
Appendix 1: Council Report and Minutes

PLANNING AND ENVIRONMENT NO. PE16/2017

SUBJECT: **CESSNOCK COMMERCIAL PRECINCT PROJECT - PLANNING PROPOSAL AND PUBLIC EXHIBITION OF DRAFT DEVELOPMENT CONTROL PLAN, PUBLIC DOMAIN PLAN AND IMPLEMENTATION PLAN**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Stapleford
183
RESOLVED

1. That Council place the following documents on public exhibition for a minimum period of six weeks:
 - Draft Cessnock Commercial Precinct chapter of the Cessnock Development Control Plan 2010 (Enclosure 1);
 - Cessnock Commercial Precinct Project Report (Enclosure 2);
 - Cessnock Commercial Precinct Project Background Reports (Enclosure 3); and
 - Cessnock Commercial Precinct Public Domain Plan and DCP Engagement Outcomes Report (Enclosure 4).
2. That Council receive a report back on the exhibition material following the public exhibition period.
3. That Council request a Gateway determination for the Planning Proposal Cessnock Commercial Precinct at Enclosure 5 from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
4. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.
5. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
6. That Council receive a report back on the Planning Proposal Cessnock Commercial Precinct if unresolved written objections are received during the consultation with the Community; otherwise forward the Planning Proposal to the Department of Planning and Environment requesting that the plan be made.

This is page 5 of the Minutes of the Ordinary Council Meeting held on 19 April 2017 confirmed on 3 May 2017

.....General ManagerChairperson



SUBJECT: *CESSNOCK COMMERCIAL PRECINCT PROJECT -
PLANNING PROPOSAL AND PUBLIC EXHIBITION OF
DRAFT DEVELOPMENT CONTROL PLAN, PUBLIC DOMAIN
PLAN AND IMPLEMENTATION PLAN*

RESPONSIBLE OFFICER: *Strategic Land Use Planner - Scott Christie
Strategic Land Use Planning Manager - Martin Johnson*

+APPLICATION NUMBER:	18/2017/1
PROPOSAL:	Planning Proposal – Cessnock Commercial Precinct
PROPERTY DESCRIPTION:	Various Lots within the Commercial Precinct of Cessnock City. (Refer to Location Map)
PROPERTY ADDRESS:	Various Addresses within the Commercial Precinct of Cessnock City. (Refer to Location Map)
CURRENT ZONE:	B3 Commercial Core, B4 Mixed Use, B7 Business Park and RE1 Public Recreation
PROPOSED ZONE:	B3 Commercial Core, B4 Mixed Use and RE1 Public Recreation
OWNERS:	Various owners within the Commercial Precinct of Cessnock City
APPLICANT:	Council

SUMMARY

The purpose of this Report is to:

- Obtain Council's agreement to exhibit a draft Development Control Plan, Public Domain Plan and Implementation Plan for the Cessnock Commercial Precinct; and
- Obtain Council's agreement to submit a Planning Proposal for a Gateway determination to the Department of Planning and Environment.

The draft Development Control Plan provides detailed locality specific development guidelines to complement those of the Cessnock Development Control Plan 2010. It also identifies sites within the commercial precinct that are poised to act as catalysts in growing the city as a regional centre and gateway to the Vineyards District, in some instances providing development incentives for certain types of development.

The draft Public Domain Plan provides a framework for public domain infrastructure upgrades within the Cessnock Commercial Precinct to improve the cohesiveness and attractiveness of the streetscapes and general public domain. In particular, the Public Domain Plan introduces a town square that will become the future heart of the city, bringing improved life and vitality.

The Implementation Plan provides a framework for implementing infrastructure upgrades identified in the Public Domain Plan, and recommends amendments to the Cessnock Local Environmental Plan 2011 supporting the implementation of the Development Control Plan.



In combination with the Implementation Plan, the Public Domain Plan will support future grant funding applications for infrastructure upgrades. In addition, these two documents will significantly improve Council's ability to program and coordinate the identified works.

The Planning Proposal actions the amendments to the Cessnock Local Environmental Plan 2011 recommended by the Implementation Plan.

Together, the aforementioned documents provide a suite of strategic documents that provide a vision for the Cessnock Commercial Precinct. A vision that is informed by its community and users alike. In its absence, the future direction of the Cessnock Commercial Precinct is unknown and at the mercy of ad-hoc development. The documents also enable Council to be proactive in seeking grant funding, rather than reacting as opportunities arise.

RECOMMENDATION

1. That Council place the following documents on public exhibition for a minimum period of six weeks:
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 - Cessnock Commercial Precinct Project Report (Enclosure 2);
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2. That Council receive a report back on the exhibition material following the public exhibition period.
3. That Council request a Gateway determination for the Planning Proposal Cessnock Commercial Precinct at Enclosure 5 from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
4. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.
5. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
6. That Council receive a report back on the Planning Proposal Cessnock Commercial Precinct if unresolved written objections are received during the consultation with the Community; otherwise forward the Planning Proposal to the Department of Planning and Environment requesting that the plan be made.

BACKGROUND

The Cessnock Commercial Precinct Project provides a suite of strategic planning documents that will guide and coordinate future development. These documents seek to execute actions identified in the Cessnock CBD Masterplan adopted by Council on 12 December

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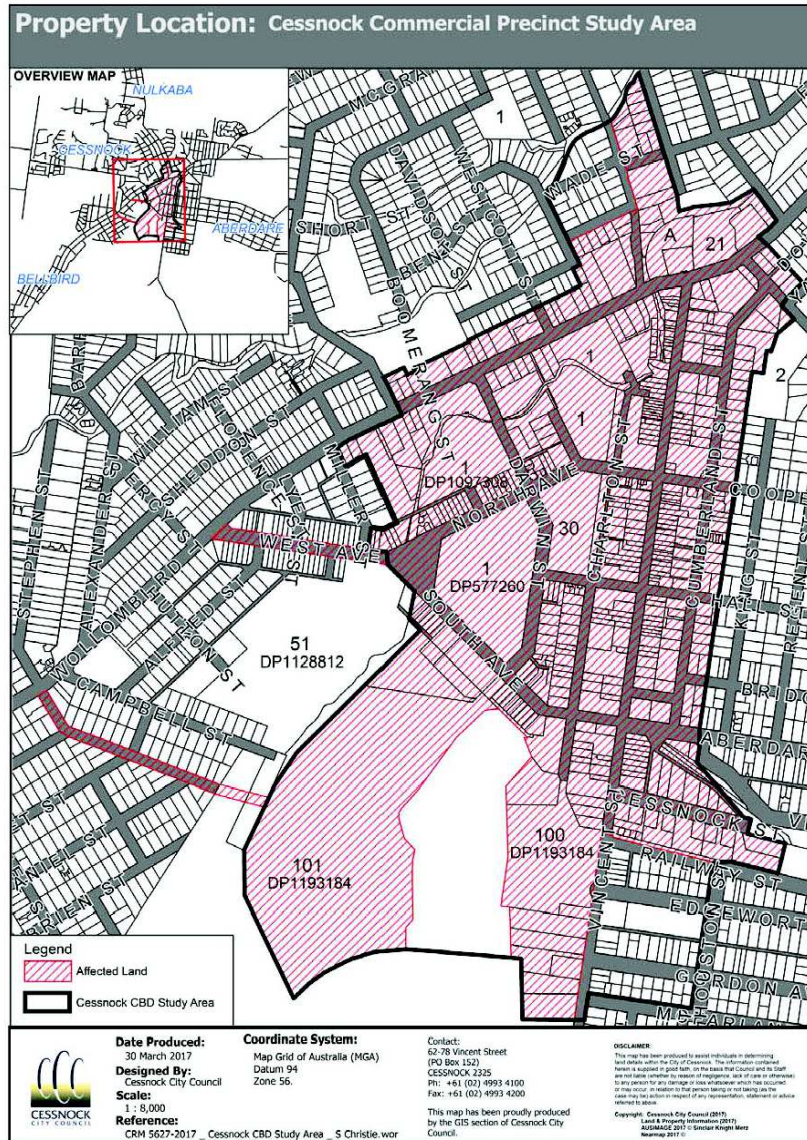


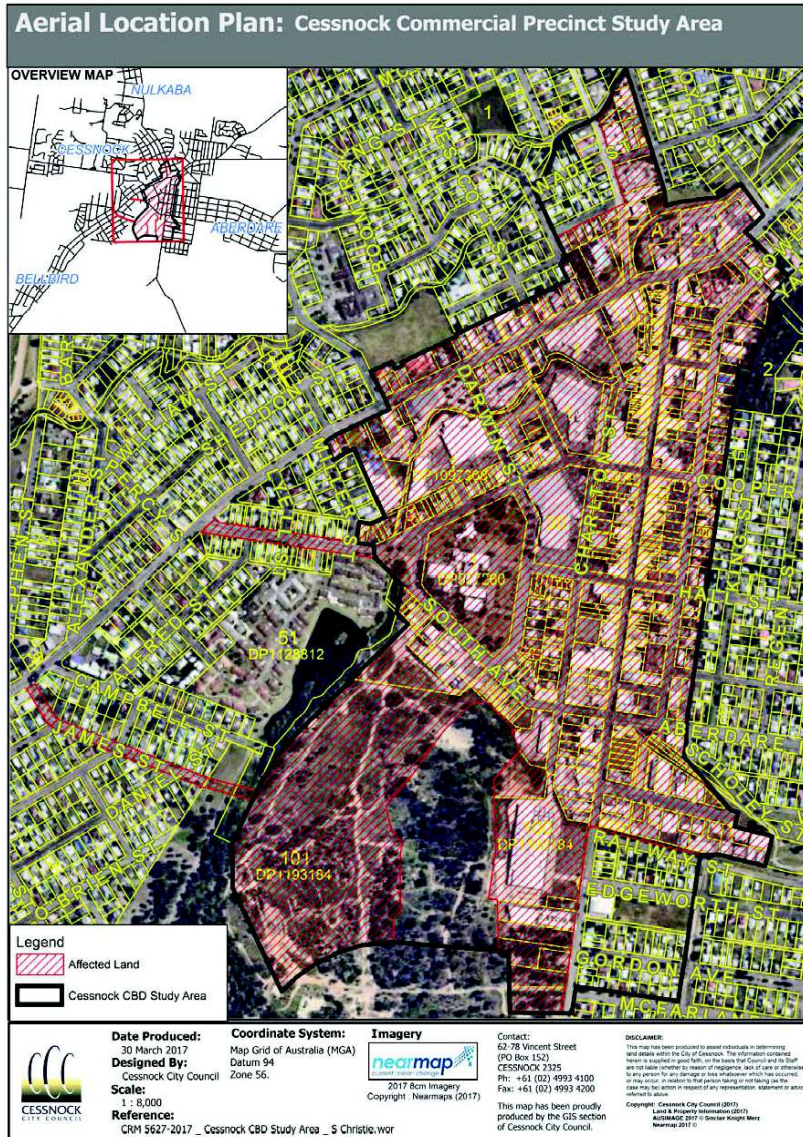
2012, and complement the Hunter Regional Plan 2036 in its vision for the City of Cessnock as a strategic centre.

Chronology

Date	Brief Description
12/12/2012	Council resolved at its Ordinary Meeting held 12 December 2012 to adopt the Cessnock CBD Masterplan.
16/03/2016	Council resolved at its Ordinary Meeting held 16 March 2016 to review the current parking arrangements in Vincent Street, Cessnock in conjunction with the Cessnock Commercial Precinct Project, with a view to looking at opportunities to consolidate the provision of car parking spaces, and to identify a site for the location of public toilets with access from Vincent Street Cessnock.
6/04/2016	Council resolved at its Ordinary Meeting held 6 April 2016 to undertake the Cessnock Commercial Precinct Project.
26/04/2016	Consultants engaged to undertake Cessnock Commercial Precinct Project.
10/06/2016 to 13/07/2016	Online and hard copy surveys invited and completed. Online and large format interactive mapping used to engage the community.
17/06/2016 & 28/06/2016	Intercept surveys and community mapping undertaken at Businesses within the Cessnock Commercial Precinct.
18/06/2016	Intercept surveys and community mapping undertaken at Funky Junk Markets, Cessnock.
28/06/2016	Intercept surveys and community mapping undertaken at Hunter Valley Wine Country Business Network Event.
12/07/2016, 4/08/2016, 9/08/2016, 15/08/2016, 15/09/2016, 19/09/2016, 20/09/2016, 29/09/2016, 23/02/2017, and 21/03/2017	Consultation with various key stakeholders.
6/09/2016	Consultation with Hunter Water.
29/04/2017	Councillors were briefed on the Cessnock Commercial Precinct Project.

Location Map:





REPORT/PROPOSAL

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The success of Cessnock's growth as a strategic centre will be dependent on its ability to attract and retain patrons. Patrons are attracted to a city by the type and quality of buildings and spaces offered.

To encourage the success of Cessnock as a major regional centre, the Draft Development Control Plan (**Enclosure 1**), Public Domain Plan (Refer Section 10 **Enclosure 2**) and Planning Proposal (**Enclosure 5**) seek to:

- Encourage high quality development at key locations within the Cessnock Commercial Precinct;
- Enable and encourage residential flat buildings to be constructed within the B3 Commercial Core Zone;
- Make improvements to the public domain including a public town square in the heart of the city.

In determining appropriate development guidelines, development incentives and public domain infrastructure required to achieve a centre that will attract and retain patrons, a supply and demand analysis, urban form analysis and economic analysis was undertaken (refer **Enclosure 3**). Key findings of the analysis are provided following:

Employment Floor Space

Parts of Vincent Street, the traditional retail strip of Cessnock, currently suffer from a relatively high (up to 15 percent) level of vacancy. The major factor contributing to this vacancy is the oversupply of employment floor space. A recent floor space survey undertaken by SGS Economics in 2016 identified that the Cessnock Commercial Precinct has 171,960 m² of employment floor space for a demand of 157,106 m². This equates to an oversupply of approximately 14,800 m² of employment floor space (refer **Enclosure 3**). Other factors hindering the success of Vincent Street as a retail strip are:

- The three major shopping centres (Cessnock Plaza, Cessnock City Centre and Cessnock Market Place) draw retail trade away from Vincent Street. This is exacerbated by a lack of pedestrian connections linking the three major shopping centres to Vincent Street;
- The length of Vincent Street dilutes the effectiveness of its retail offerings;
- Presentation of the public domain in certain parts of the Precinct is poor; and
- Competition from higher order centres draws residents away from Cessnock where they have their comparison shopping, entertainment and leisure needs met.

Retail / commercial centres are most successful when clustered or consolidated in one location creating a vibrant and active area. This is observed in and to the west of Vincent Street where there is a high concentration of activity.

The strengths of the Cessnock Commercial Precinct are:

- Its dominant position in its trading area. It is the largest centre within the Cessnock LGA and easily accessible to local residents;
- The presence of community assets: Council Administration Building, Library, Community Performing Arts Centre and Regional Art Gallery;
- Strong food offer. All the major supermarkets are represented including two full-line stores;

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- Reasonable non-food offer including high street retailers;
- Well located to capitalise on the Hunter Region tourists, particularly those travelling to or from the vineyards.

Visitation to the Precinct is dominated by local residents and workers as well as visitors whose primary purposes to visit is for work or the Hunter Valley. The Precinct is therefore considered more of an 'internal retail community' rather than a destination retail location.

Urban Form

Informed by the Cessnock CBD Masterplan and a supply and demand analysis, an urban form analysis was undertaken to determine the most appropriate development controls for the future Cessnock Commercial Precinct. Other key considerations of the urban form analysis include:

- Building heights;
- Floor space ratios;
- Heritage; and
- Constraints and opportunities presented by the precinct.

Currently, the majority of the Cessnock Commercial Precinct is not restricted by height of building or floor space ratio controls (refer **Figure 1**). The controls that do apply consist of a 12m height limit to the B7 Business Park zoned land in the south of the precinct, a 12 m height limit to the majority of the B3 Commercial Core zoned land in the centre of the precinct and a floor space ratio of 1.5:1 applying to the majority of the B3 Commercial Core zoned land only.

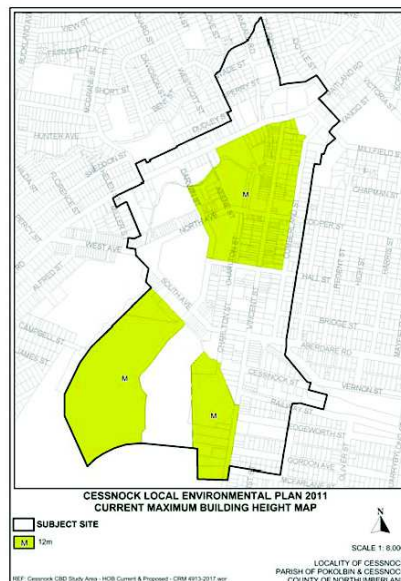
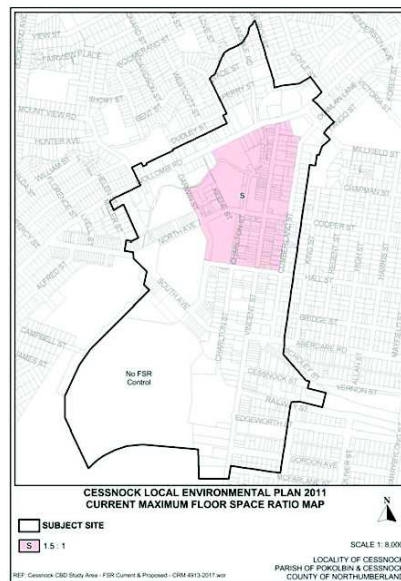




Figure 1: Existing Maximum Floor Space Ratio and Building Height

Despite limited restrictions to building heights within the Cessnock Commercial Precinct, only three buildings achieve a height above 9m (refer **Figure 2**), two of which are mixed use developments that provide permanent residential accommodation above commercial floor space, the other being a motel. These uses are commensurate with the demand for land uses within the precinct, illustrating that there is more opportunity for higher density residential development than commercial.

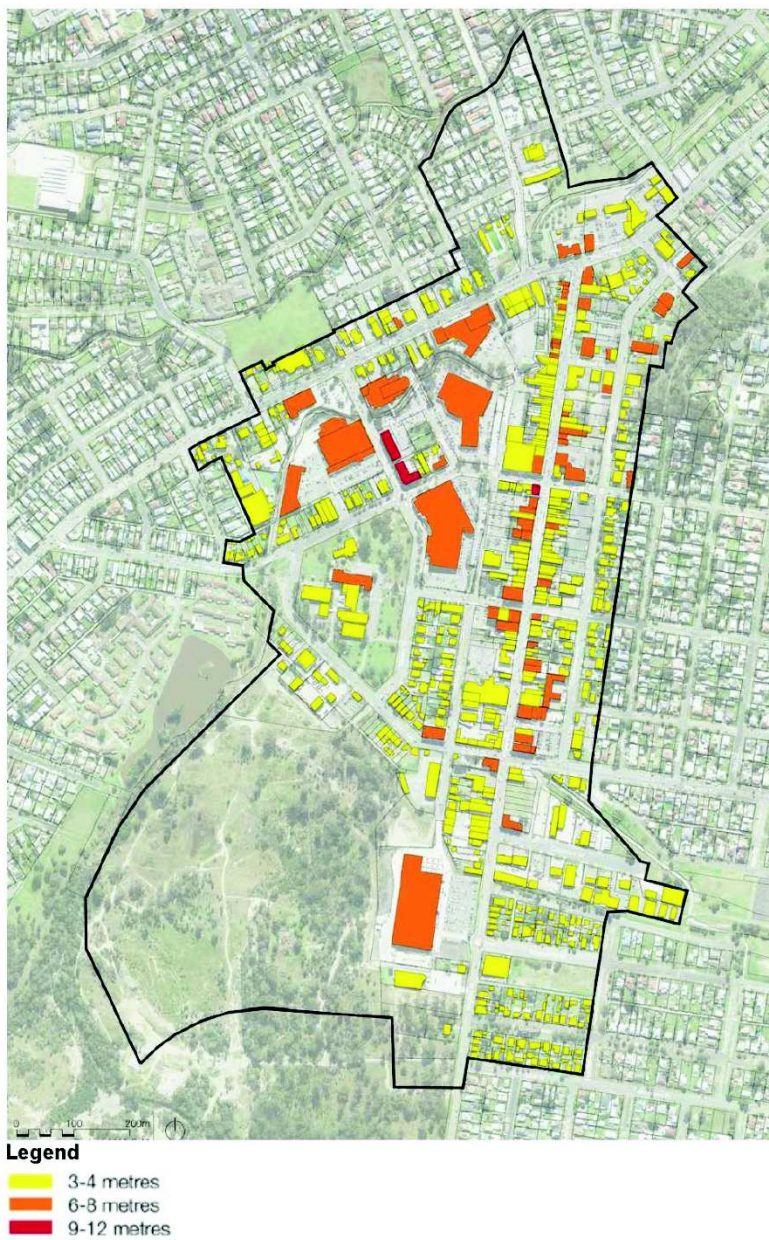


Figure 2: Existing Building Heights

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A reasonably uniform street scale, often marked by older building parapet details, exists along Vincent Street extending into some side streets. The Draft Cessnock Commercial Precinct Development Control Plan (**Enclosure 1**) proposes built form controls that will maintain and respect the heritage character and built form of the existing streetscape, while allowing for higher density development (refer **Figure 3** below).

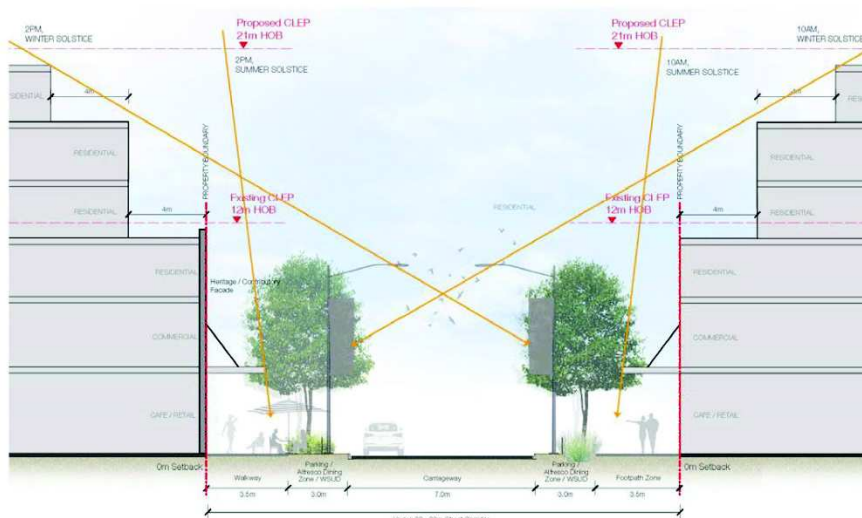


Figure 3: Vincent Street Cross Section

Best Practice Urban Design

Building height, development density or land use are not useful tools to incentivise best practice Urban Design outcomes in the Cessnock Commercial Precinct, due to weaknesses in current market conditions. However, there is the potential to incentivise desirable development outcomes through permitting lower car parking rates in new developments that achieve Design Excellence.

Additional height limits (refer **Figure 4**) in conjunction with floor space ratio controls (refer **Figure 5**) are proposed, not as an incentive, but rather to:

- Reinforce the Vincent Street commercial 'spine' and the retail 'core' of the Precinct;
- To build-in a degree of flexibility to the planning controls, and to not preclude taller development if particular site-specific economic factors support it; and
- To encourage taller buildings to be constructed in the form of towers rather than a solid building mass consuming the entire building envelope (refer **Figure 6**).

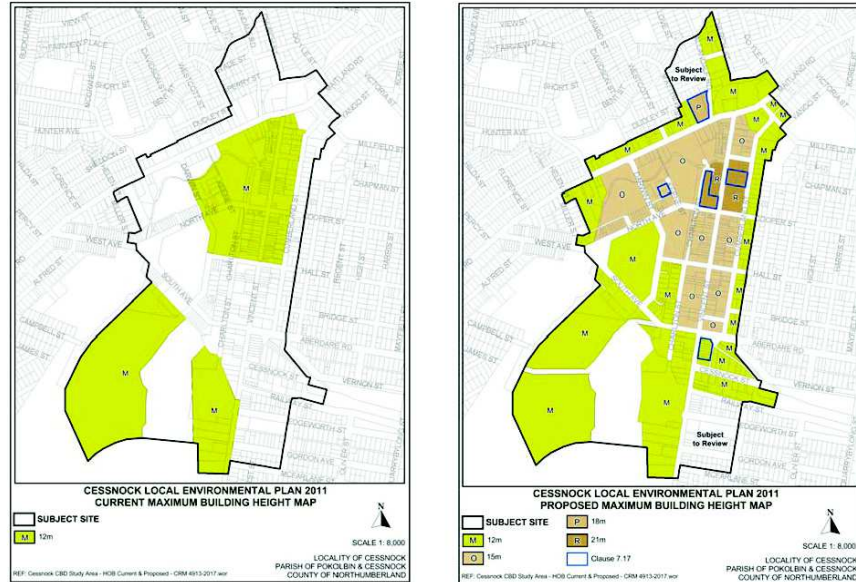


Figure 4: Existing and Proposed Height of Building Controls

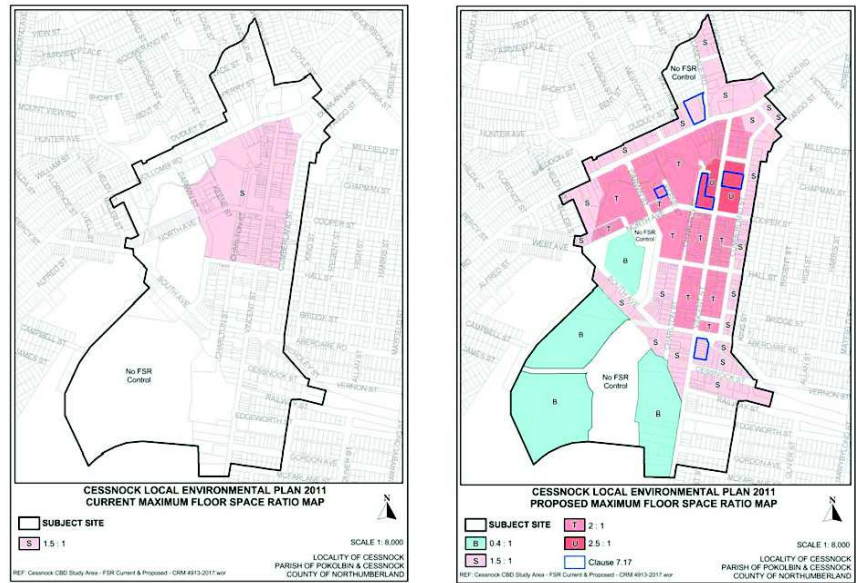


Figure 5: Existing and Proposed Floor Space Ratio Controls



Figure 6: Example of Preferred Cross Section – Vincent Street to Cumberland Street

Development Feasibility

The feasibility of increased densities within the Cessnock Commercial Precinct have been considered in establishing appropriate development controls for the future of the precinct. In particular, it is understood that the fragmentation of land within the precinct presents complications in consolidating land for higher density development. It is only where land is either free from improvements, or is already consolidated that developing the land for higher density development becomes feasible.

Catalyst Sites

Thirteen sites within the Cessnock Commercial Precinct have been identified as catalyst sites due to their potential in shaping the future of Cessnock. These sites have been selected based on the following characteristics or offerings:

- Location;
- Size;
- Existing and potential use;
- Feasibility for targeted development types; and
- Significance to the context of the overall city and its vision.

Development objectives for each of the sites have been established in the Cessnock Commercial Precinct Draft Development Control Plan (refer **Enclosure 1**), five of which have been further selected as “key sites”, whereby development incentives are offered to developments that effectively meet the catalyst site objectives of the Development Control Plan and demonstrate design excellence in accordance with the proposed “Design Excellence” clause of the Cessnock Local Environmental Plan 2011 (refer **Enclosure 5**).

The incentives offered have been drafted to encourage catalyst developments at strategic locations (key sites) within the precinct and include:

- Reduced car-parking requirements for commercial floor space, increased to a higher reduction rate where residential flats comprise 50 percent or more of the developments floor place;
- Increased floor space ratio; and
- Increased building height.

Town Square

Currently, the Cessnock Commercial Precinct is stretched out along Vincent Street, with three major shopping centres to the north-west. Retail or commercial centres are most successful when clustered in one location, creating a vibrant and active area. The precinct is also lacking a shady public place for locals or visitors to sit, linger, read or converse in a pleasant outdoor area. The suite of documents subject of this Report introduce a public town square in three stages (refer **Figure 7, 8 and 9**) in the heart of the Cessnock Commercial Precinct that will act as an anchor for pedestrians using the city and its services. Chosen because of its accessibility to both Vincent Street and the three major shopping centres, the proposed town square will enable people to linger and add vibrancy to the city, in turn generating additional demand for retail and adding to the vitality of the commercial precinct

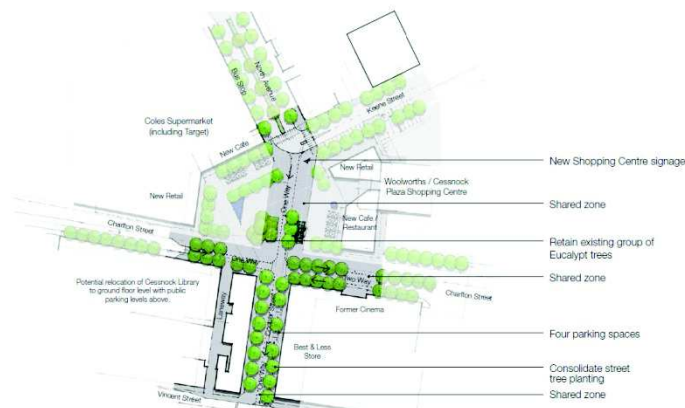


Figure 7: Town Square Concept Stage 1

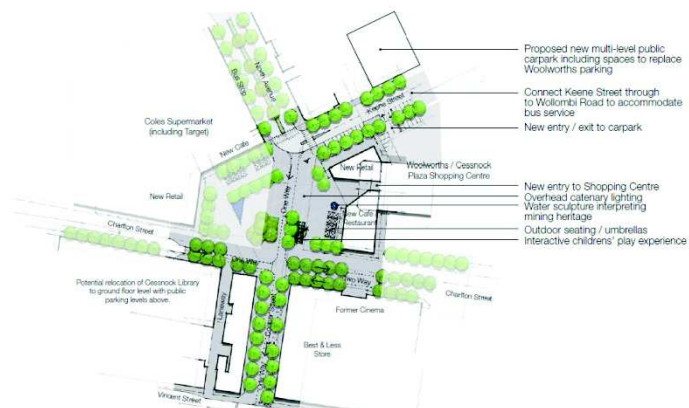


Figure 8: Town Square Concept Stage 2

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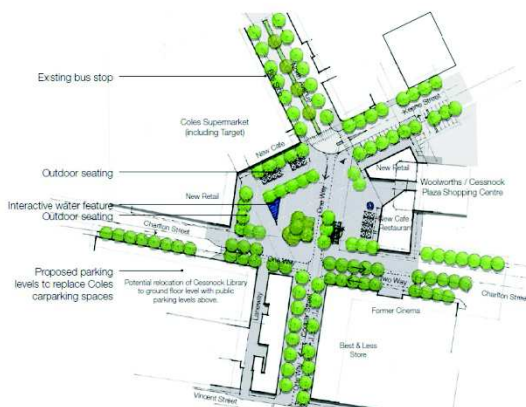


Figure 9: Town Square Concept Stage 3

Reduced Car Parking

In combination with the floor space ratio and height of building incentives, reduced car parking has been chosen as a suitable incentive to introduce high quality design outcomes within the precinct. Reduced car parking incentives relate only to land uses that are of a public nature, and are able to be offset with Council owned public car parking. The level of reduction has been determined based on offsetting the additional cost of achieving a 5 Star Green Star rated building. The current and projected economic climate for development in Cessnock would not otherwise permit such a high quality design outcome, and it is considered that these projects would have a significant impact as catalysts influencing improved design outcomes throughout the broader city.

Exhibition Material:

The exhibition material consists of:

- Draft Cessnock Commercial Precinct Development Control Plan;
- Draft Cessnock Commercial Precinct Public Domain Plan; and
- Draft Cessnock Commercial Precinct Implementation Plan; and
- Supporting information including:
 - Cessnock Commercial Precinct Project Background reports; and
 - Cessnock Commercial Precinct Public Domain Plan and DCP Engagement Outcomes report.

Draft Cessnock Commercial Precinct Development Control Plan

The draft Development Control Plan provides detailed locality specific development guidelines to complement those of the Cessnock Development Control Plan 2010 and the proposed amendments to the Cessnock Local Environmental Plan 2011 (**Enclosure 6**).

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It identifies sites within the commercial precinct that are poised to act as catalysts in growing the city as a regional centre and gateway to the Vineyards District, in some instances providing development incentives for certain types of development.

Draft Cessnock Commercial Precinct Public Domain Plan

The draft Public Domain Plan provides a framework for public domain infrastructure upgrades within the Cessnock Commercial Precinct to improve the cohesiveness and attractiveness of the streetscapes and general public domain. In particular, the Public Domain Plan introduces a town square that will become the future heart of the city, bringing improved life and vitality.

In combination with the Implementation Plan, the Public Domain Plan will support future grant funding applications made by Council in securing funding for future public domain infrastructure upgrades identified in the plan.

Draft Cessnock Commercial Precinct Implementation Plan

The draft Implementation Plan provides a framework for implementing infrastructure upgrades identified in the Public Domain Plan, and recommends amendments for the Cessnock Local Environmental Plan 2011 supporting the implementation of the Development Control Plan. In combination with the Public Domain Plan, the Implementation Plan will significantly improve Council's ability to secure grant funding in the longer term, while supporting Council's ability to program and coordinate the identified works.

Supporting Information

The supporting information consists of the background reports and community engagement outcomes report used to support decisions made in the draft of the Draft Development Control Plan and Draft Public Domain Plan.

Planning Proposal:

The Planning Proposal actions the proposed recommendations by the Implementation Plan by proposing to amend the Cessnock Local Environmental Plan in the following ways:

- Rezone from:
 - *Note: To enable consistent zoning of the commercial core and reflect existing land uses.*
B4 Mixed Use to B3 Commercial Core – Lot 22 DP 579269, Lot 4, 7 & 8 DP 38740, Lot 56 DP 614109, Lot 1 DP 112703, Lot 1 DP 721821, Lot 1 DP 979574, part of Lot 1 DP 1097308 and part of Lot 1 DP 340072;
 - *Note: To enable the current Cessnock Aquatic Centre site to be developed following the Aquatic Centre's relocation in the longer term.*
RE1 Public Recreation to B4 Mixed Use – Lot 16 DP 48151 and Lot 261 DP 666805;
 - *Note: To enable the development of a town square straddling Cooper Street between Charlton Street and Keene Street, and the creation of a recreational space adjoining a proposed new road connecting Charlton Street to Allandale Road.*



B3 Commercial Core to RE1 Public Recreation – Part of Lot 1 DP 450874, part of Lot 11 DP 613614, part of Lot 1 DP 1114018, part of Lot H DP 384894, part of Lot G DP 347929, part of Lot F DP 354733, part of Lot D DP 339311, part of Lot E DP 384895, part of Lot 2 DP 1114018, part of Lot 41 DP 617668, part of Lot 30 DP 1013326, part of Lot 2 DP 1013378, part of Lot 1 DP 1100097 and Lot 1 DP 1013378;

- *Note: To enable the embellishment and use of open space within the Cessnock TAFE site to be used as a recreational space servicing the city of Cessnock and its users and to secure land connecting pedestrians between Cumberland Street and the recreational space of Bridges Hill Park.*

B4 Mixed Use to RE1 Public Recreation – part of Lot 1 DP 577260 and Lot 7009 DP 1030585.

- Amend the Floor Space Ratio Map pertaining to land within the Cessnock Commercial Precinct from a Floor Space Ratio of 1.5:1 or no Floor Space Ratio to a Floor Space Ratio of 0.4:1, 1.5:1, 2.0:1 and 2.5:1;
- Amend the Height of Building Map pertaining to land within the Cessnock Commercial Precinct from a 12m or no Height of Building control to a Height of Building control of 12m, 15m, 18m and 21m; and
- Amend the Land Reserved for Acquisition Map to include Land Reserved for Acquisition within the precinct for the purposes of Classified Road (SP2) and Local Open Space (RE1).
- Introduce a new clause to allow residential flat buildings in zone B3 Commercial Core;
- Introduce a new clause to encourage design excellence on key sites identified within the Cessnock Commercial Precinct; and
- Introduce Key Sites mapping in association with the introduction of the design excellence clause.

The proposed rezoning will:

- Create a consistent boundary to the Commercial Core zoning that reflects existing land uses;
- Enable a gateway development of relative significance to occur following the potential relocation of the Cessnock Aquatic Centre in the longer term;
- Enable the development of a town square straddling Cooper Street between Charlton Street and Keene Street;
- Enable the creation of recreational space adjoining a proposed new road connecting Charlton Street to Allandale Road;
- Enable the embellishment and use of open space within the Cessnock TAFE site to be used as a recreational space servicing the city of Cessnock and its users; and
- Secure land for public recreational purposes connecting pedestrians between Cumberland Street and the recreational space of Bridges Hill Park.



OPTIONS

Council has the following options:

1. Resolve to support the recommendations contained in this Report, placing the exhibition material on public exhibition and submitting a Planning Proposal to the Department of Planning and Environment for a Gateway determination
This is the preferred option.
2. Request changes to the exhibition material or Planning Proposal. This option will delay the progress.
3. Not support the recommendations of this report for the following reasons

(To be provided by Council).

CONSULTATION

This project is a continuation of the Cessnock CBD Masterplan, whereby significant consultation with the community was undertaken. The Background Reports document provided as **Enclosure 3** to this report contains a review of the Cessnock CBD Masterplan, ensuring that key components of the Masterplan, commensurate with the community's vision, are brought forward into this Project.

Further community consultation specific to this Project was also undertaken in the form of:

- Online and intercept surveys with local businesses and residents (87 completed);
- Interactive mapping in the form of online mapping and a large printed map placed in the foyer of Council's Administration Building and Cessnock Library (135 comments);
- Community workshop (29 attendees); and
- Council staff workshop

Valuable information from the community was gathered during the consultation phases of this project, this information has been used to inform the development of the draft documents.

Key finding of the consultation are provided in **Enclosure 4**.

The following Council officers or teams were consulted in preparation of this Report:

- Open Space and Recreation Services;
- Development Services;
- Community Services;
- Strategic Assets; and
- Design Delivery.



The following external parties were consulted in preparation of this Report:

- Cessnock TAFE.

In combination with targeted consultation involving digital media and drop in sessions, the exhibition material is proposed to be publicly exhibited for a minimum of six weeks in accordance with Council's Advertising and Notification Requirements.

The exhibition material will be available from the following locations:

- Council's Administration Building;
- Cessnock Public Library;
- Kurri Kurri Public Library; and
- Council's Website at www.cessnock.nsw.gov.au

Initial consultations with RMS have taken place concerning the implementation of a shared zone along Cooper Street. Although the consultation has not been conclusive, the documentation subject of this Report reflects the outcomes of that consultation.

STRATEGIC LINKS

a. Delivery Program

This Report seeks to progress:

- Objective 2.1 – Diversifying local business options:
 - Our Local Government Area is attractive and supportive of business.
 - We have a diversity of business and industries across the Local Government Area.
 - Our planning controls provide for adequate industrial and commercial land.
- Objective 2.2 – Achieving more sustainable employment opportunities:
 - We have learning opportunities for people of all ages.
 - We have employment opportunities in the Local Government Area:
- Objective 2.3 – Increasing tourism opportunities and visitation in the area:
 - We have a range of diverse visitor experiences across the entire Local Government Area.
 - Our Local Government Area is attractive to visitors.
- Objective 3.2 – Better utilisation of existing open space:
 - Our open spaces are distributed where people live.
 - We have green corridors connecting our open space areas.
 - Our open spaces have suitable amenities and plenty of shade.
- Objective 4.1 – Better Transport Links:
 - We have access to a range of public and community transport within the Local Government Area.

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- We have access to a range of public and community transport beyond the Local Government Area.
- Objective 4.2 – Improving the Road Network:
 - We have a high quality road network.

b. Other Plans

The documents subject of this Report have been coordinated with, or informed by, the following:

- Hunter Regional Plan;
- Cessnock City Wide Settlement Strategy;
- Traffic and Transport Strategy;
- Recreation and Open Space Strategic Plan 2009;
- Recreation Needs Analysis 2017;
- Aquatic Needs Analysis 2014;
- Cessnock Aquatic Centre Feasibility and Design; and
- Cessnock Cycling Strategy 2016.

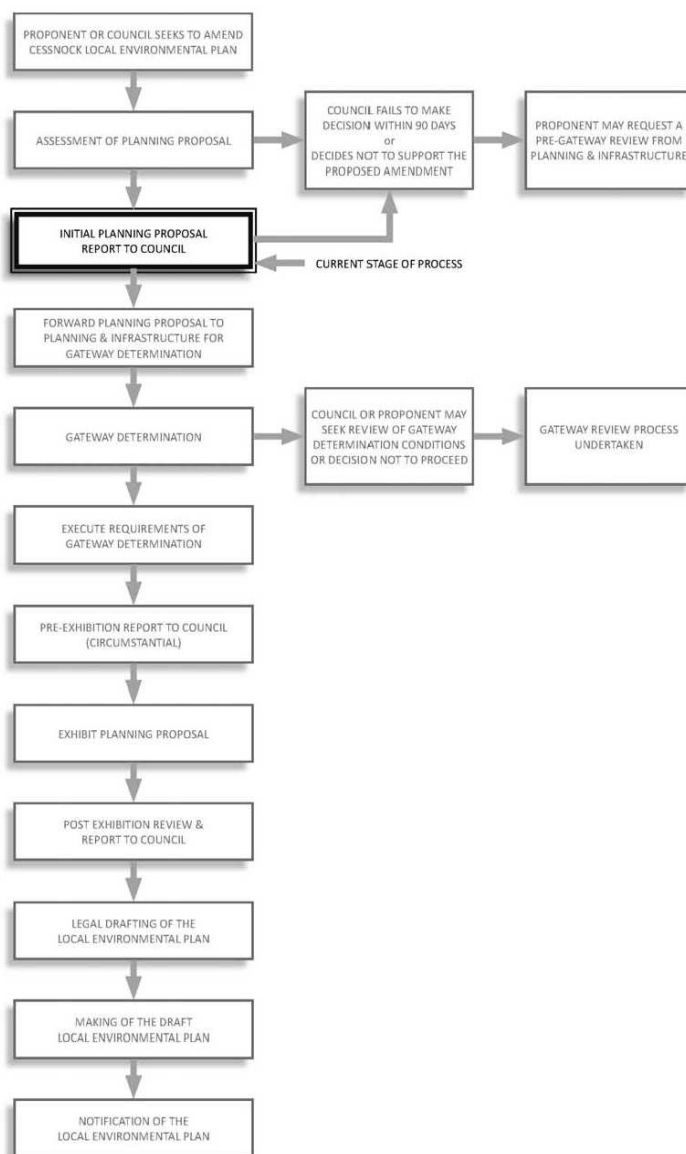
IMPLICATIONS

a. Policy and Procedural Implications

Following Council's endorsement, a Planning Proposal will be submitted to the Department of Planning and Environment for a Gateway determination.

The Planning Proposal's current status is illustrated in the following flow chart:

PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



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b. Financial Implications

The original budget for the Cessnock Commercial Precinct Project comprised of \$266,120.00 (incl. GST), of which \$110,000.00 (incl. GST) is funded by the Department of Planning and Environment NSW towards consultancy services. The project, now in its final stages, remains within the budget.

The works proposed by the Draft Public Domain Plan and Draft Implementation Plan will be considered in a revision of the Section 94 Contributions Plan for Car Parking in the Cessnock Central Business District, to be undertaken prior to the adoption of the Draft Cessnock Commercial Precinct Development Control Plan. The Section 94 Plan will enable a small portion of the works proposed by the Draft Public Domain Plan and Draft Implementation Plan to be levied for and constructed, however a majority of the works proposed will need to be funded through Government grants or other forms of funding. Such works will remain as works to be completed until those funds are sought, or the works are completed through other means such as works in kind.

Importantly, the works identified by the Public Domain Plan and Implementation Plan will significantly improve Council's ability to secure grant funding in the longer term.

c. Legislative Implications

This Report has regard to the provisions of the *Environmental Planning and Assessment Act 1979*, its Regulations and the *Standard Instrument (Local Environmental Plans) Order 2006 (as amended)*.

Public exhibition of the Cessnock Commercial Precinct Draft Development Control Plan for a minimum period of six weeks is consistent with Council's statutory responsibilities under the *Environmental Planning and Assessment Act 1979*.

Cessnock Local Environmental Plan 2011

The Planning Proposal will amend Cessnock Local Environmental Plan 2011 as outlined in this report.

State Environmental Planning Policies

The proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs). As Assessment of relevant SEPPs against the Planning Proposal is provided in the accompanying Planning Proposal.

Section 117 Ministerial Directions

Section 117(2) of the *Environmental Planning and Assessment Act 1979* enables the Minister for planning proposal to amend a Local Environmental Plan. An assessment of relevant s.177 Directions is provided in the accompanying Planning Proposal. The proposal is considered to be consistent with the relevant Ministerial Directions.

d. Risk Implications

The recommendations provided by this Report will support the commercial precinct of Cessnock's growth as a major regional centre, attracting and retaining patrons to create prosperity and vitality. Risk implications resulting from the recommendations of this Report are considered to be minimal.



e. Environmental Implications

Nil.

f. Other Implications

Nil.

CONCLUSION

The Draft Development Control Plan, Public Domain Plan and Implementation Plan for the Cessnock Commercial Precinct proposed to be exhibited by this Report together with the proposed Planning Proposal at **Enclosure 5**, will provide a comprehensive strategic framework that will guide and coordinate future development in the Cessnock Commercial Precinct. Amongst significant improvements to streetscapes within the precinct, it will encourage high quality catalyst developments at strategic locations and aim to deliver a new heart to its commercial core that will ensure Cessnock will be maintained and grow as a strategic centre.

ENCLOSURES

- 1 Draft Cessnock Development Control Plan 2010 - E16: Cessnock Commercial Precinct
- 2 Draft Cessnock Commercial Precinct Project Report
- 3 Cessnock Commercial Precinct Project Background Reports
- 4 Cessnock Commercial Precinct Public Domain Plan and DCP Engagement Outcomes Report
- 5 Planning Proposal - Cessnock Commercial Precinct

PLANNING AND ENVIRONMENT NO. PE16/2017

SUBJECT: CESSNOCK COMMERCIAL PRECINCT PROJECT - PLANNING PROPOSAL AND PUBLIC EXHIBITION OF DRAFT DEVELOPMENT CONTROL PLAN, PUBLIC DOMAIN PLAN AND IMPLEMENTATION PLAN

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Stapleford

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RESOLVED

1. That Council place the following documents on public exhibition for a minimum period of six weeks:
 - Draft Cessnock Commercial Precinct chapter of the Cessnock Development Control Plan 2010 (Enclosure 1);
 - Cessnock Commercial Precinct Project Report (Enclosure 2);
 - Cessnock Commercial Precinct Project Background Reports (Enclosure 3); and
 - Cessnock Commercial Precinct Public Domain Plan and DCP Engagement Outcomes Report (Enclosure 4).
2. That Council receive a report back on the exhibition material following the public exhibition period.
3. That Council request a Gateway determination for the Planning Proposal Cessnock Commercial Precinct at Enclosure 5 from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
4. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.
5. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
6. That Council receive a report back on the Planning Proposal Cessnock Commercial Precinct if unresolved written objections are received during the consultation with the Community; otherwise forward the Planning Proposal to the Department of Planning and Environment requesting that the plan be made.

This is page 5 of the Minutes of the Ordinary Council Meeting held on 19 April 2017 confirmed on 3 May 2017

.....General ManagerChairperson

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

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.....General ManagerChairperson

Appendix 2: Draft Local Environmental Plan Amendments

PART 7 ADDITIONAL LOCAL PROVISIONS (proposed)

Design excellence

1. *The objective of this clause is to ensure that development exhibits design excellence that contributes to the natural, cultural, visual and built character of the Cessnock Commercial Precinct.*
2. *This clause applies to development involving the erection of a new building or external alterations to an existing building on land identified as "Areas A, B, C, D and E" on the Key Sites Map.*
3. *Development consent must not be granted for development to which this clause applies unless:*
 - (a) *the consent authority considers that the development exhibits design excellence;*
 - (b) *the development within Area B, C or D achieves a minimum Floor Space Ratio that is 80% of the maximum Floor Space Ratio identified for the site on the Floor Space Ratio Map;*
 - (c) *the development achieves a 5 Star Green Star rating;*
 - (d) *the development is designed by a registered Architect;*
 - (e) *the development in an area shown in Column 1 of the table to this subclause meets the specifications shown opposite the area in Column 2.*

Column 1 <i>Area on the Key Sites Map</i>	Column 2 <i>Specifications relating to the Area</i>
Area A	<i>The proposed development architecturally presents as a major gateway to the city.</i> <i>The proposed development includes a suitable mix of both commercial and residential land uses.</i> <i>The proposed development is sympathetic or complimentary to the character of heritage items.</i> <i>The proposed development includes active landscaped street frontages in accordance with the Cessnock DCP</i>
Area B	<i>The proposed development includes a publicly accessible through site pedestrian link with a minimum width of 4 metres connecting Vincent Street to Cumberland Street and Council Car Park adjacent.</i> <i>The proposed development includes active frontages in accordance with the Cessnock DCP</i>

Area C	<i>The proposed development includes a publicly accessible through site pedestrian link, centrally positioned along the eastern façade, with a minimum width of 4 metres connecting Charlton Street to Vincent Street.</i> <i>The proposed development includes public entertainment uses such as a cinema.</i> <i>The proposed development includes active frontages in accordance with the Cessnock DCP.</i> <i>The proposed development provides a sensitive or complimentary response to heritage items in the vicinity of the site.</i>
Area D	<i>The proposed development is a mixed use development including residential flats.</i> <i>The proposed development includes active frontages in accordance with the Cessnock DCP.</i>
Area E	<i>The proposed development architecturally presents as a major gateway to the city.</i> <i>The proposed development includes a suitable mix of both commercial and residential land uses.</i> <i>The proposed development is sympathetic or complimentary to the character of heritage items.</i>

4. *In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:*
- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
 - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,*
 - (c) whether the development detrimentally impacts on view corridors identified in the Cessnock Development Control Plan,*
 - (d) how the development addresses the following matters:*
 - (i) the suitability of the land for development,*
 - (ii) existing and proposed uses and use mix,*
 - (iii) heritage issues and streetscape constraints,*
 - (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - (v) bulk, massing and modulation of buildings,*
 - (vi) street frontage heights,*
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*

(viii) *the achievement of the principles of ecologically sustainable development,*

(ix) *pedestrian, cycle, vehicular and service access, circulation and requirements,*

(x) *the impact on, and any proposed improvements to, the public domain.*

5. *The consent authority may grant consent to the erection or alteration of a building to which this clause applies that has a floor space ratio of not more than 20% greater than that allowed by clause 4.4 or a height of not more than 3 metres greater than that allowed by clause 4.3, but only if the design of the building or alteration has been reviewed by a design review panel that determines the development exhibits design excellence.*
6. *In this clause **design review panel** has the same meaning as it has in the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development.*