



Vincent Street  
CESSNOCK

2 November 2018

## ORDINARY MEETING OF COUNCIL

**WEDNESDAY, 7 NOVEMBER 2018**

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

Planning and Environment

Report No. PE57/2017

Planning and Environment

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

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

**RECOMMENDATION**

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

**BACKGROUND**

Council resolved at its meeting of 4 October 2017:

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

**REPORT/PROPOSAL**

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

The advice in summary states:

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

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

## Planning and Environment

## Report No. PE57/2017

## Planning and Environment



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

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

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

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

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

**CONSULTATION**

Ranger Team Leader  
Acting Director Planning and Environment  
Local Government Legal

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

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

**b. Other Plans**

Nil

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

Nil

**b. Financial Implications**

Nil

**c. Legislative Implications**

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



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

Planning and Environment

Report No. PE57/2017

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**d. Risk Implications**

Nil

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

**CONCLUSION**

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

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

**ENCLOSURES**

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



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Our Ref: BS:170192  
Your Ref: Colin Davis

3 October 2017

**Confidential**

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

**By email**

**Attention: Martin Johnson & Colin Davis**

Dear General Manager

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

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

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

We will address each of these questions below.

**1. Facts**

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

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

**2. Advice**

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



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Legal practitioners employed by Local Government Legal are members of the scheme.

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

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

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

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

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

- a council,...

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

**motor vehicle** means:

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

(b) the remains of such a vehicle, and

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

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

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

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

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

and, in particular, includes:

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

Yours faithfully  
**Local Government Legal**



Ben Swain  
Senior Lawyer



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

Correspondence

Report No. CO19/2018

Corporate and Community Services

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

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

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

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

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

**ENCLOSURES**

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



Our ref: R15/0015 Out-27219

14 December 2017

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

Dear Mr Hurst *Tim*

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

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

#### 1. Environmental accounting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **8. Untied funding**

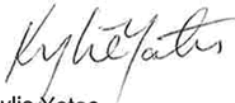
In relation to grant funding to councils by the NSW Government, councils should be provided

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

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

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kylie Yates', written in a cursive style.

Kylie Yates  
Director – Advocacy





## Office of Local Government

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

Our Reference: A577752  
Your Reference:  
Contact: Policy  
Phone: 02 4428 4100

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

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

Attention: Ms Kylie Yates

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

Dear Ms Rygate

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

### Environmental accounting

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

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

### Pensioner concession rebates

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

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

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

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Strengthening local government

**Property investment capabilities**

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

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

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

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

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

**Access to TCorp borrowing facility**

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

**Untied funding**

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

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

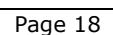
Yours sincerely



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

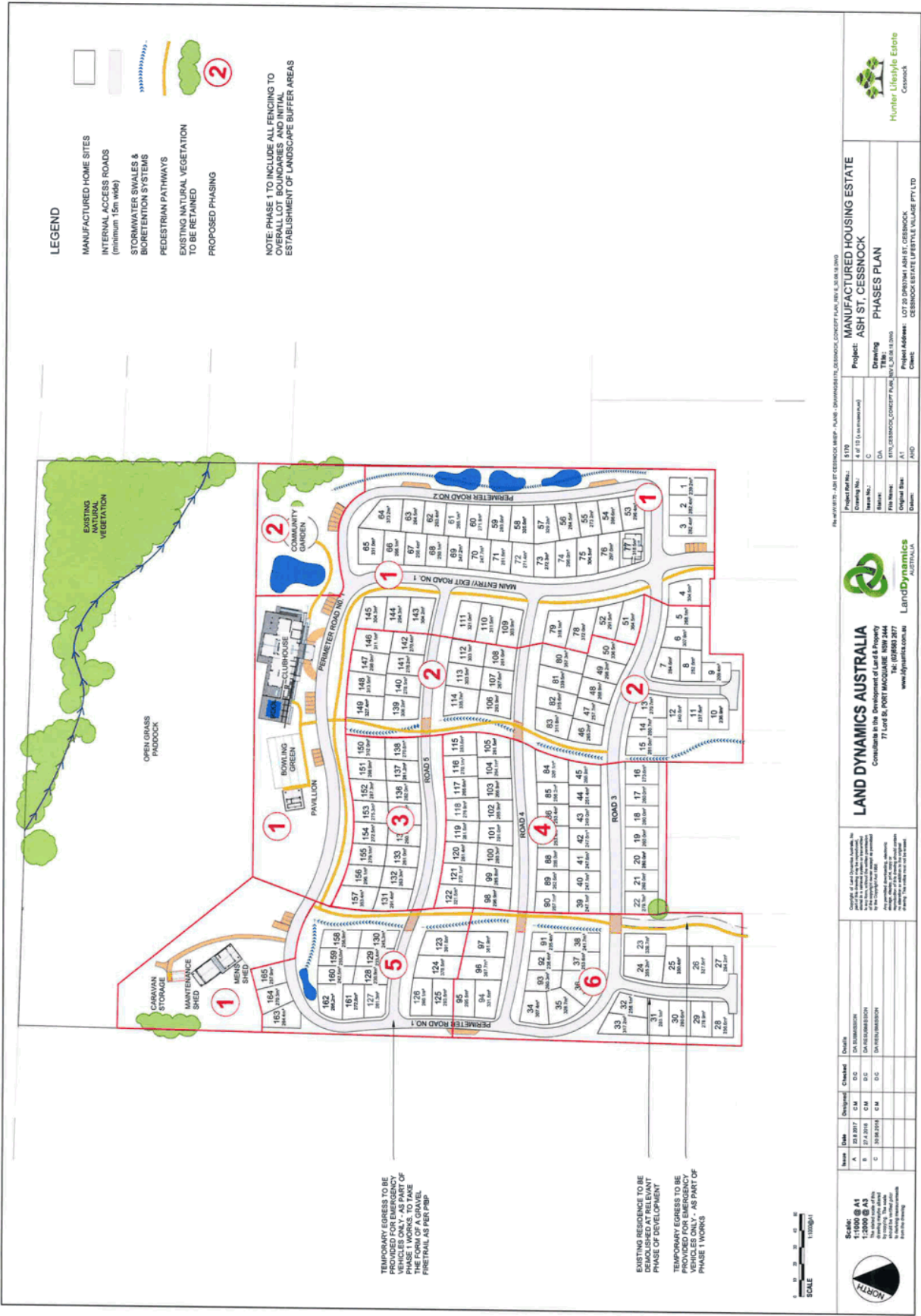
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**17 Ash Street, Cessnock**





17 Ash Street, Cessnock



17 Ash Street, Cessnock

## **DRAFT PLAN OF MANAGEMENT**

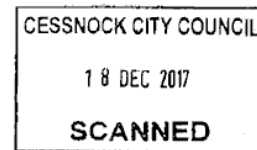
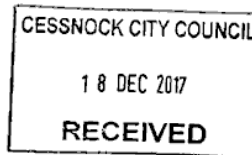
For

The Hunter Lifestyle Estate

For

Cessnock Estate Lifestyle Village Pty Ltd

November 2017



DRAFT



**Hunter Lifestyle Estate**  
Cessnock

## **MANAGEMENT STATEMENT**

The intention of The Hunter Lifestyle Estate is to provide quality manufactured homes in a safe, secure environment that offers an alternative environmental approach to the traditional housing sector. There is currently very strong demand for alternative housing options as our ageing population increases at a rapid rate.

Manufactured Home Estates place high quality homes within the reach of many, even those with limited means. It is often the case that a senior may live in an older owner-occupied dwelling, which returns land value when sold. Higher priced Retirement Village Independent Living Units are often out of their financial reach and also carry the significant financial imposts of Deferred Management (DMR) or Exit Fees and Capital Gain sharing. Manufactured Home Estates carry no such imposts.

Manufactured Home Estates offer seniors and others an opportunity to buy and live in a standard of home they may never have enjoyed in the past and never thought was in reach for them.

Manufactured Home Estates are also an attractive option to those who may currently own a more substantial residence by allowing them to sell and capitalise. The available funds can finance their new manufactured home and free up more money for them to enjoy their new lifestyle. For those eligible for a pension, site fees in Manufactured Home Estates may qualify for Commonwealth Government Rental Assistance. These attributes can make life in a Manufactured Home Estate a much more affordable and attractive alternative to that of a traditional housing or a bricks and mortar DMR style Retirement Village.

The Inquiry Into Social Public and Affordable Housing submission by the Caravan, Camping & Touring Industry and Manufactured Housing Industry Association of NSW Ltd during the NSW State Government inquiry in early 2014 stated:-

*"Research indicates that there are over 100,000 permanent residents living in parks and MHEs across Australia and over one third of these permanent residents are in NSW. Many of these residents are from rural and regional communities and the majority of them are retired persons on fixed incomes, pensioners or people from low socio-economic backgrounds. To this end, the Caravan Park and Manufactured Housing Industry is in a position to make an immediate and significant contribution to improving the stock of housing within New South Wales,*

**17 Ash Street, Cessnock**

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*particularly for the benefit of those people who need affordable housing the most".*

The Hunter Lifestyle Estate has been designed with sensitivity toward the environment and its location in mind. A majority of the lots offer a rural outlook and there is an extensive network of walking tracks for a morning or afternoon stroll. Large areas of landscaped passive open space have been provided for the enjoyment of residents and visitors to the estate.

The nature of the development will encourage social cohesion amongst residents of the Estate. The provision of community facilities and areas will encourage positive social interaction between residents. Furthermore, the demographics of the residents will result in similar characteristics – these could include age, income, life experiences and education.

In relation to the existing community cohesion it is envisaged that the residents will assimilate with their peers and other residents currently residing in the Cessnock area. Given that 37 percent of the existing population of Cessnock falls within the expected residents' age group (50 years and over) it would be likely that community cohesion could expand outside of the Estate and into the general community.

It is envisaged that the residents and acquaintances when invited, from outside the estate would use the community recreational facilities, e.g. bowling green for social bowling and practice and would still participate within the local areas competitive weekly events.

## **1.0 INTRODUCTION**

This Plan of Management is to ensure that The Hunter Lifestyle Estate achieves the general objectives set out below.

This Plan of Management forms part of the manufactured housing development and its provisions are to be satisfied by the operator of the business at Number 17 Ash Street. In the event there is a change in the ownership of the premises, Cessnock City Council is to be notified in writing within three (3) weeks of such change of ownership. The letter of notification is to provide Council the details of the new operator including name, address and contact phone number.

## **2.0 DESCRIPTION OF SUBJECT PREMISES**

Address: 17 Ash Street Cessnock

Telephone: To be advised

Operator: Cessnock Estate Lifestyle Village Pty Limited

## **2.1 Services and Facilities**

The services offered are that of a long term residency manufactured housing estate consisting of one hundred and sixty five manufactured home sites.

Facilities include:-

- (i) on-site manager
- (ii) Club House including gymnasium, multi-function room, lounge, games room, kitchen, indoor/outdoor dining area;
- (iii) hair dresser/visiting doctors/nurse consultation room (within Club House);
- (iv) outdoor swimming pool;
- (v) bowling green;
- (vi) passive recreation areas and walking trails;
- (vii) community bus
- (viii) children's play area
- (ix) men's shed
- (x) communal vegetable garden

## **2.2 Hours of Operation**

The office hours are:-

- (i) 9:00am to 4:00pm Monday to Friday;
- (ii) 9:00am to 12:00 noon Saturday; and
- (iii) Closed Sundays

Men's Shed operating hours:-

- (i) 9.00am to 4.00pm Monday to Friday
- (ii) Closed Saturday and Sunday

The operation of the dwellings and community facilities are not restricted by hours of operation, but rather by standard noise criteria under the Protection of the Environment Operations Act 1997



An on-site manager resides within the estate and is available for after-hours emergencies.

### **2.3 Record Keeping**

Management shall maintain and keep secure a record of all residents.

## **3.0 GENERAL OBJECTIVES**

### **3.1 Aims**

This Plan of Management aims to ensure:

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

### **3.2 Proprietor's Roles and Responsibilities**

The proprietor/operator has overall responsibility for ensuring that the lifestyle estate achieves the objectives set out in this plan and in accordance with any conditions of development consent that may be imposed by Cessnock City Council or the NSW Land & Environment Court.

The proprietor/operator is responsible for the overall management of the lifestyle estate and overseeing the implementation of all:-

- (i) management and operating policies and procedures;
- (ii) the recruitment, training and supervision of staff; and
- (iii) roles and responsibilities

**17 Ash Street, Cessnock**

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Management and staff will be responsible for upholding and implementing all policies and procedures set out in this plan with particular reference to monitoring access, unauthorised activities and difficult and/or anti-social behaviour.

This will include:-

- (i) monitoring the entrance to the lifestyle estate;
- (ii) communicating with police, ambulance and other emergency services where required;
- (iii) overseeing procedures for evacuation in the case of fire or other emergency;
- (iv) induction and supervision of all personnel;
- (v) preparation and implementation of the staff roster;
- (vi) education and training of all personnel
- (vii) resolving any issues of conflict;
- (viii) oversight of all health, safety and security procedures;
- (ix) oversight of all cleaning and maintenance;
- (x) regular evaluation of the premises for maintenance, repairs, and replacements;
- (xi) implementation of EEO requirements, NSW Health and WorkCover NSW requirements and regulations;
- (xii) oversight of stocktaking with particular reference to ensuring a well-stocked supply of cleaning products and linen for the community/club house facilities;
- (xiii) oversight of maintenance of incidents and accident/injury registers;
- (xiv) liaise with neighbours as required to ensure the lifestyle estate operates in a manner that does not adversely impact on the social amenity of surrounding residents.

### **3.3 Staff Roles and Responsibilities**

A Manager is to be appointed to run the lifestyle estate on a day-to-day basis. Any Manager must have clear "Working with Children" check prior to being appointed to the position.



**17 Ash Street, Cessnock**

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The Manager will be responsible for:-

- (i) day to day running of the lifestyle estate;
- (ii) conducting interviews with potential residents and direct communication with residents, including resolving any problems that may arise;
- (iii) ensuring repairs and maintenance works are carried out in a timely manner;
- (iv) maintain hygiene standards within the lifestyle estate and ensuring regular cleaning of facilities and the estate;
- (v) enforcement of the lifestyle estate rules;
- (vi) communicating and building a positive relationship with neighbours;

The roles and responsibilities of the management staff include:-

- (i) assisting in upholding and implementing all relevant policies and procedures with particular reference to monitoring access, unauthorised activities and difficult and/or anti-social behaviour;
- (ii) contribute to the monitoring of the entrance of the lifestyle estate and its facilities;
- (iii) spot cleaning of common areas and estate facilities on a needs basis;
- (iv) cleaning and laundering of all linen for the community/club house facilities;
- (v) removal of waste and maintenance of waste collection areas;
- (vi) cleaning and disinfecting all wet areas, toilets and common areas;
- (vii) maintenance of cleaning schedules and spot cleaning checklist;
- (viii) act under instructions of the manager/proprietor in case of an emergency and/or evacuation of the lifestyle estate or any of its facilities;

### **3.4 Cleaning of Estate Facilities**

All cleaning must ensure that all dirt, dust and substances are collected

**17 Ash Street, Cessnock**

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and removed. All sanitary facilities and surfaces are cleaned first with neutral detergents and any bleach or disinfectants are used strictly in accordance with the manufacturer's instructions.

All equipment used for mopping including mop and bucket are to be cleaned with warm water and detergent after use and the equipment is then stored to dry with buckets placed upside down and mop supported off the ground.

Warning signs are posted in areas where floor surfaces may be damp or slippery during and after the floor cleaning activities.

#### **4.0 IMPLEMENTATION OF PLAN OBJECTIVES**

The above Plan objectives will be achieved via the following in-house management policies and procedures.

##### **4.1 Health and Well-Being**

Management will be responsible for the regular inspection of all estate facilities and common areas.

Management will be responsible for regular pest control.

All new residents will be provided with an information pack containing the following:-

- (i) locality map and directions;
- (ii) public transport options, bus time tables and community bus details;
- (iii) information on local community services, activities and community groups (council services, doctors, pharmacies, Lions Club, Not for profit organizations, volunteering opportunities etc.);
- (iv) shopping centre location;
- (v) estate rules;
- (vi) business hours contact details and emergency contact details for estate management;
- (vii) alternative contact details if manager unavailable; and
- (viii) emergency evacuation procedures

Estate Rules will be prepared and adopted covering the following issues:-

**17 Ash Street, Cessnock**

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- (i) rental/lease payments;
- (ii) policies regarding unauthorised activities;
- (iii) peace and quiet, abusive language, excessive noise and anti-social behaviour in consideration of internal and adjoining neighbours;
- (iv) behaviour and conduct in communal areas and estate facilities; and
- (v) contact details for emergencies

#### **4.2 Safety**

The entrance to the estate will be provided with low glare security lighting after dark. The Manager is to be on site at all times.

In addition, the following procedures will be implemented:-

- (i) the preparation of fire and other emergency evacuation plans. All personnel are trained in emergency evacuation procedures;
- (ii) emergency services number is coded into the telephone for easy access to Police and other emergency services;
- (iii) all fire extinguishers, smoke detectors, exit signs and emergency signs serviced regularly. All personnel are familiar with the use of fire extinguishers;
- (iv) all gas installations and fittings must be checked at least once every two years by a licensed gas fitter;
- (v) all electrical installations and fittings must be checked at least once every five years by a licensed electrician;
- (vi) all power outlets and electrical circuits must be connected to circuit breakers that comply with the applicable Australian Standard;
- (vii) all bathrooms or toilets within the community facilities must be fitted with a privacy latch that can be securely latched from the inside without a key;
- (viii) training is provided in dealing with difficult or intoxicated persons;
- (ix) adequate lighting for security purposes is provided in

**17 Ash Street, Cessnock**

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accorded with any CPTED report approved with the development;

(x) management staff are to maintain the estate incident book and accident/injury register. Any breach of security or related episode is entered into the incident book and reported to the Manager. The incident book is to be provided to NSW Police if and when requested; and

(xi) all cash money is to be kept in a safe/strong box in the office on the estate premises. Cash is to be banked on a daily basis.

#### **4.3 Managing Visitors**

(i) visitors may stay for no longer than six (6) weeks unless otherwise agreed by the Manager;

(ii) all visitors, including children must be accompanied by a resident whilst they are within the common areas and facilities of the estate; and

(iii) visitors (including children) cannot ride bicycles, roller blades, skateboards or the like within the common areas of the estate

#### **4.4 Unauthorised Activities on the Premises**

The Management Policy on unauthorised activities on the premises is prominently display at the entrance and in the reception area of the estate. Any residents found involved in any unauthorised activity will be subject to the provisions under the applicable Residential Site Agreement (RSA).

#### **4.5 Control of Anti-Social Behaviour**

Prevention of anti-social behaviour is the first course of action. Visitors are personally asked to restrain their behaviour. In the event of continuing anti-social behaviour, the Police will be called immediately.

In the event of an incident occurring within the lifestyle estate all personnel are instructed never to escalate the situation, but to wait at all times for the Police.

A back to base duress alarm is to be available in the front office / reception area.

#### **4.6 Maintenance and Repairs**

**17 Ash Street, Cessnock**

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Staff and any contract cleaning personnel will report to the Manager on any property damage and/or obvious signs of wear and tear. The Manager is to undertake a quarterly evaluation of the estate for maintenance, repairs, and replacement purposes which include:-

- (i) All paint finishes – any paint used will be of a wash and wear product standard;
- (ii) Tiling – tiling to be provided in bathrooms, toilets and around hand washbasins, staff tea and coffee making areas. Any chipped or broken tiles will be replaced;
- (iii) Floor coverings – all floor coverings will be kept clean and replaced when worn.
- (iv) Furniture and fittings – these items will be repaired and replaced within communal areas and facilities as required;
- (v) Evidence of anti-social behaviour and vandalism (ie graffiti, broken glass) to be removed within 24 hours;
- (vi) Broken fixtures and fittings such as lights to be repaired / replaced within 12 hours; and
- (vii) All gardens and landscaped areas are to be maintained on a regular basis

**4.7 Emergency Procedures**

All personnel are trained in emergency procedures as part of ongoing personnel training including familiarity with fire exits and position of fire extinguishers throughout the village facilities. In the event of fire or other emergency requiring evacuation of the communal facilities or the estate, the manager and/or the estate staff will implement fire evacuation procedures. All persons will be removed from the estate facilities immediately. The Manager or the estate staff will report the fire immediately to the appropriate service via the pre-coded number in the telephone.

A first aid kit and instructions on CPR are to be maintained in a readily accessible location on the premises.

**4.8 Garbage Collection**

Estate management is to collect all domestic waste from each individual dwelling site and transport this waste to the screened waste enclosure area. An approved private waste contractor will then service the bin areas



and transport all waste material to Council's local landfill at the Cessnock Waste & Reuse Centre on Old Maitland Road.

Estate management will be responsible for the regular cleaning and maintenance of the screened waste enclosure.

#### **4.9 Community Bus**

Management is to provide a community bus for the use by residents. The community bus will be available for regular trips to Cessnock or other excursions as required by residents of the estate.

The community bus is to be maintained and serviced on a regular basis by management.

### **5.0 ASSET PROTECTION ZONES**

#### **5.1 General**

A *Bushfire Assessment Report* has been prepared by Newcastle Bushfire Consulting as a small portion of the site falls within a Bushfire Prone Area as identified by Cessnock City Council.

The *Bushfire Assessment Report* serves to identify issues relating to the condition of the site as part of the level of assurance required for consent by Cessnock City Council to the Development Application (DA) pertaining to the proposed development on the site. The report forms the basis for providing an assessment of the bushfire protection requirements for the estate and provides recommendations on the provision of Asset Protection Zones (APZ), accessibility and water supply. An Asset Protection Zone is provided in the north eastern corner of the site. The primary purpose of an APZ is to ensure that a progressive reduction of bushfire fuels occurs between the bushfire hazard and any habitable structures within the development.

#### **5.2 Maintenance of Asset Protection Zones**

Fuel management within the nominated APZ should be maintained with regular maintenance of the landscaped areas, managed lawns in accordance with an Inner Protection Area (IPA) and RFS guidelines: *Standards for Asset Protection Zones* (NSW RFS, 2005).

Management will be responsible for ensuring that all required maintenance is undertaken in accordance with the relevant guidelines.

Works are to include:-

- (i) raking or manual removal of fine fuels – ground fuels such as

fallen leaves, twigs (less than 6 mm in diameter) and bark should be removed on a regular basis. This is fuel that burns quickly and increases the intensity of a fire. Fine fuels are to be removed by hand or with tools such as rakes, hoes and shovels;

(ii) mowing or grazing of grass – grass is to be kept short and, where possible, green;

(iii) the removal or pruning of trees, shrubs and understorey – the control of existing vegetation involves both selective fuel reduction (removal, thinning and pruning) and the retention of vegetation;

(iv) the pruning or removal of trees so as not to have a continuous tree canopy leading from the hazard to the asset. Separate tree crowns by two to five metres. A canopy should not overhang within two to five metres of a dwelling; and

(v) ensuring that native trees and shrubs be retained as clumps or islands and maintain a covering of no more than 20% of the area.

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## **JOINT PLANNING PROPOSAL**

*Amendments to the:*

*Cessnock Local Environmental Plan 2011*

*and*

*Singleton Local Environmental Plan 2013*

## **RU4 Zone (Vineyards) Planning Provisions**

Version 1.2

12 April 2018

**Contact: Iain Rush**

Strategic Land Use Planner

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Planning Proposal –Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)  
File No. 18/2015/1/1

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Planning Proposal – Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)  
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## **PART 1: OBJECTIVES and OUTCOMES**

---

The objective of this Planning Proposal is to standardise, as far as possible, the objectives and land use tables of the RU4 Primary Production Small Lots Zone in the Local Government Areas (LGAs) of Singleton and Cessnock so that there is effectively no arbitrary planning boundary within the area of the Pokolbin Vineyard District. This Proposal is consistent with the principles of the *Standard Instrument (Local Environmental Plans) Order 2006*.

The outcome of this Planning Proposal will be amended objectives and Land Use Tables of the RU4 Zone in both the *Cessnock Local Environmental Plan 2011* (CLEP 2011) and the *Singleton Local Environmental Plan 2013* (SLEP 2013). The Land Use Tables will be amended to be as compatible as possible, while respecting important differences between the LGAs. The differences that will remain relate to the permissibility of *hotel and motel accommodation, recreation areas and recreation facilities (outdoor)*. The differences reflect certain characteristics that are unique to each LGA.

Planning Proposal – Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)  
File No. 18/2015/1/1

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## **PART 2: EXPLANATION of PROVISIONS**

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### Overview

This Planning Proposal has been prepared to enable amendments to be made to the objectives and land use table of the RU4 Primary Production Small Lots Zone in both the:

- *Cessnock Local Environmental Plan 2011*, gazetted on 23 December 2011 and came into effect on that date; and
- *Singleton Local Environmental Plan 2013*, gazetted on 6 September 2013 and came into effect on that date.

The amendments have been prepared to standardise the provisions of the RU4 Zone across the adjoining LGAs. This is primarily to ensure consistency in the planning provisions in the Vineyards District of the Pokolbin locality, where the RU4 Zone of each LGA adjoins along Hermitage Road. The amendments will also apply to the Vineyards area of the Broke-Fordwich locality in Singleton LGA, also zoned RU4.

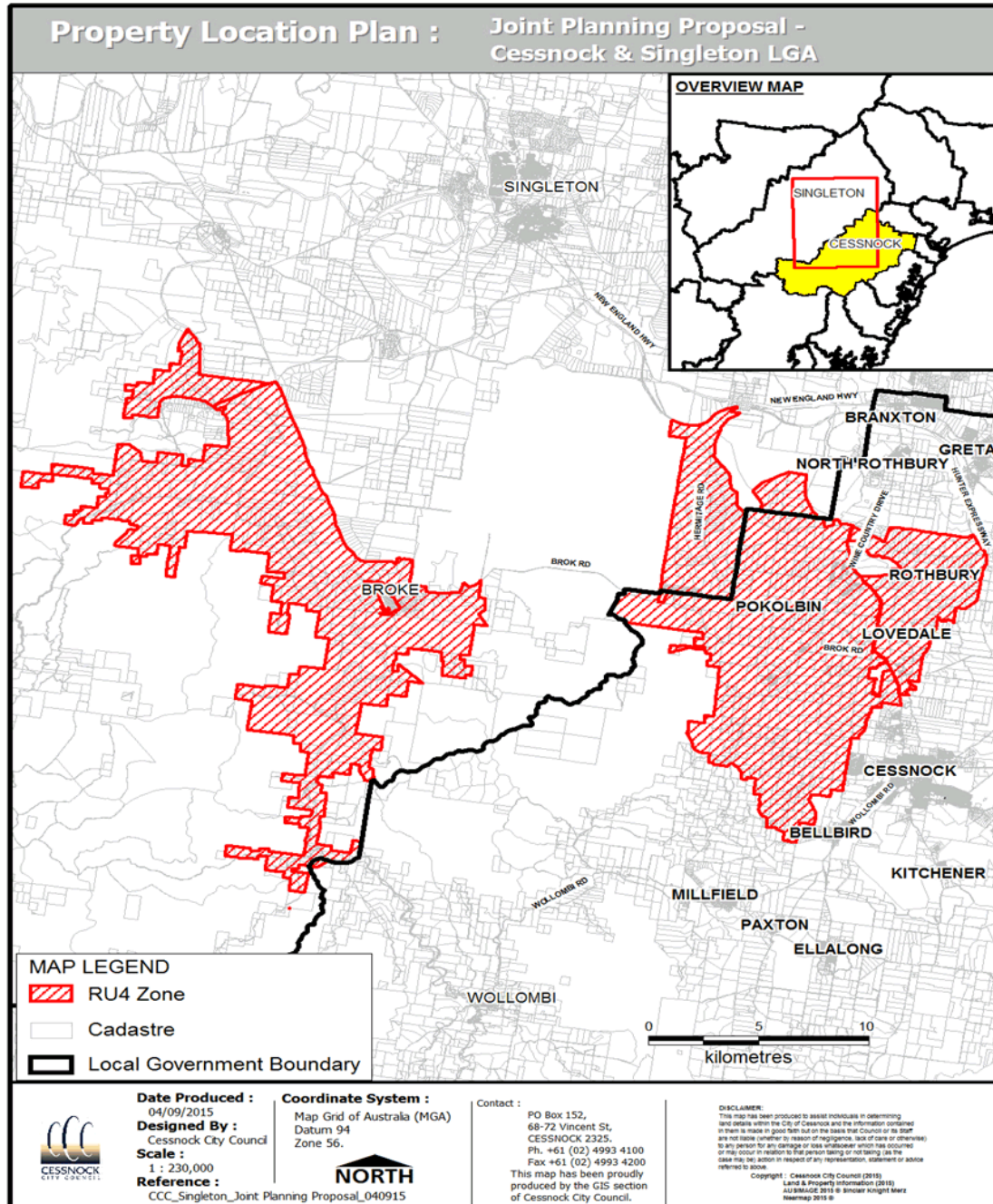
### Affected Land

The amendments relate to all land zoned RU4 Primary Production Small Lots in both LGAs, as shown in **Figure 1** and **Figure 2** on the following pages.

Planning Proposal –Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

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Figure 1 - RU4 Zone, Cessnock and Singleton LGAs (Pokolbin and Broke/Fordwich Area)

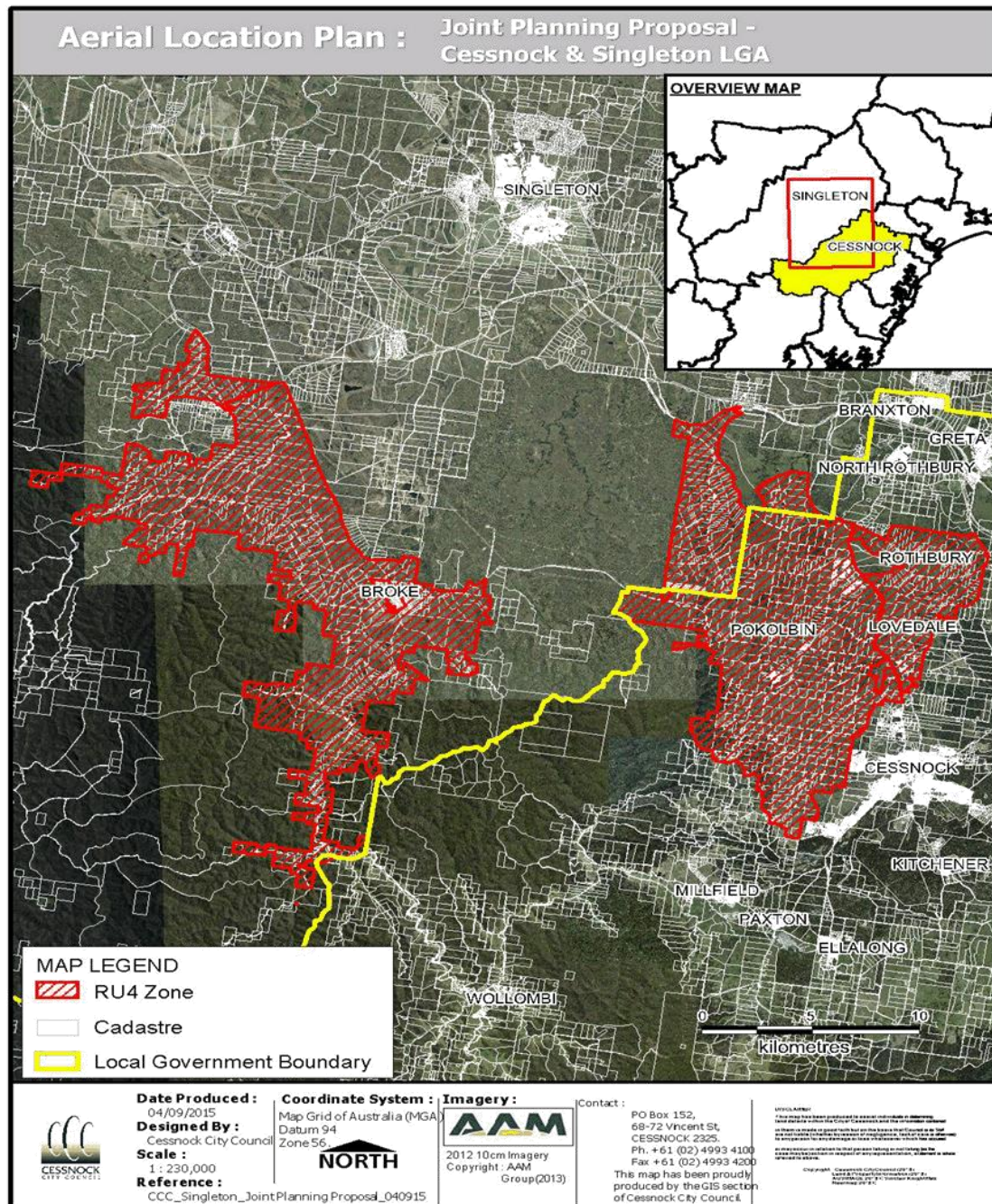




Planning Proposal –Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

File No. 18/2015/1/1

Figure 2 - RU4 Zone, Cessnock and Singleton LGAs (Pokolbin and Broke/Fordwich Area) - Aerial



Planning Proposal – Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

File No. 18/2015/1/1

## **1. Amendments to the Cessnock and Singleton RU4 Zone Objectives**

### Issue

The Standard Instrument – Principal Local Environmental Plan mandates that the following objectives must be included in respect of the RU4 Primary Production Small Lots Zone, where that Zone is adopted:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

In addition to the mandated objectives, Cessnock and Singleton councils chose to include local objectives for the RU4 Zone when preparing their respective Standard Instrument LEPs. The local objectives included by Cessnock and Singleton Council are different, but have similar intent.

In CLEP 2011, the following additional local objectives were included for the RU4 Zone:

- *To maintain prime viticultural land and enhance the economic and ecological sustainability of the Vineyards District.*
- *To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the Vineyards District.*
- *To enable the continued rural use of land that is complementary to the viticultural character of the land.*

In SLEP 2013, the following additional local objective was included for the RU4 Zone:

- *To recognise Hunter Valley Wine Country and the adjoining environs of Broke-Fordwich as a major viticultural and tourist destination by providing additional opportunities for compatible tourist uses.*

This Planning Proposal seeks to amend the objectives of the RU4 Zone in SLEP 2013 to reflect the existing RU4 Zone objectives in CLEP 2011. The intent of the Zone objectives in CLEP 2011 are fundamentally the same as the objective in SLEP 2013; however, it is considered that the objectives in CLEP 2011 expand more thoroughly on key viticultural principles of economic and ecological sustainability and of tourism brought about by the vineyards and associated land uses.

### Recommendation

1. In SLEP 2013, remove the following:

- *To recognise Hunter Valley Wine Country and the adjoining environs of Broke-Fordwich as a major viticultural and tourist destination by providing additional opportunities for compatible tourist uses.*

2. In SLEP 2013, insert the following:

- *To maintain prime viticultural land and enhance the economic and ecological sustainability of the Vineyards District.*
- *To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the Vineyards District.*
- *To enable the continued rural use of land that is complementary to the viticultural character of the land.*



Planning Proposal – Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

File No. 18/2015/1/1

## **2. Amendments to the Cessnock and Singleton RU4 Zone Land Use Tables**

### Issue

The land use table that applies to the RU4 Primary Production Small Lots Zone under the *Cessnock Local Environmental Plan 2011* and *Singleton Local Environmental Plan 2013* are slightly different. Certain land uses permitted in one council's RU4 Zone are not permitted in the other, and vice versa.

The outcome of this Planning Proposal will be amended Land Use Tables of the RU4 Zone in both CLEP 2011 and SLEP 2013. The land use tables will be amended to be as similar as possible, while respecting important differences between the local government areas. The differences that will remain relate to the permissibility of *hotel and motel accommodation*, *recreation areas* and *recreation facilities (outdoor)*. The differences will reflect certain characteristics that are unique to each Local Government Area.

Some of the changes included in this Planning Proposal will not alter either Council's policy position, but will simplify each Council's RU4 Zone Land Use Table by incorporating 'group terms' where it is appropriate to do so.

Group terms are used to identify particular categories of land uses, which comprise one or more sub-terms. For example, the land use, *intensive plant agriculture*, is a group term that comprises several sub-terms, including *horticulture*, *turf farming*, and *viticulture*. Where a group term is included in a zone land use table, each corresponding sub-term is also taken to be included, unless that sub-term is expressly prohibited in the same land use table.

In addition to simplifying the RU4 Zone Land Use Table, this Planning Proposal also involves including and removing other land uses to bring about consistency between the CLEP 2011 and SLEP 2013. These land use amendments are discussed in the recommendations below.

### Points of Difference

#### **1. Hotel and Motel Accommodation**

##### Cessnock City Council Consideration and Response

Larger forms of *tourist and visitor accommodation*, such as *hotel and motel accommodation*, are more likely to conflict with viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural character and scenic vista of the area, which are important and dominant features of the Viticultural District. Tourist related developments that aren't ancillary to viticultural developments are considered more appropriately located in established urban areas where there are supporting facilities, retail and infrastructure.

Cessnock Council has traditionally taken the approach of limiting the density and size of tourist developments in the Viticultural District. This was previously achieved under Clause 52 of the LEP 1989, and currently achieved under Clause 7.6 of the LEP 2011 and Parts D and E of the Cessnock Council Development Control Plan 2010.

Limiting the size and density of *tourist and visitor accommodation* in the Viticultural District was recommended in the Cessnock City Wide Settlement Strategy (CWSS) 2010 (Actions T2 and T5). The CWSS highlights the need to enforce strict density and size controls to 'ensure that tourism does not interfere with the operation of agricultural and intensive agricultural pursuits such as vineyards [...]'. Prohibiting 'stand-alone' forms of tourist related development in the RU4 Zone is also consistent with the Vineyards Vision and the more recent, Vineyards District Study, carried out by consultants RMCG.

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The view that tourism land uses should not be 'stand-alone' was also supported during the preparation of CLEP 2011 by the then Department of Industry and Investment (Agriculture) that commented, 'it is important to acknowledge that tourist and related developments should be ancillary to viticultural developments'.

Larger forms of *tourist and visitor accommodation* may still be considered on a case by case basis by Council within the Zone and, if assessed as appropriate, enabled for certain parcels of land. This approach has traditionally been utilised by Cessnock Council, previously under Schedule 5 of the LEP 1989 and currently, under Schedule 1 of the LEP 2011.

#### Singleton Council Consideration and Response

Singleton Council is proposing to maintain the permissibility of *hotel and motel accommodation* in the RU4 Zone until such time as an appropriate planning study for the Vineyards District in Singleton has been completed. Where such a study identifies that the permissibility of *hotel and motel accommodation* should change, Council will amend the LEP accordingly. This would enable the identification of appropriately scaled and planned local tourism enterprise opportunities and enhance the attractiveness and competitiveness of the Singleton Vineyards District.

At present, it is considered that providing diversity in accommodation types and styles for temporary or short-term accommodation might encourage a broader range of visitors to the Vineyards District in the Singleton Local Government Area. Given the relative size and scale of existing development within the Singleton Vineyards District and the contrasting unique characteristics of Broke – Fordwich, prohibiting *hotel and motel accommodation* in the RU4 zone has the potential to limit future growth and development of tourism in the Singleton LGA.

Community consultation at the time of exhibition of the Planning Proposal would be directed towards determining if *hotel and motel accommodation* should be permissible in the RU4 zone.

## **2. Recreation Areas and Recreation Facilities (Outdoor)**

#### Cessnock City Council Consideration and Response

Recreation land uses are currently prohibited in the RU4 Zone in Cessnock and are proposed to remain so under this Planning Proposal. *Recreation areas and recreation facilities (outdoor)* that are not ancillary to viticultural developments are considered to be more appropriately located in established urban areas, where they are less likely to conflict with the viticultural pursuits occurring in the Zone. Outdoor concerts that attract tourism, like Lovedale Long Lunch and Jazz in the Vines, are assessed as 'temporary events' and remain permissible pursuant to clause 2.8 of CLEP 2011.

#### Singleton Council Consideration and Response

Recreation land uses are currently permitted in the RU4 zone in Singleton. Singleton Council is proposing to maintain the permissibility of recreation land uses within the SLEP until such time as an appropriate planning study for the Vineyards District within the Singleton Local Government Area has been completed. Where such a study identifies that the permissibility of *Recreation areas and recreation facilities (outdoor)* should change, Council will amend the LEP accordingly. This would enable the identification of appropriately scaled and planned local tourism enterprise opportunities and enhance the attractiveness and competitiveness of the Singleton Vineyards District.

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Community consultation at the time of exhibition of the Planning Proposal would be directed towards determining if *recreation areas* and *recreation facilities (outdoors)* should be permissible in the RU4 zone.

#### Recommendation

1. In CLEP 2011, remove the following from 'Permitted with consent' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:

- *centre-based child care facility* The land use is appropriate in urban zones, rather than primary production zones. The amendment will bring about consistency between CLEP 2011 and SLEP 2013. *Home-based child care* is proposed to be permitted with consent in the RU4 Zone to allow low key child care activities to occur.
- *intensive plant agriculture* The land use will remain permissible with consent under the *agriculture* group term in both CLEP 2011 and SLEP 2013.  
  
In this important viticultural area *intensive plant agriculture* is to be permitted with consent, so that appropriate assessment can be made of developments, particularly *turf farming* and *horticulture*, which have the potential of comprising buildings and/or practices close to established *viticulture*. The establishment of buffers between existing *viticulture* and other land uses is important in this regard.
- *neighbourhood shops* The amendment will bring about consistency between CLEP 2011 and SLEP 2013. While it is acknowledged that there are some existing tourist related shops in the RU4 Zone, these are likely reliant on existing use rights or approved as development ancillary to a permitted use, such as *viticulture* or *cellar door premises*. A 'tourist related shop' is not separately defined in the LEP and would likely be considered a *retail premises (shop)* under the Standard Instrument LEP. *Shops* are currently prohibited in the RU4 Zone in both Cessnock and Singleton and are considered more appropriate in urban zones. A 'tourist related shop' would not meet the standard instrument definition of a *neighbourhood shop*, which provides '[...] for the day-to-day needs of people who live or work in the local area'.
- *respite day care centres* The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the land use is appropriate in urban zones, rather than rural zones.
- *rural supplies* As above.
- *waste or resource management facilities* The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the land use is out of character with the objectives of the RU4 Zone.



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2. In CLEP 2011, add the following to 'Permitted with consent' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:

- *agriculture*

The land use is a group term that will help simplify the Zone RU4 land use table and permit the following sub-term land uses to be carried out with development consent: *aquaculture*, *intensive plant agriculture*, and *viticulture*. *Intensive livestock agriculture* is to be the only land use within the group term that will be prohibited.
- *home-based child care*

*Home-based child care* is proposed to be permitted with consent to allow low key child care activities to occur in the Zone. The amendment will also bring about consistency between CLEP 2011 and SLEP 2013.
- *eco-tourist facilities*

The land use was only specifically defined in the Standard Instrument LEP after the gazettal of CLEP 2011. The land use relates to temporary or short term accommodation located in or adjacent to an area with special ecological or cultural features, which is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The land use is subject to the development standards contained in Cl.5.13 of the Standard Instrument LEP. It is considered appropriate to include the land use in the RU4 Zone.

Note: Clause 7.6 of CLEP 2011, regarding *tourist and visitor accommodation*, may need to be amended in conjunction with this particular amendment to include *eco-tourist facilities*. This matter will require further review by Cessnock Council following community consultation.
- *sewerage systems*

The land use is permitted with consent in the RU4 Zone under *State Environmental Planning Policy (Infrastructure) 2007*. The amendment will bring about consistency with the Infrastructure SEPP and SLEP 2013.
- *water supply systems*

The amendment will bring about consistency between CLEP 2011 and SLEP 2013. A *water supply system* includes a *water reticulation system*, *water storage facility*, and *water treatment facility*. It is considered appropriate to permit *water supply systems* with consent in the RU4 Zone.

Note: Under *State Environmental Planning Policy (Infrastructure) 2007*, public authorities are permitted to carry out development for the purpose of a *water reticulation system* and *water treatment facility* without consent in the RU4 Zone.
- *flood mitigation works.*

The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered

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appropriate to permit *flood mitigation works* with consent in the RU4 Zone.

3. In CLEP 2011, add the following to 'Prohibited' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:

- *intensive livestock agriculture* The proposed amendment will not change Cessnock Council's policy position regarding *intensive livestock agriculture* in the RU4 Zone. Because the group term *agriculture* is proposed to be included in the CLEP 2011 RU4 Zone land use table, it is critical to also amend the land use table to clearly prohibit *intensive livestock agriculture* in the RU4 Zone.

- *advertising structure* The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Strict requirements apply to *advertising signage* on rural or non-urban land under *State Environmental Planning Policy 64 – Advertising Signage*, which already limits Council's ability to grant consent to *advertising signage*.

Building and business identification signage will remain permissible with consent in the RU4 Zone.

- *serviced apartments* Larger forms of *tourist and visitor accommodation*, such as *serviced apartments*, are likely to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural character of the area. The *serviced apartments* land use is considered to be more appropriately located in established urban areas, where there are supporting facilities, retail and infrastructure.

Cessnock Council may consider permitting *serviced apartments* at key 'destination nodes' in the Viticultural District, perhaps with the application of different zone, e.g. the SP3 Zone, or a property specific additional permitted use.

4. In SLEP 2013, remove the following from 'Permitted without consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:

- *intensive plant agriculture* The land use will remain permissible with consent under the *agriculture* group term in both CLEP 2011 and SLEP 2013.

In this important viticultural area, *intensive plant agriculture* is to be permitted with consent, so that appropriate assessment can be made of developments, particularly *turf farming* and *horticulture*, which have the potential of comprising buildings and/or practices close to established *viticulture*. The establishment of buffers between existing *viticulture* and other land uses is important in this regard.

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5. In SLEP 2013, remove the following from 'Permitted with consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:

- *airstrips* The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Temporary use of land for the purpose of an *airstrip* may still be approved by Council subject to the provisions of Clause 2.8 of the LEP.
- *aquaculture* The land use will remain permissible with consent under the *agriculture* group term in CLEP 2011 and SLEP 2013. The proposed amendment will not change Singleton Council's policy position regarding *aquaculture* in the RU4 Zone, but will help simplify the RU4 Zone land use table.
- *building identification signs* The land use will remain permissible with consent under the *signage* group term in CLEP 2011 and SLEP 2013. The proposed amendment will not change Singleton Council's policy position regarding *building identification signs* in the RU4 Zone, but will help simplify the RU4 Zone land use table.
- *business identification signs* As above.
- *dual occupancies* The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the *dual occupancy* land use is out of character with the objectives of the RU4 Zone. *Secondary dwellings* and *rural workers dwellings* will be permissible with consent in the RU4 Zone, which will provide opportunities to accommodate rural workers, required to carry on primary production.
- *forestry* *Forestry* is considered to be inconsistent with the character and objectives of the RU4 Zone.
- *helipads* A *helipad* means a place not open to the public used for the taking off and landing of helicopters. The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Temporary use of land for the purpose of a *helipad* may still be approved by Council subject to the provisions of Clause 2.8 of the LEP.
- *turf farming* The land use will remain permissible with consent under the *agriculture* group term in both LEPs. The proposed amendment will not change Singleton Council's policy position regarding *turf farming* in the RU4 Zone, but will help simplify the RU4 Zone land use table.
- *viticulture* As above.
- *rural industries* *Rural industries* is a group term that comprises several sub-term land uses, including *agricultural produce*

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*industries, livestock processing industries, sawmill or log processing works, stock and sale yards and composting facilities and works (including the production of mushroom substrate).*

While the *rural industries* group term will be removed from the permitted land uses in the RU4 Zone of SLEP 2013, Singleton Council's policy position will not change significantly in relation to the aforementioned sub-term land uses. The only change from the existing provisions will be the prohibition of *composting facilities and works (including the production of mushroom substrate)*. It is considered that this use is unsuitable on smaller agricultural lots and the removal of the land use will therefore not have significant impact on development in the RU4 zone.

The amendment will help simplify the Zone RU4 land use table in CLEP 2011 and SLEP 2013.

6. In SLEP 2013, add the following to 'Permitted with consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:

- *agriculture* The land use is a group term that will help simplify the Zone RU4 land use table and permit the following sub-term land uses to be carried out with development consent: *aquaculture, intensive plant agriculture, and viticulture*. *Intensive livestock agriculture* is to be the only land use within the group term that will be prohibited.
- *agricultural produce industries* The proposed amendment will not change Singleton Council's policy position regarding *agricultural produce industries* in the RU4 Zone, but will help simplify the Zone RU4 land use table.
- *eco-tourist facilities* The land use relates to temporary or short term accommodation located in or adjacent to an area with special ecological or cultural features, which is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The land use is subject to the development standards contained in Cl.5.13 of the Standard Instrument LEP. It is considered appropriate to include the land use in the RU4 Zone.
- *rural workers dwellings* A *rural worker's dwelling* means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of *agriculture* or a *rural industry* on that land. It is considered appropriate to include the land use in the RU4 Zone and will provide additional accommodation opportunities for rural workers. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.

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- *secondary dwellings* A *secondary dwelling* means a self-contained dwelling that is established in conjunction with another dwelling (the *principal dwelling*), and is on the same lot of land as the principal dwelling, and is located within, or is attached to, or is separate from, the principal dwelling. It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.
  - *signage* The proposed amendment will not change Singleton Council's policy position regarding *signage* in the RU4 Zone, but will help simplify the Zone RU4 land use table.
7. In SLEP 2013, remove the following from 'Prohibited' in the Land Use Table for RU4 Primary Production Small Lots Zone:
- *backpackers' accommodation* *Backpackers' accommodation* means a building or place that provides temporary or short-term accommodation on a commercial basis, and has shared facilities, such as a communal bathroom, kitchen or laundry, and provides accommodation on a bed or dormitory-style basis (rather than by room). It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.
  - *livestock processing industries* The proposed amendment will not change Singleton Council's policy position regarding livestock processing industries in the RU4 Zone, but will help simplify the Zone RU4 land use table. *Livestock processing industries* will remain prohibited under the *rural industries* group term.
  - *sawmill or log processing industries* As above.
  - *stock and sale yards* As above.
8. In SLEP 2013, add the following to 'Prohibited' in the Land Use Table for the RU4 Primary Production Small Lots Zone:
- *advertising structure* The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Strict requirements apply to *advertising signage* on rural or non-urban land under *State Environmental Planning Policy 64 – Advertising Signage*, which already limits Council's ability to grant consent to *advertising signage*.  
  
Building and business identification signage will remain permissible with consent in the RU4 Zone.



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### **3. Include development standards for rural workers' dwellings in CLEP 2011 and SLEP 2013**

#### Issue

The proposed amendment relates to the erection of *rural workers' dwellings* in the Cessnock and Singleton Local Government Areas.

*A rural worker's dwelling means 'a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land'.*

*Rural workers' dwellings* are currently permissible with consent in the Cessnock RU4 Primary Production Small Lots Zone and will become permissible in the Singleton RU4 Primary Production Small Lots Zone as a result of this Planning Proposal.

At present, neither CLEP 2011 or SLEP 2013 include development standards for *rural workers' dwellings*. Establishing development standards for the land use in the respective plans will prevent inappropriate forms of the development and ensure that consent is only granted where a bone fide need for a *rural workers' dwelling* has been established.

The amendment to CLEP 2011 and SLEP 2013 involves the inclusion of a new clause that must be satisfied before any approval may be granted to a *rural worker's dwelling*. A version of the proposed clause has already been implemented by a number of councils in NSW where *rural workers' dwellings* are permissible. The clause aims to prevent the proliferation of dwellings in rural areas and the fragmentation of rural land.

#### Affected Land

The proposed amendment will apply wherever *rural workers' dwellings* are permissible in the Cessnock and Singleton local government areas. At present, rural workers' dwellings are only permissible in the Cessnock RU4 Primary Production Small Lots Zone.

#### Recommendation

Include the following clause in CLEP 2011 and SLEP 2013.

#### **Erection of rural workers' dwellings on land in Zone RU4**

- (1) The objectives of this clause are as follows:
  - (a) to facilitate, on the same land, the provision of adequate accommodation for employees involved in existing agricultural activities, including agricultural produce industries,
  - (b) to maintain the non-urban landscape and development characters of certain rural and environment protection zones.
- (2) This clause applies to land in Zone RU4 Primary Production Small Lots.
- (3) Development consent must not be granted for the erection of a rural workers' dwelling on land to which this clause applies unless the consent authority is satisfied that:
  - (a) the development will be on the same lot as an existing lawfully erected dwelling house, and
  - (b) the development will not impair the use of the land for agricultural activities, including agricultural produce industries, and

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- (c) the agricultural activity or agricultural produce industry being carried out on the land has an economic capacity to support the ongoing employment of rural workers, and
- (d) the development is necessary considering the nature of the existing or proposed agricultural activity or agricultural produce industry occurring on the land, and
- (e) the development will not result in more than one rural workers' dwelling being erected on the lot comprising the agricultural or rural industry.

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## **PART 3: JUSTIFICATION**

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In accordance with the Department of Planning and Environment's "Guide to Preparing Planning Proposals", this section provides a response to the following issues:

- Section A: Need for Proposal;
- Section B: Relationship to Strategic Planning Framework;
- Section C: Environmental, Social and Economic Impact; and
- Section D: State and Commonwealth Interests

### **Section A: Need for Proposal**

#### **1 Resulting from a Strategic Study or Report**

##### **Cessnock LGA**

In the Cessnock LGA, the Planning Proposal is consistent with:

- the *Cessnock City Wide Settlement Strategy 2010*, which provides for the strategic planning framework for development in Cessnock LGA; and
- *Vineyards Visioning Statement*, adopted by Council on 1 August 2012, and available on Council's website at:  
<http://www.cessnock.nsw.gov.au/resources/file/Publications/Vineyards%20Vision%20Statement.pdf>

The *Vineyards Visioning Statement* is that the Vineyards District:

1. Recognises and protects the primacy of the vineyards and maintains and enhances the existing vineyards, wineries and tourist uses;
2. Maintains and preserves the rural amenity, character and scenic vistas of the region for future generations to enjoy;
3. A place that reinforces the Hunter Valley Wine Brand as the key component of its tourism identity;
4. Allows and fosters a mix of diverse business, accommodation and employment options – creating a balance between working vineyards, tourist uses, residential and visitor amenity;
5. Council, peak business groups and community work collaboratively; and
6. Has high quality infrastructure and services which meet the community's and visitors' needs.

The *Vineyards Visioning Statement* also put forward a range of amended Objectives and Actions that relate to each of the Visions above. Cessnock City Council has identified two key Actions listed under Vision 1 as being of priority, being:

- Cessnock and Singleton Councils amend their LEPs to adopt the same zones and objectives within the district; and
- Cessnock City Council request that Singleton consider adopting the same objectives in its LEP and DCP.

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**Singleton LGA**

The Planning Proposal is consistent with the following local planning documents that relate to the Singleton LGA:

- *Singleton Land Use Strategy 2008*; and
- *Hermitage Road Pokolbin Planning Study, 2014*

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

The aim of the Planning Proposal is to standardise, as far as is possible, the objectives and land use table associated with the RU4 Primary Production Small Lots Zone in the LGAs of Singleton and Cessnock. A Planning Proposal is required to make the proposed changes to the respective local environmental plans of each LGA.

**3 *Net Community Benefit***

The intended outcomes will provide a net community benefit by ensuring, as far as possible, that:

- land uses permitted in one LGA, are not prohibited in the other; thereby reducing the impact of the arbitrary local government 'planning boundary' as it relates to the Pokolbin Vineyard District area; and
- important differences between the LGAs are respected and maintained.

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

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

#### **Hunter Regional Plan 2036**

The Hunter Regional Plan supersedes the Lower Hunter Regional Strategy 2006 and provides the overarching framework to guide the NSW Government's land use planning priorities and decisions to 2036.

The Plan includes the following directions, relevant to the Vineyards District:

- Grow tourism in the region
- Protect and enhance agricultural productivity

The Plan seeks to encourage growth in tourism and agricultural production whilst recognising and maintaining the scenic and rural landscape of the Pokolbin and Broke Fordwich wine-growing areas.

#### **Upper Hunter Strategic Regional Land Use Plan**

The Planning Proposal is consistent with actions specified in the Upper Hunter Strategic Regional Land Use Plan (UHSRLUP). The Proposal is consistent with Action 3.3 of UHSRLUP that aims to protect strategic agricultural land, including the critical industry cluster of viticulture.

### **5 *Consistency with Councils' Community Strategic Plans or other Local Strategic Plan***

#### **Cessnock City Council Community Strategic Plan - Our People, Our Place, Our Future**

There is no inconsistency between Council's Community Strategic Plan and the Planning Proposal.

#### **Singleton Council Community Strategic Our Place: A Blueprint for 2023**

There is no inconsistency between Council's Community Strategic Plan and the Planning Proposal.

#### **Cessnock City Wide Settlement Strategy 2010**

There is no inconsistency between the Cessnock City Wide Settlement Strategy (CWSS) and the Planning Proposal. CWSS identifies the uniqueness of the Vineyards District as both a specialised commercial centre and regionally significant agricultural land and this is reflected in the objectives of this Planning Proposal.



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## 6 Consistency with State Environmental Planning Policies

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

Table 1: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
<b>SEPP 1 - Development Standards</b>	The SEPP makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.	<b>Consistent.</b> SEPP 1 only remains relevant to the deferred matter sites in the Cessnock and Singleton LGAs. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 14 – Coastal Wetlands</b>	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
<b>SEPP 19 – Bushland in Urban Areas</b>	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
<b>SEPP 21 - Caravan Parks</b>	The SEPP provides for development for caravan parks.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 26 – Littoral Rainforests</b>	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
<b>SEPP 30 - Intensive Agriculture</b>	The SEPP provides considerations for consent for intensive agriculture.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 33 - Hazardous &amp; Offensive Development</b>	The SEPP provides considerations for consent for hazardous & offensive development.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 36 - Manufactured Homes Estates</b>	The SEPP makes provision to encourage manufactured homes estates through permitting this use where caravan parks are permitted and allowing subdivision.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 44 - Koala Habitat Protection</b>	This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 47 – Moore Park Showground</b>	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
<b>SEPP 50 - Canal Estate Development</b>	The SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.

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SEPP	Relevance	Consistency and Implications
	these developments.	
<b>SEPP 52 – Farm Dams and Other works in Land and Water Management Plan Areas</b>	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
<b>SEPP 55 - Remediation of Land</b>	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 62 - Sustainable Aquaculture</b>	The SEPP relates to development for aquaculture and to development arising from the rezoning of land and is of relevance for site specific rezoning proposals.	<b>Consistent.</b> SEPP 62 permits pond-based and tank-based aquaculture with consent in the RU4 Zone. This Planning Proposal will align the permissibility of aquaculture in the SEPP with the Cessnock and Singleton LEPs.
<b>SEPP 64 - Advertising and Signage</b>	The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 65 - Design Quality of Residential Development</b>	The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 70 – Affordable Rental Housing (Revised Schemes)</b>	The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 71 – Coastal Protection</b>	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
<b>SEPP Affordable Rental Housing 2009</b>	The aims of this Policy are as follows: (a) to provide a consistent planning regime for the provision of affordable rental housing, (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.

Planning Proposal –Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)  
File No. 18/2015/1/1

SEPP	Relevance	Consistency and Implications
	<p>ratio bonuses and non-discretionary development standards,</p> <p>(c) to facilitate the retention and mitigate the loss of existing affordable rental housing,</p> <p>(d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,</p> <p>(e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,</p> <p>(f) to support local business centres by providing affordable rental housing for workers close to places of work,</p> <p>(g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.</p>	
<b>SEPP Building Sustainability Index: BASIX 2004</b>	The SEPP provides for the implementation of BASIX throughout the State.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP (Educational Establishments and Child Care Facilities)</b>	<p>The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by:</p> <p>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</p> <p>(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as</p>	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.

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SEPP	Relevance	Consistency and Implications
	<p>exempt development), and</p> <p>(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and</p> <p>(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</p> <p>(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</p> <p>(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and</p> <p>(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</p> <p>(h) encouraging proponents of new developments or modified premises and</p>	

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SEPP	Relevance	Consistency and Implications
	consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.	
<b>SEPP Exempt and Complying Development Codes 2008</b>	The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP Housing for Seniors or People with a Disability 2004</b>	The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP Infrastructure 2007</b>	The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP (Kosciuszko National Park – Alpine Resorts) 2007</b>	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
<b>SEPP (Kurnell Peninsula) 1989</b>	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
<b>SEPP Mining, Petroleum Production and Extractive Industries 2007</b>	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.	<p><b>Consistent.</b> Mining and extractive industries will remain permissible with consent in that part of the RU4 Zone that is not identified as 'strategic agricultural land' under the SEPP.</p> <p>The majority of the RU4 zoned land in Singleton and Cessnock LGA is identified as 'strategic agricultural land' under <i>State Environmental Planning Policy (Mining, Petroleum Production and</i></p>



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SEPP	Relevance	Consistency and Implications
		<i>Extractive Industries) 2007</i> and any mining or petroleum development in that area must be accompanied by a gateway certificate or site verification certificate. The Planning Proposal will not alter this requirement.
<b>SEPP Miscellaneous Consent Provisions 2007</b>	The aims of this Policy are as follows: (a) to provide that the erection of temporary structures is permissible with consent across the State, (b) to ensure that suitable provision is made for ensuring the safety of persons using temporary structures, (c) to encourage the protection of the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration, (d) to provide that development comprising the subdivision of land, the erection of a building or the demolition of a building, to the extent to which it does not already require development consent under another environmental planning instrument, cannot be carried out except with development consent.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP Penrith Lakes Scheme 1989</b>	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
<b>SEPP Rural Lands 2008</b>	The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts and provides development principles.	<b>Consistent.</b> This Planning Proposal is consistent with the principles of the SEPP by protecting opportunities for current and potential productive and sustainable economic activities in land zoned RU4. The Planning Proposal also recognises the importance of the industry cluster of viticulture.
<b>SEPP State and Regional Development 2011</b>	The SEPP aims to identify development and infrastructure that is State significant and confer functions on the Joint Regional Planning Panels (JRPPs) to determine	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.

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SEPP	Relevance	Consistency and Implications
	development applications.	
SEPP (Sydney Drinking Water Catchment 2011)	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP Sydney Region Growth Centres 2006	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP (Three Ports_ 2013	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP (Urban Renewal) 2010	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP (Vegetation in Non-Rural Areas) 2017	The aims of this Policy are: (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and  (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP (Western Sydney Employment Area) 2009	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP (Western Sydney Parklands) 2009	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>

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

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

Table 2: Relevant s.117 Ministerial Directions

Ministerial Direction	Objective of Direction	Consistency and Implication
<b>1 EMPLOYMENT AND RESOURCES</b>		
1.1 Business and Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	<i>Not applicable to this Planning Proposal</i>
1.2 Rural Zones	The objective of this direction is	<b>Consistent.</b> It is considered that

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Ministerial Direction	Objective of Direction	Consistency and Implication
	to protect the agricultural production value of rural land.	the Planning Proposal is consistent with this Direction and will assist in achieving the objectives of this Direction
1.3 Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	<b>Consistent.</b> The Planning Proposal does not propose to make any amendments that would affect the permissibility of mining on the subject lands.  It is considered that the Planning Proposal is consistent with this Direction.
1.4 Oyster Aquaculture	<i>The objectives of this direction are:</i> <i>(a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal,</i> <i>(b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</i>	<i>Not Applicable to LGAs</i>
1.5 Rural lands	The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes.	<b>Consistent.</b> It is considered that the Planning Proposal is consistent with this Direction and will assist in achieving the objectives of this Direction.  The Planning Proposal is consistent with the rural planning principles specified in the Rural Land SEPP.
<b>2 ENVIRONMENT AND HERITAGE</b>		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	<b>Consistent.</b> Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
2.2 Coastal Protection	<i>The objective of this direction is to implement the principles in the NSW Coastal Policy.</i>	<i>Not Applicable to LGAs</i>
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and	<b>Consistent.</b> Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.

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Ministerial Direction	Objective of Direction	Consistency and Implication
	indigenous heritage significance.	
2.4 Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	<b>Consistent.</b> Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
<b>3 HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>		
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	<i>Not applicable to this Planning Proposal</i>
3.2 Caravan parks and Manufactured Home Estates	The objectives of this direction are: (a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	<b>Consistent.</b> Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	<b>Consistent.</b> Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips	<b>Consistent.</b> Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.

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Ministerial Direction	Objective of Direction	Consistency and Implication
	generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	
3.5 Development Near Licensed Aerodromes	The objectives of this direction are: (a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	<b>Consistent.</b> Cessnock Aerodrome is located in a SP2 Infrastructure Zone within the RU4 Primary Production Small Lots Zone. The Planning Proposal will not amend the SP2 Zone or any land uses permitted in that Zone that may hinder the operation of the aerodrome.  Nothing in this Planning Proposal affects the aims and provisions of this Direction.
<b>4 HAZARD AND RISK</b>		
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils	<i>Not applicable to this Planning Proposal</i>
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	<i>Not applicable to this Planning Proposal</i>
4.3 Flood Prone Land	The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions	<b>Consistent.</b> In the Cessnock LGA, the draft Black Creek Flood Study and draft Black Creek Floodplain Management Study and Plan identifies that part of the RU4 zone is within the floodplain.  However, nothing in this Planning Proposal affects the aims and provisions of this Direction.



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Ministerial Direction	Objective of Direction	Consistency and Implication
	of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	
4.4 Planning for Bushfire Protection	The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	<b>Consistent.</b> Some properties in the RU4 zone will be required to be developed with regard to <i>Planning for Bush Fire Protection 2006</i> , however nothing in this Planning Proposal affects the aims and provisions of this Direction.
<b>5 REGIONAL PLANNING</b>		
5.1 Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes, and actions contained in regional strategies.	<b>Consistent.</b> This Planning Proposal gives effect to the provisions of the <i>Lower Hunter Regional Strategy 2006</i> in relation to the Cessnock LGA. The Proposal seeks to maintain and protect regionally significant agricultural land and critical industry cluster of viticulture, whilst seeking to achieve a consistent approach to the zoning of rural lands across adjoining LGAs.  With regards to the land within the Singleton LGA, the Planning Proposal is consistent with Action 3.3 of Upper Hunter Strategic Regional Land Use Plan that aims to protect strategic agricultural land, including the critical industry cluster of viticulture.
5.2 Sydney Drinking Water Catchment	<i>The objective of this Direction is to protect water quality in the Sydney drinking water catchment.</i>	<i>Not Applicable to LGAs</i>
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<i>The objectives of this direction are: (a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre, (b) to provide more certainty on the status of the best</i>	<i>Not Applicable to LGAs</i>

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<b>Ministerial Direction</b>	<b>Objective of Direction</b>	<b>Consistency and Implication</b>
	<i>agricultural land, thereby assisting councils with their local strategic settlement planning, and (c) to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.</i>	
5.4 <i>Commercial and Retail Development along the Pacific Highway, North Coast</i>	<i>The objectives for managing commercial and retail development along the Pacific Highway are: (a) to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route; (b) to prevent inappropriate development fronting the highway (c) to protect public expenditure invested in the Pacific Highway, (d) to protect and improve highway safety and highway efficiency, (e) to provide for the food, vehicle service and rest needs of travellers on the highway, and (f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</i>	<i>Not Applicable to LGAs</i>
5.5 <i>Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</i>	<i>(Revoked 18 June 2010)</i>	<i>Not Applicable to LGAs</i>
5.6 <i>Sydney to Canberra Corridor</i>	<i>(Revoked 10 July 2008. See amended Direction 5.1)</i>	<i>Not Applicable to LGAs</i>
5.7 <i>Central Coast</i>	<i>(Revoked 10 July 2008. See amended Direction 5.1)</i>	<i>Not Applicable to LGAs</i>
5.8 <i>Second Sydney Airport: Badgerys Creek</i>	<i>The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</i>	<i>Not Applicable to LGAs</i>

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<b>Ministerial Direction</b>	<b>Objective of Direction</b>	<b>Consistency and Implication</b>
5.9 North West Rail Link Corridor Strategy	<i>The objectives of this direction are to: (a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL) (b) ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.</i>	<i>Not Applicable to LGAs</i>
5.10 Implementation of Regional Plans	<i>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</i>	<b>Consistent.</b> Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
<b>6 LOCAL PLAN MAKING</b>		
6.1 Approval and Referral Requirements	<i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i>	<i>Not relevant to this Planning Proposal</i>
6.2 Reserving Land for Public Purposes	<i>The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</i>	<b>Consistent.</b> Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
6.3 Site Specific Provisions	<i>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</i>	<i>Not relevant to this Planning Proposal</i>
<b>7 Metropolitan Planning</b>		
7.1 Implementation of A Plan for Growing Sydney	<i>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i>	<i>Not Applicable to LGAs</i>

Planning Proposal –Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)  
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## **Section C: Environmental, Social and Economic Impact**

### **8 *Impact on Threatened Species***

As the Planning Proposal is only recommending changes to the objectives and land use table of the RU4 Zones in both LGAs, there is no effect on threatened species, populations, ecological communities or critical habitat as a result.

### **9 *Environmental Impact***

As the Planning Proposal is only recommending changes to the objectives and land use table of the RU4 Zones in both LGAs, there are no adverse environmental impacts as a result of this Planning Proposal.

### **10 *Social and Economic Impacts***

The Planning Proposal intends to continue to facilitate economic development of the significant Vineyards District of the mid-Hunter Region, in particular the viticultural and tourism industries. It is hoped that economic development will be further enhanced by the amendments that are designed to ensure compatibility of land uses in this area that straddles the Cessnock/Singleton LGA boundary, where the permissible land uses either side of the boundary currently differ. There are no foreseeable adverse social impacts as a result of this Planning Proposal.

Planning Proposal – Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)  
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## **Section D: State and Commonwealth Interests**

### **11 Adequate Public Infrastructure**

The Planning Proposal will not generate demand for additional public infrastructure.

### **12 Consultation with State and Commonwealth Authorities**

It is proposed to consult with the following State or Commonwealth authorities with regard to this Planning Proposal:

- NSW Department of Primary Industries – Agriculture



Planning Proposal –Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)  
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## **PART 4: MAPPING**

No amendments to mapping are required to achieve the intent of the Planning Proposal.

Planning Proposal –Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)  
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## **PART 5: COMMUNITY CONSULTATION**

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Community consultation will be undertaken in accordance with the Department of Planning and Environment in its Gateway Determination.

The proposed consultation strategy for this Planning Proposal includes:

- Notification in the Cessnock Advertiser and Singleton Argus, locally circulating newspapers in the each LGA;
- Hard copy display at Council's Administration Building (Help & Information Centre); and Cessnock Public Library; and
- Web based notification on Council's website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au)
- Written notification to key interest groups, being:
  - Hunter Valley Wine & Tourism Association;
  - Around Hermitage Association Inc.;
  - Broke Fordwich Wine & Tourism Association;
  - Cessnock Chamber of Commerce; and
  - Singleton Business Chamber.

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## **PART 6: PROJECT TIMELINE**

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It is estimated that this proposed amendment to both the *Cessnock Local Environmental Plan 2011* and *Singleton Local Environmental Plan 2013* will be completed by Dec 2018

**PROJECT TIMELINE**

	Dec 2015	Jan 2016	Feb 2016	June 2018	July 2018	Sep 2018	Dec 2018
<b>STAGE 1</b> Submit to DoP&E – Gateway Panel consider Planning Proposal							
<b>STAGE 2</b> Receive Gateway Determination							
<b>STAGE 3</b> Preparation of documentation for Public Exhibition							
<b>STAGE 4</b> Public Exhibition							
<b>STAGE 5</b> Review/consideration of submission received							
<b>STAGE 6</b> Report to Council							
<b>STAGE 7</b> Forward Planning Proposal to DoP&E with request the amendment is made							

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## Appendix 1: Council Reports and Minutes

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### Singleton Council Meeting Minutes

(Thompson/Capsanis)

*Planning and Sustainable Environment (DP&SE49/15)*

**DP&SE49/15 Joint Planning Proposal - Singleton and Cessnock  
Councils - Vineyards District**

**FILE:14/0951**

The purpose of this Report was to seek Council's approval to prepare a joint Planning Proposal with Cessnock Council to standardise, as far as possible, the objectives and land use table of the RU4 Primary Production Small Lots Zone under *Singleton Local Environmental Plan 2013* (SLEP 2013), and *Cessnock Local Environmental Plan 2011* (CLEP 2011) so that there is effectively no arbitrary planning boundary within the Vineyards District of Pokolbin.

238/15 **RESOLVED** that :

1. Council prepare a Planning Proposal in conjunction with Cessnock Council to

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Minutes of Meeting of Singleton Council held on 16 November 2015

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### **SINGLETON COUNCIL**

*Council Meeting - 16 November 2015*

standardise, as far as possible, the Objectives and Land Use Table of the RU4 Primary Production Small Lots Zone.

2. Council and Cessnock Council request a Gateway determination in respect of the Planning Proposal from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
3. Council and Cessnock Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. A further report be presented to Council following any public exhibition of the Planning Proposal, if significant objections are received.
5. Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

(Moore/Diemar-Jenkins)

*Upon being put to the meeting, the motion was declared carried.*

*For the Motion were Crs S Moore, G Adamthwaite, T McNamara, V Scott, B Keown, D Thompson, T Capsanis, R Rogers, H Diemar-Jenkins and J Martin Total (10).*

*Against the Motion was Nil Total (0).*



Report to Singleton Council

**SINGLETON COUNCIL**

*Meeting of Singleton Council - 16 November 2015*

*Planning and Sustainable Environment Report (Items Requiring Decision) - DP&SE49/15*

- 49. Joint Planning Proposal - Singleton and Cessnock  
Councils - Vineyards District**  
**Author:** Julie Wells

**FILE:** 14/0951

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**Executive Summary**

The purpose of this Report is to seek Council's approval to prepare a joint Planning Proposal with Cessnock Council to standardise, as far as possible, the objectives and land use table of the RU4 Primary Production Small Lots Zone under *Singleton Local Environmental Plan 2013* (SLEP 2013), and *Cessnock Local Environmental Plan 2011* (CLEP 2011) so that there is effectively no arbitrary planning boundary within the Vineyards District of Pokolbin.

**RECOMMENDED** that:

1. Council prepare a Planning Proposal in conjunction with Cessnock Council to standardise, as far as possible, the Objectives and Land Use Table of the RU4 Primary Production Small Lots Zone.
2. Council and Cessnock Council request a Gateway determination in respect of the Planning Proposal from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
3. Council and Cessnock Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. A further report be presented to Council following any public exhibition of the Planning Proposal, if significant objections are received.
5. Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

**Background**

At its Ordinary Meeting on 1 August 2012, Cessnock City Council resolved to adopt a *Vineyards Visioning Statement* (Vineyards Vision) with respect to the Vineyards District.

The adopted Vineyards Vision is that the Vineyards District:

1. Recognises and protects the primacy of the vineyards and maintains and enhances the existing vineyards, wineries and tourist uses.
2. Maintains and preserves the rural amenity, character and scenic vistas of the region for future generations to enjoy.

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3. A place that reinforces the Hunter Valley Wine Brand as the key component of its tourism identity.
4. Allows and fosters an economically sustainable future which embraces a mix of diverse business, accommodation and employment options – creating a balance between working vineyards, tourist uses, residential and visitor amenity.
5. Council, stakeholder groups and community work collaboratively.
6. A place which has high quality infrastructure and services which meet the community's and visitor's needs.

The Vineyards Vision also put forward a range of objectives and actions that relate to each of the visions above. Two key actions listed under Vision 1 were identified by Cessnock City Council as being:

- Cessnock and Singleton Councils amend their LEPs to adopt the same zones and objectives within the district; and
- Cessnock City Council request that Singleton consider adopting the same objectives in its LEP and DCP.

To achieve the above actions, in November 2014, Cessnock City Council invited Singleton Council to work in partnership to prepare a joint Planning Proposal to standardise the objectives and land use table of the RU4 Primary Production Small Lots Zone in both CLEP 2011 and SLEP 2013. With the formation of the Hunter Valley Wine and Tourism Alliance it is now appropriate to progress such a proposal.

**Report/Proposal**

The 'Vineyards District' is that area of land zoned RU4 Primary Production Small Lots under SLEP 2013 and CLEP 2011. The Vineyards District encompasses land in the Pokolbin and Broke-Fordwich locality, as shown in Figure 1.

The vineyards and associated tourism developments are the principal economic generator for the Vineyards District as well as being a major contributor to the economy of the Lower Hunter and NSW economy. The importance of the Vineyards District to the Hunter Region, and the local area generally, is recognised in both the Lower Hunter Regional Strategy 2006 and the Upper Hunter Strategic Regional Land Use Plan.

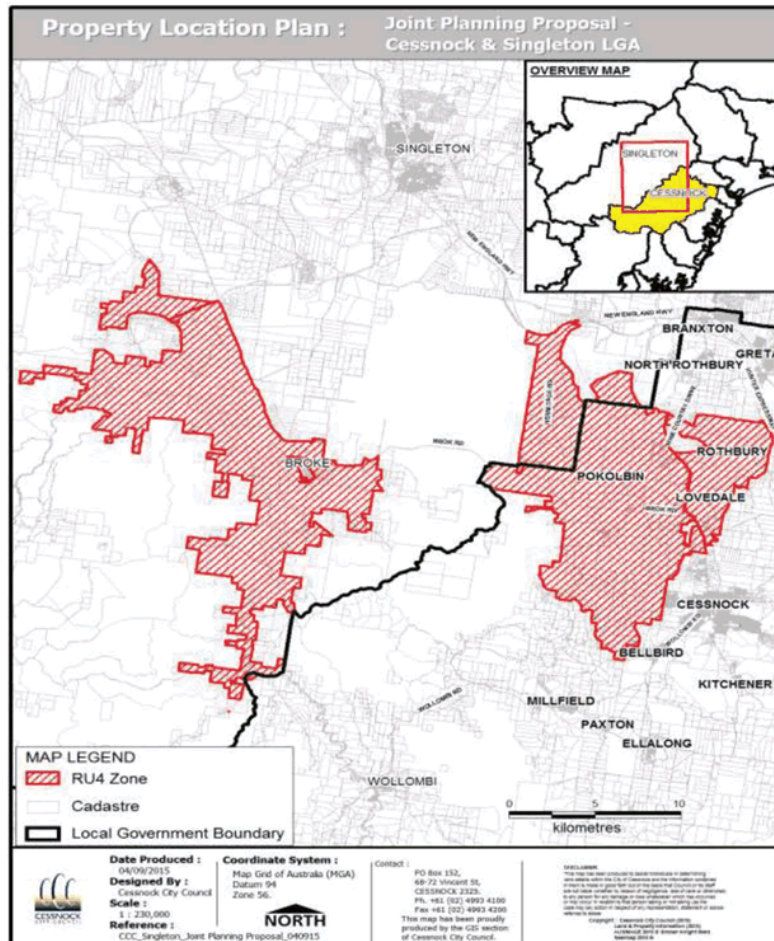
Subject to Council's support of this report, the joint Planning Proposal appended as **Attachment 1** will be forwarded to the Department of Planning & Environment for Gateway determination.

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Figure 1: Land Zoned RU4 Primary Production Small Lots in Cessnock and Singleton Local Government Areas



The purpose of this Planning Proposal is to recognise and protect the primacy of the Vineyards District and maintain and enhance the existing vineyards, wineries and tourist uses by standardising, as far as possible, the objectives and land use table of the RU4 Zone in the Local Government Areas of Singleton and Cessnock. The Planning Proposal will ensure that there is effectively no arbitrary planning boundary within the area of the Vineyards District.

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It is anticipated that the Planning Proposal will be finalised by June, 2016.

This Planning Proposal has been prepared to enable the following amendments to be made to CLEP 2011 and SLEP 2013.

**Proposed Amendment No. 1 – RU4 Zone Objectives**

**Issue**

The Standard Instrument – Principal Local Environmental Plan mandates that the following objectives must be included in respect of the RU4 Primary Production Small Lots Zone, where that Zone is adopted:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

In addition to the mandated objectives, Singleton and Cessnock Councils chose to include local objectives for the RU4 Zone when preparing their respective Standard Instrument LEPs. The local objectives included by Singleton and Cessnock Council are different, but have very similar intent.

In SLEP 2013, the following additional local objective was included for the RU4 Zone:

- To recognise Hunter Valley Wine Country and the adjoining environs of Broke-Fordwich as a major viticultural and tourist destination by providing additional opportunities for compatible tourist uses.

In CLEP 2011, the following additional local objectives were included for the RU4 Zone:

- To maintain prime viticultural land and enhance the economic and ecological sustainability of the Vineyards District.
- To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the Vineyards District.
- To enable the continued rural use of land that is complementary to the viticultural character of the land.

This Planning Proposal seeks to amend the objectives of the RU4 Zone in SLEP 2013 to reflect the existing RU4 Zone objectives in CLEP 2011. The intent of the Zone objectives in CLEP 2011 are fundamentally the same as the objective in SLEP 2013; however, it is considered that the objectives in CLEP 2011 expand more thoroughly on key viticultural principles of economic and ecological sustainability and of tourism brought about by the vineyards and associated land uses.

**Recommendation**

1. In Singleton LEP 2013, remove the following:



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- To recognise Hunter Valley Wine Country and the adjoining environs of Broke-Fordwich as a major viticultural and tourist destination by providing additional opportunities for compatible tourist uses.
2. In Singleton LEP 2013, insert the following:
- To maintain prime viticultural land and enhance the economic and ecological sustainability of the Vineyards District.
  - To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the Vineyards District
  - To enable the continued rural use of land that is complementary to the viticultural character of the land.

**Proposed Amendment No. 2 – RU4 Zone Permitted and Prohibited Land Uses**

**Issue**

The land use table that applies to the RU4 Primary Production Small Lots Zone under the *Singleton Local Environmental Plan 2013* and *Cessnock Local Environmental Plan 2011* are slightly different. Certain land uses permitted in one Council's RU4 Zone are not permitted in the other, and vice versa.

The outcome of this Planning Proposal will be amended Land Use Tables of the RU4 Zone in both SLEP 2013 and CLEP 2011. The land use tables will be amended to be as similar as possible, while respecting important differences between the Local Government Areas. The differences that will remain relate to the permissibility of hotel and motel accommodation, forestry, recreation areas and recreation facilities (outdoor). The differences will reflect certain characteristics that are unique to each Local Government Area.

Many of the changes included in this Planning Proposal will not alter either Council's policy position regarding permissible land uses in the Zone, but will simplify each Council's RU4 Zone Land Use Table by incorporating 'group terms' where it is appropriate to do so.

Group terms are used to identify particular categories of land uses, which comprise one or more sub-terms. The land use, *intensive plant agriculture*, for example, is a group term that comprises several sub-terms, including *horticulture*, *turf farming*, and *viticulture*. Where a group term is included in a zone land use table, each corresponding sub-term is also taken to be included, unless that sub-term is expressly prohibited in the same land use table.

In addition to simplifying the RU4 Zone Land Use Table, this Planning Proposal also involves including and removing other land uses to bring about consistency between the SLEP 2013 and CLEP 2011.

1. In SLEP 2013, remove the following from 'Permitted without consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:
- |   |  |
|---|--|
| <ul style="list-style-type: none"><li>• intensive plant agriculture</li></ul> | <p>The land use will remain permissible with consent under the 'agriculture' group term in both SLEP 2013 and CLEP 2011.</p> |
|---|--|



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2. In SLEP 2013, remove the following from 'Permitted with consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:

- |                                 |  |
|---------------------------------|--|
| • airstrips                     | An <i>airstrip</i> means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad. The amendment will bring about consistency between SLEP 2013 and CLEP 2011. Temporary use of land for the purpose of an airstrip may still be approved by Council subject to the provisions of Clause 2.8 of the LEP. |
| • aquaculture                   | The land use will remain permissible with consent under the 'agriculture' group term in CLEP 2011 and SLEP 2013. The proposed amendment will not change Singleton Council's policy position regarding aquaculture in the RU4 Zone, but will help simplify the RU4 Zone land use table.   |
| • building identification signs | The land use will remain permissible with consent under the 'signage' group term in SLEP 2013 and CLEP 2011. The proposed amendment will not change Singleton Council's policy position regarding building identification signs in the RU4 Zone, but will help simplify the RU4 Zone land use table.   |
| • business identification signs | As above.  |
| • dual occupancies              | The amendment will bring about consistency between SLEP 2013 and CLEP 2011. It is considered the dual occupancy land use is out of character with the objectives of the RU4 Zone. Secondary dwellings and rural workers dwellings will be permissible with consent in the RU4 Zone, which will provide opportunities to accommodate rural workers, required to carry on primary production.          |
| • helipads                      | A <i>helipad</i> means a place not open to the public used for the taking off and landing of helicopters. The amendment will bring about consistency between SLEP 2013 and CLEP 2011. Temporary use of land for the purpose of a helipad may still be approved by Council subject to the provisions of Clause 2.8 of the LEP.  |
| • turf farming                  | The land use will remain permissible with consent  |

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under the 'agriculture' group term in both LEPs. The proposed amendment will not change Singleton Council's policy position regarding farming in the RU4 Zone, but will help simplify the RU4 Zone land use table.

- viticulture

As above.

- rural industries

'Rural industries' is a group term that comprises several sub-term land uses, including agricultural produce industries, livestock processing industries, sawmill or log processing works and stock and sale yards.

While the 'rural industries' group term will be removed from the permitted land uses in the RU4 Zone of SLEP 2013, Singleton Council's policy position will not change in relation to the aforementioned sub-term land uses.

The amendment will help simplify the Zone RU4 land use table in CLEP 2011 and SLEP 2013.

3. In SLEP 2013, add the following to 'Permitted with consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:

- agriculture

The land use is a group term that will help simplify the Zone RU4 land use table and permit the following sub-term land uses to be carried out with development consent: aquaculture, intensive plant agriculture, and viticulture.

- agricultural produce industries

The proposed amendment will not change Singleton Council's policy position regarding agricultural produce industries in the RU4 Zone, but will help simplify the Zone RU4 land use table.

- eco-tourist facilities

The amendment will bring about consistency between CLEP 2011 and SLEP 2013. The land use relates to temporary or short term accommodation located in or adjacent to an area with special ecological or cultural features, which is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The land use is subject to the development standards contained in Cl.5.13 of the Standard Instrument LEP. It is considered appropriate to include the land use in the RU4 Zone.

- rural workers

A *rural worker's dwelling* means a building or

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- |   |   |
|---|---|
| dwellings   | place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land. It is considered appropriate to include the land use in the RU4 Zone and will provide additional accommodation opportunities for rural workers. The amendment will bring about consistency between SLEP 2013 and CLEP 2011.                                   |
| <ul style="list-style-type: none"><li>• secondary dwellings</li></ul>   | A <i>secondary dwelling</i> means a self-contained dwelling that is established in conjunction with another dwelling (the <i>principal dwelling</i> ), and is on the same lot of land as the principal dwelling, and is located within, or is attached to, or is separate from, the principal dwelling. It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between SLEP 2013 and CLEP 2011. |
| <ul style="list-style-type: none"><li>• signage</li></ul>   | The proposed amendment will not change Singleton Council's policy position regarding signage in the RU4 Zone, but will help simplify the Zone RU4 land use table.   |
| <br>  |   |
| 4. In SLEP 2013, remove the following from 'Prohibited' in the Land Use Table for RU4 Primary Production Small Lots Zone: |   |
| <ul style="list-style-type: none"><li>• backpackers' accommodation</li></ul>  | <i>Backpackers' accommodation</i> means a building or place that provides temporary or short-term accommodation on a commercial basis, and has shared facilities, such as a communal bathroom, kitchen or laundry, and provides accommodation on a bed or dormitory-style basis (rather than by room). It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between SLEP 2013 and CLEP 2011.  |
| <ul style="list-style-type: none"><li>• livestock processing industries</li></ul>   | The proposed amendment will not change Singleton Council's policy position regarding livestock processing industries in the RU4 Zone, but will help simplify the Zone RU4 land use table. Livestock processing industries will remain prohibited under the 'rural industries' group term.   |
| <ul style="list-style-type: none"><li>• sawmill or log</li></ul>  | As above.   |

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processing  
industries

- serviced apartments      A *Serviced apartment* means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents. It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between SLEP 2013 and CLEP 2011.
  - stock and sale yards      The proposed amendment will not change Singleton Council's policy position regarding stock and sale yards in the RU4 Zone, but will help simplify the RU4 Zone land use table. Stock and sale yards will remain prohibited under the 'rural industries' group term.
5. In SLEP 2013, add the following to 'Prohibited' in the Land Use Table for the RU4 Primary Production Small Lots Zone:
- advertising structure      The amendment will bring about consistency between SLEP 2013 and CLEP 2011. Strict requirements apply to advertising signage on rural or non-urban land under *State Environmental Planning Policy 64 – Advertising Signage*, which already limits Council's ability to grant consent to advertising signage.  
  
Building and business identification signage will remain permissible with consent in the RU4 Zone.
6. In CLEP 2011, remove the following from 'Permitted with consent' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:
- childcare centres      It is considered the land use is appropriate in urban zones, rather than primary production zones. The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Home-based child care is proposed to be permitted with consent in the RU4 Zone to allow low key child care activities to occur.
  - intensive plant agriculture      The land use will remain permissible with consent under the 'agriculture' group term in both CLEP

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2011 and SLEP 2013.*

- neighbourhood shops      The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the land use is appropriate in urban zones, rather than primary production zones.
  - respite day care centres      As above.
  - rural supplies      As above.
  - waste or resource management facilities      The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the land use is out of character with the objectives of the RU4 Zone.
7. In CLEP 2011, add the following to 'Permitted with consent' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:
- agriculture      The land use is a group term that will help simplify the Zone RU4 land use table and permit the following sub-term land uses to be carried out with development consent: aquaculture, intensive plant agriculture, and viticulture.
  - home-based child care      Home-based child care is proposed to be permitted with consent to allow low key child care activities to occur in the Zone. The amendment will also bring about consistency between CLEP 2011 and SLEP 2013.
  - eco-tourist facilities      The land use was only specifically defined in the Standard Instrument LEP after the gazettal of CLEP 2011. The land use relates to temporary or short term accommodation located in or adjacent to an area with special ecological or cultural features, which is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The land use is subject to the development standards contained in Cl.5.13 of the Standard Instrument LEP. It is considered appropriate to include the land use in the RU4 Zone.
  - sewerage systems      The land use is permitted with consent in the RU4 Zone under *State Environmental Planning Policy (Infrastructure) 2007*. The amendment will bring about consistency with the Infrastructure SEPP and SLEP 2013.



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- water supply systems  
The amendment will bring about consistency between CLEP 2011 and SLEP 2013. A water supply system includes a water reticulation system, water storage facility, and water treatment facility. It is considered appropriate to permit water supply systems with consent in the RU4 Zone.

Note: Under *State Environmental Planning Policy (Infrastructure) 2007*, public authorities are permitted to carry out development for the purpose of a water reticulation system and water treatment facility without consent in the RU4 Zone.

- flood mitigation works.  
The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered appropriate to permit flood mitigation works with consent in the RU4 Zone.

8. In CLEP 2011, add the following to 'Prohibited' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:

- intensive livestock agriculture  
The proposed amendment will not change Cessnock Council's policy position regarding intensive livestock agriculture in the RU4 Zone. Because the group term, 'agriculture', is proposed to be included in the CLEP 2011 RU4 Zone land use table, it is critical to also amend the land use table to clearly prohibit 'intensive livestock agriculture' in the RU4 Zone.

- advertising structure  
The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Strict requirements apply to advertising signage on rural or non-urban land under *State Environmental Planning Policy 64 – Advertising Signage*, which already limits Council's ability to grant consent to advertising signage.

Building and business identification signage will remain permissible with consent in the RU4 Zone.

**Consultation**

This Planning Proposal has been jointly prepared by Singleton Council and Cessnock City Council and is reported to each Council for consideration on 16 November 2015 and 9 December 2015 respectively. The Planning Proposal may only progress if supported by both Councils.

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If supported by both councils, the proposal will be submitted to the Department of Planning and Environment for a Gateway determination in December 2015 and jointly exhibited following the receipt of a favourable Gateway determination. It is critical that the proposal progresses concurrently within each council and that consultation continues to occur between councils and with the recently formed Hunter Valley Wine and Tourism Alliance until the LEP amendment is gazetted.

Technical Studies have not been identified as a component of the Planning Proposal. If the Department of Planning and Environment Gateway determination makes prescriptions relating to technical studies, this will adversely impact on the estimated completion date.

It is proposed to consult with the NSW Department of Primary Industries – Agriculture in regard to this Planning Proposal.

**Community Strategic Plan**

The proposal supports the following plan community outcomes:

- Our community has a strong sense of identity and place;
- Our community has vibrant spaces and places;
- Our community is attractive for locals and visitors;
- Our community protects and enhances natural and built environments; and
- Our community has a diverse economy.

**Other Plans**

Lower Hunter Regional Strategy 2006

The Lower Hunter Regional Strategy (LHRS) applies to the Cessnock Local Government Area only. The 'Pokolbin vineyard and tourism precinct' is recognised in the LHRS as a 'Specialised Centre' in the hierarchy of Commercial Centres servicing the Lower Hunter. The Strategy projects that an additional 1600 jobs will be required in the next 25 years to accommodate employment opportunities associated with population growth within the region.

There is no inconsistency between this Planning Proposal and the objectives or actions of the LHRS. The Planning Proposal is consistent with the following action of the Strategy:

- Rural Landscape and Rural Communities - Local environmental plans are to maintain rural zoning for regionally significant agricultural land including the vineyard district as defined by the existing 1(v) zone (as it was then) in Cessnock Local Environmental Plan and the irrigated floodplains.

Upper Hunter Strategic Regional Land Use Plan

The Planning Proposal is consistent with the relevant actions specified in the Upper Hunter Strategic Regional Land Use Plan (UHSRLUP), including Action 3.3 of UHSRLUP that aims to protect strategic agricultural land, including the critical industry cluster of viticulture.

Cessnock City Council Community Strategic Plan - Our People, Our Place, Our Future

The Planning Proposal is consistent with Council's Community Strategic Plan and the Planning Proposal.

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Cessnock City Wide Settlement Strategy 2010

The Planning Proposal is consistent with the Cessnock City Wide Settlement Strategy (CWSS) and the Planning Proposal. CWSS identifies the uniqueness of the Vineyards District as both a specialised commercial centre and regionally significant agricultural land and this is reflected in the objectives of this Planning Proposal.

Cessnock Vineyards Vision Statement

The Planning Proposal is considered to be consistent with the Vineyards Visioning Statement.

State Environmental Planning Policies

The proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs). An assessment of relevant SEPPs against the Planning Proposal is provided in the accompanying Planning Proposal.

Ministerial Section 117 Directions

Section 117(2) of the *Environmental Planning & Assessment Act 1979* enables the Minister for Planning and Environment to issue directions that Council must address when preparing planning proposals to amend a Local Environmental Plan. An assessment of relevant s.117 Directions are provided in the accompanying Planning Proposal. The Proposal is considered to be consistent with the relevant Ministerial Directions.

**Policy and Procedural Implications**

Following Council's endorsement, a Planning Proposal will be submitted to the Department of Planning and Environment for a Gateway determination.

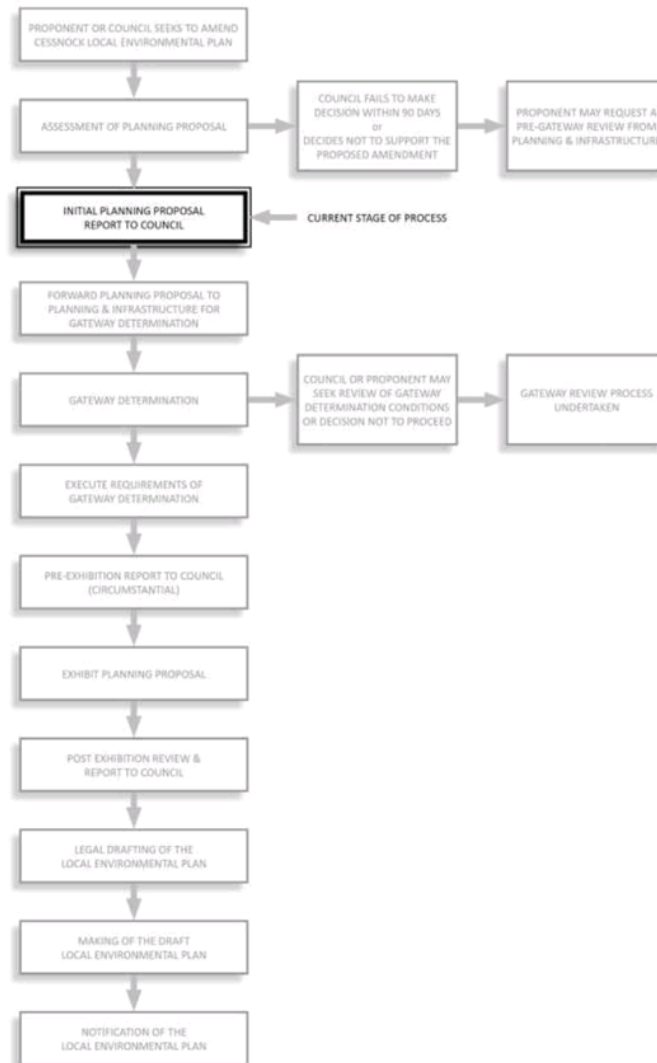
It is intended that the Planning Proposal be exhibited in accordance with any specific requirements made by the Department of Planning and Environment during the Gateway determination.

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**PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN**



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**Financial Implications**

The cost of this project is funded from Council's Strategic Land Use Planning budget.

**Legislative Implications**

This Report has regard to the provisions of the *Environmental Planning & Assessment Act 1979* and its Regulations and the *Standard Instrument (Local Environmental Plans) Order 2006* (as amended).

**Risk Implications**

The proposed changes will remove potential problems and / or delays for planned or possible future development.

**Other Implications**

Nil.

**Options**

The following options are available to Council:

1. Resolve to support the recommendations of this Report and submit a Planning Proposal to the Department of Planning and Environment for a Gateway determination. This is the recommended option.
2. Request changes to the Planning Proposal. This option will delay the proposed amendments.
3. Not support the recommendation of this Report. This is not the preferred option and will not assist the improvement in the operation of the SLEP 2013 and associated consistency of both LEPs.

Option one is recommended.

**Conclusions**

This Planning Proposal seeks to recognise and protect the primacy of the Vineyards District and maintain and enhance the existing vineyards, wineries and tourist uses by standardising, as far as possible, the land use table of the RU4 Primary Production Small Lots Zone in the *Singleton Local Environmental Plan 2013* and *Cessnock Local Environmental Plan 2011*. The Planning Proposal will ensure that there is effectively no arbitrary planning boundary within the area of the Pokolbin Vineyards District.

Should Singleton and Cessnock Councils determine to support the matter, a planning proposal will be forwarded to the Department of Planning and Environment for Gateway determination. The Gateway determination is likely to contain conditions that will need to be satisfied before exhibition can commence. If significant objections are received during the exhibition, a further report will be presented to each Council following public exhibition



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of the Planning Proposal, advising of the outcomes of the consultation program and any recommendations relating to the adoption of the final amendment.

*Mark Ihlein*

**Mark Ihlein**

Director Planning & Sustainable Environment Group

**Attachments**

<b>AT-1</b>	Joint Regional Planning Proposal Singleton and Cessnock Councils - Vineyards District - Report attachment	Attachment Under Separate Cover
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Cessnock Council Meeting Minutes

**PLANNING AND ENVIRONMENT NO. PE99/2015**

**SUBJECT:** 18/2015/1: JOINT PLANNING PROPOSAL - CESSNOCK AND  
SINGLETON COUNCILS - VINEYARDS DISTRICT

Councillor Hawkins declared a Pecuniary Interest for the reason that his family own property in the RU4 Zoning. Councillor Hawkins left the Chamber and took no part in discussion and voting.

Councillor James Hawkins left the meeting, the time being 7.01 pm

**MOTION**      **Moved:** Councillor Smith      **Seconded:** Councillor Parsons

1. That Cessnock City Council prepare a Planning Proposal in conjunction with Singleton Council to standardise, as far as possible, the objectives and Land Use Table of the RU4 Primary Production Small Lots Zone.
2. That Cessnock City Council, in conjunction with Singleton Council, request a Gateway determination in respect of the Planning Proposal from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
3. That Cessnock City Council, in conjunction with Singleton Council, undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. That a further report be presented to Council following the public exhibition of the Planning Proposal, to consider any submissions received.
5. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

**AMENDMENT**      **Moved:** Councillor Ryan      **Seconded:** Councillor Olsen

1. That Cessnock City Council prepare a Planning Proposal in conjunction with Singleton Council to standardise, as far as possible, the objectives and Land Use Table of the RU4 Primary Production Small Lots Zone.
2. The planning proposal come back to Council for further discussion.

FOR	AGAINST
Councillor Olsen	Councillor Gibson
Councillor Ryan	Councillor Doherty
	Councillor Stapleford
	Councillor Smith
	Councillor Campbell
	Councillor Parsons
	Councillor Pynsent
<b>Total (2)</b>	<b>Total (7)</b>

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

The Amendment was **PUT** and **LOST**.

The Motion was then **PUT** and **CARRIED**.

**MOTION**      **Moved:**    Councillor Smith      **Seconded:**    Councillor Parsons  
1511  
**RESOLVED**

1. That Cessnock City Council prepare a Planning Proposal in conjunction with Singleton Council to standardise, as far as possible, the objectives and Land Use Table of the RU4 Primary Production Small Lots Zone.
2. That Cessnock City Council, in conjunction with Singleton Council, request a Gateway determination in respect of the Planning Proposal from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
3. That Cessnock City Council, in conjunction with Singleton Council, undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. That a further report be presented to Council following the public exhibition of the Planning Proposal, to consider any submissions received.
5. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

FOR	AGAINST
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (7)</b>	<b>Total (2)</b>

**CARRIED**

*Councillor James Hawkins returned to the meeting, the time being 7.06 pm*

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

Report to Cessnock Council

**Report To Ordinary Meeting of Council - 9 December 2015**

Planning and Environment

Report No. PE99/2015

Planning and Environment



**SUBJECT:** 18/2015/1: JOINT PLANNING PROPOSAL - CESSNOCK  
AND SINGLETON COUNCILS - VINEYARDS DISTRICT

**RESPONSIBLE OFFICER:** Strategic Landuse Planning Manager - Martin Johnson

<b>APPLICATION NUMBER:</b>	18/2015/1
<b>PROPOSAL:</b>	Joint Planning Proposal – Cessnock and Singleton Councils – Vineyards District
<b>PROPERTY DESCRIPTION:</b>	Applies to all land within the RU4 Primary Production Small Lots Zone in the Local Government Areas of Singleton and Cessnock
<b>PROPERTY ADDRESS:</b>	As above
<b>ZONE: (CURRENT)</b>	RU4 Primary Production Small Lots Zone
<b>ZONE: (PROPOSED)</b>	Not Applicable
<b>OWNER:</b>	Applies to all land within the RU4 Primary Production Small Lots Zone in the Local Government Areas of Singleton and Cessnock
<b>PROPONENT:</b>	Cessnock City Council and Singleton Council

**SUMMARY**

The purpose of this Report is to seek Council's approval to prepare a joint Planning Proposal with Singleton Council to standardise, as far as possible, the objectives and land use table of the RU4 Primary Production Small Lots Zone under *Cessnock Local Environmental Plan 2011* (CLEP 2011) and *Singleton Local Environmental Plan 2013* (SLEP 2013), so that there is effectively no arbitrary planning boundary within the Vineyards District of Pokolbin.

**RECOMMENDATION**

1. That Cessnock City Council prepare a Planning Proposal in conjunction with Singleton Council to standardise, as far as possible, the objectives and Land Use Table of the RU4 Primary Production Small Lots Zone.
2. That Cessnock City Council, in conjunction with Singleton Council, request a Gateway determination in respect of the Planning Proposal from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
3. That Cessnock City Council, in conjunction with Singleton Council, undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.

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4. That a further report be presented to Council following the public exhibition of the Planning Proposal, to consider any submissions received.
5. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

**BACKGROUND**

At its Ordinary Meeting on 1 August 2012, Cessnock City Council resolved to adopt a *Vineyards Visioning Statement* (Vineyards Vision) in respect of the Vineyards District.

The adopted Vineyards Vision is that the Vineyards District:

1. Recognises and protects the primacy of the vineyards and maintains and enhances the existing vineyards, wineries and tourist uses.
2. Maintains and preserves the rural amenity, character and scenic vistas of the region for future generations to enjoy.
3. A place that reinforces the Hunter Valley Wine Brand as the key component of its tourism identity.
4. Allows and fosters an economically sustainable future which embraces a mix of diverse business, accommodation and employment options – creating a balance between working vineyards, tourist uses, residential and visitor amenity.
5. Council, stakeholder groups and community work collaboratively.
6. A place which has high quality infrastructure and services which meet the community's and visitor's needs.

The Vineyards Vision also put forward a range of objectives and actions that relate to each of the visions above. Two key actions listed under Vision 1 were identified by Cessnock City Council as being:

- Cessnock and Singleton Councils amend their LEPs to adopt the same zones and objectives within the district; and
- Cessnock City Council request that Singleton consider adopting the same objectives in its LEP and DCP.

To achieve the above actions, in November 2014, Cessnock City Council invited Singleton Council to work in partnership to prepare a joint Planning Proposal to standardise the objectives and land use table of the RU4 Primary Production Small Lots Zone in both CLEP 2011 and SLEP 2013. This Report is the result of that partnership.

**REPORT/PROPOSAL**

The 'Vineyards District' is that area of land zoned RU4 Primary Production Small Lots under CLEP 2011 and SLEP 2013. The Vineyards District encompasses land in the Pokolbin and Broke-Fordwich locality, as shown in Figure 1.

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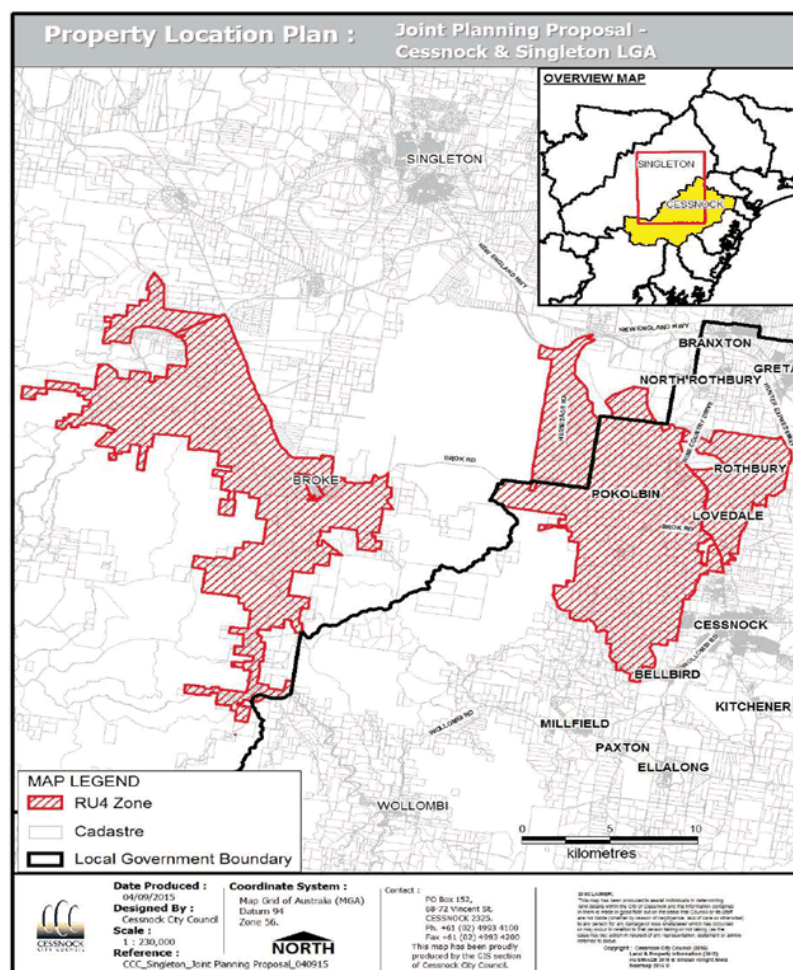
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The vineyards and associated tourism developments are the principal economic generator for the Vineyards District as well as being a major contributor to the economy of the Lower Hunter and NSW economy. The importance of the Vineyards District to the Hunter Region, and the local area generally, is recognised in both the Lower Hunter Regional Strategy 2006 and the Upper Hunter Strategic Regional Land Use Plan.

**Figure 1: Land Zoned RU4 Primary Production Small Lots in Cessnock and Singleton Local Government Areas**



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The purpose of this Planning Proposal is to recognise and protect the primacy of the Vineyards District and maintain and enhance the existing vineyards, wineries and tourist uses by standardising, as far as possible, the objectives and land use table of the RU4 Zone in the Local Government Areas of Singleton and Cessnock. The Planning Proposal will ensure that there is effectively no arbitrary planning boundary within the area of the Vineyards District.

This Planning Proposal has been prepared to enable the following amendments to be made to CLEP 2011 and SLEP 2013.

**Proposed Amendment No. 1 – RU4 Zone Objectives**

**Issue**

The Standard Instrument – Principal Local Environmental Plan mandates that the following objectives must be included in respect of the RU4 Primary Production Small Lots Zone, where that Zone is adopted:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

In addition to the mandated objectives, Cessnock and Singleton Councils chose to include local objectives for the RU4 Zone when preparing their respective Standard Instrument LEPs. The local objectives included by Cessnock and Singleton Council are different, but have very similar intent.

In CLEP 2011, the following additional local objectives were included for the RU4 Zone:

- To maintain prime viticultural land and enhance the economic and ecological sustainability of the vineyards district.
- To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the vineyards district.
- To enable the continued rural use of land that is complementary to the viticultural character of the land.

In SLEP 2013, the following additional local objective was included for the RU4 Zone:

- To recognise Hunter Valley Wine Country and the adjoining environs of Broke-Fordwich as a major viticultural and tourist destination by providing additional opportunities for compatible tourist uses.

This Planning Proposal seeks to amend the objectives of the RU4 Zone in SLEP 2013 to reflect the existing RU4 Zone objectives in CLEP 2011. The intent of the Zone objectives in CLEP 2011 are fundamentally the same as the objective in SLEP 2013; however, it is considered that the objectives in CLEP 2011 expand more thoroughly on key viticultural principles of economic and ecological sustainability and of tourism brought about by the vineyards and associated land uses.

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Recommendation

1. In Singleton LEP 2013, remove the following:
  - To recognise Hunter Valley Wine Country and the adjoining environs of Broke-Fordwich as a major viticultural and tourist destination by providing additional opportunities for compatible tourist uses.
2. In Singleton LEP 2013, insert the following:
  - To maintain prime viticultural land and enhance the economic and ecological sustainability of the vineyards district.
  - To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the vineyards district
  - To enable the continued rural use of land that is complementary to the viticultural character of the land.

**Proposed Amendment No. 2 – RU4 Zone Permitted and Prohibited Land Uses**

Issue

The land use table that applies to the RU4 Primary Production Small Lots Zone under the *Cessnock Local Environmental Plan 2011* and *Singleton Local Environmental Plan 2013* are slightly different. Certain land uses permitted in one Council's RU4 Zone are not permitted in the other, and vice versa.

The outcome of this Planning Proposal will be amended Land Use Tables of the RU4 Zone in both CLEP 2011 and SLEP 2013. The land use tables will be amended to be as similar as possible, while respecting important differences between the Local Government Areas. The differences that will remain relate to the permissibility of hotel and motel accommodation, forestry, and recreation areas and facilities. The differences will reflect certain characteristics that are unique to each Local Government Area.

Many of the changes included in this Planning Proposal will not alter either Council's policy position regarding permissible land uses in the Zone, but will simplify each Council's RU4 Zone Land Use Table by incorporating 'group terms' where it is appropriate to do so.

Group terms are used to identify particular categories of land uses, which comprise one or more sub-terms. The land use, *intensive plant agriculture*, for example, is a group term that comprises several sub-terms, including *horticulture*, *turf farming*, and *viticulture*. Where a group term is included in a zone land use table, each corresponding sub-term is also taken to be included, unless that sub-term is expressly prohibited in the same land use table.

In addition to simplifying the RU4 Zone Land Use Table, this Planning Proposal also involves including and removing other land uses to bring about consistency between the CLEP 2011 and SLEP 2013. A Land Use Zone Matrix is attached at Enclosure 2, detailing the proposed land use table amendments.

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Recommendation

1. In CLEP 2011, remove the following from 'Permitted with consent' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:
  - childcare centres  
It is considered the land use is appropriate in urban zones, rather than primary production zones. The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Home-based child care is proposed to be permitted with consent in the RU4 Zone to allow low key child care activities to occur.
  - intensive plant agriculture  
The land use will remain permissible with consent under the 'agriculture' group term in both CLEP 2011 and SLEP 2013.
  - neighbourhood shops  
The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the land use is appropriate in urban zones, rather than primary production zones.
  - respite day care centres  
As above.
  - rural supplies  
As above.
  - waste or resource management facilities  
The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the land use is out of character with the objectives of the RU4 Zone.
2. In CLEP 2011, add the following to 'Permitted with consent' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:
  - agriculture  
The land use is a group term that will help simplify the Zone RU4 land use table and permit the following sub-term land uses to be carried out with development consent: aquaculture, intensive plant agriculture, and viticulture.
  - home-based child care  
Home-based child care is proposed to be permitted with consent to allow low key child care activities to occur in the Zone. The amendment will also bring about consistency between CLEP 2011 and SLEP 2013.
  - eco-tourist facilities  
The land use was only specifically defined in the Standard Instrument LEP after the gazettal of CLEP 2011. The land use relates to temporary or short term accommodation located in or adjacent to an area with

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special ecological or cultural features, which is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The land use is subject to the development standards contained in Cl.5.13 of the Standard Instrument LEP. It is considered appropriate to include the land use in the RU4 Zone.

- sewerage systems

The land use is permitted with consent in the RU4 Zone under *State Environmental Planning Policy (Infrastructure) 2007*. The amendment will bring about consistency with the Infrastructure SEPP and SLEP 2013.

- water supply systems

The amendment will bring about consistency between CLEP 2011 and SLEP 2013. A water supply system includes a water reticulation system, water storage facility, and water treatment facility. It is considered appropriate to permit water supply systems with consent in the RU4 Zone.

Note: Under *State Environmental Planning Policy (Infrastructure) 2007*, public authorities are permitted to carry out development for the purpose of a water reticulation system and water treatment facility without consent in the RU4 Zone.

- flood mitigation works.

The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered appropriate to permit flood mitigation works with consent in the RU4 Zone.

3. In CLEP 2011, add the following to 'Prohibited' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:

- intensive livestock agriculture

The proposed amendment will not change Cessnock Council's policy position regarding intensive livestock agriculture in the RU4 Zone. Because the group term, 'agriculture', is proposed to be included in the CLEP 2011 RU4 Zone land use table, it is critical to also amend the land use table to clearly prohibit 'intensive livestock agriculture' in the RU4 Zone.

- advertising structure

The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Strict requirements apply to advertising signage on rural or non-urban land under *State Environmental Planning Policy 64 – Advertising Signage*, which already limits Council's ability to grant consent to advertising signage.

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Building and business identification signage will remain permissible with consent in the RU4 Zone.

4. In SLEP 2013, remove the following from 'Permitted without consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:
  - intensive plant agriculture      The land use will remain permissible with consent under the 'agriculture' group term in both CLEP 2011 and SLEP 2013.
5. In SLEP 2013, remove the following from 'Permitted with consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:
  - airstrips      An *airstrip* means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad. The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Temporary use of land for the purpose of an airstrip may still be approved by Council subject to the provisions of Clause 2.8 of the LEP.
  - aquaculture      The land use will remain permissible with consent under the 'agriculture' group term in CLEP 2011 and SLEP 2013. The proposed amendment will not change Singleton Council's policy position regarding aquaculture in the RU4 Zone, but will help simplify the RU4 Zone land use table.
  - building identification signs      The land use will remain permissible with consent under the 'signage' group term in CLEP 2011 and SLEP 2013. The proposed amendment will not change Singleton Council's policy position regarding building identification signs in the RU4 Zone, but will help simplify the RU4 Zone land use table.
  - business identification signs      As above.
  - dual occupancies      The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the dual occupancy land use is out of character with the objectives of the RU4 Zone. Secondary dwellings and rural workers dwellings will be permissible with consent in the RU4 Zone, which will provide opportunities to accommodate rural workers, required to carry on primary production.

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- **helipads**

A *helipad* means a place not open to the public used for the taking off and landing of helicopters. The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Temporary use of land for the purpose of a helipad may still be approved by Council subject to the provisions of Clause 2.8 of the LEP.
  - **turf farming**

The land use will remain permissible with consent under the 'agriculture' group term in both LEPS. The proposed amendment will not change Singleton Council's policy position regarding turf farming in the RU4 Zone, but will help simplify the RU4 Zone land use table.
  - **viticulture**

As above.
  - **rural industries**

'Rural industries' is a group term that comprises several sub-term land uses, including agricultural produce industries, livestock processing industries, sawmill or log processing works and stock and sale yards.

While the 'rural industries' group term will be removed from the permitted land uses in the RU4 Zone of SLEP 2013, Singleton Council's policy position will not change in relation to the aforementioned sub-term land uses.

The amendment will help simplify the Zone RU4 land use table in CLEP 2011 and SLEP 2013.
6. In SLEP 2013, add the following to 'Permitted with consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:
- **agriculture**

The land use is a group term that will help simplify the Zone RU4 land use table and permit the following sub-term land uses to be carried out with development consent: aquaculture, intensive plant agriculture, and viticulture.
  - **agricultural produce industries**

The proposed amendment will not change Singleton Council's policy position regarding agricultural produce industries in the RU4 Zone, but will help simplify the Zone RU4 land use table.
  - **eco-tourist facilities**

The amendment will bring about consistency between CLEP 2011 and SLEP 2013. The land use relates to temporary or short term accommodation located in or adjacent to an area with special ecological or cultural

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- features, which is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The land use is subject to the development standards contained in Cl.5.13 of the Standard Instrument LEP. It is considered appropriate to include the land use in the RU4 Zone.
- rural workers dwellings

A *rural worker's dwelling* means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land. It is considered appropriate to include the land use in the RU4 Zone and will provide additional accommodation opportunities for rural workers. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.
  - secondary dwellings

A *secondary dwelling* means a self-contained dwelling that is established in conjunction with another dwelling (the *principal dwelling*), and is on the same lot of land as the principal dwelling, and is located within, or is attached to, or is separate from, the principal dwelling. It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.
  - signage

The proposed amendment will not change Singleton Council's policy position regarding signage in the RU4 Zone, but will help simplify the Zone RU4 land use table.
7. In SLEP 2013, remove the following from 'Prohibited' in the Land Use Table for RU4 Primary Production Small Lots Zone:
- backpackers' accommodation

*Backpackers' accommodation* means a building or place that provides temporary or short-term accommodation on a commercial basis, and has shared facilities, such as a communal bathroom, kitchen or laundry, and provides accommodation on a bed or dormitory-style basis (rather than by room). It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.

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- livestock processing industries  
The proposed amendment will not change Singleton Council's policy position regarding livestock processing industries in the RU4 Zone, but will help simplify the Zone RU4 land use table. Livestock processing industries will remain prohibited under the 'rural industries' group term.
  - sawmill or log processing industries  
As above.
  - serviced apartments  
A *Serviced apartment* means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents. It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.
  - stock and sale yards  
The proposed amendment will not change Singleton Council's policy position regarding stock and sale yards in the RU4 Zone, but will help simplify the RU4 Zone land use table. Stock and sale yards will remain prohibited under the 'rural industries' group term.
8. In SLEP 2013, add the following to 'Prohibited' in the Land Use Table for the RU4 Primary Production Small Lots Zone:
- advertising structure  
The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Strict requirements apply to advertising signage on rural or non-urban land under *State Environmental Planning Policy 64 – Advertising Signage*, which already limits Council's ability to grant consent to advertising signage.
- Building and business identification signage will remain permissible with consent in the RU4 Zone.

**OPTIONS**

1. Council resolve to support the recommendations of this Report and submit a Planning Proposal to the Department of Planning and Environment for a Gateway determination. This is the recommended option.
2. Request changes to the Planning Proposal. This option will delay the proposed amendments.

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3. Not support the recommendation of this Report. This is not the preferred option and will not assist the improvement in the operation of the LEP 2011 and alignment and consistency of LEPs.

**CONSULTATION**

This Planning Proposal has been jointly prepared by Singleton Council and Cessnock City Council and is reported to each Council for consideration on 16 November 2015 and 9 December 2015 respectively. A Councillor briefing occurred on 2 December 2015 for Cessnock City Councillors in relation to the Planning Proposal. The Planning Proposal may only progress if supported by both Councils.

If supported by both Councils, the proposal will be submitted to the Department of Planning and Environment for a Gateway determination in December 2015 and jointly exhibited following the receipt of a favourable Gateway determination. It is critical that the proposal progresses concurrently within each council and that consultation continues to occur between councils until the LEP amendment is gazetted.

Technical Studies have not been identified as a component of the Planning Proposal. If the Department of Planning and Environment Gateway determination makes prescriptions relating to technical studies, this will adversely impact on the estimated completion date.

It is proposed to consult with the NSW Department of Primary Industries – Agriculture in regard to this Planning Proposal.

**STRATEGIC LINKS**

**a. Delivery Program**

The recommendations of this report are consistent with the following objectives of the Cessnock Community Strategic Plan – Cessnock 2023.

A connected and safe community  
Objective 1.2 – Strengthening community culture

A sustainable and prosperous community  
Objective 2.3 – Increasing tourism opportunities and visitation in the area

A sustainable and healthy environment  
Objective 3.1 – Protecting and enhancing the natural environment and the rural character of the area.

**b. Other Plans**

Lower Hunter Regional Strategy 2006

The Lower Hunter Regional Strategy (LHRS) applies to the Cessnock Local Government Area only. The 'Pokolbin vineyard and tourism precinct' is recognised in the LHRS as a 'Specialised Centre' in the hierarchy of Commercial Centres servicing the Lower Hunter. The Strategy projects that an additional 1600 jobs will be required in the next 25 years to accommodate employment opportunities associated with population growth within the region.

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There is no inconsistency between this Planning Proposal and the objectives or actions of the LHRS. The Planning Proposal is consistent with the following action of the Strategy:

- Rural Landscape and Rural Communities - Local environmental plans are to maintain rural zoning for regionally significant agricultural land including the vineyard district as defined by the existing 1(v) zone in Cessnock Local Environmental Plan and the irrigated floodplains.

Upper Hunter Strategic Regional Land Use Plan

The Planning Proposal is consistent with the relevant actions specified in the Upper Hunter Strategic Regional Land Use Plan (UHSRLUP), including Action 3.3 of UHSRLUP that aims to protect strategic agricultural land, including the critical industry cluster of viticulture.

Cessnock City Council Community Strategic Plan - Our People, Our Place, Our Future

The Planning Proposal is consistent with Council's Community Strategic Plan and the Planning Proposal.

Singleton Council Community Strategic Our Place: A Blueprint for 2023

The Planning Proposal is consistent with Council's Community Strategic Plan and the Planning Proposal.

Cessnock City Wide Settlement Strategy 2010

The Planning Proposal is consistent with the Cessnock City Wide Settlement Strategy (CWSS) and the Planning Proposal. CWSS identifies the uniqueness of the Vineyards District as both a specialised commercial centre and regionally significant agricultural land and this is reflected in the objectives of this Planning Proposal.

Vineyards Vision Statement

The Planning Proposal is considered to be consistent with the Vineyards Visioning Statement.

Consistency with State Environmental Planning Policies

The proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs). An assessment of relevant SEPPs against the Planning Proposal is provided in the accompanying Planning Proposal.

Ministerial Section 117 Directions

Section 117(2) of the *Environmental Planning & Assessment Act 1979* enables the Minister for Planning and Environment to issue directions that Council must address when preparing planning proposals to amend a Local Environmental Plan. An assessment of relevant s.117 Directions are provided in the accompanying Planning Proposal. The Proposal is considered to be consistent with the relevant Ministerial Directions.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Following Council's endorsement, a Planning Proposal will be submitted to the Department of Planning and Environment for a Gateway determination.

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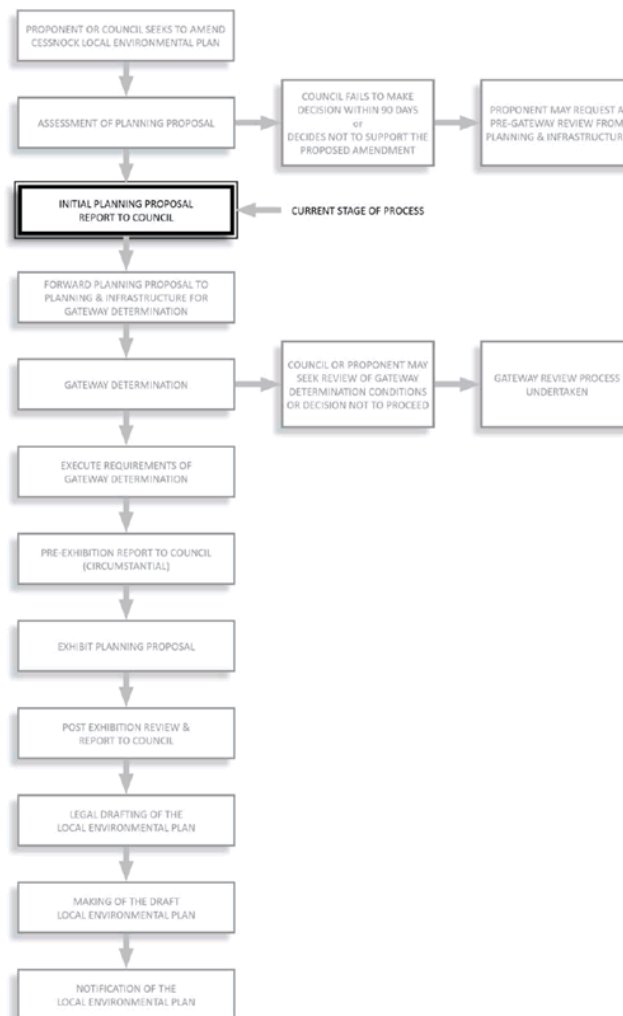
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It is intended that the Planning Proposal be exhibited in accordance with any specific requirements made by the Department of Planning and Environment during the Gateway determination.

**PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN**



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**b. Financial Implications**

The cost of this project is funded from Council's Strategic Land Use Planning budget.

**c. Legislative Implications**

This Report has regard to the provisions of the *Environmental Planning & Assessment Act 1979* and its Regulations and the *Standard Instrument (Local Environmental Plans) Order 2006* (as amended).

**d. Risk Implications**

The proposed changes will remove potential problems and / or delays for planned or possible future development.

**e. Other Implications**

Nil

**CONCLUSION**

This Planning Proposal seeks to recognise and protect the primacy of the vineyards district and maintain and enhance the existing vineyards, wineries and tourist uses by standardising, as far as possible, the land use table of the RU4 Primary Production Small Lots Zone in the *Cessnock Local Environmental Plan 2011* and *Singleton Local Environmental Plan 2013*. The Planning Proposal will ensure that there is effectively no arbitrary planning boundary within the area of the Pokolbin Vineyards District.

Should Cessnock and Singleton Council determine to support the proposal, a planning proposal will be forwarded to the Department of Planning and Environment for Gateway determination. The Gateway determination is likely to contain conditions that will need to be satisfied before exhibition can commence. If objections are received, a further report will be presented to each Council following public exhibition of the Planning Proposal, advising of the outcomes of the consultation program and any recommendations relating to the adoption of the final amendment.

**ENCLOSURES**

- 1** Planning Proposal
- 2** RU4 Zone Land Use Matrix

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Appendix 2: RU4 Zone Land Use Matrix

JOINT PLANNING PROPOSAL: RU4 Zone (Vineyards) Planning Provisions

Cessnock Local Environmental Plan 2011 and Singleton Local Environmental Plan 2013

Land Use Matrix for RU4 Zone

Legend

- o permitted without consent [mandated under the SI].
  - o permitted without consent.
  - c permitted with consent [mandated under the SI].
  - c permitted with consent.
  - x prohibited [mandated under the SI].
  - x prohibited.
  - A permitted under SEPP (Affordable Rental Housing) 2009.
  - I permitted under SEPP (Infrastructure) 2007.
- fill colours in **green** or **red** mandated under the SI.  
fill colour in **purple** public infrastructure permitted under a SEPP.

	Cessnock LEP 2011		Singleton LEP 2013		Notes where changes are required
	Current	Proposed	Current	Proposed	
<b>agriculture</b>	<b>x</b>	<b>c</b>	<b>x</b>	<b>c</b>	The amendment reflects the fact that the majority of the Agriculture sub-term land uses are permitted with consent in the RU4 Zone. The amendment will help simplify the RU4 Zone Land Use Table, but will not result in a change in policy direction for either council. <b>Action: Amend CLEP 2011 and SLEP 2013 by including Agriculture as permitted with consent.</b>
aquaculture	<b>x</b>	<b>c</b>	<b>c</b>	<b>c</b>	The amendment affects the Cessnock RU4 Zone only. Aquaculture is already permissible in the Singleton RU4 Zone. The amendment will enable the keeping of fish or marine vegetation in a confined area for a commercial purpose and permit tourist attractions like 'fishbouts' in the Vineyards District. <b>Action: Amend SLEP 2013 by removing Aquaculture from permitted with consent. The land use will remain permissible under the Agriculture group term.</b>
extensive agriculture [eg. grazing of livestock, etc.]	<b>o</b>	<b>o</b>	<b>o</b>	<b>o</b>	
bee keeping	<b>o</b>	<b>o</b>	<b>o</b>	<b>o</b>	
dairy (pasture-based)	<b>o</b>	<b>o</b>	<b>o</b>	<b>o</b>	
intensive livestock agriculture [eg. poultry farms, etc.]	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>	Because the group term, 'Agriculture', is proposed to be included as permitted with consent, 'intensive livestock agriculture' must be included as prohibited to maintain each council's policy position. <b>Action: Amend CLEP 2011 by including intensive livestock agriculture as prohibited development. The land use is already prohibited in SLEP 2013.</b>
feedlots	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>	
dairies (restricted)	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>	
intensive plant agriculture [eg. cultivation of irrigated crops]	<b>c</b>	<b>c</b>	<b>o</b>	<b>c</b>	Intensive Plant Agriculture is to be permitted with consent so that appropriate assessment can be undertaken regarding the impacts of the land use, such as spray drift.
horticulture	<b>c</b>	<b>c</b>	<b>o</b>	<b>c</b>	<b>Action: Amend SLEP 2013 by removing Intensive Plant Agriculture from permitted without consent. Also, remove Turf Farming and Viticulture from permitted with consent. The land uses will remain permissible with consent under the Agriculture group term.</b>
turf farming	<b>c</b>	<b>c</b>	<b>c</b>	<b>c</b>	
viticulture	<b>c</b>	<b>c</b>	<b>c</b>	<b>c</b>	<b>Amend CLEP 2011 by removing Intensive Plant Agriculture from permitted with consent. The sub-term land use will remain permissible under the Agriculture group term.</b>



	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
(LAND USE terms OUTSIDE agriculture group term)					
animal boarding or training establishments farm buildings	C	C	C	C	
forestry	X	X	C	X	Forestry is considered to be inconsistent with the character and objectives of the RU4 Zone. <b>Action: Amend SLEP 2013 by removing Forestry from permitted with consent.</b>
<b>residential accommodation</b>					
attached dwellings	X	X	X	X	
boarding houses	X	X	X	X	
dual occupancies	X	X	C	X	Dual occupancy development is considered to be out of character with the objectives of the RU4 Zone.
dual occupancies (attached)	X	X	C	X	<b>Action: Amend SLEP 2013 by removing Dual Occupancies from permitted with consent.</b>
dual occupancies (detached)	X	X	C	X	
dwelling houses	C	C	C	C	
group homes	X	X	X	X	
group homes (permanent)	X	X	X	X	
group homes (transitional)	X	X	X	X	
hostels	X	X	X	X	
multi dwelling housing	X	X	X	X	
residential flat buildings	X	X	X	X	
rural workers' dwellings	C	C	X	C	Rural workers' dwellings may be appropriate in the RU4 Zone to enable accommodation for employees involved in existing agricultural activities, including agricultural produce activities. It is proposed that the land use will be subject to specific development standards, set out in a new clause to the LEP. <b>Action: Amend SLEP 2013 by including rural workers' Dwellings as permitted with consent. Include new clause in CLEP 2011 regarding rural workers' dwellings (Singleton will be including Clause in a separate Planning Proposal).</b>

	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
secondary dwellings	C	C	X	C	Secondary dwellings will provide an alternative form of accommodation for employees involved in existing tourist related developments. The amendment will also bring about consistency between CLEP 2011 and SLEP 2013.  Cessnock Council notes that secondary dwellings have the potential to be used as de facto tourist accommodation. This would be a major concern in Cessnock if the number of secondary dwellings in the RU4 Zone were to increase significantly. As it is, only five secondary dwellings have been approved in the RU4 Zone at Cessnock since the introduction of the current LEP 2011.  Cessnock Council will continue to monitor the number of approvals issued for secondary dwellings in the RU4 Zone and may revisit the permissibility of secondary dwellings in the future, if it is determined that the number of secondary dwellings is impacting the character of the Zone.  <b>Action: Amend SLEP 2013 by including secondary dwellings as permitted with consent.</b>
semi-detached dwellings	X	X	X	X	
seniors housing	X	X	X	X	
residential care facilities	X	X	X	X	
shop top housing	X	X	X	X	
(LAND USE terms OUTSIDE residential accommodation group term)					
home-based child care	X	C	C	C	Home-based child care will allow for low key child care activities to occur in the RU4 Zone.  <b>Action: Amend CLEP 2011 by including Home-based Child Care as permitted with consent.</b>
home business	C	C	C	C	
home occupations	O	O	O	O	
home occupation (sex services)	X	X	X	X	
<b>tourist and visitor accommodation</b>	C	C	C	C	
backpackers' accommodation	C	C	X	C	It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities for employees involved in existing agricultural activities, including agricultural produce activities.  <b>Action: Amend SLEP 2013 by including backpackers' accommodation as permitted with consent.</b>

	Cessnock LEP 2011		Proposed	Singleton LEP 2013		Proposed	Notes where changes are required
	Current			Current			
bed & breakfast accommodation farm stay accommodation	c		c	c		c	<p>This will be a point of difference in the Planning Proposal with each Council seeking to maintain its existing policy position.</p> <p><u>Cessnock City Council</u></p> <p>Larger forms of Tourist and Visitor accommodation, such as Hotel or Motel Accommodation, are likely to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural character of the area. The Hotel or Motel Accommodation land use is considered to be more appropriately located in established urban areas, where there are supporting facilities, retail and infrastructure.</p> <p>Cessnock Council may consider permitting Hotel or Motel Accommodation at key 'destination nodes' in the Viticultural District, perhaps with the application of different zone, e.g. the SP3 Zone, or a property specific additional permitted use.</p> <p><b>Action: Nil</b></p> <p><u>Singleton Council</u></p> <p>Singleton Council has not undertaken a detailed study to support a change in policy direction regarding hotel or motel accommodation. Singleton Council will seek community feedback regarding the land use during the community consultation phase of the Planning Proposal. This will help inform any change in policy regarding the land use.</p> <p><b>Action: Nil</b></p> <p><u>Cessnock Council</u></p> <p>Larger forms of Tourist and Visitor accommodation, such as Serviced Apartments, are likely to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural character of the area. The Serviced Apartments land use is considered to be more appropriately located in established urban areas, where there are supporting facilities, retail and infrastructure.</p> <p>Cessnock Council may consider permitting Serviced Apartments at key 'destination nodes' in the Viticultural District, perhaps with the application of different zone, e.g. the SP3 Zone, or a property specific additional permitted use.</p>
	c		c	c		c	
hotel or motel accommodation	x		x	c		c	
serviced apartments	c		x	x		x	

	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
					<b>Action: Amend CLEP 2011 by including serviced apartments as prohibited.</b>  Singleton Council No change. Serviced apartments are already prohibited in the RU4 Zone.  <b>Action: Nil</b>
<b>(LAND USE terms OUTSIDE tourist and visitor accommodation group term)</b>					
camping grounds	X	X	X	X	
caravan parks	X	X	X	X	
eco-tourist facilities	X	C	X	C	The land use was only specifically defined in the Standard Instrument LEP after the gazettal of CLEP 2011. The land use relates to temporary or short term accommodation located in or adjacent to an area with special ecological or cultural features, which is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The land use is subject to the development standards contained in Cl.5.13 of the Standard Instrument LEP. It is considered appropriate to include the land use in the RU4 Zone.
					<b>Action: Amend CLEP 2011 and SLEP 2013 by including Eco-tourist Facilities as permitted with consent.</b>
<b>commercial premises</b>	X	X	X	X	
<b>business premises</b> [eg. banks, post offices, hairdressers, etc.]	X	X	X	X	
funeral homes	X	X	X	X	
<b>office premises</b>	X	X	X	X	
<b>retail premises</b>	X	X	X	X	
bulky goods premises	X	X	X	X	
cellar door premises	C	C	C	C	
food & drink premises	X	X	X	X	
pubs	X	X	X	X	
restaurants or cafes	C	C	C	C	
take-away food & drink premises	X	X	X	X	

	Cessnock LEP 2011		Proposed	Singleton LEP 2013		Proposed	Notes where changes are required
	Current			Current			
garden centres hardware & building supplies kiosks landscaping material supplies markets plant nurseries roadside stalls rural supplies	X		X	X		X	
	X		X	X		X	
			X	X		X	
	X		X	X		X	
	X		X	X		X	
	C		C	C		C	
	C		C	C		C	
							Rural Supplies are considered appropriate in urban zones, rather than rural zones. <b>Action: Amend CLEP 2011 by removing rural supplies from permitted with consent.</b>
shops	X		X	X		X	
neighbourhood shops							While it is acknowledged that there are some existing tourist related shops in the Cessnock RU4 Zone, these are likely reliant on existing use rights or approved as ancillary development. A tourist related shop is not separately defined in the LEP and would likely be considered a retail premises (shop) under the Standard Instrument LEP. Shops are currently prohibited in the RU4 Zone in both Cessnock and Singleton and are considered more appropriate in urban zones. A 'tourist related shop' would not meet the standard instrument definition of a 'neighbourhood shop', which provides [...] for the day-to-day needs of people who live or work in the local area'.
	C		X	X		X	
timber yards vehicle sales or hire premises	X		X	X		X	<b>Action: Amend CLEP 2011 by removing neighbourhood shops from permitted with consent.</b>
	X		X	X		X	
<b>(LAND USE IERMS OUTSIDE commercial premises group term)</b>							
amusement centres	X		X	X		X	
entertainment facilities	X		X	X		X	
function centres	C		C	C		C	No change in position. <b>Action: Nil</b>



	Cessnock LEP 2011		Proposed	Singleton LEP 2013		Proposed	Notes where changes are required
	Current			Current			
highway service centres	X		X	X		X	
industrial retail outlets	X		X	X		X	
registered clubs	X		X	X		X	
restricted premises	X		X	X		X	
service stations	X		X	X		X	
sex services premises	X		X	X		X	
veterinary hospitals	X		X	X		X	
wholesale supplies	X		X	X		X	
<b>rural industries</b> [eg. use of composting facilities and works]	X		X	C		X	The amendment reflects that the majority of the Rural Industry sub-term land uses are prohibited in the RU4 Zone. The amendment will help simplify the RU4 Zone Land Use Table. <b>Action: Amend SLEP 2013 by removing Rural Industries from permitted with consent.</b>
agricultural produce industries	C		C	C		C	Because the group term, Rural Industries is proposed to be prohibited, Agricultural Produce Industries must be included as permitted with consent. <b>Action: Amend SLEP 2013 by including Agricultural Produce Industries as permitted with consent. The land use is already included in CLEP 2011.</b>
liveslock processing industries	X		X	X		X	
sawmill or log processing industries	X		X	X		X	
stock & sale yards	X		X	X		X	
<b>industries</b>	X		X	X		X	
heavy industries	X		X	X		X	
hazardous industry	X		X	X		X	
offensive industry	X		X	X		X	
light industries	X		X	X		X	
high technology industries	X		X	X		X	
home industry	C		C	C		C	
general industries	X		X	X		X	
<b>(LAND USE terms OUTSIDE industry group term)</b>	X		X	X		X	
boat building and repair facilities							

	Cessnock LEP 2011		Proposed	Singleton LEP 2013		Proposed	Notes where changes are required
	Current			Current			
vehicle body repair workshops	x		x	x		x	
vehicle repair stations	x		x	x		x	
<b>heavy industrial storage establishments</b>	x		x	x		x	
hazardous storage establishments	x		x	x		x	
liquid fuel depots	x		x	x		x	
offensive storage establishments	x		x	x		x	
<b>storage premises</b>	x		x	x		x	
self storage units	x		x	x		x	
<b>(LAND USE terms OUTSIDE storage premises group term)</b>							
depots	x		x	x		x	
warehouse or distribution centres	x		x	x		x	
<b>sewerage systems</b>	x		c	c		c	The land use is permitted with consent in the RU4 Zone under State Environmental Planning Policy (Infrastructure) 2007 and will bring about consistency with the Infrastructure SEPP and SLEP 2013.  <b>Action: Amend CLEP 2011 by including Sewerage Systems as permitted with consent. The land use is already included in SLEP 2013.</b>
biosolids treatment facilities							
sewage reticulation systems							
sewage treatment plants							
water recycling facilities							
<b>waste or resource management facilities</b>	c		x	x		x	The land use is out of character with the objectives of the RU4 Zone.
resource recovery facilities	c		x	x		x	<b>Action: Amend CLEP 2011 by removing Waste or Resource Management Facilities from permitted with consent. The land use is already prohibited in SLEP 2013.</b>
waste disposal facilities	c		x	x		x	
waste or resource transfer stations	c		x	x		x	
<b>water supply systems</b>	x		c	c		c	The amendment will bring about consistency between CLEP 2011 and SLEP 2013. A water supply system includes a water reticulation system, water storage facility, and water treatment facility. It is considered appropriate to permit water supply systems with consent in the RU4 Zone.
water reticulation systems	x		c	c		c	Under State Environmental Planning Policy (Infrastructure) 2007, public authorities

	Cessnock LEP 2011	Proposed	Singleton LEP 2013	Proposed	Notes where changes are required
	Current		Current		
water storage facilities	X	C	C	C	are permitted to carry out development for the purpose of a water reticulation system and water treatment facility without consent in the RU4 Zone.
water treatment facilities	X	C	C	C	<b>Action: Amend CLEP 2011 by including Water Supply Systems as permitted with consent. The land use is already included in SLEP 2013.</b>
<b>air transport facilities</b>					
airport	X	X	X	X	
helipad	X	X	X	X	
<b>(LAND USE terms OUTSIDE air transport facility group term)</b>					
airstrip	X	X	C	X	Temporary use of land for the purpose of an airstrip may still be approved by Council subject to the provisions of Clause 2.8 of the LEP. <b>Action: Amend SLEP 2013 by removing Airstrips from permitted with consent. The land use is already prohibited in CLEP 2011.</b>
helipad	X	X	C	X	Temporary use of land for the purpose of a helipad may still be approved by Council subject to the provisions of Clause 2.8 of the LEP. <b>Action: Amend SLEP 2013 by removing Helipads from permitted with consent. The land use is already prohibited in CLEP 2011.</b>
<b>(Other LAND USE terms relating to infrastructure)</b>					
car parks	X	X	X	X	
electricity generating works	I	I	I	I	
freight transport facilities	X	X	X	X	
passenger transport facilities	X	X	X	X	
port facilities	X	X	X	X	
roads	C	C	C	C	
transport depots	X	X	X	X	
truck depots	X	X	X	X	
wharf or boating facilities	X	X	X	X	
<b>educational establishments</b> [eg. TAFE establishment, etc.]	I	I	I	I	
schools	I	I	I	I	
<b>health services facilities</b>	I	I	I	I	
hospitals	I	I	I	I	

	Cessnock LEP 2011		Proposed	Singleton LEP 2013		Proposed	Notes where changes are required
	Current			Current			
medical centres health consulting rooms	I		I	I		I	
<b>(Other LAND USE terms relating to community infrastructure)</b>							
child care centres	C		X	X		X	The land use is appropriate in urban zones, rather than rural zones. Home-based child care is proposed to be permitted with consent in the RU4 Zone to allow low key child care activities to occur. <b>Action: Amend CLEP 2011 by removing Child Care Centres from permitted with consent. The land use is already prohibited in SLEP 2013.</b>
community facilities	C		C	C		C	No change in position <b>Action: Nil</b>
correctional centres	X		X	X		X	
emergency services facilities	I		I	I		I	
industrial training facilities	X		X	X		X	
information and education facilities	C		C	C		C	
places of public worship	X		X	X		X	
public administration building	X		X	X		X	
research stations	X		X	X		X	
respite day care centres	C		X	X		X	The land use is appropriate in urban zones, rather than rural zones. <b>Action: Amend CLEP 2011 by removing Respite Day Care Centres from permitted with consent. The land use is already prohibited in SLEP 2013.</b>
<b>signage</b>	C		C	X		C	The amendment reflects that the majority of the Signage sub-term land uses are permitted with consent in the RU4 Zone. The amendment will help simplify the RU4 Zone Land Use Table.
	C		X	X		X	<b>Action: Amend SLEP 2013 by including Signage as permitted with consent.</b> Strict requirements apply to advertising signage on rural or non-urban land under State Environmental Planning Policy 64 – Advertising Signage, which already limits Council's ability to grant consent to advertising signage.
advertising structure	C		X	X		X	<b>Action: Amend CLEP 2011 and SLEP 2013 by prohibiting Advertising Structures. Advertising Structures are already prohibited in the Singleton RU4 Zone.</b>

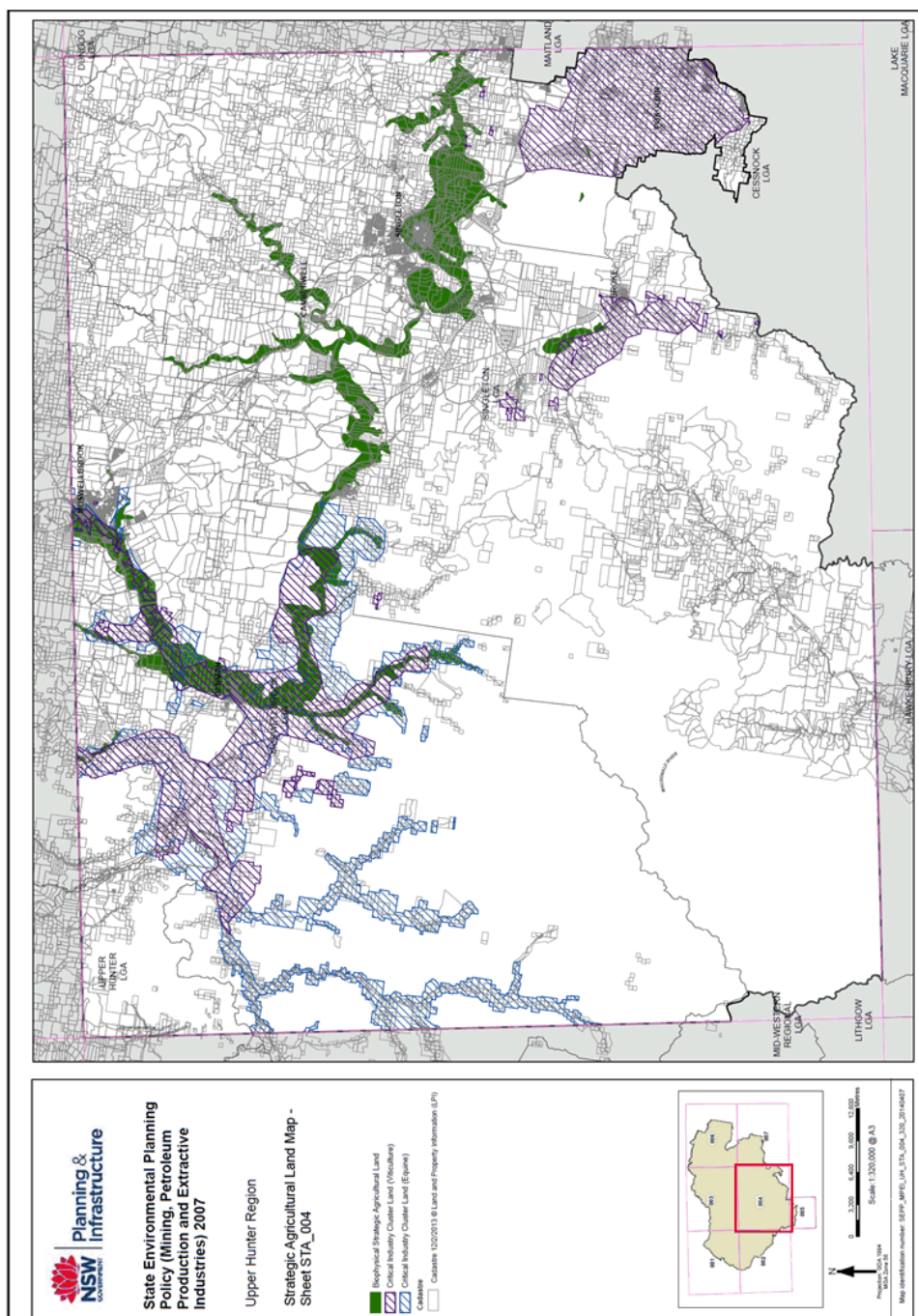
	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
building identification sign	C	C	C	C	Because the group term, 'Signage', is proposed to be included as permitted with consent, 'Building Identification Signage' can be removed from the SLEP 2013 RU4 Zone Land Use Table. <b>Action: Amend SLEP 2013 by removing Building Identification Signage from permitted with consent. The land use will be permitted under the Signage group term.</b>
business identification sign	C	C	C	C	Because the group term, 'Signage', is proposed to be included as permitted with consent, 'Business Identification Signage' can be removed from the SLEP 2013 RU4 Zone Land Use Table. <b>Action: Amend SLEP 2013 by removing Business Identification Signage from permitted with consent. The land use will be permitted under the Signage group term.</b>
(LAND USE terms relating to recreation)					
boat launching ramps	X	X	X	X	
boat sheds	X	X	X	X	
charter & tourism boating facilities	X	X	X	X	
environmental facilities	C	C	C	C	
jetties	X	X	X	X	
marinas	X	X	X	X	
mooring	X	X	X	X	
mooring pens	X	X	X	X	
recreation areas	X	X	C	C	This will be a point of difference in the Planning Proposal with each Council seeking to maintain its existing policy position. Cessnock City Council Recreation Areas that are not ancillary to viticultural developments are considered to be more appropriately located in established urban areas, where they are less likely to conflict with the viticultural pursuits occurring in the Zone. Outdoor concerts that attract tourism, like Lovedale Long Lunch and Jazz in the Vines, are assessed as 'temporary events' and remain permissible pursuant to clause 2.8 of CLEP 2011 and SLEP 2013. <b>Action: Nil</b>



	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
					<u>Singleton Council</u> Singleton Council has not undertaken a detailed study to support a change in policy direction regarding Recreation Areas. Singleton Council will seek community feedback on the matter during the community consultation phase of the proposal and this will help inform its decision regarding the land use. <b>Action: Nil</b>
recreation facilities (indoor)	X	X	X	X	
recreation facilities (major)	X	X	X	X	This will be a point of difference in the Planning Proposal with each Council seeking to maintain its existing policy position.
					<u>Cessnock City Council</u> Recreation Facilities (Outdoor) that are not ancillary to viticultural developments are considered to be more appropriately located in established urban areas, where they are less likely to conflict with the viticultural pursuits occurring in the Zone. <b>Action: Nil</b>
recreation facilities (outdoor)	X	X	C	C	<u>Singleton Council</u> Singleton Council has not undertaken a detailed study to support a change in policy direction regarding Recreation Facilities (Outdoor). Singleton Council will seek community feedback on the matter during the community consultation phase of the proposal and this will help inform its decision regarding the land use. <b>Action: Nil</b>
water recreation structures	X	X	X	X	
<b>(Other miscellaneous LAND USE terms)</b>					
cemetery	X	X	X	X	
crematorium	X	X	X	X	
environmental protection works	C	C	C	C	
exhibition homes	X	X	X	X	
exhibition villages	X	X	X	X	
extractive industries	X	X	X	X	

	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
flood mitigation works	x	c	c	c	It is considered appropriate to include Flood Mitigation Works as permitted with consent in the RU4 Zone to mitigate flood risk. Under State Environmental Planning Policy (Infrastructure) 2007, public authorities are permitted to carry out Flood Mitigation works without consent in the RU4 Zone. <b>Action: Amend CLEP 2011 by including Flood Mitigation Works as permitted with consent.</b>
mortuaries	x	x	x	x	Pursuant to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, mining and extractive industries are permissible with consent on land where development for the purposes of agriculture or industry may be carried out. A gateway certificate or site verification certificate must accompany the development application for mining or petroleum development where the land is also identified as strategic agricultural land.
open cut mining	x	x	x	x	The majority of the RU4 zoned land in Singleton and Cessnock LGA is identified as 'strategic agricultural land' under State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 and any mining or petroleum development in that area must be accompanied by a gateway certificate or site verification certificate. <b>Action: Nil</b>

## Appendix 3: Strategic Agricultural Land



Overarching Issue	Occasions Raised	Issue Summary and Planning Response
The <i>serviced apartments</i> land use should remain permissible	> 40	<p>The submissions emphasise the economic value of <i>tourist and visitor accommodation</i> to the local and regional economy. Particular reference is made to the <i>serviced apartments</i> land use. The submissions outline that this economic value is not reflected or acknowledged by the Proposal. The submissions also emphasise the important interrelationship between wine tourism and viticulture and highlight that the uses are significantly co-dependent.</p> <p>The Proposal sets out that certain forms of development have the potential to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural and viticultural character of the land. This is not to say that these developments cannot co-exist with viticulture or they are not important, rather that they present a significantly higher likelihood of land use conflict, particularly within certain areas of the Vineyard's District. This potential for land use conflict must be carefully managed with emphasis on maintaining the scenic rural landscape of the Vineyard's District and the primacy of <i>viticulture</i>. This approach is consistent with Direction 9 of the Hunter Regional Plan 2036 and the Vineyards Vision Statement.</p> <p>The Proposal outlines one way land use conflict can be managed, that is by prohibiting potentially 'high risk' land uses in the RU4 Zone. This approach is supported by the Department of Primary Industries in their advice to Council of May 2016 and the Vineyard's District Study, prepared by specialist agricultural consultants RMCG, in 2017.</p> <p>However, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p> <p>The submissions generally outline that the Planning Proposal will result in negative flow on effects, including reduced investment in the regional economy, impacting the viability of both the viticulture and wine tourism industry. The submissions also indicate that the Proposal sends the wrong signal to investors and to those who promote tourism.</p> <p>There is considerable information that supports the Proposal, which seeks to recognise and protect the primacy of the vineyards and the rural amenity of the District. This includes Direction 9 of the Hunter Regional Plan 2036, the Vineyard's Vision document, as amended by the wine and tourism industry and more recently, the 2017 Vineyard's District Study, carried out by specialist agricultural consultants RMCG.</p>
Restricting tourist and visitor accommodation in the Cessnock RU4 Zone would be detrimental to economic growth in the region	> 30	

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
		Notwithstanding this, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.
The Proposal will result in financial hardship	> 20	<p>The submissions outline that property values, capital investment and income will be negatively impacted by the Planning Proposal.</p> <p>The concerns raised in the submissions are relevant and financial impacts will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p> <p>It is considered that larger forms of <i>tourist and visitor accommodation</i>, such as <i>hotel or motel accommodation</i>, are more likely to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural character of the area. This is not to say that these developments cannot co-exist with viticulture, or that they are not important, rather that they present a significantly higher likelihood of land use conflict, particularly within certain areas of the Vineyard's District. This potential for land use conflict must be carefully managed with emphasis on maintaining the scenic rural landscape of the Vineyard's District and the primacy of viticulture.</p>
The <i>hotel or motel accommodation</i> land use should be permissible	> 20	<p>Council has traditionally taken the approach of limiting the density and size of tourist developments in the viticultural zone; previously under Clause 52 of the LEP 1989 – tourist development densities within Zone No 1 (v); and currently, under Clause 7.6 of the LEP 2011 – tourist and visitor accommodation in certain rural and environmental zones, and Parts D and E of Council's Development Control Plan 2010.</p> <p>Notwithstanding this, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p>



Overarching Issue	Occasions Raised	Issue Summary and Planning Response
The Proposal does not achieve the primary objective of standardisation	> 20	<p>The Planning Proposal does not fully align land uses in the Cessnock and Singleton RU4 Zone. Inconsistencies remain in relation to the permissibility of <i>hotel and motel accommodation, recreation areas and recreation facilities (outdoor)</i>. These land uses remain permissible in the Singleton RU4 Zone and prohibited in the Cessnock RU4 Zone.</p> <p>It is acknowledged that, aside from <i>viticulture</i>, the <i>tourist and visitor accommodation</i> land use group accounts for a substantial proportion of the land uses that occur in the Vineyard's District. Deferring such an important land use group from the Proposal will mean the key objective of standardisation has not been achieved.</p> <p>In response, it is recommended that further strategic analysis be undertaken, including potentially a 'precinct' planning approach to land use in the Viticultural District.</p>
The Proposal will result in non-conforming land uses	> 20	<p>The submissions outline that the Planning Proposal should avoid a conglomeration of development reliant on existing use rights.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
The <i>neighbourhood shops</i> land use should remain permissible.	> 20	<p>The submissions outline the importance of <i>neighbourhood shops</i> in providing goods and services to people who live and work in the area as well as tourists.</p> <p>While it is acknowledged that there are some existing tourist related shops in the RU4 Zone, these are likely reliant on existing use rights or approved as development ancillary to a permitted use, such as viticulture or cellar door premises. A 'tourist related shop' is not separately defined in the LEP and would be considered a retail premises (shop) under the Standard Instrument LEP. Shops are currently prohibited in the RU4 Zone in both Cessnock and Singleton and are considered more appropriate in urban zones. A 'tourist related shop' would not meet the standard instrument definition of a neighbourhood shop, which provides '[...] for the day-to-day needs of people who live or work in the local area'.</p> <p>Notwithstanding this, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment. In this regard, <i>shops</i> may be appropriate in certain areas within the Viticultural District.</p> <p>The submissions generally outline that the Planning Proposal will result in the closure of cellar doors and wineries, which are dependent on wine sales to tourists. The submissions also note that the Vineyard's District operates successfully because of its ability to allow viticulture and tourism related industries to co-exist and grow together.</p> <p>The Proposal sets out that certain forms of development have the potential to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural and viticultural character of the land. This is not to say that these developments cannot co-exist with viticulture or they are not important, rather that they present a significantly higher likelihood of land use conflict, particularly within certain areas of the Vineyard's District. This potential for land use conflict must be carefully managed with emphasis on maintaining the scenic rural landscape of the Vineyard's District and the primacy of <i>viticulture</i>. This approach is consistent with Direction 9 of the Hunter Regional Plan 2036 and the Vineyards Vision Statement.</p> <p>The Proposal outlines one way land use conflict can be managed, that is by prohibiting potentially 'high risk' land uses in the RU4 Zone. This approach is supported by the Department of Primary Industries in their advice to Council of May 2016 and the Vineyard's District Study, prepared by specialist agricultural consultants RMCG, in 2017.</p>
The Proposal is detrimental to wine tourism in the region	10-20	

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
The Proposal does not acknowledge the value of wine tourism or its interrelationship with viticulture in the Hunter Valley		However, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.
		The submissions outline that viticulture on small holdings is not a viable option in the Hunter, but must be supplemented with other income streams, e.g. <i>tourist and visitor accommodation</i> .
	10-20	<p>The viticultural district occupies a relatively small area of land in the Hunter Region. As a result, careful consideration must be given to the siting and built form of any development that occurs on the land. Over time, proliferation of non-agricultural development will have a cumulative impact on the rural character of the land, result in amenity impacts and may eventually undermine the rural landscape, which is significant to the overall appeal of the District for tourists.</p> <p>The Proposal outlines one way land use conflict can be managed, that is by prohibiting potentially 'high risk' land uses in the RU4 Zone. This approach is supported by the Department of Primary Industries in their advice to Council of May 2016 and the Vineyard's District Study, prepared by specialist agricultural consultants RMCG, in 2017.</p> <p>However, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
Tourists wanting to see the vineyards do not want to stay overnight in the urban centres of Cessnock	10-20	<p>The submissions outline that tourists visiting the region do not want to stay in the Cessnock urban centres, but are instead attracted to the rural amenity and character of the Vineyard's District. The submissions note that new tourist accommodation will not establish in the Cessnock urban centre in response to the Proposal.</p> <p>While establishing stronger links between the Vineyard's District and the Cessnock urban centres would benefit the Centres in an economic sense, this is not a core aim of the Proposal. The Proposal responds to certain forms of development that have the potential to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural and viticultural character of the land. The Proposal outlines one way this conflict may be mitigated.</p> <p>The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p>
Prohibit backpackers' accommodation	10-20	<p>The submissions generally outline that accommodation in the Vineyard's District is directed toward the 'higher end' of the tourist market. Backpackers' accommodation is considered a low-cost form of travel that adds little to the tourist economy and character of the area.</p> <p>The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p>
There has been a lack of community consultation regarding the Proposal	10-20	<p>Preparation of the associated Vineyards District Study included input from a vineyards reference group, which met on three occasions between April and August 2016. The reference group included a selection of vignerons, developers and representatives from the Department of Planning and Environment, Singleton Council, Hunter Valley Wine and Tourism Association and Broke Fordwich Wine and Tourism Association. Cessnock Councillors were briefed on the outcomes of the Vineyards District Study on 8 February 2017 and the final Study was submitted to Council on 21 June 2017. It is also noted that purpose of the exhibition period is to consult with the community.</p>
The Proposal is unclear, misleading, incomplete or divisive	10-20	<p>The submissions raise a variety of concerns, including that the Proposal has been presented as a relatively minor planning reform and that the impact of the major changes are not fully detailed. The submissions also outline that the Proposal as exhibited is not what was assessed by the Department of Planning and Environment and that it misrepresents the outcomes of the City Wide Planning Strategy and Vineyards Vision Statement. The submissions also highlight that the Vineyards District Study, prepared by RMCg, is not a public document.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
		<p>It is acknowledged that aspects of the Proposal, including the Standard Instrument land use terms and definitions are complicated. For this reason, a factsheet broadly outlining the key amendments was circulated with each notification letter.</p> <p>The Proposal will affect the overall range of activities that may occur in the Vineyard's District with consent. Some additional uses will be permitted, while others will be prohibited. However, the extent of the impact is largely dependent upon how each development is (or has been) 'characterised' and this varies on a case by case basis.</p> <p>The prohibition of the <i>serviced apartments</i> land use in the RU4 Zone was one of a small number of amendments that were proposed on the basis of the recommendations from the Vineyard's District Study. The Vineyard's District Study was carried out by specialist agricultural consultants, RMCg, to support the preparation of the new Cessnock City Planning Strategy. The Vineyard's District Study also provides detailed guidance regarding the Proposal. The Study has not been made public because it serves as background information to the forthcoming Strategy.</p> <p>On 16 October 2017, the Department of Planning and Environment confirmed that the proposed amendments, brought about by the Vineyards District Study, would not require an amended Gateway determination.</p> <p>There is considerable information that supports the Proposal, which seeks to recognise and protect the primacy of the vineyards and the rural amenity of the District. This includes Direction 9 and 10 of the Hunter Regional Plan 2036, the Vineyard's Vision document, as amended by the wine and tourism industry and more recently, the 2017 Vineyard's District Study, carried out by specialist agricultural consultants RMCg. The Department of Primary Industries (Agriculture) has also indicated its support for the intent of the Proposal to protect the primacy of the vineyards and to re-consider whether all the tourist and visitor sub-term land uses are required in the RU4 Zone.</p> <p>While it is acknowledged that State and local strategies, such as the Hunter Regional Plan and the Vineyards Vision, also contain directions regarding wine tourism, these need to be considered in the context of viticulture as the prime land use in the RU4 Zone. In this regard, the documents set out that other land uses, including those related to wine tourism, must recognise and protect the primacy of the vineyards.</p> <p>Proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character'</p>



Overarching Issue	Occasions Raised	Issue Summary and Planning Response
		precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.
The Proposal will result in reduced capital investment in the Cessnock Local Government Area	10-20	<p>The submissions outline that the Planning Proposal will deter further investment in the Vineyard's District, including from other levels of government.</p> <p>From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p>
The objective of standardising the RU4 Zone is supported	10-20	The feedback is noted.
Permit recreation areas and recreation facilities (outdoor)	10-20	<p>The submissions generally outline that recreation areas and outdoor facilities will be needed as the community grows and matures. Examples provided include footpaths, bushwalking tracks and an aquatic centre, whilst 'amusement park' facilities should be prohibited.</p> <p>From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment. This may include permitting recreation areas and recreation facilities (outdoor) in certain areas within the Vineyard's District.</p>
The Cessnock Local Government Area does not stand to benefit from the Proposal.	10-20	<p>The submissions outline that only the Singleton LGA stands to benefit from the Proposal. The submissions also outline that the Proposal supports the larger wineries that are financially capable of integrating ancillary tourist land uses. The Proposal does not appear to support smaller scale 'stand-alone' tourist development.</p> <p>The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
The Proposal will significantly affect options for development and planned expansion or upgrading of tourism accommodation in the Cessnock wine region.	10-20	<p>The submissions outline that to remain competitive and ensure continued use and contribution to wine tourism, developments need to be able to upgrade or expand. The Proposal will make it more difficult for existing tourism developments to upgrade and expand.</p> <p>The Vineyard's District occupies a relatively small area of land in the Hunter Region. As a result, careful consideration must be given to the siting and built form of any development that occurs on the land. Over time, proliferation of non-agricultural development in the Viticultural District, primarily development that is more akin to urban areas, will have a cumulative impact on the rural character of the land, result in amenity impacts and may eventually undermine the rural landscape that is fundamental to the overall appeal of the District for tourists.</p> <p>The Proposal outlines one way land use conflict can be managed, that is by prohibiting potentially 'high risk' land uses in the RU4 Zone. This approach is supported by the Department of Primary Industries in their advice to Council of May 2016 and the Vineyard's District Study, prepared by specialist agricultural consultants RMCg, in 2017.</p> <p>Notwithstanding this, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p>
Tourist and visitor accommodation will be restricted to uses that are commercially unviable in the Cessnock wine region	10-20	<p>The submissions outline that none of the remaining accommodation land uses are suitable to the character of the area, target market or number of potential guests. The submissions also outline that the remaining land uses will not counterbalance the prohibition of serviced apartments.</p> <p>From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p>
The Proposal will reduce local employment opportunities in the Cessnock Local Government Area	10-20	<p>The submissions outline that the Proposal will result in direct and indirect employment job losses and will limit future job opportunities in the region.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
		<p>The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p> <p>The submissions outline that child care facilities should be available in the vineyard area so that workers don't have the added burden of travelling to a regional centre. The submissions also outline that child care facilities provide business opportunities to service tourists during school holidays.</p> <p>The Proposal sets out that certain forms of development have the potential to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural and viticultural character of the land. This is not to say that these developments cannot co-exist with viticulture or they are not important, rather that they present a significantly higher likelihood of land use conflict, particularly within certain areas of the Vineyard's District. This potential for land use conflict must be carefully managed with emphasis on maintaining the scenic rural landscape of the Vineyard's District and the primacy of viticulture. This approach is consistent with Direction 9 of the Hunter Regional Plan 2036 and the Vineyards Vision Statement.</p> <p>The Proposal outlines one way land use conflict can be managed, that is by prohibiting potentially 'high risk' land uses in the RU4 Zone. This approach is supported by the Department of Primary Industries in their advice to Council of May 2016 and the Vineyard's District Study, prepared by specialist agricultural consultants RMCG, in 2017.</p> <p>However, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p>
Permit centre-based childcare	< 10	
The Cessnock Local Environmental Plan and Development Control Plan already contains appropriate mechanisms to manage development in the RU4 Zone	< 10	<p>The submissions outline that the Cessnock Development Control Plan and Cessnock Local Environmental Plan already achieve a perfect balance in preserving the character of the Vineyard's District and that no further amendments are required.</p> <p>It is worthwhile noting that, since the commencement of the 1989 Cessnock LEP, 201 known tourist related applications have been lodged with Cessnock City Council for Vineyard's District. Many of which incorporate some form of accommodation. This figure is unlikely to include many of the 'Airbnb' style accommodation, which is becoming more prevalent in the Hunter Region.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
		In contrast, since 2001, a total of 1,600 hectares of vineyards have been removed from the Hunter Valley region (RMCG, 2017). These changes to the development landscape impact the delicate balance between viticulture and wine tourism in the Pokolbin area, which needs to be managed appropriately to ensure the sustainability of both industries into the future.
Permit advertising structures	< 10	The submissions outline that <i>signage</i> is already well administered under the Vineyards Signage Code.  <i>Advertising structures</i> are typically utilised for large 'billboard' style advertisements, which are generally inconsistent with the rural character of the Vineyard's District. The Proposal does not seek to prohibit <i>building identification signage</i> or <i>business identification signage</i> , which is administered by Council's Signage Policy.
<i>Advertising structures</i> should be prohibited in the Vineyards District, but permitted at major gateways	< 10	The submissions outline that advertising structures promoting fast food chains, soft drinks and similar are not in keeping with the character of the area and should be prohibited. However, advertising structure located at the gateway to the Vineyard's District that promote local events, concerts and other activities should be permitted.  The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.
The Proposal needs to be informed by a Strategy	< 10	The submissions outline that the Proposal needs to be informed by a joint planning strategy and that, until such time as that occurs, the Proposal should only include positive amendments.  From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.
The Proposal will negatively impact the livelihood of business owners and their employees in the local area	< 10	The feedback is noted.
The Proposal is not in the best interest of the Pokolbin area	< 10	The feedback is noted.

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
Much of the land in the Vineyards District is unsuitable for growing grapes	< 10	<p>The submissions outline that, whilst there are 'pockets' of good viticultural land, much of the Vineyard's District is unsuitable for growing grapes. The submissions also outline that economics plays an increasing role in land utilisation. Hence we see more tourism related projects.</p> <p>The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p>
Obtaining finance for new or existing ventures will be difficult as a result of the Proposal	< 10	<p>The feedback is noted.</p>
The <i>rural workers' dwellings</i> land use should be prohibited	< 10	<p>The submissions generally outline that it will be difficult to justify an application for a <i>rural workers' dwelling</i> given the proximity of the Vineyard's District to the urban centres of Cessnock and Singleton. The submissions also outline that <i>rural workers' dwellings</i> may also be used for short term rental accommodation and that there is no guarantee Council will be able to ensure ongoing compliance with the proposed development standards.</p> <p>The concerns raised in the submissions are relevant and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.</p>
Enabling tourism land uses for particular parcels of land (e.g. application of SP3 Zone) is not a practical or viable solution.	< 10	<p>The feedback is noted.</p>
Serviced apartments and hotel and motel accommodation are central to the wine and tourism experience	< 10	<p>The submissions outline that the Hunter Valley wineries depend on visitation to drive high margin sales through cellar door and restaurant experiences.</p> <p>The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p>
People have purchased property on the basis of what was permissible in the RU4 Zone at that time	< 10	<p>The feedback is noted.</p>



Overarching Issue	Occasions Raised	Issue Summary and Planning Response
The <i>helipads</i> land use should be permitted	< 10	<p>The submissions outline that <i>helipads</i> support the wedding market and general access to the cellar door and restaurant.</p> <p><i>Helipads</i> that are ancillary to existing or proposed development could still be considered in the RU4 Zone as a result of the Proposal. The 'ancillary development' provisions would respond to the majority of proposed or established <i>helipads</i> in the RU4 Zone.</p>
The <i>dual occupancies</i> land use should be permitted	< 10	<p>The submissions outline that prohibiting dual occupancies will result in additional accommodation costs to small vineyard owners who wish to pursue family operated tourism on their property.</p> <p>Dual occupancies are currently prohibited in the Cessnock RU4 Zone. It is considered that the use is out of character with the objectives of the RU4 Zone.</p> <p>Proliferation of non-agricultural development in the Viticultural District, primarily development that is more akin to urban areas, will have a cumulative impact on the rural character of the land, result in amenity impacts and may eventually undermine the rural landscape that is fundamental to the overall appeal of the District for tourists.</p>
There is no need to standardise the Cessnock and Singleton RU4 Zone	< 10	<p>The submissions outline that the priorities and character of the Cessnock and Singleton wine regions are different and that, as a result, there is no need to align the RU4 Zone.</p> <p>The Proposal reflects the intent of the Vineyards Vision to protect the primacy of the vineyards in the RU4 Zone and is a specific action of that document. Aligning the RU4 Zone ensures that there is effectively no arbitrary planning boundary within the area of the Pokolbin Vineyard District.</p>
The Cessnock and Singleton development control plans should also be aligned in relation to the Vineyards District	< 10	<p>The concerns raised in the submissions are relevant and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.</p>
Cessnock Council should consider reinstating the Vineyard's District Advisory Group	< 10	<p>The feedback is noted.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
Prohibiting centre-based childcare in the RU4 Zone is supported	< 10	<p>The feedback is noted.</p> <p>The submissions outline that the Proposal does not give full and proper consideration to the local and regional planning strategies and that an incomplete application of the RU4 Zone objectives has been made.</p> <p>The Proposal is consistent with the outcomes of local and regional strategies that seek to recognise and protect the primacy of the vineyards and the rural amenity of the District. This includes Direction 9 and 10 of the Hunter Regional Plan 2036, the Vineyard's Vision document, as amended by the wine and tourism industry and more recently, the 2017 Vineyard's District Study, carried out by specialist agricultural consultants RMCg. The Department of Primary Industries (Agriculture) has also indicated its support for the intent of the Proposal to protect the primacy of the vineyards and to re-consider whether all the tourist and visitor sub-term land uses are required in the RU4 Zone.</p> <p>This is not to say that these developments cannot co-exist with viticulture or they are not important, rather that they present a significantly higher likelihood of land use conflict, particularly within certain areas of the Vineyard's District. This potential for land use conflict must be carefully managed with emphasis on maintaining the scenic rural landscape of the Vineyard's District and the primacy of viticulture. This approach is consistent with Direction 9 of the Hunter Regional Plan 2036 and the Vineyards Vision Statement.</p> <p>From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p> <p>The submissions outline that the Proposal will result in an increase in 'Airbnb' style tourist accommodation in the RU4 Zone, increasing pressure on existing tourist accommodation land uses.</p> <p>The State Government has recently announced its intention to amend the regulatory framework to include standards for short-term holiday letting, including 'Airbnb' style tourist accommodation. The impact of these changes along with the community's comments will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.</p>
The Proposal is contrary to local and regional planning strategies	< 10	
Short stay 'AirBNB' style accommodation is detrimental to businesses in the Vineyards District	< 10	

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
The Department of Primary Industries' response to the Proposal is not balanced	< 10	<p>The submissions outline that the Department of Primary Industries is an industry specific organisation and that their opinion may not be balanced with regard to wine tourism.</p> <p>The concerns raised in the submissions are relevant and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.</p>
The existing minimum lot size of 40 hectares is supported	< 10	The feedback is noted.
The objective of prohibiting large scale, inappropriate development is supported	< 10	The feedback is noted.
The Proposal will benefit the Vineyard area	< 10	The feedback is noted.
As an alternative, Cessnock Council should consider strengthening the Development Control Plan in relation to 'large scale' tourist land uses	< 10	<p>The submissions generally outline that, as an alternative to the Proposal, which will affect both 'large' and 'small' scale tourism land uses, the Cessnock DCP should be amended to include additional provisions to better manage 'large scale' tourism development.</p> <p>The concerns raised in the submissions are relevant and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p>
Clause 5.4 of the Cessnock and Singleton Local Environmental Plan should also be aligned	< 10	<p>Clause 5.4 of the Cessnock and Singleton local environmental plans outline additional provisions to control the scale of particular land uses. Of relevance are the controls relating to the <i>tourist and visitor accommodation</i> sub-term land uses.</p> <p>The concerns raised in the submissions are relevant and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.</p>
The viticulture land use should be permitted without consent	< 10	<p>The submissions outline that, in light of the intent of the Proposal to recognise the primacy of viticulture, the use should be permissible without the need for consent in the RU4 Zone.</p> <p>The RU4 Zone contains a substantial number of existing residential and tourist land uses, which are sensitive to the impacts of viticulture, such as spray drift. As a result, the siting of new viticulture must be appropriately managed.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
All existing allotments should receive a dwelling entitlement	< 10	<p>The submissions outline that certain 'undersized' allotments in the Vineyard's District do not have the benefit of a dwelling entitlement and are therefore restricted in terms of possible use.</p> <p>The issue of dwelling entitlement is beyond the scope of the Proposal. The Proposal aims to align, as far as possible, the objectives and land use tables of the RU4 Primary Production Small Lots Zone in the LGAs of Singleton and Cessnock. In this regard, the Proposal does not seek to amend either council's existing policy position regarding the permissibility of <i>dwelling houses</i> in the RU4 Zone.</p> <p>Notwithstanding this, the concerns raised in the submissions have been noted and may be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.</p>
The <i>eco-tourism facilities</i> land use should be prohibited	< 10	<p>The submissions outline that accommodation in the Vineyard's District is directed toward the 'higher end' of the tourist market and that <i>eco-tourist facilities</i> are overly regulated, impractical or unviable in the RU4 Zone.</p> <p>The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.</p>
The <i>secondary dwellings</i> land use should be prohibited	< 10	<p>The submissions generally outline that permitting <i>secondary dwellings</i> will lead to an increase in 'Airbnb' style tourist accommodation, which is an undesirable outcome for the Vineyard's District.</p> <p>The State Government has recently announced its intention to amend the regulatory framework to include standards for short-term holiday letting, including 'Airbnb' style tourist accommodation. The impact of these changes along with the community's comments will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.</p>

# Placeholder for Enclosure 1

Corporate and Community No. CC78/2018

2017-18 Annual Financial Statements including Audit  
Reports (Provided under Separate Cover)





## **INDEPENDENT AUDITOR'S REPORT**

### **Report on the general purpose financial report**

#### **Cessnock City Council**

To the Councillors of the Cessnock City Council

### **Opinion**

I have audited the accompanying financial report of Cessnock City Council (the Council), which comprise the Income Statement and Statement of Comprehensive Income for the year ended 30 June 2018, the Statement of Financial Position as at 30 June 2018, the Statement of Changes in Equity and Statement of Cash Flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the Statement by Councillors and Management.

In my opinion,

- the Council's accounting records have been kept in accordance with the requirements of the *Local Government Act 1993*, Chapter 13, Part 3, Division 2 (the Division)
- the financial report:
  - has been presented, in all material respects, in accordance with the requirements of this Division
  - is consistent with the Council's accounting records
  - presents fairly, in all material respects, the financial position of the Council as at 30 June 2018, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- all information relevant to the conduct of the audit has been obtained
- no material deficiencies in the accounting records or financial report have come to light during the audit.

My opinion should be read in conjunction with the rest of this report.

### **Basis for Opinion**

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Report' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

### **Other Information**

Other information comprises the information included in the Council's annual report for the year ended 30 June 2018, other than the financial report and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the special purpose financial statements and Special Schedules (the Schedules).

My opinion on the financial report does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the special purpose financial statements and Special Schedule 2 - Permissible income for general rates.

In connection with my audit of the financial report, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

### **The Councillors' Responsibilities for the Financial Report**

The Councillors are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards and the *Local Government Act 1993*, and for such internal control as the Councillors determine is necessary to enable the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting except where the Council will be dissolved or amalgamated by an Act of Parliament, or otherwise cease operations.

### **Auditor's Responsibilities for the Audit of the Financial Report**

My objectives are to:

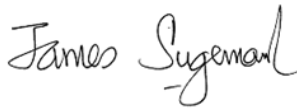
- obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial report.

A description of my responsibilities for the audit of the financial report is located at the Auditing and Assurance Standards Board website at: [www.auasb.gov.au/auditors\\_responsibilities/ar4.pdf](http://www.auasb.gov.au/auditors_responsibilities/ar4.pdf). The description forms part of my auditor's report.

My opinion does *not* provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- on the Original Budget information included in the Income Statement, Statement of Cash Flows, and Note 18 Material budget variations
- on the Special Schedules. A separate opinion has been provided on Special Schedule 2 - Permissible income for general rates
- about the security and controls over the electronic publication of the audited financial report on any website where it may be presented
- about any other information which may have been hyperlinked to/from the financial report.



James Sugumar  
Director

18 October 2018  
SYDNEY



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

Contact: James Sugumar  
Phone no: 02 9275 7288  
Our ref: D1822730/1712

19 October 2018

Dear Councillor Pynsent

**Report on the Conduct of the Audit  
Cessnock City Council  
Audit for the year ended 30 June 2018**

I issued an unmodified audit opinion in my Independent Auditor's Report for the general purpose financial statements of Cessnock City Council (the Council) for the year ended 30 June 2018.

The audit was required by section 415 of the *Local Government Act 1993* (the Act).

This Report on the Conduct of the Audit is issued in accordance with section 417 of the Act and should be read in conjunction with my audit opinion issued under section 417(2) of the Act.

**SIGNIFICANT AUDIT ISSUES AND OBSERVATIONS**






I did not identify any significant audit issues or observations during my audit of the Council's general purpose financial statements.

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## FINANCIAL RESULTS

### INCOME STATEMENT

	2018 \$m	2017 \$m	Variation \$m	Variation %
<b>Rates and annual charges revenue</b>	47.2	46.0	+1.2	 2.6
<b>Grants and contributions revenue</b>	58.1	34.4	+23.7	 68.9
<b>Total Revenue</b>	121.4	94.8	+26.6	 28.1
<b>Total Expenses</b>	82.0	76.0	+6.0	 7.9
<b>Operating result for the year</b>	39.4	18.8	+20.6	 109.6

Increase of \$1.2 million in rates and annual charges revenue was mainly due to 1.5 per cent rate rise.

Grants and contributions revenue increase of \$23.7 million is largely attributable to \$32.1 million increase of revenue from assets received free of charge from developers during the year partially offset by \$9.4 million decrease in financial assistance grant revenue.

Movement in Council's total expenses represents:

- increase of \$1.5 million payroll award costs
- rise of \$2.7 million in materials and contract expense due to additional contract work undertaken by the Council.
- waste levy increase of \$1.2 million

Larger increase in revenue in comparison to expense contributed to \$20.6 million growth in the operating result for the year.



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## BALANCE SHEET

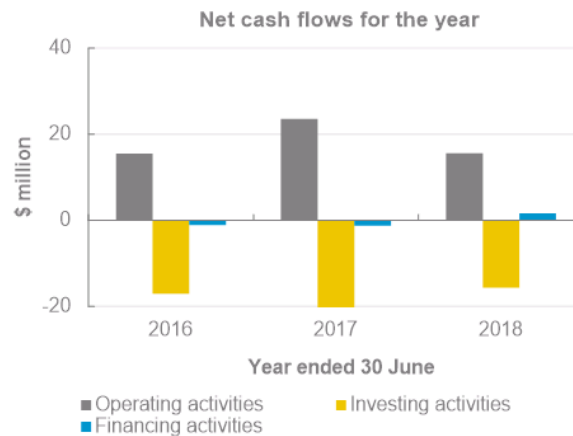
	2018 \$m	2017 \$m	Variation \$m	Variation %
Current assets	43.1	42.1	+1.0	↑ 2.4
Non-current assets	773.5	739.9	+33.6	↑ 4.5
Total Assets	816.7	781.9	+34.8	↑ 4.5
Total Liabilities	40.3	37.6	+2.7	↑ 7.2
Net Assets	776.3	744.3	+32.0	↑ 4.3

Council's current assets increased by \$1.0 million mainly due to an increase in cash and investments from grant receipts.

Non-current assets increased by \$33.6 million mainly due to the additions of \$32.1 million assets received free of charge recognised at fair value.

## CASH FLOWS

- The Council reported positive operating cash flows in the past three years.
- Investing cash outflows represents acquisition of \$16.2 million infrastructure assets and \$5.3 million investment securities for year ended 30 June 2018.
- Increased financing cash inflows represents borrowings of \$1.6 million for year ended 30 June 2018.



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## CASH POSITION

Cash and Investments	2018	2017	Commentary
	\$m	\$m	
External restrictions	15.6	13.6	Increase in developer contributions by \$2.2 million increased the externally restricted cash at 30 June 2018.
Internal restrictions	22.1	22.8	
Unrestricted	1.5	0.2	Unrestricted cash balance increased to \$1.5 million at 30 June 2018 from positive operating result for the year.
<b>Cash and investments</b>	<b>39.2</b>	<b>36.6</b>	

## COUNCIL'S PERFORMANCE RATIOS FOR 30 JUNE 2018

I provide a summary of outcome and an analysis of the Council's key performance ratios for the year ended 30 June 2018 as below:

Performance ratio	Outcome	Reference
Operating performance ratio	Not Achieved	<u>1</u>
Own source operating revenue ratio	Not Achieved	<u>2</u>
Unrestricted current ratio	Achieved	<u>3</u>
Debt service cover ratio	Achieved	<u>4</u>
Rates and annual charges cover ratio	Achieved	<u>5</u>
Cash expense cover ratio	Achieved	<u>6</u>
Building and infrastructure renewals ratio	Not Achieved	<u>7</u>

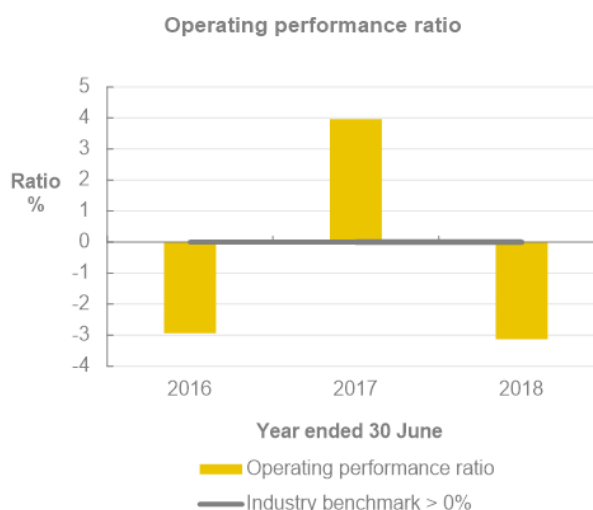
The ratios and the definitions (except for the 'building and infrastructure renewals ratio') are reported in Note 22 of the Council's audited general purpose financial statements. The 'building and infrastructure renewals ratio' is defined in Council's Special Schedule 7 which has not been audited.

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## 1. Operating performance ratio (operating margin to operating revenue)

- Council did not achieve the OLG benchmark for the year ended 30 June 2018.
- It achieved this benchmark for 2016-17 from early receipt of Financial Assistance Grants of \$3.5 million.
- Council's expenses of \$1.6 million on the installation of new drainage infrastructure on New England Highway and \$0.6 million on Kurri Kurri Ambulance Hall due to the storm event, contributed to the negative operating performance ratio.

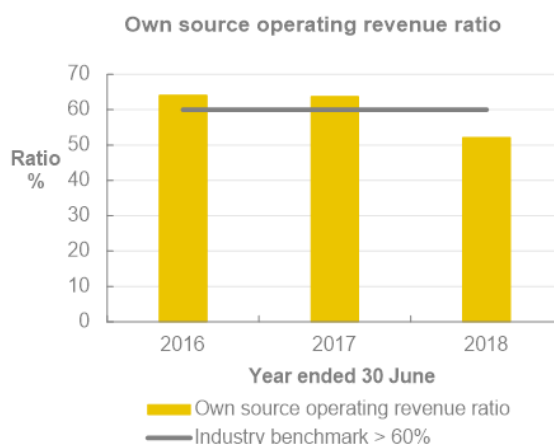


The 'operating performance ratio' measures how well council contained operating expenditure within operating revenue (excluding capital grants and contributions, fair value adjustments, and reversal of revaluation decrements).

The benchmark set by the Office of Local Government (OLG) is greater than zero per cent.

## 2. Own source operating revenue ratio (own funding to total funding)

- Council did not achieve the benchmark of 60 per cent for own source revenue ratio for the year ended 30 June 2018.
- The ratio decreased to below 60 per cent mainly due to non-cash revenue from assets received free of charge.
- It achieved the benchmark in the previous two years.



The 'own source operating revenue ratio' measures council's fiscal flexibility and the degree to which it relies on external funding sources such as operating grants and contributions.

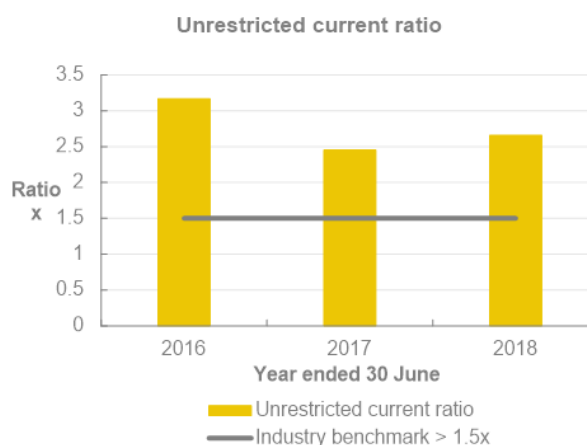
The benchmark set by OLG is greater than 60 per cent.

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### 3. Unrestricted current ratio (unrestricted cash to liabilities)

- Council continued to exceed the unrestricted current ratio benchmark for the past three years.
- The Council will be able to meet its short-term obligations as and when they fall due.

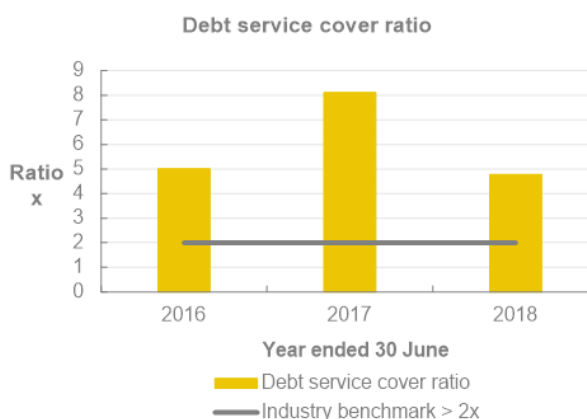


The 'unrestricted current ratio' is specific to local government and represents council's ability to meet its short-term obligations as they fall due.

The benchmark set by OLG is greater than 1.5 times.

### 4. Debt service cover ratio (operating cash to loan obligations)

- Council continued to exceed the debt service cover ratio benchmark for the past three years.
- The debt service cover ratio for 2016-17 was higher due to early receipt of Financial Assistance Grants of \$3.5 million.



The 'debt service cover ratio' measures the operating cash to service debt including interest, principal and lease payments.

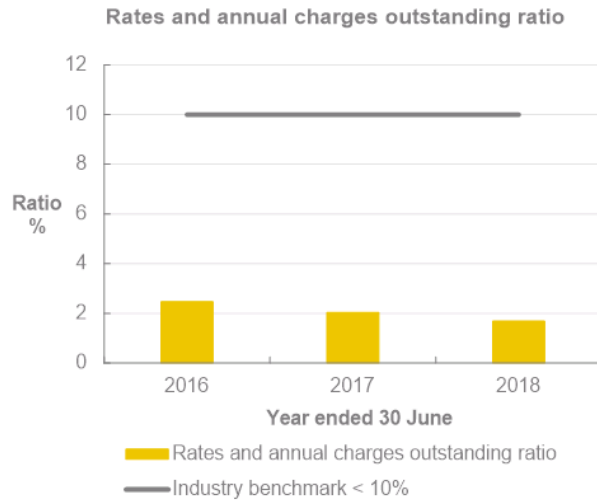
The benchmark set by OLG is greater than two times.

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## 5. Rates and annual charges outstanding ratio (uncollected rates to total rates)

- Council continued to achieve the rates and annual charges outstanding ratio benchmark for the past three years.
- The collection procedures of the Council operated effectively to collect more than 90 per cent of the rates and annual charges revenue within the receivable due dates.

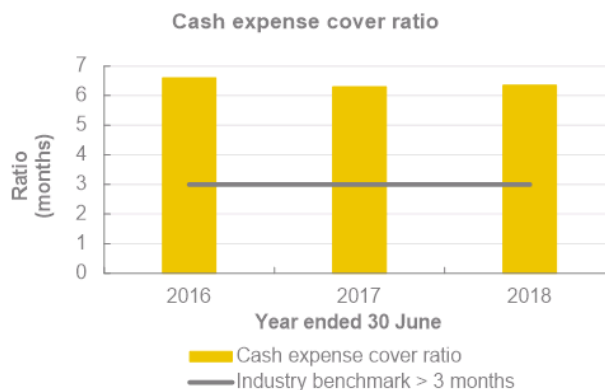


The 'rates and annual charges outstanding ratio' assesses the impact of uncollected rates and annual charges on council's liquidity and the adequacy of debt recovery efforts.

The benchmark set by OLG is less than 10 per cent for regional and rural councils.

## 6. Cash expense cover ratio (cash balance to monthly outgoings)

- Council exceeded the benchmark of three months for the past three years.
- It will be able to meet its immediate expenses for more than six months without additional cash inflows.



This liquidity ratio indicates the number of months the council can continue paying for its immediate expenses without additional cash inflow.

The benchmark set by OLG is greater than three months.

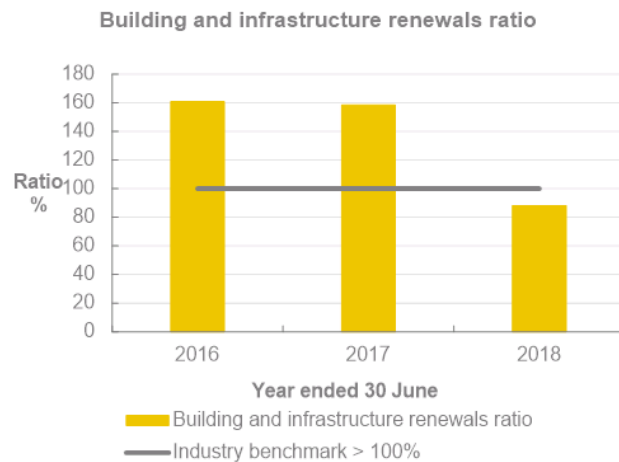
## 7. Building and infrastructure renewals ratio (unaudited)



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- Council has not achieved the benchmark for this ratio in 2017-18.
- The building and infrastructure renewals ratio decreased to 88.2 per cent in 2017-18 due to assets received free of charge.



The 'building and infrastructure renewals ratio' assesses the rate at which these assets are being renewed against the rate at which they are depreciating.

The benchmark set by OLG is greater than 100 per cent.

This ratio is sourced from council's Special Schedule 7 which has not been audited.

## OTHER MATTERS

### Legislative compliance

My audit procedures did not identify any instances of non-compliance with legislative requirements or a material deficiency in the Council's accounting records or financial reports.

The Council's:

- accounting records were maintained in a manner and form to allow the general purpose financial statements to be prepared and effectively audited
- staff provided all accounting records and information relevant to the audit.

James Sugumar  
Director, Financial Audit Services

cc: Mr Stephen Glen, General Manager  
Ms Jennifer Hayes, Chair of Audit, Risk and Improvement Committee  
Mr Tim Hurst, Chief Executive, Office of Local Government



## **INDEPENDENT AUDITOR'S REPORT**

### **Report on the special purpose financial report**

#### **Cessnock City Council**

To the Councillors of the Cessnock City Council

### **Opinion**

I have audited the accompanying special purpose financial report (the financial report) of Cessnock City Council's (the Council) Declared Business Activity, which comprise the Income Statement of the Declared Business Activity for the year ended 30 June 2018, the Statement of Financial Position of the Declared Business Activity as at 30 June 2018, notes comprising a summary of Significant accounting policies and other explanatory information for the Business Activity declared by Council, and the Statement by Councillors and Management.

The Declared Business Activity of the Council is:

- Strategic Services Australia Limited.

In my opinion, the financial report presents fairly, in all material respects, the financial position of the Council's declared Business Activity as at 30 June 2018, and its financial performance for the year then ended, in accordance with the Australian Accounting Standards described in Note 1 and the Local Government Code of Accounting Practice and Financial Reporting (LG Code).

My opinion should be read in conjunction with the rest of this report.

### **Basis for Opinion**

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Report' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as the auditor of councils
- precluding the Auditor-General from providing non-audit services.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

### **Emphasis of Matter - Basis of Accounting**

Without modifying my opinion, I draw attention to Note 1 to the financial report which describes the basis of accounting. The financial report has been prepared for the purpose of fulfilling the Council's financial reporting responsibilities under the LG Code. As a result, the financial report may not be suitable for another purpose.

### **Other Information**

Other information comprises the information included in the Council's annual report for the year ended 30 June 2018, other than the financial report and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the general purpose financial statements and Special Schedules (the Schedules).

My opinion on the financial report does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the general purpose financial statements and Special Schedule 2 - Permissible income for general rates.

In connection with my audit of the financial report, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

### **The Councillors' Responsibilities for the Financial Report**

The Councillors are responsible for the preparation and fair presentation of the financial report and for determining that the accounting policies, described in Note 1 to the financial report, are appropriate to meet the requirements in the LG Code. The Councillors' responsibility also includes such internal control as the Councillors determine is necessary to enable the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless it is not appropriate to do so.

### **Auditor's Responsibilities for the Audit of the Financial Report**

My objectives are to:

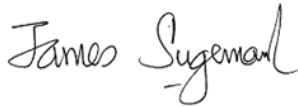
- obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial report.

A description of my responsibilities for the audit of the financial report is located at the Auditing and Assurance Standards Board website at: [www.auasb.gov.au/auditors\\_responsibilities/ar4.pdf](http://www.auasb.gov.au/auditors_responsibilities/ar4.pdf). The description forms part of my auditor's report.

My opinion does not provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited financial report on any website where it may be presented
- about any other information which may have been hyperlinked to/from the financial report.



James Sugumar  
Director

18 October 2018  
SYDNEY



## **INDEPENDENT AUDITOR'S REPORT**

### **Special Schedule 2 - Permissible Income for general rates**

#### **Cessnock City Council**

To the Councillors of Cessnock City Council

### **Opinion**

I have audited the accompanying Special Schedule 2 – Permissible Income for general rates (the Schedule) of Cessnock City Council (the Council) for the year ending 30 June 2019.

In my opinion, the Schedule of the Council for the year ending 30 June 2019 is prepared, in all material respects in accordance with the requirements of the Local Government Code of Accounting Practice and Financial Reporting (LG Code) issued by the Office of Local Government (OLG), and is in accordance with the books and records of the Council.

My opinion should be read in conjunction with the rest of this report.

### **Basis for Opinion**

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Schedule' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

### **Emphasis of Matter – Basis of Accounting**

Without modifying my opinion, I draw attention to the special purpose framework used to prepare the Schedule. The Schedule had been prepared for the purpose of fulfilling the Council's reporting obligations under the LG Code. As a result, the Schedule may not be suitable for another purpose.

### **Other Information**

Other information comprises the information included in the Council's annual report for the year ended 30 June 2018, other than the Schedule and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the general purpose financial statements, special purpose financial statements and the Special Schedules excluding Special Schedule 2 (the other Schedules).

My opinion on the Schedule does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the general purpose financial statements and the special purpose financial statements.

In connection with my audit of the Schedule, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the Schedule or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

### **The Councillors' Responsibilities for the Schedule**

The Councillors are responsible for the preparation of the Schedule in accordance with the LG Code. The Councillors' responsibility also includes such internal control as the Councillors determine is necessary to enable the preparation of the Schedule that is free from material misstatement, whether due to fraud or error.

In preparing the Schedule, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless it is not appropriate to do so.

### **Auditor's Responsibilities for the Audit of the Schedule**

My objectives are to:

- obtain reasonable assurance whether the Schedule as a whole is free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

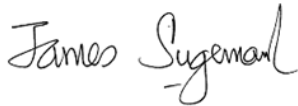
Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the Schedule.

A description of my responsibilities for the audit of the Schedule is located at the Auditing and Assurance Standards Board website at: [www.auasb.gov.au/auditors\\_responsibilities/ar8.pdf](http://www.auasb.gov.au/auditors_responsibilities/ar8.pdf). The description forms part of my auditor's report.



My opinion does *not* provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited Schedule on any website where it may be presented
- about any other information which may have been hyperlinked to/from the Schedule.



James Sugumar  
Director

18 October 2018  
SYDNEY

# Placeholder for Enclosure 1

Corporate and Community No. CC79/2018

Annual Report 2017-18 Provided under Separate Cover  
(available on Council website)



## Cessnock City Council Copyright Policy

Date Adopted XX/XX/2018 Revision: 1

### 1. POLICY OBJECTIVES

- 1.1. The objectives of this policy are to:
- 1.1.1. Ensure Council complies with the requirements of the Act,
  - 1.1.2. Protect the copyrights of others with respect to copyright-protected material held by Council;
  - 1.1.3. Protect Council's copyright in accordance with the Act;
  - 1.1.4. Establish a framework in relation to copyright compliance when using copyright protected materials both internal and external to Council.

### 2. POLICY SCOPE

- 2.1. This policy applies to all Council Officials which include Councillors, employees, consultants, volunteers and contractors of Council.
- 2.2. All copying of copyright material undertaken by Council Officials shall be in accordance with the provisions of the Act and any relevant copyright agreement(s) or licences currently in force.

### 3. POLICY STATEMENT

- 3.1. Council respects the copyrights of others and has made it a priority to ensure all Council Officials comply with copyright law and adhere to Council's Copyright Policy and Protocol.

### 4. WHAT IS COPYRIGHT?

- 4.1. Copyright is the exclusive right and assignable legal right given to copyright holders for a fixed number of years to print, publish, perform, film, or record literary, artistic, or musical material. The purpose of copyright law is to provide authors and other creators (and those who obtain rights through such persons) with an incentive to create and share creative works by granting them exclusive rights to control how their works may be used.
- 4.2. Works are automatically protected by copyright under Australian law. Among the exclusive rights granted to those authors / creators are the rights to reproduce, distribute, publicly perform and publicly display a work. These rights provide copyright holders' control over the use of their creations, and an ability to benefit, monetarily and otherwise, from the exploitation of their works.
- 4.3. Copyright also protects the right to 'make a derivative work', such as a movie from a book; the right to include a piece in a collective work, such as publishing an article in a book or journal; and the rights of attribution and integrity for 'authors' of certain works of visual art.



- 4.4. If you are not the copyright holder, you must ordinarily obtain permission prior to re-using or reproducing someone else's work or purchase a copyright licence to use the said work. Acknowledging the source of a work is not a substitute for obtaining permission. However, permission generally is not necessary for actions that do not implicate the exclusive rights of the copyright holder, such as reviewing, reading or borrowing a book or a photograph.

## **5. WHAT IS PROTECTED BY COPYRIGHT?**

- 5.1. The rights granted under the Act are intended to benefit 'authors' of 'original works of authorship', including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural and audio-visual creations.
- 5.2. This means that virtually any creative work that you may come across in readable or viewable format, including books, magazines, journals, newsletters, maps, charts, photographs, graphic materials; unpublished materials, such as analysts' reports and consultants advice; and non-print materials, including websites, computer programs and other software, databases, sound recordings, motion pictures, video files, sculptures and other artistic works are almost certainly protected by copyright.

## **6. WHAT IS NOT PROTECTED BY COPYRIGHT?**

- 6.1. Not everything is protected by copyright. Works that are not fixed i.e.: titles, names, slogans; ideas, facts and data; listings of ingredients or contents; natural or self-evident facts; and public domain works do not have copyright protection.
- 6.2. Some of these works may, however, be protected under other areas of law, such as patent or trademark law, or by contract. It is important to be sure that no other form of protection restricts the use of such materials before using them.

## **7. OBTAINING COPYRIGHT PROTECTION**

- 7.1. Copyright protection is automatic under Australian law from the moment a piece of work is placed in a material form. This includes writing down, recording or filming. A piece of work does not have to be published to be protected by copyright. Copyright also protects unpublished works.

## **8. PERFORMER'S RIGHTS**

- 8.1. The Act provides certain rights to performers. These rights are in addition to the rights of the copyright owners and creators of the material performed. Under the Act, people generally are required to obtain consent from a performer to record or broadcast a live performance. The performer's consent may also be required to use an unauthorised recording of a performance, or to use an authorised sound recording of a performance on a film soundtrack. Performers on audio recordings have additional rights, including moral rights.

## **9. EXPIRY OF COPYRIGHT**

- 9.1. Copyright lasts for different periods depending on a number of factors, including the type of material, when it was created, when the creator died and when it was published. Copyright periods can also vary from country to country.
- 9.2. The duration of copyright was extended from 50 years to 70 years in 2005 for content which still had copyright on 1 January 2005. For works in which copyright remained in force as at 1 January 2005, their copyright generally lasts for 70 years



after the year of the death of its author/creator even if copyright has subsequently been transferred to another owner.

- 9.3. Works in which copyright has expired on 1 January 2005 (usually 50 years after the year of the creator's/author's death), are referred to as being "in the public domain" or "out of copyright".

Works type	Copyright expired in Australia if
Text Print music	Published before 1955 AND <ul style="list-style-type: none"> <li>▪ Creator died before 1955 OR</li> <li>▪ Published anonymously or under pseudonym, and author cannot be identified</li> </ul>
Image	<ul style="list-style-type: none"> <li>▪ Photograph taken before 1955</li> <li>▪ Engraving, such as etching lithograph, woodblock or print, published before 1955 AND artist died before 1955</li> <li>▪ Other image: artist died before 1955</li> </ul>
Government works [(Commonwealth, State, Territory) owns copyright OR work made for, or first published by, government]	<ul style="list-style-type: none"> <li>▪ text, print music, photo, engraving published 50+ years before current year</li> <li>▪ other image made 50+ years before current year</li> </ul>

- 9.4. For further advice in relation to Copyright contact the Governance and Council Support Team.

## 10. COPYRIGHT EXEMPTION

- 10.1. The Act includes provisions for the fair use of copyright protected works for the purpose of research or study, criticism or review, reporting news, parody or satire, judicial proceedings or professional advice.
- 10.2. Exceptions to copyright protection include newspapers using copyrighted materials without permission for reporting, libraries reproducing copyright materials for users and teachers who make multiple copies of copyrighted materials for classroom distribution.

## 11. ROLES AND RESPONSIBILITIES

### 11.1. Council's Public Officer

- 11.1.1. Council's Public Officer will address copyright risks and or alleged breaches in the first instance.
- 11.1.2. Council's Public Officer may seek the authority to audit whether Council Officials are compliant with copyright law. Such an audit may be conducted without notice after providing the Council Official with a copy of an authority to conduct the audit.

### 11.2. Council Officials





- 11.2.1. Council expects Council Officials to be responsible consumers of copyright protected materials. Council Officials must not reproduce any work protected by copyright without either a copyright licence or express authority to Council from the copyright owner regardless of it being in print, video or digital form.
- 11.2.2. As there is no registration of copyright in Australia and no formal procedures to go through, Council Officials must assume that the work of others are protected by copyright until proven otherwise.
- 11.2.3. Council Officials are encouraged to educate their peers on copyright compliance. If any Council Official witnesses a potential copyright infringement they must bring the matter to the attention of the individual, and Council's Governance and Council Support Team.
- 11.2.4. Council Officials must seek out and receive through a copyright licence or the express written permission of the copyright holder, the right to reuse copyright protected work in order to avoid an infringement of copyright.
- 11.2.5. When work is not covered by copyright, Council Officials are to confirm that the material is not protected by any other area of law, such as trademark or trade secret law.
- 11.2.6. Where copyright audits are concerned, Council Officials must provide all reasonable assistance and cooperation in complying with the audit.
- 11.2.7. The Council Official being audited will be provided with an opportunity to have their comments (if any) included in the audit report.
- 11.2.8. If the Council Official fails to satisfactorily implement the recommendations contained within the copyright audit report, the matter will be dealt in accordance with clause 12.
- 11.2.9. For further advice in relation to Copyright contact the Governance and Council Support Team.

### **11.3. Use of council created materials**

- 11.3.1. Copyright in works created by Council Officials in the course of their employment or engagement is owned by Council. As such, Council Officials may use the works for Council related business only.
- 11.3.2. When Council owned copyright protected materials are used, a copyright notice is to be included on the works when being distributed or published outside of Council, otherwise such distribution or publication is deemed as unauthorised. If there is any doubt as to whether the work is covered by copyright it is best to be cautious and contact the Governance and Council Support Team seeking advice.
- 11.3.3. If Council Officials become aware of any unauthorised use or distribution of Council created materials they should promptly notify the Governance and Council Support Team.

### **11.4. Copyright ownership for third party produced materials**

- 11.4.1. Council Officials, when entering into an agreement or contract with third parties to produce materials, are to take care and adequately address the ownership of copyright before any work commences. This should be by





way of a written agreement that clearly states who owns the copyrights to any material created by the third party.

11.4.2. The agreement is to identify:

- i. who has the ownership of the third party produced materials,
- ii. who has the right to exploit the ownership,
- iii. who is to pay for the ownership, and
- iv. whether and in what circumstances improvements or modifications to the third party produced materials are allowed.

11.4.3. Council Officials should seek assistance from the Governance and Council Support Team in the first instance.

**11.5. Confidentiality**

11.5.1. Council Officials, prior to distributing any information externally to Council must ensure that any confidentiality restrictions applicable to that information are adhered to.

**11.6. Records management**

11.6.1. Staff must maintain all records relevant to administering this policy in accordance with Council's [Records Management Policy](#).

**12. POLICY BREACHES**

12.1. Use of Council equipment, facilities and/or premises for a purpose which infringes copyright is expressly forbidden and will constitute a breach of this policy. Council Officials who commit such an infringement shall be personally liable under the Act. Council may also be found liable.

12.2. Council Officials who fail to comply with this policy or the Act will be subject to Council's disciplinary procedures and Council's Code of Conduct.

**13. POLICY DEFINITIONS**

<b>Act</b>	means the <i>Copyright Act 1968</i> (Cth).
<b>Council</b>	means Cessnock City Council.
<b>Copyright</b>	means a bundle of exclusive rights of the owner to publish, copy, adapt, broadcast and perform material contained in literary, dramatic, musical, and artistic works, and in computer software, sound recordings, films, and broadcasts.
<b>Copyright Licence</b>	means a licence assigned to an individual, business or organisation by the copyright owner for the rights to their work. Assignment of copyright and licences can include a number of limitations and conditions. These can include limitations on the type of use that can be made of the work, the period of time for which a licence applies and requirements for payment.
<b>Owner</b>	means the author or maker of the copyright material, but may be another person, or legal entity, in accordance with the Act.



#### 14. POLICY ADMINISTRATION

<b>Business Group:</b>	Corporate and Community Services
<b>Responsible Officer:</b>	Governance Coordinator
<b>Policy Review Date:</b>	Three years from date of adoption unless legislated otherwise
<b>File Number / Document Number:</b>	DOC2018/040492
<b>Relevant Legislation: (reference specific sections)</b>	<ul style="list-style-type: none"> <li>ss10. 13 – 30A, 31 – 36, 39A – 44, 44D – 44F, 74 – 84, 101 – 112E, Part V and Part IX of the <i>Copyright Act 1968</i> (Cth)</li> <li>s 6(6) of the <i>Government Information (Public Access) Act 2009</i> (NSW)</li> <li>s 10.14 of the <i>Environmental Planning and Assessment Regulation 2000</i> (NSW)</li> <li>Part 2 of the <i>State Records Act 1998</i> (NSW)</li> </ul>
<b>Related Policies / Protocols / Procedures</b>	<ul style="list-style-type: none"> <li>Records Management Policy</li> <li>Public Information Access Policy</li> <li>Code of Conduct</li> <li>Copyright Protocol</li> </ul>

#### 15. POLICY AUTHORISATIONS

Code	Authorisation	Role(s)
	Investigation of Copyright policy breaches	Public Officer
	Conduct compliance audits in accordance with the Copyright Policy	Public Officer

#### 16. POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	TBA	New policy adopted
2		Periodic review

**ENCLOSURE 1 Traffic and Transport Strategy – Implementation Priorities**

Enclosure 1 – Short Term Strategic Actions

<b>Land Use Planning</b>				
No.	Action:	Lead	When:	Cost:
LU1.1	Discourage residential densification in areas without adequate transport infrastructure	CCC	Short term	
LU2.1	Encourage reduced block sizes in high activity town centres	CCC	Short term	
LU2.2	Encourage pedestrian and cyclist permeability in town centres to and from public transport	CCC	Short term	
AT1.1	Include types of cycle paths required in each area	CCC	Short term	
AT1.1	Include cycling end of trip facilities	CCC	Short term	
<b>Traffic Engineering</b>				
No.	Action:	Lead	When:	Cost:
<b>Parking:</b>				
PK3.3	Provide RV, coach and caravan/trailer parking in town centres	CCC	Short term	
PK4.1	Provide commuter parking at public transport and HEX interchange nodes	State CCC	Short term	
PK4.2	Introduce 3 hour parking on western side of Cumberland Street, Cessnock	CCC	Short term	
<b>Active Transport:</b>				
AT1.3	Seek increased funding for cycling infrastructure	State CCC	Short term	
<b>Public Transport:</b>				
PT1.1	Review public transport network and current services	State CCC	Short term	
<b>Roads and Freight:</b>				
RF1.1	Establish functional road hierarchy and access management plan for local government roads	CCC	Short term	
RF1.2	Investigate bypasses of town centres and villages	CCC	Short term	
RF1.3	Investigate control of access to arterial road network to reduce delays to through traffic	CCC	Short term	

End of Enclosure 1

## **Enclosure 1 - Part D Implementation Plan**

To successfully achieve the vision of the Strategy a number of actions need to occur over the short, medium and long term. An Implementation Plan which prioritises actions based on cost, opportunities and benefit to the community has been developed and will inform future works programs.

The following tables outline the proposed strategic actions and recommended road capital works program, to be implemented over the next 25-30 years. The Strategy should be reviewed every five years through its life to monitor and evaluate progress and to update the implementation plan as required.

**Table 1 - Recommended Action Plan**

No.	Action	Lead Area	When
LU1.1	Through planning controls, discourage residential densification in areas without adequate transport infrastructure to service the travel demands	CCC	Short term
LU1.2	Encourage new development in close proximity to the key business centres/villages or close to employment to reduce trips lengths and encourage more sustainable transport options	CCC	On-going
LU2.1	Ensure DCP's in centres aim to reduce block sizes in high activity areas	CCC	Short term
LU2.2	Development controls are put in place in centres to ensure pedestrian and cyclist permeability is achieved, with permeability orientated to/from railway stations and major bus stops	CCC	Short term
LU3.1	Implement the high priorities from the Cessnock PAMP and Cessnock Cycle Strategy	CCC	Medium term
LU3.2	Investigate development incentives/controls to encourage facilitation of improved active transport access and connectivity and end of trip facilities	CCC	Medium term
PK2.1	Sufficient off-street parking capacity is provided for long-stay purposes in centres.	CCC	On-going
PK2.2	Work with land owners to consolidate off-street parking west of Vincent Street to support "park once" principals and reduce traffic movements for short parking trips	CCC and stakeholders	Medium term
PK3.1	Audit kerbside allocation in key centres and apply the allocation hierarchy principles to each centre to define a kerbside allocation program	CCC	Medium term
PK3.2	Monitor short-stay parking occupancy levels in Cessnock CBD, Kurri Kurri, Branxton and Greta, and expand time-limited parking area when occupancy levels exceed 85% capacity at peak times	CCC	On-going
PK3.3	Investigate RV, coach and caravan/trailer parking in town centres	CCC	Short Term
PK4.1	Investigate commuter parking opportunities at public transport nodes and along HEX interchange nodes	State and CCC	Short-term
PK4.2	Introduce medium term parking (i.e. 3P) on the western side of Cumberland Street to increase parking access for longer-stay customer needs	CCCC	Short-term
AT1.1	Development controls be updated to reflect the types of bicycle paths required in each area within the Cessnock LGA.	CCC	Short term
AT1.2	Implement Cycling Strategy	CCC	On-going
AT1.3	Continue to increase annual funding for cycling infrastructure	State & CCC	Short term

No.	Action	Lead Area	When
AT2.1	Investigate key linkages and undertake negotiations with land owners for right of way corridors through sites.	CCC	Medium term
AT3.1	Development controls be updated to reflect the level of cycling end of trip facilities required in each area. Development controls are to include a component of visitor cycle facilities.	CCC	Short term
AT4.1	Assess the available and quality of safe cycle routes to/from each primary school and develop a program of improvements/upgrades, prioritised on the basis of proximity to each school and in consideration of Action AT1.1. (only for areas not considered by PAMPS).	CCC	Long term
AT5.1	Develop a series of cycling and walking guide maps of Cessnock LGA including safe cycling and walk routes to key destination (e.g. Wineries, Arts and Community Centre, Libraries)	CCC	Medium term
PT1.1	Work with the State Government to review the public transport network to understand current service provision	State & CCC	Short term
PT1.2	Lobby State Government for increased hour of operation and frequency of services between Newcastle and Cessnock LGA	State & CCC	Medium term
PT2.1	Lobby State Government to reintroduce and increase the frequency of rail services	State & CCC	Long term
PT3.1	Work with the State and bus operators to integrate and expand service coverage of bus services	State & CCC	Medium term
RF1.1	Establish a functional road hierarchy and access management plan for local government roads within the Cessnock LGA to support the arterial road system and improve local accessibility	CCC	Short term
RF1.2	Investigate opportunities to bypass centres and villages (e.g. Cessnock CBD Neath and Weston) for longer distance trips	State & CCC	Short term
RF1.3	Manage/introduce access control on the arterial network to reduce delays to through traffic movements	State & CCC	Short term
RF2.1	Develop a Local Area Traffic Management (LATM) scheme warrants and implementation policy	CCC	Medium term
R3.1	Assess the Cessnock LGA industrial areas and truck routes for impacts on residential areas and develop appropriate management measures	CCC	Medium term

**Table 2 - Road Capital Works Priorities**

Location	Section	Proposed Works	Potential Funding	*Indicative Cost	Comment	Timeframe	Lead Agency
Orange Street	Cessnock Road	install traffic control signals	State	\$350,000	improve capacity, pedestrian facilities and road safety	Immediate	StateCCC
Cessnock Road	between Kline Street and Station Street	Parking restriction to increase intersection capacity	CCC & Developer	\$5,000	local area traffic management	Immediate	CCC
Chidgey Street	Wollombi Road	Left In - Left Out	CCC & Developer	\$40,000	road safety and network efficiency	Immediate	CCC
Desmond Street	Wollombi Road	Left In - Left Out	CCC & Developer	\$40,000	road safety and network efficiency	Immediate	CCC
Miller Street	Wollombi Road	Left In - Left Out	CCC & Developer	\$40,000	road safety and network efficiency	Immediate	CCC
Wollombi Road	Abbotsford Street to Allandale Road	Upgrade to provide four lanes	CCC & Developer	\$7,800,000	to improve capacity	Immediate	State
Barnett Street	Mt View Road	Left In - Left Out	CCC & Developer	\$40,000	road safety and network efficiency	Short-term	CCC
Barton Street	Kurri Kurri	Pedestrian facility	CCC	\$20,000	local area traffic management	Short-term	State
Bellbird North	Wollombi Road	Install traffic control signals	Developer	\$250,000	new access	Short-term	CCC
Bridge Street/Drinan Street	intersection	install high visibility skid resistant surfacing	CCC	\$30,000	local area traffic management	Short-term	CCC
Campbell Street	Wollombi Road	Install traffic control signals	CCC	\$220,000	to improve operation efficiency	Short-term	CCC
Cessnock Road	Branxton	expand and landscape car park	CCC & Grants	\$100,000	local area traffic management	Short-term	CCC
Charlton Street	between Cooper Street and Maitland Road	upgrade road link through Marketplace	CCC & Grants	\$500,000	local area traffic management	Short-term	CCC
Colliery Street	Greta Street	Install traffic signal or roundabout	State	\$220,000	to improve operation efficiency and promote CBD bypass	Short-term	CCC
Colliery Street	Aberdare Road	Install traffic signal or roundabout	State	\$220,000	to improve operation efficiency and promote CBD bypass	Short-term	CCC
Darwin Street	Wollombi Road	Install traffic control signals & dual right turns	CCC & Developer	\$250,000	to improve operation efficiency	Short-term	CCC
South Street	West Avenue	new roundabout	CCC	\$150,000	to improve operation efficiency and promote CBD bypass	Short-term	CCC
Hart Road	Sawyers Gully Road	intersection upgrade (new signals or roundabout)	State & CCC	\$300,000	capacity upgrade and road safety improvement	Short-term	CCC



Location	Section	Proposed Works	Potential Funding	*Indicative Cost	Comment	Timeframe	Lead Agency
Ivan Street/James Street	Wollombi Road	Install traffic control signals	Developer	\$220,000	to improve operation efficiency	Short-term	CCC
Main Road	Hunter Expressway to Cliftleigh	Upgrade to provide four lanes	State	\$15,612,500	capacity upgrade and road safety improvement	Short-term	State
Maitland Road	between Allandale Road and Old Maitland Roads	introduce peak hour clearways	State & CCC	\$100,000	local area traffic management	Short-term	State
Marketplace Entry	Wollombi Road	Install traffic control signals	CCC & Grants	\$220,000	improved access	Short-term	CCC
Mount View Road	Wollombi Road	Install traffic control signals	State & CCC	\$220,000	to improve operation efficiency and promote CBD bypass	Short-term	CCC
Old Maitland Road - Stage 1	Maitland Road to new Weston bypass link	upgrade to 2 lane urban arterial standard	CCC, Grants & Developers	\$18,510,000	to improve operation efficiency and promote Weston, Neath & Kurri Kurri bypass	Short-term	CCC & State
O'Neill Street	Wollombi Road	Left In - Left Out	Developer	\$40,000	road safety and network efficiency	Short-term	CCC
Second Avenue and Third Avenue	Weston	LATM traffic calming devices	CCC	\$50,000	local area traffic management	Short-term	CCC
Station Street	between Cessnock Road and First Street	Install 2hr parking signage	CCC	\$5,000	local area traffic management	Short-term	CCC
Wangi Avenue	Wollombi Road	Left In - Left Out	Developer	\$40,000	road safety and network efficiency	Short-term	CCC
West Avenue	Wollombi Road	Install traffic control signals & dual right turns	CCC, Developer & State	\$250,000	to improve operation efficiency and promote CBD bypass	Short-term	CCC
West Avenue	Miller Street	Left In - Left Out	CCC	\$40,000	road safety and network efficiency	Short-term	CCC
West Avenue	Wollombi Road to North Avenue	Upgrade to provide four lanes	CCC & Developer	\$950,000	to improve operation efficiency and promote CBD bypass	Short-term	CCC
Weston bypass link	Old Maitland Road to Sawyers Gully Road	new 2 lane road	CCC & Developer	\$18,000,000	to improve operation efficiency and promote Weston, Neath & Kurri Kurri bypass	Short-term	CCC & State
Wine Country Drive	Bridge Street to 700m south of Bridge Street	Upgrade to provide four lanes	State	\$1,718,500	improved network efficiency	Short-term	State
Wollombi	Wollombi	LATM treatments	CCC	\$200,000	local traffic management	Short-term	CCC
Old Maitland Road	Maitland Road	install traffic control signals	CCC & State	\$350,000	to improve capacity	Short-term	CCC
Branxton	between Cliff Street and	new road link	CCC	\$50,000	local area traffic management	Medium-term	CCC

Location	Section	Proposed Works	Potential Funding	*Indicative Cost	Comment	Timeframe	Lead Agency
	Cessnock Road						
Northern Outer CBD Bypass Stage 1	Wollombi Road to Wine Country Drive	new 2 lane road	CCC, Grants & Developers	\$34,000,000	to improve operation efficiency and promote CBD bypass	Medium-term	CCC
Northern Outer CBD Bypass Stage 2	Wine Country Drive to Old Maitland Road	new 2 lane road	CCC, Grants & Developers	\$14,000,000	to improve operation efficiency and promote CBD bypass	Medium-term	CCC
Old Maitland Road - Stage 2	Weston bypass link road to HEX	realign and upgrade to 2 lane urban arterial	CCC & Grants	\$26,000,000	to improve capacity	Medium-term	CCC & State
Victoria Street/Lang Street	Mitchell Avenue	replace roundabout with traffic signals and pedestrian facilities	State	\$3,000,000	improve capacity, pedestrian facilities and road safety	Medium-term	State
Vincent/Snap e	Aberdare Road	intersection improvements	CCC & Grants	\$100,000	to improve operation efficiency and promote CBD bypass	Medium-term	CCC
CBD Southern Bypass Stage 1	Wollombi Road to Aberdare Road	new 2 lane road	CCC, Grants & Developers	\$22,800,000	to improve operation efficiency and promote CBD bypass	Long-term	CCC
CBD Southern Bypass Stage 2	Maitland Road to Old Maitland Road	new 2 lane road	CCC, Grants & Developers	\$6,400,000	to improve operation efficiency and promote Weston, Neath & Kurri Kurri bypass	Long-term	CCC
Colliery Street / Duffie Drive	Aberdare Road to Maitland Road	Upgrade to 2 lane urban arterial standard	CCC, State & Grants	\$2,820,000	to improve operation efficiency and promote CBD bypass	Long-term	CCC & State
Lang Street	between Victoria Street and HEX	Upgrade to provide four lanes with landscaped central median	State	\$1,720,000	to improve capacity	Long-term	State
Old Maitland Road - Stage 34	Maitland Road to new Weston bypass link	Upgrade to provide four lanes	Grants	\$18,510,000	to improve capacity	Long-term	CCC & State

Potential Funding Sources by: Grants, Cessnock City Council (CCC), Developers Contribution and State Government

\*Note: The above costs are strategic estimated costs and are not based on detailed investigation and design. Whilst potential contingencies have been considered final costs will more closely reflect site constraints such as local topography, environmental, heritage, and utility services. Project costs have been developed as strategic estimates using rates defined by the Independent Pricing and Regulatory Tribunal of New South Wales (IPART). Local Infrastructure Benchmarking Cost. It is available on the [www.ipart.nsw.gov.au](http://www.ipart.nsw.gov.au)

## Council Owned Car Parks in Cessnock City LGA - Priority List

Asset ID	Asset Name	Surface Type	Hierarchy	Surface Condition	Pavement Condition	Risk	Future Capital Works	Score	Priority
1500.B.2	Aberdare Road - Recreation Parking	AC	30	4	4.5	4.5	10	0	90
1500.B.1	Aberdare Road - Recreation Parking	AC	30	4.5	4	4	10	0	85
2480.B.2	Wollombi Road - Parking	SS	25	3.5	4	4	10	0	75
1550.B.2	Charlton Street - Ex Services Parking	SS	25	4	3.5	3.5	10	0	75
2480.B.4	Wollombi Road - Wollombi Rd Parking	SS	25	4	4	4	10	0	75
10015.B	Baddeley Park Road - Recreation Area Parking	AC	30	3.5	3.5	2	10	0	70
1570.B.5	Cumberland Street - Cumberland Parking North	AC	25	3.5	3.5	3	10	0	70
1570.B.6	Cumberland Street - Cumberland Parking South	SS	25	3.5	3.5	2.5	10	0	70
3210.B	Bridges/Convent Hill Park	AC	30	3.5	3.5	2	10	0	70
2290.B.3	Bimbadeen Lookout	AC	10	4.5	5	5	2	0	67
1830.B.2	Vincent Street - Vincent Parking	AC	30	3	3	3	10	0	60
210.B.4	Chinaman's Hollow Carpark	SS	30	2.5	2.5	2.5	10	0	60
3660.B	Allworth Street - Allworth Parking	SS	20	3.5	3.5	3	5	0	60
3940.B	Mitchell Avenue - Maitland Parking	US	10	3.5	3.5	3.5	2	0	57
1200.B	Cessnock Road - Brantxton Parking	SS	25	2.5	2.5	3	10	0	55
1500.B.3	Aberdare Road - Recreation Parking	SS	30	2.5	2.5	2	10	0	55
2480.B.1	Wollombi Road - Parking	SS	25	3	3	3	10	0	55
2480.B.3	Wollombi Road - Wollombi Rd Parking	SS	25	3	3	3	10	0	55
8210.B	Great North Road - Wollombi Parking	US	20	3	3	3	5	0	55
1300.B	John Rose Avenue - Recreation Parking	SS	15	4	3	3	2	0	52
2290.B.1	Mount View Road - Mount View Rd Parking	SS	15	3.5	3.5	3	2	0	52
3950.B	Mulbring Street - South Kurri Kurri Parking	SS	15	3.5	3.5	3	2	0	52
1830.B.1	Vincent Street - Cessnock Sports Ground Parking	AC	30	2	2	2	10	0	50
210.B.2	Cessnock Road - Recreation Area Parking	SS	30	2	2	2	10	0	50
210.B.3	Cessnock Road - Recreation Area Parking	AC	30	1.5	1.5	1.5	10	0	50
1000.B	Hetton Street - Carmichael Park	SS	30	2	2	1	10	0	45
1490.B.1	New England Highway - Miller Park	AC	30	1.5	1.5	1	10	0	45
1490.B.2	New England Highway - Miller Park	AC	30	1.5	1.5	1	10	0	45
1550.B.1	Charlton Street - Charlton Parking	AC	25	2	2	1.5	10	0	45
210.B.1	Cessnock Road - Recreation Area Parking	AC	30	2	2	1	10	0	45
3700.B	Boundary Street - Boundary Parking	AC	30	1.5	1	1	10	0	45
5385.B.2	Pokolbin Hall Parking	AC	20	3	3	2.5	5	0	45
10018.B	Castlemaine Street - Aberdare Parking	AC	25	2	2	1	10	0	40
1570.B.2	Cumberland Street - Cessnock Council Chamber	AC	25	2	2	1	10	0	40
1640.B	Hall Street - Hall Parking	US	20	2.5	1.5	1.5	5	0	40
2290.B.2	Mount View Park	AC	20	2.5	1.5	1.5	5	0	40
2380.B	South Avenue - South Av Parking	SS	5	3.5	2.5	2.5	0	0	40
2480.B.5	Wollombi Road - Stephen Hopkins Parking	AC	25	2	2	1	10	0	40
8200.B	Cessnock Street - Kitcheners Poppethead Park	AC	30	0	0	0	10	0	40
4.1	Aerodrome Parking Carpark	AC	20	2	1.5	1.5	5	0	35
4.4	Aerodrome Parking Carpark	AC	20	2	1.5	1.5	5	0	35
410.B	Orange Street - Football Club Parking	SS	15	2.5	1.5	1.5	2	0	32
4.2	Aerodrome Parking Carpark	AC	20	2	1.5	1.5	5	0	30
4.3	Aerodrome Parking Carpark	AC	20	1.5	1	1	5	0	30
1570.B.1	Cumberland Street - Cessnock Council Chamber	AC	20	2	1	1	5	0	30
1570.B.3	Cumberland Street - Cessnock Council Chamber	AC	20	2	1	1	5	0	30
1570.B.4	Cumberland Street - Cessnock Council Chamber	AC	20	2	1	1	5	0	30

Council Owned Car Parks in Cessnock City LGA - Priority List									
8412.B	Paynes Crossing Road - Wollombi Parking	SS	20	2	1	5	0	30	48
993.B.1	DeHaviland Drive	AC	20	2	1	5	0	30	49
New	Opposite Grafton St - Jeffries Park	#N/A	10	3	2	2	0	27	50
8210.B.1	Laguna Community Hall Carpark	SS	20	0		5	0	25	51
220.B	Charles Street - Off Street Parking	AC	10	2.5	1	2	0	22	52
3150.B	East End Oval Carpark	AC	15	2	1	2	0	22	53
3350.B	Weston Workers Club Carpark	SS	15	2	1	2	0	22	54
4770.B	Bennett Street - Crawfordville Park	AC	10	2	1.5	2	0	22	55
	670.1 Greta RFS Carpark (non-public)	AC	10	2	1	2	0	17	56
10161.B	Council Depot Carpark	AC	10	0	2	2	0	17	57
4157.B	Firefighters Park Parking	AC	10	1.5	1	2	0	17	58
5385.B.1	Pokolbin Park Parking	AC	10	1.5	1	2	0	17	59
New	Laguna Fire Shed (non-public)		10	1.5	1	2	0	17	60
993.B.2	CFA Parking	AC	5	1.5	1	0	0	10	61
1230.B	Dalwood Road	AC	5	0	0	0	0	5	62



## **Turner Park, Aberdare**

### **Car Park Images**





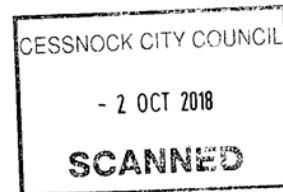
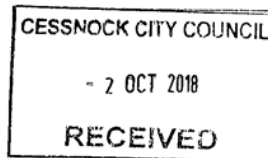




**Jonathan O'Dea MP**  
Parliamentary Secretary to the Premier and Treasurer

Ref: A2614202

26 SEP 2018



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

Dear Mayor

Thank you for your correspondence regarding funding for public libraries. I am replying on behalf of the Premier and I have noted Council's resolutions. Please accept my sincere apologies for the delay in replying to you. I am now able to provide you with the most up to date information.

I am pleased to advise that the NSW Government has recently announced an extra \$60 million in funding over four years to transform NSW public libraries across the state. Every one of NSW's more than 370 public libraries will benefit from the new investment, ensuring they remain at the heart of every community.

As the single largest increase in State Government public library funding since the *Library Act 1939*, this historic funding reaffirms the NSW Government's commitment to literacy, lifelong learning, connectivity, and community wellbeing through public libraries.

The funding will transform and modernise public libraries, especially those in regional areas, delivering key services and educational and cultural experiences across the entire state.

All councils will receive an increase in annual library funding between 40 and 50 per cent by 2022-23.

A new \$24 million infrastructure grants program over four years will be rolled out for public libraries, with the first year of funding in 2019-20.

- \* This funding also includes a \$1 million investment to support more Service NSW self-serve kiosks at public libraries. These will allow everyone to access key government services such as vehicle registration, licenses, and fee payments.

I am pleased to further advise that funding for infrastructure programs at public libraries outside of Newcastle, Sydney, and Wollongong will be available in 2018-19 through the Regional Cultural Fund (RCF). Public libraries in regional NSW can apply for capital grants to build new, or improve existing, infrastructure under the RCF fund, which was introduced in 2017-18.

Later this year, the government will also offer a new funding program for capital works at metropolitan libraries in NSW.

GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 5000 ■ F: (02) 9339 5500 ■ W: [premier.nsw.gov.au](http://premier.nsw.gov.au)

If you have any more questions about public library subsidies, please contact Mr Cameron Morley, Manager, Public Library Services at the State Library of NSW on 9273 1483. For more details about the RCF, please contact Mr Craig Limkin, Executive Director, Create Infrastructure, at Create NSW on 8289 6659.

I trust this information is of assistance. Thank you for writing.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jonathan O'Dea', with a stylized flourish at the end.

**Jonathan O'Dea MP**  
Parliamentary Secretary to the Premier and Treasurer

Australian Labor Party

Country Labor - Thinking outside of the City

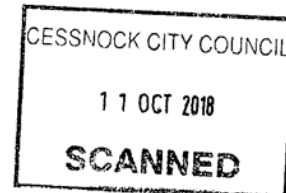
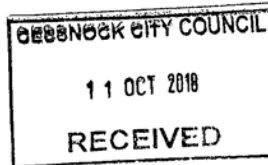
**Clayton Barr, MP**

STATE MEMBER FOR THE ELECTORATE OF CESSNOCK

Our Ref: CB2-CessnockCityCouncil-Art180920-1644  
 Council's Ref: MM7/2018

20 September 2018

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



Dear *Stephen* Mr Glen

Thank you for Council's recent letter, advising of a resolution from Cessnock Council's meeting on 1 August 2018, relating to public library funding.

I appreciate that Council have brought their concerns to my attention and have forwarded Council's letter to the Minister for the Arts, the Hon Don Harwin, MP.

Yours sincerely

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

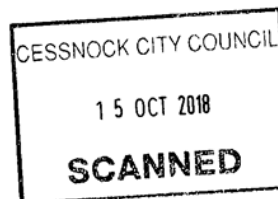
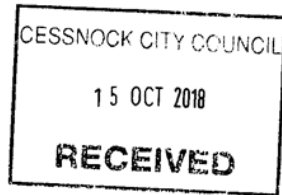


PARLIAMENT OF NEW SOUTH WALES LEGISLATIVE ASSEMBLY

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



**Jonathan O'Dea MP**  
Parliamentary Secretary to the Premier and Treasurer



Ref: A2617347

11 OCT 2018

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

Dear Mayor,

Thank you for your correspondence of 9 July 2018 regarding funding for public libraries. I am replying on behalf of the Premier and I appreciate you expressing your views on this matter.

As you may be aware, the NSW Government has announced an extra \$60 million in funding over four years to transform NSW public libraries across the state. Every one of NSW's more than 370 public libraries will benefit from the new investment, ensuring they remain at the heart of every community.

As the single largest increase in State Government public library funding since the *Library Act 1939*, this historic funding reaffirms the NSW Government's commitment to literacy, lifelong learning, connectivity, and community wellbeing through public libraries.

The funding will transform and modernise public libraries, especially those in regional areas, by delivering key services and educational and cultural experiences across the entire state. All councils will receive an increase in annual library funding between 40 and 50 per cent by 2022-23.

A new \$24 million infrastructure grants program over four years will be rolled out for public libraries, with the first year of funding to begin in 2019-20.

This funding also includes a \$1 million investment to support more Service NSW self-serve kiosks at public libraries. These kiosks will allow greater access to key government services such as vehicle registration, licenses, and fee payments.

I am pleased to advise that funding for infrastructure programs at public libraries in regional NSW will be available in 2018-19 through the Regional Cultural Fund (RCF). Public libraries in regional NSW can apply for capital grants to build new, or improve existing, infrastructure under the RCF fund, which was introduced in 2017-18.

You may be pleased to learn that later this year, the government will also offer a new \$1 million funding program for capital works at metropolitan libraries in NSW.

This means that over the 2018-19 financial year, the NSW Government will provide over \$29.5 million in funding for public libraries.

If you have any more questions about public library subsidies, please contact Mr Cameron Morley, Manager, Public Library Services at the State Library of NSW on 9273 1483.

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For more details about the RCF, please contact Mr Craig Limkin, Executive Director, Create Infrastructure, at Create NSW on 8289 6659.

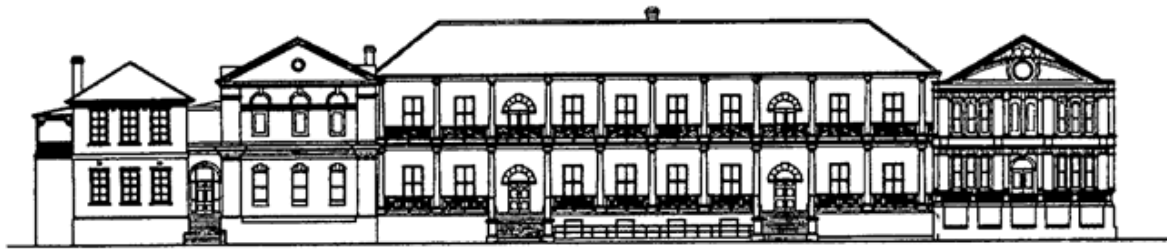
Thank you for taking the time to bring this matter to my attention.

Yours sincerely,



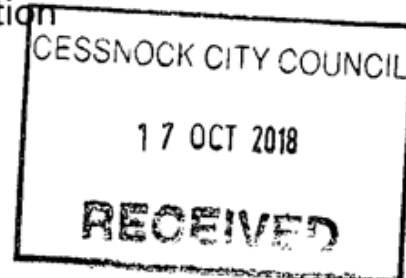
**Jonathan O'Dea MP**  
Parliamentary Secretary to the Premier and Treasurer

CC: The Hon Don Harwin MLC, Minister for the Arts



11 October 2018

For your information



*Forwarded with the Compliments of*

**CLAYTON BARR, MP**  
**STATE MEMBER FOR THE**  
**ELECTORATE OF CESSNOCK**

*Electorate Office:*  
*PO Box 242*  
*Cessnock NSW 2325*

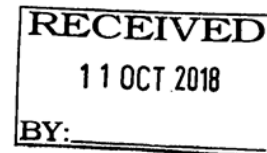
*Phone: (02) 4991-1466*  
*or 1300 550 114*





**Don Harwin MLC**

Minister for Resources, Minister for Energy and Utilities,  
Minister for the Arts, Vice-President of the Executive Council



Your ref: MM7/2018  
Our refs: IM18/26281 / MDPE18/3444

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

Dear Mr Glen

Thank you for your correspondence of 12 September 2018 about funding for public libraries.

I am pleased to advise that the NSW Government has announced an extra \$60 million in funding over four years to transform NSW public libraries across the state. Every one of NSW's more than 370 public libraries will benefit from the new investment, ensuring they remain at the heart of every community.

As the single largest increase in State Government public library funding since the *Library Act 1939*, this historic funding reaffirms the NSW Government's commitment to literacy, lifelong learning, connectivity, and community wellbeing through public libraries.

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GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 7200 ■ F: (02) 9339 5568 ■ E: [office@harwin.minister.nsw.gov.au](mailto:office@harwin.minister.nsw.gov.au)

Later this year, the government will also offer a new funding program for capital works at metropolitan libraries in NSW.

If Council has any more questions about public library subsidies, please contact Mr Cameron Morley, Manager, Public Library Services at the State Library of NSW on 9273 1483. For more details about the RCF, please contact Mr Craig Limkin, Executive Director, Create Infrastructure, at Create NSW on 8289 6659.

I trust this is of assistance.

Yours sincerely



**Don Harwin MLC**  
Leader of the Government in the Legislative Council  
Minister for Resources  
Minister for Energy and Utilities  
Minister for the Arts  
Vice-President of the Executive Council

Date: 25.9.18

GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 7200 ■ F: (02) 9339 5568 ■ E: [office@harwin.minister.nsw.gov.au](mailto:office@harwin.minister.nsw.gov.au)



**Office of the Hon Gabrielle Upton MP**

Minister for the Environment  
Minister for Local Government  
Minister for Heritage

MD18/4071

Mr Scot MacDonald MLC  
Parliamentary Secretary for Planning, the Central Coast and the Hunter  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

By email: [scot.macdonald@parliament.nsw.gov.au](mailto:scot.macdonald@parliament.nsw.gov.au)

Dear Mr MacDonald

Thank you for your letter to the Minister for the Environment, the Hon Gabrielle Upton MP on behalf of Cr Bob Pynsent, Mayor, Cessnock City Council about waste recycling in NSW. I appreciate you bringing Council's concerns to the Minister's attention and I have been asked to reply.

Cr Pynsent also wrote to the Premier, the Hon the Hon Gladys Berejiklian MP, and to Minister Upton directly about this matter. Please accept this as a response to all correspondence.

I can assure you the NSW Government is committed to supporting councils and protecting NSW's strong history of innovation and responsible waste management in partnership with local government and industry.

The waste levy collected by councils directly funds the \$802 million Waste Less, Recycle More initiative. This is the largest waste and recycling funding program in Australia and provides funding for a range of recycling and litter reduction programs, market development and waste management and infrastructure for business and local councils.

As Council is aware, China is enforcing its National Sword policy, restricting the types of recyclable material it will accept. In March 2018, the Minister announced a one-off package of up to \$47 million to support local government and industry respond to China's policy.

The package provides a range of initiatives to ensure kerbside recycling continues and to promote industry innovation. It also includes the Circulate and Civil Construction programs that support manufacturers find alternative uses for these recovered materials. These programs actively support the development of local markets.

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

- 2 -

The Environment Protection Authority (EPA) is leading an inter-governmental taskforce to find a long-term response to China's policy in partnership with industry and councils. The taskforce is also working closely with the Commonwealth Government, and other states and territories, to find national solutions that strengthen the local recycling industry and develop local markets.

Part of the Taskforce's work is the development of a circular economy policy. I note your nomination of the Kurri Kurri Precinct as a potential location for circular economy initiatives.

If Cessnock City Council has any further questions about this issue, it can contact Carmen Dwyer, Acting Executive Director, Waste and Resource Recovery, NSW Environment Protection Authority, on 6883 5366 or at [carmen.dwyer@epa.nsw.gov.au](mailto:carmen.dwyer@epa.nsw.gov.au).

Yours sincerely



**Kevin Wilde**  
Chief of Staff  
Office of the Hon Gabrielle Upton MP

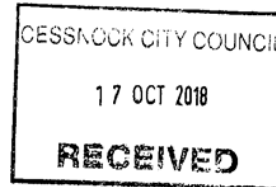
**Clayton Barr, MP**

STATE MEMBER FOR THE ELECTORATE OF CESSNOCK

Our Ref: CB2-CessnockCityCouncil-Env180914-1323  
Council's Ref: BN22/2018

14 September 2018

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



*Stephen & Bob*

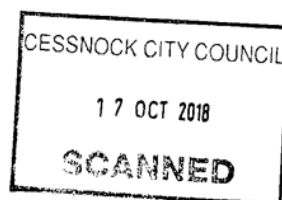
Dear ~~Mr Glen and~~ Clr Pynsent

Thank you for your Council's letter, in which my support is sought for Cessnock City Council's position on the future of Waste Recycling in NSW.

I appreciate that Council have brought their concerns to my attention on this matter.

I note the concern of Council that Cessnock City Council in 2017/18 paid a large amount of waste levy charges (just under \$8 million) to the State Government and yet only a small amount (\$218,000.00) was returned.

I will seek the advice of Shadow Minister for the Environment and Heritage, the Hon Penny Sharpe, MLC regarding this matter.



Yours sincerely

*CLB*

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



PARLIAMENT OF NEW SOUTH WALES LEGISLATIVE ASSEMBLY

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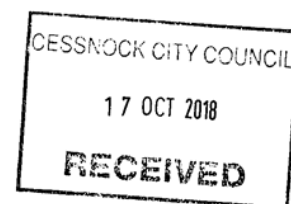
**THE HON JOEL FITZGIBBON MP**

FEDERAL MEMBER FOR HUNTER  
SHADOW MINISTER FOR AGRICULTURE, FISHERIES & FORESTRY  
SHADOW MINISTER FOR RURAL & REGIONAL AUSTRALIA



12 October, 2018

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



Dear Stephen

**RE: ACCESS TO CESSNOCK CORRECTIONAL CENTRE**

I thank Council for its letter dated 10 October, 2018 in relation to a new access and entrance to the expanded Cessnock Correctional Centre.

While entirely a matter for the New South Wales Government, Council has my full support and I will write to the New South Wales Minister on behalf of both Council and affected residents.

Yours sincerely

Joel Fitzgibbon MP

Electorate Office: 3 Edward Street, PO Box 526  
CESSNOCK NSW 2325

Phone: 02 4991 1022  
Facsimile: 02 4991 2322

Email: joel.fitzgibbon.mp@aph.gov.au  
Web: www.joelfitzgibbon.com

Follow me on Twitter and Facebook

Joel Fitzgibbon

Canberra Office: PO Box 6022  
CANBERRA ACT 2600

Phone: 02 6277 4550  
Facsimile: 02 6277 8556

Fitzhunter