

Cessnock Local Environmental Plan 2011 Amendment - Rose Hill, Millfield

Proposal Title : Cessnock Local Environmental Plan 2011 Amendment - Rose Hill, Millfield

Proposal Summary : The Planning Proposal aims to rezone the subject land from RU2 Rural Landscape to R5 Large Lot Residential under the Cessnock Local Environmental Plan 2011. The rezoning will permit the subdivision of up to 100 residential allotments with a minimum lot size of 4,000m².

PP Number : PP_2013_CESSN_004_00 Dop File No : 13/01720

Planning Team Recommendation

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

S.117 directions :
 1.2 Rural Zones
 1.3 Mining, Petroleum Production and Extractive Industries
 2.1 Environment Protection Zones
 2.3 Heritage Conservation
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 4.4 Planning for Bushfire Protection
 5.1 Implementation of Regional Strategies
 6.3 Site Specific Provisions

Additional Information : It is recommended that:

1. The Planning Proposal be supported.

2. Council has indicated that the following studies are required:-

- Aboriginal Archaeological report
- Flora & Fauna Assessment
- Traffic Impact Assessment
- Bushfire Assessment
- Social Impact Assessment
- Flooding, Drainage and Stormwater Management
- Preliminary Geotechnical and Hydro-geological Study

The planning proposal should be updated and placed on public exhibition within 4 weeks of receiving the required studies.

3. The subject site be identified as an Urban Release Area, which triggers the relevant State infrastructure and DCP clauses.

4. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows:

- (a) the Planning Proposal be made publicly available for 28 days;
- (b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 4.5 of A guide to preparing LEPs (Department for Planning 2009).

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Rural fire Service
- NSW Aboriginal Land Council
- Office of Environment and Heritage
- NSW Department of Primary Industries - Minerals and Petroleum

• **Hunter Water Corporation**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. The Director General (or delegate) approves the minor inconsistencies with the Minister's S117 Direction 1.2 Rural Zones and 1.5 Rural Lands because the inconsistencies are justified by the Lower Hunter Regional Strategy.

7. Prepare an economic feasibility assessment to demonstrate that the projected yield under the Strategy is unattainable. This will also address the planning proposal's inconsistency with the LHRS.

8. Council needs to address the Minister's S117 Direction 5.1 Implementation of Strategies after taking into consideration the economic feasibility and social assessment.

9. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.

10. The timeframe for completing the LEP is 12 months from the date of the Gateway Determination.

In the covering letter, Council should be advised that it is not possible to reduce the permissible residential density in its DCP. It is necessary for the DCP to be consistent with the LEP. To address this issue, the DCP should stipulate the required infrastructure upgrades based on the number of rural residential allotments released.

Supporting Reasons :

The Lower Hunter Regional Strategy identifies the subject land as a potential urban release area with a targeted lot yield of 12 dwellings per hectare. This planning proposal is inconsistent with the targeted density yield of 12 dwellings. The applicant should prepare an economic feasibility assessment to demonstrate that the projected yield under the Lower Hunter Regional Strategy is financially unattainable

Panel Recommendation

Recommendation Date : **11-Jul-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. The discussion on the proposed amendments to Council's Development Control Plan (DCP) included within the 'explanation of provisions' of the planning proposal is to be updated to specify the infrastructure upgrades required to accommodate the proposed rezoning of land at Rose Hill, Millfield for large lot residential purposes. Alternatively, if Council wishes to restrict the number of residential allotments it may wish to consider amending the amount of land to be rezoned for large lot residential purposes.

2. Prior to undertaking public exhibition, the planning proposal is to be updated to advise that the subject land will be identified as an Urban Release Area under Cessnock LEP 2011.

3. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:

- flora and fauna
- Aboriginal archaeological
- flooding, drainage and stormwater management
- traffic and accessibility
- preliminary geotechnical and hydro-geological
- social impact

- bushfire
- Economic feasibility assessment to demonstrate the feasibility of meeting the projected residential yield under the Lower Hunter Regional Strategy

Once the above information has been obtained, Council is to update its consideration of the Lower Hunter Regional Strategy and S117 Direction 5.1 Implementation of Regional Strategies to reflect the outcome of this work.

4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- Office of Environment and Heritage
- NSW Department of Primary Industries - Agriculture
- Hunter Water Corporation
- NSW Aboriginal Land Council
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- NSW Trade and Investment - Minerals and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Sabina Miller

Date:

16 July 2013