

Cessnock Housekeeping Amendment 2015 - subdivision provisions, Land Use Tables and mapping anomalies

Proposal Title :	Cessnock Housekeeping Amendment 2015 - subdivision provisions, Land Use Tables and mapping anomalies		
Proposal Summary :	The planning proposal aims to amend the Cessnock Local Environmental Plan 2011 (LEP) as follows:- • introduce local clause to permit variations to the minimum lot size in Zone R2 Low Density Residential and Zone R3 Medium Density Residential for Torrens title dual occupancy subdivisions; • introduce local clause to permit minor boundary realignments in certain rural and environmental zones, subject to complying with a number of requirements; • Amend the land use tables to remove duplication and a number of minor drafting anomalies; • correctly identify the location of heritage item I215, known as 'Collieries of the South Maitland Coalfields/Greta Coal Measures'; • remove the land reservation acquisition layer that affects various parcels of land recently acquired by Council, located to the north of Miller Park at Branxton; and • rezone a number of parcels of privately owned land that are inappropriately zoned RE1 Public Recreation to the adjoining land use zone.		
PP Number :	PP_2015_CESSN_005_00	Dop File No :	15/15881

Proposal Details

Date Planning Proposal Received :	10-Nov-2015	LGA covered :	Cessnock
Region :	Hunter	RPA :	Cessnock City Council
State Electorate :	CESSNOCK	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	Entire		
Suburb :	Cessnock	City :	LGA
Land Parcel :	Housekeeping Amendment	Postcode :	2325

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DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings 0 (where relevant) :
Gross Floor Area : 0	No of Jobs Created : 0

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

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : The Department recently exhibited an amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 which aims to permit minor boundary adjustments to existing undersized lots where they would not result in additional lots or effect dwelling entitlements. The exhibition closed on the 16 November 2015. If this amendment proceeds, Council's proposed local clause may no longer be required.

External Supporting Notes : The planning proposal does not indicate whether Council wishes to use the Minister's plan making delegations. In this instance, it is recommended that Council be given delegations to expedite the plan making system.

Adequacy Assessment

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

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

Comment : The statement of objectives explains the purpose of the planning proposal. The Housekeeping amendments should provide flexibility, remove unnecessary duplication in the land use tables and correct a number of mapping anomalies.

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

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

Comment : The planning proposal dated 15 October 2015 (pg 4-13) provides a detailed explanation and justification for the proposed amendments. The planning proposal is accessible on the LEP tracking system.

The proposed local clauses provide flexibility in the subdivision of dual occupancies and minor boundary realignments between existing undersized allotments.

The proposed amendments to the Land Use Tables removes unnecessary duplication and does not introduce any new land uses which need to be justified.

The proposed mapping amendments involve updating the relevant map layers to correctly identify a local heritage item, amending the land reservation acquisition map after Council completed the acquisition and zoning privately owned land from RE1 Public Recreation to the adjoining land use zone.

The drafting of the planning proposal will be resolved in liaison with parliamentary Counsel.

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 **1.5 Rural Lands**

6.2 Reserving Land for Public Purposes

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 (Exempt and Complying Development Codes) 2008**
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Rural Lands) 2008

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

State Environmental Planning Policies

SEPP (Exempt and Complying Development Codes) 2008

The Department is currently exhibiting an amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 which aims to permit minor boundary adjustments to existing undersized lots where they would not result in additional lots or effect dwelling entitlements. If this amendment proceeds, Council's proposed local clause may no longer be required.

SEPP (Housing for Seniors or People with a Disability) 2004

The planning proposal rezones private owned land at Jurd Street, Cessnock from RE1 Public Recreation to R2 Low Density Residential. A senior housing development already exists on the site and operates under existing use rights. The proposed residential rezoning is considered acceptable and accurately reflects the land use operating from the site. The planning proposal is considered consistent with the provisions of the SEPP.

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SEPP (Rural Lands) 2008

The planning proposal aims to permit minor boundary realignments of undersized rural and environmental lots with development consent. The proposed subdivision will need to comply with strict criteria to avoid the unnecessary fragmentation of rural lands and potential land use conflicts. The planning proposal is considered consistent with the provisions of this SEPP. It is recommended that the Gateway require Council to consult NSW Agriculture to obtain their comments.

Minister's S117 Directions

The planning proposal is considered consistent with the relevant Minister's S117 Directions, with the exception of Direction 6.2 Reserving Land for Public Purposes.

Direction 1.2 Rural Zones and Direction 1.5 Rural Lands

The proposed boundary realignment clause is not considered inconsistent with Direction 1.2 Rural Zones and Direction 1.5 Rural Lands. Any future subdivision will need to comply with development requirements, which aim to avoid the fragmentation of rural lands, potential land use conflicts or adverse environmental impacts. If NSW Agriculture raises concerns about this clause, Council may require the Secretary's approval for any inconsistency with these directions.

Direction 2.1 Environmental Protection Zones

A planning proposal must not reduce the environmental protection standards that apply to environmentally zoned land. The proposed boundary realignment clause contains a requirement that the proposed subdivision will not compromise the continued protection and long term maintenance of any land in the E2 Environmental Conservation or E3 Environmental Management zones. The planning proposal is considered consistent with this Direction. If the Office of Environment and Heritage raises concerns about this clause, Council may require the Secretary's approval for any inconsistency with this directions.

Direction 6.2 Reserving Land for Public Purposes

Direction 6.2 Reserving Land for Public Purposes requires the approval of the Secretary's delegate to reduce the amount of land zoned RE1 Public Recreation. It is recommended that the Secretary's delegate approve the proposed rezonings from RE1 Public Recreation to the adjoining urban zone because it provides no recreational benefits to the public and is not required.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The planning proposal adequately identifies the proposed mapping amendments**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes a 28 day exhibition period.**

This planning proposal is considered low impact and only needs to be exhibited for a minimum of 14 days.

Additional Director General's requirements

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

If Yes, reasons :

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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 standard instrument Local Environmental Plan 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 proceed with the proposed housekeeping amendments.**

Consistency with strategic planning framework : **The Planning Proposal is not the result of a strategic study or report.**

The planning proposal is considered consistent with the underlying objectives of the Lower Hunter Regional Strategy (LHRS) and Council's City Wide Settlement Strategy. The planning proposal updates the LEP by removing unnecessary duplication in the land use tables and correcting a number of mapping anomalies.

Environmental social economic impacts : **The planning proposal should have a net community benefit by rectifying various instrument and mapping anomalies. It is considered unlikely to result in any adverse social or economic impacts.**

The proposed boundary alignment clause contains assessment requirements, which aim to avoid the fragmentation of rural lands, potential land use conflicts or adverse environmental impacts. It is recommended that Council consult the Office of Environment and Heritage and NSW Agriculture about the proposed heads of consideration.

Assessment Process

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

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - s56(2)(d) : **Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture**

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 :

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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 :

Documents

Document File Name	DocumentType Name	Is Public
Updated Planning Proposal 10 Nov 2015.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**
 1.5 Rural Lands
 6.2 Reserving Land for Public Purposes

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

1. The Planning Proposal be supported and Council be given the Minister's plan making delegations. Council is unable to use the Minister's plan making delegations if there is an unresolved objection from any Government agency.

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 Office of Environment and Heritage and the Department of Primary Industries (Agriculture) under section 56(2)(d) of the EP&A Act. These agencies may wish to provide comments about the proposed assessment criteria for the boundary realignment clause.

The agencies need to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. The Secretary's delegate approve the reduction of land zoned RE1 Public Recreation under direction 6.2 Reserving Land for Public Purposes on the basis that it provides no recreational benefits to the public and is not required.

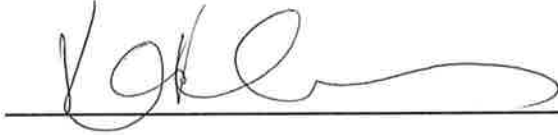
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.

6. The timeframe for completing the LEP is 6 months from the date of the Gateway Determination.

Supporting Reasons : **The Housekeeping amendments should provide flexibility, remove unnecessary**

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duplication in the land use tables and corrects a number of mapping anomalies

Signature:			
Printed Name:	<u>K O'Hare</u>	Date:	<u>17/11/15</u>

