

# **ENHANCING OUR NATURAL, DEVELOPED AND CULTURAL ENVIRONMENT**

**OUR NATURAL, DEVELOPED AND CULTURAL ENVIRONMENT NO. EE9/2014**

**SUBJECT: AMENDMENTS TO CESSNOCK LOCAL ENVIRONMENTAL PLAN 2011**

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*Councillor Cordelia Troy left the meeting, not to return, the time being 7.24pm*

**MOTION**            **Moved:**    Councillor Maybury            **Seconded:**    Councillor Smith  
767

**RESOLVED**

1. That Council prepare a planning proposal to amend Part 7 Additional Local Provision of the Cessnock Local Environmental Plan 2011 to insert the following:

**7.10 Erection of dual occupancy housing**

- (1) The objective of this clause is to ensure that development for dual occupancy housing on land within zone RU2 preserves the natural quality of the land and the rural character of the area and does not impair the agricultural potential, capability and viability of the land.
- (2) Despite any other provision of this plan the consent authority must not consent to the erection of dual occupancy housing on land within zone RU2 unless the consent authority is satisfied that the dwellings are arranged in a clustered manner which:
  - (a) preserves the natural quality of the land and the rural character of the area;
  - (b) ensures that the agricultural potential, capability and viability of the land is not compromised;
  - (c) has regard to topographical features of the land; and
  - (d) minimises the impact of services and infrastructure on the land such as access roads and fire breaks.

2. That Council amend Schedule 2 - Exempt Development of the Cessnock Local Environmental Plan 2011 to insert in appropriate alphabetical order the following:

**Dams (Zones, RU2 & RU4)**

- (1) Maximum embankment fill batter grades - 1 (vertical):2.5 (horizontal).
- (2) Minimum distance from property boundary at closest point - 10m.
- (3) Minimum fill embankment crest width - 3m.
- (4) Minimum height difference between the embankment crest level and the spillway level - 1m.
- (5) Maximum fill embankment height, as measured from ground level (existing) immediately down slope of the embankment to the top of the embankment crest level - 3m.

- (6) Must not be in any area identified on the Acid Sulfate Soils Map.
  - (7) Maximum capacity of water storage - 3ML.
  - (8) Must not be constructed in a watercourse.
  - (9) Must not be within 40m of any part of an onsite sewerage management system.
3. That Council amend Heritage Map Sheet 1720\_COM\_HER\_006D\_040\_20111206 to remove heritage item I128 from Lots 390 & 391 DP 755215 and Lots 536, 537, 538 & 539 DP 257370.
  4. That Council amend Part 1 of Schedule 5 Environmental Heritage of the Cessnock Local Environmental Plan 2011 by omitting the entries at Bellbird relating to Item I22 and Cessnock relating to Item I51 and substitute instead:

Bellbird	Uniting Church in Australia Bellbird Church	478 Wollombi Road	Lot 13, Section 3, DP 758082	Local	I22
Cessnock	Uniting Church in Australia Wesley Hall	4 Cooper Street	Lot 10, Section D, DP 4633; Lot 1, DP 1110465	Local	I51

5. That Council undertake a consultation program with public authorities and the community as determined by the "Gateway" Determination.
6. That a further report be presented to Council following the public exhibition of the Planning Proposal, if significant objections are received, advising of the outcomes of the consultation program and any recommendations relating to the adoption of the final LEP amendment.

**AMENDMENT Moved:** Councillor Stapleford **Seconded:** Councillor Ryan

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- (c) has regard to topographical features of the land; and
- (d) minimises the impact of services and infrastructure on the land such as access roads and fire breaks.

2. That Council defer Schedule 2 - Exempt Development of the Cessnock Local Environmental Plan 2011 to insert in appropriate alphabetical order the following:

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Councillor Bryce Gibson left the meeting, the time being 7.26pm

Councillor Bryce Gibson returned to the meeting, the time being 7.27pm

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Councillor Wrightson	
Councillor Gibson	
<b>Total (12)</b>	<b>Total (0)</b>

The Amendment was **PUT** and **CARRIED** and as such became the **MOTION**.

The Motion was then **PUT** and **CARRIED**.

**MOTION**            **Moved:** Councillor Stapleford    **Seconded:** Councillor Ryan

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**FOR**

**AGAINST**

Councillor Doherty  
Councillor Olsen  
Councillor Ryan  
Councillor Stapleford  
Councillor Hawkins  
Councillor Smith  
Councillor Campbell  
Councillor Parsons  
Councillor Maybury  
Councillor Pynsent  
Councillor Wrightson  
Councillor Gibson  
**Total (12)**

**Total (0)**

**CARRIED UNANIMOUSLY**

DRY