

Cessnock LEP 2011 - Campbell Street, Ellalong

Proposal Title : **Cessnock LEP 2011 - Campbell Street, Ellalong**

Proposal Summary : **The Planning Proposal will determine whether the subject land should be rezoned from RU2 Rural Landscape to RU5 Village under the Cessnock Local Environmental Plan 2011. The rezoning will facilitate the subdivision of up to 18 residential allotments with a minimum lot size of 1,500m².**

PP Number : **PP_2014_CESSN_002_00**

Dop File No : **14/07240**

Proposal Details

Date Planning Proposal Received : **29-Apr-2014**

LGA covered : **Cessnock**

Region : **Hunter**

RPA : **Cessnock City Council**

State Electorate : **CESSNOCK**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Lot 11 DP1184254, Lot 12, DP 1184854, Lot 1 DP727399, Lot 2 DP727399**

Suburb : **Campbell Street**

City : **Ellalong**

Postcode : **2325**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Trent Wink**

Contact Number : **0249042716**

Contact Email : **trent.wink@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Robert O'Brien**

Contact Number : **0249932500**

Contact Email : **Robert.O'Brien@cessnock.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A**

Release Area Name : **Other**

Regional / Sub Regional Strategy : **Lower Hunter Regional Strategy**

Consistent with Strategy : **Yes**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	4.34	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	18
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives explains that the purpose of the Planning Proposal is to rezone the subject land to facilitate the subdivision of up to 18 residential allotments with a minimum lot size of 1,500m².**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions explains that the site will be rezoned from RU2 Rural Landscape to RU5 Village under the Cessnock Local Environmental Plan 2011.**

This will involve:-

1. Amending Land Zoning Map Sheet LZN 006D as it relates Lot 11 DP1184254, Lot 12 DP1184854, Lot 1 DP727399 and Lot 2 DP 727399, to RU5 Village; and

2. Amending Lot Size Map Sheet LSZ 006D as it relates to Lot 11 DP1184254, Lot 12 DP1184854, Lot 1 DP727399 and Lot 2 DP 727399 from 40ha to a minimum lot size of 1500m².

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.3 Mining, Petroleum Production and Extractive Industries

- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.2 Mine Subsidence and Unstable Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The Department endorsed the City Wide Settlement Strategy 2003 (CWSS). The CWSS identified the subject land as part of a potential residential expansion area when reticulated sewer is available.

SEPP No44 — Koala Habitat Protection

Comment: A fauna study undertaken did not find evidence of koalas on the land. The koala feed trees present on site comprised less than 15% of the trees on the site. Consequently, the site does not constitute potential koala habitat.

SEPP No55 — Remediation of Land

Comment:A phase 1 Contamination Investigation was undertaken. It found no contaminants and concluded that further studies were not required. Council advises that the rezoning can proceed from a contamination perspective.

SEPP (Rural Lands) 2008

The land is not used for agriculture and is highly unlikely to be used for agriculture because of its size, location and characteristics. The land adjoins residential land and is surrounded by sealed roads. The proposal is consistent with Rural Planning Principles and Rural Subdivision Principles.

Minister's s117 Directions

1.2 Rural Zones

Comment: The Draft LEP is inconsistent with this direction because it rezones land from RU2 Rural Landscape to RU5 Village. The inconsistency is justified by the endorsed City Wide Settlement Strategy 2003.

1.3 Mining, Petroleum Production and Extractive Industries

Comment: Consultation with the Department of Primary Industries required to determine consistency with this Direction.

1.5 Rural Lands

Comment: The Draft LEP is inconsistent with this direction because it affects land within a rural zone. The inconsistency is justified by the endorsed City Wide Settlement Strategy 2003.

2.1 Environment Protection Zones

Comment:The Proponent has undertaken flora and fauna studies that have determined that no significant areas of habitat for threatened species or communities will be isolated, fragmented or removed as a result of rezoning and future development. Consultation with OEH is required to determine consistency with this Direction.

2.3 Heritage Conservation

Comment: A search of the AHIMS database indicates that no Aboriginal sites are recorded in or within 200m of the land and that no Aboriginal places have been declared in or within 200m of the land.

3.1 Residential Zones

Comment: The proposed RU5 Village zone permits a wider range of dwelling types. The

DLEP is consistent with this direction.

3.4 Integrating Land Use and Transport

Comment: The DLEP is consistent with this direction. The development will take advantage of existing infrastructure and services.

4.4 Planning for Bushfire Protection

Comment: Council needs to consult with the NSW Rural Fire Service before undertaking community consultation to satisfy the requirements of Direction 4.4 Planning for Bushfire Protection.

5.1 Implementation of Regional Strategies

Comment: The proposal assists with the implementation of the LHRS, because it increases the supply of housing and reinforces the existing urban settlement. The proposal satisfies the LHRS sustainability criteria and is identified as part of a potential residential expansion area within the endorsed CWSS.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The Department supports Council's decision to exhibit the planning proposal for 14 days.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The SILEP was published on 23 December 2011**

Assessment Criteria

Need for planning proposal : **Yes. The preparation of a Planning Proposal is the most appropriate mechanism to investigate whether the subject land should be rezoned.**

Consistency with strategic planning framework : **Lower Hunter Regional Strategy**
The Lower Hunter Regional Strategy (LHRS) does not specifically identify the land as a potential urban area, however states: "Sites less than 50 hectares (that are not identified as a potential urban area) may be developed if consistent with the principles of the Strategy and if they are identified within an endorsed local strategy. The proposal satisfies the LHRS sustainability criteria and is identified as part of a potential residential expansion area within the endorsed CWSS when reticulated sewer is available.

Hunter Water Corporation confirmed on 13 June 2013 that there is sufficient capacity in the system to provide reticulated water and sewer.

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Environmental social
economic impacts :

Environmental Impacts

The site contains vegetation known as "Ellalong Grey Gum - Stringybark- Apple Forest". The area is not mapped as an Endangered Ecological Community. The vegetation report advises that the site has been severely modified by past management practices and limited understorey exists. Consultation with OEH is required to determine whether an environmental offset is required and to address the S117 Direction 2.1 Environmental Protection Zones.

Social and Economic Impacts

Social and economic impacts are considered to be positive through the provision of additional housing opportunities in proximity to existing services and infrastructure.

Net Community Benefit

The proposal provides a net community benefit by permitting a minor expansion of the existing village of Ellalong. The land is not used for agriculture and it is unlikely to do so in the future.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage
NSW Department of Primary Industries - Minerals and Petroleum
Mine Subsidence Board
NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **The subject land is not identified as an urban release area. The growth infrastructure team on 14 May 2014 confirmed that the subject land should not be mapped as an URA.**

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal - Ellalong - April 2014.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.2 Rural Zones**
 1.3 Mining, Petroleum Production and Extractive Industries
 1.5 Rural Lands
 2.1 Environment Protection Zones
 2.3 Heritage Conservation
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 4.2 Mine Subsidence and Unstable Land
 4.4 Planning for Bushfire Protection
 5.1 Implementation of Regional Strategies

Additional Information : **It is recommended that:**

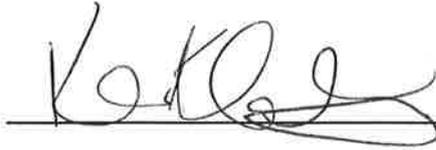
- 1. The Planning Proposal be supported and Council be given the Minister's plan making delegations.**
- 2. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows:**
 - (a) the Planning Proposal be made publicly available for 14 days;**
 - (b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 4.5 of A guide to preparing LEPs (Department for Planning 2009).**
- 3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:**
 - NSW Department of Primary Industries - Minerals and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)**
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)**
 - Office of Environment and Heritage**
 - Mine Subsidence Board (S117 Direction 4.2 Mine subsidence and Unstable Land)**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

- 4. The Director General (or delegate) approves the minor inconsistencies with the Minister's S117 Direction 1.2 Rural Zones and 1.5 Rural Lands because the inconsistencies are justified the endorsed City Wide Settlement Strategy 2003**
- 5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP& A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.**
- 6. The timeframe for completing the LEP is 9 months from the date of the Gateway Determination.**

Supporting Reasons : **A 9 month completion timeframe is recommended in case an environmental biodiversity offset package is required.**

Signature:



Printed Name:

K. O'FLAHERTY

Date:

14-5-14