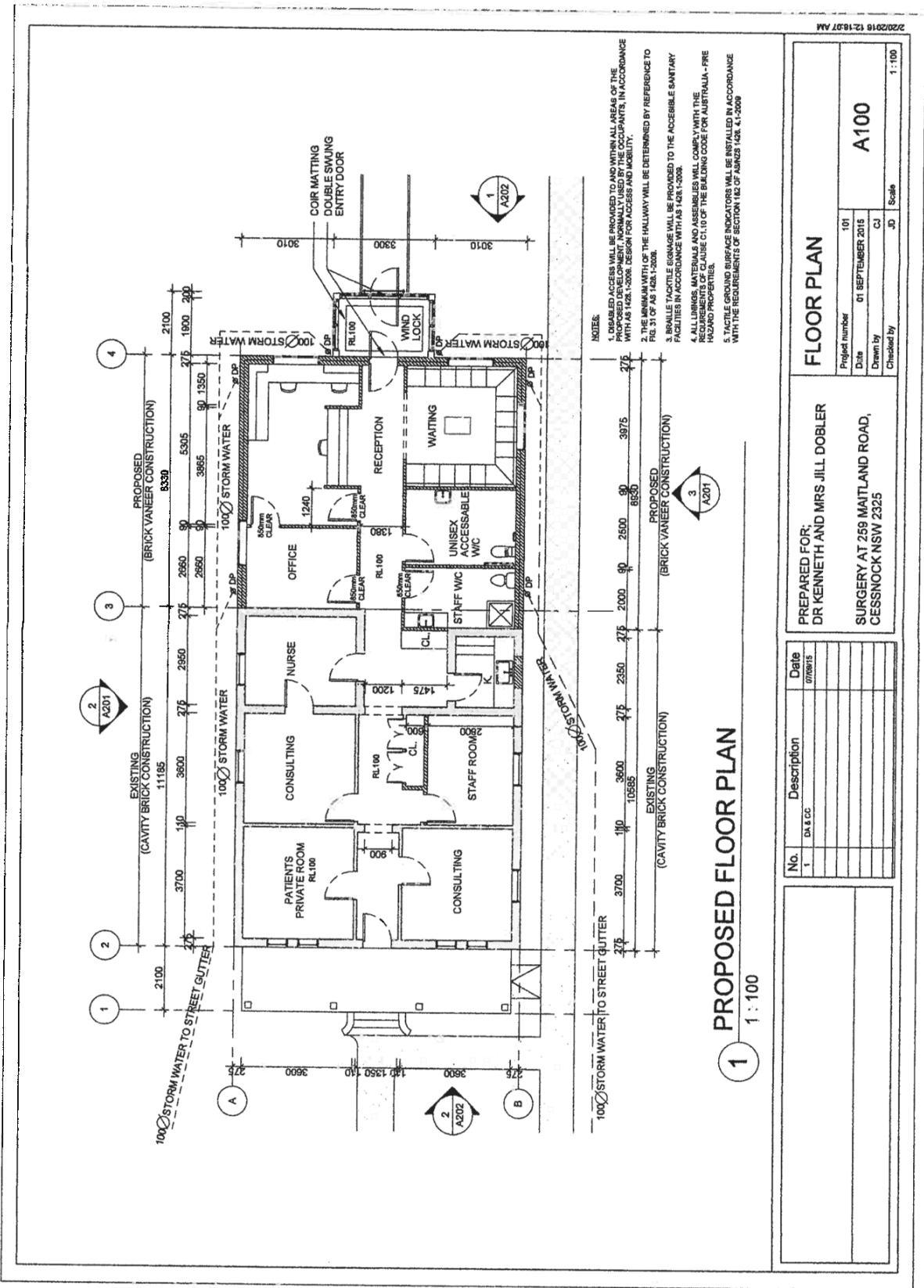
**PE54/2016 18/2014/4: Planning Proposal - Orica**

<b>Enclosure1:</b> Planning Proposal .....	31
<b>Enclosure2:</b> Planning Agreement .....	83
<b>Enclosure3:</b> Submission .....	108

<b>PE55/2016</b>	<b>Modification to Cliftleigh Local Infrastructure Voluntary Planning Agreement</b>	
<b>Enclosure1:</b>	VPA Offer - Winten (No23) Pty Ltd .....	109
<b>Enclosure2:</b>	Table of Proposed Amendments.....	110
<b>Enclosure3:</b>	Proposed Contribution Schedule.....	112
<b>PE57/2016</b>	<b>Integrated Planning &amp; Reporting Program - Proposed Engagement Strategy</b>	
<b>Enclosure1:</b>	Enclosure 1 - Community Engagement Strategy.....	113
<b>PE58/2016</b>	<b>Cessnock Correctional Centre Expansion</b>	
<b>Enclosure1:</b>	Letter from JBA Urban Development Consultants dated 22 July 2016 .....	123
<b>Enclosure2:</b>	Media Release dated 20 March 2016.....	128
<b>Enclosure3:</b>	Letter to Minister for Corrections dated 20 April 2016.....	129
<b>Enclosure4:</b>	Letter to Department of Justice dated 23 June 2016 .....	131
<b>Enclosure5:</b>	Letter to Sean Sweeney, Project Leader dated 19 July 2016.....	133
<b>Enclosure6:</b>	Draft submission to JBA Urban Development Consultants for the Department of Justice .....	134
<b>CORPORATE AND COMMUNITY</b>		
<b>CC51/2016</b>	<b>Local Government NSW Annual Conference 2016</b>	
<b>Enclosure1:</b>	LGNSW Annual Conference notification .....	140
<b>WORKS AND INFRASTRUCTURE</b>		
<b>WI41/2016</b>	<b>Perpetual Tribute Options for the late Councillor Jeff Maybury</b>	
<b>Enclosure1:</b>	Peace Park, Weston - site map.....	150
<b>Enclosure2:</b>	O'Toole Street Park, Weston - site map .....	151
<b>Enclosure3:</b>	Weston RSL Sub-Branch correspondence.....	152
<b>Enclosure4:</b>	Mrs Clarice Hamling - Objection to rename Peace Park correspondence .....	153
<b>CORRESPONDENCE</b>		
<b>CO2/2016</b>	<b>East Cessnock Flying-foxes</b>	
<b>Enclosure1:</b>	Correspondence from the Hon Greg Hunt MP, Minister for Environment.....	155

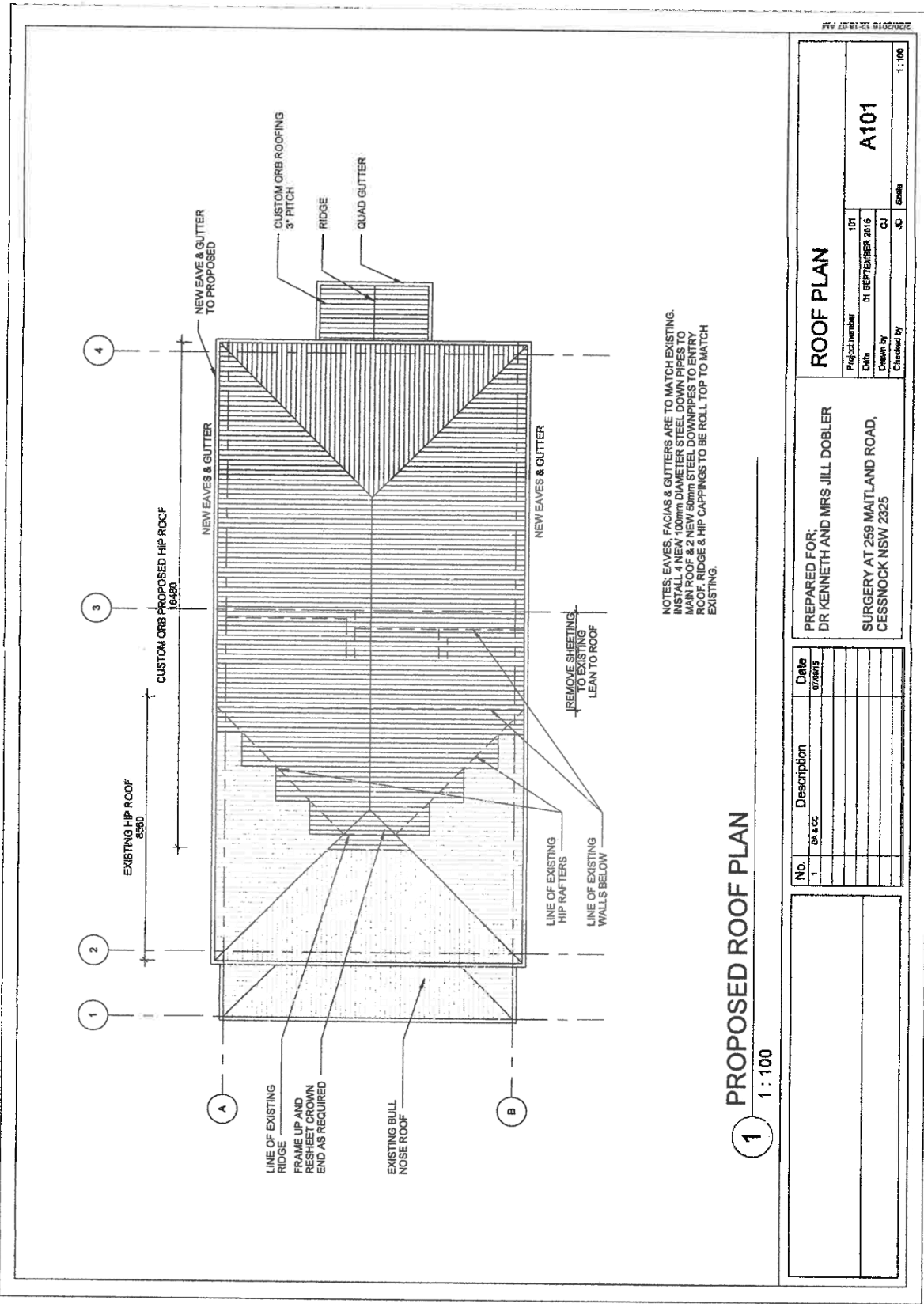


259 Maitland Road, Cessnock

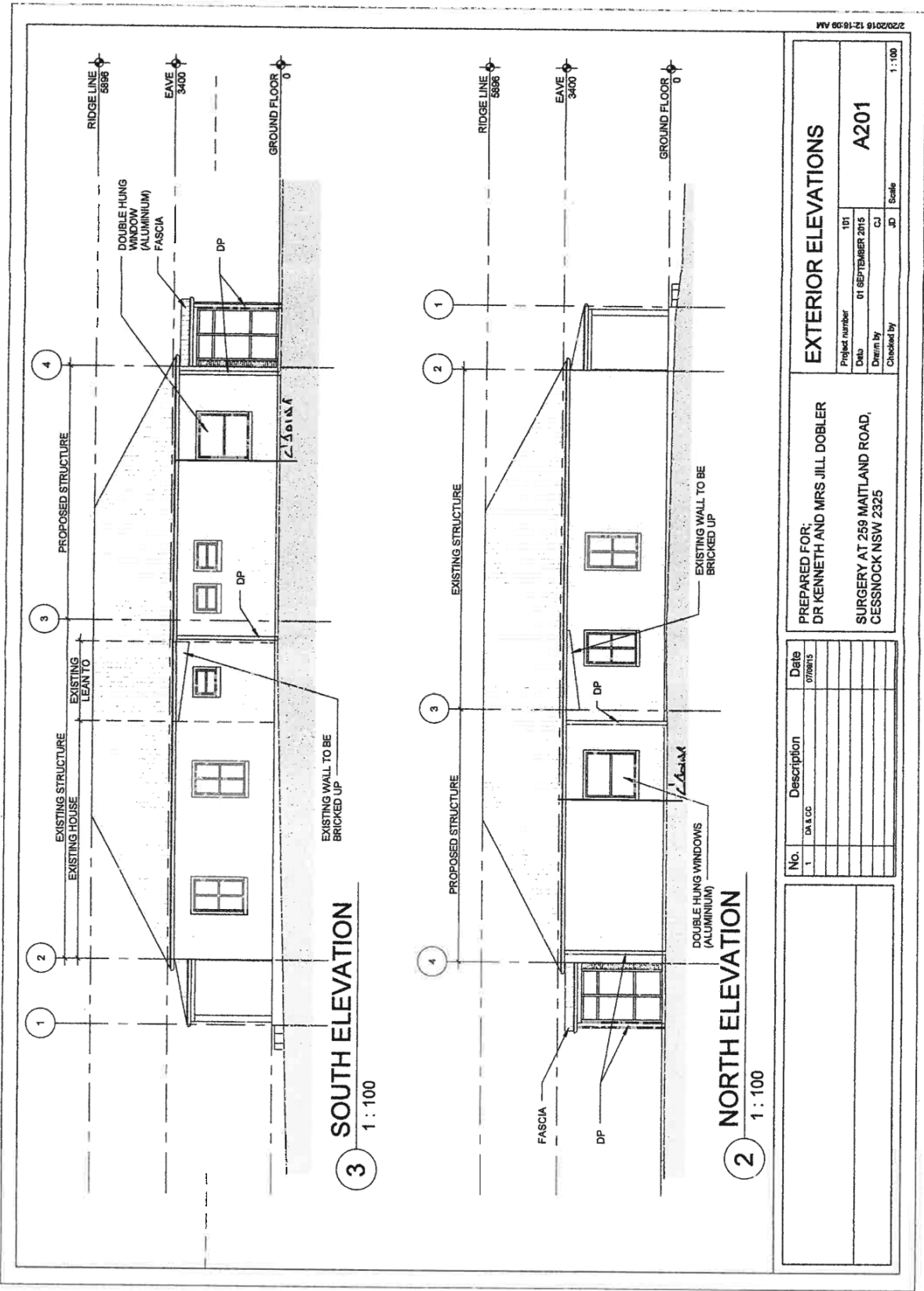




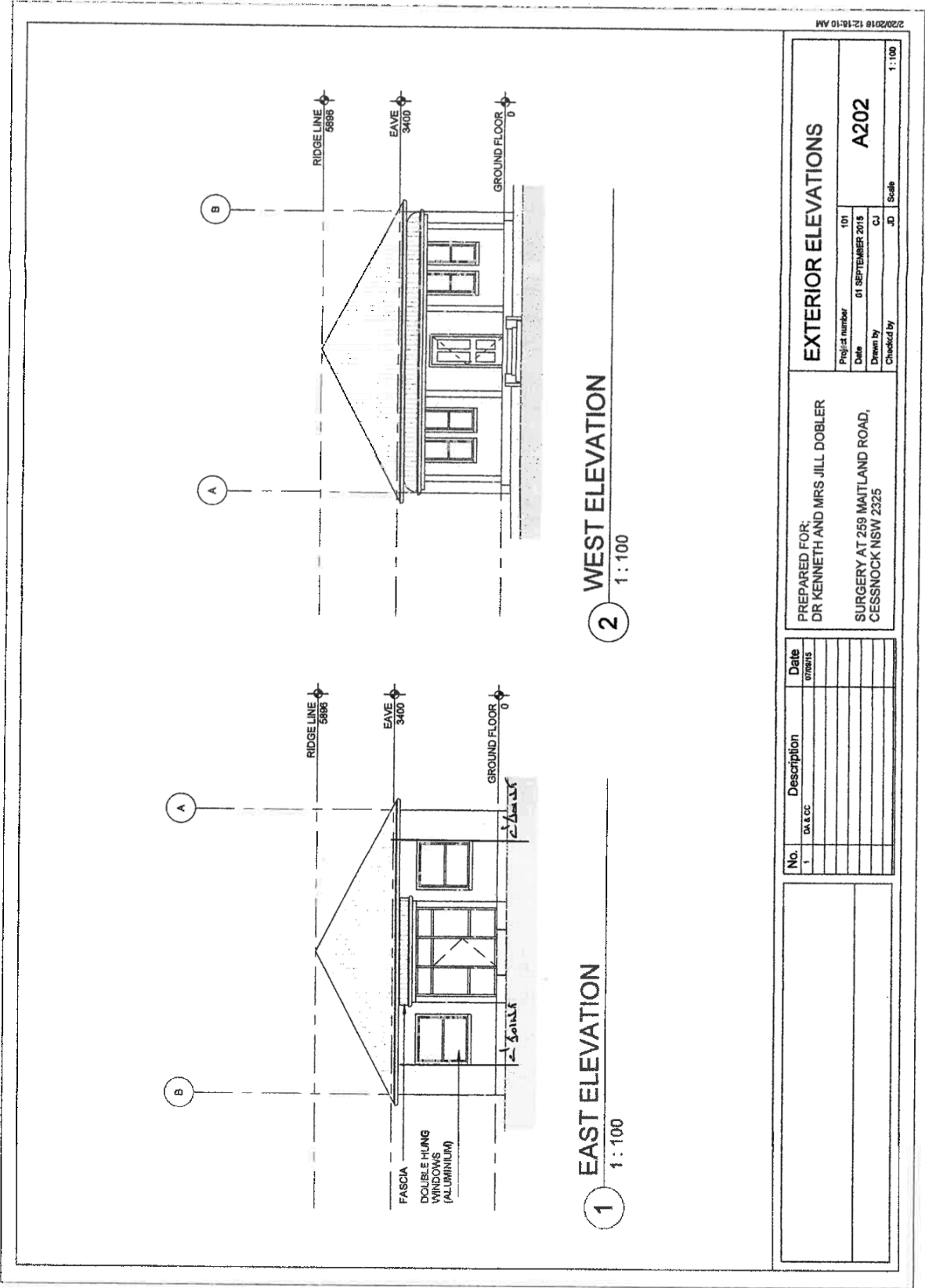
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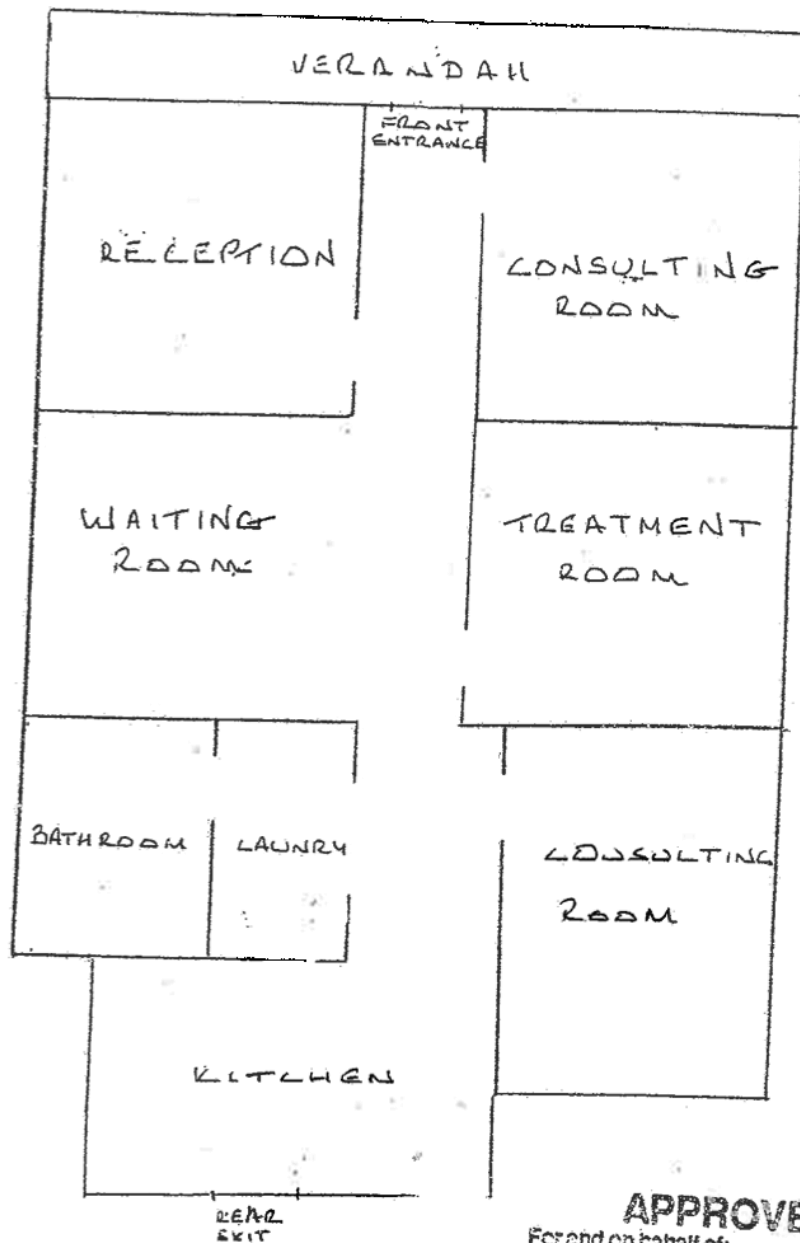


259 Maitland Road, Cessnock



259 Maitland Road, Cessnock

PROPOSED FLOOR PLAN



**APPROVED**  
For and on behalf of:  
**THE CESSNOCK CITY COUNCIL**  
C. L. COWAN TOWN CLERK  
Per: *D. Crookall* per *VB*  
SUBJECT TO: *18* CONDITIONS  
COUNCIL'S LETTER OF: *26/7/94*  
FILE NO: *115/194/148*

259 Maitland Road, Cessnock

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To the General Manager. 16/6/16

We the undersigned

Hereby request the following application.

8/2015/551/1 - 259 maitland Rd, Cessnock.

Be called up to the next available  
Council meeting for debate.

Signed

x

Bryce Gibson



v. Rod Doherty

R. Doherty 16/6/16

x



CORDELIA TROY

259 Maitland Road, Cessnock



**TUJILO PTY LIMITED**  
PROPERTY DEVELOPMENT PROJECT MANAGEMENT  
ABN 1500 3142 541

29<sup>th</sup> April, 2016

**Ms Kerry Porter**  
Senior Planning Assessment Officer  
Cessnock City Council  
67-78 Vincent Street,  
Cessnock NSW 2325

**CC: Mr Darren Layt**

Dear Madam,

**RE: COMBINED DA (8/2015/551/11) & CC (10/2015/551/11) FOR PROPOSED EXTENSIONS TO DOCTORS SURGERY AT 259 MAITLAND ROAD, CESSNOCK**

Further to our meeting with yourself & Councils Building Surveyor, Mr Darren Layt, on the 8<sup>th</sup> February, 2016, and our subsequent meeting with Council General Manager, Director of Planning & Environment & Development Control Team Leader, on the 18<sup>th</sup> April, 2016, we now provide a formal response to Councils outstanding requests for Additional Information dated 2<sup>nd</sup> & 16<sup>th</sup> December, 2015, as follows:

**YOUR LETTER OF THE 2<sup>ND</sup> DECEMBER, 2015**

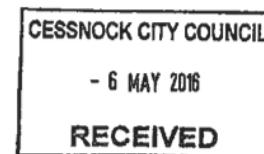
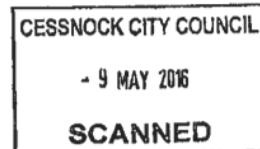
We advise that our Financial Position does not permit us to comply with Council's Consultant Engineer's requirement that the existing Car Parking Area be reconfigured to comply with DCP 2010 (Chapter C.1 - Parking & Access - Clause 1.1.3(d)), nor do we consider it reasonable or appropriate that Council require us to do so given the nature of the proposed alterations & the specialised use to which the building is to be put.

Similarly, we do not consider it reasonable that Council should require the upgrading of the pavement to the rear lane on the basis of "intensification of use & traffic generation" when in fact there is no such intensification of use & traffic generation proposed &/or contemplated. In addition, the existing pavement, which admittedly is in a poor state of repair, was damaged not by traffic visiting our Medical Practice, but by heavily laden delivery trucks & mobile cranes involved with the construction of the major additions to the Bowling Club.

Please be advised that we have today written a separate letter addressed to the General Manager requesting that Council not impose the Engineers requirements in relation to the reconfiguration of the existing Car Park & the upgrading of the rear lane, as Conditions of Consent. A copy of our letter is enclosed for your consideration.



**MILTON PARK ESTATE**  
HORDERNS ROAD, BOWRAL NSW 2576





**THE BUILDING SURVEYORS LETTER OF THE 16<sup>TH</sup> DECEMBER, 2015**

For clarity, we use the same Paragraph & Sub-Paragraph Numbering as used by the Building Surveyor in his letter:

1. Note 1. has been included on Plan A100 and reads: Disabled Access will be provided to & within all areas of the proposed Development normally used by the occupants in accordance with AS 1428.1-2009 - Design for Access & Mobility. (New Building Work).

In addition, the following matters have been addressed and are noted on the Plans:

- i) All new doorways are shown on the Plans as having a minimum clear opening width of 850mm.
  - ii) The minimum width of the hallway has been determined by reference to FIG. 31. of AS 1428.1-2009.
  - iii) Circulation Space at the office doorways has been redesigned to comply. (REF. DRWG. A100).
  - iv) The new access path to the rear entry has been redesigned such that it is now flush on both sides with the adjoining lawn. An approved (proprietary-type) ramp having a Grade of 1:15 & a Rise of 50mm is to be provided at the rear entry door for wheelchair access.
2. Car Parking shall be generally as shown on the Plan. Parking Spaces shall have a depth of 5.400m & a width of 2.400m. A dedicated Disabled Space & shared adjoining space shall have a depth of 5.400m & a width of 4.800m. Parking shall be in accordance with AS/NZS 2890.6-2009.  
  
**Refer also the comments contained in the penultimate paragraph of this letter concerning the existing Car Park.**
3. A 1:25 Floor Plan (DRWG. A103) showing the Disabled Accessible Toilet Facility has been attached hereto. The facility when constructed shall comply with AS/NZS 1428.1-2009.
4. Note 3. has been included on Plan A100 and reads: Braille Tactile Signage shall be provided to the accessible sanitary facilities in accordance with AS/NZS 1428.1-2009.
5. Note 5. has been included on Plan A100 and reads: Tactile Ground Surface Indicators shall be installed (if required) in accordance with the requirements of Section 1. & 2. of AS/NZS 1428.4.1-2009.
6. Note 4. has been included on Plan A100 and reads: All Linings, Materials & Assemblies shall comply with the requirements of C1.10 of the BCA – Fire Hazard Properties.
7. Section J. of the BCA – Energy Efficiency shall be addressed and the Building Fabric, Artificial Lighting, Power & Ventilation Systems will be designed in accordance with the “Deemed to Satisfy Provisions” of Parts J1., J3. & J5. of the BCA & Certification shall be provided as appropriate.



259 Maitland Road, Cessnock

8. Structural details are provided as follows:

- i) The design of the proposed Floor Slab is shown on new DRWG. A104 which is attached hereto, as is the location of the Brickwork Joints above & below the nominated Windows and flush with the Brick / Window Reveals.

**Please Note:** Our Structural Engineer is currently overseas. Upon his return, in about two (2) weeks, he will certify the Structural Integrity of the Design. Meanwhile, to avoid delaying the processing &/or Approval of the Application, we would request Council to Condition its Approval to the effect that the Floor Slabs & Brickwork shall not commence until a Drawing certified by a qualified Structural Engineer has been provided to, and Approved by, Council.

- ii) Timber Framing shall comply with the requirements of Section 7. of the Building Specification provided and with BCA Part 3.4. Wall Framing shall comply with AS 1684, Roof Trusses with AS 1720.1 & Bracing with Section 8. of AS 1684. Roof Trusses shall be designed & certified by the Manufacturer.
- iii) Termite Protection at the junction of the new & existing building, external walls on slabs and to slab penetrations, shall be carried out, & certified where appropriate, by suitably qualified persons, in accordance with AS 3660.1-2000. Note: Penetration of slabs for other than sewer drainage shall not be permitted.

Three (3) A3 Copies of all Drawings, including new Drawings A103 & A104, and Amended Drawing A100, together with A4 Copies of Termite Protection Details, are attached hereto.

**THE EXISTING CAR PARK**

The existing Car Park which provides eight (8) spaces, including a Disabled / Adjoining Shared Space, and which was the subject of Consent Number 118/694/148 (Refer also to Numbered Paragraph 2. above), is to be Resealed, Line-marked & provided with Disabled Signage. This work is to be done in satisfaction of the Owners obligation to maintain the Car Park pursuant to Condition 2. of the said Consent.

Should Council require further information, the Applicant requests that you contact Mr Dobler direct on 0413 331 198, or alternatively by email [johnkdobler@gmail.com](mailto:johnkdobler@gmail.com).

Yours faithfully,  
**TUNING PTY LIMITED**

  
**John Dobler**  
SAQS  
SUPERVISORS CERTIFICATE 962805  
CONTRACTOR LICENSE 148149C

Yours faithfully,  
**MAITLAND ROAD SURGERY**

  
**Dr Ken, and Jill Dobler**

**SCHEDULE 1**

**TERMS OF CONSENT**

**1. Approved Plans and Documents**

Development must be carried out strictly in accordance with DA No. 8/2015/551/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent and where the plans have been amended in red:

Plan Reference	Drawn By	Dated
Project No. 101 Drawing No. A000 Site Plan	CJ	1.9.15
Project No. 101 Drawing No. A100 Floor Plan	CJ	1.9.15
Project No. 101 Drawing No. A101 Roof Plan	CJ	1.9.15
Project No. 101 Drawing No. A201 North and South Elevations	CJ	1.9.15
Project No. 101 Drawing No. A202 East and West Elevations	CJ	1.9.15

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

**2. CC Required**

In accordance with the provisions of Section 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 109E of the *EP&A Act 1979*; and

**259 Maitland Road, Cessnock**

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- 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
- 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.

**3. Hours of Operation**

The medical centre is to operate between the hours of 8.00am to 6.00pm from Monday to Friday and 9.00am to 11.00am on Saturdays.

**4. Disabled Access & Facilities**

The building is to be provided with access and facilities for people with disabilities in accordance with the Disability (Access to Premises – Buildings) Standards 2010.

**PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

**5. Car Park – Amended Plans**

Prior to issue of a CC, plans shall be submitted with the *CA* for approval identifying the provision of a minimum of eight (8) on-site parking spaces (including the provision of one (1) disabled car park).

The design of the on-site parking area is to comply with the provisions of Council's Development Control Plan (DCP) 2010, Chapter C.1 – Parking and Access and AS 2890.1:2004 *Parking Facilities – Off-Street Car Parking*. Specifically, all vehicles entering and leaving the site will be required to do so in a forwards direction in accordance with Section 1.1.3 (Objective d) of Chapter C.1 under Council's DCP.

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.

**6. Disabled Car Parking Spaces**

A total of one (1) 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 CC.

- \* 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*

**259 Maitland Road, Cessnock**

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- \* 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.

**7. Stormwater – Discharge (General)**

The applicant shall collect all roof and stormwater runoff from the impervious areas on site, and any other drainage entering the site, and discharge it to Council's satisfaction in accordance with Council's 'Engineering Requirements for 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 the CC.

**8. Car Park Stormwater – Detailed Design Requirements**

A detailed drainage design shall be prepared for the disposal of surface water from the carpark, 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.

**9. Landscaping - Carpark**

A detailed landscaping plan for the carpark shall be prepared by a suitably qualified person in accordance with the provisions of Council's DCP 2010 (Chapter C.1 – Parking and Access) and approved by the CA prior to issue of a CC.

**PRIOR TO COMMENCEMENT OF WORKS**

**The following conditions are to be complied with prior to the commencement of works on the subject site/s:**

**10. PCA Signage and Contact Details**

Prior to the commencement of works, a sign must be erected in a prominent position on the site on which the proposal is being carried out. The sign must state:

- a) Unauthorised entry to the work site is prohibited
- b) The name of the principal contractor (or person in charge of the site) and a telephone number on which that person may be contacted at any time for business purposes and including outside working hours
- c) The name, address and telephone number of the PCA for the work

**259 Maitland Road, Cessnock**

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Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

**11. 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.

**12. Toilet Facilities**

Toilet facilities are to be provided prior to works commencing, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be a sewage management facility approved by the NSW Department of Health and/or Council, and operate in an environmentally responsible manner, free of nuisance or offence, and be appropriately serviced.

**13. Relocation of 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**

**The following conditions are to be complied with during works:**

**14. Construction Hours**

Excavation, building or subdivision work must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. No work is to be carried out on Sundays and public holidays.

**15. Road – Obstruction of Footpath Restriction**

No obstruction is to be caused to Council's footpaths, roads and/or other public areas during construction of the development.

No spoil, building materials, excavated or demolition material from the site shall be stored or deposited on the public road, footpath, public place or Council owned property, without prior approval of Council.

**16. 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

**259 Maitland Road, Cessnock**

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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.

**17. Protection of Street Trees**

No trees on public property (footpaths, road reserves, etc) are to be removed or damaged during construction, including for the erection of any fences, hoardings or other temporary works, unless specifically approved in this consent.

**18. Stormwater Runoff**

Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

**19. Waste Management**

Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.

**20. Building Materials On Site**

All building materials, plant and equipment are to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves, etc.

**21. Location of Council Pipes**

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- a) Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works
- b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits
- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage, and the like). All proposed structures and construction activities must be sited fully clear of Council's stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.

If the Council pipeline is uncovered during construction, all work must cease, and the PCA and Council must be contacted immediately for advice. Any damage caused to the Council stormwater drainage system must be immediately repaired in full as directed, and at no cost to Council.

**259 Maitland Road, Cessnock**

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## **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

**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):**

### **22. Finish of Surface Around Site**

Prior to issue of a Final OC, the excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.

### **23. Retaining Walls and Drainage**

All retaining walls and associated drainage shall be installed and completed prior to issue of an OC in respect of the building.

### **24. Completion of Car Park**

Prior to issue of an OC, the car park shall be completed, suitably line marked and landscaped in accordance with the approved CC plans.

### **25. Certification of Fire Services**

The building 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 building or issue of an OC.

The Final Fire Safety Certificate and the Fire Safety Schedule are to be prominently displayed in the building.

### **26. Roads – Bitumen Crossing**

The registered proprietors shall construct and maintain a bitumen sealed access crossing from the edge of the road formation in Dowlan Lane 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 a Final OC. Where an Interim OC is issued the crossing shall be completed within six (6) months from the date of the Interim 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.



**259 Maitland Road, Cessnock**

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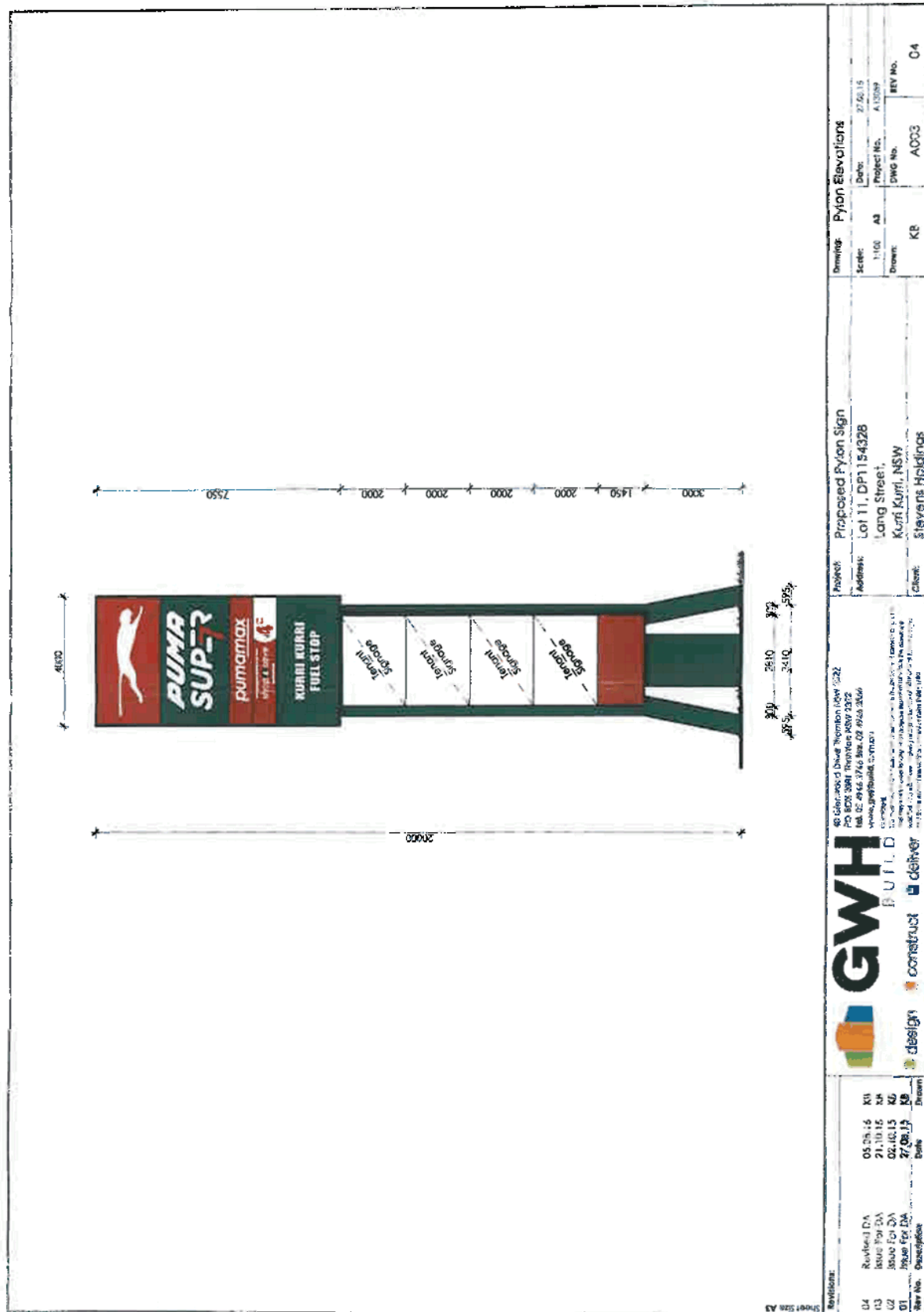
The initial fee will facilitate approval of the application and one (1) construction inspection (gravel in place but prior to sealing of the crossing).

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.

**27. Drainage Works**

All drainage works required to be undertaken in accordance with this consent shall be completed prior to issue of an OC for the development.



**Proposed Pylon Sign**

10.0m

8.55m

1.00m

4.80m

1.20m

1:100

North Arrow

Scale: 1:100

Drawn: KB

Check: A002

Date: 22.08.15

Project No: A13200

Client: Stewarts Holdings

Address: Lot 11, DP1154328, Long Street, Kurri Kurri, NSW

Project: Proposed Pylon Sign

Drawn: KB

Check: A002

Date: 22.08.15

Project No: A13200

Client: Stewarts Holdings

Address: Lot 11, DP1154328, Long Street, Kurri Kurri, NSW

Project: Proposed Pylon Sign

**VIEW OF SITE FROM HUNTER EXPRESSWAY, NOTING ELECTRICAL TOWERS ON SITE.**



141 Main Road 195, Heddon Greta



Transport  
Roads & Maritime  
Services

5 February 2015

CR2016/000125  
SF2014/013456  
DC

General Manager  
Cessnock Council  
PO Box 152  
CESSNOCK NSW 2325

Dear Kristen Wells,

MAIN ROAD (MR195): ADVERTISING STRUCTURE, LOT: 112 DP: 1205440, 141 MAIN ROAD,  
HEDDON GRETA – DA 8/2015/663/1

Reference is made to Council's letter dated 7 January 2015, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for concurrence in accordance with Clause 18 of the *State Environmental Planning Policy No 64 – Advertising and Signage*.

Roads and Maritime understands the proposal is for the erection of a pylon sign, measuring 20m in height and 4m wide and visible to the Hunter Expressway.

Roads and Maritime response and requirements

Roads and Maritime has reviewed the information provided and objects to the proposal for the following reasons:

- The location of the sign does not allow adequate reaction time for drivers to safely make a decision to exit the Hunter Expressway onto the off-ramps.
- There is no provision for vehicles to turn right out of the service station to continue their journey south onto the Hunter Expressway.

**Roads and Maritime Services**

Level 1, 59 Darby Street, Newcastle NSW 2300 |  
Locked Bag 2030, Newcastle NSW 2300 | 02 4924 0688

[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au) | 13 22 13

**141 Main Road 195, Heddon Greta**

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- With regards to existing advertising structures adjacent to Service Centres on the Pacific Highway and M1, these signs are provided for designated Service Centres which are purpose built and have the necessary infrastructure to provide safe access and egress to the site.

On Council's determination of this matter, please forward a copy of the determination to Roads and Maritime for record and / or action purposes. Should you require further information please contact David Collaguazo on 4924 0334 or by email at [development.hunter@rms.nsw.gov.au](mailto:development.hunter@rms.nsw.gov.au)

Yours sincerely



Martin Jenkins  
A/Manager Land Use Assessment  
Hunter Region

**141 Main Road 195, Heddon Greta**

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Transport  
Roads & Maritime  
Services

16 June 2016

CR2016/002522  
SF2014/013456  
TR

General Manager  
Cessnock Council  
PO Box 152  
CESSNOCK NSW 2325

Dear Kristen Wells,

MAIN ROAD (MR195): ADVERTISING STRUCTURE, LOT: 112 DP: 1205440, 141 MAIN ROAD,  
HEDDON GRETA – DA 8/2015/663/1

Reference is made to Council's letter dated 16 May 2016, regarding the applicant's response to previous advice by Roads and Maritime in our letter dated 5 February 2016.

Roads and Maritime understands the proposal is for the erection of a pylon sign, measuring 20m in height and 4m wide and visible to the Hunter Expressway. It is noted the proposed pylon sign has been modified to remove the 'price board' component of the sign.

It is further understood the location of the sign has not changed in relation to the proximity of the Hunter Expressway.

Roads and Maritime response

Roads and Maritime has reviewed the information submitted by the applicant and confirms that Point 8 Safety under Schedule 1 of SEPP 64 has not been complied with.

The proposal would reduce the safety of the classified road network as the size and location of the sign as shown in Dwg A001 by GWH Build will be visible by vehicles on the Hunter Expressway. The location of the sign does not allow adequate reaction time for drivers to safely make a decision to exit the hunter Expressway onto the off-ramps.

**Roads and Maritime Services**

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Level 1, 59 Darby Street, Newcastle NSW 2300 |  
Locked Bag 2030, Newcastle NSW 2300 | 02 4924 0688

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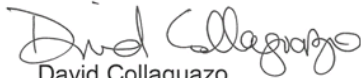
**141 Main Road 195, Heddon Greta**

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Accordingly, Roads and Maritime maintains its objection to the proposal for the reasons noted in our previous correspondence dated 5 February 2016.

On Council's determination of this matter, please forward a copy of the determination to Roads and Maritime for record and / or action purposes. Should you require further information please contact David Collaguazo on 4924 0334 or by email at [development.hunter@rms.nsw.gov.au](mailto:development.hunter@rms.nsw.gov.au)

Yours sincerely



David Collaguazo  
A/Manager Land Use Assessment  
Hunter Region

141 Main Road 195, Heddon Greta



## **SCHEDULE 1**

### **TERMS OF CONSENT**

#### **1. General Terms of Approval**

Development must be carried out strictly in accordance with DA No. 8/2015/663/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

<b>Plan Reference</b>	<b>Drawn By</b>	<b>Dated</b>
Pylon Elevations, Dwg No. A003, Rev 4	GWH Build	27.08.15
Overall Site Plan, Dwg No. A001, Rev 2	GWH Build (KB)	27.08.15
Detailed Site Layout, Dwg No. A002, Rev 2	GWH Build (KB)	27.08.15
Statement of Environmental Effects	Stevens Group	November 2015

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

#### **2. BCA Compliance**

All building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

#### **3. Advertising and Signage**

The development shall be undertaken in accordance with the plans submitted with the application, or as modified by these further conditions. There must be no flashing, scintillating advertising material and no animated advertising except with further approval.

#### **4. Advertising and Signage**

The business identification sign shall be finished in the colours detailed on the plans submitted with the application.

#### **5. Advertising and Signage**

The advertising sign shall be constructed entirely within private property and shall not encroach or overhang into the road reserve or existing easements on the site.

#### **6. Advertising and Signage**

The advertising sign shall meet the criteria contained in Section 3 of the Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007) – Advertisements and Road Safety.

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

**7. Electricity Infrastructure**

Prior to the release of the CC, the applicant shall satisfy the requirements specified within the Ausgrid NSW letter dated 3 June 2016 and as attached to this consent. The developer shall submit an 'Earthing Review Report' assessing the potential hazards associated with the business identification sign and the electricity infrastructure within the vicinity of the site. Specifically, Earth Potential Rise (EPR) voltages shall be considered. The report must be deemed acceptable by Ausgrid prior to the release of any CC.

**DURING CONSTRUCTION**

**8. Service Relocation**

The developer 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.

**9. BCA Compliance**

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, however must be removed when the work has been completed.

**10. Construction Hours**

Construction, demolition and associated work shall be carried out only between the times stated as follows:-

Mondays to Fridays	7.00a.m. to 6.00p.m.
Saturdays	8.00a.m. to 1.00p.m.
Sundays & Public Holidays	No construction work to take place.

**141 Main Road 195, Heddon Greta**

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**11. Excavations and Backfilling**

Any excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water and to ensure the free flow of water away from the building and adjoining properties.

**PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

**12. Terms of Approval**

Occupation or use of signage for the purposes approved by this consent shall not commence until all conditions of this consent have been complied with and the Occupation Certificate has been issued.

**13. Excavations and Backfilling**

The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring onto adjacent private or public property.



# **PLANNING PROPOSAL**

## **Amendment to the *Cessnock Local Environmental Plan 2011***

### **Schedule 1 Additional Permitted Use – Orica Site**

**1151 George Booth Drive, Richmond Vale  
LOT 2 DP 809377**

Version 2.2

20 Jul 2016

**Contact:** Mr I D Rush

**Telephone:** 02 4993 4155

**Email:** [ian.rush@cessnock.nsw.gov.au](mailto:ian.rush@cessnock.nsw.gov.au)

Planning Proposal – Orica

File No. 18/2014/4/1

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## TABLE of CONTENTS

---

Summary of Proposal .....	3
PART 1: OBJECTIVES and OUTCOMES .....	6
PART 2: EXPLANATION of PROVISIONS.....	7
PART 3: JUSTIFICATION.....	9
Section A: Need for Proposal .....	9
1 Resulting from a Strategic Study or Report.....	9
2 Planning Proposal as best way to achieve to objectives.....	9
Section B: Relationship to Strategic Planning Framework .....	10
3 Consistency with Objectives and Actions within Regional Strategies .....	10
4 Consistency with Council's Community Strategic Plan or other Local Strategic Plan	12
5 Consistency with State Environmental Planning Policies .....	13
6 Consistency with s.117 Ministerial Directions for Local Plan Making.....	19
Section C: Environmental, Social and Economic Impact .....	28
7 Impact on Threatened Species .....	28
8 Environmental Impact .....	29
9 Social and Economic Impacts.....	30
Section D: State and Commonwealth Interests.....	31
10 Adequate Public Infrastructure.....	31
11 Consultation with State and Commonwealth Authorities .....	31
PART 4: MAPPING.....	32
PART 5: COMMUNITY CONSULTATION .....	33
PART 6: PROJECT TIMELINE .....	34

---

## Tables

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Table 1: Relevant draft Hunter Regional Plan Goals.....	11
Table 1: Relevant State Environmental Planning Policies.....	13
Table 2: Relevant s.117 Ministerial Directions.....	19

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## Figures

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Figure 1: Subject Land, 1151 George Booth Drive Richmond Vale .....	5
Figure 2: Area Subject to Proposed Additional Permitted Use Provision .....	7

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## Appendices

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Appendix 1: Council Report and Minutes .....	36
Appendix 2: Mapping Amendments .....	47
Appendix 3: Agency Consultation .....	49



Planning Proposal – Orica

File No. 18/2014/4/1

## Summary of Proposal

<b>APPLICATION NUMBER:</b>	18/2014/4
<b>PROPOSAL:</b>	Planning Proposal – Orica
<b>PROPERTY DESCRIPTION:</b>	Part of Lot 2 DP 809377
<b>PROPERTY ADDRESS:</b>	1151 George Booth Drive Richmond Vale
<b>ZONE: (CURRENT)</b>	RU2 Rural Landscape under the <i>Cessnock Local Environmental Plan (LEP) 2011</i>
<b>ZONE (PROPOSED)</b>	Not applicable – an Additional Permitted Use is proposed
<b>OWNER:</b>	Orica (Australia) Pty Ltd
<b>PROPONENT:</b>	Urbis Pty Ltd

## Background

Orica has operated an explosive research and development facility at Richmond Vale since 1991. Until 2010, the facility operated under three development consents issued by Council. At the time the consents were issued, the site was zoned 1(a) Rural "A" and the use was permissible pursuant to Schedule 5 of the LEP 1989, being development for certain additional purposes, as follows:

*explosives research and production facility involving:*

- (a) *the construction and use of offices, laboratories and workshops for the purposes of research into, and development of, explosives and associated manufacturing processes, methods of application of explosives, related advanced engineering processes and blasting physics, and*
- (b) *the production, storage and testing of explosives.*

In July 2010, the then Minister for Planning granted approval to the Orica Ammonium Nitrate Emulsion Project under the now repealed Part 3A major infrastructure and other projects provisions of the *Environmental Planning and Assessment Act 1979*. The Minister's Project Approval enabled the continuation of Orica's existing facility and the manufacture of up to 250,000 tonnes per annum of ammonium nitrate emulsion to be sold primarily to the mining industry for use as an explosives precursor.

Since the Major Project Approval was granted, Council prepared the *Cessnock Local Environmental Plan (LEP) 2011* and this was made in December 2011. Under the LEP 2011, the site was zoned in part, RU2 Rural Landscape Zone, which applied over the developed footprint of the site. The remainder of the site, including an expansion of the facility under the State Government Major Project Approval No. 09\_0090, was identified as 'deferred matter' and maintained a 1(a) Rural "A" Zone under the LEP 1989.

The Additional Permitted Use specified in Schedule 5 of the LEP 1989 for the site, being 'explosives research and production facility', was not carried to the LEP 2011 during its preparation, principally due to Departmental policy at the time. This has resulted in reliance on existing use rights provisions for Orica's continuing operation of the facility at Richmond Vale.

Planning Proposal – Orica

File No. 18/2014/4/1

In August 2014, Orica Limited lodged a Planning Proposal with Council to seek a zoning over the central portion of the site to SP1 Special Activities Zone to enable future operations without having to rely on existing use rights. The balance of the land was to be zoned E2 Environmental Conservation. The Planning Proposal was reported to Council in December 2014 and Council resolved to proceed with the amendment by forwarding the Planning Proposal to the Department of Planning and Environment (DoPE) for Gateway determination. The Gateway determination was issued on 16 February 2015 and required the agreement of the NSW Office of Environment and Heritage regarding environmental conservation outcomes.

In the months that elapsed since the original Gateway determination was issued by DoPE, significant discussion has occurred between Orica, Council, and the NSW Office of Environment and Heritage to develop a preferred planning approach to ensure environmental conservation and allow for the ongoing viability of Orica's facility at Richmond Vale. As a result of these discussions, the Planning Proposal was amended in early 2016 to apply an Additional Permitted Use to part of the site to accommodate Orica's existing facility and allow for limited expansion in the future. The amended Proposal reflects the provisions that formally applied to the entire site under the LEP 1989. An amended Gateway determination was issued in respect of the amended Proposal on 17 March 2016.

On 1 April 2016, Amendment No. 16 to the LEP 2011 was notified and had the effect of formalising the zoning of the 'Deferred Matter' sites in the Local Government Area under the LEP 2011. Consequently, the land formally identified as 'Deferred Matter' within Lot 2 DP 809377 was converted to RU2 Rural Landscape Zone.

Planning Proposal – Orica

File No. 18/2014/4/1

Figure 1: Subject Land, 1151 George Booth Drive Richmond Vale



Planning Proposal – Orica

File No. 18/2014/4/1

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## **PART 1: OBJECTIVES and OUTCOMES**

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The objective of the Planning Proposal is to provide certainty for the long term use of the site as a 'Technology Centre and Explosive Research and Production Facility'. The Proposal also seeks to enable limited expansion of existing operations in the site whilst facilitating environmental conservation outcomes. The outcome of the Planning Proposal will be the inclusion of an Additional Permitted Use (APU) to Schedule 1 of the Cessnock Local Environmental Plan (LEP) 2011 on part of the site, being 'Technology Centre and Explosive Research and Production Facility'.



Planning Proposal – Orica

File No. 18/2014/4/1

## PART 2: EXPLANATION of PROVISIONS

The Planning Proposal seeks to incorporate an Additional Permitted Use (APU) in Schedule 1 of the LEP 2011 to accommodate the approved and existing use of the site as a 'Technology Centre and Explosives Research and Production Facility'. The APU will apply to the central portion of the site, as hatched in green in Figure 2.

Figure 2: Area Subject to Proposed Additional Permitted Use Provision



The Proposal reflects provisions that formally applied to the entire site under the LEP 1989. The Proposal will allow for limited expansion of existing operations whilst facilitating environmental conservation outcomes over the majority of the site. The Proposal does not seek to rezone the subject site, as originally proposed.

On 1 April 2016, Amendment No. 16 to the LEP 2011 was notified and had the effect of formalising the zoning of the 'Deferred Matter' sites in the Local Government Area under the LEP 2011. Consequently, the land formally identified as 'Deferred Matter' within Lot 2 DP 809377 was converted to RU2 Rural Landscape Zone.

The Proponent has offered to enter into a Voluntary Planning Agreement (VPA) to bring about the environmental conservation outcomes required by the NSW Office of Environment and Heritage in relation to the Proposal. The VPA will provide for offsets based upon the bio-banking methodology and credit retired under the *Threatened Species Conservation Act*

The Planning Proposal is supported by the NSW Department of Planning and Environment and NSW Office of Environment and Heritage. It is considered that the Planning Proposal will provide greater certainty regarding the extent of future development within the site and of site

Planning Proposal – Orica

File No. 18/2014/4/1

clearing, which will be limited to a maximum of 12 hectares, as opposed to a potential 100 hectares under the original Planning Proposal.

**Recommendation:**

It is recommended that the following amendments are made to the LEP 2011:

1. Amend Schedule 1 of the Plan to include the following additional permitted use:

**Use of certain land at George Booth Drive, Richmond Vale**

- (1) This clause applies to land being part of Lot 2 DP 809377 at 1151 George Booth Drive, Richmond Vale and identified on the Additional Permitted Uses Map.
- (2) Development for the purpose of a *Technology Centre and Explosive Research and Production Facility*, involving:
  - (a) *the construction and use of offices, laboratories and workshops for the purposes of research into, and development of, explosives, precursors and associated manufacturing processes, methods of application of explosives, related advanced engineering processes and blasting physics, and*
  - (b) *the production, storage and testing of explosives and their precursors*

is permitted with development consent.

2. Amend the Additional Permitted Uses Map that accompanies the LEP 2011 to identify that part of Lot 2 DP 809377 at 1151 George Booth Drive, Richmond Vale to which the APU applies, as hatched in green in Figure 2.



Planning Proposal – Orica

File No. 18/2014/4/1

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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

The Planning Proposal is not the result of a strategic study or report. The Planning Proposal will provide planning certainty for the existing and future operations on site and facilitate environmental conservation outcomes.

The Proposal will ensure that the Orica operation will be permissible under the provisions of the *Cessnock Local Environmental Plan (LEP) 2011* and not operate under existing use rights provisions of the *Environmental Planning and Assessment Act 1979*.

#### 2 Planning Proposal as best way to achieve to objectives

It is considered that a Planning Proposal is the best way to achieve the objectives for the subject site.

Without the inclusion of the site in Schedule 1 of the LEP 2011 with an Additional permitted use, the current operations and future expansion or redevelopment works, including minor matters would be restricted to existing use rights provisions. The provisions have the potential to significantly limit the extent of physical and operational expansion of non-conforming uses in the future.

The Proposal will facilitate environmental conservation outcomes over the majority of the site through a bio-banking agreement. Currently, there is a biodiversity off-set arrangement in place for the south-western corner of the site adjacent to the Sugarloaf Conservation area. Similar offsets are proposed under the subject Proposal through a VPA to maintain an appropriate area for biodiversity conservation. This VPA has been the subject of lengthy discussions between the applicant and officers of Council and the NSW Office of Environment and Heritage.

Planning Proposal – Orica

File No. 18/2014/4/1

## **Section B: Relationship to Strategic Planning Framework**

### **3 Consistency with Objectives and Actions within Regional Strategies**

#### **Lower Hunter Regional Strategy 2006**

The Lower Hunter Regional Strategy (LHRS) highlights mining as one of the region's economic strengths and its contribution towards the region's future diverse economic base, skilled workforce and nationally significant infrastructure, such as the world's largest coal exporting port. The LHRS emphasises that *"building on these important economic assets will further enhance the capacity of the region to provide continued economic growth."*

The Proposal aligns with NSW Government's priority, as it will provide a level of certainty to expand Orica operations within a designated area of the site to cater for the long term growth of Australia's largest regional economy.

Relative to the identified actions of the LHRS the Planning Proposal is consistent with this strategic document for the reasons provided below:

- The proposed inclusion of a designated area within the site in Schedule 1 to accommodate an additional permitted use for a "Technology Centre and Explosive Research and Production Facility" will enable the future expansion of a facility that already employs approximately 310 staff at the site and with future growth associated with potential expansion plans.
- The balance of the site will be zoned RU2 under Council's draft LEP amendment No.16. This will preserve the existing landscape character of the site.
- The site is situated north of the Watagan to Stockton Corridor however the planning proposal will facilitate biodiversity offsets through a VPA between the applicant and Council that will retain in perpetuity biodiversity offsets.
- The Planning Proposal will not impact on access to mineral resource lands.
- The site is not recognised by State Government as regionally significant agricultural land and therefore the use of a limited area on the site for explosives research and production facility will not impact on the region's agricultural industry.

#### **Draft Hunter Regional Plan**

The draft Hunter Regional Plan (HRP) provides the strategic overarching framework to guide development and investment in the Hunter region up to 2036. The NSW Government's vision is:

*The Hunter region will capitalise on its diversity and connectivity to capture growth, using its natural resources and amenity, economic strengths, and its communities, to actively manage change and attract investment. It will offer an array of quality lifestyles within sustainable and healthy environments.*

Planning Proposal – Orica

File No. 18/2014/4/1

The four goals underpinning the draft HRP are to:

- GOAL 1 Grow Australia's next major city.
- GOAL 2 Grow the largest regional economy in Australia.
- GOAL 3 Protect and connect natural environments.
- GOAL 4 Support robust regional communities.

The matters to be addressed within this planning proposal relate to the relevant draft HRP Goals and respective directions and actions specific to growing the Hunter region's economy and protecting the natural environment.

This is discussed in Table 1 below.

**Table 1: Relevant draft Hunter Regional Plan Goals**

Draft HRP Goals	Response to the Goals and associated Directions and Actions
Goal 2 Grow the largest regional economy in Australia	<p>The Planning Proposal will contribute towards the Hunter as an <i>"innovative, competitive and resilient"</i> region by facilitating future expansion of a facility that provides critical support to the region's mining industry.</p> <p>The draft HRP notes that <i>"Land use planning can help industries foster innovative and sustain economies of scale. It can also affect how efficiently infrastructure can be delivered."</i> This Planning Proposal will enable Orica Limited to continue to research and develop new and innovative products to service the mining industry.</p> <p>This Planning Proposal seeks to put in place a transparent statutory planning framework for the site to support current and future research and development and production activities on site to meet future demands of the Hunter's mining industry as they arise.</p> <p>The site is strategically located in close proximity to the regional road network and the NSW Government will commit to deliver corridor strategies to support the long term management and operation of State roads in the Hunter.</p> <p>The NSW Government has introduced a Draft Strategic Release Framework to release new areas for coal and petroleum exploration, reflecting the State's commitment to plan for the ongoing productive use of extractive resource lands. Orica Limited will be instrumental in the long term production of extractive industries and therefore highlighting the importance of this Planning Proposal relative to NSW's broader goals.</p>
Goal 3 – Protect and Connect Natural Environments	<p>The Planning Proposal will limit the 'explosives research and production facility' to a general designated area to accommodate existing, future development and required buffer areas as shown on Figure 5. The remainder of the site will not be permitted to accommodate these activities.</p> <p>A VPA between Orica Limited and Council will deliver biodiversity offsets to enable the protection of highly valued areas on the site that are not to be developed. This will provide the certainty and</p>

Planning Proposal – Orica

File No. 18/2014/4/1

Draft HRP Goals	Response to the Goals and associated Directions and Actions
	<p>management of the highly valued ecological areas in the remainder of the site in perpetuity.</p> <p>The Planning Proposal provides a balanced outcome of accommodating lands to support the region's mining industry whilst delivering environmental outcomes in conserving and enhancing biodiversity values.</p>

### Lower Hunter Regional Conservation Plan

The Lower Hunter Regional Conservation Plan details a 25 year program to direct and drive conservation planning and efforts in the Lower Hunter Valley. The Plan:

- analyses the impacts of the urban development scenarios in the LHRS;
- presents a biodiversity investment guide that identifies areas that could be targeted for public or private land conservation or restoration;
- identifies mechanisms for biodiversity conservation through investment in the Lower Hunter (at a landscape level);
- provides a guide for local government authorities to plan for biodiversity protection, conservation and management, and local environmental planning instruments.

The Planning Proposal is supported in principle by the NSW Department of Planning and Environment and NSW Office of Environment and Heritage. It is considered that the Planning Proposal will provide greater certainty regarding the extent of future development within the site and of site clearing, which will be limited to a maximum of 12 hectares, as opposed to a potential 100 hectares under the original Planning Proposal.

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

### Community Strategic Plan – Our People, Our Place, Our Future

The Cessnock Community Strategic Plan 2023 was prepared in 2013 and identifies the community's main priorities and expectations for the future and ways to achieve these goals. A range of strategic directions are provided which relate to the social, environmental and economic health, sustainability and prosperity of the Cessnock LGA. The objectives and associated strategic directions relevant to the Planning Proposal relate to "*Diversifying local business options*"; "*Achieving more sustainable employment opportunities*", and "*Protecting & enhancing the natural environment & the rural character of the area*". The Planning Proposal is consistent with these objectives by:

- The proposed inclusion of the central portion of the site in Schedule 1 of CLEP2011 to accommodate an additional permitted use for a "Technology Centre and Explosive Research and Production Facility" will provide a level of certainty to a major mining related operator that will facilitate a range of employment opportunities.
- The separate amendment to the LEP 2011 to retain the rural zoning of the 'deferred matter' area of the land from 1(a) Rural "A" Zone to RU2 Rural Landscape Zone will not carry over the Additional Permitted Use of production,

Page 12 of 52

Planning Proposal – Orica

File No. 18/2014/4/1

storage and testing of explosives into this part of the site. The Additional Permitted Use will be restricted to the central portion of the site under Schedule 1. This will provide further certainty that the site's *Rural Landscape* and sensitive environmental lands will be maintained over the majority of the site.

### City Wide Settlement Strategy (2010)

The City Wide Settlement Strategy (CWSS) was prepared in 2010 to establish Council's strategic directions for the preparation of the CLEP 2011. The CWSS recognises that employment land within the Lower Hunter is required not only to accommodate its own projected economic growth, but also to contribute towards meeting the employment land needs of the broader Sydney metropolitan region.

It is projected that an additional 72 – 192 ha of general purpose industrial land is required to ensure sufficient zoned land up to 2031 as per the employment capacity projections outlined in the Lower Hunter Regional Strategy.

The CWSS further notes that the Cessnock LGA is a relatively small component of the regional industrial land market and that the competitiveness Cessnock's local service-based land supply is undermined by the lack of suitable supply, with businesses locating to adjoining local government areas such as Maitland and Newcastle.

This Planning Proposal will contribute towards strengthening Cessnock's economic role in the Lower Hunter by:

- Enabling the future expansion of an existing significant industrial facility without impacting on the current supply of existing industrial zoned land; and
- The expansion plans will provide for up to an additional 10 - 50 staff, which will be drawn from the local and regional population catchment such as Cessnock, Maitland and Lake Macquarie.

## 5 Consistency with State Environmental Planning Policies

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

Table 2: 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.	Pursuant to Clause 1.9 of the <i>Cessnock Local Environmental Plan 2011</i> , the SEPP does not apply to the subject land.
<b>SEPP 14 – Coastal Wetlands</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP 15 – Rural Land Sharing Communities</b>	The SEPP provides for multiple occupancy development, with council consent, in rural and non-urban zones, subject to a list of criteria in the policy.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 19 – Bushland in Urban</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>



Planning Proposal – Orica

File No. 18/2014/4/1

SEPP	Relevance	Consistency and Implications
<b>Areas</b>		
<b>SEPP 21 – Caravan Parks</b>	The SEPP provides for development for caravan parks.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 26 – Littoral Rainforests</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP 29 – Western Sydney Recreation Area</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP 30 – Intensive Agriculture</b>	The SEPP provides considerations for consent for intensive agriculture.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)</b>	The SEPP makes provision for the re-development of urban land suitable for multi-unit housing and related development.	The SEPP does not apply to the subject land as it is zoned rural.
<b>SEPP 33 – Hazardous &amp; Offensive Development</b>	The SEPP provides considerations for consent for hazardous & offensive development.	Consistent. The SEPP requires the preparation of a preliminary hazard analysis (PHA) as part of any future development works or storage that is potentially hazardous or offensive.  This Planning Proposal does not require the preparation of a PHA as no development works are proposed at this stage. However, any future development application seeking consent for works is required to address the provisions of the 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.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 39 – Spit Island Bird Habitat</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<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.	Consistent. The Cessnock LGA is subject to SEPP No.44; however, previous ecological studies for the approved ANE Production Facility identified that the survey area did not include core koala habitat. It was further noted that a koala has not been recorded in the subject site. It was concluded that there was no potential for significant impact on this species.
<b>SEPP 47 – Moore Park Showground</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>



Planning Proposal – Orica

File No. 18/2014/4/1

SEPP	Relevance	Consistency and Implications
<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 these developments.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 52 – Farm Dams and Other works in Land and Water Management Plan Areas</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</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	Consistent. Clause 6 of SEPP No.55 requires a planning proposal to consider potential contamination of a site. The planning proposal seeks to utilise additional areas of the site to accommodate Orica's future operating plans. At this stage, no site contamination investigations have been undertaken but as the site is largely undisturbed, it is unlikely the site will be contaminated. Future DAs for additional works will be required to address the provisions of SEPP No.55.
<b>SEPP 59 – Central Western Sydney Regional Open Space and Residential</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<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.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<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.	Consistent. 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	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.

Planning Proposal – Orica

File No. 18/2014/4/1

SEPP	Relevance	Consistency and Implications
	residential flat development.	
<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.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 71 – Coastal Protection</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</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 ratio bonuses and non-discretionary development standards, (c) to facilitate the retention and mitigate the loss of existing affordable rental housing, (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, (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing, (f) to support local business centres by providing affordable rental housing for workers close to places of work, (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.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP Building Sustainability Index: BASIX 2004</b>	The SEPP provides for the implementation of BASIX throughout the State.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<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	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.

Page 16 of 52

Planning Proposal – Orica

File No. 18/2014/4/1

SEPP	Relevance	Consistency and Implications
	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>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.	Consistent. 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.	Consistent. The SEPP is the primary planning instrument addressing the provision and operation of infrastructure across the State. Consideration of service facilities to cater for Orica's future plans will be considered at future DA stage. Referral to the NSW Roads and Maritime Services (RMS) is also required for traffic generating development. At this stage, the planning proposal does not propose works or parking provision. Recent traffic counts have been prepared and are compared to February 2009 traffic counts. This demonstrates that the daily traffic counts in George Booth Drive are significantly less following the opening of the Hunter Expressway. As this amended Planning Proposal does not change traffic generation related considerations to the previously considered Planning Proposal, any previous comments from Council's internal traffic engineers or RMS would equally apply.
<b>SEPP (Kosciuszko National Park – Alpine Resorts) 2007</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP (Kurnell Peninsula) 1989</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP Major Development 2005</b>	The SEPP defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.

Planning Proposal – Orica

File No. 18/2014/4/1

SEPP	Relevance	Consistency and Implications
	1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition, the SEPP identifies the council consent authority functions that may be carried out by Joint Regional Planning Panels (JRPPs) and classes of regional development to be determined by JRPPs.	
<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.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<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.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP Penrith Lakes Scheme 1989</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</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.	Consistent. The introduction of an additional permitted use over the central portion of the site will not adversely affect Cessnock LGA's overall capacity of current or future rural and agricultural opportunities as this will apply to an area that is partly developed for industrial

Planning Proposal – Orica

File No. 18/2014/4/1

SEPP	Relevance	Consistency and Implications
		development and not suitable for rural land use.
<b>SEPP 53 Transitional Provisions 2011</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<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 development applications.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP (Sydney Drinking Water Catchment 2011)</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP Sydney Region Growth Centres 2006</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP (Three Ports 2013)</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP (Urban Renewal) 2010</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP (Western Sydney Employment Area) 2009</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP (Western Sydney Parklands) 2009</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>

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

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

Table 3: 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.	Consistent. The Planning Proposal does not relate to business and industrial zones.
1.2 Rural Zones	The objective of this direction is to protect the agricultural	Consistent. The Planning Proposal does not seek to rezone the

Planning Proposal – Orica

File No. 18/2014/4/1

Ministerial Direction	Objective of Direction	Consistency and Implication
	production value of rural land.	subject land.
1.3 Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Consistent. Nothing in this Planning Proposal prohibits or restricts development of resources, or proposes a land use that may create a conflict with such development.
1.4 Oyster Aquaculture	<i>The objectives of this direction are:</i> (a) <i>to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal,</i> (b) <i>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 LGA</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.	Consistent. The Planning Proposal does not seek to rezone the subject land, but will accommodate an additional permitted use over the central portion of the site that includes land already developed and will enable the maintenance and future expansion of operations. It is considered that the Proposal will not adversely affect Cessnock LGA's overall capacity of current or future rural and agricultural opportunities. The site is currently not utilised as a rural land use and is not recognised by State Government as regionally significant agricultural land.
<b>2 ENVIRONMENT AND HERITAGE</b>		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Consistent. The Planning Proposal will facilitate the protection and conservation of environmentally sensitive areas through a BioBanking Agreement with the NSW Office of Environment and



Planning Proposal – Orica

File No. 18/2014/4/1

Ministerial Direction	Objective of Direction	Consistency and Implication
		<p>Heritage. The requirement for the land owner to enter into the BioBanking Agreement will be stipulated in a Planning Agreement with Council.</p> <p>On 24 May 2016, OEH provided advice that it is satisfied that the associated Planning Agreement is appropriately worded to ensure conservation of the retained environmental lands, can and will occur, and will therefore ensure that the Proposal will achieve an 'improve or maintain' biodiversity outcome.</p>
2.2 Coastal Protection	<i>The objective of this direction is to implement the principles in the NSW Coastal Policy.</i>	Not Applicable to LGA
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<p>Consistent. This planning proposal does not seek to amend existing provisions relating to the conservation of European or Aboriginal heritage items, places, buildings, works, relics, moveable objects or precincts.</p> <p>The site is not identified as a heritage item in the CLEP 2011.</p> <p>An Aboriginal Cultural Heritage Assessment was prepared for the Major Project Application in relation to the approved ANE facility; however, it is understood that survey work related only to a portion of the site that was relevant to the Major Project Application. Any future DA that involves works to areas beyond the previously surveyed areas will require investigations.</p>
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.	Consistent. The Planning Proposal does not relate to recreation vehicle areas.
<b>3 HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>		
3.1 Residential Zones	<p>The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and</p>	Consistent. The Planning Proposal does not relate to a residential zone.

Page 21 of 52

Planning Proposal – Orica

File No. 18/2014/4/1

Ministerial Direction	Objective of Direction	Consistency and Implication
	<p>future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p>	
3.2 Caravan parks and Manufactured Home Estates	<p>The objectives of this direction are:</p> <p>(a) to provide for a variety of housing types, and</p> <p>(b) to provide opportunities for caravan parks and manufactured home estates.</p>	Consistent. The Planning Proposal does not relate to Caravan parks and Manufactured Home Estates.
3.3 Home Occupations	<p>The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.</p>	Consistent. The Planning Proposal will not change the permissibility of home occupations.
3.4 Integrating Land Use and Transport	<p>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:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	Consistent. The Planning Proposal does not seek to create, alter or remove a zone or a provision relating to urban land.
3.5 Development Near Licensed Aerodromes	<p>The objectives of this direction are:</p> <p>(a) to ensure the effective and safe operation of</p>	Consistent. The Planning Proposal does not relate to land near licensed aerodromes.

Planning Proposal – Orica

File No. 18/2014/4/1

Ministerial Direction	Objective of Direction	Consistency and Implication
	<p>aerodromes, and</p> <p>(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</p> <p>(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.</p>	
3.6 Shooting Ranges	<p>The objectives are:</p> <p>(a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</p> <p>(b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,</p> <p>(c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p>	Consistent. The Planning Proposal does not relate to land near a shooting range.
<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	Consistent. The site is not identified in the Cessnock LEP as having acid sulphate soils.
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	Consistent. The site is not within a mine subsidence district. Notwithstanding, any impacts from mine subsidence may be assessed during future development applications.
4.3 Flood Prone Land	<p>The objectives of this direction are:</p> <p>(a) to ensure that development of flood prone land is</p>	Consistent. The site is not subject to flooding.

Page 23 of 52

Planning Proposal – Orica

File No. 18/2014/4/1

Ministerial Direction	Objective of Direction	Consistency and Implication
	<p>consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>	
4.4 Planning for Bushfire Protection	<p>The objectives of this direction are:</p> <p>(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</p> <p>(b) to encourage sound management of bush fire prone areas.</p>	<p>Consistent. The site is classified as a bushfire prone area. No development is proposed at this stage, but any future development application will be designed to include the required Asset Protection Zone (APZ) as well as other fire prevention and fire fighting measures for bushfire protection as required under the "Planning for Bushfire Protection 2006." The previous major project approval for the ANE Production Facility provides APZs; adoption of appropriate building construction materials; provision of emergency response service access; provision of fire fighting measures such as water tanks; and evacuation routes. Similar measures will be considered in future development applications.</p>
<b>5 REGIONAL PLANNING</b>		
5.1 Implementation of Regional Strategies	<p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes, and actions contained in regional strategies.</p>	<p>The Planning Proposal is consistent with the Lower Hunter Regional Strategy for the reasons provided below:</p> <ul style="list-style-type: none"> <li>The proposed inclusion of a designated area within the site in Schedule 1 of the LEP 2011 to accommodate an additional permitted use for a "Technology Centre and Explosive Research and Production Facility" will enable the future expansion of a facility that already employs approximately 310 staff at the site and with future growth associated with potential</li> </ul>

Planning Proposal – Orica

File No. 18/2014/4/1

Ministerial Direction	Objective of Direction	Consistency and Implication
		<p>expansion plans.</p> <ul style="list-style-type: none"> <li>The balance of the site will be zoned RU2 under Council's draft LEP amendment No.16. This will preserve the existing landscape character of the site.</li> <li>The site is situated north of the Watagan to Stockton Corridor however the Planning Proposal seeks to facilitate biodiversity offsets through a VPA between the applicant and Council that will retain in perpetuity biodiversity offsets.</li> <li>The Planning Proposal will not impact on access to mineral resource lands.</li> <li>The site is not recognised by State Government as regionally significant agricultural land and therefore the use of a limited area on the site for explosives research and production facility will not impact on the region's agricultural industry.</li> </ul>
5.2 Sydney Drinking Water Catchment	<i>The objective of this Direction is to protect water quality in the Sydney drinking water catchment.</i>	Not Applicable to LGA
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<p><i>The objectives of this direction are:</i></p> <p><i>(a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre,</i></p> <p><i>(b) to provide more certainty on the status of the best 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>	Not Applicable to LGA
5.4 Commercial and Retail Development along the	<i>The objectives for managing commercial and retail development along the Pacific Highway are:</i>	Not Applicable to LGA

Page 25 of 52

Planning Proposal – Orica

File No. 18/2014/4/1

Ministerial Direction	Objective of Direction	Consistency and Implication
<i>Pacific Highway, North Coast</i>	<p>(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;</p> <p>(b) to prevent inappropriate development fronting the highway</p> <p>(c) to protect public expenditure invested in the Pacific Highway,</p> <p>(d) to protect and improve highway safety and highway efficiency,</p> <p>(e) to provide for the food, vehicle service and rest needs of travellers on the highway, and</p> <p>(f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</p>	
5.5 <i>Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</i>	(Revoked 18 June 2010)	No longer applicable to the LGA.
5.6 <i>Sydney to Canberra Corridor</i>	(Revoked 10 July 2008. See amended Direction 5.1)	Not Applicable to LGA
5.7 <i>Central Coast</i>	(Revoked 10 July 2008. See amended Direction 5.1)	Not Applicable to LGA
5.8 <i>Second Sydney Airport: Badgerys Creek</i>	The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.	Not Applicable to LGA
5.9 <i>North West Rail Link Corridor Strategy</i>	<p>The objectives of this direction are to:</p> <p>(a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL)</p> <p>(b) ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.</p>	Not Applicable to LGA

Page 26 of 52



Planning Proposal – Orica

File No. 18/2014/4/1

Ministerial Direction	Objective of Direction	Consistency and Implication
<b>6 LOCAL PLAN MAKING</b>		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	No new concurrence provisions are proposed.
6.2 Reserving Land for Public Purposes	The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	No new land reservation provisions are proposed.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Consistent. The Planning Proposal seeks to reintroduce an Additional Permitted Use over part of the site to accommodate the existing Orica facility and enable limited expansion with development consent. The Proposal will ensure that the Orica operation will be permissible under the provisions of the <i>Cessnock Local Environmental Plan (LEP) 2011</i> and not operate under existing use rights provisions of the <i>Environmental Planning and Assessment (EP&amp;A) Act 1979</i> .
<b>7 Metropolitan Planning</b>		
7.1 <i>Implementation of A Plan for Growing Sydney</i>	<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 LGA</i>

Planning Proposal – Orica

File No. 18/2014/4/1

## Section C: Environmental, Social and Economic Impact

### 7 Impact on Threatened Species

Umwelt (Australia) Pty Limited has undertaken comprehensive ecological investigations for the site as part of the previous and current amended Planning Proposal. The investigations identify that the site accommodates extensive native vegetated areas. The site comprises 289 hectares of predominantly open forest vegetation, of which 11.7 hectares is currently occupied by the Technology Centre operations and 31.8 hectares (plus 1.7 hectares of buffer land) is occupied by an existing Biodiversity Offset Area in the far south-western corner of the site.

To accommodate Orica Limited's targeted development plans, the land that will be subject to the additional permitted uses schedule will amount to some 115 hectares but this will not be utilised in its entirety. This area of land will enable the flexibility in future site planning and account for legislative requirements in providing buffer and separation distances between activities on the site. The actual extent of development footprint forecasted over a 20 year period is estimated to amount to approximately 4 hectares with approximately 1.6 hectares to accommodate asset protection zone areas. As such, the extent of potential ecological impact is approximately less than 5% of the area proposed for inclusion into the Additional Permitted Uses Schedule. Regardless, investigation into offsetting the potential biodiversity impacts has been undertaken by Orica Limited as part of this Planning Proposal process.

To determine the most appropriate biodiversity off-setting approach, Orica's project team has undertaken considerable consultation with Council and the NSW Office of Environment and Heritage (OEH) on the agreed pathway. The most appropriate outcome is to enter into a biobanking agreement with OEH which would involve registering the site as a "BioBank site", excluding that part of the site to be included in the Additional Permitted Uses Schedule and the existing Biodiversity Offset Area. This will provide OEH and Council with certainty regarding the potential offsetting suitability of the site.

The preliminary BioBanking Assessment by Umwelt Environmental Consultants has shown that approximately 12 hectares of disturbance associated with the future development of the Orica Richmond Vale site can be adequately offset in an on-site BioBank site. The BioBanking Agreement will relate to the disturbance and offsetting of the following Biometric Vegetation Types (BVT) and species:

- HU806 Spotted Gum – Red Ironbark – Grey Gum Shrub – Grass Open Forest of the Lower Hunter;
- HU833 Smooth-barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia Heathy Open Forest of Coastal Lowlands;
- *Tetratheca juncea*; and
- *Grevillea parviflora* subsp. *Parviflora*

The proposed on-site Biobank site, which will form the eastern and western portions of the site, exclusive of the existing offset area will provide more than sufficient credits to offset the impact of planned future development on the above BVTs and species.

The requirement for Orica Limited to enter into a biobanking agreement will be facilitated through a Voluntary Planning Agreement (VPA) between Orica Limited and Cessnock Council (refer to copy of the VPA letter of offer). This VPA will also provide:

Page 28 of 52

Planning Proposal – Orica

File No. 18/2014/4/1

- A time period for registration of the site as a "BioBank" site;
- Identify that no Development Application will be lodged until biobanking is executed.

In the meantime, the land will continue to be passively managed as per Orica's current management practices.

## 8 Environmental Impact

Future Development Applications will address in detail a range of environmental considerations including:

- Amenity effects on neighbouring properties such as noise. An assessment of noise generated by future works will be provided and prepared in accordance with the NSW Industrial Noise Policy;
- Preliminary hazards analysis (PHA). Future development proposals on the site that will involve potentially hazardous or offensive works or storage of items of this nature will be subject to a PHA;
- Aboriginal Cultural Heritage Assessment. An Aboriginal Cultural Heritage Assessment was prepared for the Major Project Application in relation to the approved ANE facility, however it is understood that survey work related only to a portion of the site that was relevant to the Major Project Application. Any future DA that involves works to areas beyond the previously surveyed areas will be investigated;
- Contamination. Mitigating measures prevent contamination of the land will be identified for any future expansion of the site involving potential contaminant materials;
- Stormwater impacts of the development, ensuring the design does not create any offsite environmental effects and satisfies Council's standards; and
- Potential visual impacts. Future proposed building structures will be considered in terms of their potential visual impacts upon the scenic quality of the area, including the rural landscape character.

Detailed traffic count surveys were undertaken between 9th and 16th May 2014 along George Booth Drive, as attached in Appendix B. The results provide for:

- Two way average weekly (5 day) volumes together with the proportion of heavy vehicles;
- Two way average 7 day volumes together with proportion of the heavy vehicles; and
- Average weekday (5 day) volumes by direction.

February 2009 figures were analysed to demonstrate the difference in traffic volumes as a result of the opening of the Hunter Expressway. The results indicate that traffic volumes are now significantly less along George Booth Drive since the opening of the Hunter Expressway. For example, the northern most survey location along George Booth Drive experienced in 2009 an average weekday volume (5 day average) of 7187 vehicles in comparison to the current traffic volume of 2,587 vehicles.

Page 29 of 52

Planning Proposal – Orica

File No. 18/2014/4/1

Whilst future development proposals for the site will require detailed traffic impact assessment, future traffic generation is likely to be satisfactorily accommodated within George Booth Drive.

## **9 Social and Economic Impacts**

The Planning Proposal will provide added certainty for the potential to expand the Orica Limited's facility in the future to meet projected increase in servicing the regional and global mining industry.

Global demands for mineral commodities, including demand for Hunter Valley coal have been forecasted to continue resulting in future expansions of mining operations and infrastructure activity in Eastern Australia. This demand in turn increases demand for mining support operations such as those offered by Orica at the subject site.

The previously approved ANE Production Facility was established to accommodate increase in demand for ANE in the Hunter Valley and broader south-east region of Australia, however the proposed Planning Proposal will provide security for the company to further invest at the site creating regional and state economic benefits through both income and job creation.

Expansion plans for the site will require a temporary construction workforce and additional operational workforce. As per the previous ANE Production Facility, the construction workforce is expected to be sourced from companies based in the local area and region; whilst operational personnel could be sourced from other Orica operations and new personnel from the existing and regional population. The extent of construction and operational workforces are unlikely to result in a notable increase in population to the local area or region such that demands on existing social infrastructure and services would not be expected to change.

Planning Proposal – Orica

File No. 18/2014/4/1

## Section D: State and Commonwealth Interests

### 10 Adequate Public Infrastructure

The site is well positioned with close access to regional road networks that connect George Booth Drive to John Renshaw Drive and the Hunter Expressway. This strategic location is instrumental in Orica's long term considerations for consolidating its operations to the site to function as a regional distribution hub. The site is already serviced with utility infrastructure and further consideration to infrastructure needs will be considered with each future development application.

### 11 Consultation with State and Commonwealth Authorities

Consultation was undertaken with the following agencies in accordance with the Gateway Determination:

#### NSW Office of Environment and Heritage (OEH)

On 24 May 2016, OEH provided advice that it is satisfied that the associated Planning Agreement is appropriately worded to ensure conservation of the retained environmental lands, can and will occur, and will therefore ensure that the Proposal will achieve an 'improve or maintain' biodiversity outcome. A copy of the OEH response is provided at **Appendix 3**.

#### NSW Rural Fire Service (RFS)

On 30 May 2016, RFS provided advice that it 'raises no objections to the Planning Proposal subject to a requirement that future proposals for the expansion of the facility appropriately address bush fire risks and comply with *Planning for Bush Fire Protection 2006*.' A copy of the RFS response is provided at **Appendix 3**.

#### Planning Comment:

No development is proposed at this stage, but any future development application will be designed to include the required Asset Protection Zone (APZ) as well as other fire prevention and fire fighting measures for bushfire protection as required under the "*Planning for Bushfire Protection 2006*." The previous major project approval for the ANE Production Facility provides APZs; adoption of appropriate building construction materials; provision of emergency response service access; provision of fire fighting measures such as water tanks; and evacuation routes. Similar measures will be considered in future development applications.

#### Transport for NSW – Roads and Maritime Services (RMS)

On 15 April 2016, the RMS provided advice that it has no objections to the Proposal to amend the Cessnock LEP 2011 to recognise the current land use on the site and to permit the future expansion of the Orica operations. A copy of the RMS response is provided at **Appendix 3**.

Planning Proposal – Orica

File No. 18/2014/4/1

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## PART 4: MAPPING

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

Additional Permitted Uses Map

- 1720\_COM\_APU\_009\_080\_YYYYMMDD
- 1720\_COM\_APU\_009A\_040\_YYYYMMDD

A copy of the proposed map sheets are provided at **Appendix 2**.



Planning Proposal – Orica

File No. 18/2014/4/1

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## **PART 5: COMMUNITY CONSULTATION**

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The Planning Proposal and Planning Agreement were exhibited concurrently between 1 June 2016 and 28 June 2016, being 28 days in accordance with the Gateway determination. The exhibition period resulted in one submission from an adjacent property owner. The submission raises concerns that the proposed Additional Permitted Use (APU) will extend to adjoining land, including the submitter's land, which is not owned by Orica. The concerns raised in the submission were discussed with the adjoining property owner, who appears to have misinterpreted the extent of land to which the Planning Proposal relates. It was explained that the Planning Proposal only relates to Lot 2 DP 809377, which is wholly owned by Orica.

Planning Proposal – Orica

File No. 18/2014/4/1

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## **PART 6: PROJECT TIMELINE**

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It is estimated that this proposed amendment to the LEP 2011 will be completed by February 2017, following receipt of an amended Gateway Determination from the Department of Planning and Environment in March 2016 (i.e. twelve (12) months).

**PROJECT TIMELINE**

	Feb 2016	Mar 2016	Apr 2016	Jul 2016	Aug 2016	Nov 2016	Feb 2017
<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 be made							

## Appendix 1: Council Report and Minutes

### ADDRESS BY INVITED SPEAKERS

Clare Brown of Urbis, representing Orica was available for questions from Councillors – PE1/2016.

### PLANNING AND ENVIRONMENT NO. PE1/2016

**SUBJECT:** 18/2014/4: REVISED PLANNING PROPOSAL - ORICA

**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Stapleford  
1537  
**RESOLVED**

1. That Council request an amended Gateway determination for the revised Planning Proposal from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
2. 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.
3. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. That Council support in principle the proponent's 'Heads of Agreement' relating to environmental conservation, attached as Enclosure 2, and prepare and exhibit a draft Planning Agreement with the Planning Proposal.
5. That the Planning Proposal and draft Planning Agreement be reported back to Council following community consultation.

FOR	AGAINST
Councillor Gibson	Councillor Ryan
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (1)</b>

**CARRIED**

This is page 5 of the Minutes of the Ordinary Council Meeting held on 3 February 2016 confirmed on 17 February 2016

.....General Manager .....Chairperson

## Report To Ordinary Meeting of Council - 3 February 2016

Planning and Environment

Report No. PE1/2016

Planning and Environment

**SUBJECT:** 18/2014/4: REVISED PLANNING PROPOSAL - ORICA**RESPONSIBLE OFFICER:** Strategic Landuse Planning Manager - Martin Johnson

<b>APPLICATION NUMBER:</b>	18/2014/4
<b>PROPOSAL:</b>	Revised Planning Proposal – Orica
<b>PROPERTY DESCRIPTION:</b>	Lot 2 DP 809377
<b>PROPERTY ADDRESS:</b>	1151 George Booth Drive Richmond Vale
<b>ZONE: (CURRENT)</b>	1(a) Rural "A" (deferred matter) under LEP 1989; and RU2 Rural Landscape under LEP 2011.
<b>ZONE (PROPOSED)</b>	Not applicable – an Additional Permitted Use is proposed
<b>OWNER:</b>	Orica (Australia) Pty Ltd
<b>PROPONENT:</b>	Urbis Pty Ltd

**SUMMARY**

The purpose of this Report is to obtain Council's endorsement to submit a revised Planning Proposal to the Department of Planning and Environment in respect of Orica's land at Lot 2 DP 809377, known as 1151 George Booth Drive, Richmond Vale ('the site').

The Proposal, as originally endorsed by Council in December 2014, sought to rezone the site a combination of SP1 Special Activities Zone and E2 Environmental Conservation Zone to accommodate Orica's existing use of the site as a 'Technology Centre and Explosives Research and Production Facility'. The rezoning also sought to enable future expansion of Orica's activities within the site.

The revised Planning Proposal no longer involves rezoning the land, but seeks to include an Additional Permitted Use (APU) over part of the site to accommodate the existing facility and enable limited expansion with development consent. The revised Proposal reintroduces a provision that formally applied to the entire site under the *Cessnock Local Environmental Plan (LEP) 1989* that enabled the land use with development consent. The Proposal will continue to facilitate environmental conservation outcomes over the majority of the site through a Bio-banking Agreement with the NSW Office of Environment and Heritage.

The revised Planning Proposal will ensure that Orica's facility at Richmond Vale will be permissible under the provisions of the *Cessnock Local Environmental Plan (LEP) 2011* and not operate under existing use rights provisions of the *Environmental Planning and Assessment (EP&A) Act 1979*.

This is Page 83 of the Agenda of the Ordinary Council Meeting of the Cessnock City Council to be held on 3 February 2016

## Report To Ordinary Meeting of Council - 3 February 2016

Planning and Environment

Report No. PE1/2016

Planning and Environment

**RECOMMENDATION**

1. That Council request an amended Gateway determination for the revised Planning Proposal from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
2. 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.
3. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. That Council support in principle the proponent's 'Heads of Agreement' relating to environmental conservation, attached as Enclosure 2, and prepare and exhibit a draft Planning Agreement with the Planning Proposal.
5. That the Planning Proposal and draft Planning Agreement be reported back to Council following community consultation.

**Chronology**

Date	Brief Description
Early 1990s	Use of the site for the purpose of 'explosive research and development' commences under building and development approvals issued by Council.
Jul 2010	Minister for Planning grants approval to the Orica Ammonium Nitrate Emulsion Project at the site under the now repealed Part 3A, major infrastructure and other projects provisions of the EP&A Act 1979.
Dec 2011	The developed footprint of the site is zoned RU2 Rural Landscape as a component of the LEP 2011. As a result, Orica's ongoing use of the existing facilities becomes dependent on existing use rights provisions of the EP&A Act 1979. The remainder of the site is identified as deferred matter under the new Plan.
Aug 2014	Planning Proposal lodged with Council to seek a zoning over the entire site with a view of removing the need for future operations to rely on existing use rights provisions.
Dec 2014	The Planning Proposal is supported by Council.
Feb 2015	Gateway determination issued by the Department of Planning and Environment in respect of the Planning Proposal.
March 2015 - November 2015	Extensive discussions between Orica, Council, and the NSW Office of Environment and Heritage to develop a preferred planning approach to ensure environmental conservation and allow for the ongoing viability of Orica's facility at Richmond Vale.
Dec 2015	Orica lodge a revised Planning Proposal seeking inclusion of an Additional Permitted Use over part of the site.

This is Page 84 of the Agenda of the Ordinary Council Meeting of the Cessnock City Council to be held on 3 February 2016



## Report To Ordinary Meeting of Council - 3 February 2016

Planning and Environment

Report No. PE1/2016

Planning and Environment

**BACKGROUND**

Orica has operated an explosive research and development facility at the site since the early 1990s. The site is considered a suitable location for Orica's facility due to the separation distance between activities occurring on site and nearby development. The site also has good access to the local and classified road network, including George Booth Drive and the newly constructed Hunter Expressway.

Until 2010, the facility operated under several building and development consents issued by Council. At the time the consents were issued, the site was zoned 1(a) Rural "A" and the use permissible pursuant to Schedule 5 of the LEP 1989, being development for certain additional purposes, as follows:

*explosives research and production facility involving:*

- (a) the construction and use of offices, laboratories and workshops for the purposes of research into, and development of, explosives and associated manufacturing processes, methods of application of explosives, related advanced engineering processes and blasting physics, and*
- (b) the production, storage and testing of explosives.*

In July 2010, the then Minister for Planning granted approval to the Orica Ammonium Nitrate Emulsion Project under the now repealed Part 3A, major infrastructure and other projects provisions of the EP&A Act 1979. The Minister's Major Project Approval No. 09\_0090 enabled the continuation of Orica's existing facility and the manufacture of up to 250,000 tonnes per annum of ammonium nitrate emulsion to be sold primarily to the mining industry for use as an explosives precursor.

Since the Major Project Approval was granted, Council prepared the *Cessnock Local Environmental Plan (LEP) 2011* and this was gazetted in December 2011. Under the LEP 2011, the site was zoned in part RU2 Rural Landscape Zone, which applies over the developed footprint of the site. The remainder of the site, including an expansion of the facility under the Major Project Approval, is identified as 'deferred matter' and is zoned 1(a) Rural "A" under the LEP 1989.

The Additional Permitted Use (APU) specified in Schedule 5 of the LEP 1989 for the site, being 'explosives research and production facility', was not carried to the LEP 2011 during its preparation, principally due to Departmental policy at the time. This has resulted in reliance on existing use rights provisions for Orica's continuing operation of the facility at Richmond Vale.

In August 2014, Orica Limited lodged a Planning Proposal with Council to seek a zoning over the central portion of the site to SP1 Special Activities Zone to remove the need for future operations to rely on existing use rights provisions. The balance of the land was to be zoned E2 Environmental Conservation. The Planning Proposal was reported to Council in December 2014 and Council resolved to proceed with the amendment by forwarding the Planning Proposal to the Department of Planning and Environment (DPE) for Gateway determination.

This is Page 85 of the Agenda of the Ordinary Council Meeting of the Cessnock City Council to be held on 3 February 2016

Report To Ordinary Meeting of Council - 3 February 2016

Planning and Environment

Report No. PE1/2016

Planning and Environment



The Gateway determination was issued on 16 February 2015 and required the agreement of the NSW Office of Environment and Heritage regarding environmental conservation outcomes.

In the months that have elapsed since the Gateway determination was issued by DPE, there have been several meetings between Orica, Council, and the NSW Office of Environment and Heritage to develop a preferred planning approach to ensure environmental conservation and allow for the ongoing viability of Orica's facility at Richmond Vale. As a result of these discussions, it is now proposed to revise the Planning Proposal to achieve an outcome suitable to all stakeholders. The alternative Proposal seeks to apply an Additional Permitted Use to part of the site to accommodate Orica's existing facility and allow for limited expansion. The revised Proposal reintroduces a provision that formally applied to the entire site under the LEP 1989 that enabled the land use with development consent.

This is Page 86 of the Agenda of the Ordinary Council Meeting of the Cessnock City Council to be held on 3 February 2016

**Report To Ordinary Meeting of Council - 3 February 2016**

## Planning and Environment

Report No. PE1/2016

## Planning and Environment



**Figure 1 – Subject Site, 1151 George Booth Drive Richmond Vale**



This is Page 87 of the Agenda of the Ordinary Council Meeting of the Cessnock City Council to be held on 3 February 2016



## Report To Ordinary Meeting of Council - 3 February 2016

## Planning and Environment

Report No. PE1/2016

## Planning and Environment

**PROPOSAL**

The revised Planning Proposal seeks to incorporate an Additional Permitted Use (APU) in Schedule 1 of the LEP 2011 to accommodate the approved and existing use of the site as a 'Technology Centre and Explosives Research and Production Facility'. The APU will apply to the central portion of the site, as hatched in green in Figure 2.

The APU will identify that development for the purpose of a *Technology Centre and Explosive Research and Production Facility*, involving:

- (a) *the construction and use of offices, laboratories and workshops for the purposes of research into, and development of, explosives, precursors and associated manufacturing processes, methods of application of explosives, related advanced engineering processes and blasting physics, and*
- (b) *the production, storage and testing of explosives and their precursors*

is permitted with development consent in that part of the site identified in Figure 2.

The revised Proposal reflects provisions that formally applied to the entire site under the LEP 1989. The revised Proposal will allow for limited expansion of Orica's existing development, while facilitating environmental conservation outcomes over the majority of the site. The alternative proposal does not seek to rezone the site, as was originally proposed. Council is progressing a separate amendment to the LEP 2011 to retain the rural zoning of the 'deferred matter' area of the land from 1(a) Rural "A" Zone to RU2 Rural Landscape Zone. It is anticipated that the LEP amendment will be made shortly.

The Proponent has offered to enter into a Planning Agreement to bring about the environmental conservation outcomes required by the NSW Office of Environment and Heritage in relation to the Proposal. The Planning Agreement will specify that the proponent is to enter into a bio-banking agreement within 12 months of gazettal of the LEP amendment, and that required offsets will be calculated in accordance with the bio-banking methodology and credit retired under the *Threatened Species Conservation Act 1995* as part of each future development application or major project relating to the site. A copy of the proponent's Heads of Agreement is provided as an enclosure to this Report.

The revised Planning Proposal is supported in principle by the NSW Department of Planning and Environment and NSW Office of Environment and Heritage. It is considered that the revised Planning Proposal will provide greater certainty regarding the extent of future development within the site and of site clearing, which will be limited to approximately 12 hectares, as opposed to a potential 100 hectares under the original Planning Proposal.

This Report recommends that Council request an amended Gateway determination in respect of the revised Planning Proposal and that Council support in principle the proponent's Heads of Agreement and prepare and exhibit a draft Planning Agreement with the revised Planning Proposal.

This is Page 88 of the Agenda of the Ordinary Council Meeting of the Cessnock City Council to be held on 3 February 2016

## Report To Ordinary Meeting of Council - 3 February 2016

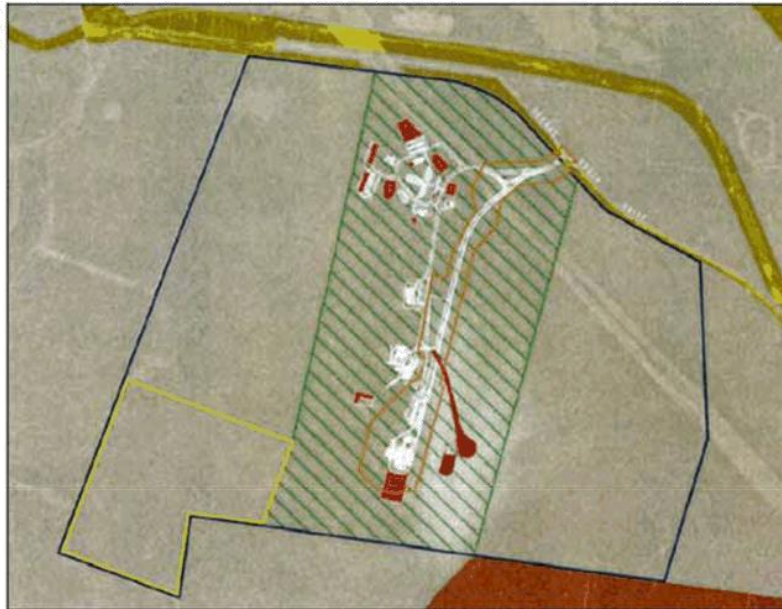
Planning and Environment

Report No. PE1/2016

Planning and Environment



Figure 2 – Area Subject to Proposed Additional Permitted Use Provision (Hatched Green)

**OPTIONS**

1. Council resolve to support the recommendations of this Report and request an amended Gateway determination in respect of the revised Planning Proposal. 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 for the following reasons:

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*(To be provided by Council).*

This is Page 89 of the Agenda of the Ordinary Council Meeting of the Cessnock City Council to be held on 3 February 2016

## Report To Ordinary Meeting of Council - 3 February 2016

Planning and Environment

Report No. PE1/2016

Planning and Environment

**CONSULTATION**

Formal consultation with selected statutory agencies and the wider community will be undertaken following and as directed by, the Gateway determination. Should the revised Planning Proposal be supported by the Department of Planning and Environment, it is recommended that consultation occur with the following statutory authorities and agencies:

- Roads and Maritime Service;
- Office of Environment and Heritage; and
- NSW Rural Fire Services.

It is noted that extensive discussions have already been held with the NSW Department of Planning and Environment and the NSW Office of Environment and Heritage in relation to the proposal.

**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**

The Planning Proposal is consistent with the Lower Hunter Regional Strategy, draft Hunter Regional Plan, Lower Hunter Regional Conservation Plan, Cessnock Community Strategic Plan, Cessnock City Wide Settlement Strategy, relevant State Environmental Planning Policies, and Section 117 Ministerial Directions. An assessment of the Planning Proposal against these Plans is provided in the attached Planning Proposal.

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

The current status of the Planning Proposal is identified in the following process.

This is Page 90 of the Agenda of the Ordinary Council Meeting of the Cessnock City Council to be held on 3 February 2016



## Report To Ordinary Meeting of Council - 3 February 2016

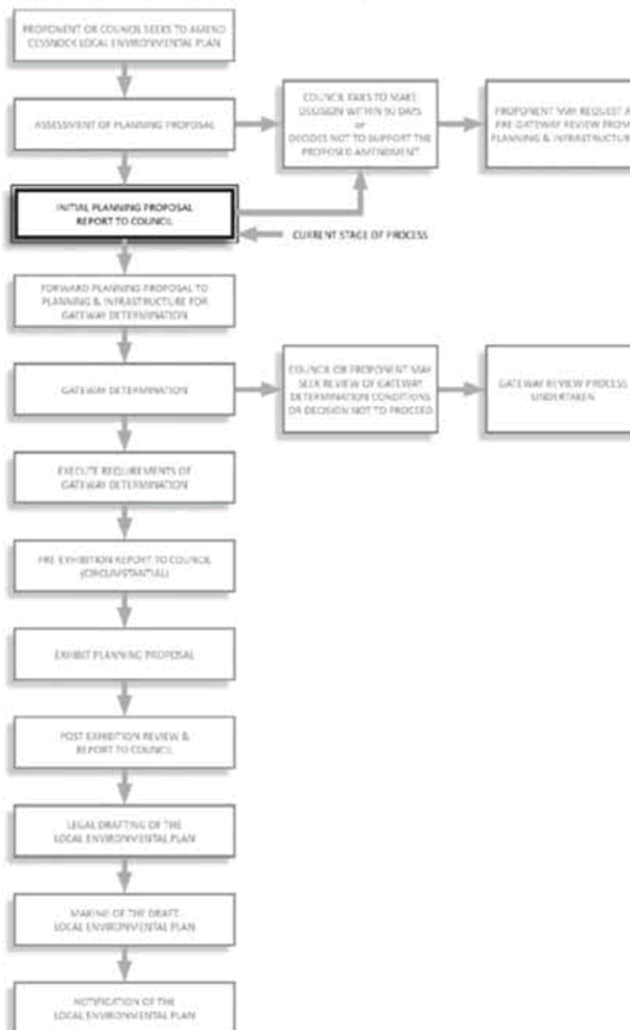
## Planning and Environment

Report No. PE1/2016

## Planning and Environment



## PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



This is Page 91 of the Agenda of the Ordinary Council Meeting of the Cessnock City Council to be held on 3 February 2016

## Report To Ordinary Meeting of Council - 3 February 2016

Planning and Environment

Report No. PE1/2016

Planning and Environment

**b. Financial Implications**

The finalisation of the Planning Proposal will be met through rezoning fees.

**c. Legislative Implications**

The process underway to develop and finalise the Planning Proposal is consistent with Council's statutory responsibilities under the *Environmental Planning and Assessment Act 1979*.

**d. Risk Implications**

It is considered that there are minimal risk implications arising from the recommendation of this Report.

**e. Other Implications**

Nil

**CONCLUSION**

The revised Planning Proposal seeks to incorporate an Additional Permitted Use (APU) in Schedule 1 of the LEP 2011 to accommodate the approved and existing use of the site as a 'Technology Centre and Explosives Research and Production Facility'. The revised Proposal reintroduces a provision that applied to the entire site under the LEP 1989 that enabled the land use with development consent.

The revised Proposal will ensure that the Orica operation will be permissible under the provisions of the LEP 2011 and not operate under existing use rights provisions of the *Environmental Planning and Assessment Act 1979*. The Proposal will continue to facilitate environmental conservation outcomes over the majority of the site through a bio-banking agreement with the NSW Office of Environment and Heritage.

It is recommended that Council request an amended Gateway determination in respect of the revised Planning Proposal and that Council support in principal the proponent's Heads of Agreement and place the draft Planning Agreement on public exhibition with the revised Planning Proposal.

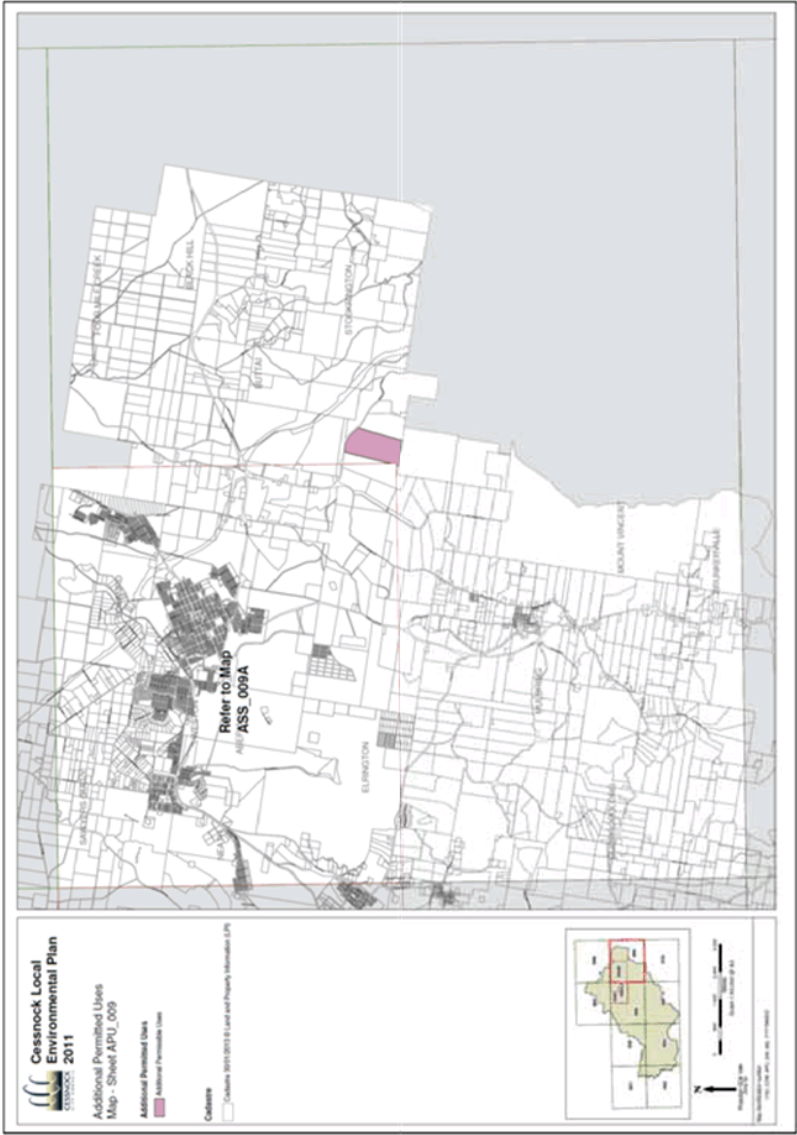
**ENCLOSURES**

- [1](#) Revised Planning Proposal
- [2](#) Heads of Agreement

This is Page 92 of the Agenda of the Ordinary Council Meeting of the Cessnock City Council to be held on 3 February 2016

Appendix 2: Mapping Amendments

Proposed Map Sheets





## Appendix 3: Agency Consultation



Transport  
Roads & Maritime  
Services

15 April 2016

CR2016/001268  
SF2012/009480  
MJ

General Manager  
Cessnock Council  
PO Box 152  
CESSNOCK NSW 2325

Attention: Iain Rush,

GEORGE BOOTH DRIVE (MR527): PLANNING PROPOSAL 2015\_CESSN- 001\_00, AMEND CESSNOCK LEP 2011 TO INCLUDE ADDITIONAL PERMITTED USE OVER PART OF THE SITE TO PERMIT EXPANSION OF EXISTING TECHNOLOGY CENTRE, EXPLOSIVES RESEARCH AND PRODUCTION FACILITY – LOT 2 DP 809377, 1151 GEORGE BOOTH DRIVE, RICHMOND VALE

Reference is made to Council's email dated 21 March 2016, regarding the abovementioned Planning Proposal, referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime understands that Council has received a Gateway Determination from the Department of Planning and Environment pursuant to Section 56(2)(d) of the *Environmental Planning and Assessment Act 1979* in respect of the subject Planning Proposal. The delegate of the Minister for Planning and Environment has directed Council to consult with Roads and Maritime in relation to the Planning Proposal.

Roads and Maritime understands that since the gazettal of the Cessnock LEP 2011 Orica has been operating under existing uses rights of the *Environmental Planning and Assessment Act 1979*. The subject planning proposal involves rezoning 292 Ha of land at Richmond Vale to *SP1 Special Activities* (116 Ha) and *E2 Environmental Conservation* (176 Ha) to accommodate the existing uses of the Orica Technology Centre and the Explosives Research and Production Facility, allow for future expansion of these operations, and facilitate conservation outcomes on the site.

### Roads and Maritime Services

Level 1, 59 Darby Street, Newcastle NSW 2300 |  
Locked Bag 2030, Newcastle NSW 2300 |

[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au) | 13 22 13

Roads and Maritime response

Roads and Maritime has reviewed the information provided and has no objections to the proposal to amend the Cessnock LEP 2011 to recognise the current land use on the site and to permit the future expansion of the Orica operations.

It should be noted that Roads and Maritime and Council have agreed to the reclassification of George Booth Drive (between John Renshaw Drive and the Lake Macquarie Council boundary) from a state road to a local road as a result of the opening of the Hunter Expressway.

On gazettal of the amendment to the Cessnock LEP 2011 please forward a copy to Roads and Maritime for record purposes. Should you require further information please contact Hunter Land Use on (02) 4924 0688 or by email at [development.hunter@rms.nsw.gov.au](mailto:development.hunter@rms.nsw.gov.au)

Yours sincerely

  
David Collaguazo  
A/ Manager Land Use Assessment  
Hunter Region





NSW RURAL FIRE SERVICE



The General Manager  
Cessnock Council  
PO Box 152  
Cessnock NSW 2325

Your reference: 2015\_CESSN\_001\_00  
Our reference: LEP/0025-06  
30 May 2016

Attention: Iain Rush

Dear Sir/Madam,

Planning Proposal – Orica Kurri Kurri – 1151 George Booth Drive, Richmond

Reference is made to Council's correspondence dated 21 March 2016 seeking comments in relation to the above planning proposal which seeks to include an additional permitted use to permit the expansion of the existing technology centre, explosive research and production facility.

The New South Wales Rural Fire Service has reviewed the proposal and raises no objections subject to a requirement that future proposals for the expansion of the facility appropriately address bush fire risks and comply with *Planning for Bush Fire Protection 2006*.

If you have any queries regarding this advice, please contact Jason Maslen on 1300 NSW RFS.

Yours sincerely,

Milka Fomin  
Manager, Planning and Environment Services (East)

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

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

T 1300 NSW RFS  
F (02) 8741 5433  
E [csco@rfs.nsw.gov.au](mailto:csco@rfs.nsw.gov.au)  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)





Our reference: DOC16/237040-2  
Contact: Ziggy Andersons, 4927 3151

Mr Stephen Glen  
General Manager  
Cessnock City Council  
PO Box 152  
CESSNOCK NSW 2325

Attention: Iain Rush

Dear Mr Glen

**RE: PLANNING PROPOSAL – ORICA KURRI KURRI DRAFT PLANNING AGREEMENT AND RESTRICTIVE COVENANT**

The Office of Environment and Heritage (OEH) understands that Cessnock City Council is seeking comments in relation to the draft planning agreement for the above planning proposal. Comments are required pursuant to section 56 (2)(d) of the *Environmental Planning and Assessment Act 1979*, and as required by the amended Gateway Determination dated 17 March 2016.

OEH has undertaken a review of the draft planning agreement for the Orica Kurri Kurri planning proposal and provides the following comments. Please note that as OEH is not a signatory to the planning agreement a legal review of the document has not been undertaken. As such, OEH's comments are restricted to whether or not the planning agreement ensures the actions agreed to by all the parties will be implemented and is worded in a way that it would not restrict the application of the conservation mechanisms available.

OEH is satisfied that the planning agreement is appropriately worded to ensure conservation of the retained environmental lands, can and will occur, and will therefore ensure that the proposal will achieve an 'improve or maintain' biodiversity outcome.

If you have any enquiries concerning this advice, please contact Ziggy Andersons, Conservation Planning Officer, on 4927 3151.

Yours sincerely



24 MAY 2016

**RICHARD BATH**  
Senior Team Leader Planning, Hunter Central Coast Region  
Regional Operations

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

**Cessnock City Council**

[Council]

**Orica Australia Pty Limited (ACN 004 117 828)**

C/- 1 Nicholson Street Melbourne VICTORIA 3001

[Landowner]

## **Planning Agreement**

Section 93F of the *Environmental Planning & Assessment Act 1979 (NSW)*

**Date: July 2016**

## Table of Contents

AGREEMENT .....	4
Background .....	4
Operative Provisions .....	5
1. Definitions and Interpretation .....	5
1.1 Definitions .....	5
1.2 Interpretation .....	6
2. Planning Agreement under the Act .....	7
3. Application of this Agreement .....	7
4. Operation of this Agreement .....	8
5. Development Contribution to be made under this Agreement .....	8
5.1 Provision of Contribution .....	8
5.2 Consideration of Contribution for Proposed Development .....	8
5.3 Enter into a BioBanking Agreement .....	8
5.4 Management of the Environmental Retained Land .....	9
5.5 Assessment of biodiversity impact and retirement of biodiversity credits under the BioBanking Scheme .....	9
5.6 Excluded Development .....	9
6. Land Ownership and Registration of this Agreement .....	9
6.1 Ownership .....	9
6.2 Registration of this Agreement .....	10
6.3 Acknowledgement .....	10
8 Maintenance and Enforcement .....	10
8.1 Maintenance .....	10
8.2 Enforcement .....	11
8.3 No prevention to enforcement .....	11
9 Registration .....	11
9.1 Agreement to be Registered on Title .....	
9.2 Removal of Agreement .....	
10 Dispute resolution .....	11
10.1 Not commence .....	11
10.2 Written notice of dispute .....	11
10.3 Attempt to resolve .....	11
10.4 Mediation .....	11
10.5 Court proceedings .....	12
10.6 Not use information .....	12
10.7 No prejudice .....	12
11 Assignment and Dealing .....	12
11.1 Landowner's right to sell Land .....	12
12 Release and Indemnity .....	13

13	Costs .....	13
14	Effect of Scheduled Terms and Conditions .....	13
15	General Provisions .....	14
15.1	Entire Agreement .....	14
15.2	Further Acts .....	14
15.3	Governing Law and Jurisdiction .....	14
15.4	Joint and individual liability and benefits .....	14
15.5	No fetter .....	14
15.6	Representations and warranties .....	14
15.7	Severability .....	14
15.8	Modification .....	14
15.9	Waiver .....	15
15.10	Good Faith .....	15
16	Notices .....	15
16.1	Form .....	15
16.2	Receipt .....	15
	Schedule 1 - Requirements under section 93F of the Act .....	17
	Schedule 2 - Site .....	18
	Schedule 3 – The Land .....	19
	Schedule 4 - Development Contribution .....	20
	Schedule 5 – Environmental Retained Land .....	22
	Schedule 6 – Proposed LEP .....	23

## AGREEMENT

**Date** [XXXXX]  
**Parties** Cessnock City Council  
("the Council")

**Orica Australia Pty Limited (ACN 004 117 828)**  
C/- Level 1, 1 Nicholson St, Melbourne, Vic, 3001  
("Landowner")

## Background

- A.** The Landowner owns the Site which includes the Land and the Environmental Retained Land.
- B.** The Landowner has sought an amendment to the LEP to rezone the Land and identify the Land under Schedule 1 Additional Permitted Uses.
- C.** The Landowner has agreed to enter into a BioBanking Agreement over land that contains the biodiversity values identified in clause 5.3 and Schedule 4. An initial assessment suggests that the Environmental Retained Land contains the required biodiversity values.
- D.** The Landowner proposes to lodge Development Applications with the Council for the Proposed Development of the Land on a staged basis. Development Applications will include an assessment of the biodiversity impacts of the Proposed Development using the BioBanking Assessment Methodology. Where required under a future Development Application for the Proposed Development of the Land, biodiversity credits will be retired consistent with any timing requirements set in that application(s). It is intended that the biodiversity credits created through the BioBanking Agreement will be retired to offset the impacts of the Proposed Development on the Land. It will be the responsibility of the Landowner to retain these credits – no restrictions will be placed on the credits in the Biobanking Agreement.
- G.** The Parties have therefore agreed to enter into this Agreement to formalise the arrangements.



## Operative Provisions

### 1. Definitions and Interpretation

#### 1.1 Definitions

The meaning of capitalised terms and the provisions relating to the interpretation of this Agreement are as follows:

**Act** means the *Environmental Planning & Assessment Act 1979* (NSW).

**Agreement** means this Planning Agreement.

**Application** means an application for any Approval.

**Approval** means any approvals, consents, modifications of Approvals, certificates issued under Part 4 of the Act, certificates, construction certificates, compliance certificates, occupation certificates, complying development certificates, permits, endorsements, licences, conditions or requirements (and any variations to them) which may be required by law for the Proposed Development or for the commencement or carrying out of works contemplated by this Agreement.

**Authority** means any governmental, semi-governmental, administrative, fiscal or judicial body, department, commission, authority, tribunal, agency or entity and includes an accredited certifier accredited under the *Building Professionals Act 2005* (NSW).

**BioBanking Agreement** means a BioBanking Agreement established under the *Threatened Species Conservation Act 1995* (NSW) or, if the *Threatened Species Conservation Act 1995* (NSW) has been repealed, an equivalent agreement that provides for the in-perpetuity protection and management of a site and the generation of biodiversity credits.

**BioBanking Assessment Methodology** means the BioBanking Assessment Methodology established under the *Threatened Species Conservation Act 1995* (NSW) or, if the *Threatened Species Conservation Act 1995* (NSW) has been repealed, an equivalent method that provides for the calculation of biodiversity credits.

**BioBank Site** means land secured under a BioBanking Agreement.

**Business Day** means any day except for Saturday or Sunday or a day which is a public holiday in the State or a day on which the Council offices are closed.

**Claim** means any allegation, debt, cause of action liability, claim, proceedings, suit or demand of any nature however arising and whether fixed or unascertained, actual or contingent whether in law, in equity, under statute or otherwise.

**Development** has the same meaning as in the Act.

**Development Application** has the same meaning as in the Act.

**Development Consent** has the same meaning as in the Act.

**Development Contribution** means the contributions, being material public benefits, set out in Schedule 4.

**Environmental Retained Land** means that part of the Site identified as unhatched on the plan in Schedule 5.

**Excluded Development** means any Development relating to the existing footprint of the Landowner's current operations on the Land or any necessary maintenance of the existing facility on the Land that does not require any additional offsetting under current legislation.

**Explanatory Note** means the explanatory note required by the Regulation.

**Land** means the land described in Schedule 3.

**Law** means:

- (a) those principles of common law and equity established by decisions of courts; and
- (b) Legislation.

**Legislation** means all legislation, statutes, rules, regulations, by-laws, ordinances and subordinated legislation of the Commonwealth, the State or other relevant Authority.

**LEP** means Cessnock Local Environmental Plan 2011.

**LPI** means NSW Land & Property Information or any similar department or authority that may be established from time to time.

**Party** means a party to this Agreement, including their respective successors and assigns.

**Passive Management Measures** means those passive measures and actions that have little or no cost and include refraining from doing something, such as not removing fallen logs or bush rock.

**Proposed LEP** means the amendment to the LEP which has the effect of rezoning the Site and including the Land in Schedule 1 Additional Permitted Uses in accordance with the proposed Cessnock Local Environmental Plan Amendment Plan attached at Schedule 6.

**Proposed Development** means the expansion of the Landowner's existing operations on the Land for a purpose permissible under the Proposed LEP.

**Real Property Act** means the *Real Property Act 1900* (NSW).

**Register** means the Torrens Title register maintained under the Real Property Act.

**Regulation** means the *Environmental Planning & Assessment Regulation 2000* (NSW).

**Site** means the land described in Schedule 2.

**State** means the State of New South Wales.

## 1.2 Interpretation

In this Agreement:

- (a) headings are for convenience only and do not affect interpretation;

and unless the context indicates a contrary intention:

- (b) "person" includes an individual, the estate of an individual, a corporation, an authority, an association or a joint venture (whether incorporated or unincorporated), a partnership and a trust;

- (c) a reference to a party includes that party's executors, administrators, and successors and permitted assigns, including persons taking by way of novation;
  - (d) a reference to a document is to that document as varied, novated, ratified or replaced from time to time;
  - (e) a reference to a statute includes its delegated legislation and a reference to a statute or delegated legislation or a provision of either includes consolidations, amendments, re-enactments and replacements;
  - (f) a word importing the singular includes the plural (and vice versa), and a word indicating a gender includes every other gender;
  - (g) a reference to a party, clause, schedule, exhibit, attachment or annexure is a reference to a party, clause, schedule, exhibit, attachment or annexure to or of this Agreement, and a reference to this Agreement includes all schedules, exhibits, attachments and annexures to it;
  - (h) if a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word or phrase has a corresponding meaning;
  - (i) "includes" in any form is not a word of limitation;
  - (j) a reference to "\$" or "dollar" is to Australian currency;
  - (k) the Schedules and Annexures to this Agreement form part of this Agreement; and
  - (l) if a party to this Agreement is made up of more than one person:
    - (i) an obligation of those persons is joint and several;
    - (ii) a right of those persons is held by each of them severally; and
    - (iii) any references to that party is a reference to each of those persons separately, so that (for example), a representation, warranty or undertaking is given by each of them separately.
- 

## **2. Planning Agreement under the Act**

The Parties agree that this document is a planning agreement governed by subdivision 2 of Division 6 of Part 4 of the Act.

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## **3. Application of this Agreement**

This Agreement applies to:

- (a) the Site; and
  - (b) the Proposed Development of the Land.
-

#### 4. Operation of this Agreement

This Agreement will commence from the later of:

- (a) commencement of the Proposed LEP within the meaning of section 34(5) of the Act; and
- (b) this Agreement being entered into in accordance with clause 25C(1) of the Regulation.

---

#### 5. Development Contribution to be made under this Agreement

##### 5.1 Provision of Contribution

- (a) The Landowner agrees to provide the Development Contribution in accordance with the provisions of **Schedule 4**, unless otherwise agreed in writing by the parties.
- (b) If an extension of timing is requested by the Landowner, the Council acknowledges and agrees that it will not unreasonably withhold its written consent or agreement to that extension.

##### 5.2 Consideration of Contribution for Proposed Development

The Council agrees to take this Agreement into account in accordance with s79C(1)(a)(iia) of the Act in the determination of any future Application for the Proposed Development on the Land.

##### 5.3 Enter into a BioBanking Agreement

- (a) The Landowner will enter into a BioBanking Agreement in accordance with clause 4.3 of Schedule 4 of this Agreement:
  - a. within 12 months of the date on which this Agreement comes into operation under clause 4 of this Agreement; or
  - b. within 24 months of the date on which this Agreement comes into operation under clause 4 of this Agreement if the Council agrees in writing to such an extension because the Landowner (acting reasonably) has not entered into a BioBanking Agreement.
- (b) In the event that the Landowner, acting reasonably, cannot enter into a BioBanking Agreement in accordance with the timing in clause 5.3(a) and Schedule 4, the Landowner must register a restrictive covenant in respect of the Environmental Retained Land on the terms of similar effect to clause 4.4 in Schedule 4 which will be removed from title when a BioBanking Agreement is entered into.
- (c) The BioBanking Agreement, and any restrictive covenant registered under clause 5.3(b), shall relate to approximately 145ha of land that contains the following Biometric Vegetation Types (BVT) and threatened species:
  - a. HU806 Spotted Gum – Red Ironbark – Grey Gum Shrub – Grass Open Forest of the Lower Hunter;
  - b. HU833 Smooth-barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia Heathy Open Forest of Coastal Lowlands;

- c. HU812 Forest Red Gum Grassy Open Forest on Floodplains of the Lower Hunter;
- d. *Tetratheca juncea*; and
- e. *Grevillea parviflora* subsp. *Parviflora*.

A preliminary assessment suggests that the Environmental Retained Land may contain the required biodiversity values. This must be confirmed using the BioBanking Assessment Methodology.

#### **5.4 Management of the Environmental Retained Land**

The Landowner agrees to undertake the Passive Management Measures in respect of the Environmental Retained Land, at its cost, from the date of on which this Agreement comes into operation under clause 4 of this Agreement until the commencement of the BioBanking Agreement.

#### **5.5 Assessment of biodiversity impact and retirement of biodiversity credits under the BioBanking Scheme**

- (a) Where required under a future Development Application, the Landowner agrees to progressively retire the biodiversity credits as the Land is developed for the purpose of the Proposed Development.
- (b) The credits required to be retired under a future Development Application will be calculated by assessing the biodiversity impacts of the Technology Centre and Explosive Research and Production Facility using the BioBanking Assessment Methodology.

#### **5.6 Excluded Development**

For the avoidance of doubt, the Parties acknowledge and agree that this Agreement does not operate so as to:

- (a) prevent the Landowner from lodging Applications or the Council from granting Approval in relation to any Excluded Development that does not require any offsetting; and/or
- (b) require the Landowner to enter into a BioBanking Agreement or to surrender or retire credits in respect of any Excluded Development that does not require any offsetting.

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### **6. Land Ownership and Registration of this Agreement**

#### **6.1 Ownership**

The Landowner represents and warrants to the Council that, as at the date of this Agreement, it is:

- (a) the legal and beneficial owner of the Land; or
- (b) legally and beneficially entitled to become the owner of the land and will become the legal and beneficial owner of the Land, prior to the date that this Agreement is required to be registered under clause 6.2 of this Agreement; and



- (c) legally and beneficially entitled to obtain all Approvals and to compel any person referred to in or contemplated by clause 6.2(b)(i) to assist, cooperate and otherwise to do all things necessary for the Landowner to comply with its obligations under clause 6.2.

## **6.2 Registration of this Agreement**

- (a) The Landowner, within 5 Business Days of the date of this Agreement or publication of the Proposed LEP in the government Gazette (whichever is the later) agrees to procure the registration of this Agreement under the Real Property Act in the relevant folios of the Register for the Land.
- (b) The Landowner, at its own expense, will take all practical steps, and otherwise do anything that the Council reasonably requires, to procure:
- (i) the consent of each person who:
    - A. has an estate or interest in the Land registered under the Real Property Act; or
    - B. is seized or possessed of an estate or interest in the Land; and
  - (ii) the execution of any documents; and
  - (iii) the production of the relevant duplicate certificates of title, to enable the registration of this Agreement under the Real Property Act in the relevant folios of the Register for the Land in accordance with section 93H of the Act.
- (c) The Landowner will, within 10 Business Days of registration of this Agreement on the relevant folios of the Register for the Land in accordance with clause 6.2(a) and clause 6.2(b), provide the Council with a copy of the relevant folios of the Register for the Land.

## **6.3 Acknowledgement**

Together with clause 8 of this Agreement, the Council acknowledges and agrees that the registration of this Agreement on the title of the Land provides suitable means of enforcement in the event of a breach of this Agreement by the Landowner for the purposes of section 93F(3)(g) of the Act.

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## **7. Application of sections 94, 94A and 94EF of the Act to the Development**

The application of sections 94, 94A and 94EF of the Act are excluded to the extent stated in Schedule 1.

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## **8 Maintenance and Enforcement**

### **8.1 Maintenance**

The Landowner, shall undertake the Passive Management Measures in respect of the Environmental Retained Land until the BioBanking Agreement commences.



**8.2 Enforcement**

This Agreement may be enforced by any Party in any court of competent jurisdiction.

**8.3 No prevention to enforcement**

For the avoidance of doubt, nothing in this Agreement prevents:

- (a) a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Agreement; and
- (b) the Council from exercising any function under any Legislation, including the Act, or any other Legislation or Law relating to the enforcement of any aspect of this Agreement.

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**9 Removal of Agreement**

After the Land has been developed and the credits required under the future Development Application are retired, the Council will promptly execute any form and supply any information as reasonably required by the Landowner removal of this Agreement from the title of the Site.

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**10 Dispute resolution****10.1 Not commence**

A Party must not commence any court proceedings relating to a dispute unless it complies with this clause 10.

**10.2 Written notice of dispute**

A Party claiming that a dispute has arisen under or in relation to this Agreement must give written notice to the other Party specifying the nature of the dispute.

**10.3 Attempt to resolve**

On receipt of notice under clause 10.2, the Parties must endeavour in good faith to resolve the dispute expeditiously using informal dispute resolution techniques such as mediation, expert evaluation or other techniques agreed by them.

**10.4 Mediation**

If the Parties do not agree within 21 days of receipt of notice under clause 10.2 (or any further period agreed in writing by them) as to:

- (a) the dispute resolution technique and procedures to be adopted;
- (b) the timetable for all steps in those procedures; or
- (c) the selection and compensation of the independent person required for such technique, the Parties must mediate the dispute in accordance with the Mediation Rules of the Law Society of

NSW. The Parties must request the president of the Law Society of NSW or the president's nominee to select the mediator and determine the mediator's remuneration.

### **10.5 Court proceedings**

If the dispute is not resolved within 60 days after notice is given under clause 10.2 then any Party which has complied with the provisions of this clause 10 may in writing terminate any dispute resolution process undertaken under this clause and may then commence court proceedings in relation to the dispute.

### **10.6 Not use information**

The Parties acknowledge the purpose of any exchange of information or documents or the making of any offer of settlement under this clause 10 is to attempt to settle the dispute. No Party may use any information or documents obtained through any dispute resolution process undertaken under this clause 10 for any purpose other than in an attempt to settle the dispute.

### **10.7 No prejudice**

This clause 10 does not prejudice the right of a Party to institute court proceedings for urgent injunctive or declaratory relief in relation to any matter arising out of or relating to this Agreement.

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## **11 Assignment and Dealing**

### **11.1 Landowner's right to sell Land**

The Landowner must not sell, transfer or dispose of the whole or any part of the Land unless, before it sells, transfers or disposes of any such part of the Land to another person ("Transferee"):

- (a) it satisfies the Council acting reasonably that the proposed Transferee is financially capable (including, without limitation, by providing financial statements for, and credit standing of, the proposed transferee) of complying with such of the Landowner's obligations under this Agreement as the Council acting reasonably shall nominate must be adopted by the Transferee ("Required Obligations");
  - (b) the Council is satisfied that rights of the Council under this Agreement are not diminished or fettered in any way;
  - (c) the Transferee signs a deed in form and substance acceptable to the Council containing provisions under which the Transferee agrees to comply with the Required Obligations as if it were the Landowner (including obligations which arose before the transfer or assignment); and
  - (d) the Council is satisfied that it holds appropriate security to secure the Landowner's obligations under this Agreement, including, without limitation, a guarantee and indemnity in respect of the Transferee's obligations to comply with the Required Obligations (if so required by the Council);
  - (e) any default by the Landowner has been remedied by the Landowner or waived by the Council; and
  - (f) the Landowner and the Transferee pay the Council's reasonable costs in relation to that assignment.
-

## **12 Release and Indemnity**

- (a) The Landowner agrees that the obligation to provide the Development Contribution is at the risk of the Landowner. The Landowner releases the Council from any Claim, liability or loss arising from, and costs incurred in connection with, the Landowner's obligation to provide the Development Contribution.
  - (b) The Landowner indemnifies the Council against any costs incurred in connection with a breach or the Landowner's obligation to provide the Development Contributions in accordance with this Agreement, except to the extent caused or contributed to by the Council's negligent act or default under this Agreement.
  - (c) The indemnity in clause 1 (b) is a continuing obligation, independent of the Landowner's other obligations under this Agreement and continues after this Agreement ends.
- 

## **13 Costs**

The Landowner agrees to:

- (a) pay or reimburse the reasonable legal costs and reasonable associated costs and reasonable disbursements of Council for the preparation, negotiation and execution of this Agreement; and
  - (b) pay the costs referred to in paragraph (a) within fourteen (14) days of receipt of a tax invoice from Council.
- 

## **14 Effect of Scheduled Terms and Conditions**

The Parties agree to comply with the terms and conditions contained in the Schedules to this Agreement as if those rights and obligations were expressly set out in full in the operative parts of this Agreement.

---

## **15 General Provisions**

### **15.1 Entire Agreement**

- (a) This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, anything said or done by another Party, or by an Authorised Officer, agent or employee of that Party, before the Agreement was executed.
- (b) Pursuant to clause 25E(7) of the Regulation, the Explanatory Note required under clause 25E of the Regulation is not to be used to assist in construing this Agreement.

### **15.2 Further Acts**

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to give effect to, perfect or complete this Agreement and all transactions incidental to it.

### **15.3 Governing Law and Jurisdiction**

This Agreement is governed by the Law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

### **15.4 Joint and individual liability and benefits**

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by two or more persons binds them jointly and each of them individually, and any benefit in favour of two or more persons is for the benefit of them jointly and each of them individually.

### **15.5 No fetter**

Nothing in this Agreement is to be construed as requiring an Authority to do anything that would cause it to be in breach of any of its obligations at law, and without limitation and nothing in this Agreement is to be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

### **15.6 Representations and warranties**

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under this Agreement and that entry into this Agreement will not result in the breach of any law.

### **15.7 Severability**

- (a) If any part of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- (b) If any part of this Agreement is illegal, unenforceable or invalid, that part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

### **15.8 Modification**

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties as a deed.

**15.9 Waiver**

- (a) The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or a breach of obligation by, another Party.
- (b) A waiver by a Party is only effective if it is in writing.
- (c) A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

**15.10 Good Faith**

Each Party must act in good faith towards all other Parties and use its best endeavours to comply with the spirit and intention of this Agreement.

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**16 Notices****16.1 Form**

Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

- (a) delivered or posted to that Party at its address set out below; or
- (b) faxed to that Party at its fax number set out below:

- (i) The Council

Address:

Fax:

Attention:

- (ii) Landowner

Address: C/- Level 1, 1 Nicholson St, Melbourne, Vic, 3001

Fax:

Attention:

**16.2 Receipt**

- (a) Any notice, consent, information, application or request is to be treated as given or made at the following time:
  - (i) if it is delivered, when it is left at the relevant address;
  - (ii) if it is sent by post, 2 Business Days after it is posted; or

- (iii) if it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.
- (b) If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a Business Day or after 5pm on any Business Day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next Business Day.



**Schedule 1 - Requirements under section 93F of the Act**

<b>SUBJECT and SUB-SECTION OF THE ACT</b>	<b>THE PLANNING AGREEMENT</b>
<b>Planning instrument and/or Development Application - (Section 93F(1))</b>  The Landowner has:  (a) sought a change to an environmental planning instrument.  (b) made, or proposes to make a Development Application.  (c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.	(a) Yes  (b) Yes  (c) Yes
<b>Description of the land to which the Planning Agreement applies - (Section 93F(3)(a))</b>	The whole of the Site
<b>Description of change to the environmental planning instrument to which the Planning Agreement applies- (Section 93F(3)(b))</b>	Inclusion of a portion of the Land under "Schedule 1 Additional Permitted Uses" of Cessnock Local Environmental Plan 2011 and rezoning of the Land to RU2 in accordance with the Proposed LEP at Schedule 6.
<b>The scope, timing and manner of delivery of contribution required by the Planning Agreement- (Section 93F(3)(c))</b>	See Schedule 4
<b>Applicability of section 94 of the Act - (Section 93F(3)(d))</b>	The application of section 94 of the Act <i>is not excluded</i> .
<b>Applicability of section 94A of the Act - (Section 93F(3)(d))</b>	The application of section 94A of the Act <i>is not excluded</i> .
<b>Applicability of section 94EF of the Act - (Section 93F(3)(d))</b>	The application of section 94EF of the Act <i>is not excluded</i> .
<b>Mechanism for dispute resolution- (Section 93F(3)(f))</b>	See clause 10.
<b>Enforcement of the Planning Agreement- (Section 93F(3)(g))</b>	See clauses 6 and 8.
<b>Registration of the Planning Agreement - (Section 93F(3)(g))</b>	Yes, the Parties agree that the Planning Agreement will be registered in accordance with clause 6.
<b>No obligation to grant consent or exercise functions- (Section 93F(9))</b>	No obligation. See clause 15.5.

**Schedule 2 - Site**

The Site the subject of this Agreement is the whole of the land described in the following table:

Lot	Deposited Plan
Lot 2	DP 809377

### Schedule 3 – The Land



The Land is that part of the site that will be the subject of the Schedule 1 Notation in the LEP that can be developed for the purposes permitted under the Proposed LEP, namely Technology Centre and Explosive Research and Production Facility.

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## Schedule 4 - Development Contribution

### 4.1 Contribution and Timing

- (a) The Landowner undertakes to provide or procure the provision of the Development Contribution as set out and provided for in Column 2 of the Development Contribution Table set out at clause 4.3 of this Schedule 3, no later than the date or event described in Column 3 of that table unless otherwise agreed in writing by the parties. If an extension of timing is requested by the Landowner, the Council must not unreasonably withhold its written consent or agreement to that extension.
- (b) In the event that the Landowner, acting reasonably, cannot enter into a BioBanking Agreement (item 1 below) by the date or event described in Column 3 of the Development Contribution Table, the Landowner may register a restrictive covenant in respect of the Environmental Retained Land on the terms of similar effect to clause 4.4 in Schedule 4 below which will be removed from title once a BioBanking Agreement commences.

### 4.2 Public Purpose

The Landowner and the Council acknowledge that the Development Contribution is being made for the public purposes described in Column 4 of the Development Contribution Table at clause 4.3 of this Schedule 3.

### 4.3 Development Contribution Table

Column 1	Column 2	Column 3	Column 4
Item	Development Contribution	Timing	Public Purpose
1	<p>The Landowner commits to enter into a BioBanking Agreement in relation to part of the site with the NSW Office of Environment and Heritage under the provisions of the <i>Threatened Species and Conservation Act 1995</i> (or whatever applies at the time) to secure future biodiversity offsets as the Technology Centre and Explosive Research and Production Facility develops.</p> <p>The BioBanking Agreement shall secure place approximately 145ha of land that contains the following Biometric Vegetation Types (BVT) and threatened species:</p> <ul style="list-style-type: none"> <li>▪ HU806 Spotted Gum – Red Ironbark – Grey Gum Shrub – Grass Open Forest of the Lower Hunter;</li> <li>▪ HU833 Smooth-barked Apple – Red Bloodwood – Brown</li> </ul>	<p>1. Within 12 months of this Agreement becoming operational under clause 4; or</p> <p>2. Within 24 months of this Agreement becoming operational under clause 4 if the Council agrees in writing to such an extension because Landowner (acting reasonably) has not entered into a BioBanking Agreement.</p>	The conservation or enhancement of the natural environment.

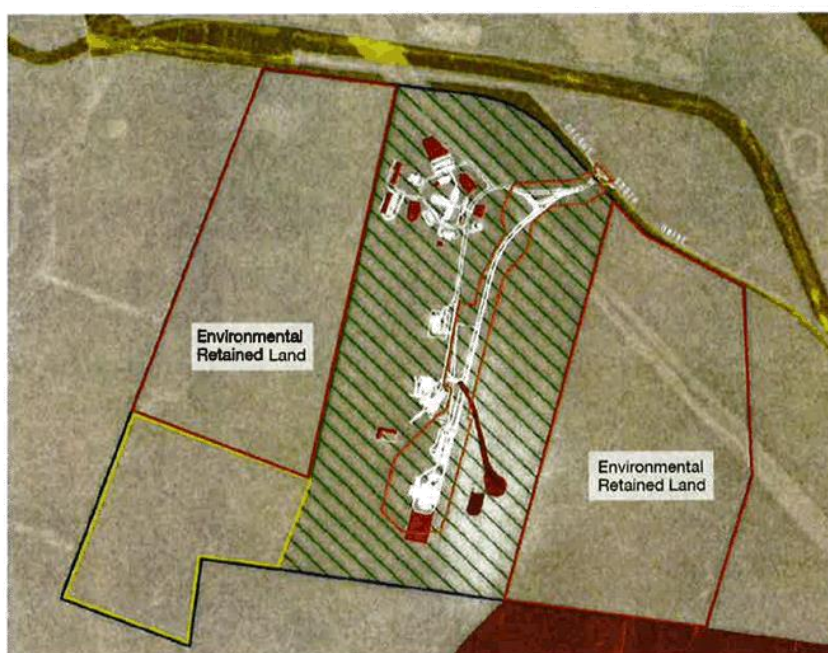
Column 1	Column 2	Column 3	Column 4
Item	Development Contribution	Timing	Public Purpose
	<p>Stringybark – Hairpin Banksia Heathy Open Forest of Coastal Lowlands;</p> <ul style="list-style-type: none"> <li>▪ HU812 Forest Red Gum Grassy Open Forest on Floodplains of the Lower Hunter;</li> <li>▪ Tetratheca juncea; and</li> <li>▪ Grevillea parviflora subsp. Parviflora</li> </ul> <p>with the intention being that the credits generated will be used to offset for any future biodiversity impacts on the site.</p>		
2	The Landowner will undertake Passive Management Measures on the Environmental Retained Land from the date that this Agreement becoming operational under clause 4 until the BioBanking Agreement commences.	From execution of the VPA.	The conservation or enhancement of the natural environment.

#### 4.4 Assessment and offsetting of biodiversity impacts from development and establishment of the BioBank Site

The Landowner identifies that the Proposed Development on the Land and the establishment of the BioBank Site under a BioBanking Agreement will be on the following terms

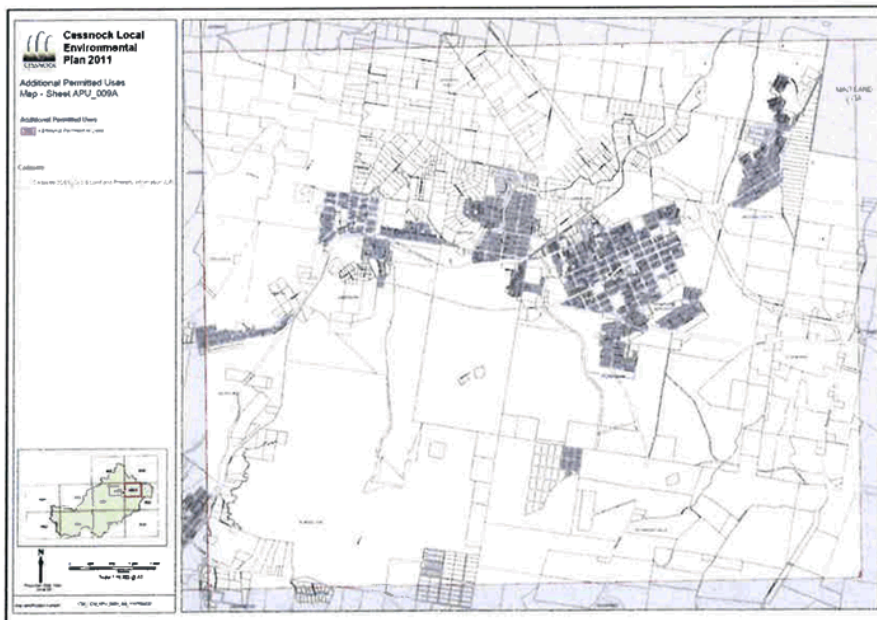
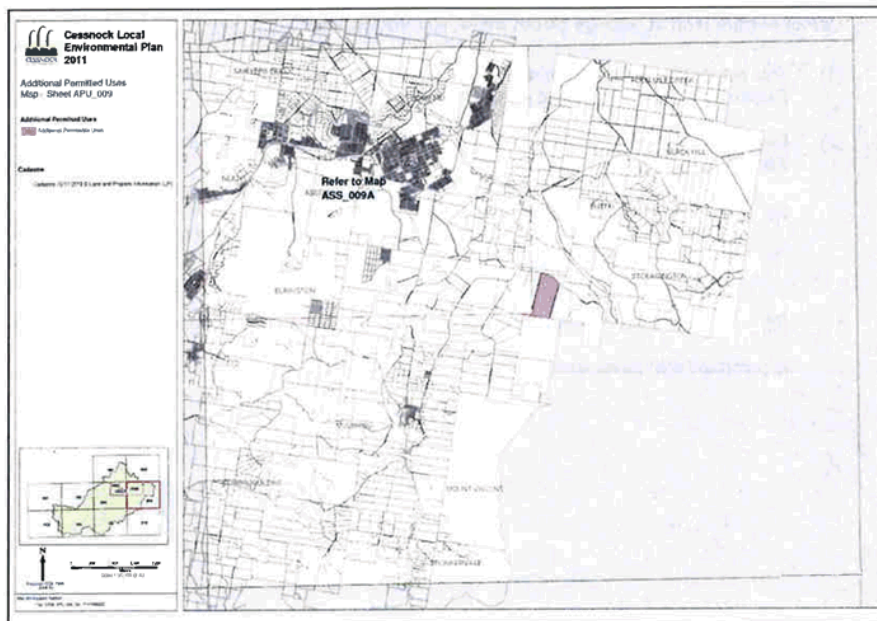
- (a) A Development Application is not to be lodged for the Proposed Development on the Land, excepting any Excluded Development, until such time as a BioBanking Agreement has been signed that meets the requirements in 4.3 of Schedule 4.
- (b) Future Development Applications for the Proposed Development on the Land will require the full biodiversity impacts of the Proposed Development to be assessed under the BioBanking Assessment Methodology. Each future Development Application for the Proposed Development on the Land must demonstrate that appropriate biodiversity credits have been retired for that development.

**Schedule 5 – Environmental Retained Land**



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**Schedule 6 – Proposed LEP****Draft LEP Maps**

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Draft Schedule 1 Notation

**Use of certain land at George Booth Drive, Richmond Vale**

- (1) This clause applies to land being part of Lot 2 DP 809377 at 1151 George Booth Drive, Richmond Vale and identified on the Additional Permitted Uses Map.
- (2) Development for the purpose of a *Technology Centre and Explosive Research and Production Facility*, involving:
  - (a) *the construction and use of offices, laboratories and workshops for the purposes of research into, and development of, explosives, precursors and associated manufacturing processes, methods of application of explosives, related advanced engineering processes and blasting physics, and*
  - (b) *the production, storage and testing of explosives and their precursors*

is permitted with development consent.

**Executed as an agreement**

**Signed** for and on behalf of **Cessnock City** )  
**Council** ABN 60 919 148 928 by )  
GENERAL MANAGER NAME, who hereby )  
declares that he/she has been duly  
authorised to do so, in the presence of:

.....  
Signature of witness

.....  
Signature of authorised representative

.....  
Print Name

.....  
Print Name

**Signed by Orica Australia Pty Limited** )  
(ACN 004 117 828) in accordance with )  
section 127 of the Corporations Act: )

.....  
Signature of Director

.....  
Signature of Director/Secretary

.....  
Name of Director

.....  
Name of Director/Secretary

45 Victoria Street,  
Teralba NSW 2284

27/06/2016

Mr. Iain Rush,  
Strategic Land Use Planner,  
Cessnock City Council ,  
PO Box 152,  
Cessnock, NSW 2325

Re: "18/2014/4/1-Schedule 1 Additional Permitted Use at  
1151 George Booth Drive Richmond vale- Orica site"

Dear Sir,

I am writing to object to the implementation of the above planning proposal, as specified in your letter of the 30 May 2016 for the following reasons.

1. The plan attached to your letter showed that the planned permitted use extends beyond land owned by Orica and on to land otherwise owned, including my land to the extent of some 20% approximately thereof.  
The plan attached to the schedules on council's website shows no such affectation, and is misleading to say the least
2. Any expansion by Orica, or the needs of its conducting its business, should be met by Orica within the confines of its own property. There should be no restriction or affectation placed on any adjoining or neighboring property. My property should not be affected in any way
3. Your letter refers to "Biobanking" This concept occurs where a landowner agrees to a restriction on property for the purpose, usually, of developing other land. What your letter shows, is that Orica, with Council, for a purpose of Orica, not a purpose of mine, is facilitating a restriction on use over my land and that of adjoining landowners. This can not occur, and Council should not be complicit in any such proposal.... there would be a very great responsibility for damage in the event of the affectation of restriction, if implemented
4. The general area of Orica's operation is rural, with some environmental protection implemented by agreement with the State Government. There is more than enough control and restriction on usage on land in the general area by virtue of current legislation and agreement. Council should not be a party to any further imposition on landowners in the area for any purpose, let alone the expansion of an Industrial facility that has inherent danger

For the reasons specified, I submit that the proposal should not be passed

I have made no political donations

Yours faithfully

Mrs. J Jackson

8<sup>th</sup> July 2016



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

**Attention: Mr Bo Moshage**

Dear Mr Moshage,

**Winten (No. 23) Pty Ltd**  
Level 10, 61 Lavender Street  
Milsons Point NSW 2061  
PO Box 55  
Camberay NSW 2062  
T +61 2 9929 5000  
F +61 2 9929 5001  
[www.winten.com.au](http://www.winten.com.au)

ABN 88 096 449 366

**Proposed Modification to Deed of Planning Agreement – Cliftleigh**

We refer to our ongoing discussions regarding the Deed of Planning Agreement executed between Winten (No 23) Pty Ltd and Cessnock City Council on 20<sup>th</sup> August 2008.

In accordance with our discussions and submissions to Council, Winten hereby formally requests Council's approval to modify the Planning Agreement to achieve the outcomes sought.

Winten looks forward to working with Council to achieve the desired outcomes for Council and the Cliftleigh community.

Yours sincerely

**William Sarkis**  
**Director Residential Estates**  
**Winten Property Group**

Proposed amendments to Planning Agreement between  
Winten (No 23) Pty Ltd and Cessnock City Council dated 20 August 2008

No.	Planning Agreement reference	Proposed amendment
1	Clause 2.1 – Definitions and Interpretation	Delete the current definition of Development and replace with the following definition:  <i><b>Development</b> means the proposed staged residential subdivision comprising 977 individual residential lots to be carried out in stages in accordance with any development consent granted for development (as modified from time to time).</i>
2	Attachment D Contributions Schedule - whole	Attachment D to be replaced with the attached revised Attachment at Annexure B.
3	Attachment D Contributions Schedule – Table 3	Table 3 Schedule of Cash Contributions – delete Item 19 District Roads and Bridges from the Schedule in its entirety (as per Council's letter of 2 May 2016).
4	Attachment D Contributions Schedule – Table 3	Table 3 Schedule of Cash Contributions – insert a new line item in Table 3 which requires a cash contribution of \$3,597.75 (adjusted by CPI) per residential lot, the subject of a subdivision certificate application, in excess of the 977th residential lot (as per Council's letter of 2 May 2016).
5	Attachment D Contributions Schedule Table 1, Item 4: Neighbourhood Community Centre (\$650,000) and Table 2, Item 9.1: Neighbourhood Community Centre (land dedication)	See attached Annexure B document outlining the proposed amendments to Attachment D.  Proposed trigger date deferred from 450 <sup>th</sup> lot to the 600 <sup>th</sup> lot.
6	Attachment D Contributions Schedule Table 1, Item 5: Neighbourhood Childcare Centre (\$1,600,000) Table 2, Item 9.2: Neighbourhood Childcare Centre (land dedication)	See attached Annexure B document outlining the proposed amendments to Attachment D.



7	Attachment D Contributions Schedule Table 1, Item 6: Neighbourhood Recreation Facilities (\$1,500,000)	Winten has amended Table 1 (Item 6.1) and Table 3 (Item 6.2) in the attached Annexure B outlining the proposed amendments to Attachment D consistent with this position. The new Item 6.2 in Table 3 will not be subject to CPI (unlike the other Cash Contribution Items). Winten has amended Table 1 (Item 6.1) and Table 3 (Item 6.2) in the attached <b>Annexure B</b> outlining the proposed amendments to Attachment D consistent with this position. The new Item 6.2 in Table 3 will not be subject to CPI (unlike the other Cash Contribution Items).
8	Attachment D – Contributions Schedule Table 2, Item 11: Local Park – Hilltop (\$293,000)	Hilltop Park land will be dedicated in accordance with the VPA, albeit with a revised trigger date for the embellishment works and land dedication. The revised dates for delivery and dedication are a consequence of the adopted staging strategy.
9	New clause	Insert a new clause in the PA which confirms the Developers right to enter Public Lands dedicated to Cessnock City Council in accordance with the PA to undertake maintenance and construction works that are integral to the delivery of the project as envisioned by the relevant development applications.
10	Attachment E – Item 3, Testers Hollow Maintenance (\$250,000)	Modify the description of the Testers Hollow Maintenance specifications to include a requirement that the Developer will provide Council with an approved security of \$250,000 (being the PA value of the Developer Contribution for Item 3). It shall be noted that, subject to the satisfactory yearly reviews of the maintenance works in accordance with the PoM, that Council shall reduce the security held by \$50,000 per year.
11	Attachment E – Item 6, Neighbourhood Recreation Facilities.	Modify the description of Item 6 to note that the facility will comprise an informal kick-about space as per the following details: <input type="checkbox"/> An area of approximately 150 metres by 135 metres graded to prevent ponding of surface water. <input type="checkbox"/> The kick-about space will be turfed and underground irrigation will be installed. <input type="checkbox"/> The estimated cost of the kick-about space is \$931,904 which shall be supported by the provision of an independent QS report. <input type="checkbox"/> The agreed Developer Contribution for Item 6 is \$1,500,000. <input type="checkbox"/> Subject to acceptance of the independent QS report, the Developer shall pay a sum of \$568,096 to Council, being the difference between the \$1,500,000 PA value and the actual cost of the kick-about space.

Proposed Contributions Schedule

Table 1	Schedule of Public Facilities	Details	Indicative Value	Trigger Point	Cum. Contributions
1	Testers Hollow Wetlands Construction	Civil Works and Erosion Control	\$ 1,400,000	331	\$1,400,000
6.1	Neighbourhood Recreation Facilities	Embellishment to kick-about space	\$ 931,904	331	\$2,331,904
2	Testers Hollow Wetlands Rehabilitation Works	Planting macrophyte & littoral zones	\$ 700,000	400	\$3,031,904
7	Local Park Embellishment	Hilltop Park	\$ 300,000	400	\$3,331,904
3	Testers Hollow Wetlands Maintenance		\$ 250,000	500	\$3,581,904
4	Neighbourhood Community Centre	Provision of Council approved Community Centre, or cash equivalent	\$ 650,000	600	\$4,231,904
5	Neighbourhood Childcare Centre	Provision minimum 30 place facility or cash equivalent.	\$ 1,600,000	900	\$5,831,904
		<b>Total Contributions</b>	<b>\$ 5,831,904</b>		
		Pro-rata contribution	\$ 5,969		

Table 2	Schedule of Land Dedications	Area ( sq. metres)	Indicative Value	Trigger Point	Cum. Contributions
10	Neighbourhood Recreation Facilities	22600 sq.m @ \$8 / sq.m	\$ 180,000	331	\$ 180,000
8	Testers Hollow Open Space	468400 sq.m @ \$2 / sq.m	\$ 937,000	331	\$ 1,117,000
11	Local Park - Hilltop	3900 sq.m @ \$75 /sq.m	\$ 293,000	400	\$ 1,410,000
11.1	Open Space	7266 sq.m @ \$48.20 / sq.m	\$ 350,000	400	\$ 1,760,000
9.1	Neighbourhood Community Centre	1000 sq.m @ \$180 / sq.m	\$ 180,000	600	\$ 1,940,000
9.2	Neighbourhood Child Care Centre	1000 sq.m @ \$180 /sq.m	\$ 180,000	900	\$ 2,120,000
		<b>Total Contributions</b>	<b>\$2,120,000</b>		
		Pro-rata contribution	\$ 2,170		

Table 3	Schedule of Cash Contributions			Trigger Point	Cum. Contributions
12	Library Services		\$ 605,000	Pro-rata contribution per residential lot within each subdivision certificate up to 977 residential lots.	
13	Kurri Kurri Aquatic Centre		\$ 189,000		
14	External Cycleway		\$ 150,000		
15	Cycle link to Kurri Kurri		\$ 98,000		
16	Pedestrian Refuges		\$ 41,000		
17	Rationalise Main Road Access		\$ 273,000		
18	Roads/Streetscape/Parking		\$ 400,000		
6.2	Neighbourhood Recreation Facilities	Surplus funds from scaled back facility for alternate use by Council. No CPI.	\$568,096	331	\$ 568,096
	Contributions up to 977 residential lots		\$2,324,096		
	pro-rata contributions up to 977 lots		\$2,379		
	Total Proposed VPA Contributions for up to the 977th lot		\$10,276,000		
	Additional Cash Contributions	Contribution for lots in excess of 977 residential lots. CPI adjusted.	\$3 598 per lot		



# **COMMUNITY ENGAGEMENT STRATEGY 2016**

**VERSION CONTROL**

VERSION	DATE	COMMENT	AUTHOR
Draft v1.0	12 May 2016	First draft	Bronwyn Rumbel
Draft v2.0	31 May 2016	Second draft incorporating feedback of Senior Media & Communications Officer	Bronwyn Rumbel
Draft v3.0	8 July 2016	Third draft incorporating feedback from Directors	Bronwyn Rumbel
Draft v3.1	12 July 2016	Third draft using Corporate Style Guide template	Bronwyn Rumbel
Draft v4.0	21 July 2016	Final incorporating feedback from meeting of Executive	Bronwyn Rumbel
Draft v5.0	27 July 2016	Incorporate feedback from Agenda Review to include "empower" in Tables 1 & 2	Bronwyn Rumbel

## **Contents**

1. Introduction	4
2. Background	4
3. Community Engagement	5
4. Stakeholders	6
5. Engagement Principles	7
6. Engagement Planning	8
7 Toolkit	8
Table 1 – Level of Impact and Engagement	9
Table 2 – Type of Engagement and Methods	10

## 1. Introduction

This strategy outlines the approach Cessnock City Council takes to engage with our community.

The document defines community engagement and broadly identifies who we will engage with, for what purposes and describes the approaches and methodologies used for engagement.

This strategy acknowledges that Council is subject to specific engagement requirements under relevant legislation (e.g. development approvals).

It is not the intention of this strategy to significantly alter any current practices of effective engagement; it will identify the principles to value-add to the level of engagement and consultation already occurring.

The Community Engagement Strategy reflects Cessnock City Council's ongoing commitment to appropriately engaging with our community and improving the efficiency and effectiveness of our organisation.

## 2. Background

The NSW Council Charter (Section 8 of the Local Government Act 1993) requires Council to:

*Facilitate the involvement of Councillors, members of the public, users of facilities and services and council staff in the development, improvement and coordination of local government; and*

*To keep the local community and the state government informed about its activities.*

Council's approach to community engagement is based on the following social justice principles:

**Equity** – The broadest cross-section of residents will have opportunities to be involved in consultation activities and every effort will be made to implement processes that are fair and equitable.

**Access** – Strategies will be put in place to ensure that individuals are not excluded from the consultation process.

**Participation** – A range of methodologies will be implemented to encourage participation.

**Rights** – Council respects the right of residents to have their voices heard and be informed about the decision-making process.



### 3. Community engagement

The International Association for Public Participation (IAP2) defines community engagement as:

*"Any process that involves the community in problem-solving or decision-making and uses community input to make better decisions."*

Community engagement means how and to what degree our community is involved in a Council project or issue.

"Community" is a group of people (e.g. stakeholders, interest groups, etc.). A community may be a geographic location (community of place); a community of similar interest (community of practice) or a community of affiliation or identity (e.g. an industry or a sporting club).

"Engagement" covers a range of interactions from information delivery, consultation, involvement, collaboration and partnerships.

The benefits of effective community engagement include:

- Increased community awareness about Council's services, planning and program delivery;
- Allowing the community to have a say to increase awareness across Council of community views and the issues that should be considered as part of the decision-making process;
- Enable customers to express their expectations to increase the awareness of the needs, priorities and diversity of the local community, which in turn ensures that Council's service provision and planning functions are aligned appropriately;
- Increased level of community ownership and acceptance of decisions affecting our local government area;
- Council and the community working together to address local issues; and
- Potential time and cost savings for Council.

Council engages our communities in a number of ways:

**Inform** – We provide the community with information to help them understand a situation or problem.

**Consult** – We consult with interested parties to obtain community feedback on actions and proposals.

**Involve** – We work directly with the community during a process to ensure that community concerns and aspirations are understood and considered.

**Collaborate** – We also partner with the community in each aspect of a decision making process including the development of alternatives and identification of the preferred solution.

**Empower** – While placing the final decision in the hands of the public has limited application in local government (where the elected Council is the decision making body), there may be occasions where non-financial empowerment may occur.

#### **4. Stakeholders**

A stakeholder is a person or group who has, or feels they have, an interest or stake in a project or issue.

There are several ways to identify stakeholders:

*Staff Knowledge* – Staff may have previously undertaken similar projects and have developed formal or informal databases of interested community members.

*Corporate Records* – Council records will identify individuals, groups and committees who have previously engaged with Council or expressed an interest in an issue; and Council's Community Directory includes contacts for local services, organisations and community groups.

*Asking the Community* – Expressions of interest or surveys can be used to identify interested members of the community.

Efforts should be made to engage with a range of stakeholders (including hard to reach groups) such as:

- Men and women;
- Children and families;
- Young people;
- People from non-English speaking backgrounds.
- Seniors;
- People with a disability;
- Aboriginal and Torres Strait Islanders; and

The following groups and organisations should also be considered:

- State and Federal Government;
- Council Committees;
- Not-for-profit groups;
- Volunteer groups;
- Educational institutions;
- Environmental groups;
- Chambers of Commerce;
- Sporting groups;
- Property owners and residents;
- Visitors;
- Utility providers; and
- Experts.

Ideally, there should be a balance between engaging with those with particular interests as well as the community more broadly to ensure that a minority is not unduly influencing decisions/ directions that the majority supports.

## 5. Engagement Principles

The following principles will underpin Council's approach to community engagement:

**Open and Inclusive** – Council is committed to ensuring that the community is well-informed about Council's service delivery, planning and decision making processes. Council creates, supports and promotes accessible opportunities for our community to actively participate in decision making.

**Trust and accountability** – Council approaches engagement from an impartial perspective, treats all participants in the engagement process with respect and is ethical in its dealings with our community.

**Engage early and be clear** – Council clearly communicates the objectives of the engagement process and the parameters (including legislative requirements, policy frameworks and context, budget constraints, etc.) at the outset.

**Consideration and feedback** – Council is committed to demonstrating that we have considered contributions and to providing participants with feedback (particularly about how community input influenced the decision).

**Skills and resources** – Council plans its community engagement to ensure efficiency and avoid duplication. It endeavours to provide appropriately trained resources for engagement processes.

### Community Engagement Protocols

The following engagement protocols will be observed in community gatherings to ensure a productive and positive engagement experience for all:

- Show respect for one another
- Listen to understand
- One person speaking at a time
- Focus on the issue (not the individual)
- Speak honestly
- Articulate hidden assumptions
- Be brief and meaningful in expressing your opinion
- Seek common ground and understanding
- No recording without everyone's prior permission

## **6. Engagement Planning**

The type of engagement that Council employs varies according to the activities and projects being undertaken.

A Community Engagement Plan provides guidance and support to ensure that all key elements are considered and addressed early in the project planning stages. The following elements are required in an engagement plan:

### **Project Objectives**

The purpose of the community engagement needs to be clearly articulated – i.e. What are you hoping to achieve (including the scope of any decision to be made)? What questions would you (and the ultimate decision maker) like the engagement process to answer?

It is also useful to identify any statutory requirements relating to the engagement.

### **Level of Participation**

The appropriate level of community participation is determined by the impact of a project, issue, service or action.

Table 1 (below) defines the levels of impact and corresponding levels of engagement that should generally be required.

Due to the diversity of activities across Council, the most appropriate level of community participation needs to be determined to match the situation (taking into account any specific legislative requirements).

### **Engagement Methods and Tools**

Table 2 (below) defines and describes the different levels of engagement, as well as the methods that may be used.

The engagement plan will differ depending on the nature, complexity and impact of the issue or project (and so the selection of the appropriate tools will vary accordingly).

### **Evaluation**

Evaluation (of both the outcomes and process) is an important part of continuing to develop and improve community engagement.

## **7. Toolkit**

This Community Engagement Strategy is complemented by a Community Engagement Toolkit (developed by Victorian Government) to provide more detail on the methods of engagement outlined in this document. It is essentially the procedures for Council staff, along with a number of worksheets and templates.

**Table 1. Level of Impact and Engagement**

Level of Impact	Criteria	Examples	Type of Engagement generally required	Considerations
Level 1 High impact LGA wide	<ul style="list-style-type: none"> <li>High level of real or perceived impact or risk across the local government area</li> <li>Significant impact on high value attributes of the local government area</li> <li>Any impact on health, safety or wellbeing of the community</li> <li>Likely high level of interest across the local government area</li> <li>Potential high impact on state or regional strategies/directions</li> <li>Potential for high degree of controversy/conflict</li> </ul>	<ul style="list-style-type: none"> <li>Community Strategic Plan</li> <li>Local Environmental Plan (LGA wide)</li> <li>Plans of Management (district or regional)</li> <li>Provision of a district or regional facility</li> <li>Removal of a LGA-wide facility or service</li> <li>Major change to an LGA-wide service</li> <li>Change to/impact on natural environmental features</li> </ul>	<ul style="list-style-type: none"> <li>Inform</li> <li>Consult</li> <li>Involve</li> <li>Collaborate</li> <li>Empower</li> </ul>	<ul style="list-style-type: none"> <li>It may not always be feasible to involve the community or seek input prior to action (e.g. response to a natural disaster).</li> <li>A formal collaboration may not always be appropriate however, it will be essential where an ongoing involvement and community commitment is sought.</li> <li>While the elected Council is the decision making body, the proposed changes to the Local Government Act may enable Council to delegate to (or empower) others to make decisions regarding acceptance of tenders or financial assistance programs.</li> </ul>
Level 2 High impact Local	<ul style="list-style-type: none"> <li>High level of real or perceived impact or risk on a local area, small community or users of a specific facility or service</li> <li>Potential for high degree of controversy/conflict at the local level</li> </ul>	<ul style="list-style-type: none"> <li>Local Environmental Plan (local)</li> <li>Upgrade of a local facility</li> <li>Removal of a local facility or service</li> <li>Major change to a local service</li> <li>Local road closures</li> <li>Increase in or removal of car parking</li> </ul>	<ul style="list-style-type: none"> <li>Inform</li> <li>Consult</li> <li>Involve</li> <li>Collaborate</li> </ul>	<ul style="list-style-type: none"> <li>It may not always be feasible to involve the community or seek input prior to action.</li> <li>A formal collaboration may not always be appropriate however, it will be essential where an ongoing involvement and community commitment is sought.</li> </ul>
Level 3 Lower impact LGA wide	<ul style="list-style-type: none"> <li>Lower (although still some) real or perceived impact or risk across the local government area</li> <li>Potential for some (although not significant) impact on state or regional strategies/directions</li> <li>Potential for some controversy/conflict</li> </ul>	<ul style="list-style-type: none"> <li>Upgrade to a district or regional facility</li> <li>Improvements to a LGA-wide service</li> <li>Change to customer processes</li> <li>Provision of a community-wide event</li> <li>Community surveys/research</li> </ul>	<ul style="list-style-type: none"> <li>Inform</li> <li>Consult</li> <li>Involve</li> </ul>	<ul style="list-style-type: none"> <li>It will not always be necessary to involve the entire community.</li> </ul>
Level 4 Lower impact Local	<ul style="list-style-type: none"> <li>Lower level of real or perceived impact or risk on a local area, small community or users of a specific facility or service</li> <li>Low or no controversy/conflict</li> </ul>	<ul style="list-style-type: none"> <li>Upgrade to a local facility</li> <li>Improvements to a local service</li> <li>Change to a local program</li> </ul>	<ul style="list-style-type: none"> <li>Inform</li> <li>Consult</li> </ul>	<ul style="list-style-type: none"> <li>At times it may be advisable to involve the local community in planning or decision making to achieve a sense of ownership and mitigate the risk of a project or action becoming a broader issue.</li> </ul>

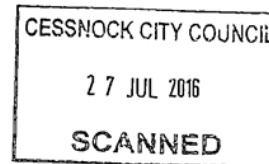
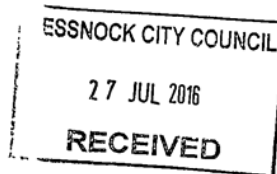
Table 2: Type of Engagement and Methods

Type	Goal	Description	Examples	Methods
Inform	To keep others informed.	One-way communication providing balanced, objective information to assist understanding about something that is going to happen or has happened.	<ul style="list-style-type: none"> <li>Advising the community of a situation or proposal</li> <li>Informing on a decision or direction</li> <li>Providing advice on an issue</li> <li>No response is required although people are free to seek a further level of participation</li> </ul>	<ul style="list-style-type: none"> <li>Personal telephone contact</li> <li>In-person meeting</li> <li>Written correspondence</li> <li>Fact sheet, brochure</li> <li>Letter box drop</li> <li>Notice/advertisement in local newspaper</li> <li>Notice in rates newsletter</li> <li>Media release</li> <li>Site display</li> <li>Information sessions/briefings</li> <li>E-mail</li> <li>Website</li> <li>Banners, posters, signs</li> <li>Social media</li> </ul>
Consult	To listen and acknowledge concerns and hopes, and provide feedback on if/how input influenced the decision	Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making.	<ul style="list-style-type: none"> <li>Undertaking market research to identify needs or issues</li> <li>Seeking comment on a proposal, action or issue</li> <li>Seeking feedback on a service or facility</li> <li>Requiring a response, with limited opportunity for dialogue</li> <li>Option for people to seek a further level of participation</li> </ul>	<ul style="list-style-type: none"> <li>Suggestion box</li> <li>Telephone survey</li> <li>Written survey</li> <li>Hotline/phone-in</li> <li>Letter/media promotion inviting submissions</li> <li>Public exhibition</li> <li>Interview</li> <li>Focus group session</li> <li>Public meeting</li> <li>Feedback form</li> <li>Online discussion forum</li> <li>Social media</li> </ul>
Involve	To give others a role in shaping a project and having some input into decision making.	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood prior to decision making.	<ul style="list-style-type: none"> <li>Involving the community in discussion and debate</li> <li>Ensuring informed input through briefings and information</li> <li>Adopting a more personal and innovative approach through personal contact and meetings/sessions that encourage participation</li> <li>Involving at different times in the planning process (i.e. keeping informed and enabling further comment)</li> </ul>	<ul style="list-style-type: none"> <li>Meetings with key stakeholders</li> <li>Meetings with target community groups</li> <li>Workshop session</li> <li>Site tour/meeting</li> <li>Public art session</li> <li>Community forum/debate</li> <li>Community Committees</li> <li>Deliberative polling</li> <li>Social media</li> </ul>
Collaborate	To look to others for advice and innovation in formulating solutions and incorporating this into the decisions to the maximum extent possible.	Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	<ul style="list-style-type: none"> <li>Establishing a structure for involvement in decision making</li> <li>Enabling ongoing involvement and keeping informed</li> <li>Allocating responsibility in achieving initiatives.</li> </ul>	<ul style="list-style-type: none"> <li>Community Summit</li> <li>Strategic Reference Groups</li> <li>Working party, panel, taskforce</li> <li>Joint Advisory Committees</li> </ul>
Empower	To place final decision making in the hands of others.	Council will implement what others decide.	<ul style="list-style-type: none"> <li>Delegating acceptance of tenders.</li> <li>Delegating granting of financial assistance.</li> </ul>	<ul style="list-style-type: none"> <li>Delegation (as part of the proposed changes to the Local Government Act)</li> </ul>





22 July 2016



Dear Mr Stephen Glen

**Re: Proposed additions and alterations to Cessnock Correctional Centre**

New South Wales' prison population is steadily increasing and existing correctional centre are close to capacity. To address this, the NSW Department of Justice (the Department) is expanding the Cessnock Correctional Centre, by building new facilities. This will create up to 450 jobs during construction, and up to 430 jobs afterwards.

This is part of a building program in prisons across the state. As a stakeholder you may be affected by this change. The purpose of this letter is to provide you with some information about the proposal.

Cessnock Correctional Centre is a male minimum and maximum security prison with a current capacity of about 800 inmates. The Centre is dedicated to keeping the community safe and reducing reoffending, through measures including education and vocational training. It has a large industries complex employing and training inmates in a variety of jobs including engineering, and food services.

The Department is currently considering the construction of potentially three additional facilities.

- an additional 320 maximum security beds in four two-storey accommodation buildings;
- an additional 280 minimum security bed facility in four two-storey accommodation buildings,
- an additional 400 bed (at least) maximum security bed facility
- a building containing industries such as kitchen, education and laundry for the maximum security inmates,
- a programs building and secure entry and visits building for the minimum security inmates,
- a potential new inmate reception building within the existing centre
- playing fields and multipurpose courts,
- 500 additional staff and visitor parking spaces, and
- a modified road layout to include a new main entrance that would connect Lindsay Street with the main gatehouse

The attached map indicates the proposed location of these projects.

At this stage, pending a range of approvals, the Department is currently targeting preparatory construction commencement in August 2016.

The works would be undertaken in accordance with the *State Environmental Planning Policy (Infrastructure) 2007* and would be undertaken in stages to facilitate the continued operation of the Centre.

Proposed additions and alterations • Cessnock Correctional Centre | 22 July 2016

In determining the proposals, the Department is required to consider their environmental impacts in accordance with the *NSW Environmental Planning and Assessment Act, 1979*. The potential environmental impacts will be documented in a Review of Environmental Factors (REF) which is currently being prepared

The REF will address a wide range of potential impacts of the proposed developments including

- social and economic impacts;
- impacts on the amenity of adjoining and nearby neighbours,
- traffic, access and parking during construction and operation;
- geotechnical, contamination, stormwater and waste management,
- impacts on flora and fauna on the site and in the locality; and
- Aboriginal heritage.

The Department has engaged JBA to undertake community and stakeholder engagement during the development of the REF. Should you have any questions about the proposed additional facilities or would like to provide feedback, please contact JBA by

Post Cessnock Correctional Centre  
C/- JBA Urban Development Consultants  
173 Sussex Street  
Sydney NSW 2000

Email [cessnockcorrectionalcentre@jbaurban.com.au](mailto:cessnockcorrectionalcentre@jbaurban.com.au)

Phone 1800 743 436

Please ensure any comments are provided by Monday 8 August 2016. We will respond to enquires within five working days.

Yours faithfully



Ross Hornsey  
Director



22 July 2016

Dear Mayor Bob Pynsent

**Re: Proposed additions and alterations to Cessnock Correctional Centre**

New South Wales' prison population is steadily increasing and existing correctional centres are close to capacity. To address this, the NSW Department of Justice (the Department) is expanding the Cessnock Correctional Centre, by building new facilities. This will create up to 450 jobs during construction, and up to 430 jobs afterwards.

This is part of a building program in prisons across the state. As a stakeholder you may be affected by this change. The purpose of this letter is to provide you with some information about the proposal.

Cessnock Correctional Centre is a male minimum and maximum security prison with a current capacity of about 800 inmates. The Centre is dedicated to keeping the community safe and reducing reoffending, through measures including education and vocational training. It has a large industries complex employing and training inmates in a variety of jobs including engineering, and food services.

The Department is currently considering the construction of potentially three additional facilities:

- an additional 320 maximum security beds in four two-storey accommodation buildings;
- an additional 280 minimum security bed facility in four two-storey accommodation buildings;
- an additional 400 bed (at least) maximum security bed facility
- a building containing industries such as kitchen, education and laundry for the maximum security inmates;
- a programs building and secure entry and visits building for the minimum security inmates;
- a potential new inmate reception building within the existing centre
- playing fields and multipurpose courts;
- 500 additional staff and visitor parking spaces; and
- a modified road layout to include a new main entrance that would connect Lindsay Street with the main gatehouse.

The attached map indicates the proposed location of these projects.

At this stage, pending a range of approvals, the Department is currently targeting preparatory construction commencement in August 2016.

The works would be undertaken in accordance with the *State Environmental Planning Policy (Infrastructure) 2007* and would be undertaken in stages to facilitate the continued operation of the Centre.

Proposed additions and alterations • Cessnock Correctional Centre | 22 July 2016

In determining the proposals, the Department is required to consider their environmental impacts in accordance with the *NSW Environmental Planning and Assessment Act, 1979*. The potential environmental impacts will be documented in a Review of Environmental Factors (REF) which is currently being prepared.

The REF will address a wide range of potential impacts of the proposed developments including:

- social and economic impacts;
- impacts on the amenity of adjoining and nearby neighbours;
- traffic, access and parking during construction and operation;
- geotechnical, contamination, stormwater and waste management;
- impacts on flora and fauna on the site and in the locality; and
- Aboriginal heritage.

The Department has engaged JBA to undertake community and stakeholder engagement during the development of the REF. Should you have any questions about the proposed additional facilities or would like to provide feedback, please contact JBA by:

Post: Cessnock Correctional Centre  
C/ - JBA Urban Development Consultants  
173 Sussex Street  
Sydney NSW 2000

Email: [cessnockcorrectionalcentre@jbaurban.com.au](mailto:cessnockcorrectionalcentre@jbaurban.com.au)

Phone: 1800 743 436

Please ensure any comments are provided by Monday 8 August 2016. We will respond to enquires within five working days.

Yours faithfully



Ross Hornsey  
Director





**David Elliott**Minister for Corrections  
Minister for Emergency Services  
Minister for Veterans Affairs**MEDIA RELEASE**

Sunday, 20 March 2016

**PRISON REFORM TO IMPROVE COMMUNITY SAFETY**

The NSW prison system will undergo a major reform program to lift standards, strengthen accountability and help meet the Government's commitment to reduce adult reoffending by 5 per cent by 2019.

Performance targets on measures such as out of cell hours, participation in rehabilitation activities and security, as well as benchmarked budgets will be developed and introduced over two years to allow comparisons between all prisons.

The immediate market testing of John Morony Correctional Centre (JMCC) at Windsor will strengthen this process, with the prison's future operation decided through a competitive tender between the public and the private sector.

Market testing will give the Government a realistic idea of how better outcomes can be achieved and how much it should cost to run a successful prison in NSW.

In addition to the new prison at Grafton and expanding Parklea, more than 1,100 extra beds will support this reform, including 620 modular beds at Cessnock – the equivalent of a new prison, and 160 at South Coast.

The Government is also considering other options to address bed capacity, including reopening Parramatta Gaol. Also underway is a review of inmate education to improve the provision of literacy, numeracy and employment skills.

Minister for Corrections David Elliott said prisons that consistently fail to meet performance targets and benchmarked budgets could be market tested to create an opportunity for improved performance.

"This reform will help deliver a prison system that accommodates more inmates, operates more efficiently, and has a greater focus on rehabilitation, without compromising safety and security," Mr Elliott said.

Corrective Services NSW (CSNSW) Commissioner Peter Severin said that for the first time CSNSW will make a competing bid to continue running a prison and show how it can be more effective.

"This is an opportunity for positive change at the grass roots level, involving all management and staff," Commissioner Severin said.





**OFFICE OF THE MAYOR**

The Hon. David Elliott, MP  
Minister for Corrections  
GPO Box 5341  
SYDNEY NSW 2000

Contact: Mayor Cr Bob Pynsent  
Our Ref: DOC2016/019016  
Your Ref:

Dear Sir

**Proposed Cessnock Correctional Facility Capacity Increase**

I refer to the announcement in the Newcastle Herald on 21 March 2016 of the plan to significantly increase the capacity of Cessnock Correctional Facility.

Whilst Cessnock City Council recognises the benefits of this project in terms of potential increases in jobs during and post construction, Council also considers that improvements and contributions by the State Government to the greater Cessnock area are also required to ensure that the local community benefits from the proposed expansion.

According to Council's records the most recent consent relating to the Cessnock Correctional Facility was issued by the Minister for Planning on 16 February 2010 (old Part3A approval MP06-0282) when the capacity of the gaol was increased by 250 beds. The consent issued shows the proposal was described as demolition, earthworks, and 250 bed maximum security facility (including accommodation, visitors areas, chapel, gate house, recreation facilities amongst others), extension of access roads, new parking, landscaping, upgrade of services and stormwater management.

The approval was based on an additional 250 beds to add to the 451 beds already at the Centre making a total of 701 beds. The approval does not appear to allow any further beds and it appears there are no other modifications on the NSW Planning major projects register to allow any further beds.

We anticipate that any proposal for 620 additional beds would require a state government consent as a major project and Council is anxious that any such consent should adequately consider a range of issues including the social impact on the community, facilities and infrastructure requirements, increased demand for services and dedicated government support agencies within the area.

TELEPHONE: (02) 4993 4100, FAX: (02) 4993 2500  
POSTAL ADDRESS: PO BOX 152, CESSNOCK, NSW, 2325 or DX 21502 CESSNOCK  
EMAIL ADDRESS: council@cessnock.nsw.gov.au VISIT US AT: <http://www.cessnock.nsw.gov.au>  
ABN 60 919 148 928

Page 2

Council believes that the expansion of the Cessnock Correctional Facility can extend benefits to our community and economy. This would require a coordinated and collaborative approach between Council and the State Government to explore opportunities around:

1. *Local procurement from directly within the Cessnock Local Government Area.*
2. *Local job creation, including training and development.*
3. *Improved infrastructure and public transport links, specifically road improvement works on the approach roads between Mount View Road and the main entrance and the of creation of a new entrance off Wine Country Drive at Kerlew Street Nulkaba to ease the burden on the residential area adjacent to the current entrance.*
4. *Improved social and community infrastructure, including upgrades to parks, pools, libraries, and the establishment of a community centre that is suitably resourced to provide the necessary support services required by an increase in demands for these services.*

I write to you to seek a meeting to discuss these opportunities and to develop a mechanism to support Council's position. An opportunity exists to explore a voluntary planning agreement or other contribution arrangement to that effect with you and other relevant parties, and I would be happy to provide a draft agreement for consideration once details of the proposal can be reviewed. Additionally, Council would welcome an invitation to attend any planning focus meeting regarding any Secretary's Environmental Assessment Requirements and would appreciate the opportunity to review and comment on the proposal through the planning framework. We would also trust that adequate time is provided in these mechanisms to allow the elected Council to consider the issues raised.

Your support in ensuring the Cessnock local government area is not negatively impacted by this proposed development is welcomed by this Council. We will continue to advocate on behalf of our community for the State Government to provide appropriate funding to support infrastructure and services in and around Cessnock as a result of the significant increase in the gaol population.

Yours faithfully



Bob Pynsent  
Mayor of the City of Cessnock

20 April 2016

cc - Parliamentary Secretary for the Hunter and Central Coast, Scot MacDonald, MLC  
State Member for the Electorate of Cessnock, Clayton Barr, MP



23 June 2016

Mr Carlo Laba  
Senior Project Manager  
NSW Department of Justice  
Prison Bed Capacity Program  
Level 13, 10 Spring Street  
SYDNEY NSW 2000

Contact: Mr Martin Johnson  
Our Ref: DOC2016/033533  
Your Ref: Cessnock600

Dear Mr Laba

#### **Proposed Cessnock Correctional Facility Expansion**

I refer to our meeting on Friday 17 June 2016 which brought together Council staff and your consultants for a briefing on the proposed expansion of the Cessnock Correctional Facility. I thank you for the opportunity to meet with you and your team to understand the Departments proposals for the site. In summary, the proposal is:

- (i) An approximate 600 bed expansion to the existing 600 bed facility comprising 320 high security and 280 medium/low security beds (stage one total 1,200)
- (ii) Investigation of a possible stage two, 2,000 bed expansion through development of a site masterplan.

Current planning is for the stage one, 600 bed expansion. Approval of the expanded facility will be via the Infrastructure State Environmental Planning Policy (ISEPP) and immediately adjoining owners will be consulted via a letter drop. A range of background studies are currently being prepared by JBA Urban Development Service to feed into a Review of Environmental Factors (REF) being prepared for the proposal. A delegate of the NSW Minister for Corrections will make the final decision on whether the proposal proceeds and under what conditions. The background studies are scheduled for completion by next month and earthworks scheduled to commence before the end of this year.

As was clearly expressed within our meeting, Council would like an opportunity to review and comment on the REF and background studies before any decision to proceed or otherwise with the project. Council staff clearly outlined a number of concerns and issues it had with the preliminary proposal, being, but not limited to:

- impact on local roads and infrastructure
- access arrangements
- social and economic impacts (both positive and negative)
- impact on adjoining vineyards district, including visual impact
- impact on flooding and drainage

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Page 2

Council would like the opportunity to comment on these and other issues once the plans, studies and REF have been prepared.

In addition, Council would like to openly discuss with the Department on the possible preparation of a Planning Agreement (PA) to address impacts from the proposed development. Issues which might be incorporated within a PA include local road and drainage funding. Social infrastructure and services funding etc., social justice considerations (ie. jobs being construction, economic flow-on effects, local procurement and training) are other matters which Council would be looking to work with the Department in identifying opportunities for the local Cessnock community.

I look forward to hearing from you once the plans and supporting documentation has been finalised in order to provide detail input into the issues of interest to Council and its community.

If you require any further information, please do not hesitate to contact Council's Acting Director Planning and Environment, Mr Martin Johnson on telephone 02 4993 4229 or me on telephone 02 4993 4208.

If you require any further information, please do not hesitate to contact me on telephone 02 4993 4194.

Yours faithfully



Gareth Curtis  
Acting General Manager





19 July 2016

Dr Sean Sweeney  
Project Leader  
Prison Bed Capacity Program, NSW  
Department of Justice  
GPO Box 6  
SYDNEY NSW 2001

Contact: Martin Johnson  
Our Ref: DOC2016/038526  
Your Ref:

Dear Dr Sweeney

**PROPOSED CESSNOCK CORRECTIONAL FACILITY CAPACITY INCREASE**

I refer to the abovementioned project and to a recent meeting between the Minister for Corrections, The Hon, David Elliott, MP and the Mayor of Cessnock, Bob Pynsent held on Friday 24 June 2016.

At the meeting the Minister gave an undertaking to arrange a meeting between yourself and Council staff to discuss the project. Specifically, Council would like to gain a better understanding of the project and discuss possible funding and/or provision of local infrastructure and services which could be provided in conjunction with the facility capacity upgrade. This may entail local road upgrades, increased capacity for local community services, local jobs and the like.

In order to facilitate the meeting, my Executive Assistant can be contacted on 02 4993 4133.

I look forward to meeting with you in the near future to discuss this important development for the Cessnock community.

If you require any further information, please do not hesitate to contact me on telephone 02 4993 4194.

Yours faithfully

Gareth Curtis  
Acting General Manager

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ABN 60 919 148 928

Cessnock Correctional Centre  
c/- JBA Urban Development Consultants  
173 Sussex Street  
SYDNEY NSW 2000

Contact: Mayor Bob Pynsent  
Our Ref: DOC2016/041150  
Your Ref: Cessnock600

Attention: Mr Ross Hornsey, Director

Dear Mr Hornsey

**Submission to proposed additions and alterations to Cessnock Correctional Centre**

I refer to your form letter received by Council on 26 July 2016 inviting comments on the proposal to expand Cessnock Correctional Centre by 1000 beds.

Cessnock City Council continues to enjoy a professional and effective working relationship with Cessnock Correctional Centre, recognising the economic benefits it provides in terms of employment opportunities for staff and local contractors alike.

Council would like to make it very clear that while it has concerns about the proposed expansion of the facility by 1000 additional beds, Council is not "anti-correctional centre" nor is it against expansion, subject to the proper, fair and transparent assessment of the proposal and its impacts. Council has also been very clear that it would work with the Department of Justice (Department) and the Correctional Centre on matters of mutual interest in an effort to improve outcomes for all in the Community.

Council has serious concerns on many aspects of the current proposal, both in terms of the process and lack of detail provided and the unsatisfactory way the Department's plan is being communicated to the Council and community.

Council first found out about a proposed 620 bed expansion of the Cessnock Correctional Centre by an article in the Newcastle Herald on 21 March 2016. Council was disappointed that it found out this way and consequently wrote to the Minister for Corrections on 20 April 2016 to advise of its concerns and desire to work together for a better outcome for the community.

Notwithstanding the concerns, at further meetings that have been held with representatives of JBA and the Department, and Council staff, it has been made clear that we would like to work with the Department in regards to their proposals and would like the opportunity for staff to assist where ever Council could. On each occasion Council staff have met in good faith and clearly outlined that background studies, detailed plans and



documents should be prepared and provided for review in order to provide meaningful input into the process.

Unfortunately despite the three formal written requests Council has received no formal response to the concerns and information requests nor the offer to work with you.

Council expects that our comments in this particular submission will be considered seriously and we would appreciate a response to the issues raised. We have also attached previous correspondence outlining issues of importance to Council and the community regarding the proposal to expand the Cessnock Correctional Centre.

Council's submission is in two parts: Comments on the Process to date; and Comments on the letter and map provided by JBA dated 22 July 2016.

#### **Part 1: Comments on the Process to date**

##### **Inadequate timeframes provided for comment**

The very short timeframes provided for consultation are inadequate. The JBA form letter was received on 26 July 2016 and provides a 12 day period for comments to be provided – this allows only 9 business days for comments to be researched, collated and discussed with Council. Council requests that the Department extend the timeframes for public submissions and provide the background studies, reports, detailed plans and documentation to allow for meaningful community review and comment.

As Council will be in caretaker mode from the 10 August 2016 and Local Government elections will be held on 10 September 2016, we request that the extension be granted until the 31 October 2016.

##### **Inadequate detail provided**

Council has not been provided with any planning reports, background studies, detailed plans or documentation in support of the proposal to increase beds by 1000. These supporting documents should be provided to facilitate meaningful consultation with Council and the Community on what the proposal involves and the social, environmental and economic impacts which will be considered in the assessment process.

##### **Concern over imminent commencement of works prior to review of documentation**

The proposed commencement of preparatory works in August 2016 raises serious concerns over the credibility of the process and it is unclear how works could commence in such a short space of time when there is no supporting documentation or REF assessment process completed to support the proposal.

##### **No Developer contribution arrangements or Planning Agreement**

The lack of a contributions framework or planning agreement to facilitate development contributions towards local infrastructure and services is not acceptable. A proposal to effectively more than double the existing centre without any contributions towards local roads, drainage, community and health services and the like is a very poor outcome for a community expected to accommodate such a large facility. The increase cost burden to local government and community providers in providing these local extra infrastructure and services is totally unacceptable.

**Social Impact Assessment**

The Cessnock Local Government Area is recognised as having a socioeconomically disadvantaged community. An influx of vulnerable families and families in crisis as a result of incarceration of family members will further disadvantage this community.

The broad and significant health, educational and social service demands that will be brought about as a result of the planned correction centre expansion requires thorough and meaningful consideration by the State Government.

A detailed social impact assessment should be prepared prior to any decision being made on the proposed expansion. Whilst Council has raised anecdotal evidence about social impacts on the community, it is difficult to provide further commentary without evidence based research and/or documentation being provided for reference.

Whilst Council is aware of previous research carried out in relation to Lithgow Correctional Centre and the impacts of inmates families moving into the area, that research would need to be thoroughly reviewed and updated for the Cessnock LGA particularly in light of a proposal to increase the number of inmates by an additional 1000 on top of the 800 capacity already at the Centre.

**Part 2: Comments on the letter and map provided by JBA dated 22 July 2016**

In terms of the specific map showing the proposed expansion, Council provides the following comments:

**Ecological considerations - Flora and Fauna, Threatened Species and Endangered Ecological Communities**

Council has been provided no details of any flora and fauna assessment in support of the proposal. We request copies of any draft documentation to be provided to allow us to provide meaningful comments in response.

The site has recognised endangered ecological communities which require assessment against the proposal. This includes relatively large and intact tracts of Lower Hunter Spotted Gum Ironbark Forest, Hunter Narrow-leaf Ironbark – Spotted Gum Forest and Hunter Lowland Redgum Forest.

On the map provided it appears that the new 400 bed maximum security facility will require the significant clearing of endangered ecological communities and we are unable to provide detailed comment without reviewing the necessary documentation. Additionally, the 280 bed minimum facility appears to require the clearing of Lower Hunter Spotted Gum Ironbark forest.

The site has recorded threatened species included Latham's Snipe and the Grey Crowned Babbler which would also need to be considered in the flora and fauna assessment. Council would request that all NSW Office of Environment and Heritage guidelines on threatened species assessment be the basis for all flora and fauna assessments of impact. This includes species impact statements where it is shown that there will be a significant impact. Council requests copies of all assessment reports before any decision is made on the proposed expansion. This will assist us in providing informed comments on the proposed expansion and any ecological impacts which need to be considered.

**Employment opportunity**

Council has previously provided positive comments in relation to the opportunities an expansion of 620 beds might provide to the local economy. In terms of an expansion involving 1000 additional beds, it is anticipated that the 450 jobs generated during construction and the 430 jobs generated by ongoing operation would provide outstanding opportunities for local employment. We reiterate our previous comments that local procurement should be a factor in sourcing material and trade labour. Our Economic Development team is happy to work with the Department to help facilitate local employment opportunities.

**Bushfire Hazard**

The Cessnock Correctional Centre site is mapped as Bushfire Prone Land. A full Bushfire Assessment Report prepared by an appropriately qualified bushfire consultant should be carried out to consider potential bushfire impacts for the proposed development. Council has not been provided with any details of any assessment of Bushfire Risk on the site and we are unable to provide any further comment in that regard.

**Impact on amenity of adjoining and nearby residents and landowners**

Council is land owner of lot 1210 DP 1102977 which has received development approval for residential subdivision. As land owner we would have concerns over the proximity of the proposed 400 bed maximum security facility to future residences and potential impacts in terms of drainage, noise, security, light spill and visual impact. Additionally, if such a development was subject to a standard Development Application process (which applies to lesser developments than a 1000 bed expansion), the adjoining residents would have an opportunity to review documents and provide submissions in response. They would also have an officer level contact to discuss any concerns about such an expansion and to ask questions to clarify aspects of the proposal. All these impacts should be considered in the preparation of the REF in any case.

As Council has received no supporting documentation detailed comment cannot be provided. Council request's copies of the supporting documents and REF prior to any determination being made.

**Access, Traffic and Roads**

Council does not support the proposed new access road at the gateway to the Vineyards from Oakey Creek Road into the expanded Cessnock Correctional Centre. This proposed road access would result in additional correctional centre traffic being directed further away from the state road network onto local roads maintained by ratepayer funding. Additionally this proposed access is directly from the acclaimed Hunter Valley Wine Country and the centre of the Hunter's tourism industry.

The access to the proposed expanded facility should be via more direct routes from the state road network (being Allandale Road/Wine Country Drive) and consider the necessary upgrade works based on sound traffic and transport assessments. These documents should be provided for Council to review as owner of the local road network in order for us to adequately assess increased traffic impacts and negotiate developer contributions or agreements for their upgrade and maintenance. It is simply unreasonable to expect no developer contributions for local infrastructure at all for a development of this size and magnitude. The expansion would be expected to have a significant traffic impact on the existing access from Lindsay Street and Mavis Street and we request further assessment

and consideration of these impacts. Council requests an opportunity for Council and residents to comment on detailed traffic reports before any decision is made on the expansion.

#### **Stormwater Drainage and Flooding**

Council has no documentation to provide a detailed comment. The appropriate studies should be carried out by the proponents as part of the REF to ensure flooding and storm water do not impact on adjoining lands or Council's stormwater drainage network.

Council has committed funds to improving stormwater drainage in Lindsay Street to alleviate drainage problems and would be very concerned if drainage from the proposed expansion were to impact the works. Council had advised the Department of Justice representatives of our concerns in this regard and we have requested that discussion on any proposed drainage with our Asset Engineers to ensure no impact takes place.

#### **Surrounding land use considerations**

Council is currently undertaking a city wide strategic land use project including rural and urban lands studies. Sites to the immediate north are under strategic consideration for potential future development which may include a rural residential subdivision or similar. Those studies are currently underway. As indicated previously Council is happy to work with the Department on these matters such that our future growth and development potential is not impacted by the proposed expansion of the correctional centre. Council would be willing to look specifically at the correctional centre site in our overall planning strategies to ensure that it results in a suitably integrated land use outcome which minimises conflict with neighbouring land uses now and into the future.

As indicated earlier, the site is immediately adjoining the Hunter Valley Wine Country vineyards and as such land use conflicts and other related impacts need to be absolutely avoided to protect the amenity and viability of the tourism and viticulture industry in the vicinity. These include traffic and visual impacts.

#### **Review of Environmental Factors generally**

Council agrees that further impacts will need to be addressed including those not specifically addressed in our comments above. This includes:

- Geotechnical, contamination and waste management considerations
- Aboriginal Heritage assessment
- Economic assessment which would include potential impacts on nearby viticulture and tourism.

In Council's meeting with Mr Chris McGillick and Mr Gordon Kirkby of JBA and Mr Carlo Laba, Senior Project Manager (on behalf of the Department of Justice), it was advised that the background studies were scheduled for completion by July 2016. Council confirmed our understanding of this and our request to comment on the background studies and documents before any decision is made on the expansion proposal.

Given the proposed expansion is now greater, with 1000 additional inmates proposed, it is even more important that Council reiterates our previous understanding that we would receive copies of the necessary background studies, reports, detailed plans and documentation which form the basis for the Review of Environmental Factors. Council is of the view that having an opportunity to review and provide comments on those

Page 6 of 6

documents would lead to an improved consultation process for Council and the Community and will result in a better outcome for all.

I trust the comments will assist, however, as clearly outlined we do not have the necessary detail to provide a fully informed view of the proposal. We would welcome the opportunity to work with the Department and JBA in regards to these issues and would be happy to meet and further discuss our concerns.

If you require any further information, please do not hesitate to contact the Mayor's office on telephone 02 4993 4210, or the General Manager's office on telephone 02 4993 4208.

Yours faithfully

Clr Bob Pynsent  
Mayor of the City of Cessnock

Stephen Glen  
General Manager

4 August 2016



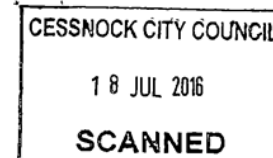
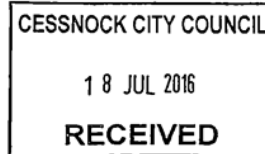


Our ref R14/0021 Out-25057

15 July 2016

Mr Stephen Glen  
Cessnock City Council  
General Manager  
PO Box 152  
CESSNOCK NSW 2325

Dear Mr Glen



### REGISTER NOW: Local Government NSW Annual Conference 2016

#### How to register, nominate voting delegates (including entitlements) and submit motions

Registrations are now open for the Local Government NSW (LGNSW) Annual Conference 2016 (Conference) and I invite you to register your place at the Conference, nominate your member's voting delegates and submit motions for consideration at Conference from today.

As you are aware, the Conference is the premier event for the local government sector in NSW. It is where issues are debated and delegates vote on motions which determine the priorities for LGNSW's work for the year ahead.

This letter contains important information about the Conference including:

- **registering** to attend the Conference
- **submitting motions**
- **number of voting delegates** per member and how to register voting delegates
- **voting** on motions
- distribution of Conference **business papers**
- **proposed changes** to the Conference process this year in response to council amalgamations

**Event:** LGNSW Annual Conference 2016

**Dates:** Sunday 16 October to Tuesday 18 October 2016

**Venue:** WIN Entertainment Centre, Corner Crown & Harbour streets, Wollongong

The key dates for this year's conference are as follows

Activity	Dates
<b>Registrations – to attend Conference</b> Individual – <a href="https://ccem.eventsair.com/2016-lgnsw-conference/registration/Site/Register">https://ccem.eventsair.com/2016-lgnsw-conference/registration/Site/Register</a> Group (2 or more) <a href="https://ccem.eventsair.com/2016-lgnsw-conference/group-registration">https://ccem.eventsair.com/2016-lgnsw-conference/group-registration</a>	<b>14 July 2016 – 30 September 2016</b>
<b>Motions for possible inclusion in business paper</b> <a href="https://lgsa.wufoo.com/forms/2016-lgnsw-conference-business-sessions-submission/">https://lgsa.wufoo.com/forms/2016-lgnsw-conference-business-sessions-submission/</a>	<b>14 July 2016 – 22 August 2016</b> Note: To allow printing and distribution of the Business Paper, members are encouraged to submit their motions by 22 August 2016. The absolute closing date for submitting motions for inclusion in the Business Paper for the Conference is 18 September 2016.

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ABN 49 853 913 882



Activity	Dates
<b>Registrations – for voting delegates</b> <a href="https://lgsa.wufoo.com/forms/registration-of-voting-delegates-motions-2016/">https://lgsa.wufoo.com/forms/registration-of-voting-delegates-motions-2016/</a>	<b>14 July 2016 – 30 September 2016</b>
<b>Financial statements available on LGNSW website</b>	<b>By Monday 26 September 2016</b> (21 days prior to the Conference)
<b>Business papers available on LGNSW website</b>	<b>At least one week before Conference</b>

Please read the attached pages **carefully** as the Board is proposing some changes to the way we run the 2016 Conference as a result of council amalgamations, and in the event further amalgamations occur before the Conference. We want to give all councils the opportunity to have their say at the Conference and to guide decision making, so we have suggested some changes to the way business is done.

Basically, our rules only allow members to vote that were financial on 1 March this year. The timing of recent amalgamations therefore excludes all amalgamated councils.

We need to deal with the financial statements, any rule changes and standing orders in formal business sessions in strict accordance with the Rules. However, we are proposing to deal with motions in a "committee" format so *all* members can be part of the debate and Administrators can have a vote (as would have been the case had they been appointed to a member before 1 March). More detail is attached.

We are also exploring what changes we may need to make to Conference in 2017 as a result of amalgamations.

LGNSW has delivered another outstanding line-up of conference sessions this year to accompany what I anticipate will be very productive and lively debate about motions and other business matters for the sector.

I trust the following information is of assistance. Members are encouraged to register their details for the Conference as soon as possible to secure their place. We will provide further reminders and updates closer to the Conference.

Outcomes from resolutions at last year's Conference are available in the Action Report on the LGNSW 2015 Conference webpage: <http://lgsnsw.org.au/events-training/local-government-nsw-annual-conference/2015-annual-conference>. Members are encouraged to contact LGNSW if they have updates to add to the Action Report.

I look forward to seeing you at this year's Conference, and importantly, progressing the priority policy issues that LGNSW can support and advocate for on behalf of members.

Yours sincerely



Cr Keith Rhoades AFSM  
**President**

**Attachments:**

1. General Information (registration, voting, accommodation, service awards and Gala dinner)
2. Submitting Motions; Business Papers
3. Voting on Motions (including proposed changes at 2016 Conference due to amalgamations)
4. Members' voting delegate entitlements for 2016 Conference

**Attachment 1: General information**

(Including registration to attend the Conference, registration as a voting delegate, business papers and motions, accommodation, outstanding service awards, the Conference Gala dinner, cancellation policy and privacy statement)

**Registration – to attend the Conference**

Registrations to attend the Conference are now open on the Conference page of the LGNSW website and all Conference attendees must register online. Details about early bird pricing along with information about the Gala Dinner, President's Welcome Reception and Conference business sessions are available on the website.

You can register an individual or group here

**Register as an individual** – <https://ccem.eventsair.com/2016-lgnsw-conference/registration/Site/Register>

**Register and manage a group of 2 or more** – <https://ccem.eventsair.com/2016-lgnsw-conference/group-registration>

- **Early Bird registration rate is \$899** and applies if you register and pay by 31 August 2016
- **Standard registration rate is \$999** for all registrations from 1 September 2016 onwards

Members wishing to take advantage of the Early Bird rates but uncertain of Councillors' names due to pending Local Government elections can still register the requisite number of attendees and confirm names up to and including Friday, 30 September 2016 (Delegates names and alterations to delegates names can be done online)

Note Voting delegates must be registered to attend the Conference and also be registered as a voting delegate (further information on how to register as a voting delegate is provided below)

**Registration – as a voting delegate**

Separate from Conference registration, members must register the names of their delegates for voting during formal business sessions by Friday, 30 September 2016. Nominations are to be made online using the nomination form here <https://lgsa.wufoo.com/forms/registration-of-voting-delegates-motions-2016/>

Each member (as financial on 1 March 2016) is entitled to a certain number of voting delegates. The voting entitlements for the 2016 Conference are outlined in the table at Attachment 4. The formula for calculating members' voter entitlement is prescribed at Rule 23 of the LGNSW Rules.

Voting delegates must be either an elected member of a Council, a member of the Board of the Aboriginal Land Council (ALC) or an Administrator (as defined by the LGNSW Rules) of a member that was financial on 1 March 2016.

Registration of voting delegates received after the closing date will not be accepted, provided that a member may substitute the name(s) of its voting delegates, at any time, in line with Rule 34 of the LGNSW Rules.

For further information on voting entitlements and processes, contact Mr Adam Dansie, Senior Manager Industrial Relations on 02 9242 4140.

**Important note** Special arrangements are proposed for this year's Conference to allow recently formed councils to participate in debates on motions. If the Conference adjourns into a Committee (as proposed by the LGNSW Board), then Administrators of newly merged councils will also be able to vote on motions and make recommendations to the LGNSW Board for ratification – see Attachment 3 for further information.

**Business Papers and Motions**

Councils are strongly encouraged to submit their motions by Monday, 22 August 2016 to allow for printing and distribution of the Business Paper. The absolute deadline for submitting motions for the Business Paper is Sunday, 18 September 2016. It is our aim that a full Conference Business Paper be made available on the LGNSW website and forwarded to members approximately one week prior to the Conference. LGNSW's financial reports will be made available to members at least 21 days before the Conference.

**Accommodation**

We have a list of preferred accommodation options on our website and encourage you to consider booking these options so you can take advantage of walking to the WIN Entertainment Centre. Given the amount of accommodation within walking distance, no transfers are offered. You will need to book and pay your hotel direct from the list provided. If you have any trouble accessing accommodation, please fill in the booking form on our website.

**Outstanding Service Awards**

The Outstanding Service Awards will be presented at the Gala Dinner during the Conference. For information about the Awards, including where to apply and eligibility please check the LGNSW website.

**Conference Gala Dinner**

The dinner will be held on Tuesday evening. The dress code is 'after five'. No cloak room facilities are available.

**Cancellation Policy**

Should you register and then cancel altogether the following cancellation policy applies:

- Cancellations made by 5:00pm Friday, 30 September 2016 will be eligible for a full refund of all payments made less a \$110 administration fee per registration.
- Cancellations made after 5:00pm Friday, 30 September 2016 will not be entitled to any refund; however, substitute delegates may be sent.

All cancellations and amendments must be advised by email to the Bradley Hayden, [Bradley@ccem.com.au](mailto:Bradley@ccem.com.au).

**Privacy Statement**

LGNSW, which is regulated by the Privacy Act 1988 (Cth), collects private information about registered attendees to the Conference such as names, addresses, telephone numbers, credit card information and email addresses. We use the private information you give us to process your registration and to send you information in relation to the Conference.

If you choose not to provide some or all of the private information that we have sought, LGNSW may be unable to process your registration or it may result in you being unable to vote at the Conference. Further information about how LGNSW collects, holds and uses private information is contained in LGNSW's Privacy Policy which is available on the website at the following web address: <http://www.lgnsw.org.au/privacy>.

**Attachment 2: Submitting Motions****Submitting Motions**

All members (including newly merged councils which are LGNSW members) are able to put forward motions to be considered at the Conference

Members are able to submit motions online using the "LGNSW Conference Business Sessions Submission Form" on the LGNSW 2016 Conference webpage [www.lgnsw.org.au/events-training/local-government-nsw-annual-conference/motions](http://www.lgnsw.org.au/events-training/local-government-nsw-annual-conference/motions)

The LGNSW Board is seeking ways to ensure the motions debate centres on advancing the sector wide policy agenda in new ways. This means proposed motions should seek to be strategic, affect members state-wide and introduce new or emerging policy issues and actions. Furthermore, LGNSW has recently drafted a revised policy framework consisting of proposed Policy Principles and Position Statements which is outlined in the Policy Review Discussion Paper available at [www.lgnsw.org.au/files/imce-uploads/90/LGNSW-Policy-Review-Discussion-Paper.pdf](http://www.lgnsw.org.au/files/imce-uploads/90/LGNSW-Policy-Review-Discussion-Paper.pdf). Members are encouraged to consider the draft policy framework when drafting motions for this year's conference.

The Board has resolved that motions will be included in the Business Paper for the Conference only where they

- 1 are consistent with the objects of the Association (see Rule 4 of the Association's rules),
- 2 relate to Local Government in NSW and/or across Australia,
- 3 concern or are likely to concern Local Government as a sector,
- 4 seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association,
- 5 have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws),
- 6 are clearly worded and unambiguous in nature, and
- 7 do not express preference for one or several members over one or several other members

For a motion to be included in the Business Paper for the Conference the submitting member needs to provide accompanying evidence of its support. Such evidence may include an extract of the minutes of the meeting at which the member resolved to submit the motion for consideration by the Conference.

**Deadline for submitting motions**

To allow printing and distribution of the Business Paper before the Conference, members are asked to submit their motions by Monday, 22 August 2016. In line with the LGNSW rules, the latest date motions can be accepted for inclusion in the Conference Business Paper is 12 midnight on Sunday, 18 September 2016.

**Business Papers**

The full Conference Business Paper is expected to be available on the LGNSW website and forwarded to members approximately one week prior to the Conference.

LGNSW's financial reports will be available to members on our website at least 21 days before the Conference.



**Attachment 3: Voting on motions**

(including proposed changes at the 2016 Conference due to council amalgamations)

**Voting on motions**

LGNSW's Rules entitle members (Ordinary and Associate) to vote on the motions put to the Conference provided the member was

- a) financial on 1 March 2016 (the "calculation date") and is also
- b) financial on Monday, 22 August 2016 (the date that the roll of voters closes), in accordance with Rule 22 of the LGNSW Rules

The LGNSW Rules are found at [www.fwc.gov.au/registered-organisations/find-registered-organisations/local-government-and-shires-association-new](http://www.fwc.gov.au/registered-organisations/find-registered-organisations/local-government-and-shires-association-new)

Separate from Conference registration, members must register the name(s) of their voting delegates for voting on motions by Friday, 30 September 2016. Voting registration is open via the LGNSW website (for further information about registration of voting delegates see Attachment 1)

**\*\*IMPORTANT NOTE: Motion arrangements for 2016**

Special arrangements are proposed for this year's Conference to allow recently formed councils to participate in debate on motions

Newly amalgamated councils will not be able to vote during the formal stages of this year's Conference as the new councils were not members on 1 March 2016 ("the calculation date")

The LGNSW Board considered a range of options to include merged councils in the 2016 Conference, so they may participate in discussions that are important to our sector. LGNSW notes that while administrators are not elected officials, they are charged with the functions of elected officials, and representing their communities and local areas

**Proposal**

This year, to give all members the opportunity to participate in debate on motions, once the standing orders have been adopted, the financial reports have been presented to members and any proposed motions concerning alterations to the LGNSW rules have been dealt with (by both the State and Federal Conferences), the LGNSW Board will move a motion that the Conference adjourns (at its discretion) into committee

During the proposed committee meeting (which would in practice run in substantially the same manner as a normal Conference), different voter entitlements could apply, because the committee would not form part of the formal Conference and would not be governed by the Rules

If the committee option is supported, all members (including the Administrators of new councils who are members of LGNSW) will be able to participate in debate on motions. Committee participants would consider policy motions (other than the Conference standing orders, the finance reports and rule change motions) and make recommendations to the LGNSW Board for ratification

The voter entitlements of the committee would be distributed to address the rural/regional and metro/urban imbalances caused by the dissolution of the merged councils. The formal voter entitlements would be unchanged from those calculated on 1 March 2016, but LGNSW will recalculate committee voter entitlements prior to the conference commencing (i.e. on 3 October 2016 – public holiday)

The recalculation will ensure an equal distribution of votes between rural/regional and metropolitan/urban councils as far as possible. The recalculation would be done on the following basis.

- 1 No members would receive a reduction in voter entitlements
- 2 The Administrators of all new/amalgamated councils who are financial members on 3 October 2016 would be allocated one (1) vote each
- 3 The Norfolk Island Regional Council (NIRC), Lord Howe Island Board (LHIB) and any Related Local Government Bodies (RLGBs) that are financial members on 3 October 2016 would be allocated one vote each
- 4 If ABS population statistics have not been published for a particular council area due to boundary changes (e.g. Hornsby and The Hills), LGNSW will obtain and use a population estimate from the ABS
- 5 Votes would be capped at a maximum of 15 per member (in line with the Rule 23, Step 5 of the LGNSW Rules)
- 6 To approach an equality of votes between rural/regional and metropolitan/urban councils, additional voter entitlements will be allocated to metropolitan/urban councils or rural/regional councils, if and as applicable

LGNSW will undertake a recalculation of voter entitlements on 3 October 2016 (long weekend) and advise all members so they can be prepared should the committee format be adopted. LGNSW will contact members likely to receive additional voter entitlements in advance of the recalculation so they can consider which additional delegates should be placed on a reserve list to potentially receive voter entitlements should the committee format be adopted, and to ensure they are registered to attend the Conference

Please note this committee arrangement will only proceed if endorsed by the formal voting delegates

**Attachment 4: Members' voting delegate entitlement for 2016 Conference**

Each member (as financial on 1 March 2016) is entitled a certain number of voting delegates for the purpose of voting on motions at Conference. The formula for calculating members' voter entitlement is prescribed at Rule 23 of the LGNSW Rules.

Voting delegates must be either an elected member of a Council, a member of the Board of the Aboriginal Land Council (ALC) or an Administrator (as defined by the LGNSW Rules) of a member that was financial on 1 March 2016.

New registrations of voting delegates received after 30 September 2016 will not be accepted, provided that a member may substitute the name(s) of its voting delegates, at any time, in accordance with Rule 34 of the LGNSW Rules.

The below table indicates members' voter entitlement for voting on motions at the 2016 Conference.

**Important note:** Special arrangements are proposed for the 2016 Conference to allow recently formed councils to participate in debate on motions. If the committee format (as proposed by the LGNSW Board) is adopted, then Administrators of newly merged councils that are members of LGNSW will be able to vote on motions and additional votes may be allocated to some members to achieve as far as possible an equality of votes between the metropolitan/urban and rural/regional categories of councils – see Attachment 3 for further information.

Member	Number of voters for voting on motions
Aboriginal Land Council (1 M/U & 8 R/R)	9
Albury City Council (R/R)	4
Ballina Shire Council (R/R)	3
Balranald Shire Council (R/R)	1
Bathurst Regional Council (R/R)	3
Bega Valley Shire Council (R/R)	3
Bellingen Shire Council (R/R)	2
Berrigan Shire Council (R/R)	1
Blacktown City Council (M/U)	12
Bland Shire Council (R/R)	1
Blayney Shire Council (R/R)	1
Blue Mountains City Council (R/R)	4
Bogan Shire Council (R/R)	1
The Council of the City of Botany Bay (M/U)	4
Bourke Shire Council (R/R)	1
Brewarrina Shire Council (R/R)	1
Broken Hill City Council (R/R)	2
Burwood Council (M/U)	4
Byron Shire Council (R/R)	3
Cabonne Shire Council (R/R)	2
Camden Council (M/U)	5
Campbelltown City Council (M/U)	10
City of Canada Bay Council (M/U)	5
Carrathool Shire Council (R/R)	1



Member	Number of voters for voting on motions
Castlereagh-Macquarie County Council (R/R)	1
Central Darling Shire Council (R/R)	1
Central Murray County Council (R/R)	1
Central Tablelands County Council (R/R)	1
Cessnock City Council (R/R)	4
Clarence Valley Council (R/R)	4
Cobar Shire Council (R/R)	1
Coffs Harbour City Council (R/R)	4
Coolamon Shire Council (R/R)	1
Coonamble Shire Council (R/R)	1
Cowra Shire Council (R/R)	2
Dungog Shire Council (R/R)	1
Eurobodalla Shire Council (R/R)	3
Fairfield City Council (M/U)	10
Forbes Shire Council (R/R)	1
Gilgandra Shire Council (R/R)	1
Glen Innes Severn Council (R/R)	1
Goldenfields Water County Council (R/R)	1
Goulburn Mulwaree Council (R/R)	3
Greater Hume Shire Council (R/R)	2
Griffith City Council (R/R)	3
Gunnedah Shire Council (R/R)	2
Gwydir Shire Council (R/R)	1
Hawkesbury City Council (M/U)	5
Hawkesbury River County Council (M/U)	2
Hay Shire Council (R/R)	1
The Council of the Shire of Hornsby (M/U)	10
The Council of the Municipality of Hunters Hill (M/U)	2
Inverell Shire Council (R/R)	2
Junee Shire Council (R/R)	1
Kempsey Shire Council (R/R)	3
The Council of the Municipality of Kiama (R/R)	3
Ku-ring-gai Council (M/U)	7
Kyogle Council (R/R)	1
Lachlan Shire Council (R/R)	1
Lake Macquarie City Council (R/R)	7
Lane Cove Municipal Council (M/U)	4

Member	Number of voters for voting on motions
Leeton Shire Council (R/R)	2
Lismore City Council (R/R)	3
City of Lithgow Council (R/R)	3
Liverpool City Council (M/U)	10
Liverpool Plains Shire Council (R/R)	1
Lockhart Shire Council (R/R)	1
Maitland City Council (R/R)	4
Mid-Western Regional Council (R/R)	3
MidCoast County Council (R/R)	1
Moree Plains Shire Council (R/R)	2
Mosman Municipal Council (M/U)	4
Muswellbrook Shire Council (R/R)	2
Nambucca Shire Council (R/R)	2
Narrabri Shire Council (R/R)	2
Narrandera Shire Council (R/R)	1
Narromine Shire Council (R/R)	1
New England Tablelands County Council (R/R)	1
Newcastle City Council (R/R)	7
North Sydney Council (M/U)	5
Oberon Council (R/R)	1
Orange City Council (R/R)	3
Parkes Shire Council (R/R)	2
Penrith City Council (M/U)	10
Port Macquarie-Hastings Council (R/R)	4
Port Stephens Council (R/R)	4
Randwick City Council (M/U)	7
Richmond Valley Council (R/R)	3
Riverina Water County Council (R/R)	1
Rockdale City Council (M/U)	7
Rous County Council (R/R)	1
Ryde City Council (M/U)	7
Shellharbour City Council (R/R)	4
Shoalhaven City Council (R/R)	4
Singleton Council (R/R)	3
Strathfield Municipal Council (M/U)	4
Sutherland Shire Council (M/U)	11
Council of the City of Sydney (M/U)	10

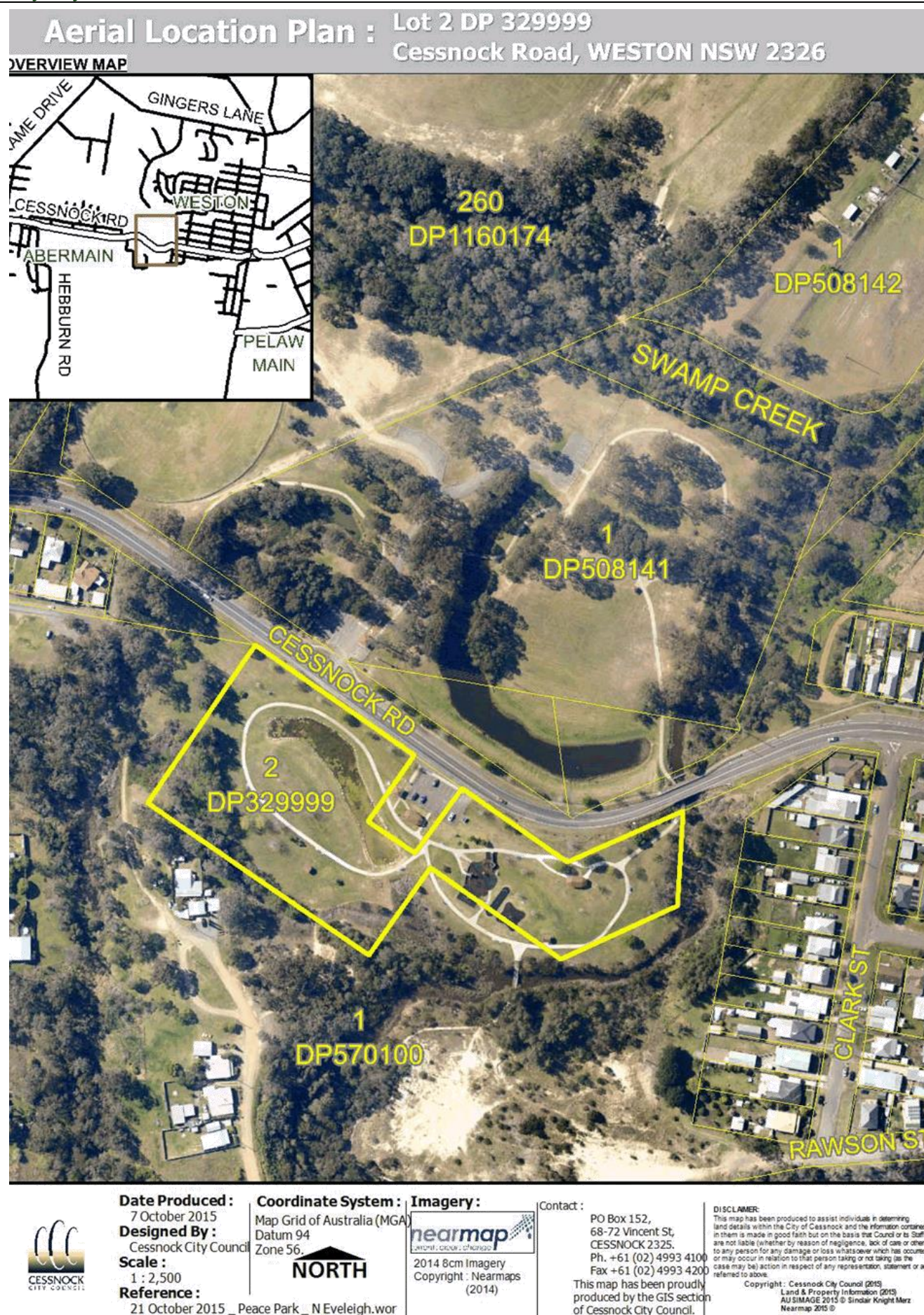
Member	Number of voters for voting on motions
Tamworth Regional Council (R/R)	4
Temora Shire Council (R/R)	1
Tenterfield Shire Council (R/R)	1
The Hills Shire Council (M/U)	10
Tweed Shire Council (R/R)	4
Upper Hunter Shire Council (R/R)	2
Upper Lachlan Shire Council (R/R)	1
Upper Macquarie County Council (R/R)	1
Uralla Shire Council (R/R)	1
Wagga Wagga City Council (R/R)	4
Walcha Council (R/R)	1
Walgett Shire Council (R/R)	1
Warren Shire Council (R/R)	1
Warrumbungle Shire Council (R/R)	1
Waverley Council (M/U)	5
Weddin Shire Council (R/R)	1
Wentworth Shire Council (R/R)	1
Willoughby City Council (M/U)	5
Wingecarribee Shire Council (R/R)	3
Wollondilly Shire Council (R/R)	3
Wollongong City Council (R/R)	7
Woollahra Municipal Council (M/U)	5
Yass Valley Council (R/R)	2

Notes

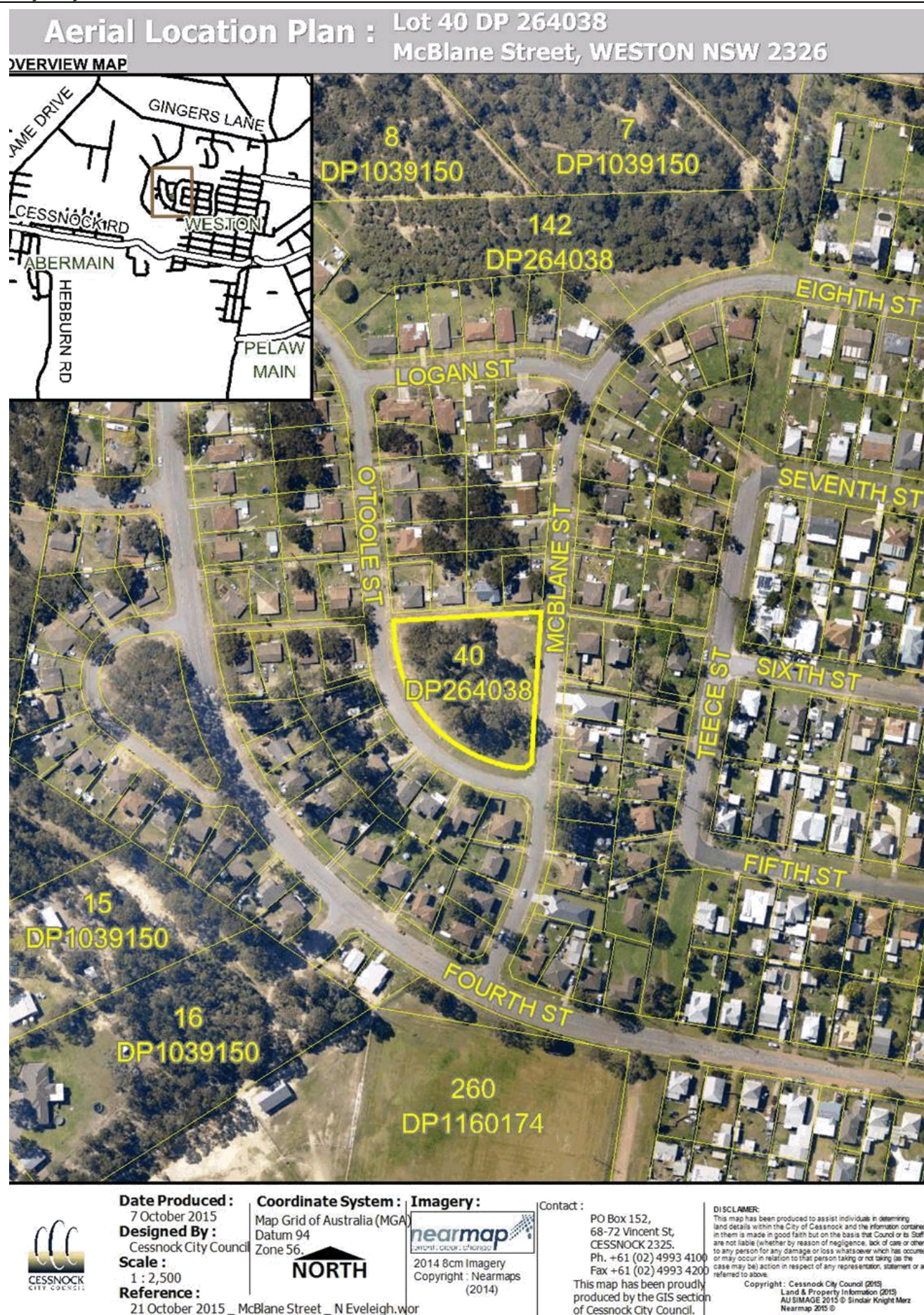
(R/R) – Rural / Regional

(M/U) – Metropolitan / Urban











**Weston**



**RSL Sub-Branch**

**Sub-Branch 9388 ABN 71 990 533 204 Charitable Institution CFM 22736**

**52 Cessnock Road, Weston, NSW 2326.**

PO Box 394  
Kurri Kurri  
NSW 2327  
21 July 2015

Cessnock City Council  
PO Box 152  
Cessnock  
NSW 2325

Reference: Peace Park, Weston.

Weston RSL Sub-Branch requests that Peace Park be renamed 'Jeff Maybury Peace Park' in remembrance of our late President.

The Sub-Branch feels that the renaming would be a fitting tribute to Jeff's years of service to the population of Weston.

Jeff was involved with most organisations in the Weston area for many years; RSL, Tidy Towns, Community Centre, Weston Workers Club, Kurri Kurri Hospital, St. Vincent de Paul Society, and the Labor Party. He was also the longest serving Councillor on Cessnock City Council.

A location for the park sign would be at the discretion of Cessnock City Council.

Thanking you,

A handwritten signature in black ink, appearing to read 'John King'.

.....  
John King,  
Honorary Secretary.  
john\_king7@bigpond.com

**'The Price of Liberty is Eternal Vigilance'**

## Nathan Eveleigh

---

**From:** Clarice Hamling <hamling@cdair.com.au>  
**Sent:** Friday, 7 August 2015 10:19 AM  
**To:** council  
**Cc:** ElectorateOffice Cessnock  
**Subject:** Peace Park

Good morning,

I would like to voice an objection to the proposal to rename *Peace Park*, situated at Chinaman's Hollow.

Firstly, I wish to categorically state that I am not denying the good work carried out by Jeff Maybury during his time as Councillor on the Cessnock Council.

Even though I am not in your council area, I have read about his achievements over the years. He was a man who loved his area and will be sadly missed.

But in reality, the person who did a lot of the ground work that eventually enabled this park to become what it is today was JOHN (JACK) KING.

(Not to be confused with John King from the RSL Sub Branch mentioned in the Newcastle Herald).

Jack was also a man who deeply loved the area. He lived for most of his life in Loxford. He was a proud family man, a proud Labour man, and a deeply passionate community man.

I remember planting trees in the park, alongside him, his family, and other friends.

I remember him campaigning for the park to be named Peace Park.

I remember he was in his 70's.

I remember his wonderful work with the park was recognised when it was officially opened.

It was a big day and he was as proud as punch.

As we were of him.

When he passed away all his achievements were acknowledged at his funeral, and the park was one of them.

He was one of the main reasons I became interested in volunteering.

He was a man that many looked up to.

I am certainly not denying that in his capacity as Councillor, Mr Maybury ensured the park gained better facilities, and they are indeed marvellous ones at that and I thank Cessnock Council immensely.

But, in my belief, Peace Park should be left as is, as this name means a lot to many people.

It's a place to reflect, or to have quality time with family. An area, without conflict.

I know Jack never wanted this park to be named after someone, as this park represents the community, not just one person.

He was like that old Jack – worked hard to benefit others.

Over the years, from its small beginnings until now, whenever we drive past the park my daughters always say with pride, "That's Granddad's park".

Of course, I would like to see Jeff Maybury be given recognition for his many years of service, but surely there are other areas within the Cessnock region Mr Maybury's name can be honoured with.

Can we *please* leave this particular park as it is – a park that still carries over the *feeling of peace* from the people who dug the earth and planted the trees.

If you have any further questions, you can contact me on 0419601322, or via this email address.

Yours sincerely,  
Mrs Clarice Hamling JP CMC  
31 Woodford Street  
Minmi 2287





**The Hon Greg Hunt MP**  
Minister for the Environment



Councillor Bob Pynsent  
Mayor  
City of Cessnock  
PO Box 152  
CESSNOCK NSW 2325

MC16-006824

30 JUN 2016

Dear Mayor 

I refer to your letter of 23 May 2016 seeking assistance from the Commonwealth Department of the Environment (the Department) in relation to managing the flying-fox population in East Cessnock. I note your previous correspondence advising me of growing numbers of Little Red Flying-fox and Grey-headed Flying-fox in the area. I regret the delay in replying.

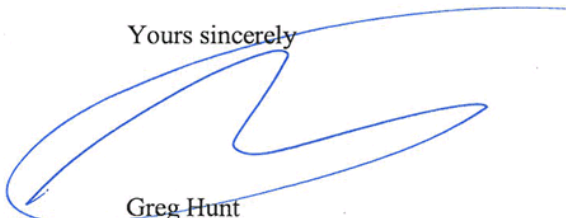
It is important to note that the Little Red Flying-fox is not protected under national environmental law and is strictly a matter for the State Government. In relation to the federally listed flying-fox species, the Department has published a referral guideline, developed in collaboration with state government environment agencies, to help local managers determine whether management actions at Grey-headed Flying-fox camps are likely to have a significant impact on the species. The guideline will facilitate expedient and effective local action to manage adverse impacts from highly populated camps. You will find the guideline at the following link: <http://www.environment.gov.au/system/files/resources/6d4f8ebc-f6a0-49e6-a6b6-82e9c8d55768/files/referral-guideline-flying-fox-camps.pdf>.

The Department can assist Council with options for management of the Grey-headed Flying-fox population in your local government area including the application of the referral guidelines above.

There are also options for developing conservation agreements between the Australian Government and Council to ensure appropriate management measures are implemented in accordance with national environmental law. I note that you provided in your letter the contact details of Council officers, and the Department will be in touch to discuss these options.

Thank you for writing on this matter.

Yours sincerely



Greg Hunt