
Cessnock City Council

Licenses – Occupation of Hebburn Estate Policy

Date Adopted: **20/03/2024** Revision: **5**

1 POLICY OBJECTIVES

- 1.1 The objectives of this policy are to establish conditions for the occupation of Hebburn Estate.

2 POLICY SCOPE

- 2.1 This policy applies to licensees within Hebburn Estate Weston, otherwise known as Lot 1, DP 570100 (Parcel Number 9737).

3 POLICY STATEMENT

- 3.1 The Licensees are responsible for the annual land rates of Cessnock City Council which are to be paid in full by their respective due date.
- 3.2 Council will enforce its rights to terminate the licence in the event of the Licensee being in default of rates payments.
- 3.3 The Licensees are responsible for the annual service charges for sanitary and garbage.
- 3.4 The Licensees are responsible for the annual water rates.
- 3.5 The Licensee is to ensure the Onsite System of Sewage Management (OSSM) and associated effluent disposal area is operated and maintained in accordance with Council's requirements and standards.
- 3.6 Council will enforce its rights to terminate the licence in the event the Licensee does not comply with Council's requirements and standards relating to the OSSM and/or associated effluent disposal area.
- 3.7 The Licensees be responsible for the insurance and maintenance of the residence erected on the land.
- 3.8 Only the Licensee or their approved nominees, including any person/s to whom a licence has been formally assigned, is permitted to occupy the land and residence to which their licence applies.
- 3.9 Council will not permit the Licensee or the Licensee's estate to transfer the licence rights to the residence unless it can be demonstrated that:
 - 3.9.1 The residence is of a standard suitable for accommodation as determined by Council;

- 3.9.2 The OSSM and effluent disposal area is being operated and maintained, to Council’s requirements and standards – including quarterly servicing certificate and satisfactory Council inspections;
 - 3.9.3 A certificate of currency insurance is provided to Council annually;
 - 3.9.4 Buildings and/or structures on the site have been erected in accordance with legislative requirements and relevant building codes (as applicable).
- 3.10 In the event of significant damage or other exigent circumstance, in accordance with legislation and existing licence agreements, Council will enter into negotiations to purchase residences to achieve Council’s strategic plans for the land.

4 RESPONSIBILITIES

4.1 Compliance, monitoring and review

- 4.1.1 Council’s Senior Property Officer is responsible for monitoring implementation of this policy to ensure consistency with government policy and relevant legislation and that as far as is practicable, its objectives are achieved.

4.2 Reporting

- 4.2.1 No additional reporting is required.

4.3 Records management

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

5 POLICY DEFINITIONS

Council	Means Cessnock City Council.
DP	Means deposited plan.
Licensee	Means the holder of the licence.
OSSM	Means Onsite System of Sewage Management.

6 POLICY ADMINISTRATION

Business Group	Corporate and Community Services
Responsible Officer	Senior Property Officer
Associated Procedure (if any, reference document(s) number(s))	Nil
Policy Review Date	Three years from date of adoption unless legislated otherwise
File Number / Document Number	DOC2018/065480
Relevant Legislation (reference specific sections)	<ul style="list-style-type: none"> • Residential Tenancies Act 2010 • Landlord and Tenant Amendment Act 1948 • Local Government Act 1993 • Local Government (General) Regulation 2005 • Land Acquisition (Just Terms) Compensation Act 1991 • Roads Act 1993 • Real Property Act 1900 • Conveyancing Act 1919 • Minister for Local Government's Investment Order • Retail Leases Act 1994 • Valuation of Land Act 1916 • Environmental Planning & Assessment Act 1979 • Crown Lands Management Act 2016
Relevant desired outcome or objectives as per Council's Delivery Program	A sustainable and prosperous economy
Related Policies / Protocols / Procedures / Documents (reference document numbers)	<ul style="list-style-type: none"> • Records Management Policy (DOC2019/038769) • Property Management Policy (DOC2018/063689) • Property Management Guidelines (DOC2018/063690) • Investment Policy (DOC2014/013797)

7 POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
1	Executing the functions of the policy for administering the licence agreements at Hebburn Estate as outlined within this policy.	The role(s) authorised to perform the said function: <ul style="list-style-type: none"> • Senior Property Officer • Principal Property Specialist • Chief Financial Officer • Director Corporate and Community Services • General Manager
2	Manage all breaches under this policy. Review and determine any potential breaches or complaints under this policy and refer them to Council's Code of Conduct Coordinator if needed.	The role(s) authorised to perform the said function: <ul style="list-style-type: none"> • General Manager

8 POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	19 August 1976 (TC 78/1976)	New policy adopted.
2	17 September 2003 (DC&RS 12/2003 - 896)	Periodic review.
3	18 September 2013 (PM91/2013 - 581) DOC2014/005034 – superseded	Periodic review.
4	12 December 2018 (PE89/2018)	Periodic review.
5	20 March 2024 (CC15/2024)	Periodic review.

9 APPENDICIES

Nil