



PLANNING PROPOSAL

Amendment to the *Cessnock Local Environmental Plan 2011*

Planning Proposal to reclassify various properties at Cessnock, East Branxton, Greta and Kurri, and rezone and reclassify properties at Pelaw Main and Weston.

Version 1

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Table of Contents

Part 1: Objectives and Outcomes	3
Part 2: Explanation of Provisions	4
Part 3: Justification	6
Section A: Need for Proposal	6
1 Resulting from a Strategic Study or Report	6
2 Planning Proposal as best way to achieve the objectives.....	9
Section B: Relationship to Strategic Planning Framework	10
3 Consistency with Objectives and Actions within Regional Strategies.....	10
4 Consistency with Council's Community Strategic Plan or other Local Strategic Plan.....	10
5 Consistency with State Environmental Planning Policies.....	11
6 Consistency with Section 9.1 Ministerial Directions for Local Plan Making	16
Section C: Environmental, Social and Economic Impact	21
7 Impact on Threatened Species.....	21
8 Environmental Impact.....	21
9 Social and Economic Impacts	21
Section D: State and Commonwealth Interests	22
10 Adequate Public Infrastructure	22
11 Consultation with State and Commonwealth Authorities.....	22
Part 4: Mapping	23
Part 5: Community Consultation	27
Part 6: Project Timeline	28

Tables

Table 1: Explanation of Provisions.....	4
Table 2: Relevant State Environmental Planning Policies.....	11
Table 3: Relevant Section 9.1 Ministerial Directions	16

Figures

Figure 1: Item 3 – 9 Abermain Street, Pelaw Main, to be rezoned to R2 Low Density Residential	24
Figure 2: Item 5 – 10 Embelton Street, Weston, to be rezoned to R3 Medium Density Residential.....	25
Figure 3: Item 6 – 85 Swanson Street, Weston, to be rezoned to R2 Low Density Residential	26
Figure 4: Item 7 – 101 Maitland and part of 107 Lang Street, Kurri Kurri, to be rezoned to R3 Medium Density Residential.....	Error! Bookmark not defined.

Appendices

Appendix 1:	29
Appendix 2:	30

Part 1: Objectives and Outcomes

The objective of the Planning Proposal is to reclassify, and reclassify and rezone, various Council owned properties. The Planning Proposal is required as a result of Council resolutions of 4 July 2018 (PE39/2018) and 15 May 2019 (PE48/2019) that resolved to proceed with the recommendations of the Strategic Property review that was undertaken via the Strategic Property and Community Facilities Committee. Copies of Council resolutions are included at **Appendix 1**.

The Planning Proposal seeks to:

1. Reclassify from “community” to “operational” Council owned land, as listed below:
 - Lot 8 DP 255269 – 10 Redgrove Court, East Branxton;
 - Lot 20 Section D DP 1846 – 45 Yates Street, East Branxton;
 - Lot 9 DP 253077 – 1A Lee-Ann Crescent, Cessnock;
 - Lot 1-21 Section 29 DP 758474 – 35 Water Street, Greta; and
 - Lot 5 and 7 DP 1140055 – 101 Maitland Street and part of 107 Lang Street, Kurri Kurri.
2. The following properties are proposed to be reclassified from “community” to “operational”, rezoned from RE1 Public Recreation to R2 Low Density Residential, and have the minimum lot size changed to reflect the standard 450m² for the area:
 - Lot 7 DP 1177000 – 9 Abermain Street, Pelaw Main; and
 - Part of Lot 260 DP 1160174 –85 Swanston Street Weston.
3. The following property is proposed to be reclassified from “community” to “operational”, rezoned from RE1 Public Recreation to R3 Medium Density Residential, and have the minimum lot size changed to reflect the standard 450m² of the area:
 - Lot 1 DP 382568 – 10 Embelton Avenue, Weston.

Part 2: Explanation of Provisions

The provisions of the Planning Proposal will amend the Cessnock LEP 2011 as outlined in Table 1 below.

Table 1: Explanation of Provisions

Item Number and Property Description.	Explanation of Provisions
Item 1: Drainage Address: 10 Redgrove Court, East Branxton Title: Lot 8 DP 255269 Internal ID: 10757 Note: This property was vested as a public reserve by registration of DP 255269 on 27 September 1977.	Reclassify the site from Community to Operational land. Site currently zoned R2 Low Density Residential.
Item 2: Drainage Address: 45 Yates Street, East Branxton Title: Lot 20 Section D DP 1846 Internal ID: 11580 Note: The property was purchased on 19 January 1996.	Reclassify the site from Community to Operational land. Site currently zoned R2 Low Density Residential.
Item 3: Jacob's Park – Public Reserve Address: 9 Abermain Street, Pelaw Main Title: Lot 7 DP 1177000 Internal ID: 509409 Note: The property was vested to Council by way of Government Gazette on 20 August 1976.	Reclassify the site from Community to Operational land. Rezone from RE1 Public Recreation to R2 Low Density Residential. Include in the Cessnock LEP 2011 Minimum Lot Size map with a 450m ² control
Item 4: Public Reserve Address: 1A Lee-ann Crescent, Cessnock Title: Lot 9 DP 253077 Internal ID: 5090 Note: The property was vested to Council by registration of DP 253077 on 15 August 1978.	Reclassify the site from Community to Operational land. Site currently zoned R2 Low Density Residential.
Item 5: Public Reserve Address: 10 Embelton Avenue, Weston Title: Lot 1 DP 382568 Internal ID: 9855 Note: The property was vested to Council by registration of Folio Plan 382568 on 10 October 1952.	Reclassify the site from Community to Operational land. Rezone from RE1 Public Recreation to R3 Medium Density Residential. Include in the Cessnock LEP 2011 Minimum Lot Size map with a 450m ² control.
Item 6: Varty Park – Public Reserve	Reclassify part of the site (the land north of Swamp Creek) from Community to Operational land.

<p>Address: 85 Swanson Street, Weston</p> <p>Title: Part Lot 260 DP 1160174</p> <p>Internal ID: 508513</p> <p>Note: The property was vested to Council by way of Government Gazette on 23 November 1934.</p>	<p>Rezone that part of the lot from RE1 Public Recreation to R2 Low Density Residential.</p> <p>Include in the Cessnock LEP 2011 Minimum Lot Size map with a 450m² control.</p>
<p>Item 7: Molly Worthington Netball Courts – Public Reserve</p> <p>Address: 101 Maitland Street and 107 Lang Street, Kurri Kurri</p> <p>Title: Lot 5 and Lot 7 DP 1140055</p> <p>Internal ID: 507709 and 507711</p> <p>Note: The property was vested to Council by way of Government Gazette on 3 September 1976.</p>	<p>Reclassify the site from Community to Operational land.</p>
<p>Item 8: Victoria Park – Public Reserve (62860)</p> <p>Address: 35 Water Street, Greta</p> <p>Title: Lots 1-21 SEC 29 DP 758474</p> <p>Internal ID: 2363, 5959, 8743, 17569, 22885, 23699, 26503, 26504, 26505, 26506, 26507, 26508, 26509, 26510, 26511, 26512, 26513, 26514, 26515, 26516, 26517</p> <p>Note: The property was vested to Council by way of Government Gazette 17 June 1977.</p>	<p>Reclassify the site from Community to Operational land.</p> <p>Site currently zoned R2 Low Density Residential.</p>

Part 3: Justification

In accordance with the Department of Planning and Environment's "Guide to Preparing Planning Proposals" and the LEP Practice Note PN 16-001 "Classification and reclassification of public land through a local environmental plan", this section provides a response to the following issues:

- Section A: Need for Proposal;
- Section B: Relationship to Strategic Planning Framework;
- Section C: Environmental, Social and Economic Impact; and
- Section D: State and Commonwealth Interests

Section A: Need for Proposal

1 *Resulting from a Strategic Study or Report*

The Planning Proposal stems from a review of Council's property assets, known as the Strategic Property Review. The review of these properties was undertaken in 2018-2019. The purpose of this review is to ensure that Council's land assets continue to meet community needs and are fit for purpose. The review has considered the outcomes of the [*Recreation and Open Space Strategic Plan*](#) (ROSSP) as revised in November 2019. Most of the properties, have been identified as surplus to Council's requirements by internal review. The properties have been identified as not being well located or suited for open space and recreation purposes in line with future community needs, and therefore surplus to need.

The following properties are identified as surplus to need by the *Recreation and Open Space Strategic Plan*:

- Item 1: Drainage
 - 10 Redgrove Court, East Branxton
 - Lot 8 DP 255269
- Item 4: Public Reserve
 - 1A Lee-ann Crescent, Cessnock
 - Lot 9 DP 253077
- Item 5 – Public Reserve
 - 10 Embleton Street, Weston
 - Lot 1 DP 382568
- Item 8 – Victoria Park
 - 35 Water Street, Greta
 - Lots 1-21 SEC 29 DP 758474

The Strategic Property Review process was a review of Council owned properties to ensure that they are fit for purpose and continue to meet community needs. As a result, the following properties were identified as suitable for disposal:

- Item 2: Drainage
 - 45 Yates Street, East Branxton
 - Lot 20 Section D DP 1846
- Item 3: Jacob's Park – Public Reserve
 - 9 Abermain Street, Pelaw Maim
 - Lot 7 DP 1177000

- Item 6: Varty Park – Public Reserve
 - Part 85 Swanson Street, WESTON
 - Part Lot 260 DP 1160174

The Molly Worthington Netball Courts (Item 7) was identified by the elected Councillors, via the Strategic Property Committee and Community Facilities Committee, and was subsequently tabled for reclassification and rezoning at the Ordinary Council meeting of 15 May 2019. The resolution stated:

“That the reclassification and rezoning of the Kurri Kurri netball courts, known as Lot 5 and Lot 7 DP 1140055, Maitland Street, Kurri Kurri, be continued and run concurrently with the search for a suitable alternative netball site.”

Necessary investigations were undertaken into each property to determine how they were acquired and their appropriateness for reclassification and rezoning (where applicable). The outcomes of these investigations and reasoning to pursue the proposed amendments are outlined below.

Item 1: 10 Redgrove Court, East Branxton

This property was vested as a public reserve by registration of DP 255269 on 27 September 1977. The site is approximately 810m² in area. The property is known as Dalwood Road Park and is identified by the Recreation Open Space Strategic Plan (ROSSP) as surplus to needs. It is proposed to reclassify the site from Community to Operational land and remove the public reserve status.

Despite the proposed reclassification, there is sufficient recreation land in the immediate area to meet future demand for open space and recreation needs. Brunner Park (Local Park - ROSSP) is located within 500m of the site.

Item 2: 45 Yates Street, East Branxton

The property was purchased by Council on 19 January 1996. The site is approximately 810m² in area. The property is vacant and was flagged to function as a drainage easement but was identified by the Strategic Property Review as being surplus to needs. It was determined that this property was not required for drainage purposes. It is proposed to reclassify the site from Community to Operational land.

Item 3: 9 Abermain Street, Pelaw Main

The property was vested to Council as a public reserve by way of Government Gazette on 20 August 1976. The site is approximately 1.65ha. The land is known as Jacob's Park and was identified by the Strategic Property Review as being surplus to needs. It is proposed to reclassify the site from Community to Operational land, remove the public reserve status and to rezone it from RE1 Public Recreation to R2 Low Density Residential.

Despite the proposed reclassification and rezoning, there is sufficient recreation land in the immediate area to meet future demand for open space and recreation needs. Pelaw Main Centenary Park (Local Sportsground - ROSSP) is located within 100m of the site.

Item 4: 1A Lee-ann Crescent, Cessnock

The property was vested to Council as a public reserve by registration of DP 253077 on 15 August 1978. The site is approximately 1429m² in area. The land is known as Lee-Ann Crescent Park and is identified by the ROSSP as surplus to needs. It is proposed to reclassify the site from Community to Operational land and remove the public reserve status.

Despite the proposed reclassification, there is sufficient recreation land in the immediate area to meet future demand for open space and recreation needs. Manning Park – East (Passive - ROSSP), Michael Drain Oval (Local Sportsground – ROSSP) and North Cessnock Playground are all located within 300m of the site.

Item 5: 10 Embelton Street, Weston

The property was vested to Council as a public reserve by registration of Folio Plan 382568 on 10 October 1952. The site is approximately 2.5ha in area. The property is vacant and is identified by the ROSSP as surplus to needs. It is proposed to reclassify the site from Community to Operational land, remove the public reserve status and to rezone it from RE1 Public Recreation to R3 Medium Density Residential.

Despite the proposed reclassification and rezoning, there is sufficient recreation land in the immediate area to meet future demand for open space and recreation needs. Ernie Dunlop Park (Local Park - ROSSP) and a significant area of recreationally zoned Crown Land located within 250m of the site.

Item 6: 85 Swanson Street, Weston

The property was vested to Council as a public reserve by way of Government Gazette on 23 November 1934. The total site area is approximately 11.4ha, however the portion of the site to be divested is approximately 6.6ha. The land is known as Varty Park (District Sportsground – ROSSP) and was identified by the Strategic Property Review as being surplus to needs. It is proposed to reclassify the site from Community to Operational land, remove the public reserve status and rezone that part of the land, identified in Figure 1 below, from RE1 Public Recreation to R2 Low Density Residential.

Whilst Varty Park is over 18ha, the proposed area to be reclassified and rezoned is approximately 6.6ha. Council's adopted ROSSP outlines that there is a current and future surplus of district sportsgrounds in the Kurri Kurri Planning Area, in which Varty Park is located. The ROSSP recommends that Council "*Investigate the feasibility of disposing of Varty Park (DS5) to fund the upgrade of Weston Park (DS6) as part of the Strategic Property Review.*" (Extract of Table 32: Kurri Kurri Planning Area Recommendations, Page 92) The proposed reclassification and rezoning of the flood free portion of Varty Park is consistent with the recommendations of the ROSSP.

Figure 1: Extent of Varty Park proposed to be reclassified and rezoned



There is sufficient recreation land in the immediate area. In addition to the remainder of Varty Park directly adjoins and Maybury Peace Park (Regional Park - ROSSP) is located within 400m of the site.

Item 7: 101 Maitland Street and Part of 107 Lang Street, Kurri Kurri

The property was vested to Council as a public reserve by way of Government Gazette on 3 September 1976. Lot 5 is approximately 765m² and Lot 7 is approximately 1.18ha. The land is known as Molly Worthington Netball Courts and was identified by for reclassification and rezoning by Council via the Strategic Property Committee. It is proposed to reclassify the site from Community to Operational land, remove the public reserve status.

The reclassification of the site will not impact on the ability of the site to operate as netball courts. The existing netball courts could operate as an existing use.

Negotiations are taking place with the proponent of the Hydro development for a new location for the netball courts. Note that these negotiations are in the early stage and have not been finalised.

Item 8: 35 Water Street, Greta

The property was vested to Council as a public reserve by way of Government Gazette 17 June 1977. The total area is approximately 4.5ha (approximately 2025m² per lot). The land is known as Victoria Park and is identified by the ROSSP as surplus to needs. It is proposed to reclassify the site from Community to Operational land and remove the public reserve status.

Despite the proposed reclassification, there is sufficient recreation land in the immediate area to meet future demand for open space and recreation needs. Talleyrand Circuit Public Reserve is located 400m of the site and Greta Central Oval is located within 800m of the site.

2 Planning Proposal as best way to achieve the objectives

The intended outcomes relate to amendments to the Cessnock LEP 2011. The Planning Proposal is to reclassify certain properties from community to operational. The proposal also aims to rezone and amend the lot size map/s for Item 3, Item 5, Item 6 and Item 7. The proposal is considered to be the best way to ensure that Council delivers a balance of infill development while maintaining fit for purpose assets, ensuring that the community needs are met.

Section B: Relationship to Strategic Planning Framework

3 *Consistency with Objectives and Actions within Regional Strategies*

Hunter Regional Plan 2036

The Planning Proposal seeks to make amendments to the Cessnock LEP to reclassify and rezone certain properties which will facilitate infill development consistent with the Hunter Regional Plan. In particular the reclassification and potential development of these sites for housing purposes is consistent with the following Directions in the Regional Plan:

- Direction 21: Create a compact settlement.
- Direction 22: Promote housing diversity.

Greater Newcastle Metropolitan Plan

The Planning Proposal is consistent with the following strategies in the Greater Newcastle Metropolitan Plan:

- Strategy 16 – Prioritise the delivery of infill housing opportunities within existing urban areas
- Strategy 17 – Unlock housing supply through infrastructure coordination and delivery.

4 *Consistency with Council's Community Strategic Plan or other Local Strategic Plan*

Community Strategic Plan - Our People, Our Place, Our Future

The Planning Proposal seeks to make amendments to the Cessnock LEP 2011, these amendments are not inconsistent with the Council's Community Strategic Plan.

Cessnock Local Strategic Planning Statement 2036

The Cessnock Local Strategic Planning Statement 2036 (LSPS) sets out the 20-year vision for land use in the local area. It establishes the special character and values of the LGA that are to be preserved and how change will be managed into the future.

The Planning Proposal is generally consistent with the provisions of the Draft LSPS. Specifically, with consideration to the Planning Priorities of the LSPS that are relevant to the proposal type and location. These are:

- Planning Priority 1: Our urban areas are compact.
- Planning Priority 7: Urban development is encouraged in areas within existing infrastructure.
- Planning Priority 29: Our villages retain their unique qualities that reflect their histories.
- Planning Priority 30: Growth of our villages occurs in a way that protects their character and setting in the rural and environmental landscape and responds to risk of bushfire and flooding.

5 Consistency with State Environmental Planning Policies

An assessment of relevant SEPPs against the planning proposal is provided in the table below.

Table 2: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 21 - Caravan Parks	The SEPP provides for development for caravan parks.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 33 - Hazardous & Offensive Development	The SEPP provides considerations for consent for hazardous & offensive development.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 36 - Manufactured Homes Estates	The SEPP makes provision to encourage manufactured homes estates through permitting this use where caravan parks are permitted and allowing subdivision.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 50 - Canal Estate Development	The SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 55 - Remediation of Land	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination	Consistent. These sites have not been identified by Council as being contaminated sites. Nothing in the Planning Proposal impacts on the operation of this SEPP.
SEPP 64 - Advertising and Signage	The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 65 - Design Quality of Residential Development	The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 70 – Affordable Rental Housing (Revised Schemes)	The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP Affordable Rental Housing 2009	The aims of this Policy are as follows: (a) to provide a consistent planning regime for the provision of affordable rental housing, (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,	Nothing in this Planning Proposal impacts on the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
	<p>(c) to facilitate the retention and mitigate the loss of existing affordable rental housing,</p> <p>(d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,</p> <p>(e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,</p> <p>(f) to support local business centres by providing affordable rental housing for workers close to places of work,</p> <p>(g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.</p>	
SEPP Building Sustainability Index: BASIX 2004	The SEPP provides for the implementation of BASIX throughout the State.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (Coastal Management) 2018	<p>The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by—</p> <p>(a) managing development in the coastal zone and protecting the environmental assets of the coast, and</p> <p>(b) establishing a framework for land use planning to guide decision making in the coastal zone, and</p> <p>(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.</p>	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (Concurrences and Consents) 2018		Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	<p>The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by:</p> <p>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and</p>	Nothing in this Planning Proposal impacts on the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
	<p>early education and care facilities, and</p> <p>(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and</p> <p>(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and</p> <p>(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</p> <p>(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</p> <p>(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and</p> <p>(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</p> <p>(h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</p>	
SEPP Exempt and Complying	The SEPP provides exempt and complying development codes that have State-wide application,	Nothing in this Planning Proposal impacts on the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
Development Codes 2008	identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.	
SEPP Housing for Seniors or People with a Disability 2004	The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP Infrastructure 2007	The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (Koala Habitat Protection) 2019	This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP Mining, Petroleum Production and Extractive Industries 2007	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.	Item 3 at 35 Water Street, Greta is mapped as being part of an energy resource audit. Requiring the Planning Proposal to be forwarded to the Department of Planning, Industry and Environment for consultation.
SEPP Miscellaneous Consent Provisions 2007	The aims of this Policy are as follows: (a) to provide that the erection of temporary structures is permissible with consent across the State, (b) to ensure that suitable provision is made for ensuring the safety of persons using temporary structures, (c) to encourage the protection of the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration, (d) to provide that development comprising the subdivision of land, the erection of a building or the demolition of a building, to the extent to which it does not already require development consent under another environmental planning instrument, cannot be carried	Nothing in this Planning Proposal impacts on the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
	out except with development consent.	
SEPP (Primary Production and Rural Land) 2019	<p>The aims of this Policy are as follows:</p> <ul style="list-style-type: none"> (a) to facilitate the orderly economic use and development of lands for primary production, (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources, (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations, (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts, (e) to encourage sustainable agriculture, including sustainable aquaculture, (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture, (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors. 	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP State and Regional Development 2011	The SEPP aims to identify development and infrastructure that is State significant and confer functions on the Joint Regional Planning Panels (JRPPs) to determine development applications.	Nothing in this Planning Proposal impacts on the operation of this SEPP.the operation of this SEPP.
SEPP (State Significant Precincts) 2005	<p>The aims of this Policy are as follows:</p> <ul style="list-style-type: none"> (a), (b) (Repealed) (c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to 	Nothing in this Planning Proposal impacts on the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
	<p>facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State,</p> <p>(d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.</p> <p>(e), (f) (Repealed)</p>	

6 Consistency with Section 9.1 Ministerial Directions for Local Plan Making

An assessment of relevant Section 9.1 Directions against the planning proposal is provided in the table below.

Table 3: Relevant Section 9.1 Ministerial Directions

Ministerial Direction	Objective of Direction	Consistency and Implication
1. Employment and Resources		
1.1. Business and Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	N/A
1.2. Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	N/A
1.3. Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Item 8: 35 Water St Greta is mapped in the Energy Resource Audit as having 'energy resource potential' and will require consultation with DPIE
1.5. Rural Lands	The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes.	N/A
2. The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. Environment and Heritage		

Ministerial Direction	Objective of Direction	Consistency and Implication
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	N/A
2.2 Coastal Protection	The objective of this direction is to protect and manage coastal areas of NSW.	Not applicable to LGA
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Item 7: Lots 5 and part 7 DP 1140055 are adjacent to heritage items of Court House and police station and Fire Station at Kurri Kurri. It is considered that any impact can be considered at development stage and that the value of the heritage items will be protected. The Planning Proposal will not hinder the achievement of the objectives of this direction.
2.4 Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	N/A
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	Consistent. The Planning Proposal will not hinder the achievement of the objectives of this direction.
3.2 Caravan Parks and Manufactured Home Estates	The objectives of this direction are: (a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	N/A
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	N/A

Ministerial Direction	Objective of Direction	Consistency and Implication
3.4 Integrating Land Use and Transport	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. 	N/A
3.5 Development Near Licensed Aerodromes	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> (a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. 	N/A
3.6 Shooting Ranges	<p>The objectives are:</p> <ul style="list-style-type: none"> (a) to maintain appropriate levels of public safety and amenity when rezoning land 	N/A

Ministerial Direction	Objective of Direction	Consistency and Implication
	adjacent to an existing shooting range, (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	N/A
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	Item 3: 9 Abermain Street, Pelaw Main is mapped as being located in the Tomalpin Mine Subsidence District (not public mapping). The Planning Proposal will be referred to the Mine Subsidence Advisory Board for comments.
4.3 Flood Prone Land	The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Consistent. Item 4: 1A Lee-ann Crescent, Cessnock (Lot 9 DP 253077) is considered a flood control lot. The site is not affected by a floodway at the 1% AEP flood event and is it unlikely that permitting development on the land will result in significant flood impacts at the 1% AEP flood event. Evacuation is considered possible in the event of a 1% AEP flood event at the site. The Planning Proposal is not permitting development to be carried out without development consent. Item 6 Lot 260 DP 1160174 is also considered a flood control lot. The portion of the site proposed for reclassification is mapped as not affected by the Flood Planning Area (1% AEP flood plus 0.5 m). The Planning Proposal is generally consistent with the Direction. Further development may be carried out on the sites in accordance with the Cessnock LEP 2011 and Cessnock Development Control Plan 2010 with specific reference to Part C – Chapter 9 Development of Flood Prone Land.
4.4 Planning for Bushfire Protection	The objectives of this direction are:	Item 8: 35 Water Street, Greta; Item 3: 9 Abermain Street, Pelaw Main; and

Ministerial Direction	Objective of Direction	Consistency and Implication
	<p>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) to encourage sound management of bush fire prone areas.</p>	<p>Item 6: Varty Park are all mapped as being partially affected by Bush Fire vegetation.</p> <p>The proposal will be forwarded to the NSW Rural Fire Service for comment during the exhibition period.</p>
5. Regional Planning		
5.10 Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	N/A
6. Local Plan Making		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	N/A
6.2 Reserving Land for Public Purpose	<p>The objectives of this direction are:</p> <p>(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	<p>Inconsistent.</p> <p>The properties that have been identified in this proposal for reclassification from community to operational and rezoning are viewed as surplus to Council's requirements. The properties have been identified as not well located or suited for future open space and recreation purposes in line with future community needs. It is proposed that over time, the other recreation areas in these localities will be upgraded to ensure that the recreation needs of the community will be met in the most effective way.</p> <p>The inconsistency to this direction is considered to be of minor significance, in accordance with Clause 8 of this direction.</p>
6.3 Site Specific Provision	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	N/A

Section C: Environmental, Social and Economic Impact

7 *Impact on Threatened Species*

Item 3: 9 Abermain Street, Pelaw Main is mapped as containing Endangered Ecological Community (EEC) and REMS vegetation of Lower Hunter Spotted Gum Iron Bark Forest. Despite this EEC mapping, the site is very sparsely vegetated.

8 *Environmental Impact*

The reclassifications, and reclassification and rezoning's are proposed to have minimal environmental impact. None of the sites are affected by acid sulfate soils.

Item 4: 1A Lee-Ann Crescent, Cessnock is mapped as affected by flood and is considered a flood control lot.

Item 3: 9 Abermain Street, Pelaw Main is mapped as subject to the Tomalpin Mine Subsidence District. The site is also mapped as both bushfire buffer and vegetation category 1 for bushfire purposes. It is proposed to forward the planning proposal to both the Mine Subsidence Authority and the NSW Rural Fire Service for comment.

Item 6: Varty Park (Part Lot 260 DP 1160174) is mapped as subject to flooding and is considered a flood control lot. It is proposed to only reclassify and rezone the indicated portion of the site which is not affected by the Flood Planning Area and outside the riparian corridor. Field analysis and ground survey would be necessary to confirm the flood extents and the riparian corridor to inform any future Development Application for the subject site. The site is also mapped as being affected by bush fire, containing both Category 1 and buffer vegetation. This vegetation is limited on the area of the site proposed to be reclassified and rezoned. An Endangered Ecological Community is also mapped on the site however there is only a small portion of this EEC mapped within the portion of the site proposed for reclassification and rezoning.

9 *Social and Economic Impacts*

The properties that have been identified in the proposal for reclassification from community to operational (and reclassification/rezoning) are viewed as surplus to Council's requirements. The properties have also been identified as not well located or suited for future open space and recreation purposes in line with future community needs. Other recreation needs of the community will be met in the most effective way. Possible sale of the properties by Council following the reclassification process will result in additional funds for investment being available in improved recreation and other facilities in the region.

Section D: State and Commonwealth Interests

10 Adequate Public Infrastructure

The Planning Proposal will not generate demand for additional public infrastructure. Possible sale of the properties following the reclassification process will result in additional funds for Council for investment in improved facilities in the region. Future residential development on these sites will allow for minor residential infill development in the region which can be serviced through existing infrastructure.

11 Consultation with State and Commonwealth Authorities

Consultation with State and Commonwealth public authorities will be undertaken in accordance with the Gateway determination. It is proposed that consultation with the following agencies will be undertaken during exhibition in relation to the proposal:

- Subsidence Advisory NSW;
- Rural Fire Service;
- Department of Planning, Industry and Environment; and
- Hunter Water.

Part 4: Mapping

The following maps from the Cessnock LEP 2011 are required to be amended to achieve the intent of the Planning Proposal.

Zoning Maps

- **LZN_009A**
- **LZN_009AA**

The maps need to be updated to change the zoning of the following properties from RE1 Public Recreation to R2 Low Density Residential:

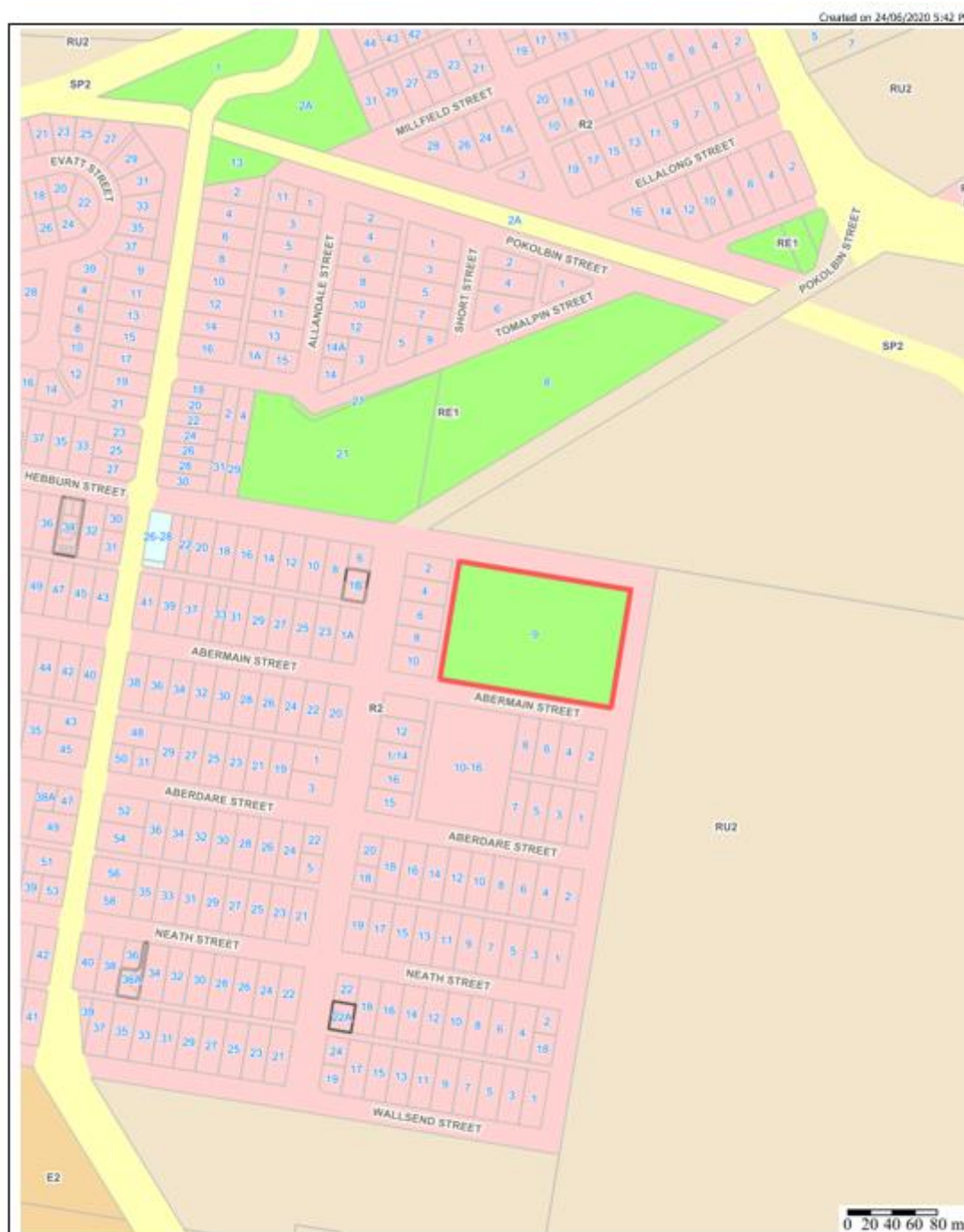
- Lot 7 DP 1177000 – 9 Abermain Street, Pelaw Main; and
- Part of Lot 260 DP 1160174 –85 Swanston Street Weston.

The maps need to be updated to change the zoning of the following properties from RE1 Public Recreation to R3 Medium Density Residential:

- Lot 1 DP 382568 – 10 Embelton Avenue, Weston.

The properties to be rezoned by this Planning Proposal are identified in Figures 1 – 4.

Figure 1: Item 3 – 9 Abermain Street, Pelaw Main, to be rezoned to R2 Low Density Residential





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Date: **24/05/2020 5:42 PM**

Item 3: 9 Abermain Street, Pelaw Main

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Figure 2: Item 5 – 10 Embelton Street, Weston, to be rezoned to R3 Medium Density Residential





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Item 5: 10 Embelton Street, Weston

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Figure 3: Item 6 – 85 Swanson Street, Weston, to be rezoned to R2 Low Density Residential



 <p>Cessnock City Council 62 – 70 Vincent Street Cessnock NSW 2315 Telephone: 02 6891 4200 Email: enquiries@cessnock.nsw.gov.au</p>	<p>Important Notice! This map is not a professional document. Accuracy of location can only be guaranteed by a survey or the ground.</p> <p>Disclaimer: Cessnock City Council accepts no responsibility for any errors, omissions or inaccuracies in information published on this map. It is the user's responsibility to verify the information (if required) with the relevant authorities.</p>  <p>Copyright : Nearmap (2019)</p>		<p>Drawn By: HANNA MCNAB Projection: Date: 24/06/2020 5:53 PM</p>	<p>Item 6: 85 Swanson Street, Weston</p> <p>Map Scale: 1:9028 at A4</p>
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Part 5: Community Consultation

Community consultation will be undertaken per the conditions of the Gateway determination. Council recommends the exhibition of the Planning Proposal for a period of 28 days in accordance with Council's Community Participation Plan, unless the gateway states otherwise.

The proposed consultation strategy for this Planning Proposal includes:

- Notification in the Cessnock Advertiser and the Branxton Greta Vineyard News, locally circulated newspapers;
- Web based notification via Council's website and application tracker

It is proposed to consult with the Subsidence Advisory NSW, the Rural Fire Service, the Department of Planning, Industry and Environment and Hunter Water on the content of this Planning Proposal.

In line with the requirements for the reclassification of land from community to operational, a public hearing will be held (EP&A Act s3.34 & Local Government Act s29) following the completion of the public exhibition. An independent facilitator will undertake the public hearing and 21 days' notice of the hearing will be given after completion of the public exhibition period. The reclassification process will be undertaken consistent with the LEP Practice Note PN 16-001 "Classification and reclassification of public land through a local environmental plan".

The Department's Gateway determination may make prescriptions relating to government authority and/or agency consultation.

Part 6: Project Timeline

It is estimated that the proposed amendment to the LEP will be completed by July 2021, following receipt of a Gateway determination from the Department of Planning, Industry and Environment. This is based on the assumption Gateway will be granted and that it will specify a 12-month timeframe.

Technical studies have not been identified as a component of the Planning Proposal. If the DPIE Gateway determination makes prescriptions relating to technical studies, this may impact the estimated completion date.

It is noted that Council's last reclassification amendment to the Cessnock Local Environmental Plan 2011 took closer to 18 months to complete.

Project Timeline

	July 2020	Aug 2020	Sept 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Feb 2021
STAGE 1: Report to Council requesting endorsement to seek Gateway determination								
STAGE 2: Submit to DPIE – Gateway Panel consider Planning Proposal.								
STAGE 3: Receive Gateway Determination.								
STAGE 4: Preparation of documentation for Public Exhibition and undertake Agency Consultation (if any stipulated).								
STAGE 5: Public Exhibition								
STAGE 6: Review/consideration of submissions received								
STAGE 7: Report to Council								
STAGE 8: Forward Planning Proposal to DOPE with request the amendment be made								

Appendix 1:

Council Report and Minutes (dates)

Report to Ordinary Meeting of Council – PE26/2020, 15 July 2020

Minutes of Ordinary Meeting of Council – PE26/2020, 15 July 2020

All Council reports and minutes are accessible from Council's website:
<https://www.cessnock.nsw.gov.au/Council/Council-meetings/Minutes-agendas>.

Appendix 2:

Locality and existing Zoning Maps



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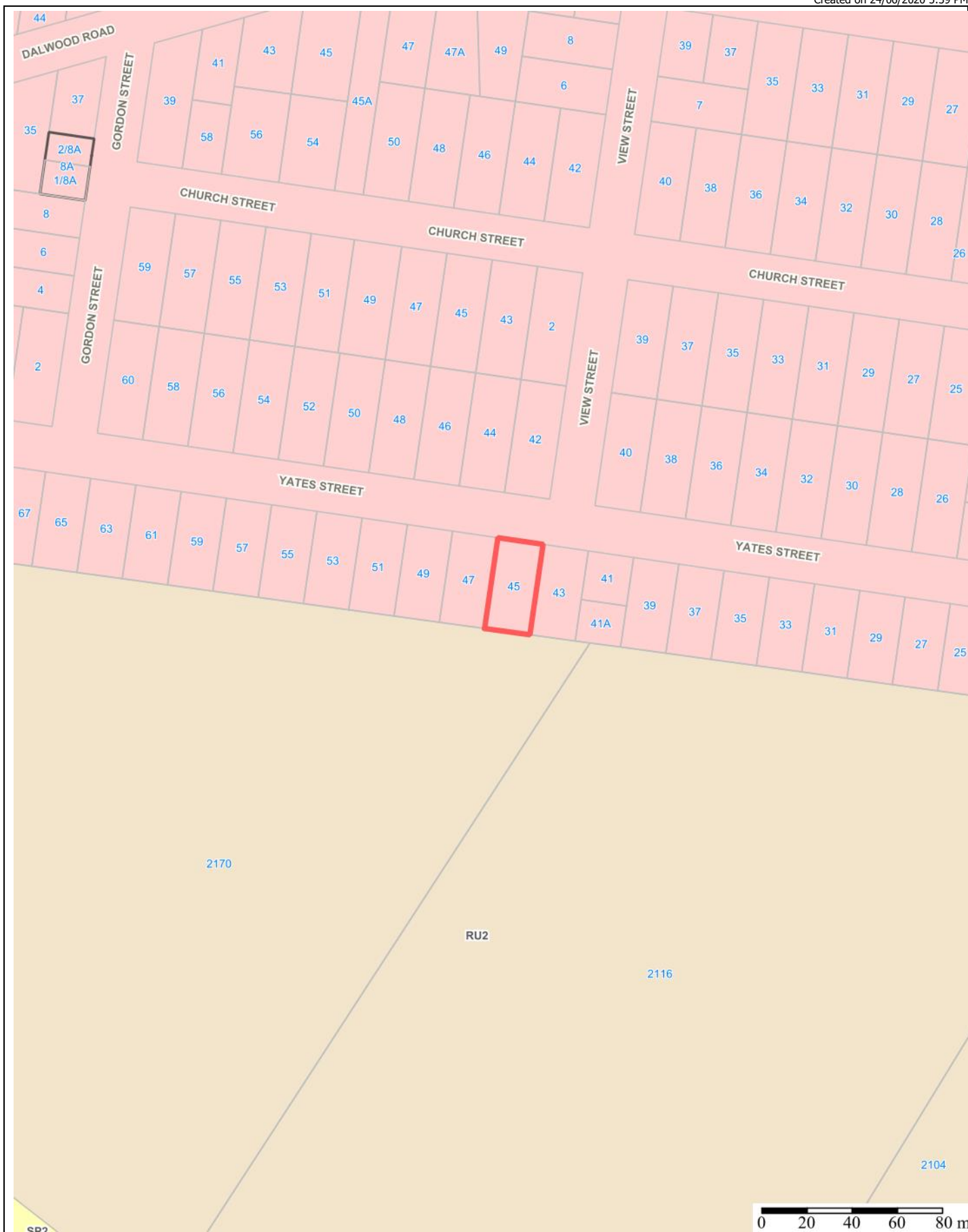
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Projection:

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Item 1: 10 Redgrove Court, East Branxton

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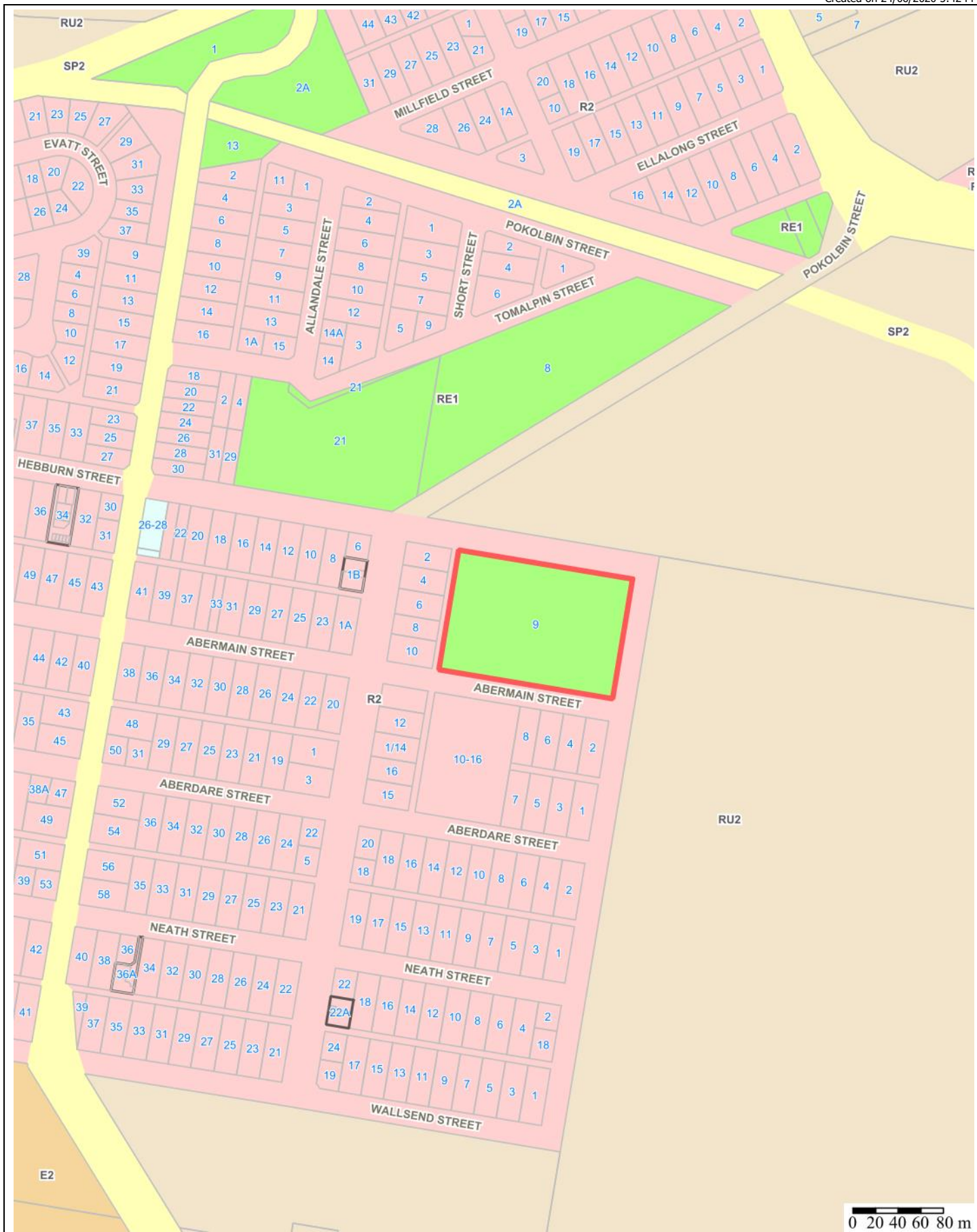
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Item 2: 45 Yates Street, East Branxton

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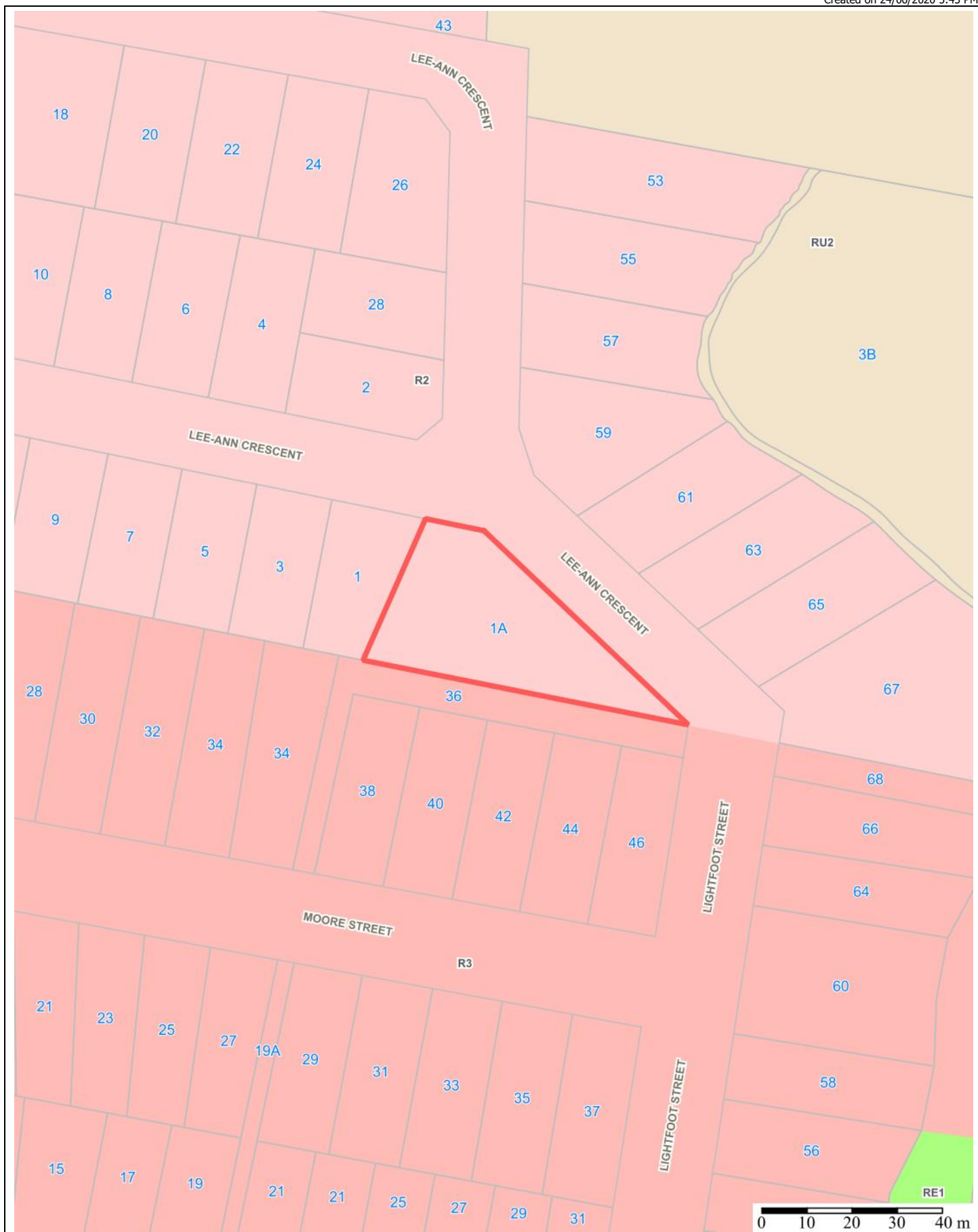
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Item 3: 9 Abermain Street, Pelaw Main

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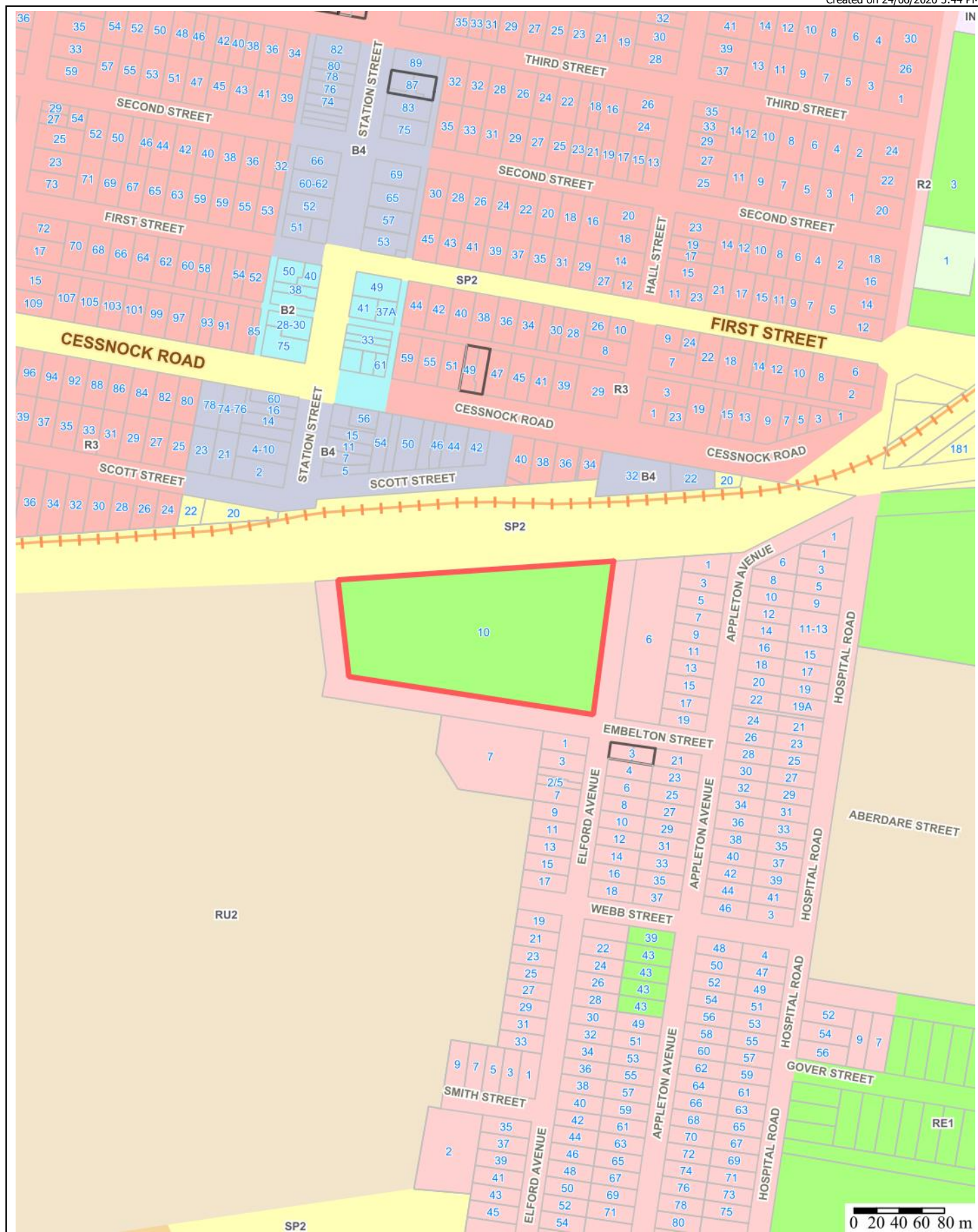
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Item 4: 1A lee-ann Crescent, Cessnock

Map Scale: 1:1129 at A4



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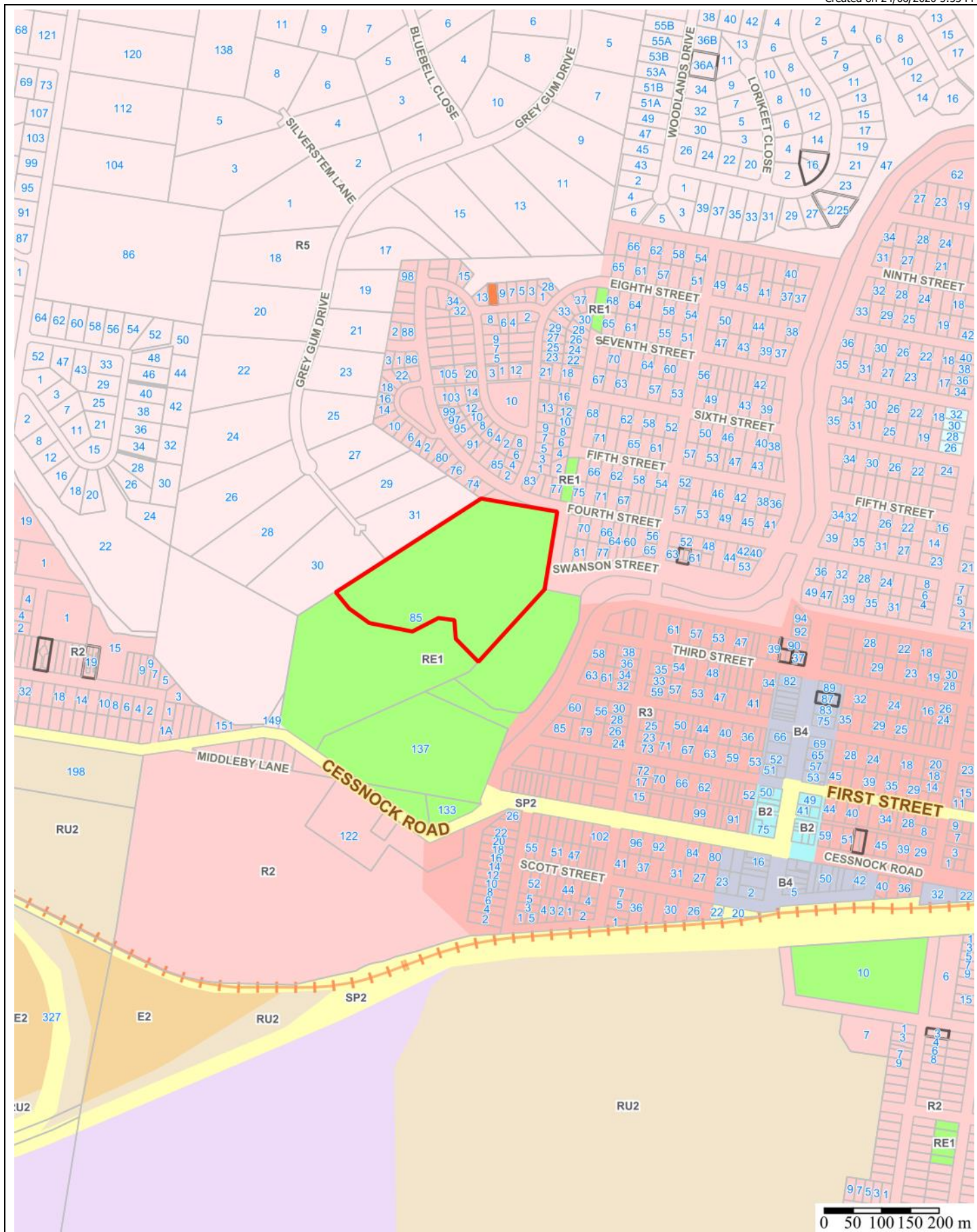
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Item 5: 10 Embelton Street, Weston

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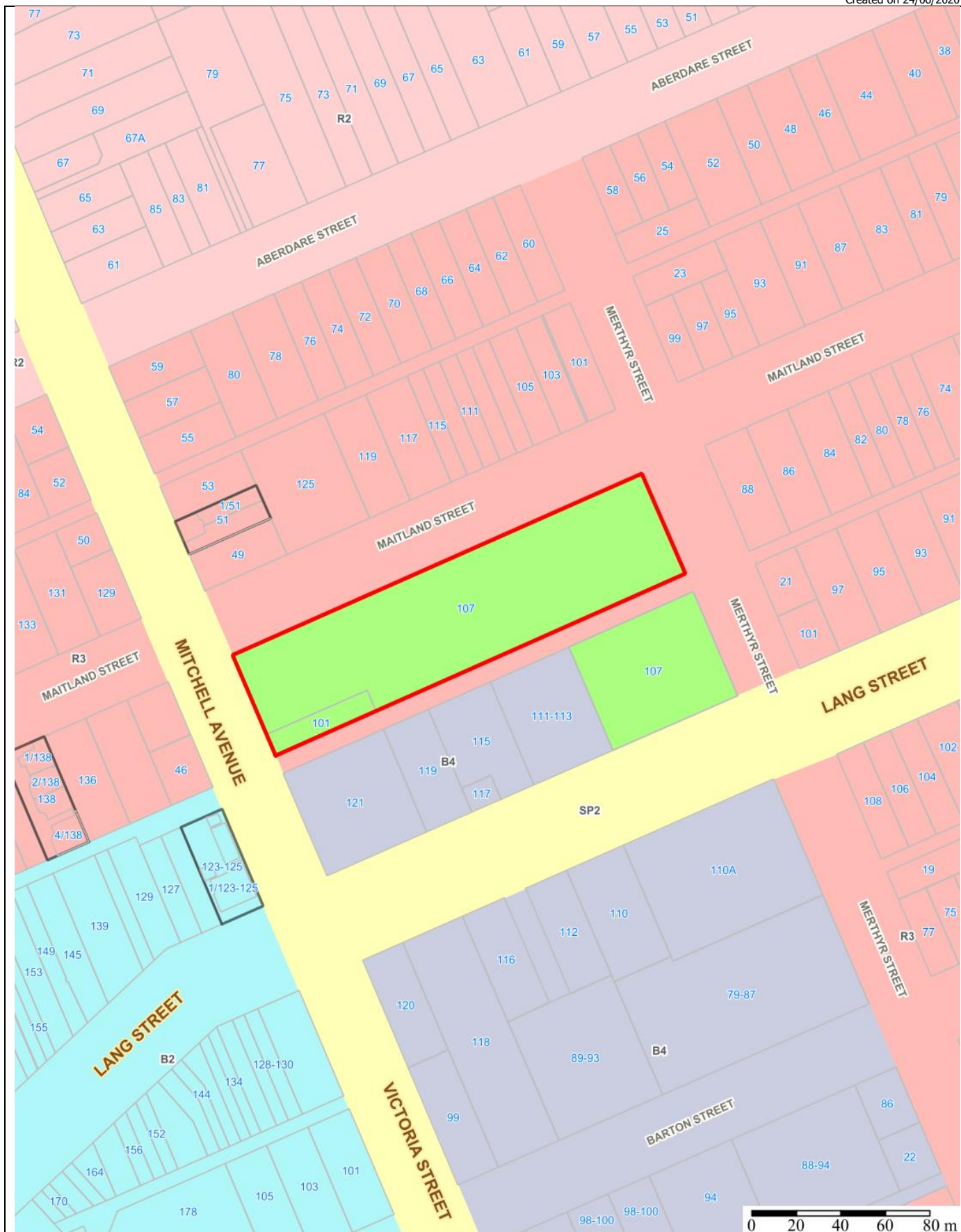
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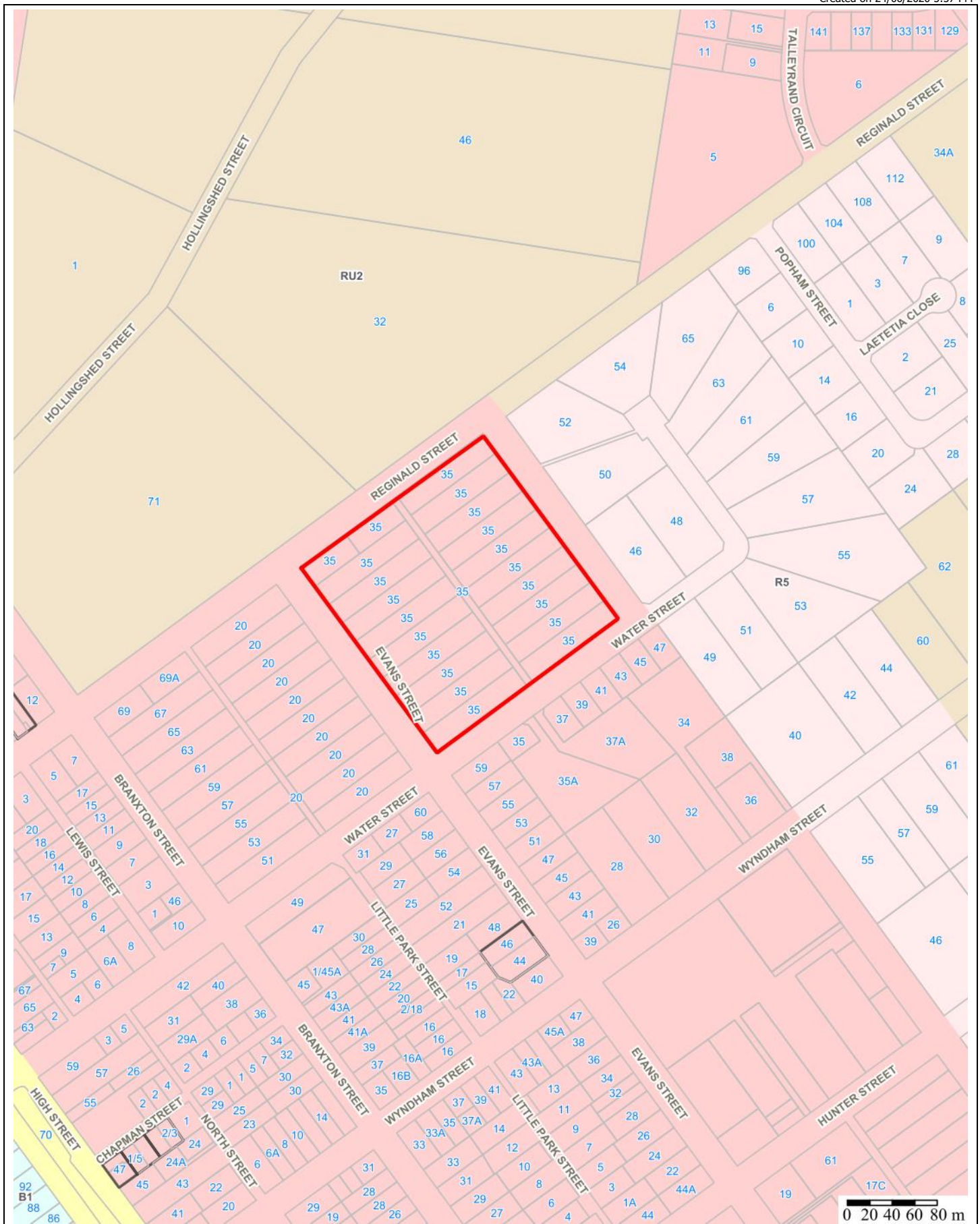
Projection:

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Item 6: 85 Swanson Street, Weston

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Item 8: 35 Water Street, Greta

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