



Vincent Street
CESSNOCK

2 June 2017

ORDINARY MEETING OF COUNCIL

WEDNESDAY, 7 JUNE 2017

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Parcel Number	Ass No	Title	Name2	Property Address	Postal Line1	Postal Line2	Postal Line3
4597	16097	LOT: A DP: 356041	Cessnock City Council (C)	216 Vincent Street CESSNOCK	C/- Property Officer	PO Box 152	CESSNOCK NSW 2325
13453	16097	LOT: 1 DP: 902558	Cessnock City Council (C)	208 Vincent Street CESSNOCK	C/- Property Officer	PO Box 152	CESSNOCK NSW 2325
21093	16097	LOT: 1 DP: 956502	Cessnock City Council (C)	212 Vincent Street CESSNOCK	C/- Property Officer	PO Box 152	CESSNOCK NSW 2325
23748	16097	LOT: B DP: 356041	Cessnock City Council (C)	218 Vincent Street CESSNOCK	C/- Property Officer	PO Box 152	CESSNOCK NSW 2325
23749	16097	LOT: 2 DP: 956502	Cessnock City Council (C)	214 Vincent Street CESSNOCK	C/- Property Officer	PO Box 152	CESSNOCK NSW 2325
23750	16097	LOT: 2 DP: 902558	Cessnock City Council (C)	210 Vincent Street CESSNOCK	C/- Property Officer	PO Box 152	CESSNOCK NSW 2325
23751	16105	LOT: 1 DP: 956157	Cessnock City Council (C)	206 Vincent Street CESSNOCK	C/- Property Officer	PO Box 152	CESSNOCK NSW 2325
23752	16113	LOT: 1 DP: 772229	Cessnock City Council (O/C)	204 Vincent Street CESSNOCK	C/- Property Officer	PO Box 152	CESSNOCK NSW 2325
753		6/1/758002	Cessnock City Council	2 Cessnock Street, Cessnock		PO Box 152	CESSNOCK NSW 2325



Request to attend Conference/Seminar/Training

Name:	Bob Pynsent	Date:	12 May 2017
Name of Conference /Seminar/Training:	IIA International Conference – Audit & Risk Committee Forum	Date/s of Event:	24 July 2017
Benefits to Council:	As Mayor of the City, I see great benefits in attendance. In particular: <ul style="list-style-type: none"> • Innovation and directions in community leadership • Networking with recognised Local Government leaders from across NSW 		
Program/s of Interest:	All		
Brief Description (25 words or less) of why this program is of interest to you:	Ongoing professional development is critical in the role of Mayor. This program will provide an excellent development opportunity in community leadership.		
Conferences already attended in this Council Term:	Local Government NSW Annual Conference – 16-18 October 2016 National General Assembly of Local Government 2017 – 18-21 June 2017		
I acknowledge if successful with my application, a written report is to be forwarded to Council via the General Manager's Office on the aspects of the conference/seminar/training relevant to Council business and/or local community. No written report is required for the annual Local Government NSW Conference.			
Signature		Date	12 May 2017
Please Return Documentation to:	General Manager	By Date	12/5/17
Approved/Not Approved (cross out which is not applicable) by Council:			
Signature		Date	



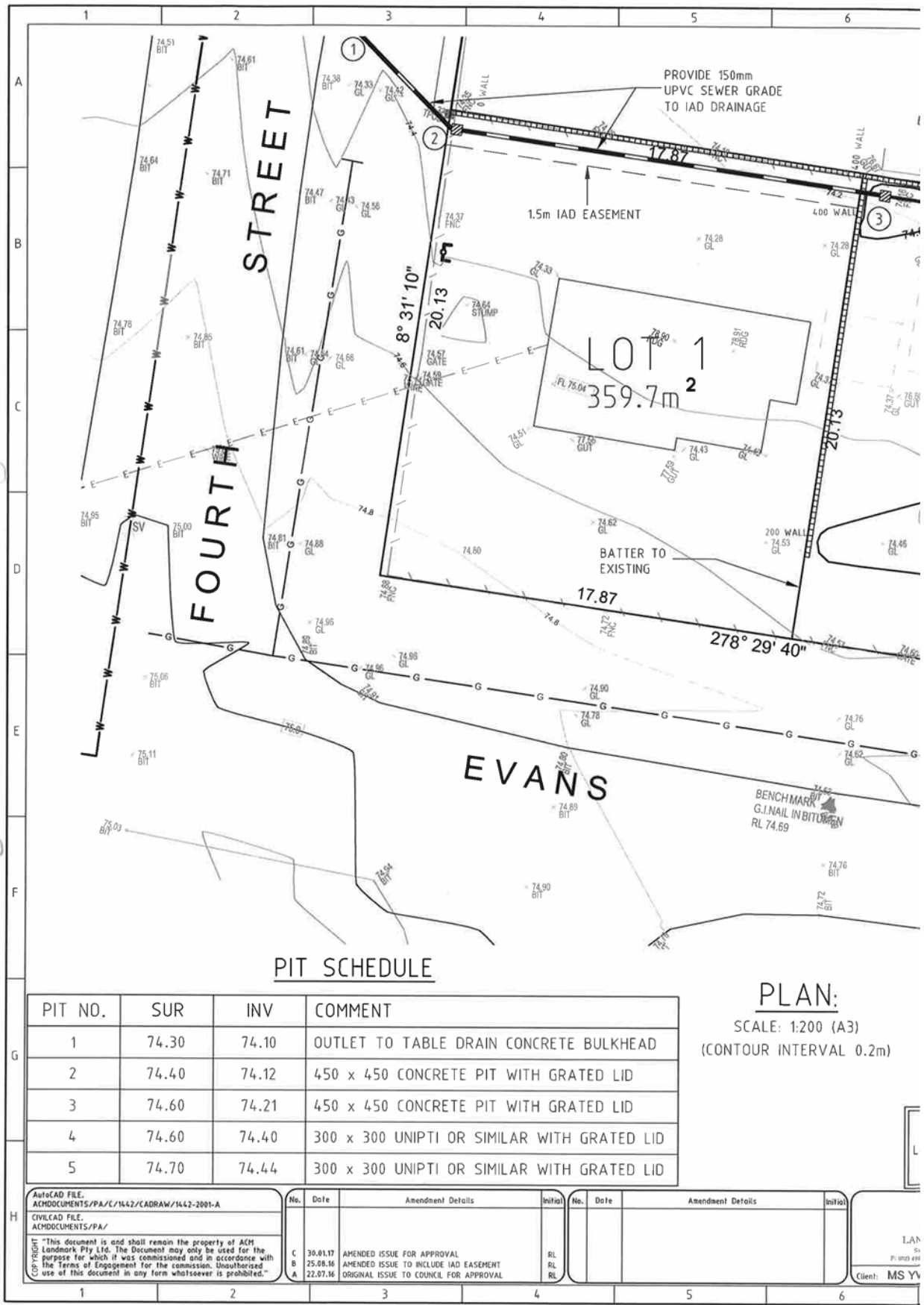
COUNCILLOR REQUEST TO ATTEND CONFERENCE, SEMINAR OR TRAINING

COUNCILLOR DETAILS			
Name:	PAUL DUNN		
Mobile Phone Number:	Dietary Requirements:		
0413015928 / 0408679927			
CONFERENCE / SEMINAR / TRAINING DETAILS			
Course Name:	AUDIT/RISK COMMITTEE FORUM 2017		
Organiser:		Location:	
Date: 24/7/17	Cost:	Job Number:	
Detail benefits to you and your role in Council			
To assist in my ability to perform my role on the AUDIT AND RISK COMMITTEE			
Details of conferences / seminars / training already attended in this term of Council			
Internal audit training day at the Institute of Internal Auditor's			
TRAVEL & ACCOMMODATION			
Accommodation			
Is Accommodation Required?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (if Yes please complete details below)		
Name:	PAUL DUNN	Phone:	0413015928
Check in Date:	23/7/17	Check out Date:	24/7/17
Travel			
Airfare Required?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if Yes please complete details below)		
Other Transport Required?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Transport requirement:		
Special Requirements?			
SIGNATURES			
Mayor / Councillor			
Name: PAUL DUNN	Signature:	Date:	
General Manager			
Full Name:	Signature:	Date:	
<input type="checkbox"/> Approved <input type="checkbox"/> Not Approved			

	Date	Signature		Date	Reference / Reservation Number
Received by EA:	12/5/17	M	Registered in RM:		
TRIM link to HR:			Registration Booked:		
Clr Advised:			Accommodation Booked:		
			Travel Booked:		

Cessnock City Council Request to Attend Conference / Seminar / Training Form Page 1 of 1

10 Fourth Street, Cessnock



10 Fourth Street, Cessnock

Clause 4.6 Submission

To Clause 4.1 of the Cessnock LEP 2011

Proposed 2 Lot Subdivision

10 Fourth Street Cessnock

EXECUTIVE SUMMARY

This Clause 4.6 submission accompanies a development application which proposes a two lot subdivision of 10 Fourth Street Cessnock. In accordance with the Cessnock City Council Local Environmental Plan 2011 ("the CLEP 2011"), any subdivision within the R3- Medium Density Residential zone in this locality must not create a lot less than 450m². This development standard is found at Clause 4.1 of the CLEP 2011. While lot 2 of the proposed subdivision complies with this requirement with a lot size of 450m², proposed lot 1 **does not comply** with the minimum lot size standard proposing a lot size of 359m² representing a 20% variation.

This submission examines the variation sought against the relevant Threshold Tests outlined in Clause 4.6 of the Cessnock LEP 2011. It also examines the variation against the Five Part Test set down by the Land and Environment Court in the *Wehbe* case.

In summary the basis for the variation can be summarised as follows:

- The subject lot is consistent with the subdivision pattern in the immediate locality and in particular the lot's containing dwellings on the south western corner of Evans and Fourth Streets and the lot containing the dwelling on the corner of Evans and Fifth Streets; consequently both properties which adjoin the subject property have lots of a similar size to the one proposed by this subdivision.

10 Fourth Street, Cessnock

- The size of the lot is consistent with medium density residential zoning of the site. Consequently the proposed allotment is entirely consistent with the zoning of the site and locality.
- If the variation is not supported it would effectively undermine the zoning of the site as it would retain an existing residential allotment which is more consistent with a low density residential environment and not a medium density residential environment.
- The subdivision will ensure the economic and efficient use of land as it will enable a residential lot to be created for further residential purposes. In this case it is submitted that there is excess land on this property for the existing dwelling which is a small two bedroom dwelling, and by undertaking an efficient subdivision it enables a second residential lot to be created that can be developed for either a single dwelling or a dual occupancy consistent with the zoning of the locality and site.
- The existing dwelling on the subject lot will contain adequate open space as well as car garaging and access facilities.
- By retaining the existing dwelling affordable housing stock is retained.

1. INTRODUCTION

The term 'development standards' is defined in the Environmental Planning and Assessment Act 1979. They are provisions in environmental planning instruments that guide development to be carried out in accordance with particular requirements under certain circumstances, such as minimum lot sizes in residential areas. They are normally numerical based.

A proposed variation to a development standard may, in some circumstances, achieve the underlying purpose of the standard as much as one which complies. If the development is not only consistent with the underlying purpose of the standard, but also with the broader planning objectives for the locality, strict compliance with the standard would be deemed to be unreasonable and unnecessary and council can then approve a variation.

In deciding whether to approve a development application and associated application to vary a standard, council must consider whether non-compliance with the development standard raises any matter of significance for State and regional planning, and the public benefit of maintaining the planning controls adopted by the environmental planning instrument. As part of the consideration, council will need to examine whether the proposed development is consistent with the State, regional or local planning objectives for the locality, and, in particular, the underlying objective of the standard.

Court cases dealing with applications to vary development standards resulted in the Land and Environment Court setting out a five part test for consent authorities to consider when assessing an application to vary a standard to determine whether the objection to the development standards is well founded. This test is as follows

1. The objectives of the standard are achieved notwithstanding noncompliance with the standard;
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

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3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

Written applications to vary development standards will not only address the principles of Clause 4.6 and SEPP1 but may also address matters set out in this 'five part test' as set out above.

1.1 Purpose

The purpose of this submission is to provide justification to a variation to the minimum lot size standard of 450m² applying to the subject property 10 Fourth Street Cessnock (Lot 21 Section E DP 4308) so that a lot containing the existing dwelling can be created of some 359m². This lot, the subject of this submission, is part of a proposed two (2) lot subdivision. The relevant provision of the Cessnock LEP 2011 to be varied is Clause 4.1:

Clause 4.1 Minimum subdivision lot size

(3) The size of any lot resulting from a subdivision of land to which this Clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

This submission supports the Development Application which proposes to subdivide 10 Fourth Street Cessnock into two (2) lots and has been produced in accordance with *Varying development standards: A Guide August 2011* (issued by the former Department of Planning & Infrastructure) and relevant case law.

10 Fourth Street, Cessnock

1.2 Subject Land

As described in the Statement of Environmental Effects:

The property is formally referred to as Lot 21 Section E DP 4308. The site has an area of 809.7m² with approximate dimensions 20.13m X 40.23m.

The site is unique as it has dual frontage to both Fourth Street and Evans Street and this gives it unique development potential.

While the lot presents as a flat site, it does have a very gentle slope towards the north eastern corner of the site with a high point of 74.88m in the south western corner and low point of 74.02 in the north eastern corner of the site.

As noted previously the property is located opposite Baddley Park.

The site currently contains a two bedroom dwelling and a number of out buildings which are about to be demolished including a carport and a laundry. The owner is in the process of replacing these structures on the southern side of the dwelling. The demolition of these structures will facilitate the subdivision of the property and make for a more efficient use of the site."



Figure 1 – Aerial Image of site

1.3 The Proposed Development

As outlined in the Statement of Environmental Effects:

It is proposed to subdivide the subject property into two allotments with details as follows:

- **Proposed Lot 1** which will front both Fourth Street and Evans Street has dimensions of 20.13m x 17.87m and will have an area of 359.7m². The exiting single story dwelling on the proposed lot will remain. The owned is in the process of erecting a new carport and driveway on this property under Exempt development provisions.
- **Proposed Lot 2** will front Evans Street, with dimensions of 20.13m X 22.36m and will have an area of 450m² being the larger of the two lots. The existing outbuilding and carport on the lot will be demolished separately under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The existing tree located on the site will be removed. Access to Evans Street will be left to the discretion of the future owner of the site depending on where access into the site is required.
- A central fence will be erected in order to divide the site into two lots; existing fencing will remain with adjoining properties.

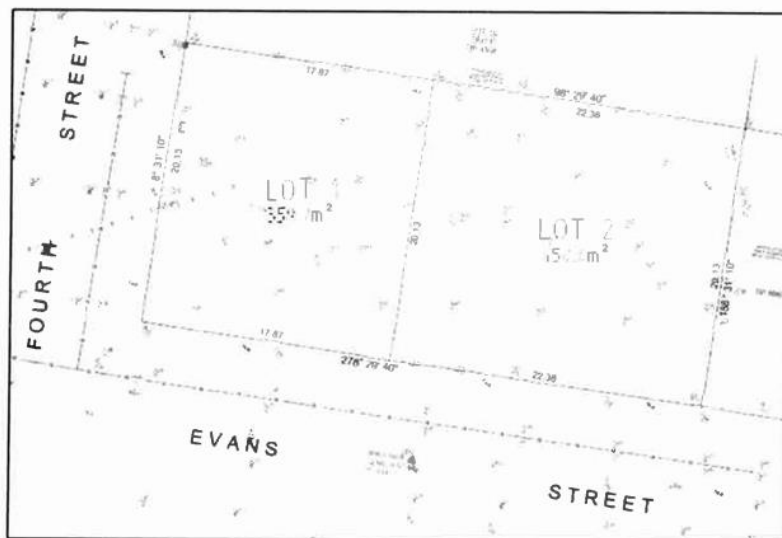


Figure 2- Proposed Subdivision

1.4 Relevant Zoning and Local Environmental Plan Provisions

1.4.1 Site Zoning

The site is zoned R3- Medium Density Residential under the CLEP 2011.

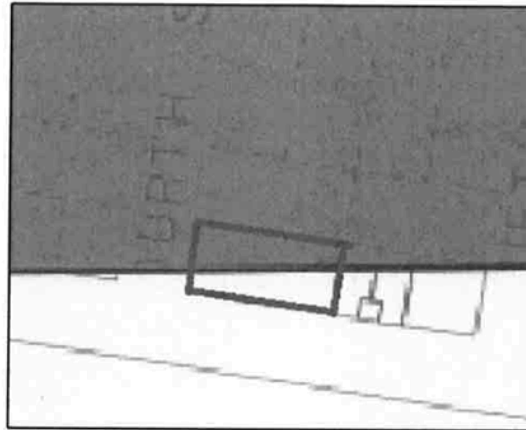


Figure 2- Map Zone (R3- Medium Density Residential).

1.4.2 Minimum Lot Size Standard

The Act defines a development standard as follows:

development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

(a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,

.....

The relevant sections of this definition are underlined. In response to these elements the standard in question is contained within Clause 4.1 of the CLEP 2011. The CLEP 2011 is an environmental planning instrument. In this respect the Environmental Planning and Assessment Act defines an environmental planning instrument as:

10 Fourth Street, Cessnock

environmental planning instrument means an environmental planning instrument (including a SEPP or LEP but not including a DCP) made, or taken to have been made, under Part 3 and in force.

The relevant provisions of Clause 4.1 of the CLEP 2011 which control minimum lot size are as follows:

4.1 Minimum subdivision lot size

(1) *The objectives of this clause are as follows:*

- (a) to ensure minimum lot sizes are appropriate for the zones to which they apply and for the land uses permitted in those zones,*
- (b) to ensure minimum lot sizes reflect the outcomes of any adopted settlement strategy for Cessnock.*

(2) *This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*

(3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

(4) *NA.*

(4A) *NA.*

(4B) *NA.*

Clause 4.1 of the CLEP 2011 is a development standard because it is fixing a minimum lot size standard in respect to subdivisions.

1.5 Variation Required

A variation is required to enable a reduction to the minimum lot size standard of 450m² (Clause 4.1 of the CLEP 2011) for one (1) of the proposed two (2) lots. A 359m² lot is proposed to be created. This represents a **20% variation** to the development standard.

2.0 Provisions of Clause 4.6

Clause 4.6 allows development standards to be varied by consent authorities provided certain criteria are met. The relevant provisions of the Clause states:

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances*

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(b) the concurrence of the Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Secretary must consider:

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- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

(6) NA

(7) NA

Consequently the **threshold tests** established via Clause 4.6 are that the applicant must satisfy the Council via a written submission:

1. That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
2. That there are sufficient environmental planning grounds to justify contravening the development standard, and
3. The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out,

2.1 Unreasonable and unnecessary to require compliance with the minimum lot size standard

It would be unreasonable to require the compliance with the minimum lot size standard required by Clause 4.1 of the CLEP 2011 for the following reasons:

1. The proposed lot will contain the existing dwelling located on the property. This is a small 2 bedroom dwelling. The proposed lot size is comfortably large enough at 359m² for the dwelling, an associated carport, driveway and private open space area. If the lot were any larger, as is the current case, it would be an inefficient use

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of land. Consequently it is unnecessary for this reason to require compliance with the standard.



Figure 3- Open Space allowance for existing dwelling.

2. Given point 1 above, there is currently land within the existing lot that is excess to the residential requirements of the existing dwelling. It is possible to excise from the lot a vacant 450m² lot that otherwise complies with the minimum lot size standard to be used for residential purposes. For this reason it would be unreasonable and contrary to the medium density objectives of the zone to deny the variation to enable the subdivision proposal.
3. There are two adjoining properties that have been subdivided in precisely the same manner which have resulted in lots being created that contain the existing dwellings and are under 450m² in area. It would therefore be unreasonable to have allowed these other properties to have been subdivided in the same way as proposed by this application, but then not enable this subdivision.

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2.2 Environmental planning grounds that justify contravening the development standard

The primary case in relation to this threshold test is that the proposed subdivision of the subject property would result in a new lot being created that would ultimately be developed for residential purposes. That resultant development would then be entirely consistent with existing residential development along Evans Street. In particular the two adjoining properties to the east and west of the site have been subdivided with new residential development constructed on the resultant lots. That would be the same case in this situation and that would be an outcome completely consistent with the existing streetscape.

It would also satisfy the underlying objectives of the zone by facilitating medium density development in the locality.

There is also the issue of Baddeley Park opposite the subject site. Increasing density and therefore encouraging more use of this public asset is a positive environmental planning ground that would result as a consequence of the subdivision of this site.

2.3 Zone and Relevant Development Standard Objectives

The final threshold test provided by subclause 3 of Clause 4.6 is that the written submission must be able to satisfy the consent authority that the variation would be in the public interest on the basis that the development would be consistent with the zone objectives and the underlying objectives to the standard.

2.3.1 Zone Objectives

The relevant objectives of the zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*

How the proposal satisfies this objective – The subject site in its current state is certainly not consistent with a *medium density residential environment*. This is due to the small size of the existing dwelling. Also an 800m² + sized residential lot is not consistent with a *medium density residential environment*. The subdivision as proposed will allow further development of the land that will allow it to be consistent and reflect a *medium density residential environment*.

- *To provide a variety of housing types within a medium density residential environment.*

How the proposal satisfies this objective – The subdivision will result in two lots being created; one of the lots will contain the existing dwelling that will satisfy affordable housing principles while the new lot can be developed for either a single dwelling or a dual occupancy development thus providing a *variety of housing types within a medium density residential environment*.

- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*

How the proposal satisfies this objective – This is an objective of the zone itself in terms of enabling other landuses within the zone that are not residentially based. Notwithstanding, proposed lot 2 could be used for other purposes that are otherwise permissible in the zone.

In summary the proposal is consistent with the objectives of the R3 zone as it provides potential additional housing opportunities to meet the needs of the community at an appropriate density for the zone.

2.3.2 Objectives of the Development Standard

As noted previously in this report:

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows:

*(a) to ensure minimum lot sizes are appropriate for the zones to which they apply
and for the land uses permitted in those zones,*

How the proposal satisfies this objective – This is an objective for the minimum lot size standards themselves and therefore it is not possible to state a case of the proposal being consistent with this objective. What it does question however at a strategic level is the applicability of a 450m² minimum lot size standard to a Medium Density Residential zone. In this case the proposed Lot will contain an existing dwelling in an efficient manner and consistent with the setting noting similar subdivision patterns on adjoining lots.

*(b) to ensure minimum lot sizes reflect the outcomes of any adopted settlement
strategy for Cessnock.*

How the proposal satisfies this objective – The proposed lot will facilitate medium density development of the land which is consistent with the Cessnock City Wide Settlement Strategy which identified this area for medium density development and which has been reflected in the zoning applying to the land.

3.0 Relevant Case Law Principles for Varying Development Standards

Over time the courts have established a body of case law as to what matters must be established in order to provide a well-founded submission seeking a variation to a development standard. As noted in the introduction, Court cases dealing with applications to vary development standards resulted in the Land and Environment Court setting out a five part test for consent authorities to consider when assessing an application to vary a standard to determine whether the objection to the development standards is well founded.

3.1 *Wehbe*

This specific Court case relates to Chief Justice Preston summation in *Wehbe v Pittwater Council (2007) 156 LGERA 446 (Wehbe)*. In this case his Honour comprehensively examined the requirements to uphold an objection to a development standard. Upholding a Clause 4.6 submission is a precondition, which must be satisfied before the proposed development can be approved on a consideration of the merits. His Honour stated that the consent authority must be satisfied that one or more of the following matters in any well founded objection:

"...The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).

...However, although this way is commonly invoked, it is not the only way to establish that compliance with a development standard is unreasonable or unnecessary;

...A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;

...A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;

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....A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

...A fifth way is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary;

However, care needs to be taken not to expand this fifth way of establishing that compliance is unreasonable or unnecessary beyond its limits. It is focused on "particular land" and the circumstances of the case. Compliance with the development standard is unreasonable or unnecessary not because the standard is inappropriate to the zoning, but rather because the zoning of the particular land is found to be unreasonable or inappropriate. If the particular land should not have been included in the particular zone, the standard would not have applied, and the proposed development would not have had to comply with that standard. To require compliance with the standard in these circumstances would be unreasonable or unnecessary;

However, so expressed, this way is limited. It does not permit of a general inquiry into the appropriateness of the development standard for the zoning. An objection would not be well-founded by an opinion that the development standard is inappropriate in respect of a particular zoning (the consent authority must assume the standard has a purpose).

1. The objectives of the standard are achieved notwithstanding noncompliance with the standard;

How the proposal satisfies this test – Refer to 2.3.2 above.

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***2. The underlying objective or purpose of the standard is not relevant to the development
and therefore compliance is unnecessary;***

How the proposal satisfies this test – In this case the objectives set out at Clause 4.1(1) are
not relevant to the development with the consequence that compliance is unnecessary.

Neither objective is relevant to this development:

*(a) to ensure minimum lot sizes are appropriate for the zones to which they
apply and for the land uses permitted in those zones,*

*(b) to ensure minimum lot sizes reflect the outcomes of any adopted
settlement strategy for Cessnock.*

These objectives are more to do with the function of the LEP itself in applying minimum lot
size standards, they are not setting out performance based considerations by which one can
measure a proposed non-compliance against.

***3. The underlying object of purpose would be defeated or thwarted if compliance was
required and therefore compliance is unreasonable;***

How the proposal satisfies this test – The case in this submission is that the underlying
objectives of the standard are not relevant. In terms of the zone the underlying objectives
would most certainly be thwarted. The lot is of excessive size for the existing dwelling and as
a consequence much of the land on the lot is surplus to the residential needs of the
dwelling. The lot is located within an area zoned for medium density development, and if
the subdivision was not to occur, it would thwart and defeat the objectives of the zone.

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- 4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;**

How the proposal satisfies this test – This submission is not arguing this case. It is not known when the adjoining lots were created consistent with this proposal. If they were created after 23 December 2011 when the current Cessnock LEP 2011 was gazetted, then this test is certainly relevant as the standard in this locality at least will have been varied making compliance with the standard is unnecessary and unreasonable.

- 5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.**

How the proposal satisfies this test – This submission is not arguing this case.

3.2 Winten

In *Winten Property Group Limited v North Sydney Council (2001) 130 LGERA 79 (Winten)* the following five tests were identified:

- 1. Is the planning control in question a development standard?**

How the proposal satisfies this test – Refer to Section 1.4.2 of this submission where it is established that Clause 4.1 of the Cessnock LEP 2011 is indeed a development standard.

2. What is the underlying purpose or objective of the standard?

How the proposal satisfies this test – Refer to Section 2.3.2 of this submission where the Clause 4.1 objectives are addressed. There is no explicitly nominated objective or purpose to the development standard within the CLEP 2011. Accordingly, the underlying purpose of the standard must be ascertained. Based upon its effect, the underlying purpose of the standard is to *provide for the housing needs of the community within a medium density residential environment.*

As has been established elsewhere in this submission, the variation to the development standard to enable the creation of an allotment that is under the minimum lot size standard will assist in providing housing for the community in a medium density residential environment.

3. Is compliance with development standard consistent with (the provisions of Clause 4.6) and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?

How the proposal satisfies this test – Refer to Section 2 of this submission where the issue of consistency with the provisions of Clause 4.6 has been addressed. In terms of the objects of the Act these are as follows:

5 Objects

The objects of this Act are:

(a) to encourage:

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,

(ii) the promotion and co-ordination of the orderly and economic use and development of land,

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(iii) the protection, provision and co-ordination of communication and utility services,

(iv) the provision of land for public purposes,

(v) the provision and co-ordination of community services and facilities, and

(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and

(vii) ecologically sustainable development, and

(viii) the provision and maintenance of affordable housing, and

(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and

(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

The relevant objectives of the Act above have been highlighted. The others are not relevant.

(ii) the promotion and co-ordination of the orderly and economic use and development of land,

(vii) ecologically sustainable development, and

(viii) the provision and maintenance of affordable housing,

The creation of the 359m² lot containing the existing dwelling will enable the remaining excess land on the existing lot to be used as a separate residential parcel of land resulting in a more *economic use* of the land. It will also result in more infill development consistent with *ESD* principles. The retention of the existing dwelling on a smaller allotment will also result in the provision of *affordable housing* stock.

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- 4. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case? It is also noted that "it seems to me that one must also look to see whether a development which complies with the development is unreasonable or unnecessary (see section 9 of this objection)**

How the proposal satisfies this test – Refer to Section 2.1 of this submission where the issue of compliance being unreasonable and unnecessary has been addressed.

- 5. Is the objection well founded?**

This is a decision ultimately for the consent authority to make, and this submission is that it is well founded based on the following:

- The subject lot is consistent with the subdivision pattern in the immediate locality and in particular the lot's containing dwellings on the south western corner of Evans and Fourth Streets and the lot containing the dwelling on the corner of Evans and Fifth Streets; consequently both properties which adjoin the subject property have lots of a similar size to the one proposed by this subdivision.
- The size of the lot is consistent with medium density residential zoning of the site. Consequently the proposed allotment is entirely consistent with the zoning of the site and locality.
- If the variation is not supported it would effectively undermine the zoning of the site as it would retain an existing residential allotment which is more consistent with a low density residential environment and not a medium density residential environment.
- The subdivision will ensure the economic and efficient use of land as it will enable a residential lot to be created for further residential purposes. In this case it is submitted that there is excess land on this property for the existing dwelling which is a small two bedroom dwelling, and by undertaking an efficient subdivision it enables

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a second residential lot to be created that can be developed for either a single dwelling or a dual occupancy consistent with the zoning of the locality and site.

- The existing dwelling on the subject lot will contain adequate open space as well as car garaging and access facilities.
- By retaining the existing dwelling affordable housing stock is retained.

4.0 State and Regional Planning

In this case Council needs to consider whether the non-compliance with the development standard in this instance raises any matter of significance for State and regional planning.

The short answer is that it doesn't. This is a minor two lot residential subdivision in a medium density residential neighbourhood of Cessnock the outcomes of which could not have implications of a regional or state wide manner. It has been established elsewhere in this report that the proposal is consistent with the site zoning and the underlying purpose of the standard.

In terms of state and regional planning considerations it should be noted that:

- The proposal facilitates infill housing development which is a key target of both the existing *Lower Hunter Regional Strategy* and the *Draft Lower Hunter Plan*.
- As infill development, the subdivision facilitates a more efficient use of infrastructure and reduces demand for Greenfield development, again key objectives of the relevant state and regional planning policies.
- The subdivision will also allow an existing dwelling to be retained which promotes a sustainable use of existing housing stock consistent with ESD principles.
- Also by retaining the existing dwelling affordable housing outcomes will be achieved which is also consistent with state and regional planning policies.

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5.0 Public Benefit of Maintaining the Development Standard

There is no public benefit to maintain the minimum lot standard in this case. The public benefit is maintained by facilitating medium density residential outcomes within a medium density residential zone, using residential land efficiently and economically and maintaining affordable housing options. The proposed variation to the development results in all of these positive public benefit outcomes and it is submitted that there are no negative public benefit outcomes that would result if this variation is granted.



DISABILITY INCLUSION ACTION PLAN 2017-21

PLANNING FOR OUR PEOPLE
OUR PLACE OUR FUTURE

Acknowledgment of **Country**

Cessnock City Council acknowledges that within its local government area boundaries are the Traditional Lands of the Wonnarua people, the Awabakal people and the Darkinjung people. We acknowledge these Aboriginal peoples as the traditional custodians of the land on which our offices and operations are located, and pay our respects to Elders past and present. We also acknowledge all other Aboriginal and Torres Strait Islander people who now live within the Cessnock local government area.

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Mayor Foreword

COUNCILLOR BOB PYNSENT

MAYOR OF THE CITY OF CESSNOCK

Council's Disability Inclusion Action Plan 2017-2021 is an important Plan for our community.

At Census 2011, there were over 3,300 people living in the Cessnock local government area who needed help in their daily lives for a profound or severe disability.

It is of paramount importance we ensure everyone has the opportunity to enjoy all aspects of community life. Council has implemented a range of programs to remove access barriers and increase the participation of people with disability, this Plan builds on our previous work.

This Plan has been developed and informed by community consultation including hearing from people with disability, carers and service providers. This community input is vital and I look forward to what we can achieve over the next four years through the implementation of the actions set out under this Plan.

The time generously provided by people and service providers who participated in the community consultation process is appreciated. Council looks forward to developing and maintaining strong working relationships with the community in delivering the Plan's actions.



General Manager Message

MR STEPHEN GLEN

GENERAL MANAGER OF CESSNOCK CITY COUNCIL

The Disability Inclusion Action Plan 2017-2021 provides Council with a path to improve access and inclusion for its services, infrastructure, communications and business systems.

The development of the Plan has provided Council with an opportunity to formally identify issues facing both people with disability and their carers. This framework developed with the support of the community will better inform Council on how to create a more inclusive community for both residents and visitors to the Cessnock local government area.

Council will build on and improve accessibility for people of all abilities and demonstrate by example, inclusive practices and attitudes.

We will work collaboratively with other government departments, businesses, community organisations and groups in advocating for and achieving inclusive and accessible communities.

Council recognises that for the successful delivery of the Plan and its actions, collaborative partnerships are the key to improving access and inclusion for all people.



In demonstrating Council's commitment in delivering the Plan's listed actions, it has been embedded within Council's Integrated Planning and Reporting Framework. The progress in delivering the listed actions including the Plan's achievements will be reported back to the community including being documented in Council's Annual Report.

Council looks forward to collaborating with the community in delivering this important Plan.

Statement of Commitment for an Accessible & Inclusive Community

Council's Commitment for an Accessible and Inclusive Community

The following principles have been embedded in the Plan and guide its actions:-

- Council will demonstrate leadership in providing and advocating for an inclusive and accessible community.
- People with disability will be provided with equal opportunity to access Council services and facilities.
- Council community events will be inclusive of people with disability.
- Council will provide the community with information that is easily understood.
- People with disability will be encouraged to participate and have inclusion in community consultation processes.
- People with disability will be provided the same opportunities to obtain and maintain employment at Council.
- Council will collaborate with other government departments, businesses, community organisations and groups in advocating for and achieving inclusive and accessible communities.

The Disability Inclusion Act 2014 requires all Council's in New South Wales to have a Disability Inclusion Action Plan by July 2017.

The Disability Inclusion Act 2014 defines disability as:-

"the long term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder the full and effective participation in society on an equal basis with others" (NSW Government, NSW Legislation).

The Context of the Plan

Overview of the Plan

The Disability Inclusion Action Plan 2017-2021 demonstrates Council's commitment to improving access and inclusion. The Plan identifies what Council can do to promote and achieve equality for residents and visitors to the Cessnock local government area.

A Plan that considers the needs of people with disability is important as it is estimated that 18.3% of the population have some form of disability¹. If to consider profound or severe disability, 6.5% of people in the Cessnock local government area were recorded at Census 2011².

In developing the Plan, Council consulted with 160 people and included people with disability, carers of people with disability, families of children with disability, community groups and service providers to understand opportunities to improve inclusion and access.

The Plan lists actions for all areas of Council and includes the services it delivers, the facilities it provides and its business practices and they being accessible and inclusive. It also guides Council in how it can be responsive to the needs of people with disability living and visiting the Cessnock local government area.

The goals of the NSW Disability Inclusion Plan set the framework for Council's Disability Inclusion Action Plan.

The goals are:-

- **Develop positive community attitudes and behaviours**
- **Create liveable communities**
- **Support access to meaningful employment**
- **Improve access to services through better systems and processes**

¹ Australian Bureau of Statistics (2016), Disability Australia Catalogue 4430.0

² Australian Bureau of Statistics, Census of Population and Housing 2011

The Plan has been prepared with consideration given to the United Nations Convention on the Rights of Persons with Disabilities (2006), along with commonwealth and state legislation and the NSW Disability Inclusion Plan. Both the NSW Disability Inclusion Plan and Council's Plan are grounded in the principles of equality, respect, social justice, diversity, participation and inclusion.

The actions listed within Council's Disability Inclusion Action Plan align with Council's Community Strategic Plan, Cessnock 2027 and its vision "Cessnock will be a cohesive and welcoming community living in an attractive and sustainable rural environment with a diversity of business and employment opportunities supported by

accessible infrastructure and services which effectively meet community needs".

The implementation of the Plan not only has benefits for people with disability, but also carers of people with disability, people who have temporary impairments such as damaged limbs, older people and parents/caregivers pushing prams and strollers. These groups too face access barriers when participating in community life.

To ensure the Plan's implementation it has been embedded within Council's integrated planning framework and this includes the Delivery Plan and annual Operational Plan. In monitoring the progress of the Plan's actions, a review will occur annually and will be documented in Council's annual report.



Above: Accessible wheelchair at Branxton Pool and is available for use by the community.

Supporting Cessnock 2027 Community Strategic Plan

The Plan has been developed to align with the Community Strategic Plan, Cessnock 2027 and is the highest level Plan prepared by a Council. Its purpose is to identify the community's main priorities and aspirations for the future and to develop and implement strategies for achieving these goals.

There are five desired outcomes identified in the Community Strategic Plan, Cessnock 2027 and are:-

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

Council's Disability Inclusion Action Plan has a specific focus on people with disability, access and inclusion. It provides the detail for what needs to be done, identifies specific actions and outlines how they are to be measured.

It has been embedded within the Community Strategic Plan, Cessnock 2027 and sits under the community's desired outcome for 'A connected, safe and creative community'. Under this desired outcome, the 2017-21 Delivery Program has the strategy 'Commence implementation of the Disability Inclusion Action Plan'. The 2017-18 annual Operational Plan has the strategy "Commence implementation of the priority actions from the Disability Inclusion Action Plan".



Legislative and Policy Context

United Nations Convention on the Rights of Persons with Disabilities

Australia is currently undergoing major reform in the disability sector. This includes the launch of the National Disability Insurance Scheme (NDIS) and in July 2016, the scheme was rolled out to people with disability living in the Cessnock local government area. The scheme is in support of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), and was ratified by Australia in 2008.

The convention comprises eight guiding principles and they have been considered and incorporated into the Plan's actions. Figure 1 on page 12 lists the eight guiding principles.

Disability Inclusion Act 2014

Council's Plan has been written to align with the requirements of the Disability Inclusion Act 2014 and its principles.

In 2014, the NSW State Government passed the Disability Inclusion Act 2014 and the Disability Inclusion Regulation 2014. The Disability Inclusion Regulation requires all Councils within New South Wales to develop a Disability Inclusion Action Plan by 1 July 2017.

The Disability Inclusion Act 2014 is based on equality for people with disability, human rights, independence, social and economic inclusion and choice. It sets out the legislative requirements for what should be included in a Plan and advises that Councils have a responsibility to support people with disability.

The requirements of the Disability Inclusion Act 2014 are (Division 3, Part 12):-

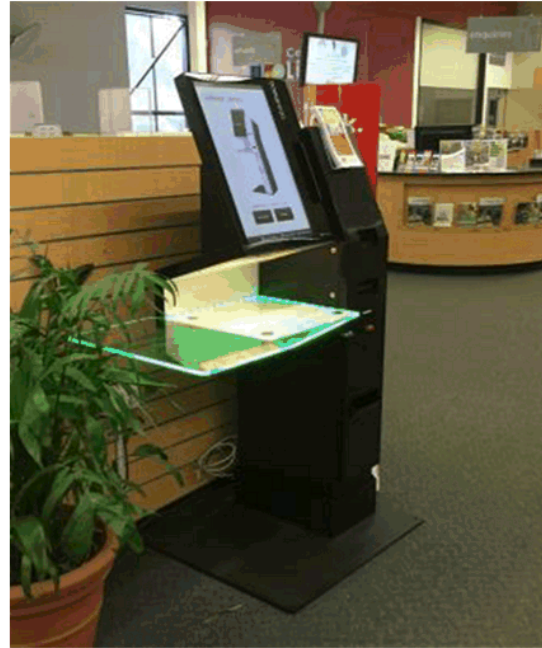
- Council must consult with people with disability.
- Council may consult with individuals or other entities considered appropriate.

A Disability Inclusion Action Plan must:

- Specify how Council proposes to have regard to the disability principles in its dealings with matters relating to people with disability.
- Include actions to support people with disability, including, for example, actions about the following:
 - Providing access to buildings, events and facilities.
 - Providing access to information.
 - Accommodating the specific needs of people with disability.
 - Supporting employment of people with disability.
 - Encouraging and creating opportunities for people with disability to access the full range of services and activities available in the community, and
- Include details of the Council's consultation about the plan with people with disability.
- Explain how the plan supports the goals of the State Disability Inclusion Plan.

NSW Disability Inclusion Plan

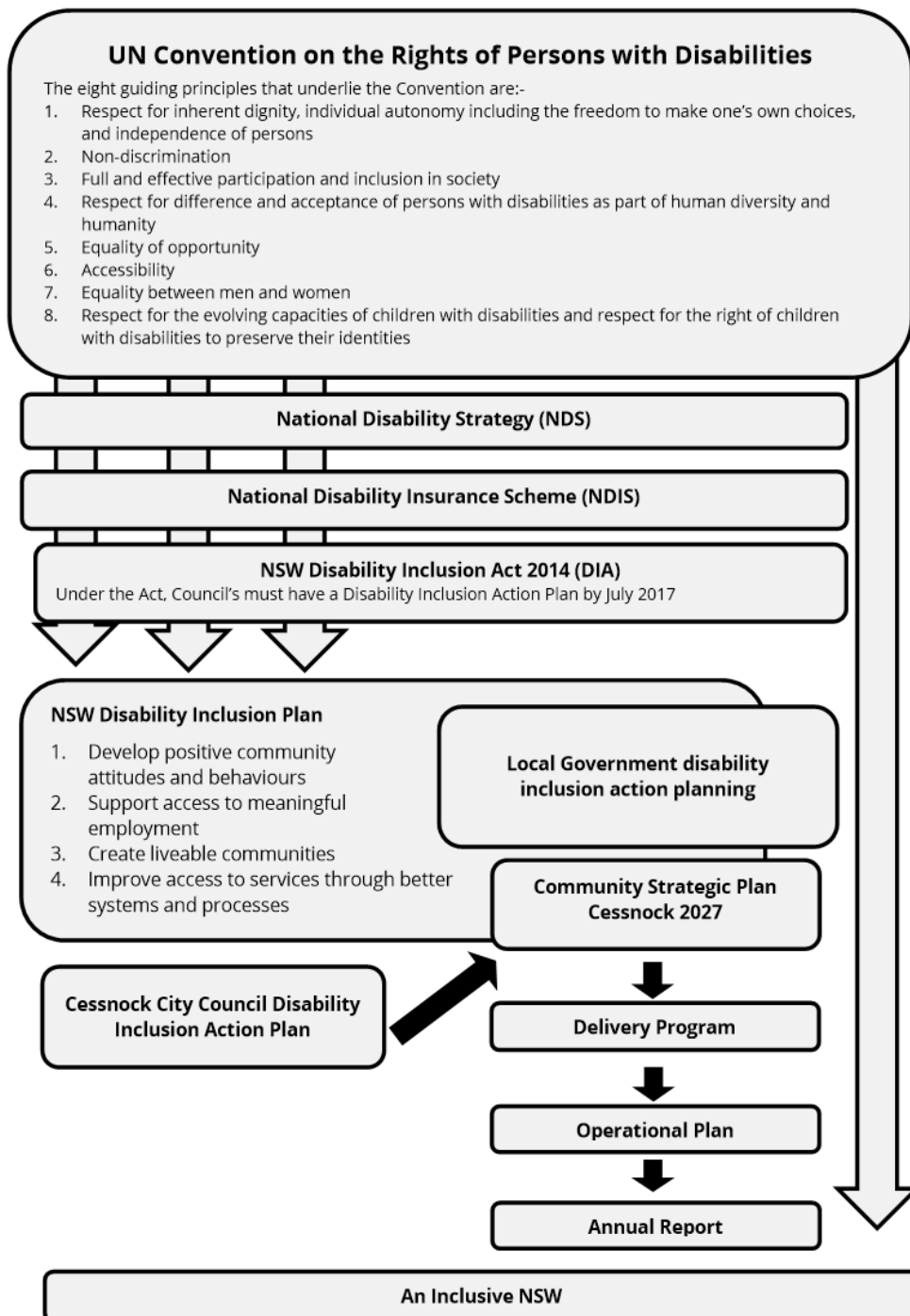
In 2015, the NSW state government developed its NSW Disability Inclusion Plan. The goals of the NSW Disability Inclusion Plan are to develop positive community attitudes and behaviours, create liveable communities, support access to meaningful employment and improve access to services through better systems and processes. Council's plan supports the goals of the NSW Disability Inclusion Plan with the actions listed in this Plan being centred on the same four goals.



Above: Cessnock City Library and Kurri Kurri Library each have a height adjustable self-checkout kiosk.

Height adjustable equipment and furniture provides greater flexibility and is accessible for people in a wheelchair.

Figure 1: Legislative and planning framework



Source: Diagram adapted from Local Government NSW (2015), NSW Disability Inclusion Action Planning Guidelines for Local Government

Summary of Legislation, Policy, Plans and Standards that Guide Council to Improve Access, Equality and Inclusion

International

- United Nations Convention on the Rights of Persons with Disabilities

Commonwealth

- Disability Discrimination Act 1992
- National Disability Insurance Scheme Act 2013
- National Disability Strategy 2010 – 2020
- Disability (Access to Premises Standards – Building) Standards 2010
- Australian Standard (AS 1428) – Design for Access and Mobility

NSW State

- NSW Disability Inclusion Act 2014
- Disability Inclusion Regulation 2014
- NSW Anti-Discrimination Act 1977
- Local Government Act 1993
- Local Government (General) Regulation 2005
- NSW Disability Inclusion Plan (2015)
- Environmental Planning and Assessment Act 1979 and includes references to the Building Code of Australia

Cessnock City Council Policies and Strategies

- Cessnock 2027, Community Strategic Plan
- Community Engagement Strategy
- Cessnock Development Control Plan 2010, C.1 Parking and Access, C.6 Access and Mobility
- Pedestrian Access and Mobility Plan 2016
- Community Access Policy



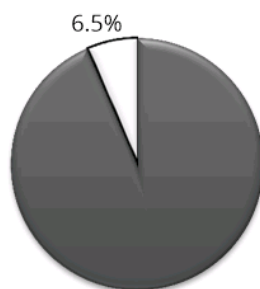
Above: Braille signage at Cessnock Performing Arts Centre indicating toilet facilities.

Community Profile

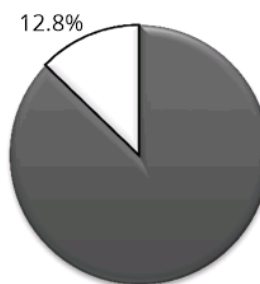
At the time of the 2011 Census, a population of 50,840 people was recorded for the Cessnock local government area. If to use more current data, the estimated resident population as at 30 June 2015 was 55,862.

The 2011 Census sought to understand the number of people in the Cessnock local government area with disability. It found 6.5% of people with a profound or severe disability required assistance and 12.8% of people provided unpaid support to people with disability.

People with a profound or severe disability in the Cessnock local government area



Residents that provide assistance to people with disability in the Cessnock local government area



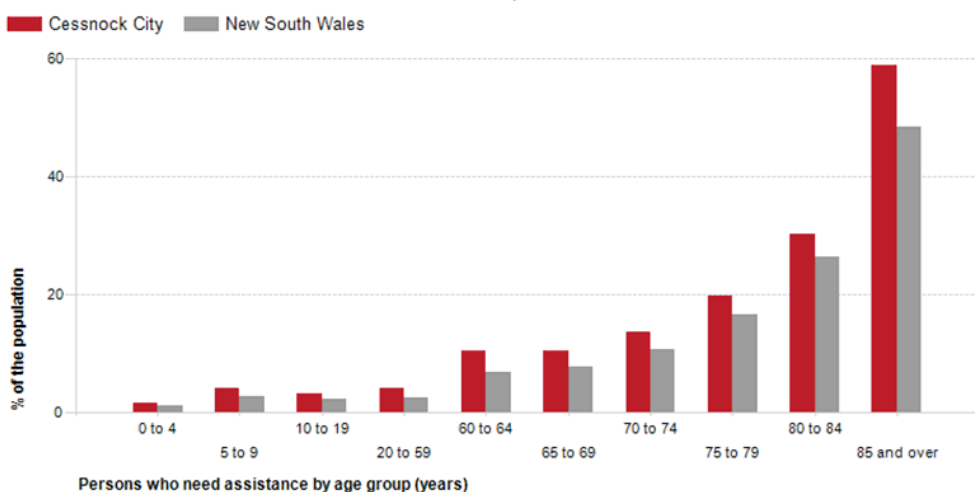
The number of people with disability is increasing and this is expected to continue due to population growth, ageing and increased life expectancy. Between Census Years 2006 and 2011, there was an increase of 709 people providing unpaid assistance to a person with disability, long term illness or old age.

Ageing has an impact on rates of disability. Ageing will be of considerable importance to the Cessnock local government area as the population for people aged 70 years and over is forecast to grow almost 50% between Census years 2011 and 2021. If to consider the 2031 population projection, the total population for people aged 70 years and over is expected to grow by over 90%.

Need for Assistance with Core Activities per Age Group

The graph below indicates the need for assistance with core activities due to a profound or severe disability. Core activities include assistance with self-care, physical movement and communication activities. The graph is categorised into age groups and indicates for the Cessnock local government area all age groups had higher incidence of people requiring assistance with core activities when compared to New South Wales. Also, the need for assistance with core activities rises as people age.

Need for assistance with core activities, 2011



Source: Australian Bureau of Statistics, Census of Population and Housing, 2011 (Usual residence data)
Compiled and presented in profile.id by .id, the population experts.

.id
the population experts

It is estimated that 18.3³% of the Australian population have some form of disability.

Snapshot of demographic data for the Cessnock local government area indicates:-

- 6.5% of people have a profound or severe disability⁴
- 21.8% of people aged 65 years and over require assistance with core activities⁵.
- 12.8% of people provide unpaid support to people with disability⁶.

People with disability when compared to people without disability experience lower levels of income; increased barriers in accessing employment opportunities, community facilities and public spaces; and financial costs in accessing required support needs.



Left: Liberty swing at Peace Park, Weston. The swing is located within the children's playground and is wheelchair accessible.

³ Australian Bureau of Statistics (2016), Disability Australia Catalogue 4430.0

⁴ Australian Bureau of Statistics, Census of Population and Housing (2011)









⁵ As above

⁶ As Above

It is acknowledged that demographic data specific to people with disability living in the Cessnock local government area is limited. However, at the national level data is captured by the Australian Bureau of Statistics via its Survey of Disability, Ageing and Carers (2015). The survey measures the prevalence of disability in Australia and provides a national demographic

profile of people with disability. Around 75,200 people participated in the survey and included people who live in private dwellings and establishments (establishments include hospitals, nursing homes, aged care hostels, cared components of retirement villages and group homes).

The findings of the Australian Bureau of Statistics, Disability, Ageing and Carers (2015) national survey indicate:-

 <p>Income</p> <p>The median gross income for a person with disability aged 15 to 64 years was less than half the weekly income of a person without disability.</p>	 <p>Need for Assistance</p> <p>2.4 million Australians with disability (living in households) needed assistance with at least one activity of daily life.</p>
 <p>Labour Force</p> <p>53.4% of people with a disability and of working age were in the labour force, compared to 83.2% of people with no disability.</p>	 <p>Transport</p> <p>40.2% of people aged 5 years and over with disability (living in households) used public transport.</p>
 <p>Employment</p> <p>For people with disability, the 2015 unemployment rate was almost double when compared to people without disability.</p>	 <p>Community Participation</p> <p>77.4% of people with disability (living in households) participated in physical activities, visited public places and engaged with friends and family.</p>
 <p>Education</p> <p>When compared to 2012 data, there were more people aged 15 to 64 years with disability that had attained as the highest year of school completed, Year 12 or equivalent.</p>	 <p>Discrimination</p> <p>Discrimination was experienced by almost one in 12 Australians with disability aged 15 years and over (living in households) during a 12 month period.</p>

Community Facilities

Access and Inclusion

In addition to ensuring community facilities meet the Building Code of Australia, Council for many years has implemented a range of initiatives that encourage and increase access and inclusion. These initiatives have sought to reduce barriers and increase community participation for Council services, community events, community infrastructure and facilities that Council owns or is reserve trust manager. A range of initiatives are listed below.

Table 1: Current initiatives and programs that improve access to Council services, community infrastructure and facilities

Council Facility or Service	Number of Facilities	Accessible Features
Cessnock City Council Administration Building	1	Lift to enable access from car park area to ground floor customer service area; accessible car parking spaces provided on site; accessible public toilet with MLAK key access and is available for after-hours use.
Swimming Pools	3	Acceptance of companion card; accessible pool entry ramps installed at all facilities; water proof wheelchair available for community use, mobility aqua hoist available at Kurri Kurri pool to enable wheelchair entry into pool; accessible toilets.
Libraries	2	Large print books and audio books available for borrowing; a range of e-resources can be accessed from home; accessible toilet at Cessnock Library; height adjustable self-service kiosk for borrowings provided at both libraries.
Community Halls	15	Most community halls have accessible entry ramps; eight facilities have accessible toilets.
Neighbourhood Centres	2	Both centres have a lift and accessible toilets.
Youth Centre	1	Accessible toilet on site; from the carpark to the youth centre there is a ramp with paved pathway access.
Performing Arts Centre	1	Toilets and change room doors have braille signage; hearing loop in 466 seat theatre; access ramp at main entry; accessible car parking spaces on site; acceptance of the companion card for ticketed performances; moveable seats within theatre to accommodate a wheel chair.

Council Facility or Service	Number of Facilities	Accessible Features
Council Events	Various	Hire of accessible toilets for outdoor events (where facilities are not provided); provision of shade structures; use of the International Symbol of Access in the Seniors Week 2016 & 2017 calendar for activities that were accessible; participation in the 2016 International Day of People with Disability community event held in the Cessnock local government area.
Parks/Playgrounds	Various	Liberty swing at Peace Park (Weston); accessible BBQ at Peace Park; accessible picnic table at Peace Park and The Basin; accessible picnic settings now routinely installed for situations where replacement is required and for new installations.
Recreation Facilities	Various	Council's recreation facilities have hosted a range of events and include wheelchair tennis (Cessnock Tennis Club), Special Olympics (Cessnock Pool) and Relay for Life (Cessnock Sportsground).
Pedestrian Pathways	Various	Council in 2016 adopted the Pedestrian Access Mobility Plan and the actions listed will increase and improve key pedestrian routes.

Below: Connectivity from accessible carpark to Crawfordville Millfield Community Hall.



Community Consultation

What Research and Consultation Methods Did We Use?

In developing the Plan, the research process occurred over eleven months beginning February 2016 and concluding December. In total, 160 people participated in the consultation. A number of methods were used to encourage people to participate in the consultation including engaging with people at local community events. For example, consultation occurred with Aboriginal and/or Torres Strait Islander people as part of a local NAIDOC Week event and people from multicultural backgrounds were consulted at a local Harmony Day event.

Figure 2: Summary of Research and Engagement Methods



How Did We Consult with the Community?

Consultation was undertaken with people that have disability, carers of people with disability, families with children with disability, disability focussed community groups and service providers to understand opportunities to improve inclusion and access.

Table Two: Summary of community consultation methods and participation

Community Consultation	Number of Participants
A local disability service on behalf of Council administered at the 'Harmony Day' community event a short survey to understand what "access" and "inclusion" means to people.	23
A community survey with 14 questions was made available online and in hardcopy format. It sought views on acceptance, inclusion and access for community events and community buildings; along with identifying need for accessible formats. The surveys were also made available and administered at a NAIDOC Week event. Of the survey participants, 14 people had disability.	49
Discussions were held with people that have disability or carer of a person with disability regarding issues specific to their experience. These discussions occurred as individual interviews or part of a group setting.	47
A forum was held in Kurri Kurri and included families that have a child with disability and providers of services that work with children with disability.	13
Individual meetings were held with staff in the disability services sector and focussed on experiences occurring within the community and barriers to participation including access to employment.	3
Two service provider workshops were held. Participants worked in the disability services sector or represented a community group that had an interest in disability services.	22
Social Pin Point, an online mapping tool was made available to the community to enable the identification of physical access issues.	3
TOTAL NUMBER OF PARTICIPANTS	160 People

What Other Consultation Methods Did We Use?

Access Audits

Access audits of key Council owned community buildings in the Cessnock and Kurri Kurri Central Business Districts was undertaken by a Consultant and was a person who required a wheelchair for mobility. The aim of the audit was to identify infrastructure in place that supports access to the facility along with identifying access barriers.

Examples of infrastructure and supports that were considered included:-

- entry ramps
- accessible toilets
- accessible pathways to the facility from the car parking area
- availability of hearing loops
- signage, including braille signage

A subsequent audit of all remaining Council owned/or managed community hall buildings was undertaken by Council staff to identify the

infrastructure in place that supports people with disability to access the facility.

Discussions with Cessnock City Council Staff

Discussions occurred with Council staff responsible for human resources, information technology, land use planning, community and customer services, programs and infrastructure such as recreation facilities and community buildings. These discussions assisted to identify actions that could be included in the Plan and continuous improvement opportunities for access and inclusion.

Review of Previous Planning Processes

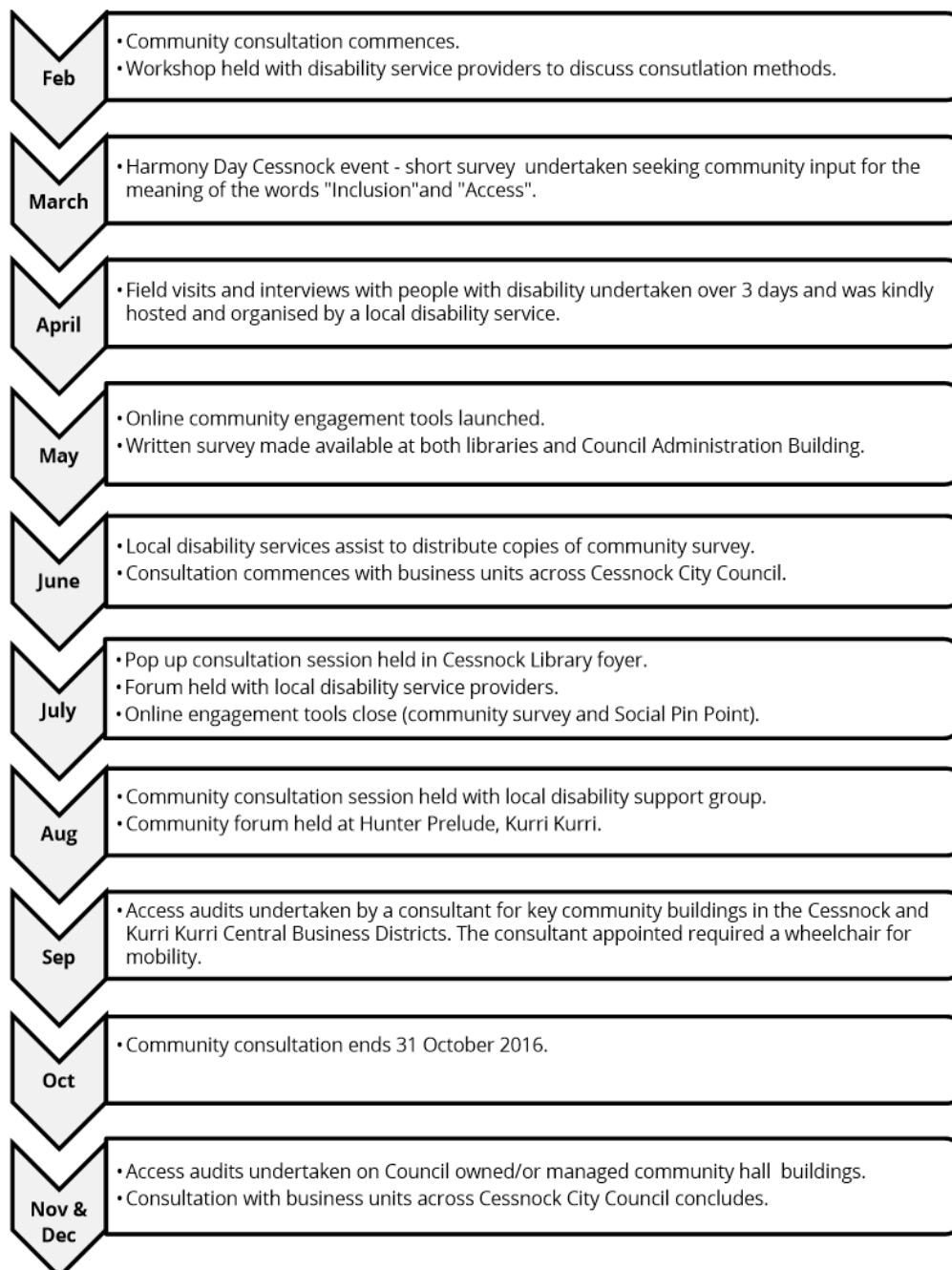
Council has other strategic plans that have synergies to this Plan. They include the adopted Pedestrian Access and Mobility Plan 2016 (PAMP) and Draft Health and Well-being Plan. Both were considered in developing this Plan and assisted to ensure actions were aligned.



Left: Both library branches have a range of audio books and large font books.

What Was Our Research and Consultation Journey?

Figure Three: Consultation and research journey for the Plan





Above: Signage advising hearing loop within the theatre at Cessnock Performing Arts Centre. The Cessnock Performing Arts Centre theatre has capacity for 466 people.

Action Plan

Goal One:

Develop positive community attitudes and behaviours

Council will take a leadership role in advocating for, along with delivering services to the community that are supportive of people with disability. We will encourage positive attitudes and behaviours that seek to engage and include people of all abilities.

What Did People Say?

- People with disability want to participate in community life.
- The International Day of People with Disability is an important community event for recognising people with disability and developing positive community attitudes.
- Community events must be accessible and inclusive.
- People want to be informed of community events and have access to information about what's available in the local community.
- Awareness needs to be heightened for improved access and greater inclusion for all.
- Services collaborating and working together is an asset of the Cessnock local government area.
- Publications and promotional material need to be inclusive of people with disability **and could include audio, pictorial and easy read formats.**



Above: International Day of People with Disability local event flyer for Cessnock (2016).

Goal	Action	How will we measure this	Timing	Links to Cessnock 2027
1.1 Council's community events are inclusive of all people.	Encourage services and community groups to include in mainstream celebratory events, such as Seniors Week, NAIDOC Week and Youth Week activities that are accessible. The International Symbol of Access to be used to identify accessible activities in promotional material issued by Council.	i. Accessible activities listed in the Youth Week, Seniors Week and NAIDOC Week event calendar.	Ongoing	Objective 1.1 Promoting social connections
1.2 Community events are accessible and inclusive of people with disability.	Develop a practice guideline outlining and encouraging the host of community activities to provide activities that are accessible. The practice guideline would be issued to stakeholders in planning for Seniors Week, NAIDOC Week and Youth week programs.	i. Qualitative feedback from event organisers on value of the guideline. ii. Increase in accessible activities offered for Seniors Week, Youth Week, NAIDOC Week with comparisons to previous years. iii. Feedback from the community.	2019	Objective 1.1 Promoting social connections
1.3 Council collaborates with external organisations to raise awareness within the community on the importance of disability issues, access and inclusion for all.	Participate in and/or promote within the community local International Day of People with Disability events and engage in other collaborative opportunities that improve access and inclusion.	i. Levels of engagement. ii. Increased participation at local events. iii. Range of promotional materials issued and widely circulated. iv. Provision of information to the community on how they can contribute to improving access and strengthening inclusion.	Ongoing	Objective 1.1 Promoting social connections

Goal	Action	How will we measure this	Timing	Links to Cessnock 2027
1.4 The community is aware of the abilities of all people in the community.	Promote within the community public awareness campaigns of the abilities of all people.	i. Range of promotional materials issued and circulation rates.	Ongoing	Objective 1.2 Strengthening community culture
1.5 Council services are accessible and inclusive of people with disability.	Provide staff with opportunities to participate in disability access and inclusion training, including encouraging staff to be aware of and be proactive in identifying and responding to service barriers.	i. Council staff attendance and participation in training that focusses on access and inclusion. ii. Procurement of a person with disability to be the trainer.	Ongoing	Objective 5.3 Making Council more responsive to the community
1.6 Council publications are inclusive of people with disability.	Images of people with disability to be used in mainstream publications and in promotions of community events.	i. Images published in Council documents and promotional material is inclusive of people with disability.	Ongoing	Objective 1.2 Strengthening community culture
1.7 The community is aware of programs and services available within the Cessnock local government area.	Council will continue to provide an online community directory and events calendar. Event programs for example Seniors Week, Youth Week and NAIDOC Week will continue to be promoted within the community and to service providers.	i. Level of usage. ii. Increased services listed. iii. Increased events listed. iv. Circulation rates for community event promotional material. v. Circulation rates for community event and promotional material within the disability services sector.	Ongoing	Objective 1.2 Strengthening community culture

Goal Two:

Support access to meaningful employment

Council is committed to workforce diversity, inclusion and equal employment opportunities. It will be an advocate for encouraging increased employment opportunities for people with disability across the wider Cessnock local government area.

What Did People Say?

- Cessnock City Council is a major employer in the local government area.
- People with disability want to participate and be included in the workforce.
- The removal of barriers is important for people with disability in engaging and participating in the workforce.
- Volunteering and training programs are vital in encouraging people to participate in the workforce.
- The purchasing of goods and services needs to be considerate of social justice principles.
- Libraries are safe places to access resources that assist with job finding.



Above: Cessnock Central Business District, a place of employment.

Goal	Action	How will we measure this	Timing	Links to Cessnock 2027
2.1 Council's workforce is welcoming, respectful, diverse and inclusive of all people.	Review the Workforce Management Plan to ensure diversity and inclusion is a consideration in workforce planning.	i. Completion of the review.	Ongoing	Objective 5.3 Making Council more responsive to the community
2.2 People with disability are provided with equitable employment opportunities at Council.	Undertake an analysis to determine a benchmark for the number of people employed at Council with disability and assess if it is reflective of the demographics for the Cessnock local government area.	i. Completion of benchmarking analysis. ii. Findings of the benchmarking analysis to be considered when developing the Workforce Management Plan.	Ongoing	Objective 5.3 Making Council more responsive to the community
2.3 People with disability employed at Council are provided with opportunities for career development.	Continue to ensure that staff with disability, have access to training and professional development opportunities.	i. Staff satisfaction with opportunities for career development.	Ongoing	Objective 5.3 Making Council more responsive to the community
2.4 Council is a supportive workplace.	Council policies and staff induction to continue to provide awareness of flexible work and leave arrangements and the process for applying for such arrangements.	i. Outcome of feedback with staff.	Ongoing	Objective 5.3 Making Council more responsive to the community

Goal	Action	How will we measure this	Timing	Links to Cessnock 2027
2.5 Council provides opportunities for people with disability to engage in the workforce.	In collaboration with local disability employment services Council to discuss the provision of volunteer and work placement training programs for people with disability.	i. Outcome of discussions with local service providers.	2020	Objective 5.3 Making Council more responsive to the community
2.6 Improve and promote access to volunteering opportunities for people with disability across the Cessnock local government area.	Promote to local services the importance of including and listing volunteering opportunities within the online community directory.	i. Online records list the availability of volunteering opportunities.	2018	Objective 2.2 Achieving more sustainable employment opportunities
2.7 The employment of people with disability is considered when procuring goods and services.	Continue to provide procurement opportunities to suppliers that employ people with disability and/or organisations that support access and inclusion, in accordance with Council's Procurement Policy.	i. Social justice principles are considered in the procurement of goods and services. ii. Awareness of local procurement opportunities that support the employment of people with disability.	Ongoing	Objective 2.2 Achieving more sustainable employment opportunities
2.8 People with disability are employed in a range of jobs across the Cessnock local government area.	Council will encourage local business to be inclusive employers.	i. Outcome of collaborative projects with stakeholder groups and includes business groups and the disability services sector.	Ongoing	Objective 2.2 Achieving more sustainable employment opportunities
2.9 People have access to resources that assist with job finding and training courses.	Promote libraries as an accessible facility with free access to computers and the internet.	i. A wide range of promotional material is issued. ii. Public computers at both Cessnock and Kurri Kurri Libraries are available and used by the public.	Ongoing	Objective 1.2 Strengthening community culture

Goal Three:

Improve access to services through better systems and processes

Services delivered by Council will be inclusive of all people. They will be delivered equitably and where service barriers exist, Council will look for business improvement opportunities.

What Did People Say?

- People **with disability and the disability services sector** want to be included and participate in community consultation.
- Information needs to be accessible, easily understood and provided in a range of formats, **including audio and pictorial**.
- Planning instruments that address access and mobility are vital in making built environments accessible.
- Responsive customer service is important to people with disability.
- Removal of service access barriers is important to people with disability and allows for greater participation and inclusion.



Above: Promotion of local services is important to people and promotes inclusion and participation within the community.

Goal	Action	How will we measure this	Timing	Links to Cessnock 2027
3.1 The participation of all people in community consultation processes is encouraged.	Review Council's Community Engagement Strategy to ensure all people are included and can access community consultation opportunities.	<ul style="list-style-type: none"> i. Council's community engagement plan is inclusive of all people. ii. Council's community plans identify as part of their consultation methodology, how people with disability were provided opportunity to participate. 	2017	Objective 5.2 Encouraging more community participation in decision making
3.2 Council's website is accessible for people with disability.	Review Council's website to understand the amendments required and the financial costs in complying with the Web Content Accessibility Guidelines 2.0 at AA level.	<ul style="list-style-type: none"> i. Outcome of the review of Council's website. ii. Development of a budget proposal in seeking funding for any software upgrades. 	2020	Objective 5.3 Making Council more responsive to the community
3.3 Materials published by Council are available in accessible formats.	Staff that develop strategic plans and publications to be provided with training to gain knowledge and understanding for accessible formats.	<ul style="list-style-type: none"> i. Staff are aware of accessible formats. ii. Documents are provided in an accessible format. iii. Outcome of feedback from service providers and the community. 	2018	Objective 5.2 Encouraging more community participation in decision making
3.4 Council's planning instruments reflect local requirements for access and inclusion.	Review the Cessnock Development Control Plan to ensure adequate guidance is provided for access requirements.	<ul style="list-style-type: none"> i. The Development Control Plan is responsive to the community in considering access and inclusion. ii. Qualitative feedback from Council planning staff. 	Ongoing	Objective 5.3 Making Council more responsive to the community

Goal	Action	How will we measure this	Timing	Links to Cessnock 2027
3.5 Customers of Cessnock City Council are provided with a service that is accessible and inclusive.	Undertake an audit of the Administration's Building customer service area to assess and consider opportunities for access improvements.	i. Completion of audit. ii. Findings of the audit implemented. iii. Feedback from the community.	Ongoing	Objective 5.3 Making Council more responsive to the community
3.6 Staff in front line customer service roles are aware of a range of communication methods used by people with hearing or speech impairment.	Council to investigate becoming Relay Service Friendly.	i. Staff have awareness of the National Relay Service.	2018	Objective 5.3 Making Council more responsive to the community

Goal Four:

Create liveable communities

Council has a key role in designing and providing civic, recreation and community spaces that engage, encourage and enable people to participate in life. It also has a role in advocating for improved access to services and this includes access to public transport and housing.

What Did People Say?

- The availability of accessible car parking is important for people with disability and carer's of people with disability.
- Services that support inclusion in community life are important and include access to transport and affordable housing.
- Services that outreach or are based in the Cessnock local government area are vital in overcoming access barriers. Affordability and lack of transport options were common barriers experienced by people in accessing services.
- Community facilities need to be well designed, accessible and welcoming.
- The Australian Standards for Mobility and Access (AS 1428) provides guidance for making community facilities accessible. The use of the standard is encouraged for Council buildings.
- Families want safe places for children to participate in play and include fencing around playgrounds.
- The availability of battery charge stations for mobility aids such as scooters would be beneficial across the Central Business Districts.



Above: Accessible pool entry ramp at Cessnock Pool.

Goal	Action	How will we measure this	Timing	Links to Cessnock 2027
4.1 Community members are engaged in Council processes.	Investigate upgrading the hearing loop within the Cessnock City Council Chambers to ensure compliance with current standards .	i. Investigation complete and determination made. ii. Finalise project costing.	2017/2018 2018/2019	Objective 5.2 Encouraging more community participation in decision making
4.2 Newly constructed Council owned community buildings are designed to be inclusive and accessible.	If any new community buildings are to be constructed during the life of this Plan, people with disability will be consulted on building design and accessibility.	i. Accessible features are included in the design. ii. Outcome of feedback from people with disability, carer's and disability service providers. iii. Once constructed, qualitative feedback from people who use the facility.	Ongoing	Objective 1.2 Strengthening community culture
4.3 The Australian Standard for Access and Mobility (AS 1428) is understood by Council staff responsible for community infrastructure.	Council staff with responsibility for asset maintenance, revitalisation and/or the planning of new community facilities to be made aware of the Australian Standard for Access and Mobility (AS 1428).	i. AS 1428 distributed to staff. ii. Staff understanding of AS 1428. iii. Building works are compliant with AS 1428.	Ongoing	Objective 1.2 Strengthening community culture
4.4 The works required for existing community facilities to be compliant with the Australian Standard for Access and Mobility (AS 1428) is understood.	Where resources and funding allows, undertake audits of community buildings, public toilets and pool facilities to assess compliance with the Australian Standard for Access and Mobility (AS 1428).	i. Completion of audits. ii. Outcome of audits in complying with AS 1428. iii. Works program developed to guide future capital works that improve access to facilities.	Ongoing	Objective 1.2 Strengthening community culture

Goal	Action	How will we measure this	Timing	Links to Cessnock 2027
4.5 Council has a capital works program in place for its community and recreation facilities to improve access and inclusion.	Council's Asset Management Plans, Plan of Management, Strategic Documents and Masterplans will identify and program access improvements for community buildings, recreational facilities, including pools and parks, to enable improved access, safety and inclusion.	i. Works program developed. ii. Funding for works budgeted. iii. Required works undertaken. iv. Feedback from the community.	Ongoing	Objective 1.2 Strengthening community culture
4.6 Council has in place an improvement program for accessible car parks.	Undertake an audit of accessible car parks to determine their compliance with standards and findings to be used in guiding future improvement plans.	i. Completion of audit. ii. Works program, developed and funding secured. iii. Works program implemented to improve accessible car parking.	2019	Objective 4.1 Better transport links
4.7 Central Business Districts are designed to enable access to and participation in active transport.	Council will continue to implement its adopted Pedestrian Access and Mobility Plan (2016).	i. Implementation of the Plan. ii. The community is provided with improved pedestrian routes.	Ongoing	Objective 4.1 Better transport links
4.8 The Cessnock local government area has a range of transport options available to residents and visitors.	Continue to advocate for increased transport options and includes public and community transport services.	i. The community is provided with a range of transport options. ii. Feedback from the community.	Ongoing	Objective 4.1 Better transport links

Goal	Action	How will we measure this	Timing	Links to Cessnock 2027
4.9 The Cessnock local government area is provided with a range of social and health services that meets the needs of the community.	Council is a member of a number of networks and includes Cessnock/Kurri Kurri Local Health Advisory Committee, Cessnock Healthy Lifestyle Network and General/Youth Inter-agencies. Council will continue to network and advocate for increased disability, social support and health services.	i. Council is an advocate for increased services being based and/or outreach to the local area. ii. Council participates in a range of collaborative partnerships.	Ongoing	Objective 4.3 Improving access to health services locally
4.10 Council is an advocate for affordable and accessible housing options being made available to residents with disability.	Council to develop a housing strategy that considers future supply and demand for affordable housing and includes supported accommodation, boarding homes and group homes.	i. Development of housing strategy. ii. Implementation of housing strategy.	Project commenced and is for completion in 2019	Objective 1.2 Strengthening community culture
4.11 The community is aware of the access supports available at Council owned facilities and its services.	Council's website will include a dedicated webpage for Access and Inclusion. The webpage will provide information on the range of initiatives and programs that support access and inclusion for Council services and Council owned and/or managed community and recreation facilities.	i. Webpage developed that lists the initiatives and programs in place that support access and inclusion. ii. The community is aware of a range of community facilities and the access supports in place. iii. Feedback from the community and service providers. iv. Number of times the webpage is viewed.	2018	Objective 1.2 Strengthening community culture

Monitoring and Evaluating the Plan

Monitoring and Annual Review of the Plan

Networking and collaborating with the community is central to implementing the Disability Inclusion Action Plan.

In ensuring the implementation of the Plan, it will be embedded within Council's integrated planning framework including Council's Delivery Plan and annual Operational Plan.

To monitor the progress of the Plan's implementation, a review process will occur annually for each action and will consider:-

- Has the action been delivered?
- Did the action occur as scheduled (timing)?
- What did the action achieve?
- Was the action a success or otherwise?

Council's progress towards implementing the entire plan will be documented in its annual report. The annual report is one of the key points of accountability between Council and the community. Accountability is an important principle of the integrated planning framework and as mentioned this Plan is embedded within that framework.

In being accountable to the community and in reporting on the Plan's implementation, Council will:-

- Include within the annual report a section that documents the progress towards achieving the actions listed in the Plan.
- Report on the Plan's achievements on its website. A dedicated webpage for the Disability Inclusion Action Plan has already been established and will be updated regularly.

- Hold an annual network meeting with community representatives and will include people with disability and carers of people with disability along with providers of service to people with disability and/or carers. The meeting will include discussions on the progress of the Plan and any proposed modifications to actions. It will also provide an opportunity to canvas whether the Plan is still being responsive to current needs identified by the community.

Throughout the four year delivery of the Plan, Council will continually seek improvement opportunities to ensure people are included and have access to Council services and programs. This includes for example Council publications and the website having accessible options along with training being made available for staff with responsibility for implementing the actions listed in the Plan.

Council will also continue to participate, promote and raise awareness of the importance of services and programs being accessible and inclusive of both residents and visitors to the Cessnock local government area.

Evaluation Process

At the conclusion of the four year Plan, a written evaluation will occur and will be reported to Council. As part of the evaluation process, an online community survey will be made available and will consider the outcomes of this Plan along with identifying issues for inclusion in Council's next Disability Inclusion Action Plan. The written evaluation will also advise of the achievements and identify any actions that remain outstanding. The written evaluation will be made available on Council's website. Any actions that remain outstanding will be considered for inclusion and subsequent adoption in future planning processes.

What does “inclusion” mean to you?

“The community being fully available to me, so that there is nothing that I can’t do that I want to”.

(Community Member, March 2016)

What does “Access” mean to you?

“Access is having no barriers or obstacles (physical or attitudinal) to me as a result of my disability”.

(Community Member, March 2016)

Thank You

Thank you to the following services and community groups for contributing to the Plan's development:-

Ability Links St Vincent De Paul

Castle Personnel (Cessnock)

Cessnock Wheeling and Able

Cessnock City Council Access Advisory Committee (Committee established for the term 2012 to 2016)

Cessnock Intellectual Disability Rights Peer Support Network

Challenge Community Services

Coalfields Neighbour Care Inc

Endeavour Group Australia (Cessnock)

Hunter Prelude Early Intervention Centre (Kurri Kurri)

Kurri Kurri Contracting Service

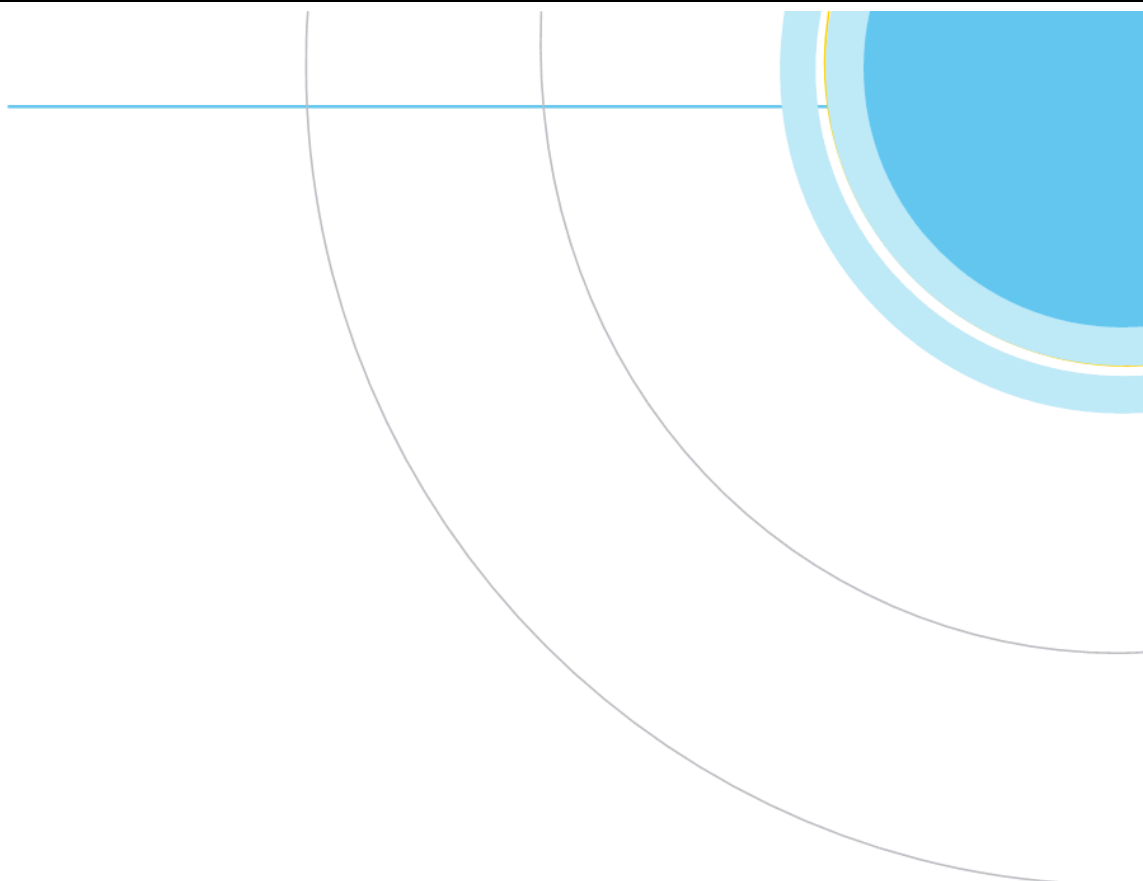
Rob Kerr Consulting

Strive for Autism Inc

The Mai-Wel Group (Cessnock)



Thank you to all people who generously provided their time to assist in the development of the Disability Inclusion Action Plan.



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Gladys Berejiklian
Premier of NSW

Dominic Perrottet
Treasurer
Minister for Industrial Relations

MEDIA RELEASE

Tuesday, 30 May 2017

FIRE AND EMERGENCY SERVICES LEVY TO BE REVIEWED TO ENSURE FAIRNESS

The NSW Government will defer the introduction of the Fire and Emergency Services Levy (FESL) to ensure small to medium businesses do not face an unreasonable burden in their contribution to the State's fire and emergency services, Premier Gladys Berejiklian and Treasurer Dominic Perrottet announced today.

Ms Berejiklian said that in the majority of cases across NSW, fully insured people would be better off under the new system, however it had become clear that some fully insured businesses were facing unintended consequences.

"We are a Government that listens, and we have heard the concerns from the community, and we will take the time to get this right," Ms Berejiklian said.

"While the new system produces fairer outcomes in the majority of cases, some people – particularly in the commercial and industrial sectors – are worse off by too much under the current model, and that is not what we intended."

Mr Perrottet said that in a number of cases identified so far, the lived experience has not matched the intention of the reform for commercial and industrial sectors, particularly for small and medium businesses.

"The FESL is a complex reform and we always knew there would be challenges during the transition phase," Mr Perrottet said.

"It's not enough for this reform to work on paper – its real-life implementation has real life consequences for families and businesses, and we need to make sure they are not placed under unfair strain.

"We are committed to reducing NSW's high rates of under insurance and to making the funding of our fire and emergency services fairer – but we want to get this right."

The NSW Government will work with local government, fire and emergency services, the insurance industry and other stakeholders to find a better and fairer path forward.

The Fire and Emergency Services Levy will continue to be collected via insurance policies until the NSW Government has completed its review of the policy, and the funding requirements of fire and emergency services agencies will be met in full.

The FESL is revenue neutral, raising no more than the amount required to fund the State's fire and emergency services.

The Insurance Monitor will oversee a smooth continuation of the existing system and ensure insurance companies collect only the amounts necessary to meet fire and emergency services funding requirements.

Further information can be found at www.fesl.nsw.gov.au.

MEDIA: Ehssan Veiszadeh | Premier | 0418 986 206
Tim Cannon | Treasurer | 0439 707 543

Placeholder for Enclosure 1

Works and Infrastructure No. WI32/2017.DOC

Draft Cessnock LGA Traffic and Transport Strategy -
Summary Report (Provided under Separate Cover)

Placeholder for Enclosure 2

Works and Infrastructure No. WI32/2017.DOC

Draft Cessnock LGA Traffic and Transport Strategy -
Technical Report (Provided under Separate Cover)

Cessnock City Council Skate Facility Site Analysis

Prepared by Recreation Services
November 2014

Adopted by Council
4 February 2015



1. Introduction

Recreation Services have prepared the following Skatepark Site Analysis to identify suitable locations for the provision of skate facilities throughout the Cessnock local government area. The scope of the assessment was based on input during community consultation and the key recommendations of the Skate and BMX Facilities Needs Assessment 2020 (Skate & BMX Facilities Needs Assessment). Sites were assessed for their suitability to accommodate local or district skate facilities.

Local sites considered included:

- **Bailey Park** - Cessnock Road, Abermain
- **Centenary Park** - Armidale Street, Abermain
- **Jefferies Park** - Cessnock Road, Abermain
- **Hedleigh Park** - Heddon Street, Heddon Greta
- **Poppethead Park** - Cessnock Street, Kitchener
- **Crawfordville Park** – Bennett Street, Millfield
- **North Rothbury Park** – Rothbury Street, North Rothbury
- **Paxton Playground** – McDonald Avenue, Paxton

District sites considered included:

- **Bridges Hill Park** - Victoria Street, Cessnock
- **(Proposed) Civic Park** - Vincent Street, Cessnock
- **Mt View Basin** - Mt View Road, Cessnock
- **Branxton Oval** – John Rose Avenue, Branxton
- **Miller Park** – Maitland Street, Branxton

The scope of the analysis concentrated on assessing Council owned or managed land as opposed to acquiring additional land. This is to ensure new facilities are consistent with Objective 3.2 of Council's *Cessnock 2023 Community Strategic Plan* - 'Better utilisation of existing open space'.

The provision of recreational facilities, such as skate facilities, is generally undertaken in accordance with Council's Recreation and Open Space Strategic Plan (2009) (ROSSP), to ensure that appropriate facilities are provided in a timely manner. The ROSSP is due to be revised in 2015/16 and will include a works schedule that will be informed by the recommendations of the Skate & BMX Needs Assessment and this Site Analysis.

2. Background

In 2011 Cessnock City Council adopted the Skate and BMX Facility Needs Assessment 2020 (Needs Assessment). The assessment aimed to assist Council by providing important strategic direction regarding improvement to existing and the development of new and future skate and BMX facilities. The recommendations were based on demographic analysis; review of existing facilities within Cessnock and throughout the Hunter Region; and stakeholder and community engagement.

The key recommendations of the Assessment relevant to this Site Analysis were to:

1. Upgrade and expand, redevelop or identify an alternative site for a district Cessnock Skatepark.
2. Construct a Skate Dot or Spot in Abermain.
3. Construct a district skate and BMX facility in Branxton-Huntlee.
4. Undertake further investigation of Heddon Greta, Millfield-Paxton and Kitchener as potential future locations.

In addition to the recommendations of the Needs Assessment, Council resolved at its 21 August 2013 Meeting to investigate establishing a district skate facility at Mt View Basin, Cessnock and a local facility at North Rothbury.

3. Consultation

In preparing this Site Analysis, a range of users and stakeholders were consulted to assist in determining key considerations when identifying suitable locations for skate facilities.

Targeted groups and organisations consulted during the Analysis include:

- Cessnock City Council Officers
- Cessnock PCYC
- Cessnock Youth Centre and Outreach Services
- Cessnock Youth Committee
- Lake Macquarie City Council
- Local skateboard/scooter/BMX riders
- Maitland City Council
- Newcastle City Council
- NSW Police
- Port Stephens City Council

Members of the community were also invited to participate in a small workshop to comment on key considerations for locating skate facilities throughout the Cessnock LGA.

A notice was sent out to local schools and through various social media and community services outlets. There were six (6) representatives of the community, two (2) Councillors and three (3) Council Officers. A submission was also received via email from Kurri Kurri High School and various comments were received on Council's Facebook page.

The feedback received during consultation was used to inform the Site Analysis.

4. Site Analysis

The Site Analysis assessed each site against the Site Selection Criteria outlined in the Needs Assessment. The criteria have been allocated a weighted rating based on the outcomes of consultation identified in Section 3, current planning principles and the strategic consideration identified in the Skate & BMX Facilities Needs Assessment (p. 30):

"Create a large scale, innovative skate and BMX facility in a central, accessible and visible location integrated with other compatible uses and existing community activity, which will not only cater for the current and future user's needs but will also attract users throughout the Lower Hunter Region to the Cessnock Local Government Area".

Each item was given a weight ranging from least important (1) to most important (5) and ranked according to how well the site addressed the criteria, ranging from poor (1) to excellent (5).

Sites were first assessed against a selection of mandatory criteria identified in the Needs Assessment (p. 62). The following sites did not meet one or more of the mandatory criteria and were not included in the site analysis:

- **Hedleigh Park, Heddon Greta** – *did not meet requirements for distances to residences and occupying remaining open space.*
- **North Rothbury Park, North Rothbury** – *did not meet requirement for minimum distance to residences.*
- **Poppethead Park, Kitchener** – *did not meet requirements for consistency with the historic character of the park.*

There were two (2) sites within that did not meet the minimum requirements for distances from residents (Bailey Park and Jefferies Park, Abermain), however it was determined that any impacts from the skatepark on adjacent residences would be minimal due to the ambient noise generated by current levels of traffic on Cessnock Road. Therefore Bailey Park and Jefferies Park were included in the analysis.

To gauge the suitability of the local sites assessed, an average score of existing local skateparks at Margaret John's Park, Kurri Kurri and Greta Central Oval, Greta was calculated to benchmark the results.

Due to there being no district skate facilities in Cessnock, a benchmark for district facilities was not obtained and sites were ranked by locality (for example sites in Branxton were ranked against each other and sites in Cessnock were ranked against each other).

A summary of the results are included in Table 1 and Table 2.

Table 1 – Summary of scores from local site analysis

Site	Meets mandatory criteria	Score	Benchmark
Bailey Park, Abermain	Yes	68%	73%
Centenary Park, Abermain	Yes	64%	73%
Jefferies Park, Abermain	Yes	73%	73%
Hedleigh Park, Heddon Greta	No	-	-
Poppethead Park, Kitchener	No	-	-
Crawfordville Park, Millfield	Yes	64%	73%
North Rothbury Park, North Rothbury	No	-	-
Paxton Playground, Paxton	Yes	61%	73%

Table 2 – Summary of scores from district site analysis

Site	Meets mandatory criteria	Score	Benchmark
Branxton Oval, Branxton	Yes	63%	N/A
Miller Park, Branxton	Yes	90%	N/A
Bridges Hill Park, Cessnock	Yes	59%	N/A
(Proposed) Civic Park, Cessnock	Yes	71%	N/A
Mt View Park, Cessnock	Yes	76%	N/A

5. Findings

The following section provides more detailed discussion around the findings at each of the sites for local and district facilities.

Abermain (local)

Bailey Park scored (68%) below the benchmarked criteria (73%). It has good internal sightlines and external exposure to passive surveillance. Bus stops are located in close proximity on both sides of Cessnock Road. Pedestrian and cyclist connectivity is good throughout the park, however Cessnock Road and the South Maitland Railway constrain access from nearby residences.

The site is lineal in shape and characterised by a meandering cycleway, mature native vegetation and picnic benches and is predominantly utilised for passive recreational activities. Although the site is centrally located within Abermain-Weston it is also in relative proximity (approximately 2 kilometres) to the existing local skatepark at Margaret John's Park. A pie shop and service station are adjacent to the site, across Cessnock Road.

There was minimal public facilities and support infrastructure identified at the site and predominant recreational uses are passive which is not ideal for the location of a skate facility.

The site is a crown reserve managed by Council. The land zoning under the Cessnock Local Environmental Plan 2011 (Cessnock LEP) permits the construction of outdoor recreational facilities.

Centenary Park scored (64%) below the benchmarked criteria (73%). The site has adequate cleared area for a skate facility and is situated in close proximity to a primary school. The site is constrained by mature vegetation, sloping topography and drainage lines. The site is within a recreational precinct surrounded by established residential. There is opportunity for passive surveillance from adjacent residents, motorists and patrons of the Bowling Club, although it should be noted that concern has been raised from the Bowling Club regarding potential for anti-social behaviour and occupation of the Bowling Club car park. Some public support infrastructure was identified at the site including a rubbish bin, drinking fountain and seating. A convenience store/newsagent and service station are located in reasonable distance on Cessnock Road.

Internal and external pedestrian and cyclist connectivity is average due to incomplete pathway networks. Although the site is located in reasonable proximity to a bus stop, the incline from Cessnock Road to Centenary Park may deter or prove difficult for some users, particularly elderly who may be supervising children. Although playgrounds are considered active in nature, consultation indicates that there is a concern around the proximity of skate facilities to playgrounds and the potential conflicts between differing targeted users (i.e toddlers/children and teenagers/young adults). Due to the topography of the site, any future skate facility would best be located in close proximity of the playground, or at the southern end of the site, separated from any existing support infrastructure and constrained by an existing sewer main.

The site is crown reserve managed by Council. The land zoning under the Cessnock LEP permits the construction of outdoor recreational facilities.

Jefferies Park scored equal to the benchmarked criteria (73%). The site is reasonably level with the exception of land adjacent to the road in the western portion of the site. The site is serviced by bus stops on both sides of Cessnock Road and is in close proximity to a convenience store/newsagent, takeaway shop and service station. Whilst there is an opportunity to co-locate a skate facility with other park infrastructure including sheltered seating and amenities, the potential conflict between users of a skate facility and the existing playground should be considered. The presence of a war memorial is not ideal, however with adequate separation the risk of vandalism would be reduced. External surveillance is significantly constrained in areas by landscaping.

Pedestrian and cycling connectivity through the park is good, however provision for crossing Cessnock Road to and from adjacent residences is limited to a zebra crossing near the eastern extent of the site. Pedestrian and cycling connectivity to Weston is good, utilising both on-road and off-road cycleways.

The site is located on Council owned community land and not currently covered by a Plan of Management. In accordance with the requirements of the Local Government Act 1993, an adopted plan of management would need to be in place prior to the construction of a skate facility. The zoning under the Cessnock LEP permits the construction of outdoor recreational facilities. The war memorial is identified as an item of local historical significance.

Millfield / Paxton (local)

Crawfordville Park scored (64%) below the benchmarked criteria (73%). The site contains a sportsground, community hall and park amenities including a playground and BBQ. The site offers a mix of formalised and informal parking arrangements and is less than 500m from the nearest bus stop on Millfield Road.

The site is sloped and is moderately covered in mature vegetation. Over-looking from adjacent residences provides some visual surveillance, however internal sightlines are obstructed by vegetation and built structures. Internal and external provision for pedestrians and cyclists is poor, however low traffic volumes and residential speed limits lends to pedestrian and cyclist use of local roads.

The site is located approximately 740m (990m by road) from a general store. An opportunity exists for integration with use of the community hall, whether it be providing skate facility users access to toilet facilities, or the skate facility being ancillary to community and social programs and events being held at the hall. This integration is anecdotally demonstrated by

users of Council's CYCOS building at Turner Park, Cessnock who often use the quarter-pipe ramp at the rear of the Turner Park sportsgrounds during 'drop in' sessions.

The southern extent of the site is Council owned community land and the northern extent is Crown land managed by Council. A skate facility would be consistent with the objectives of the adopted Crawfordville Park Plan of Management. The land zoning under the Cessnock LEP permits the construction of outdoor recreational facilities.

Paxton Playground scored (61%) below the benchmarked criteria (73%). The site is predominantly used for active recreation and contains a playground, sheltered seating and solar lighting. External surveillance from adjacent residences and internal sightlines are good. An opportunity exists for integration with existing park facilities, however as discussed earlier, there is a general concern of conflict between typical users of playgrounds (toddlers/children) and typical users of skateparks (teenagers/young adults).

Much of the cleared space is within 60m of adjacent residences so appropriate locations for skate facilities are limited. Mature vegetation offers good shade and the adjoining school provides an opportunity for kids to use the skate facility during school sport and after school. The management of dirt bikes would also need to be considered and presents a potential safety issue.

There is minimal formal pedestrian and cycling access, however low traffic volumes and residential speed limits lends to pedestrian and cyclist use of local roads.

A General Store is located less than 500m from the site on Millfield Road.

A skate facility would be consistent with the objectives of the adopted Generic Playground Plan of Management. The land zoning under the Cessnock LEP prohibits the construction of outdoor recreational facilities. This would need to be addressed prior to the construction of a skate facility.

Branxton (District)

Branxton Oval scored lowest (63%) of potential sites within Branxton

Branxton Oval is a local level sporting facility predominantly utilised for rugby league training. Infrastructure at the site includes floodlighting; an amenities building including change rooms, toilets and kiosk and a recreational vehicle (RV) dump-point.

The strengths identified with the site lie primarily with the existing support infrastructure identified above and the existing active recreational use of the site. It is also located in close proximity to the Branxton Town Centre with access to a range of commercial operations.

There are, however, a number of constraints at this site. Passive surveillance at the site is poor due to not having a main road frontage and limited over-looking from adjacent uses. Areas of the site currently not used for formal recreational activities are constrained by a drainage line in the western portion of the site and subsequent flooding issues. Council have also resolved to establish a designated RV area at the site which is not considered a suitable use to co-locate with a district skate facility.

The zoning under the Cessnock LEP permits the construction of outdoor recreational facilities. A skate facility would be consistent with the objectives of the Generic Plan of Management for Sportsgrounds.

Miller Park scored highest (90%) of potential sites within Branxton.

The site is a regional sporting facility which provides for a range of sports including cricket, soccer, tennis and netball. The site also accommodates a designated dog off-leash area and playground and is immediately adjacent to Branxton Pool, bowling club and golf course.

The site is predominantly utilised for active recreational purposes and has reasonable pedestrian and cyclist connectivity with Branxton Town Centre. Formalised parking is available and access is provided via a semi-sealed access road off Maitland Street.

An opportunity exists to integrate with existing facilities including toilet facilities, lighting, playground, BBQ facilities and sheltered seating.

External surveillance is excellent with exposure to motorists on Maitland Street and adjacent residences north of Maitland Street. Internal surveillance is good, however built structures and vegetation obstruct some internal sightlines.

Council have recently acquired the land (approximately 1.5 Ha) at the front of the site for recreational purposes which may be suitable to constructing a skate facility. Known constraints within this area of the site include undulating topography, a sewer easement, a gas main and drainage.

The zoning under the Cessnock LEP permits the construction of outdoor recreational facilities. A skate facility would be consistent with the objectives of the Miller Park Plan of Management. If a skate facility was to be constructed on the portion of land recently acquired by Council, the land would need to be included in a relevant Plan of Management prior to construction.

Cessnock (District)

Bridges Hill Park scored the lowest (59%) of the assessed sites within Cessnock. Bridges Hill Park currently contains a local level skate facility, playground, sheltered seating and drinking fountain. Access to the amenities block at the adjacent East End Oval is constrained by Victoria Street, with crossing provisions located a considerable distance from the current skate facility location.

The site is in close proximity to the Cessnock CBD with good pedestrian connectivity from Cumberland Street. Access to shops and public transport is good. While support infrastructure is present, such as drinking fountain and toilet facilities, access is constrained by barriers such as Victoria Street and limited formalised access within the site.

Although upgrading an existing facility is usually cost-effective, expansion of the facility is significantly constrained by the steep topography of the site. Internal sightlines and overlooking from adjacent residences are poor due to the visual impediments caused by the topography and mature vegetation. Surveillance from Victoria Street is also limited due to the site being elevated above typical driving sightlines.

A notable issue with the current facility raised during consultation is debris and gravel being deposited on the park by overland flow. This is a significant issue as it may cause riders to lose traction or stop suddenly.

A skate facility would be consistent with the objectives of the adopted Generic Parks Plan of Management. The land zoning under the Cessnock LEP permits the construction of outdoor recreational facilities.

(Proposed) Civic Park scored midway (71%) of the assessed sites within Cessnock. The site is currently vacant with no significant development constraints. The site has very good internal and external visibility. Access to public transport is good. Pedestrian connectivity with the Cessnock CBD along Vincent Street is very good, although there are no dedicated provisions for cyclists.

Surrounding landuses are predominantly commercial and light industrial type uses. The Railway Hotel adjoins the site. Significant concern was raised during consultation of the implications that a hotel establishment may have on users of a skatepark (eg anti-social behaviour), however there are measures that may be taken to reduce the likelihood of this occurring such as CCTV, lighting, physical separation by way of landscaping or other means. After hour operations of the hotel would improve passive surveillance into the late hours of the evening.

Provisions for carparking are very good with options for on-road and off-road parking provided. No public support infrastructure was identified within reasonable distance from the site.

A skate facility would be consistent with the objectives of the adopted Generic Parks Plan of Management. The land zoning under the Cessnock LEP prohibits the construction of outdoor recreational facilities. This would need to be addressed prior to the construction of a skate facility.

Mt View Park scored highest (76%) of the assessed sites within Cessnock.

The site forms part of an established sporting precinct containing fields currently used for rugby league, cricket and archery. The area towards the front of the site is established as a passive park area with sheltered seating and some vegetation. A grassed mound provides adequate separation from formal sporting activities. The site also lends itself to integrating with existing toilet facilities and kiosk operations.

The site is located approximately two kilometres by road from central Cessnock and is immediately adjacent Mt View High School. Other recreational uses in the area include Stonebridge Golf Course, Cessnock Civic Indoor Sports Centre, Cessnock Showground and the Cessnock PCYC which is currently constructing a district-sized indoor skate facility.

Access to public transport is poor being that the closest bus stop is located over 500 metres from the site. In the context of existing urban settlement, the site is positioned in a peripheral location. However with the development of the Bellbird North release area (estimated uptake of 10,000 people over 20 years) the site is expected to become increasingly centralised.

Whilst establishing two district skate facilities within reasonable proximity of each other is not desirable, it is reasonable to conclude that the requirement for membership fees (albeit quite small) and limited operational hours restricts the ability of the Cessnock PCYC to meet public demand, which would be appropriately met by an outdoor public facility. Careful consideration of design elements and extensive consultation would minimise the likelihood of duplicating skate facility elements and diluting the demand for skate facilities.

Any proposal to establish a skate facility at this site should consider the potential impacts on the Cessnock PCYC facility and other key stakeholders, including the Cessnock Rotary Club, which has previously submitted plans to Council to establish the site as a Community Park.

The zoning under the Cessnock LEP permits the construction of outdoor recreational facilities. A skate facility would be consistent with the objectives of the adopted Mt View Park Plan of Management.

6. Conclusion

This Site Analysis aimed to identify suitable sites within the Cessnock LGA for skate facilities. The scope of the analysis was based on the recommendations of the Skate & BMX Needs Assessment and feedback received during consultation. The facility design, final location and cost were determined to be outside the scope of this Analysis and should be considered in future revisions and drafting of recreational Plans of Management, Masterplans and Capital Works Programs.

The provision of recreational facilities is generally undertaken in accordance with Council's Recreation and Open Space Strategic Plan (2009) (ROSSP) to ensure that appropriate recreational facilities are provided in a timely manner. This is not to say that the timing of works is not subject to change. For example there are opportunities to accelerate the provision of facilities by way of State and Federal Funding Grants or Works-In-Kind Agreements with developers.

The ROSSP is due to be revised in 2015/16 and will include a works schedule that will be informed by the recommendations of the Skate & BMX Needs Assessment and this Site Analysis. In most instances, it is advisable that facilities are considered in strategic plans to ensure the provision of facilities generates maximum benefit and does not unnecessarily constrain the expansion or construction of other facilities and infrastructure.

Sites owned or managed by Council, suitable for a skate facility, were limited. There are, however, several major residential developments proposed at Cliftleigh, Kitchener, Heddon Greta, Huntlee and Paxton which may be considered as potential locations to accommodate future skate facilities. The suitability of these sites would need to be determined once open space locations and layouts have been finalised.

7. Recommendations

In considering the results of the Site Analysis for local facilities, it is recommended that Council:

Abermain

1. In consultation with the community and key stakeholders, prepare a site specific Plan of Management and Masterplan for Jefferies Park, Abermain with the inclusion of a local skate facility. The Masterplan should identify the location and skate facility type (skate dot, skate spot or skatepark as defined in the Skate & BMX Facilities Needs Assessment).
2. Receive a further report on options to fund the construction of a local level skate facility at Jefferies Park in consideration of the revised Recreation and Open Space Strategic Plan works schedule.

Heddon-Greta

1. Consider the inclusion of local skate facilities in future planning agreements and contribution plans for dedicated open space.

Kitchener

1. Consider the inclusion of local skate facilities in future planning agreements and contribution plans for dedicated open space.

Millfield/Paxton

1. In consultation with the local community and key stakeholders, revise the current Crawfordville Park Plan of Management and develop a Masterplan to include a local skate facility. The Masterplan should identify the location and facility type (skate dot, spot or skatepark as defined in the Skate & BMX Facilities Needs Assessment)
2. Receive a further report on options to fund construction of a local level skate facility at Crawfordville Park, Millfield in consideration of the revised Recreation and Open Space Strategic Plan works schedule.

North Rothbury

1. Consider the inclusion of skate facilities in future planning agreements and contribution plans for dedicated open space.

In considering the results of the Site Analysis for district facilities, it is recommended that Council:

Branxton

1. Identify Miller Park as the preferred location for a district skate facility in the Branxton-Huntlee area.
2. In consultation with the community and key stakeholders, revise the current Miller Park Plan of Management and Masterplan to include a district skate facility.
3. Consider the suitability of a district skate facility within Huntlee during the planning of open space areas.
4. Should Huntlee provide a more suitable site, look to identify Huntlee as the preferred location and amend Strategic documents as required.
5. Receive a further report on options to fund construction of a district level skate facility at Miller Park, Branxton or a suitable site identified within Huntlee, in consideration of the revised Recreation and Open Space Strategic Plan works schedule.

Cessnock

1. Identify Mt View Park as the preferred location for a district skate facility.
2. In consultation with the community and key stakeholders, including the Cessnock PCYC and Cessnock Rotary Club, revise the Mt View Park Plan of Management and Masterplan to include a district skate facility.
3. Prepare a Masterplan for Bridges Hill Park and include removal of the existing local skate facility.
4. Receive a further report on options to fund a concept design and feasibility report identifying final facility mix, quantified costs and funding sources.
5. Based on the recommendations of the concept design and feasibility report, receive a further report on options to fund the construction of a district skate facility at Mt View Park in consideration of the revised Recreation and Open Space Strategic Plan works schedule.

Margaret Johns Park, Kurri Kurri Local Facility Benchmarking	W	Ranking					W/S	Comments
		1	2	3	4	5		
Are compatible with existing uses (e.g. near an active recreation area rather than passive recreation space)	3			X			9	Recreational uses are predominantly passive.
Appropriate adjoining and surrounding uses (e.g. a school or shopping centre as opposed to a retirement home)	4				X		16	Adjoining uses include bushland, an aquatic centre and residences.
External and internal visibility and passive surveillance	4				X		16	Internal and external visibility is good. Road frontage and overlooking from residences provides passive surveillance.
Allow for the creation of a safe and secure environment	3					X	15	No significant hazards identified.
Are in close proximity to public transit.	2					X	10	A bus stop adjoins the site on Northcote Street.
Have adequate pedestrian access.	5				X		20	Pathways provide good internal linkages and access along Boundary Street and Northcote Street.
Have adequate bicycle access.	4				X		16	Pathways provide good internal linkages. Cycleways are marked on Northcote Street.
Have adequate vehicular access and car parking.	3					X	15	Formalised parking is provided along boundary street and at the aquatic centre.
Access to public facilities and support infrastructure.							20	Sheltered seating is provided. Proximity to kiosk and toilet facilities at aquatic centre and sportsground amenities building. A drinking fountain is located within the park.
Can be integrated into a larger park space that provides other park amenities.	5				X		12	Opportunity to integrate with park amenities and aquatic centre.
Are easily developable and have minimal construction impediments.	3				X		16	Topography is flat with sparse mature vegetation. A pipeline easement traverses the western boundary of the site. A rising main runs parallel to the northern boundary of the site.
Include a space for size appropriate community viewing.	4				X		5	Adequate space provided.
Consider sun and shade and protection from rain and wind.	1						16	Mature vegetation and sheltered seating provided. Site may be exposed to prevailing winds.
Total weighted score	45			4.13			186	
Highest potential score	45			5			225	
Total weighted score (%)				83 %				

Greta Central Oval, Greta Local Facility Benchmarking	W	Ranking					W/S	Comments
		1	2	3	4	5		
Are compatible with existing uses (e.g. near an active recreation area rather than passive recreation space)	3					X	15	Recreational uses are predominantly active.
Appropriate adjoining and surrounding uses (e.g. a school or shopping centre as opposed to a retirement home)	4			X			12	Surrounding uses are predominantly residential.
External and internal visibility and passive surveillance	4				X		16	Internal sight lines are constrained from undulating topography and built structures. Overlooking from residences and passing traffic provide good passive surveillance.
Allow for the creation of a safe and secure environment	3					X	15	No significant hazards identified.
Are in close proximity to public transit.	2					X	10	A bus stop is located immediately adjacent to the site on Park Street.
Have adequate pedestrian access.	5	X					5	No formalised access provided.
Have adequate bicycle access.	4	X					4	No formalised access provided.
Have adequate vehicular access and car parking.	3		X				6	Informal parking provided.
Access to public facilities and support infrastructure.	5		X				10	Controlled access to sportsground amenities.
Can be integrated into a larger park space that provides other park amenities.	3			X			9	Opportunity to integrate with other sporting facilities.
Are easily developable and have minimal construction impediments.	4				X		16	Topography is undulating with some mature vegetation in site. Usable land constrained by formalised recreational uses.
Include a space for size appropriate community viewing.	1					X	5	Adequate space provided.
Consider sun and shade and protection from rain and wind.	4				X		16	Mature vegetation exists at site. Shelter provided at amenity buildings. Site may be exposed to prevailing winds.
Total weighted score	45			3.08			139	
Highest potential score	45			5			225	
Total weighted score (%)				62 %				

Bailey Park, Abermain Local Facility		W	Ranking					W/S	Comments
			1	2	3	4	5		
Are compatible with existing uses (e.g. near an active recreation area rather than passive recreation space)		3		X				6	Current recreational uses are predominantly passive (walking/cycling).
Appropriate adjoining and surrounding uses (e.g. a school or shopping centre as opposed to a retirement home)		4				X		16	The park is bound by bush and a railway to the south and a main road and residences to the north.
External and internal visibility and passive surveillance		4					X	20	Good sightlines throughout the park. Good overlooking from adjacent residences and passive surveillance from motorists.
Allow for the creation of a safe and secure environment		3			X			9	Potential for conflict with motor vehicles when accessing the park. Anecdotally, dirt bikes utilise the park regularly.
Are in close proximity to public transit.		2					X	10	Bus stop are located at various locations long both sides of Cessnock Road.
Have adequate pedestrian access.		5		X				10	Access from nearby residences is constrained by Cessnock Road and the rail line. A pedestrian island for crossing Cessnock Road is located at Church Street.
Have adequate bicycle access.		4					X	16	On road cycleways are provided along Cessnock Road and an internal off road cycleway runs the length of Bailey Park.
Have adequate vehicular access and car parking.		3			X			9	Unmarked off street parking is provided at the western end of the park (estimated 10 spaces).
Access to public facilities and support infrastructure.		5		X				10	Sheltered seating and rubbish bins located intermittently throughout the park.
Can be integrated into a larger park space that provides other park amenities.		3			X			9	Opportunity to integrate with existing cycleway and sheltered seating
Are easily developable and have minimal construction impediments.		4					X	16	Land is relatively flat and moderately covered in mature vegetation. A proposed watermain easement and gas main runs along the southern boundary of the park.
Include a space for size appropriate community viewing.		1					X	5	Adequate space for a local facility.
Consider sun and shade and protection from rain and wind.		4					X	16	Sheltered seating and mature vegetation provide shade and windbreaks throughout the park.
Total weighted score		45	3.38					152	
Highest potential score		45	5					225	
Total weighted score (%)		68 %							
Additional Comments: Although the park does not meet the mandatory criteria for minimum distance from residences (60m), it is not anticipated that a skatepark would significantly impact adjacent residences due the park being spatially separated from residences by Cessnock Road.									



Centenary Park, Abermain Local Facility	W	Ranking					W/S	Comments
		1	2	3	4	5		
Are compatible with existing uses (e.g. near an active recreation area rather than passive recreation space)	3			X			9	Park is utilised for passive and active recreational uses.
Appropriate adjoining and surrounding uses (e.g. a school or shopping centre as opposed to a retirement home)	4				X		16	Adjoining uses consist of a school, bowling club and residences.
External and internal visibility and passive surveillance	4				X		16	Overlooking for adjacent residences and bowling club. Good surveillance from traffic on Melbourne Street, Bathurst Street and Armidale Street.
Allow for the creation of a safe and secure environment	3				X		12	Consideration of falling branches and debris is required.
Are in close proximity to public transit.	2			X			6	Less than 500m to bus stop on Cessnock Road.
Have adequate pedestrian access.	5			X			15	Good internal access. No external footpaths connecting to park.
Have adequate bicycle access.	4			X			12	Good internal access. No external cycleway infrastructure connecting to Park.
Have adequate vehicular access and car parking.	3			X			9	Informal road side parking available.
Access to public facilities and support infrastructure.	5			X			15	A drinking fountain, rubbish bin and seating are located at the site.
Can be integrated into a larger park space that provides other park amenities.	3			X			9	Opportunity to integrate with pathways and playground.
Are easily developable and have minimal construction impediments.	4		X				8	Constraints include sloping terrain, drainage line and mature vegetation. A sewer main runs through the southern portion of the site.
Include a space for size appropriate community viewing.	1					X	5	Adequate space for community viewing.
Consider sun and shade and protection from rain and wind.	4				X		12	Shade and windbreaks provided by mature trees.
Total weighted score	45	3.2					144	
Highest potential score	45	5					225	
Total weighted score (%)		64%						



Jefferies Park, Abermain Local Facility	W	Ranking					W/S	Comments
		1	2	3	4	5		
Are compatible with existing uses (e.g. near an active recreation area rather than passive recreation space)	3			X			9	Recreational activities are predominantly active (playground) in the eastern extent of the site and passive for the remaining area. A war memorial is also located in the eastern extent of the site.
Appropriate adjoining and surrounding uses (e.g. a school or shopping centre as opposed to a retirement home)	4				X		16	Adjoining uses include residential and a community outreach centre. The site is bound by Cessnock Road to the north and South Maitland Railway to the south.
External and internal visibility and passive surveillance	4			X			12	Vegetation and built structures constrain internal sight lines. Good visibility (in parts) from Cessnock Road and adjacent residences.
Allow for the creation of a safe and secure environment							9	Limited provisions for pedestrians crossing Cessnock Road (crossing east of Orange St) to access the park. Some areas screened from passive surveillance. Lighting is provided at the site.
Are in close proximity to public transit.	3			X			10	Bus stops are located on both sides of Cessnock Road.
Have adequate pedestrian access.	2					X	15	Good internal access provided by pathways. Limited crossing provisions across Cessnock Road.
Have adequate bicycle access.	5			X			20	On-road cycleways provided along Cessnock Road and internal connections via pathways.
Have adequate vehicular access and car parking.	4					X	12	Site may be accessed by vehicle off Cessnock Road. Formalised car parking provided in two locations within the eastern extent of the site.
Access to public facilities and support infrastructure.	3				X		20	Public amenities and sheltered seating located within the site.
Can be integrated into a larger park space that provides other park amenities.	5				X		9	Opportunity to integrate with existing amenities is limited due to the concentrated layout in the eastern extent of the site.
Are easily developable and have minimal construction impediments.	3			X			12	Overhead power lines traverse the northern boundary of the site. Mature vegetation exists throughout the site. A pond is located in the eastern extent of the site. Topography is sloped near road. A gas main runs adjacent to Cessnock Road and a sewer line runs adjacent to the amenities block. No easements identified.
Include a space for size appropriate community viewing.	4			X			4	Space is limited in eastern extent of site, however seating is provided.
Consider sun and shade and protection from rain and wind.	1				X		16	Sheltered seating and amenities provided. Mature vegetation exists at site.
Total weighted score	45			3.64			164	
Highest potential score	45			5			225	
Total weighted score (%)				73%				
Additional Comments: Although the park does not meet the mandatory criteria for minimum distance from residences (60m), it is not anticipated that a skatepark would significantly impact adjacent residences due the park being spatially separated from residences by Cessnock Road.								



Crawfordville Park, Millfield Local Facility	W	Ranking					W/S	Comments
		1	2	3	4	5		
Are compatible with existing uses (e.g. near an active recreation area rather than passive recreation space)	3			X			9	Recreational uses are predominantly active including playground and cricket field. Skatepark may conflict with users of community hall.
Appropriate adjoining and surrounding uses (e.g. a school or shopping centre as opposed to a retirement home)	4		X				8	Adjoining uses are predominantly residential.
External and internal visibility and passive surveillance	4			X			12	Good overlooking from adjacent residences. Poor internal visibility due to obstructions caused by vegetation, topography and built structures.
Allow for the creation of a safe and secure environment	3				X		12	Falling branches and debris from mature vegetation to be considered.
Are in close proximity to public transit.	2			X			6	Bus stops less than 500m away on Millfield Road.
Have adequate pedestrian access.	5		X				10	No formalised pedestrian access along Bennett Street. Footpath leading from Bennett Street to community hall.
Have adequate bicycle access.	4	X					4	No provision of cycling infrastructure.
Have adequate vehicular access and car parking.	3					X	15	Formalised car parking provided including accessible parking. Unformalised road side parking available.
Access to public facilities and support infrastructure.	5				X		20	Sheltered seating, garbage bins, BBQ and water available at site. Toilet and kitchen facilities contained within community hall.
Can be integrated into a larger park space that provides other park amenities.	3					X	15	Opportunity to integrate with community hall users. Playground, sheltered seating and BBQ facilities at site.
Are easily developable and have minimal construction impediments.	4			X			12	Constraints posed by sloping terrain and mature vegetation. A proposed gravity fed sewer main alignment runs south through the site.
Include a space for size appropriate community viewing.	1					X	5	Adequate space for community viewing.
Consider sun and shade and protection from rain and wind.	4				X		16	Sheltered seating and mature vegetation provided at site.
Total weighted score	45	3.2					144	
Highest potential score	45	5					225	
Total weighted score (%)		64%						



Paxton Playground, Paxton Local Facility		W	Ranking					W/S	Comments
		1	2	3	4	5			
Are compatible with existing uses (e.g. near an active recreation area rather than passive recreation space)		3			X		12	Predominantly active recreational uses.	
Appropriate adjoining and surrounding uses (e.g. a school or shopping centre as opposed to a retirement home)		4		X			12	Adjoining uses include a primary school and residences.	
External and internal visibility and passive surveillance		4			X		16	Overlooking from adjacent residences and school. Good internal sightlines and visibility from McDonald Avenue.	
Allow for the creation of a safe and secure environment		3		X			9	Due to being in proximity to bushland, the management of dirt bikes is a considerable safety issue.	
Are in close proximity to public transit.		2			X		8	Bus stops less than 500m away on McDonald Avenue.	
Have adequate pedestrian access.		5	X				10	Footpath connecting McDonald Ave to the playground.	
Have adequate bicycle access.		4	X				4	No cycling infrastructure.	
Have adequate vehicular access and car parking.		3	X				6	Unformalised road side parking available. Opportunity for access via unsealed road.	
Access to public facilities and support infrastructure.		5		X			15	Park contains sheltered seating, tap and solar lighting.	
Can be integrated into a larger park space that provides other park amenities.		3		X			9	Opportunity to integrate with existing park amenities (seating, playground).	
Are easily developable and have minimal construction impediments.		4				X	20	No significant constraints identified.	
Include a space for size appropriate community viewing.		1			X		5	Adequate space for community viewing.	
Consider sun and shade and protection from rain and wind.		4			X		12	Some mature vegetation and sheltered seating at site.	
Total weighted score		45	3.06					138	
Highest potential score		45	5					225	
Total weighted score (%)			61%						
Additional Comments: The land zoning under the Cessnock LEP 2011 does not permit the construction of outdoor recreational facilities.									



Branxton Oval, Branxton District Facility	W	Ranking					W/S	Comments
		1	2	3	4	5		
Are compatible with existing uses	3			X			9	Recreational activities are active however there is a risk of vandalism to memorial.
Appropriate adjoining and surrounding uses	4				X		16	Adjoining uses consist of open space, light industry, commercial and residential.
External and internal visibility and passive surveillance	4		X				8	Good internal visibility. Poor external visibility and passive surveillance due to not having a street frontage. Minimal overlooking from residences.
Allow for the creation of a safe and secure environment	3			X			9	Site is inconspicuous with poor surveillance.
Offer adequate separation from other facilities/program at site.	2		X				4	Potential conflict with sporting groups and spectators.
Are in close proximity to public transit.	2				X		8	Incompatible with proposed RV Area. A bus stop is located less than 500m away on Clift Street, across Maitland Street.
Have adequate pedestrian access.	5			X			15	There are footpaths along Maitland Street however there is no connectivity to the site along John Rose Ave..
Have adequate bicycle access.	4			X			12	There are cycle lanes along Maitland Street however there is no connectivity to the site along John Rose Ave.
Have adequate vehicular access.	3				X		12	Access is provided via John Rose Avenue which is a dual-way sealed road.
Access to public facilities and support infrastructure.	5				X		15	Toilets and reticulated water are available at the amenities building.
Can be integrated into a larger park space that provides other park amenities.	3						6	Opportunities to integrate with formal sporting fixtures on the sportsground is limited. Parking and access to amenities may be constrained during sporting events. A skatepark would also not be suitable should the proposed RV Area be established.
Are easily developable and have minimal construction impediments.	3		X				9	The site is relatively flat, however flooding and existing drainage lines may constrain development.
Include a space for size appropriate community viewing.	1				X		4	Adequate room for community viewing.
Consider sun and shade and protection from rain and wind.	3						9	The site is exposed to prevailing wind. Some mature vegetation exists at the site. Shelter available at amenities building and rotunda.
Include the possibility of lighting, or integration with existing lighting.	4				X		16	Floodlighting exists at the site.
Have expansion potential.	2		X				4	Expansion potential constrained by sportsground uses, drainage lines and proposed RV Area.
Have access to adequate parking.	4				X		16	Formalised sealed car parking provided.
Total weighted score	55			3.13			172	
Highest potential score	55			5			275	
Total weighted score (%)				63%				



Miller Park, Branxton District Facility	W	Ranking					W/S	Comments
		1	2	3	4	5		
Are compatible with existing uses	3					X	15	Recreational uses are predominantly active.
Appropriate adjoining and surrounding uses	4						16	Adjoining uses include golf course, bowling club, aquatic facility and residences (across Maitland Street)
External and internal visibility and passive surveillance	4				X		16	Very good surveillance from Maitland Street. Good internal sightlines, partly obstructed by built structures and vegetation.
Allow for the creation of a safe and secure environment	3					X	15	No significant hazards identified.
Offer adequate separation from other facilities/program at site.	2					X	10	Adequate space for separation from other recreational uses.
Are in close proximity to public transit.	2				X		8	Bus stop less than 500m from site on Wyndham Street.
Have adequate pedestrian access.	5					X	25	Pedestrian connectivity to Branxton Town Centre and residences across Maitland Street. Shared pedestrian and motor vehicle access throughout the site.
Have adequate bicycle access.	4					X	20	Provisions for on-road and off-road cycling along Maitland Street. Shared cyclist and motor vehicle access throughout the site.
Have adequate vehicular access.	3					X	15	Access via formalised access road off Maitland Street. Sealed and marked car parking provided.
Access to public facilities and support infrastructure.	5						25	Toilet and shower facilities available at site, sheltered seating, BBQ, rubbish bins, lighting and water also available. Kiosk available at public pool.
Can be integrated into a larger park space that provides other park amenities.	3						15	Opportunity to integrate with other sporting and recreational facilities including sports fields, play courts, and playground.
Are easily developable and have minimal construction impediments.	3			X			9	Topography is relatively flat. Constraints include a sewer easement in the western portion of the park, a gas main and potential drainage and flooding issues.
Include a space for size appropriate community viewing.	1					X	5	Adequate space for community viewing.
Consider sun and shade and protection from rain and wind.	3						12	Sheltered seating and amenities at the site. Site is exposed to prevailing winds. Some mature vegetation at site adjacent to access road.
Include the possibility of lighting, or integration with existing lighting.	4				X		16	Reticulated power and lighting available at existing facilities.
Have expansion potential.	2					X	10	Adequate room for expansion.
Have access to adequate parking.	4					X	16	Sealed and marked car parking provided. May be inadequate during sporting events.
Total weighted score	55			4.51			248	
Highest potential score	55			5			275	
Total weighted score (%)				90%				



Bridges Hill Park, Cessnock District Facility	W	Ranking					W/S	Comments
		1	2	3	4	5		
Are compatible with existing uses	3			x			9	Recreational uses consist of both passive and active.
Appropriate adjoining and surrounding uses	4				x		16	Adjoining uses include residences, bowling club and sportsground.
External and internal visibility and passive surveillance	4		x				8	Poor internal visibility due to steep terrain and vegetation. Minimal overlooking from residences. Some surveillance from traffic on Victoria Street.
Allow for the creation of a safe and secure environment	3		x				6	Hazards include steep land profile (slipping), proximity to Victoria Street, minimal passive surveillance.
Offer adequate separation from other facilities/program at site.	2				x		8	Good separation from existing park facilities including playground and kick-a-bout area.
Are in close proximity to public transit.	2				x		8	Bus stop less than 500m from site on Maitland Road.
Have adequate pedestrian access.	5		x				10	Site has good internal footpath connectivity, however current skate park location is not connected. There are no footpaths along Victoria Street frontage.
Have adequate bicycle access.	4		x				8	There are no on-road cycleways in the vicinity of the skatepark. Internal pathways provide good connectivity throughout the park, however width is not suitable for shared use.
Have adequate vehicular access.	3				x		12	Formalised off-street car parking is provided although is not in the immediate vicinity of the skatepark. Un-formalised road side parking is available along Victoria Street.
Access to public facilities and support infrastructure.	5				x		20	A drinking fountain is located adjacent to the skatepark. Toilets are located across Victoria Street at East End Oval. Sheltered seating, park benches and a playground are located within the park.
Can be integrated into a larger park space that provides other park amenities.	3	x					3	Due to the steep topography of the site and the distance from existing infrastructure, potential for integration is limited.
Are easily developable and have minimal construction impediments.	3		x				6	Development would be significantly constrained by steep terrain.
Include a space for size appropriate community viewing.	1					x	5	Adequate space for community viewing.
Consider sun and shade and protection from rain and wind.	3				x		12	Site is sheltered from prevailing winds. Site is moderately vegetated. Sheltered seating is located within the site, but not in the vicinity of the skatepark.
Include the possibility of lighting, or integration with existing lighting.	4			x			12	No lighting at the site, opportunity to connect to power supply within road reserve.
Have expansion potential.	2	x					2	Expansion is constrained by steep terrain and mature vegetation.
Have access to adequate parking.	4				x		16	Formalised off-street car parking is provided although is not in the immediate vicinity of the skatepark. Un-formalised road side parking is available along Victoria Street.

Total weighted score	55	2.93	161
Highest potential score	55	5	275
Total weighted score (%)		59%	
Additional Comments: Although the site does not meet the mandatory criteria for suitable topography, expansion of the current skatepark is identified in the Needs Analysis as an option. This site has therefore been assessed against the Site Selection Criteria.			

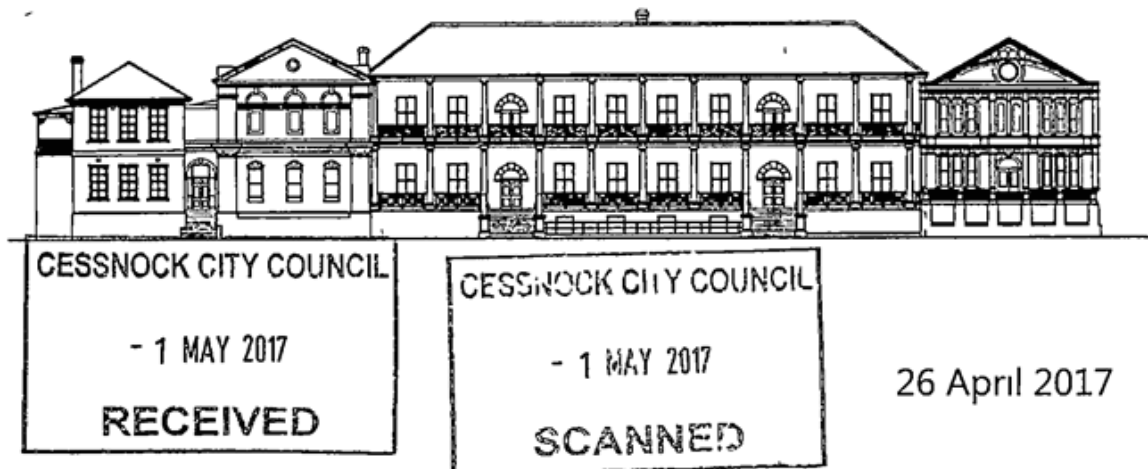


(Proposed) Civic Park, Cessnock District Facility	W	Ranking					W/S	Comments
		1	2	3	4	5		
Are compatible with existing uses	3					X	15	The site is currently vacant.
Appropriate adjoining and surrounding uses	4		X				8	The site is located within an established commercial/light industrial precinct. Locating a facility targeted at attracting youth next to a hotel establishment is considered socially irresponsible.
External and internal visibility and passive surveillance	4					X	20	The site has very good internal and external visibility.
Allow for the creation of a safe and secure environment	3		X				6	No built or natural hazards or constraints were identified. There is an elevated potential for anti-social behaviour due to the proximity of the adjoining hotel.
Offer adequate separation from other facilities/program at site.	2					X	10	Site is vacant.
Are in close proximity to public transit.	2				X		8	A bus stop is located immediately adjacent to the site across Vincent Street.
Have adequate pedestrian access.	5					X	25	Footpath access along Vincent Street including provisions for crossing. Level access.
Have adequate bicycle access.	4			X			12	Cycling access via footpaths on Vincent street. No evidence of dedicated cycling infrastructure.
Have adequate vehicular access.	3					X	15	Parallel parking along Vincent Street. Line marked parking on Cessnock Street. Unsealed Council car parking off Cessnock Street.
Access to public facilities and support infrastructure.	5	X					5	No applicable public facilities or support infrastructure within vicinity of site.
Can be integrated into a larger park space that provides other park amenities.	3	X					3	Site is vacant.
Are easily developable and have minimal construction impediments.	3					X	15	No significant constraints identified.
Include a space for size appropriate community viewing.	1					X	5	Adequate space provided.
Consider sun and shade and protection from rain and wind.	3		X				6	No structures or mature vegetation on site. Site is within an established urban area and protected from prevailing winds.
Include the possibility of lighting, or integration with existing lighting.	4			X			12	No lighting currently provided. Opportunity to access reticulated power servicing the site.
Have expansion potential.	2					X	10	No constraints identified.
Have access to adequate parking.	4					X	20	Parallel parking along Vincent Street. Line marked parking on Cessnock Street. Unsealed Council car parking off Cessnock Street.
Total weighted score	55	3.55					195	
Highest potential score	55	5					275	
Total weighted score (%)		71%						



Mt View Park, Cessnock District Facility	W	Ranking					W/S	Comments
		1	2	3	4	5		
Are compatible with existing uses	3			X			9	Recreational uses are predominantly passive at the site.
Appropriate adjoining and surrounding uses	4				X		16	Adjoining uses include sportsground, residences and high school.
External and internal visibility and passive surveillance	4				X		16	Internal sightlines are good. Poor visibility from adjacent play fields. Good surveillance from traffic along Mt View Road.
Allow for the creation of a safe and secure environment	3					X	15	No significant hazards identified.
Offer adequate separation from other facilities/program at site.	2					X	10	Adequate separation from sportsgrounds.
Are in close proximity to public transit.	2		X				4	Bus stop more than 500 metres from site on Mt View Road.
Have adequate pedestrian access.	5			X			15	Internal pathways provide access to sheltered seating. Existing pathway runs along opposite side of Mt View Road.
Have adequate bicycle access.	4				X		16	On-road and off-road cycling provided along Mt View Road.
Have adequate vehicular access.	3				X		12	Access provided via Mt View Road.
Access to public facilities and support infrastructure.	5						20	Toilets, water and kiosk facilities contained within nearby amenities building. A rubbish bin and sheltered seating located within the site.
Can be integrated into a larger park space that provides other park amenities.	3				X		9	Opportunities exist to integrate with existing seating, car parking and amenities building.
Are easily developable and have minimal construction impediments.	3						9	Topography is flat. Naturally occurring drainage lines exist within the site. Mature vegetation exists within the site. A sewer line runs east through the centre of the site. Telecommunication wires run along northern boundary of site.
Include a space for size appropriate community viewing.	1				X		5	Adequate space for community viewing. Opportunity to utilise sloping bank along southern boundary of the site.
Consider sun and shade and protection from rain and wind.	3				X		9	Sheltered seating and mature vegetation at site.
Include the possibility of lighting, or integration with existing lighting.	4					X	16	Floodlight exists at adjacent sportsground. Power available from road reserve.
Have expansion potential.	2					X	8	Adequate space for expansion.
Have access to adequate parking.	4					X	20	Formalised parking available. Opportunity to formalise off-road parking adjacent to the site.
Total weighted score	55			3.8			209	
Highest potential score	55			5			275	
Total weighted score (%)				76%				





For your information

Bob

I have marked "x" an important paragraph. Council will undoubtedly be called on by the community to assist in purchase \$.

Forwarded with the Compliments of

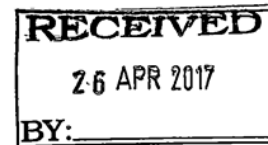
CLAYTON BARR, MP
STATE MEMBER FOR THE
ELECTORATE OF CESSNOCK

Electorate Office:
PO Box 242
Cessnock NSW 2325

Phone: (02) 4991-1466
or 1300 550 114



Rob Stokes
Minister for Education



Mr C G Barr MP
Member for Cessnock
PO Box 242
CESSNOCK NSW 2325

RML17/572
RML17/954

Dear Mr Barr *Clayton,*

I write in response to your representations on behalf of Cr Bob Pynsent, Mayor, Cessnock City Council, regarding the proposed sale of the former Wollombi Public School site. I note that you have also raised this matter directly with the Hon Gladys Berejiklian MP, Premier, who has referred your representations to me.

Cr Pynsent also raised this matter with the previous Minister for Education and I have responded directly.

Please find attached a copy of my response to Cr Pynsent for your information.

Thank you for your representations

Yours sincerely

Rob Stokes
Minister for Education

19th April, 2017.



Rob Stokes
Minister for Education

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

RML17/81

Dear Councillor Pynsent

I write in response to your letter to the previous Minister for Education, regarding the proposed sale of the former Wollombi Public School site. I have noted the resolutions carried by Cessnock City Council at its meeting of 14 December 2016.

I have sought clarification and advice from the Department of Education on this matter and I am advised of the following.

Throughout 2014, under its established protocols, the department undertook a process of consultation, regarding educational provision for students at the former Wollombi Public School. The closure of Wollombi Public School was recommended by the department, approved by the previous Minister, and took place at the end of the 2014 school year. The site has since been declared surplus to educational requirements.

In accordance with the NSW Government's Total Asset Management Guidelines, the department is required to sell any property that is surplus to educational requirements at market value. The proceeds of the sale will be reinvested into capital works and maintenance projects at schools around the state.

* The department will offer the Wollombi School Community Education Trust (WSCET) first option to purchase the property at market value once a valuation of the site has been completed.

The department has also granted permission for WSCET to occupy the premises on a short term basis.

Wollombi Public School is included in the department's Heritage and Conservation Register as required under Section 170 of the *Heritage Act 1977*. As such, prospective purchasers will be made aware of the heritage significance of the property and its associated constraints. Additionally, the Act includes procedures to be followed which help protect heritage listed government property from having its significance compromised after it changes ownership. Any moveable heritage items on the Wollombi Public School site have been relocated to ensure they will receive adequate care and be retained in the local community.

Mail: GPO Box 5341, Sydney NSW 2001
Phone: (61 2) 8574 6707

1

RML17/81

A Heritage Disposal Plan will be prepared in accordance with the State Agency Heritage Guide to ensure heritage values of the Wollombi Public School site are recognised as part of any property transfer.

Thank you for bringing the views of Council to my attention.

Yours sincerely



Rob Stokes
Minister for Education

28th March, 2017.



CESSNOCK CITY COUNCIL

17 MAY 2017

RECEIVED

9 May 2017

CESSNOCK CITY COUNCIL

17 MAY 2017

SCANNED

For your information

Bob

Note the 2nd last paragraph
on page 1 marked with *.

Forwarded with the Compliments of

CLAYTON BARR, MP
STATE MEMBER FOR THE
ELECTORATE OF CESSNOCK

Electorate Office:

PO Box 242

Cessnock NSW 2325

*Phone: (02) 4991-1466
or 1300 550 114*



Office of the Hon Gabrielle Upton MP
Minister for the Environment
Minister for Local Government
Minister for Heritage

MD17/666
CB2-CessnockCityCouncil-Her170131-1434

Mr Clayton Barr MP
Member for Cessnock
118 Vincent Street
CESSNOCK NSW 2325

By email: cessnock@parliament.nsw.gov.au

Dear Mr Barr 

I refer to your letter to the Minister for Heritage, the Hon Gabrielle Upton MP, on behalf of Cr Bob Pynsent, Cessnock City Council, about a proposal to include Wollombi Public School on the State Heritage Register (SHR). Your correspondence was referred to me and I have been asked to reply on her behalf. Council also wrote to me on this matter and I ask that this be accepted as a reply to all correspondence.

I understand that Cr Pynsent and the Wollombi community have concerns about the potential sale of Wollombi Public School.

The school is listed in the Cessnock Local Environmental Plan 2011 as an item of local heritage significance, and therefore has statutory protection under the *Environmental Planning and Assessment Act 1979*. The sale of the school will not affect this protection.

Listing in a local environmental plan provides the appropriate statutory recognition and management for items of local heritage significance. When assessing development applications for such items, local councils must consider whether the proposed development will have an impact on their heritage significance and, if so, what steps should be taken to minimise such impact. These steps may include imposing conditions to conserve heritage values.

* If council believes the school may be of heritage significance at a state level, it may nominate it for listing on the SHR. Nominations can be made by submitting an SHR Nomination Form to the Office of Environment and Heritage (OEH).

OEH will assess whether the nomination is suitable for submission to the Heritage Council of NSW for its consideration. The Minister for Heritage makes a final decision on SHR listings after considering advice from the Heritage Council. The form, and guidelines for its completion, are available at www.environment.nsw.gov.au/Heritage/listings/nominateshr.htm.

GPO Box 5341 Sydney NSW 2001 ■ P (02) 8574 6107 ■ F: (02) 9339 5546 ■ E: www.nsw.gov.au/ministerupton

- 2 -

If Cr Pynsent has any further questions about this issue, he can contact Ms Sonia Limeburner, Senior Team Leader, North East Listings, Heritage Division, OEH, on 4927 3129, or at sonia.limeburner@environment.nsw.gov.au.

Yours sincerely



09 MAY 2017

The Hon Scot MacDonald MLC
Parliamentary Secretary for Planning, the Central Coast, and the Hunter

Australian Labor Party

Country Labor - Thinking outside of the City

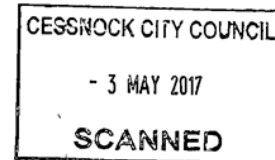
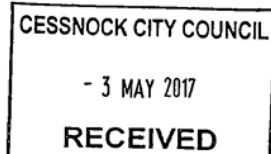
Clayton Barr, MP

STATE MEMBER FOR THE ELECTORATE OF CESSNOCK

Our Ref CB al

26 April 2017

Clr Bob Pynsent, Mayor
Mr Stephen Glen, General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325



Bob & Stephen
Dear Clr Pynsent and Mr Glen

Thank you for Council's letter (your ref: DOC2017/022002), advising of the Motion from Council's meeting of 5 April 2017, regarding the new Lower Hunter Hospital.

Accordingly, representations have been made on Council's behalf to the Minister for Planning, the Hon Anthony Roberts, MP, the Parliamentary Secretary for Planning, Scot MacDonald, MP, and the Minister for Health, the Hon Brad Hazzard, MP.

I shall contact Council once I have received a response to my representations.

Yours sincerely

CLAYTON BARR, MP

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

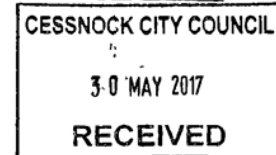
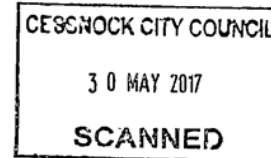


PARLIAMENT OF NEW SOUTH WALES LEGISLATIVE ASSEMBLY

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



The Hon Darren Chester MP
Minister for Infrastructure and Transport
Deputy Leader of the House
Member for Gippsland



PDR ID: MC17-001603

23 MAY 2017

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

Dear Mr Glen

Thank you for your letter of 24 March 2017 regarding a progress report on the funding commitment for the upgrade of Cessnock Road at Testers Hollow. I regret the delay in responding.

Following the re-election of the Australian Government, the commitment to the Testers Hollow project in Cessnock has been confirmed. You may be aware that I made a public announcement on 12 April 2017, with the Hon Melinda Pavey MP, NSW Minister for Roads, Maritime and Freight, that I expected to receive a Project Proposal Report in a matter of weeks outlining how our joint commitment can be used to progress the project.

I understand that Council is working closely with NSW Roads and Maritime Services to refine further the Project Proposal Report for my decision.

I look forward to seeing the final outcome of this project, which will provide important flood immunity and ensure that the local community remains connected to vital services during flooding events.

Thank you again for taking the time to write and inform me of your concerns on this matter.

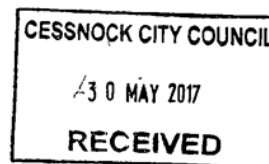
Yours sincerely

DARREN CHESTER

Parliament House Canberra ACT 2600 Telephone (02) 6277 7680

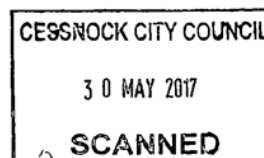


Scot MacDonald MLC
Parliamentary Secretary for
Planning, the Central Coast and the Hunter



Thursday, 25 May 2017

Mr Stephen Glen
General Manager
Cessnock City Council
62-78 Vincent Street
Cessnock NSW 2325



Dear Stephen,

Thank you for your letter of the 5th May 2017 in relation to a proposed speed zone change adjacent to St Phillips Christian College.

I have sought a briefing from the RMS.

They provided with the following advice;

Roads and Maritime Services typically provides 40 km/h school zones on roads where there is direct access to a school and on roads where high numbers of school children are likely to be seen making their way to and from school. St Phillip's Christian College has a locked gate accessing Wine Country Drive, but pedestrian access is via Lomas Lane, where a school zone is in place.

Roads and Maritime has previously met with representatives from St Phillips Christian College and carried out inspections to look at traffic congestion at the intersection of Wine Country Drive and Lomas Lane. RMS is of the view that the morning and afternoon peak congestion at the intersection relates to St Phillip's Christian College (the school's) operation. The number of students enrolled at the school has grown over time, beyond the numbers of students considered in the traffic modelling provided with the original development application for the school. If the school intends to continue to receive higher enrolments it will need to address the impact on the intersection.

Roads and Maritime has met with school representatives and made several suggestions to reduce congestion problems in and around the school and the intersection. Roads and Maritime understands that the school is considering lodging a Development Application with Cessnock City Council for the further expansion of the school. Opportunities for alternate entry points that could assist with easing congestion around the school would be considered through this process. RMS would consider an extension of the 40km zone at this time.

I also thank you for your attendance, together with the Mayor and other staff, at the meeting held this week with the Minister for Roads.
This issue was also canvassed.

My understanding from that meeting was that I was requested to relay to you the latest advice from the Road and Maritime Service.

As the RMS advise, this issue is evolving and I encourage your Council officers to continue to liaise with local RMS managers. Any requests for a speed zone review should be directed to your Local Road Traffic Committee.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'ALD', followed by a long horizontal line ending in a small loop.

**SCOT MACDONALD MLC
PARLIAMENTARY SECRETARY
FOR PLANNING, THE CENTRAL COAST AND THE HUNTER**

CC: Minister for Roads, Maritime and Freight The Hon Melinda Pavey MP

Australian Labor Party

Country Labor - Thinking outside of the City

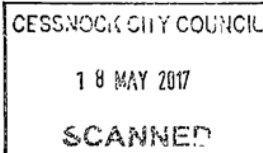


Clayton Barr, MP

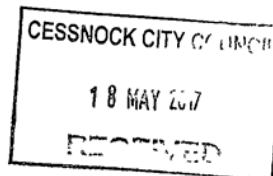
STATE MEMBER FOR THE ELECTORATE OF CESSNOCK

Our Ref CB2-CessnockCityCouncil-Roa170512-1521

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



12 May 2017




Dear Mr Glen

Thank you for your correspondence, requesting that consideration be given to introducing a 40km/h School Zone on Wine Country Drive, adjacent to St Phillips Christian College.

Accordingly, representations have been made to the Hon Melinda Pavey, MP, Minister for Roads, Maritime and Freight, on Council's behalf.

I shall contact you again once I have received a response to my representations.

Yours sincerely

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



PARLIAMENT OF NEW SOUTH WALES LEGISLATIVE ASSEMBLY

118 Vincent Street (PO Box 242)
Cessnock NSW 2325
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