

Joint Regional Planning Panel Pre-Gateway Review

The Hunter & Central Coast Joint Regional Planning Panel (JRPP) has considered the request for a review of the proposed instrument, as detailed below.

The Pre-Gateway Review:

Date of Review:	10 March 2016
Dept. Ref. No:	PGR_2015_CESSN_001_00
LGA:	Cessnock
LEP to be Amended:	Cessnock Local Environmental Plan 2011
Address / Location:	Part Lot 101 DP 1193184 James, O'Brien, Villis and Michael Streets, Cessnock
Proposed Instrument:	The planning proposal aims to rezone the land from RU2 Rural Landscape to R3 Medium Density Residential and amend the minimum lot size from 40 hectares to 450 square metres under the Cessnock Local Environmental Plan 2011. The rezoning would permit the potential subdivision of up to 25 residential allotments.
Panel Chair:	Garry Fielding
Panel Members:	Jason Perica Kara Krason Mayor Bob Pynsent Councillor Suellen Wrightson

Reason for review:	☒	The council has notified the proponent that the request to prepare a planning proposal has not been supported
	☐	The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal

Declarations of Interest: Cr Pynsent and Cr Wrightson made declarations of interest in this matter at the commencement of the Panel's meeting, noting that they had both voted on Council motions concerning the planning proposal in the past. However, they did not consider this created a bias on their part in considering the pre-Gateway Review request.

JRPP Consideration: In considering the pre-Gateway Review request, the JRPP has reviewed all relevant information provided by the proponent as well as the views and position of the Department and Cessnock City Council. Based on this review the JRPP recommends the following:

JRPP RECOMMENDATION:	☒	The proposed planning proposal should be submitted for a Gateway determination
Composition of Recommendation:	☒ Not unanimous	Comments: Garry Fielding, Jason Perica, Kara Krason and Cr Suellen Wrightson supported the JRPP's recommendation to submit the planning proposal for a Gateway Determination. Cr Bob Pynsent did not support the Panel's recommendation, principally over concerns regarding flooding and mine subsidence impacts.

JRPP Advice and Justification for Recommendation:

- Regional Strategy

The Lower Hunter Regional Strategy identifies the subject land as a potential employment lands site within an existing urban area.



- Local Strategy

The City Wide Settlement Strategy (2010) identifies the subject land as having potential for infill residential development.

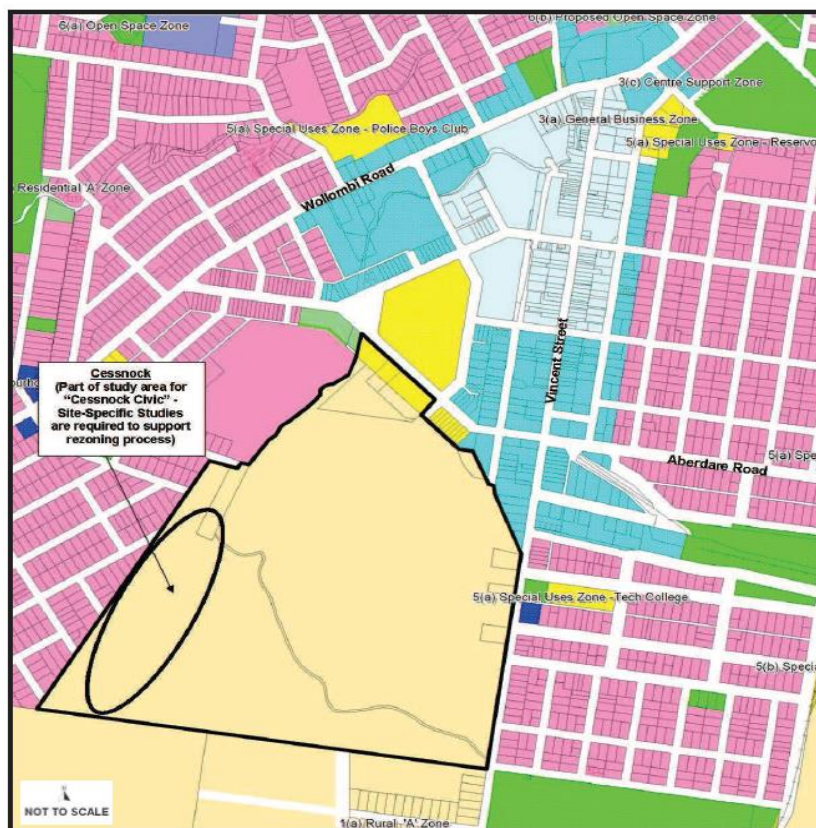


Figure 5.9: West Sector (Cessnock)
Potential infill areas for residential areas (study areas)

- **Natural Environment**

A Biodiversity Planning Agreement applies to the Cessnock 'Civic Precinct', which includes the subject land. This Agreement requires the landowner (developer) to manage and protect a 12.3ha area of environmental offset land (i.e. the land zoned E2 – Environmental Conservation) in accordance with a Vegetation Management Plan, in perpetuity.

The Office of Environment and Heritage was previously consulted about this planning proposal and raised no objections and did not require any further environmental offset for the proposed clearing.

Recommendation -

No further consultation with the Office of Environment and Heritage is required.

- **Mine Subsidence**

The Mine Subsidence Board previously advised in March 2010 that the site is not located in a Mine Subsidence District and there are no recorded mine workings over the subject land proposed to be rezoned residential.

The Mine Subsidence Board needs to clarify whether it is responsible for compensation in the event of any mine subsidence damage to property or any other mine-related incidents even though the site is not located within a Mine Subsidence District.

Recommendation -

1. The Mine Subsidence Board be consulted regarding its responsibility for compensation in the event of any mine subsidence damage to property or any other mine-related incidents even though the site is not located within a Mine Subsidence District.
2. An independent geotechnical report be prepared to incorporate rigorous testing of the site to provide up to date information to determine if there are residual underground mine workings affecting the site. Alternatively, specialist geotechnical studies be required at the Development Application stage.

- **Flooding**

The proponent's flood information indicates that the majority of the site is located above the flood planning level and that the proposed filling around the perimeter of the site is unlikely to impact on flood levels in this catchment.

Recommendation -

An updated flood study be prepared to take into consideration the Cessnock City Flood Risk Management Study and Plan (Cardno, 2016), adopted on 2 March 2016, and the proposed stormwater drainage solution which may reduce flooding impacts.

- **Services and infrastructure**

Local Infrastructure

Recommendation -

The provision of local infrastructure, including contributions to local open space and community facilities for the benefit of the local and wider community, be implemented in accordance with Council's section 94 plans.

Local Roads

The subject site has multiple connection points to the existing local road network, which should have capacity to accommodate the additional traffic generated from this development. Potential intersection upgrades, kerb and guttering and other roadworks requirements can be resolved at the development application stage through conditions of consent.

Recommendation -

Access for emergency vehicles (i.e. 18m v 20 m road reserve) be reviewed as well as the proximity of the creek bed alongside the road.

Essential Infrastructure

The proponent advises that it is possible to connect the subject land to all essential infrastructure, which includes reticulated water, sewer, electricity and telecommunications.

Stormwater Drainage

Council discharges uncontrolled stormwater over the site into Black Creek. The proponent indicated a willingness to determine a stormwater drainage solution in consultation with Council. The panel considers that a stormwater drainage solution may provide a potential public benefit.

Recommendation -

An appropriate stormwater drainage solution for the site and incorporating the adjacent existing residential area be developed by the proponent in consultation with Council, such that a clear public benefit is able to be provided to the locality in conjunction with the development of the subject site.

- **Community Views**

The first planning proposal was publicly exhibited from the 30 July to 13 August 2014. Council received 17 submissions and 1 petition containing 68 signatures, objecting to the planning proposal. The submissions raised concerns regarding the adequacy of services and infrastructure, traffic impacts, biodiversity impacts, flooding and drainage and mine subsidence.

Recommendation -

The issues raised by the community during the previous exhibition period be addressed by the proponent through the provision of current/updated specialist reports and/or studies.

- **Relevant Planning Authority**

Recommendation –

Cessnock City Council indicate whether it wishes to be the RPA for this planning proposal.

Date of Recommendation: 10 March 2016

Panel members:

 Garry Fielding (Chair)	 Jason Perica	 Kara Krason
 Bob Pynsent	 Suellen Wrightson	

