



Vincent Street
CESSNOCK 2325

14 November 2007

To All Councillors

You are hereby notified that the next Meeting of the Strategic & Community Services Committee will be held in the Council Chambers, on Wednesday, 21 November 2007 commencing at 6.30pm, for the purpose of transacting the undermentioned business.

**B R MORTOMORE
GENERAL MANAGER**

AGENDA:

PAGE NO.

(1) APOLOGIES.

(2) CONFIRMATION OF MINUTES.

Minutes of the Strategic & Community Services Committee
Meeting held on 7 November 2007

(3) OFFICERS' REPORTS

ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES

131/2007	Report of the Floodplain Management Committee Meeting Held on 23 October 2007	2
132/2007	Planning Circular Received From Department of Planning – Infrastructure Contributions	5
133/2007	Draft Cessnock Local Environmental Plan 2008 and City Wide Settlement Strategy 2007	7
134/2007	Request for Donation – We Help Ourselves, Hunter Valley	20
135/2007	Report of the Cessnock City Council Local Traffic Committee Meeting Held on 22 October 2007	21

(4) QUESTIONS WITHOUT NOTICE.

OFFICER'S REPORTS

ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES REPORT NO. 131/2007

**SUBJECT: REPORT OF THE FLOODPLAIN MANAGEMENT COMMITTEE MEETING
 HELD ON 23 OCTOBER 2007**

A meeting of the Cessnock City Council Floodplain Management Committee was held on 23 October 2007 and reports as follows:-

Attendees at the meeting included Councillor A Davey (in chair), Mr J W Booth, Mr T Sivarasa and Ms S McMillam (Cessnock City Council), Mr K Speer (State Emergency Services), Messrs N Mitchell and A Davies (Community Representatives) and Messrs G McKay and H Bruist (Australian Government Bureau of Meteorology).

ISSUES ARISING FROM THE PREVIOUS MINUTES

1. BLACK CREEK FLOOD STUDY FOR CESSNOCK URBAN AREA

Consultants DHI have been provided with new flood mark data for June 2007 flooding and model calibration is in progress with this data.

RECOMMENDED that the information be noted.

2. WOLLOMBI VILLAGE FLOODPLAIN MANAGEMENT STUDY AND PLAN

Qasco (NSW) Pty Ltd has been engaged to undertake photogrammetric survey in Wollombi Village area. It is expected that the processed data will be received by end of November 2007.

Council awaiting signing and approval of funding agreement for the year of 2007/2008 from State Emergency Management Committee for this project.

RECOMMENDED that the information be noted.

3. MOUNT VIEW DETENTION BASIN

Hunter Water Australia has been engaged to prepare the Surveillance report. A draft copy has been received and being reviewed. (Has now been reviewed and returned to HWA).

RECOMMENDED that the information be noted.

4. CESSNOCK FLOODING DCP

Draft DCP prepared by the consultant Patterson Britton & Partners was to be reviewed and comments submitted back to consultant. Due to staff changes in Development Services not completed.

RECOMMENDED that the information be noted.

5. REVIEW OF FLOOD PLANNING BY STATE EMERGENCY SERVICE

Only an administrative review was completed by regional office and sent to Planning Manager, Mr Andrew Gissing. Once the report on June 2007 post flood data collection is available, new information will be included in the plan.

RECOMMENDED that the information be noted.

6. HUNTER RIVER FLOOD STUDY

Council staff attended a discussion with Maitland City Council staff and Webb McKeown & Associates Pty Ltd, who has been engaged by Maitland Council to undertake a Hunter River flood study. Maitland Council representatives agreed that Webb McKeown & Associates provide a fee proposal to extend this study further upstream up to Lower Belford to cover the Black Creek confluence area within Singleton LGA. Funding for this additional work will be considered by Cessnock Council under NSW Floodplain Management Programme. The proposed study will provide boundary conditions for Black Creek and other Hunter River tributaries in Cessnock LGA for future flood studies.

Later, this was discussed with Singleton Council, no interest shown by them in this study but agreed to provide any available data for study purpose.

RECOMMENDED that the information be noted.

LISTED MATTERS

1. PRESENTATION – FLASH FLOOD WARNING SYSTEM

Mr Gordon McKay, Manager and Mr Hugh Bruist, Engineer/Hydrologist, NSW Flood Warning Centre, Australian Government Bureau of Meteorology attended the meeting and presented a Power Point presentation on the proposed Flash Flood Warning System.

Overall requirements of the system, capital cost, ongoing maintenance requirements and cost, funding availability, responsibility and public education requirements were discussed in this presentation. This will followed by a meeting between Council staff and BOM with more details to identify the sites and other requirements to formulate a proposal.

RECOMMENDED that the information be noted.

OTHER ISSUES

1. FLOODING IN CESSNOCK LGA - 6 JUNE 2007

SES informed that due to closure of Elderslie Bridge, Singleton Council workers could not access the area south of the bridge to undertake emergency works. As it is not in Cessnock LGA, no action was taken by Cessnock Council. To rectify this situation Emergency Management Plans will be reviewed.

As Williams Bridge on Paynes Crossing Road was closed during June 2007 storm flood event in Wollombi Brook, there were a number of households which ran out of food.

RECOMMENDED that the information be noted.

To: **The General Manager**
Strategic & Community Services
Committee – 21 November 2007

S EADE
ACTING DIRECTOR STRATEGIC &
COMMUNITY SERVICES
12 November 2007

ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES

REPORT NO. 132/2007

SUBJECT: PLANNING CIRCULAR RECEIVED FROM DEPARTMENT OF PLANNING - INFRASTRUCTURE

Section 94 Planner, Mr J Stapleton, reports:-

This circular advises Councils of changes being made to the setting and collection of Infrastructure Contributions in NSW and a copy is provided in the Enclosure Documents.

At this stage, the new legislation and guidelines have not been formulated and the Circular is not clear as to how the revised contributions framework will fully work. However features of the new system include:-

- 1) Infrastructure contributions will now only fund attributable infrastructure and land requirements to support developed land rather than infrastructure driven by general population growth. In a worst case scenario and more simply put, this could mean that Councils will only be able to levy contributions relating to the development site (e.g. for a local park thereon) and not for district wide facilities (e.g. a library or swimming pool).
- 2) The changes will apply from 12 November 2007 and not to the Voluntary Planning Agreements and Section 94 Plans finalised before such date.
- 3) Future Council contributions will be paid through an approved Section 94 or 94A Plan based on Ministerial Guidelines. The Minister will advise the categories of infrastructure costs to be funded by local contributions. Councils will still prepare their plans in accordance with the guidelines however the Plans will have to be endorsed by a delegate of the Minister.
- 4) For Greenfield release areas in NSW, the establishment of a single contribution combining the State and Local infrastructure charges and collection thereof on a staged basis. Funds will be held by the NSW Treasury. Councils will be able to draw on these funds based on approved S94 Plans and subject to funds being spent within the timetable of an approved S94 Plan.

Immediate Implications on Council

The pending legislation could have enormous ramifications on Council in terms of:-

- Reductions in the provision of infrastructure through contributions and works in kind.
- Delays in the processing of re-zonings as the appropriate legislation and guidelines may not be available for up to 12 months or longer.

At this stage, Council has endorsed a Voluntary Planning Agreement for the Cliftleigh re-zoning/subdivision which involves \$14.8 million in contributions and works in kind. Heads of Agreement have also been reached in respect of the Anvil Creek re-zoning /subdivision involving \$13.4 million in contributions and works in kind. In a worst case scenario (dependent on the guidelines and legislation when formulated) up to \$6.7 million & \$10 million respectively in contributions and works in kind may have to be deleted in infrastructure contributions from Agreements in respect of the re-zonings. Similar situations could be expected in respect of Bellbird North and other major re-zonings currently in the process of being assessed.

Furthermore, as the above mentioned Voluntary Planning Agreements cannot be finalised until after 12 November 2007 these Agreements and any Section 94 plans are really in limbo until the new legislation and guidelines are released. This could result in delays to developers in having their re-zonings finalised.

RECOMMENDATION that:-

1. Strong representations be made to the Premier, Ministers for Planning and Local Government, and Local Member advising of the potential implications of the new legislation on the provision of infrastructure and Council's finances and seeking a review thereof.
2. That the NSW Government defer the imposed deadline of 12 November 2007 to 1 July 2008 to enable Voluntary Planning Agreements and Section 94 Plans near finalisation and under negotiation to be implemented.

To: **The General Manager**
Strategic & Community Services
Committee - 21 November 2007

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ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES

REPORT NO. 133/2007

**SUBJECT: DRAFT CESSNOCK LOCAL ENVIRONMENTAL PLAN 2008 AND
DRAFT CITY WIDE SETTLEMENT STRATEGY 2007**

PURPOSE

The purpose of this report is to present to Council the draft Cessnock Local Environmental Plan 2008 (the draft Plan) and City Wide Settlement Strategy (CWSS) 2007, which will constitute the Local Environmental Study for the draft Plan.

The draft Plan and CWSS were discussed at a Council briefing on 25 July 2007 and the subject of a Councillor workshop on 22 August 2007 and 26 September 2007 to inform on the preparation of these instruments.

This report advises Council of the considerations of the draft Plan and the outcomes of the Section 62 consultation, recommending that Council seek Written Authorisation from the Department of Planning to allow for public exhibition of the draft Plan in conjunction with twelve (12) spot rezonings. It is also proposed to exhibit the draft CWSS 2007 and the consequential amendments to the Cessnock Development Control Plan (DCP) during this time. This will provide opportunity for further comment and review of these plans prior to Council making a final decision.

The draft Plan and supporting documentation have not been included in the enclosure documents due to its size. Copies have been made available electronically on CD. A hard copy is also available in the Councillors Room, or on request.

BACKGROUND

All councils in NSW are required to review their environmental planning instruments over a five (5) year period to conform to a new Standard Instrument and each council was issued with a timeframe within which to complete this process. As Council is aware, Cessnock is required to prepare the new LEP by 2008, that is within a two (2) year timeframe from the date of the order being 31 March 2006.

At its meeting held 16 August 2006, Council resolved to prepare a new draft Local Environmental Plan (the draft Plan) to implement the CWSS 2003 and relevant NSW Government Planning Reforms.

The draft Plan and supporting information were lodged with the Department of Planning (DoP) on 4 October 2006. Written confirmation from the Director General of the DoP, was received on 10 November 2006 confirming that Council should continue with the preparation of the draft Plan.

It was also determined that while no new environmental study was required, Council was directed to undertake the following work:

- Revise the adopted City Wide Settlement Strategy (CWSS) - Stages 1 & 2 to ensure it is in line with the Lower Hunter Regional Strategy and Regional Conservation Plan and include a staging program for land release;
- Prepare a Biodiversity Strategy, foreshadowed in the CWSS Stage 1, to be implemented through the new LEP;
- Review the existing Heritage Study;
- Provide an adequate environmental assessment for any new release areas, including mechanisms for provision and funding of infrastructure;
- Address all relevant section 117 directions; and
- Justify and document any changes to existing controls.

Given the two (2) year timeframe provided by the DoP, a staged process has been undertaken in order to meet all of these requirements. This staged process addresses the translation of the current Cessnock LEP 1989 and revision of the Settlement Strategies. It is proposed that, where required, further review and amendment will be undertaken following completion of LEP 2008, including:

- Agricultural Lands Study - is to be undertaken post 2008 to determine a minimum lot size as documented in draft CWSS 2007. In the interim, Council has introduced a RU1 - Primary Production for Vineyards area, RU2 - Rural landscape zone for the general rural lands and RU3 - Forestry zone for existing forestry lands. In addition, steep lands to the west of Cessnock has been zoned E3 - Environmental Management, with local objectives to maintain opportunities for rural activities, dwelling-houses and tourism within the less constrained areas of land.
- Biodiversity Strategy - a comprehensive biodiversity strategy will be developed in co-ordination with relevant agencies (Dept of Environment Conservation and Climate Change including the Hunter-Central Rivers Catchment Management Authority, Dept of Water and Energy, Dept of Primary Industries) post LEP 2008 and include the identification of priority areas for vegetation offsets. In the interim, numerous measures have been introduced into the draft Plan and Cessnock DCP 2006 to address matters relating to biodiversity and conservation, including:
 - Recognise the principles of Ecological Sustainable Development (ESD) and the value of natural resource management and biodiversity in the general aims and objectives of the draft Plan;
 - Rename all land currently zoned for environmental conservation to E2 Environmental Conservation and prohibit subdivision through minimum lot size maps;
 - Rezone all significant wetlands to E2 Environmental Conservation, including a 50m edge buffer;
 - Rezone all land identified within the Watagan to Stockton 'green corridor' identified in the Lower Hunter Regional Strategy to E3 - Environmental Management;
 - Rezone steep lands in the south-western part of the City to E3 - Environmental Management with provision to maintain opportunities for rural activities, dwelling-houses and tourism within the less constrained areas of land;
 - Adopt the optional clause 34 (preservation of trees or vegetation) in the Standard Instrument in the draft Plan and make provisions in the Cessnock DCP for this clause to apply only to lands where the *Native Vegetation Act 2003* does not.
- Open Space Strategy - to underpin removal/addition to Land Acquisition Map and changes to zonings of recreation areas. The timeframe of this draft Plan has not allowed comprehensive analysis of each property. It is intended to complete the Open Space Strategy post 2008, which will provide a detailed analysis of the need for future open space and its location. This Strategy will also recommend properties that are no longer required for open space. However, in the absence of the Open Space Strategy, the 'status quo' has been maintained in most cases (ie properties are to be shown on the Land Reservation Acquisition Map), unless they are already owned by Council and are already being used for open space or drainage. Properties in Crown ownership have been given an RE1 Public Recreation zoning, since there is no detailed justification for a 'higher' zoning at this stage. It is expected that the Department of Lands will prepare a comprehensive analysis of its land at the time that Council finalises its Open Space Strategy. If required, this situation can be changed at a later time after the Open Space Strategy has been completed.

- Aboriginal Community Heritage Study - as this study is likely to consider far more sensitive cultural issues than its European counterpart, it has not been able to be undertaken in the time frame provided by the comprehensive LEP. Council is intending to undertake this study with the local Aboriginal communities, post 2008.

Draft Cessnock Local Environmental Plan 2008

All comprehensive LEPs in NSW are now required to be prepared in accordance with a Standard Instrument, which provides a 'template' which Council must use as the basis for preparing a new Local Environmental Plan.

The Standard Instrument provides for thirty four (34) standard land use zones. Councils are not required to adopt all zones, but cannot introduce additional zones to suit local circumstances. Similarly, while councils can add zone objectives to the land use zones to suit local needs, it must firstly adopt the mandated zone objectives in each instance. The Standard Instrument also mandates the permissibility of certain land uses across the zones. Councils are given discretion to tailor the remaining land use tables to structure the characteristics of the zone.

The Standard Instrument also provides for a standardised format, through the use of compulsory and optional clauses (with the numbering of clauses to be adopted across NSW) and standardised mapping requirements.

A Dictionary is also included in the Standard Instrument. Again, Councils cannot change any defined terms. Councils can only add to the standard dictionary with the approval of the DoP. Definitions particular to a council area may be determined to be appropriate as 'local provisions'. Notwithstanding this, a definition of 'commercial vineyards' has been added to the draft Plan pending the DoP finalising these terms in the standard dictionary.

The Cessnock LEP 1989 provides for twenty seven (27) land use zones. In some instances, the process of conforming to the Standard Instrument will be relatively straightforward (e.g. renaming the existing 8(a) National Parks and Nature Reserves to E1 National Parks and Nature Reserves and including all lands gazetted as National Park in this zone). In other instances, Council is required to amalgamate zones to suit a more streamlined format (e.g. rural-residential zones and lands in various zones identified for environmental conservation). Conversely, the Standard Instrument also provides Council with the opportunity to expand its range of residential zones to define varying density precincts, and to recognise the environmental constraints on land within the rural areas through expanded land use zone classifications for environmental management and protection.

The Standard Instrument format is designed so that mandatory provisions can be updated simultaneously across the State. The mandatory provisions of the LEP are shown in BLUE and remain unaltered. Council's additions and local provisions are provided in BLACK. The RED departmental directions have been retained to assist in the interpretation of the draft Plan during exhibition, but will be removed on gazettal of the LEP.

The draft Plan contains seven (7) parts, including:

- Part 1 - Preliminary
- Part 2 - Permitted or Prohibited Development
- Part 3 - Exempt and Complying Development
- Part 4 - Principal Development Standards
- Part 5 - Miscellaneous Provisions
- Part 6 - Local provisions
- Part 7 - Urban Release Areas

Twenty one (21) zones have been used from the thirty four (34) standard zones. These include standard zone objectives and mandated permitted and prohibited uses. In addition, where appropriate, terms have been defined with the application of local provisions. These are set out within the relevant (local) clause and would only apply for the purposes of that clause.

While compulsory clauses covering administrative requirements are provided with the Standard Instrument, numerous optional clauses are also available. Where an optional clause has not been used, this is noted as such in the draft Plan.

The draft Plan contains five (5) schedules. These schedules relate to specific clauses and include:

- Schedule 1 - Additional Permitted Uses
- Schedule 2 - Exempt Development
- Schedule 3 - Complying Development
- Schedule 4 - Classification and Reclassification of Public Land
- Schedule 5 - Environmental Heritage

The Standard Instrument does not provide for an acquisition zone for open space or road schemes. In such instances, Council is required to identify any lands affected in this manner on a 'land acquisition map' with a corresponding clause in the written LEP that identifies the responsible authority. Council is also required to rationalise its use of the Special Uses zone. Only major infrastructure will be renamed to a Special Purpose zone in the new LEP (e.g. F3 Highway Extension, main roads, railway corridor). Other sites will be renamed to correspond with the surrounding land use zone.

Some provisions of the current Cessnock LEP 1989 have not been carried over into the draft Plan. Generally, where there is no related provision within the Standard Instrument, the provision is superseded and/or continuation of the use of the provisions has not been supported by the DoP and has been omitted.

These provisions include:

- Deletion of Model Provisions (Clause 6), which have been superseded by the Standard Instrument.
- Deletion of advertisement requirements (Clause 26), which are to be dealt with in the Exempt and Complying schedules of the draft Plan and the amendments to the DCP.
- Deletion of flood affected land (Clause 31). It is understood that a standardised flooding clause is being developed by DoP for use in new LEPs.
- Deletion of the clause relating to Brothels (Clause 32A), which are now addressed in the land use tables using the Standard Instrument definition of 'sex services premises'.
- Deletion of clause relating to land having environmental conservation value (Clause 42). This clause refers to an area of hatching on the existing LEP maps and the 'environmental qualities of the land, as specified in a development control plan'. However, the DCP contains no such provisions. Further, it is considered that other legislation will adequately control development in this location due to its steepness and vegetation cover.

- Deletion of the restrictions on access provision (Clause 44), which is adequately covered by Section 79C of the EPA Act, SEPP 11 'Traffic Generating Developments' and Standard Instrument Clause 30 - Classified roads.
- Deletion of the development within mine subsidence districts provision (Clause 47). On advice from DoP, it is advised that it is not necessary and adequately covered by Section 79C(1)(c) of the EPA Act.
- Deletion of the development of land at Kurri Kurri provision (Clause 48). The clause requires the consent of the Director General of the DoP to any subdivision for residential lots adjacent to the Kurri Kurri abattoir, to ensure that its operation, viability and employment levels are maintained. However, the site is now significantly affected by the proposed F3 Freeway link and it is understood that the RTA is investigating purchase of the site. The provisions of Part C4 of Cessnock DCP 2006 (Land Use Conflict and Buffer Zones) also contain provisions requiring setbacks for residential development from an abattoir. For these reasons this clause is considered redundant.
- Deletion of the clause relating to tourist development densities within Zone No. 1(v) (Clause 52). On advice from the DoP, these provisions will now be introduced into amended DCP. The provision has been reworded to take account of the new definitions attached to the Standard Instrument. The draft CWSS recommends that similar tourist development density provisions be applied to all of the existing 1(a) Rural zone (proposed to be zoned part RU2 Rural Landscape and part E3 Environmental Management in Cessnock LEP 2008). A proposed Local Provisions clause (Clause 44 Rural Tourist and Visitor Accommodation) refers to the draft DCP provisions for rural tourism in the RU1 zone and contains basic development requirements for rural tourism in the RU2, E2 and E3 zones.
- Deletion of the Clause 57(3) and 57(4) as environmental management strategies have now been adopted and more than 6 months has elapsed since gazettal of Cessnock LEP 1989 (Amendment 60) respectively.
- Deletion of the Hunter Employment Zone - Shops within Zone 4(h) (Clause 58), which is replaced by permissibility of **neighbourhood shops** in the new SP1 Special Activities zone. It is noted, however, that the new provision is somewhat more restrictive than the development permitted by the deleted clause.
- Deletion of the permissibility of mining provision (Clause 60), which is now addressed through land use tables of the Standard Instrument.
- Deletion of the major tourist development provisions (Clause 61). This clause introduces requirements for tourist developments having a value in excess of \$20 million. It requires preparation of a DCP and a contributions plan and describes the matters that these plans might address. On advice from the DoP, such provisions should be relocated to the DCP. The \$20 million value is no longer considered relevant, and the information relating to a contributions plan is now out of date due to amendments to the EPA Act.
- Deletion of the clause relating to land within Bow Wow Creek Gorge Catchment and Habitat Corridors (Clause 62). For the most part, these provisions are deleted other than for identification of subject land and a Local Provisions clause making reference to Part E, Chapter 8 Bow Wow Creek Gorge of the amended DCP. On advice from the DoP, those detailed parts of clause 62 that are still relevant are to be relocated to the DCP.

- Deletion of the savings provision relating to certain development applications (Palmisano) (Clause 65). The draft Plan will not be made prior to the one year elapsing from the date of making of Amendment No 109 and will subsequently be covered by new clause 8(3).

Councillor Briefing and Workshop

The draft Plan and CWSS 2007 were discussed at a Council briefing on 25 July 2007 and the subject of a Councillor workshop on 22 August 2007 and 26 September 2007. This provided an opportunity for Councillors to raise and discuss any matters prior to these plans being reported to Council, including:

- An overview of the land use zones and the main changes to the range of permitted and prohibited uses.
- Rezone all land identified within the Watagan to Stockton 'green corridor' as provided in the Lower Hunter Regional Strategy to an environmental management zone.
- Retain the 40ha development standards for subdivision and dwelling entitlements for the RU1 - Primary Production, RU2 - Rural Landscape and E3 - Environmental Management zones.
- Establishment of a residential hierarchy to give Council a stronger tool to better implement urban design principles that will ensure future residential development, including infill development, compliments the character, style and environmental constraints of an area.
- Prohibition of dual occupancy development in the R2 - Low Density Residential and RU5 - Village Zones.
- Include a minimum lot size in the RU5 - Village zone of 750m² and 2000m² in the case of lots that are not able to be serviced by a reticulated water and reticulated sewerage.
- Identify a minimum lot size in the R5 - Large Lot Residential zone of 2000m² with full services, but retain a 2 ha minimum lot size where there is no reticulated water and reticulated sewerage system.
- Retain 4ha minimum lot size standard for land currently zoned Rural 1(c2) Rural (Small Holdings).
- Retain the uniqueness of the HEZ through the use of the SP1 - Special Activities zone in favour of the IN1 - General Industrial zone. The strategic justification for this is provided in the report.
- Require a dwelling entitlement for tourist accommodation in the RU2 - Rural Landscape and E3 - Environmental Management zones.
- Deletion of the clause relating to rural workers dwellings used in conjunction with a permitted land use. Acknowledge DPI advice that such provisions are not justified in Cessnock, which contain and/or are close to major housing centres.

- While recognising the continuing use of the “existing holdings” provisions has not been supported by the DoP, acknowledge its removal and incorporate a general savings clause that provides for all Development Applications lodged, but not determined before the gazettal of the draft Plan, to be determined as if the LEP had been exhibited, but not gazetted.

These considerations have been incorporated in the draft planning framework.

Key Provisions of the draft Plan

The draft Cessnock Local Environmental Plan 2008 has been prepared in response to the Standard LEP Template. The draft Plan is the planning tool used to identify what developments or activities are permissible with or without Council consent or prohibited in particular land use zones. In addition, the draft Plan provides an opportunity to correct anomalies, undertake general housekeeping and rezoning of a number of sites of local importance as identified in the City Wide Settlement Strategy.

The draft Plan also proposes a number of changes to the current planning framework, with the key provisions including:

Rural and Environmental

- In recognition of the rural significance of the Vineyards District above other rural lands, the RU1 - Primary Production zone from the Standard Instrument has only been assigned to lands currently zoned 1(v) Rural - Vineyards. Issues relating to tourism development within this zone have been addressed through local provisions in the draft Plan and consequential amendments to DCP 2006.
- Subdivision provisions for rural zones remain the same with minimum lot size of 40ha for subdivision and the erection of a dwelling house.
- Provide opportunity to zone areas of high biodiversity conservation value E1, E2 and E3, to adequately protect these areas and add to the targets of the draft Lower Hunter Regional Conservation Plan through the suite of environmental zones.
- Removal of ‘existing holding’ provisions. Existing holding provisions were introduced as a transitional arrangement, which was not intended to be extended indefinitely. Analysis in 2001 determined that approximately 99 existing holdings (that were less than the 40ha standard) remained. Of these, it is expected that less than 50% could secure development consent for a dwelling given legislative changes, particularly bushfire provisions. Notwithstanding this, a general savings clause is provided for all Development Applications lodged, but not determined before the gazettal of the draft Plan, to be determined as if the LEP had been exhibited, but not gazetted.

Residential

- Adopt a residential hierarchy to define residential densities and dwelling types as shown below.

Land Use Zone	Dwelling density	Permissible Dwelling Types
B4 Mixed Use	Medium – High	Residential flat buildings and shoptop housing
B3 Commercial Core	Medium - High	Shoptop housing
B2 Local Centre	Medium - High	Shoptop housing
R3 Medium Density Residential	Medium	Dwelling-house; dual occupancies; multi dwelling housing
R2 Low Density Residential	Low	Dwelling-house
R5 Large Lot Residential	Low	Dwelling-house; dual occupancy
RU5 Village	Low	Dwelling-house
Urban release areas (LHRS)	Mixed	Designed on “Neighbourhood Planning Principles”

This will provide opportunities for appropriate housing types and densities and is to be established using proximity to the Cessnock, Kurri Kurri, Branxton and Weston town centres and addresses the “infill” requirements contained in the LHRS.

- Rezone the villages of Heddon Greta, Greta, Kearsley and Neath to R2 - Low Density Residential in recognition of the changing status of these areas on major transport routes or on the periphery of established urban areas, which form part of the residential hierarchy.
- Increase the minimum lot size for subdivision in the RU5 Village zone to 750m² with full reticulated services.

Commercial

- Adopt a centres hierarchy, recognising the Cessnock CBD as a major regional centre and Kurri Kurri as a town centre in accordance with the LHRS;
- Encourage “shop top housing” in the B2 - Local Centre, B3 - Commercial Core and B4 - Mixed Use zones and provide for a higher residential density in the commercial zones.

Industrial

- The SP1 - Special Activities zone from the Standard Instrument has been assigned to lands currently zoned 4(h) Hunter Employment Zone in recognition of the uniqueness of the HEZ site.

NOTE: The SP1 - Special Activities zone was chosen rather than the IN1 General Industrial zone in this instance contrary to the advice from the DoP. It is considered that this zone provides the best opportunity to maintain the status quo for the current LEP provisions relating to the estate. The IN1 zone mandates zone objectives that are contrary to the current intent for HEZ, and also mandates **light industry** rather than **heavy industry**. In particular, the first mandated objective for the IN1 zone seeks to provide for a "wide range of industrial and warehouse land uses". This is not the currently agreed direction for HEZ, as reflected in the Cessnock LEP 1989. Council considers that, for these reasons, the IN1 zone projects the wrong messages to developers and to the general public as to the nature of development that could be anticipated on the land under the controls that have been developed for it. The mandated objectives for the SP1 Special Activities zone refer to providing for "special uses that are not provided for in other zones". Other HEZ specific zone objectives can be added, and appropriate land uses permitted and prohibited in the SP1 zone land use table to reflect the unique nature of the HEZ estate. This better reflects the status quo than use of the IN1 General Industrial Zone. Existing provisions relating to development in the HEZ area have been addressed through local provisions in the draft Plan and consequential amendments to the DCP. The draft Plan does not rezone any land within HEZ for 'industry support'. Justification is provided in the CWSS 2007.

- Prohibits general retailing, bulky goods retailing and business premises within all industrial zones (including HEZ).

General

- Permit home occupation without development consent and home business and home industry with consent where a dwelling house is a permissible land use.
- Identification of additional heritage items and heritage conservation areas to be included in the draft Plan.
- The inclusion of exempt and complying development, in the draft Plan instead of Cessnock DCP 2006.
- Zone roads and major infrastructure, including railways. While roads under the current LEP are unzoned, it is not practical to maintain this due to the development consent requirements of the Standard Instrument. Therefore, major infrastructure, main roads and railways are now zoned SP2 - Infrastructure and all other roads have taken on the predominant zone of the adjoining land.

Standard Technical Requirements for LEP Mapping

The DoP issued a standard technical requirement for all Councils preparing LEP maps in April 2007. The requirements specify colour, lines, symbols, naming protocols, electronic file creation and scale. This will provide consistency in mapping information across NSW and enable the DoP to make all new LEP maps available electronically via the internet.

The mapping for the draft Plan looks substantially different to the current Cessnock LEP, although the effects generally remains the same. In addition to the written instrument, the draft Plan includes the following maps:-

- Land Application Map (clause 3 - to be combined with the Land Zoning Map)
- Land Zoning Map (clause 11)
- Lot Size Map (clause 19)
- Land Reservation Acquisition Map (clause 25)
- Heritage Map (clause 35)
- Local Provisions Map
 - Urban Release Areas
 - Dwelling Entitlements
 - Additional Permitted Uses
 - HEZ Boundary & Dwelling Entitlement Provisions

These maps will predominantly be an electronic based mapping system. However, a paper copy A1 mapping booklet comprising 13 pages at 1:25,000 scale will be available for the public exhibition. On gazettal, this will be reduced to an A3 size 120 page LEP map booklet at a scale of 1:20,000.

A copy of the draft Cessnock Local Environmental Plan 2008 and exhibition map booklet can be found in Appendix 1, with a clause by clause summary of the provisions of the draft Plan documented in Appendix 2.

Update of City Wide Settlement Strategy

The Cessnock City Wide Settlement Strategy (CWSS) was initially prepared in two stages:

- Stage 1: Had a focus on rural, residential, tourism and conservation components of the strategy.
- Stage 2: Examined the LGA's future commercial and industrial needs.

The CWSS (Stage 1) was adopted by Council in 2003 and endorsed by the Department of Planning (DoP) in 2004 as an environmental study for the purposes of preparing a new citywide Local Environmental Plan (LEP). The strategy was catchment-based, which was consistent with the State Government directives at the time. This direction has been abandoned under more recent amendments to the EP & A Act. As Councils are now required to prepare a comprehensive LEP that conforms to a Standard Instrument, the endorsed strategy has been reviewed to align with this new direction. The CWSS (2003) remains relevant as a background study.

The CWSS (Stage 2) was adopted by Council in 2005, but not endorsed by the Department of Planning. A number of adopted directions have been reviewed at the Department's request. This revised CWSS (2007) incorporates both stages of the CWSS into one document to form a single strategy.

The Lower Hunter Regional Strategy (LHRS) was also released by the Department of Planning in 2006. The strategy aims to guide the Lower Hunter's growth for the next 25 years (2006-2031) by identifying future development areas, principal land use types, settlement patterns and conservation outcomes. All councils in the Lower Hunter are required to implement the outcomes and actions in the LHRS primarily through local environmental plans.

The CWSS (2007) incorporates the outcomes and actions arising from the LHRS (where possible in the timeframe for preparation of the new LEP) and extends the life of the CWSS to correspond with the twenty five (25) year time frame.

A copy of the draft City Wide Settlement Strategy 2007 is provided in Appendix 3, which contains a summary of recommendations incorporated in the draft Plan. It is important to note, however, that draft CWSS 2007 is an update of existing strategies and planning policies and not a review of additional lands for investigations. Opportunities for Council to review this position are available every five (5) years in accordance with legislative requirements for review of the Local Environmental Plan.

Heritage Study

Council engaged a heritage consultant to review the 1994 Cessnock Heritage Study and existing Regional and Local Environmental Plan Heritage schedules. This involved a review of 657 sites and landscapes.

Schedule 5 of the draft Plan contains a listing of 259 individual and group heritage items representing national, state and local historical themes and 2 heritage conservation areas covering the Wollombi Village and the landscape of the Great North Road. The items range from collieries and hotels to workers cottages, schools, slab huts, archaeological sites and prehistoric seabeds.

The Standard Instrument LEP heritage provisions (clause 35) have also been reviewed in light of Council's strategic heritage objectives and the clause has been incorporated in the draft Plan without amendment or addition. The full written list of draft heritage items is contained in Schedule 5 of the draft Plan, with the associated mapping of the 2 heritage conservation areas and the various group items provided in Appendix 4. While it is noted that the standard template does not require individual items to be mapped, a heritage map identifying all individual items, the Heritage Conservation Areas and the group items will be finalised prior to exhibition.

Current Rezoning Applications

There are presently 33 draft amendments within Council at various stages of assessment. Of these, the Landuse Planning Team is currently dealing with seven (7) rezoning requests as amendments to Cessnock LEP 1989. It is anticipated that on completion, these will be incorporated into the draft Plan, prior to gazettal of the new LEP in 2008. These sites include: Anvil Creek; Bellbird North; Cessnock Civic; Cliftleigh; Kitchener; Nulkaba and a HEZ rezoning at Kurri Kurri incorporating the establishment of an educational establishment and child care centre on land zoned Special Uses Community. For identification purposes during exhibition of the draft Plan, these have been outlined in lime green on the draft LEP Maps.

Council is also seeking to progress in two (2) groups, eighteen (18) spot rezonings in conjunction with work being undertaken on the draft Plan. The first group contains twelve (12) spot rezonings and will form part of the exhibition of the draft Plan. These are outlined in black on the draft LEP Maps and are supported by written assessments. The second group incorporates the remaining six (6), which require additional assessment to be undertaken. It is intended to process and exhibit these proposed amendments separately to the draft Plan in a single batch for eventual inclusion, where it is practical to do so, into the draft Plan, prior to gazettal.

A further eight (8) rezoning requests will be dealt with as part of future periodic reviews of the new LEP 2008 with the completion of further strategic justification and/or supporting documentation work to be undertaken.

A rezoning summary report containing the current status for all rezoning submissions with Council is contained Appendix 5, with a full summary of the spot rezonings to be progressed in conjunction with the draft Plan provided in Appendix 6.

SUBMISSIONS FROM GOVERNMENT AUTHORITIES AND PUBLIC AGENCIES

In April 2007 Council notified government authorities and interest groups of the draft Plan who were invited to comment. A forum was also held on 4 May 2007 and followed up with meeting with key agencies and groups.

Comments received are summarised in Appendix 7, with responses grouped under the following categories relating to the function of each agency, organisation or group:

- Infrastructure;
- Natural resources/biodiversity;
- Primary industry;
- Hazards; and
- Other agencies/organisations.

Council staff also met with representatives of the Regional Office of the Department of Planning (DoP) on various occasions to go through the detail the draft LEP and supporting information. On 26 July 2007 Council also briefed the Department of Planning's LEP Review Panel on the form and content of the draft LEP.

MINISTERIAL DIRECTIONS

Council is of the opinion that the draft Plan is consistent with all Section 117 Ministerial Directions. Appendix 8 provides a full assessment report on the relevant Directions.

PROCESS TO BE FOLLOWED

Should Council resolve to do so, the draft LEP will be forwarded to the DoP with a request for a Written Authorisation to Exercise Delegations, meaning that Council can place the draft LEP and any required supporting material on exhibition for public comment.

Following authorisation, it is recommended that a period of 10 weeks be set aside for exhibition to enable all interested parties to make submissions. It is intended that the exhibition process include:

- Statutory requirements (advertisements in the local newspapers);
- Council's Administration Building (Customer Service Section);
- Both Libraries
- Comprehensive information on Council's web site at www.cessnock.nsw.gov.au;
- Written notification to all affected stakeholders; and
- Public information sessions and meetings.

It is also intended to publicly exhibit the draft City Wide Settlement Strategy 2007 and the consequential amendments to Cessnock DCP 2006 at the same time as the draft Plan.

At the end of the exhibition period all submissions will be considered and a further report will be presented to Council for consideration regarding any necessary amendments to and finalisation of these plans.

RECOMMENDATION that:

1. Council seek Written Authorisation to Exercise Delegations from the Department of Planning to allow exhibition of the draft Plan;
2. Upon receipt of the Authorisation, Council publicly exhibit the draft Plan in conjunction with the draft City Wide Settlement Strategy 2007 and the consequential amendments to Cessnock Development Control Plan 2006 in accordance with the Environmental Planning and Assessment Act, 1979, for a period of ten (10) weeks; and
3. Council consider a further report following exhibition to determine the final content and form of the Cessnock Local Environmental Plan 2008, City Wide Settlement Strategy 2007 and Cessnock Development Control Plan 2008.

ATTACHMENTS

- Appendix 1: Draft Cessnock LEP 2008 and Map Booklet
- Appendix 2: Explanatory Notes - Draft Cessnock LEP 2008
- Appendix 3: Draft City Wide Settlement Strategy 2007
- Appendix 4: Draft Heritage Mapping
- Appendix 5: Rezoning Summary and Status Report
- Appendix 6: Rezoning Requests (Spot Rezoning) to be considered with draft LEP
- Appendix 7: Summary of submissions from Government Agencies / interest groups
- Appendix 8: Summary of Relevant Polices and Section 117(2) Directions

To: ***The General Manager***
Strategic & Community Services
Committee – 21 November 2007

S EADE
ACTING DIRECTOR STRATEGIC &
COMMUNITY SERVICES
9 November 2007

**ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES
REPORT NO. 134/2007**

**SUBJECT: REQUEST FOR DONATION - WE HELP OURSELVES, HUNTER
 VALLEY**

Community Worker, Ms J Forbes, reports:-

On the 6 September 2006 Council resolved to adopt a Donations Policy. Since this time Council has funded various requests for donations.

Below is a donation request that Council has received that meets the criteria set out in the Donations Policy.

WE HELP OURSELVES (WHOS)

Correspondence received 9 November 2007 seeking a donation towards the 90 day live-in therapeutic program at We Help Ourselves (WHOS).

WHOS is a not-for-profit charitable organisation, based at the former Allandale Aged Care facility on Wine Country Drive, Cessnock. WHOS is concerned with the understanding, prevention and treatment of alcohol and drug abuse. The organisation is partially funded for basic operational costs and relies heavily on donations from other individuals and organisations to deliver live-in, therapeutic programs over a period of 90 days.

Council contacted WHOS and was advised that approximately 30 residents are involved in each 90 day program and it is estimated that at least one quarter of residents are from the Cessnock Local Government Area. Additionally, some previous residents involved in the program have remained in Cessnock with some undertaking volunteer work at the end of their rehabilitation.

A copy of the request has been included with the Enclosure Documents and there is presently \$18, 522 remaining in the Donations Budget for Council's consideration.

RECOMMENDATION that correspondence is submitted for determination.

To: **The General Manager**
 Strategic & Community Services
 Committee - 21 November 2007

S EADE
**ACTING DIRECTOR STRATEGIC &
COMMUNITY SERVICES**
12 November 2007

Concurrence was also gained from the Roads & Traffic Authority as this section of Vincent Street forms part of the state road (MR220).

The existing zone is approximately 30m long and supports five (5) parking spaces. Conversion of the zone to a full time zone will impact on parking in the area and it is recommended that, on completion of the renovation work at the Club, that the operation of the zone be reviewed.

RECOMMENDED that:-

1. The existing “Taxi Zone 6.00pm-6.00am Friday to Sunday” in Vincent Street Cessnock at the Cessnock Ex-Services Club be converted to a full time “Taxi Zone” for the duration of renovation work at the Club;
2. The operation of the “Taxi Zone” be reviewed on completion of the renovation work.

ITEM NO: 07/102 MT. VIEW ROAD CESSNOCK – PEDESTRIAN REFUGE AT WOLLOMBI ROAD

Approval of the new pedestrian refuge (and the associated signposting and linemarking) in Mt View Road at Wollombi Road.

Construction of the pedestrian refuge was carried out in response to a request from St. Patrick’s Primary School for a crossing facility between Wollombi Road and Shedden Street. The existing refuge is a standard design (providing a standard 2m x 2m pedestrian gap), however an extension of the existing “No Stopping” restrictions on the southern side of Mt. View Road by 14m was required to ensure an adequate travelling lane width.

Enhancements to the existing refuge involve the provision of E5 around the pedestrian refuge, a painted island at Wollombi Road and provision of edgeline markings on the westbound carriageway between the refuge and Shedden Street (funded from the RTA Traffic Facilities Block Grant) as part of previously approved works in Mt View Road in December 2005).

These enhancements are included on amended Design Plan “ID 07/08/:3470 / M313”.

RECOMMENDED that the installation of a pedestrian refuge in Mt. View Road Cessnock at Wollombi Road be approved in accordance with amended Design Plan “ID 07/08/:3470 / M313”.

ITEM NO: 07/103 TRAFFIC COMMITTEE MEETING DATES 2008

The following dates are proposed as meeting dates for the Cessnock City Council Traffic Committee in 2008:-

- February - 18 February 2008
- March - 17 March 2008
- April - 21 April 2008
- May - 19 May 2008
- June - 16 June 2008
- July - 21 July 2008
- August - 18 August 2008
- September - 15 September 2008
- October - 20 October 2008
- November - 17 November 2008
- December - 15 December 2008

RECOMMENDED that meeting dates for the Cessnock City Council Traffic Committee for 2008, as per the Traffic Committee report, be approved.

ITEM NO: 07/106 BARTON STREET KURRI – REVIEW OF NEW 60 DEGREE ANGLE PARKING SPACES

Diagonal parking lines have been painted out the front of the applicant's house without being consulted and he wanted to appeal it.

The installation of new 60° parking spaces, new centreline and new edgeline markings between Victoria Street and Hampden Street was carried out after an investigation recommended by the Traffic Committee on 22 March 2004 and approved by Council on 21 April 2004. All signposting and pavement markings were installed in accordance with RTA requirements and have resulted in an increased number of parking spaces becoming available to residents and businesses in the area.

The design took into account any existing driveway accesses by providing gaps in the parking to allow reasonable access for residents and business patrons. Consultation with adjoining residents regarding the project was not undertaken as it resulted in an increased number of parking spaces across individual frontages (as compared to the previous parallel parking format).

No other comments or complaints were received since the new measures were installed.

RECOMMENDED that the new "60° Angle Parking Rear To Kerb" parking spaces, centreline and edgeline markings in Barton Street Kurri between Victoria Street and Hampden Street be retained.

ITEM NO: 07/107 WOLLOMBI ROAD MILLFIELD - GUARD FENCE AT CURVE SOUTH OF CEDAR CREEK ROAD

A right hand curve located 1.7km north of Sweetmans Creek Road / 0.4km south of Cedar Creek Road (when travelling north) needs guardrail or Brifen wire safety fencing installed as the road carriageway is narrow, there is no road shoulder and there is a steep embankment very close to the road. By inspection, the location meets the RTA's warrant for the installation of guardrail.

Site inspections have confirmed that the location meets the RTA warrant for the installation of guard rail and raises safety concerns because of its narrow carriageway and shoulder width combined with a steep embankment close to the edge of the carriageway.

As Wollombi Road is a classified Regional Road, it is also recommended that Council write to the RTA seeking funding for the work.

RECOMMENDED that:-

1. The construction of guard rail on Wollombi Road Millfield at the curve 400m south of Cedar Creek Road be listed in Council's Forward Works Program;
2. Council write to the RTA seeking funding for the project.

ITEM NO: 07/108 VARIOUS ROADS IN MULBRING - USE OF PUBLIC ROADS FOR CYCLING EVENTS IN 2008

Request for permission to conduct road cycling races on local roads In Mulbring on Sundays during 2008 on the following course, starting and finishing at Mulbring Park (corner of Child Street and Maitland Road / Mt. Vincent Road):-

1. South on Maitland Road / Mt. Vincent Road to a u-turn point on Mt. Vincent Road just east of the footbridge (near Leggetts Drive);
2. North on Mt. Vincent Road past Child Street;
3. North on Maitland Road past Water Street and North Street to Richmond Vale Road;
4. North on Whitebridge Road to a u-turn point just east of the timber bridge (near Leggetts Drive);
5. South on Whitebridge Road and Maitland Road back to the finish point at Child Street.

The proposed course is 10 km long and the programme involves sometimes one lap, others up to ten laps. The course is the same as that used by the club since 1980.

All proposed event dates are Sundays as follows:-

- 6,13,20 & 27 January 2008, starting at 8.30am;
- 3,10,17 & 24 February 2008 starting at 8.30am;
- 2,16,23 & 30 March 2008, starting at 8.30am;
- 6,13,20 & 27 April 2008, starting at 8.45am;
- 4,11,18 & 25 May 2008, starting at 8.45am;
- 1,8,15,22 & 29 June 2008, starting at 8.45am;
- 6,13,20 & 27 July 2008, starting at 8.45am;
- 3,10,17,24 & 31 August 2008, starting at 8.45am;
- 7,14,21 & 28 September 2008, starting at 9.00am;
- 5,12,19 & 26 October 2008, starting at 8.45am;
- 2,9,16,23 & 30 November 2008, starting at 8.30am;
- 7,14,21 & 28 December 2008, starting at 8.30am.

The applicant's Traffic Management Plan indicates that there are no "cross" intersections along the proposed course, although "Cyclist On Road" warning signs are displayed at Child Street, Water Street, North Street, Richmond Vale Road and New Street (all are 'T' intersections).

The events use the same roads as those during the 2007 events and no complaints or comments were received during 2007 by either the NSW Police or Council. The nominated roads form a training course for the club, the roads have low traffic volumes and conflicts with other road users are equally low.

RECOMMENDED that approval be granted to the Cessnock Cycling Club Inc to conduct cycle training on various roads in Mulbring during 2008, on the dates and times specified in the Traffic Committee report and in accordance with the following conditions:-

1. The applicant shall submit a copy of the Traffic Management Plan to Lower Hunter Traffic Services, NSW Police Force (Maitland Police Station) for approval, with a copy of that approval forwarded to Council before the use of any road takes place;
2. All participants in each respective "event" shall obey all road rules and comply with all requirements of the NSW Police Force;
3. Any escort vehicles used during the proposed "events" shall not impede traffic flow;
4. No alterations to existing speed zoning shall be permitted without written authority from the Roads & Traffic Authority;

5. Public Liability insurance, to a minimum value of \$10 million and noting Council in a co-insured clause, is to be taken out to cover all events proposed. A copy of the Insurance Certificate Of Currency is to be provided to Council, with receipt of the certificate acknowledged by Council prior to the commencement of the events.

INFORMAL MATTERS

ITEM NO: 07/098 HARLE STREET ABERMAIN – HAZARDOUS MOVEMENTS AT CESSNOCK ROAD

Representations on behalf of Harle Street resident who has a concern with the usage of an open area opposite his house by kids on bmx bikes, motorcycle riders and vehicles using the area to perform u-turns (vehicles drive onto the dirt area to make the turn).

Also Question Without Notice from Council Meeting Of 19 September 2007:-

Councillor Parsons advised that she was approached by residents at the [western] end of Harle Street, Abermain regarding vehicles making U-turns on the corner and asked that the matter be investigated.

Council's records indicate that the open space opposite the applicant's address (between the western end of Harle Street and Scone Street) is Council owned. The lot is currently being leased by a local resident, is used as a stockpile site and has no grass cover. Evidence on site suggests that, as Harle Street (west) has no kerb and gutter constructed to the north of Cessnock Road and the carriageway is at a similar level as the natural surface on the lot, vehicles can drive directly on to the open space to perform a u-turn without having to perform the movement at the Cessnock Road intersection.

The only effective means to control traffic movements onto the lot from Harle Street is to erect property fencing, however this would be at Council's own cost and funded through the Recreation Services area.

RECOMMENDED that no action be taken.

ITEM NO: 07/100 ALKIRA AVENUE CESSNOCK - REQUEST FOR SPEED HUMPS

The applicant has written a letter of concern on behalf of the East Cessnock Residents Committee and tenants of the East Cessnock Housing Estate regarding the high speeds cars are reaching along Alkira Avenue. Being a tenant of Alkira Avenue as well as a member of the ECRC, we are considerably worried about the safety of residents in the estate, (particularly the children) as cars reach very high speeds around the length of the Avenue making it extremely hazardous. This topic was raised at several meetings and is a concern felt by the entire community. We ask Council to please help solve this problem by putting speed humps around Alkira Avenue as this would be a solution to this potentially serious and extremely dangerous situation.

Traffic count surveys were last undertaken in August 2004 at two locations in Alkira Avenue – 100m North of Pangari Parade and at 100m West of Hungerford Close – in response to a similar request. In both surveys, the 85th percentile speed of traffic detected was 54.4km/h and 56.5km/h, respectively. Both values are within acceptable tolerances for residential streets of this nature and the data do not support the installation of traffic calming treatments, including speed humps.

Additionally, speed humps create a noise impact on adjoining resident's amenity well after an apparent speed problem has passed and that they are not installed outside of Local Area Traffic Management Schemes. It is recommended that the Cessnock Highway Patrol be requested to patrol Alkira Avenue and the surrounding streets for instances of speed related offences.

RECOMMENDED that Cessnock Highway Patrol be requested to patrol Alkira Avenue Cessnock and the surrounding streets for instances of speed related offences.

ITEM NO: 07/101 MACLEAN STREET CESSNOCK – INTERSECTION IMPROVEMENTS

The intersection of Maclean Street with Nelson Street Cessnock has an accident history of two (2) towaways and one (1) injury since 2001 and it is requested that the Local Traffic Committee inspect the site and recommend any possible safety improvements.

The previously existing "Give Way" intersection controls in Maclean Street at Nelson Street were converted to "Stop" controls on 24 September 2007, in response to sight distance concerns raised by the NSW Police.

A check of Council's crash records indicates that there were no reported crashes in the three years since 2004.

The recent installation of "Stop" controls is considered a reasonable treatment at this time and it is recommended that monitoring of the intersection be continued to gauge the effectiveness of the new controls on the crash history.

RECOMMENDED that the intersection of Maclean Street and Nelson Street Cessnock be monitored.

ITEM NO: 07/104 SPENCER STREET CESSNOCK – SPEEDING VEHICLES

Councillor Pynsent asked that a concern for increased traffic speeds in Spencer Street be referred to the Traffic Committee with consideration being given to the installation of a pedestrian refuge at Church Street (a similar treatment requested by petitioners of Mavis Street)

Spencer Street is approximately 290m long and traffic speeds are limited by three features on the horizontal alignment:-

- A single circulating roundabout with offset central island at Lightfoot Street;
- A bend in the alignment at its approximate midpoint;
- 'T' intersection at Church Street.

The installation of a traffic classifier would be normal practice in this instance, however it is difficult to support a claim that traffic speeds are beyond acceptable tolerances, except for isolated instances which should be referred to the NSW Police.

RECOMMENDED that Cessnock Highway Patrol be requested to patrol Spencer Street Cessnock for instances of speed related offences.

ITEM NO: 07/105 WEST AVENUE CESSNOCK – STOP SIGN AT WOLLOMBI ROAD

The “Stop” sign on corner West Avenue and Wollombi Road Cessnock is difficult especially when cars are parked near Butcher Shop and at school times. Applicant has had two people ‘rear-end’ his vehicle in the last two weeks. He creeps out past the sign to see if anything is coming, vehicles behind him assume he is going out and continuing, but he baulks and stops when the gap is not acceptable.

Sight distance in West Avenue at the “Stop” holding line was tested on 5 October 2007 and found to be good, taking into account any parked vehicles on Wollombi Road outside the butcher shop and the approach speed of traffic. A clear sight line exists over the footpath area fronting the butcher shop and stopping distance on Wollombi Road is good.

RECOMMENDED that no action be taken.

ITEM NO: 07/109 CESSNOCK ROAD NEATH – PEDESTRIAN REFUGES AT NEATH HILL

Question Without Notice From Council Meeting of 19 September 2007:-

Councillor Ryan asked whether Council would investigate the possibility of having pedestrian refuges installed near the top of Neath Hill.

Matters relating to state roads (in this case, MR 588) are the responsibility of the Roads & Traffic Authority for investigation.

RECOMMENDED that the RTA be requested to investigate the provision of additional pedestrian refuge facilities on Cessnock Road Neath between Duffie Drive and Turner Street.

ITEM NO: 07/110 WINE COUNTRY DRIVE POKOLBIN – 40 KM/H ROADWORKS SPEED ZONE AT MIDDLE CREEK

Complaint about the existing 40 km/h roadwork speed zone for the bridge widening works at Middle Creek (between the Airport Access and Broke Road) after a road rage incident. The applicant suggests that when works are not in progress and it is safe to do so, the speed limit should be increased.

Speed zoning matters and those relating to state roads (in this case, MR 220) are the responsibility of the Roads & Traffic Authority for investigation.

At the Traffic Committee meeting, the RTA representative advised that an assessment of the existing traffic conditions at the roadworks site were carried out and it was determined that the conditions did not support the provision of a higher speed limit outside of normal worksite hours.

RECOMMENDED that no action be taken.

ITEM NO: 07/111 TALGA ROAD ROTHBURY - REQUEST FOR SPEED LIMIT REVIEW

Several months ago, as President of the Lovedale Chamber of Commerce, the applicant wrote to the General Manager regarding the speed of vehicles travelling along Talga Road. As a result of this letter, Cessnock City Council erected a “Local Traffic Drive Slowly” sign. It has come to the applicant’s attention this week that an 80 kph sign was erected at the beginning of Talga Road probably around the time that the road works commenced.

There are horse-riders, bicycle riders and walkers along Talga Road. There is regular traffic of heavy vehicles on this road which at times travel faster than 80 [km/h]. My point is, as I am a rider on this road along with my six year old grandson, 80 kph is too fast. There is no margin for error. Could you please discuss the possibility of taking down this 80 kph sign and replacing it with a 60 kph sign and showing an occasional police presence.

Speed zoning matters are the responsibility of the Roads & Traffic Authority for investigation.

Council also referred the request for additional Police patrols to the Cessnock Highway Patrol on 4 October 2007.

RECOMMENDED that the RTA be requested to review the existing speed limit in Talga Road Rothbury.

ITEM NO: 07/112 MAITLAND ROAD CESSNOCK – PEDESTRIAN CROSSING IMPROVEMENTS AT ANSTEY STREET

Question Without Notice From Council Meeting Of 3 October 2007:-

Councillor Pynsent advised that storekeepers are worried about losing car parking spaces because of the roadworks being carried out in Anstey Street and Maitland Road and asked whether the proposal would have been referred to the Traffic Committee and if not, can it go the next Traffic Committee meeting.

Work being done at the corner of Anstey Street and Maitland Road is having the pedestrian crossing moved. Resident from this area would like Council to leave it exactly where it is as he will have to walk too far either way for the shops he needs to attend.

The crossing upgrading works involves relocation of the marked crossing point by 8.5m to the east, the construction of road narrowing concrete islands and adjustments to the linemarking (to provide for cyclists) and signposting (“No Stopping” in accordance with RTA requirements), resulting in the loss of two (2) on-street parking spaces. The Committee has no objections to the final design of the crossing or the proposed signposting and linemarking.

The completed project will provide increased road safety at a location which has a significant crash history involving pedestrians - relocation of the crossing back to its original location is not supported because it would involve a re-design of the raised islands and would reduce the safety of the crossing.

RECOMMENDED that no action be taken.

RECOMMENDATION that Council endorse the report of the Cessnock City Council Local Traffic Committee meeting held on 22 October 2007

To: **The General Manager**
Strategic & Community Services
Committee – 21 November 2007

S EADE
ACTING DIRECTOR STRATEGIC &
COMMUNITY SERVICES
6 November 2007