

**Trent Wink - Re: FW: Planning Proposal - Anvil Creek Clarification**

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**From:** "David Crofts (Strategy Hunter consultants)"  
<dcrofts@strategyhunter.com.au>  
**To:** Trent Wink <Trent.Wink@planning.nsw.gov.au>  
**Date:** 9/10/2013 12:13 PM  
**Subject:** Re: FW: Planning Proposal - Anvil Creek Clarification  
**CC:** Michael Leavey <Michael.Leavey@planning.nsw.gov.au>, Louise Gee  
<louise.gee@cessnock.nsw.gov.au>

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Hi Trent,

Thank you for your rapid response and for the courtesy phone call beforehand.

Regards

David

On 9/10/13 11:53 AM, Trent Wink wrote:

As discussed, thank-you for your responses. Its always easier to sort these things out before a gateway determination is issued. My responses are below.

I'll now finalise my Gateway Assessment report.

>>> "David Crofts (Strategy Hunter consultants)"  
<[dcrofts@strategyhunter.com.au](mailto:dcrofts@strategyhunter.com.au)> 9/10/2013 10:49 am >>>  
Hi Trent,

Thanks for your email on the above Planning Proposal.

Louise Gee has asked me to respond to you on Cessnock City Council's behalf.

Our responses are as follows:

1. Council has strong concerns about including recreation facilities (outdoor) without qualification as an additional permitted use in Schedule 1 Part 4. This is because this term includes a range of uses that are not compatible with a residential environment, such as go kart tracks and shooting ranges. These are quite a number of other LEPs that were made in 2012 or 2013 which include a qualification in Schedule 1 using a term that is not in the standard instrument dictionary, and it follows that Council is proposing is permitted current practice. These LEPs include Mosman,

Broken Hill, Shellharbour, Eurobodalla, Fairfield and Maitland. Council wishes to retain our submitted wording, or words to that effect. [Ok I will include qualifications.](#)

2. Council agrees with the use of the group term "residential accommodation". One matter DoPI may wish to consider is to qualify the use of this term to refer to only to R2 zone, in order to avoid setting future precedents for land uses in the E2 zone. [Agree. To address this issue, I will recommend that the Additional Permitted Uses map be amended to exclude land zoned E2.](#)

3. In discussions with Councillors a view was expressed that the requirement for the vegetation management plan was a necessary "protection" for areas of biodiversity significance given the proposed spatially wider use of the R2 zone and deletion of the RU2 zone. Council is of the view that the LEP should stand alone, and that any reliance on the Master Plan or existing consents is not relevant, given there is always potential for a development application to be lodged for a completely different development to that shown in the Master Plan (notwithstanding the current owner's intention). The Department's preference that this matter to be addressed only in a DCP is understood, however Council wishes the requirement to be in the LEP to ensure that it has a higher level of legal recognition. [The subject land is an urban release area and requires a DCP to prepared before the approval of any urban development. Clause 6.3 \(c\) requires the DCP to provide an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain. This requirement adequately addresses Council's concerns.](#)

4. There appears to have been an administrative oversight in the documentation submitted to DoPI. Council resolved to exclude the clause relating to the "maximum dwelling cap" of 1364 dwellings from the provisions of Clause 4.6 Exceptions to Development Standards of the Cessnock Local Environmental Plan 2011, by referring to the relevant clause of Schedule 1 Table 4 in subclause 8 of Clause 4.6. A reference to this resolution was included in the narrative of the Planning Planning sent to DoPI but not in the proposed changes to the LEP shown in Appendix 7 of the Planning Proposal submitted to DoPI. Could you please correct this oversight and include this in the proposed amendments? [Not sure whether it is possible to exclude Schedule 1 under clause 4.6. We will resolve this issue when the PP is being drafted.](#)

Thank you for your help on progressing the Planning Proposal.

Please do not hesitate to email or phone me if you have any queries.

Regards

David  
m 0413052137

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**From:** Trent Wink [<mailto:Trent.Wink@planning.nsw.gov.au>]  
**Sent:** Tuesday, 8 October 2013 11:47 AM  
**To:** Bo Moshage; Scott Christie  
**Cc:** Louise Gee; [Brett@inghamplanning.com.au](mailto:Brett@inghamplanning.com.au); Michael Leavey  
**Subject:** Planning Proposal - Anvil Creek Clarification

Scott & Bo,  
 I've reviewed Council's explanation of provisions in the Planning Proposal, which proposes to amend Schedule 1 (to insert golf course), to create a new local clause to cap the number of residential dwellings and to require the submission of a vegetation management plan.  
 Does Council have any concerns with amending Schedule 1 Part 4 as follows:-  
 Insert

- Recreation Facility (outdoor).

Reasons: Golf courses are not separately defined in the Cessnock LEP 11

- Residential accommodation (not including rural workers' dwelling and shop top housing) comprising no more than 1364 dwellings.

Reason: A separate local clause capping the number of residential dwellings is not desirable. Permitting the group term residential accommodation removes the need to include multi dwelling housing and residential flat buildings as additional uses in Schedule 1 and importantly rural workers' dwelling and shop top housing will remain prohibited.

The submission of a vegetation management plan should be a DCP requirement and not a separate clause in the LEP. It is understood that Council has conditioned the Masterplan D/A that the submission of a Vegetation Management Plan is required before the approval of any subsequent stages.

Please advise whether this appears acceptable?

Also,

What is the correct property address for the Anvil Creek?

Lots 1-6 DP 1036942, and Lots 263-4 DP 755211, No. 324 & 325 Camp Road and 996 Lovedale Road, Allandale,

or

Part Lots 1□6, DP 1036942 and Lots 263 and 264, DP 755211 at Camp Road, Greta, known as the former Army and Migrant Camp as appears in Sch 1 under the LEP 2011.

Regards

**Trent Wink**  
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