

Amendment to Cessnock LEP 2011 - Minimum Lot Size 'Cessnock Civic' Vincent St Cessnock

Proposal Title : **Amendment to Cessnock LEP 2011 - Minimum Lot Size 'Cessnock Civic' Vincent St Cessnock**

Proposal Summary : **The Planning Proposal aims to amend the Lot Size map of the Cessnock Local Environmental Plan 2011 by removing the 40Ha minimum lot size and applying no minimum lot size to land zoned B7 Business Park at the 'Cessnock Civic' site, Vincent Street, Cessnock.**

PP Number : **PP_2012_CESSN_001_00** Dop File No : **11/18030**

Proposal Details

Date Planning Proposal Received :	21-Mar-2012	LGA covered :	Cessnock
Region :	Hunter	RPA :	Cessnock City Council
State Electorate :	CESSNOCK	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Vincent		
Suburb :	City :	Cessnock	Postcode : 2325
Land Parcel :	Lot 251 DP 606348, Lot 21 & 22 DP 845986, Part Lot 23 DP 845986, Part Lot 1 DP 1036300, Lot 1-3 DP 608084. Land Zoned B7 Business Park		

DoP Planning Officer Contact Details

Contact Name : **Susan Blake**
 Contact Number : **0249042709**
 Contact Email : **susan.blake@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Scott Christie**
 Contact Number : **0249934168**
 Contact Email : **scott.christie@cessnock.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	Lower Hunter Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :	Date of Release :	
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots : 0	No. of Dwellings (where relevant) :	0
Gross Floor Area : 0	No of Jobs Created :	0

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

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **The Cessnock Planning Panel at its meeting on the 19 January 2012 resolved to submit the Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination to 'amend the Lot Size map of the Cessnock Local Environmental Plan 2011 by deleting the minimum lot size applying to land zoned B7 Business Park at Cessnock Civic'.**

Adequacy Assessment

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

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

Comment : **The statement of objectives satisfactorily outlines the intended outcome of the Planning Proposal (PP) ie. to amend the Lot Size map of the Cessnock Local Environmental Plan 2011 for land zoned B7 Business Park at the 'Cessnock Civic' site, Vincent Street, Cessnock.**

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

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

Comment : **This PP will be an amendment to the Cessnock LEP 2011. The PP will amend the Lot Size Map to show the subject land zoned B7 Business Park being Lot 251 DP 606348, Lot 21 & 22 DP 845986, Pt Lot 23 DP 845986, Pt Lot 1 DP 1036300, Lot 1-3 DP 608084 with no minimum lot size.**

The LEP amendment will facilitate the viable and practical development of the land by permitting lot sizes smaller than the existing 40 hectares. This PP will rectify an anomaly resulting from the inclusion of the subject land in the Cessnock LEP 2011 with a 40Ha minimum lot size. This anomaly occurred as no Minimum Lot Size Map was prepared when the land was rezoned from Zone 1(a) Rural 'A' Zone to B7 Business Park.

This amendment will ensure that the subject site is similar with the Cessnock City Centre and light industrial areas in Cessnock LGA, which have no minimum lot size.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

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

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Council has provided a Locality Plan and a Minimum Lot Size map identifying the site, zone and proposed controls for the land.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **It is noted in the Council report to the Cessnock Planning Panel a recommendation that no public exhibition of this PP be required as it reflects intended policy settings and is a correction to an administrative error.**

The proposal has been previously exhibited as part of two related planning proposals on the site. However, no lot size change was exhibited with the rezoning of the site. Therefore, community consultation is warranted.

The proposal is a relatively minor matter being a 'low impact' proposal, as indicated in the Guide to Preparing LEPs (Department of Planning 2009) which indicates a 14 day public exhibition period.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **The PP is consistent with s117 Directions.**

In assessing the PP consideration has been given to s117 Direction 4.2 Mine Subsidence and Unstable Land and 4.3 Flood Prone Land. The prior PP that rezoned the Cessnock Civic area - PP_2010_CESSN_003_00 addressed these matters. This PP only seeks to amend the minimum lot size standard, and mine subsidence and flooding would be subject to further assessment as part of the future development application on the site.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **Sufficient information has been provided to assess the proposal in preparation of the Gateway Determination.**

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Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Cessnock LEP 2011 was published, and commenced on 23 December 2011.**

Assessment Criteria

Need for planning proposal :

Cessnock City Council has identified the subject land as B7 Business Park to meet the future employment and business needs of Cessnock and surrounding regions.

A 40Ha minimum lot size significantly restricts the development potential of the site.

The removal of a minimum lot size will assist with the subdivision pattern identified for the development stages as illustrated in the Development Control Plan prepared and exhibited for the site.

Consistency with strategic planning framework :

Lower Hunter Regional strategy

The Lower Hunter Regional Strategy 2006 identifies the Cessnock City Centre as a major regional centre. The subject land is too small to identify individually within the strategy. However, the development of the Cessnock Civic site seeks to increase economic activity and employment in the Cessnock centre which are consistent with the aims and objectives of the Lower Hunter Regional Strategy.

Council's Community Strategic Plan - Our People, Our Place, Focus on Our Future

The PP assists with implementation of:

Objective 2.1 - Diversifying Local business options; and

Objective 2.2 - Achieving More Sustainable Employment Opportunities.

Cessnock City Wide Settlement Strategy

The development of the Cessnock Civic area is identified as an action in the Cessnock City Wide Settlement Strategy.

Environmental social economic impacts :

The PP resolves the ability for the B7 Business Park zone to be subdivided to be utilised for its proposed land use activities. The environmental and social impacts will be addressed as part of any future development assessment process.

There is no environmental, social or economic reasons why a 40Ha minimum lot size should apply.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
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Timeframe to make LEP :	6 Month	Delegation :	DG
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Public Authority Consultation - 56(2)(d)

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning_Proposal_Lot_Size_Controls_Cessnock_Civic.pdf	Proposal	Yes
Council_Resolution_&_Report_Cessnock_Civic.pdf	Determination Document	Yes
Cover_Letter_Planning_Proposal_Lot_Size_Cessnock_Civic.pdf	Proposal Covering Letter	Yes
Locality_Map_Cessnock_Civic.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

Additional Information : **1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 (EP&A Act) as follows:**
(a) the Planning Proposal is classified as low impact as described in a Guide to Preparing LEPS (Department of Planning 2009) and must be publicly available for 14 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications and materials that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPS (Department of Planning 2009)

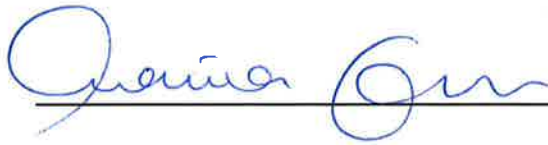
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

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

Supporting Reasons : **The LEP aims to resolve concerns relating to the future subdivision of the the B7 Business Park land for its intended land use activities. The PP removes a minimum lot size restriction over the land, and is a similar standard to the Cessnock City Centre.**

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Cessnock**

Signature:



Printed Name:

Maurice Gibson

Date:

23 March 2012