

**From:** [Tom Goold](#)  
**To:** [Jeff Bretag](#)  
**Cc:** [Matt Brown](#); [Stewart Nettleton](#); [Neil Smith](#)  
**Subject:** FW: North Gingers Lane, Sawyers Gully  
**Date:** Monday, 9 March 2020 12:59:43 PM  
**Attachments:** [image005.png](#)  
[image006.png](#)  
[image017.png](#)  
[image018.png](#)  
[image019.png](#)

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Jeff,

FYI.

Regards,

**TOM GOOLD**  
DEVELOPMENT DIRECTOR



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**From:** Stephen Leathley [<mailto:stephen@insiteplan.com.au>]  
**Sent:** Monday, 30 September 2019 12:38 PM  
**To:** Tom Goold  
**Subject:** FW: North Gingers Lane, Sawyers Gully

Tom,

Do you want to catch up tomorrow to discuss next step then?

Regards

**Stephen Leathley** REGISTERED PLANNER (FELLOW)  
**PLANNING DIRECTOR**



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**From:** Keren Brown <[Keren.Brown@cessnock.nsw.gov.au](mailto:Keren.Brown@cessnock.nsw.gov.au)>  
**Sent:** Friday, 27 September 2019 11:08 AM  
**To:** Stephen Leathley <[stephen@insiteplan.com.au](mailto:stephen@insiteplan.com.au)>

**Cc:** Martin Johnson <Martin.Johnson@cessnock.nsw.gov.au>; 'tom@newquestproperty.com.au' <tom@newquestproperty.com.au>; Gareth Curtis <Gareth.Curtis@cessnock.nsw.gov.au>  
**Subject:** RE: North Gingers Lane, Sawyers Gully

Hi Stephen,

In answer to your questions:

1. Confirmation as to whether the North Gingers Lane precinct is part of a Department of Planning endorsed strategy

You are correct in that stage 1 of the strategy prepared in 2003 was endorsed by the Department of Planning. Stage 2 of the Strategy prepared in 2005 was not endorsed by the Department. Stage 1 and Stage 2 were merged into the current strategy in 2010 which has not been endorsed by DoPE. Because the 2010 Strategy replaced stage 1 and stage 2 and has not been endorsed my thought is that North Gingers Lane is not part of an endorsed Department document. For this to happen the 2010 strategy needed to be endorsed by the Department.

In terms of the new Planning Strategy/ Local Strategic Planning Statements we are unable to confirm what sites or areas are recommended for future investigation or rezoning until a report is presented to Councillors. Due to the impact that the document and recommendations such as this could have on land values, the documents needs to be made public and all members of the community informed at the same time to avoid giving an unfair advantage. We are currently in the process of briefing Councillors on key aspects of the Draft document. There are a number of EOIs that are being considered as part of the LSPS and Sawyers Gully is one of those EOI's.

2. Confirmation on the scope for the Structure plan that Council requires to be prepared for the Sawyers Gully, Abermain, Weston growth area ahead of any Planning Proposal for the North Gingers Lane precinct.

I agree with what you have listed below for the structure plan.

An additional thing that we spoke about at the meetings was the chicken farm and management of its future, such as odour management or staging of development.

It would also be beneficial to include a supply analysis and staging plan to determine when there will be a need for the land to be rezoned.

Additional recreational and community facilities will also be needed in the area.

Happy to discuss.

Thanks,  
Keren



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***I acknowledge Aboriginal people as the traditional custodians of the land on which Cessnock City Council offices and operations are located, and pay my respects to Elders past, present and future.***

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**From:** Stephen Leathley <[stephen@insiteplan.com.au](mailto:stephen@insiteplan.com.au)>

**Sent:** Sunday, 25 August 2019 5:17 PM

**To:** Martin Johnson <[Martin.Johnson@cessnock.nsw.gov.au](mailto:Martin.Johnson@cessnock.nsw.gov.au)>

**Cc:** Gareth Curtis <[Gareth.Curtis@cessnock.nsw.gov.au](mailto:Gareth.Curtis@cessnock.nsw.gov.au)>; Keren Brown

<Keren.Brown@cessnock.nsw.gov.au>; Tom Goold <tom@newquestproperty.com.au>

**Subject:** North Gingers Lane, Sawyers Gully

Dear Martin,

I am writing to you regarding two matters:

1. Confirmation as to whether the North Gingers Lane precinct is part of a Department of Planning endorsed strategy, and
2. Confirmation on the scope for the Structure plan that Council requires to be prepared for the Sawyers Gully, Abermain, Weston growth area ahead of any Planning Proposal for the North Gingers Lane precinct.

### **Endorsed Settlement Strategy**

I had couple of telephone conversations with Gareth Curtis on Tuesday 13 August regarding the North Gingers Lane Precinct and whether it is in a Council strategy that has been endorsed by the Department of Planning Infrastructure and Environment (DPIE). As Council would fully appreciate, in order to achieve a rezoning, a Planning Proposal needs to pass a “strategic merit test”. The Strategic Merit Test requires Planning Proposals to be assessed to determine whether they are:

- consistent with the relevant regional plan or district plan (within the Greater Sydney Region), or corridor or precinct plans including draft plans released for public comment; or
- consistent with a relevant local strategy endorsed by the Department; or
- responding to a change in circumstances, such as new infrastructure or changing demographic trends not recognised in existing planning controls.

The relevant Regional Strategies are the Hunter Region Plan, the Greater Newcastle Metropolitan Plan and it appears the 2006 Lower Hunter Regional Strategy. Following our pre Planning Proposal lodgement meeting with Council, we met with Ben Holmes and James Shelton from the DPIE. One of the primary issues to come out of that meeting was the need for any Planning Proposal to satisfy the strategic merit test.

In terms of the Regional Planning framework, the North Gingers Lane Precinct was nominated on the 2006 Lower Hunter Regional Strategy, but was not referenced in Figure 8 of the Greater Newcastle Metropolitan Plan. You will note the advice from Dillon Meade in the emails below:

- Thursday, 1 August “unlike the LHRS, the HRP2036 and GNMP did not identify future residential sites through mapping. The maps in the HRP and GNMP are intended to show current supply, not where future rezoning should occur. Action 21.2 of the HRP does make reference to sites in endorsed regional strategies.”

Action 21.2 states – “*Focus development to create compact settlements in locations with established services and infrastructure, including the Maitland Corridor growth area; Newcastle–Lake Macquarie Western Corridor growth area; the emerging growth area around Cooranbong, Morisset and Wyee; and in existing towns and villages and sites identified in an endorsed regional or local strategy*”.

- Monday, 5 August you will note that Mr Meade confirms that the “Lower Hunter Regional Strategy” is an endorsed regional strategy, so would be consistent with the HRP Action 21.2.

The next item then is to confirm that the North Gingers Lane Precinct is part of a endorsed local strategy, and I would refer your attention to the email dated Monday 5 August from Mr Shelton with the advice that I “check with Cessnock Council” as to whether the CWSS is an endorsed local strategy.

My submission is that the North Gingers Lane Precinct was identified in the Stage 1 strategy, that was ‘endorsed’, and was then combined with the stage 2 strategy to make up the 2010 strategy; so the Gingers Lane Precinct part is within an endorsed local strategy.

Mr Curtis confirmed with me in our phone conversation on Tuesday 13 August that this was correct. Consequently, I am seeking this confirmation from Council as it is important in providing certainty to my clients to pursue this rezoning as we will be able to clearly pass the strategic merit test.

Furthermore, your advice on the status of this precinct in Councils current deliberations as part of the Comprehensive Landuse Strategy would also be appreciated, specifically - will this precinct be retained as a nominated urban area, and the broader Abermain/ Sawyers Gully/ Weston area be nominated as a future growth area.

### **Abermain – Sawyers Gully Growth Area Structure Plan**

The scope of the structure plan would be as follows:

- The structure plan itself will present similar in terms of graphics to that found in the NMRP (Refer figure 7, 10 – 20) with an accompany strategy document addressing the following items.
- **Employment Lands** - It will pick up on employment opportunities and in particular the GNMP direction that *“Land around the Hunter Expressway should be protected for uses that generate employment growth and become part of Greater Newcastle’s network of trading hubs, together with the emergence of Black Hill and re-establishment of employment at the Hydro site.”* We would meet further with the DPIE officers preparing the Hunter Expressway Landuse Strategy to determine what landuses around the Hart Road interchange they are looking at in terms of employment lands.
- **Commercial/ Retail Centre** - We would also undertake some analysis of the future population of this growth area and if a commercial core to service the area is required, and how that would interplay with the existing hierarchy of centres at Abermain, Weston and Kurri Kurri. In this context we would need to further meet with Council and access the previous economic work that was undertaken in the context of employment lands and retail centres. Noting the need to protect Kurri Kurri as a strategic centre, it is likely that nothing more than a neighbourhood level centre would be required.
- **Green Corridors** – From existing information that Council has, we would consult with Councils Environmental Planner and Ecologist and determine a “Green Plan” noting that the broader area does appear to have significant biodiversity values. Such a green corridor plan would also seek to establish a sub-regional corridor linking Werakata National Park with the heavily vegetated areas around the hydro aluminium site north of the HEX as well as local biodiversity corridors through the growth area following existing watercourses.
- **Transport Connection** – It is noted from our previous meetings that Council considers that there is a need provide a link through this area providing a connection between Cessnock and HEX. We will need to review existing Council transport strategies and meet with relevant Council officers to determine the most effective and efficient route. It will also be necessary to provide other transport links connecting with the local transport network. In this regard consultation will need to be undertaken with not only Council officers, but also the RMS, Transport NSW and local transport providers.
- **Urban Landuse Analysis** – This analysis would determine the most appropriate urban structure for this growth area. This would need to be consistent with the principles contained in the relevant regional strategies, and also the emerging Cessnock Comprehensive Landuse Strategy. It would require some broad based constraints mapping around flooding and bushfire constraints, Aboriginal Archaeology resources and European heritage, as well as agricultural and noise constraints. We have previously discussed with Council officers about nominating this area as a residential lifestyle area and not a typical residential area targeted at the first home buyer market, but land for the more mature market which seeks more large lot residential and rural residential housing options with possibly some residential areas (extending from Abermain).

If Council could confirm that the above scope is in line with its requirements, we will proceed to start preparing the structure plan.

Please do not hesitate to contact me direct if you wish to discuss. I will be away on holidays from September 3 to 26.

Kind Regards

**Stephen Leathley** REGISTERED PLANNER (FELLOW)  
**PLANNING DIRECTOR**



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**From:** James Shelton <[James.Shelton@planning.nsw.gov.au](mailto:James.Shelton@planning.nsw.gov.au)>

**Sent:** Monday, 12 August 2019 2:55 PM

**To:** Stephen Leathley <[stephen@insiteplan.com.au](mailto:stephen@insiteplan.com.au)>; Dylan Meade <[Dylan.Meade@planning.nsw.gov.au](mailto:Dylan.Meade@planning.nsw.gov.au)>

**Subject:** RE: Kurri - Sawyers Gully

I suggest you check with Cessnock Council.

---

**From:** Stephen Leathley <[stephen@insiteplan.com.au](mailto:stephen@insiteplan.com.au)>

**Sent:** Monday, 12 August 2019 2:51 PM

**To:** James Shelton <[James.Shelton@planning.nsw.gov.au](mailto:James.Shelton@planning.nsw.gov.au)>; Dylan Meade <[Dylan.Meade@planning.nsw.gov.au](mailto:Dylan.Meade@planning.nsw.gov.au)>

**Subject:** RE: Kurri - Sawyers Gully

James/Dylan,

Just pursuing this issue – the point I was raising in my email was that the land was identified in the Stage 1 strategy, that was ‘endorsed’, and was then combined with the stage 2 strategy to make up the 2010 strategy; so is the Gingers Lane Precinct part of an endorsed strategy?

Regards

**Stephen Leathley** REGISTERED PLANNER (FELLOW)  
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**From:** James Shelton <[James.Shelton@planning.nsw.gov.au](mailto:James.Shelton@planning.nsw.gov.au)>

**Sent:** Tuesday, 6 August 2019 12:00 PM

**To:** Stephen Leathley <[stephen@insiteplan.com.au](mailto:stephen@insiteplan.com.au)>; Dylan Meade <[Dylan.Meade@planning.nsw.gov.au](mailto:Dylan.Meade@planning.nsw.gov.au)>

**Subject:** RE: Kurri - Sawyers Gully

I am not aware of any reason why the local planning strategy was not endorsed by DPE, perhaps Council didn't request it? It may not have been the 'done thing' back in 2010?

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**From:** Stephen Leathley <[stephen@insiteplan.com.au](mailto:stephen@insiteplan.com.au)>

**Sent:** Monday, 5 August 2019 6:13 PM

**To:** Dylan Meade <[Dylan.Meade@planning.nsw.gov.au](mailto:Dylan.Meade@planning.nsw.gov.au)>; James Shelton <[James.Shelton@planning.nsw.gov.au](mailto:James.Shelton@planning.nsw.gov.au)>

**Subject:** RE: Kurri - Sawyers Gully

Dylan,

Maybe something we can add to our conversation:

I note that the Cessnock CWSS that was adopted by Council in 2010 has not been endorsed by the Department. What is the reason for this exactly?

I note that it states the following:

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## **BACKGROUND**

The Cessnock City Wide Settlement Strategy (CWSS) was initially prepared in two stages:

- Stage 1 Had a focus on rural, residential, tourism and related conservation components.
- Stage 2: Examined the LGA's future commercial and industrial needs.

The CWSS (Stage 1) was adopted by Council in 2003 and endorsed by the Department of Planning in 2004 as an environmental study for the purposes of preparing a new citywide Local Environmental Plan (LEP). The strategy was catchment-based, which was consistent with the State Government directives at the time. This direction has been abandoned under more recent amendments to the *Environmental Planning and Assessment Act 1979*. Councils are now required to prepare a new citywide LEP that conforms to a Standard Instrument. Adopted strategies need to be reviewed to align with this new direction. Accordingly, all references to catchments contained within the 2003 strategy have been removed in this revision and the adopted directions have been reviewed. A comparison is provided at **Appendix A**. The CWSS (2003) also contains comprehensive background information that is not considered necessary to replicate in this revision. It remains relevant as a background study.

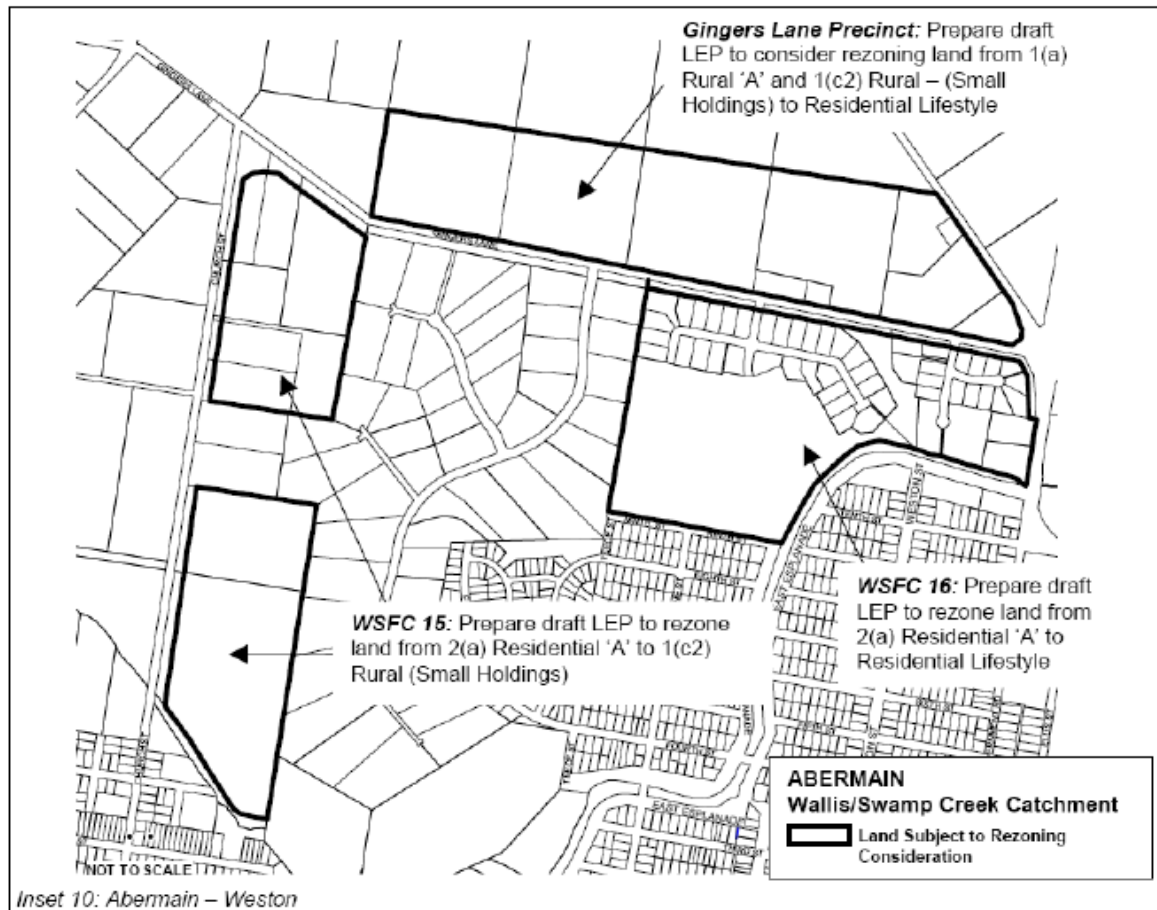
The CWSS (Stage 2) was adopted by Council in 2005 but not endorsed by the Department of Planning. A number of the adopted directions have been reviewed at the Department's request.

This revised CWSS incorporates both stages of the CWSS into one document to form a single strategy.

Does the above mean that the stage 1 CWSS is still relevant as an endorsed strategy by the Department?

Alternatively are the stage 1 elements contained in the CWSS 2010 version endorsed by the Department?

I ask the above because the North Gingers Lane precinct was certainly recognised as “Land Subject to Rezoning Consideration” in the CWSS 2003, and if that documents is still viewed as an endorsed Department Strategy, then at least part of the nominated precinct is recognised in an DPIE endorsed strategy.



**Figure 5 – CWSS 2003 Recommendations**

Regards

**Stephen Leathley** REGISTERED PLANNER (FELLOW)  
**PLANNING DIRECTOR**



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**From:** Dylan Meade <[Dylan.Meade@planning.nsw.gov.au](mailto:Dylan.Meade@planning.nsw.gov.au)>

**Sent:** Monday, 5 August 2019 8:54 AM

**To:** Stephen Leathley <[stephen@insiteplan.com.au](mailto:stephen@insiteplan.com.au)>; James Shelton <[James.Shelton@planning.nsw.gov.au](mailto:James.Shelton@planning.nsw.gov.au)>

**Subject:** RE: Kurri - Sawyers Gully



Hi Stephen,

1. The Lower Hunter Regional Strategy and Mid-North Coast Regional Strategy amongst others.
2. The GNMP shows land previously identified as investigation under a EPI. This is the definition glossary of the sites shown on the map -

*Housing Release Area Sites contained in the Urban Development Program database (April 2018) which are either zoned for residential uses, subject to a Gateway Determination for residential uses, or identified for further investigation into residential suitability (including some land zoned RU6 Transition and E4 Environmental Living). Identification of land within a Housing Release Area does not necessarily mean land will be developed.*

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**From:** Stephen Leathley <[stephen@insiteplan.com.au](mailto:stephen@insiteplan.com.au)>  
**Sent:** Thursday, 1 August 2019 6:56 PM  
**To:** Dylan Meade <[Dylan.Meade@planning.nsw.gov.au](mailto:Dylan.Meade@planning.nsw.gov.au)>; James Shelton <[James.Shelton@planning.nsw.gov.au](mailto:James.Shelton@planning.nsw.gov.au)>  
**Subject:** RE: Kurri - Sawyers Gully

Dylan,

Thank you very much for that. Two questions:

1. What are the endorsed regional strategies?
2. Why does the GNMP show the unzoned Glencore/Xstrata land then at Wallsend/Elmore Vale/ Glendale/ Edgeworth? It is not zoned.

Regards

**Stephen Leathley** REGISTERED PLANNER (FELLOW)  
**PLANNING DIRECTOR**



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**From:** Dylan Meade <[Dylan.Meade@planning.nsw.gov.au](mailto:Dylan.Meade@planning.nsw.gov.au)>  
**Sent:** Thursday, 1 August 2019 9:30 AM  
**To:** James Shelton <[James.Shelton@planning.nsw.gov.au](mailto:James.Shelton@planning.nsw.gov.au)>  
**Cc:** Stephen Leathley <[stephen@insiteplan.com.au](mailto:stephen@insiteplan.com.au)>  
**Subject:** RE: Kurri - Sawyers Gully

Hi James / Stephen,

Short answer - unlike the LHRs, the HRP2036 and GNMP did not identify future residential sites through mapping. The maps in the HRP and GNMP are intended to show current supply, not where future rezoning should occur.

Action 21.2 of the HRP does make reference to sites in endorsed regional strategies.



Regards

Dylan

---

**From:** James Shelton <[James.Shelton@planning.nsw.gov.au](mailto:James.Shelton@planning.nsw.gov.au)>

**Sent:** Thursday, 1 August 2019 9:17 AM

**To:** Dylan Meade <[Dylan.Meade@planning.nsw.gov.au](mailto:Dylan.Meade@planning.nsw.gov.au)>

**Cc:** Stephen Leathley <[stephen@insiteplan.com.au](mailto:stephen@insiteplan.com.au)>

**Subject:** Kurri - Sawyers Gully

Hi Dylan – Stephen Leathley will give you a call/email at some point about a site at Sawyers Gully (above Kurri Kurri on the LHRS map). The site was not carried over into the HRP or Metro. i.e. oversight or reason ?

cheers

**James Shelton**

Senior Planner

Central Coast and Hunter Region

Planning and Assessment

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*I wish to acknowledge the Traditional Custodians of the land and pay respect to all Elders past and present.*