

Planning and Environment

Report No. PE55/2021

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SUBJECT: *PLANNING PROPOSAL 18/2020/3/1 - COMPREHENSIVE LEP REVIEW - RECREATION ZONES*

RESPONSIBLE OFFICER: *Strategic Planning Manager - Martin Johnson*

SUMMARY

The purpose of this Report is to provide an overview of the proposed amendments contained in the 'recreation land theme' of the comprehensive *Cessnock Local Environmental Plan 2011* (the 'LEP 2011') review and seek Council endorsement to forward the Planning Proposal (distributed under separate cover) to the NSW Department of Planning, Industry and Environment (DPIE) for Gateway determination.

RECOMMENDATION

1. That Council requests a Gateway determination for the Recreation Planning Proposal from the NSW Department of Planning, Industry and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
2. That Council requests authorisation under Section 3.31 of the *Environmental Planning and Assessment Act 1979* to act as the local plan-making authority to make the Local Environmental Plan.
3. That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.
4. That Council receives a report back on the Planning Proposal if unresolved written objections are received during consultation with the community, otherwise, forwards the Planning Proposal to the Department of Planning, Industry and Environment requesting that the Plan be made.

BACKGROUND

The LEP 2011 is Council's primary planning instrument and came into force on 23 December 2011. The LEP 2011 contains provisions that manage development on land in the Cessnock Local Government Area (LGA); however, the instrument has not been comprehensively reviewed since 2011.

Council's Strategic Planning Team is carrying out a comprehensive review of the LEP 2011, which involves reviewing the instrument to ensure it:

- is current and accurate;
- is responsive to emerging forms of development;
- reflects the objectives contained in the Hunter Regional Plan 2036 and Greater Newcastle Metropolitan Plan 2036; and

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- addresses the outcomes of endorsed local strategies, such as the Cessnock 2027 Community Strategic Plan (CSP) and Local Strategic Planning Statement (LSPS) 2036.

Due to the complexity of the project, the comprehensive LEP review is planned to be progressed in seven themes, as follows:

- employment land;
- environmental land;
- residential land;
- recreation land;
- rural land;
- special purpose land; and
- miscellaneous matters

Each theme will be subject to a separate planning proposal, which will examine and make recommendations regarding amendments to relevant zone objectives, permissible land uses, clauses and land use mapping. Relevant sections of the Cessnock Development Control Plan (DCP) 2010 will also be amended concurrently, where possible.

REPORT/PROPOSAL

This report and associated planning proposal (distributed under separate cover) relate to the 'recreation land theme' of the comprehensive LEP 2011 review. The Planning Proposal recommends various amendments to the Cessnock RE1 Public Recreation Zone and RE2 Private Recreation Zone land use tables and LEP 2011 maps.

Proposed LEP 2011 Land Use Table Amendments

The RE1 and RE2 Zone land use tables list the various forms of development that are considered to be compatible with the objectives of the zone and therefore permitted with or without consent. The land use tables also list development that is not compatible with the objectives of the zones and these are listed as prohibited development.

The SILEP mandates certain land uses as permissible or prohibited in each zone. Additional land uses may be included if, in Council's opinion, the mandated uses do not satisfactorily address the local intent of the zone.

The recreation land Planning Proposal recommends the following amendments to the RE1 and RE2 Zone land use tables and LEP maps.

- Amend the RE1 Public Recreation Zone Land Use Table to:
 - **permit** emergency services facilities, entertainment facilities, function centres, information and education facilities, markets, restaurants or cafes and signage; and

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- **prohibit** heliports and respite day care centres.
- Amend the RE2 Private Recreation Zone Land Use Table to:
 - **permit** amusement centres, building identification signs, business identification signs, entertainment facilities, function centres, information and education facilities, markets, restaurants or cafés; and
 - **prohibit** helipads.
- Amend the LEP 2011 Land Use Zone Map, Minimum Lot Size Map and Land Reservation Acquisition Map in relation to various parcels of land in the LGA.

The proposed RE1 Public Recreation Zone and RE2 Private Recreation Zone land use table amendments will enable greater flexibility for compatible employment generating development to occur within the recreation zones, while prohibiting uses that are considered incompatible with the zone objectives.

Proposed LEP 2011 Map Amendments

The Planning Proposal includes 66 LEP 2011 map amendments, which relate to various properties either zoned recreation, or proposed to be zoned recreation. The mapping amendments relate to one or more of the following themes:

- apply a RE1 Public Recreation Zone to an existing park, playground or open space in the LGA;
- apply an environmental zone to recreation land containing known Endangered Ecological Communities, consistent with Council's current E-Zone review;
- address the historical use of the RE1 Zone as a default zone to sterilise land, e.g. buffer land and/or waterways;
- rectify the incorrect application of the RE1 Zone to private properties;
- apply a RE2 Zone to private golf courses and other private outdoor recreation facilities; and
- apply or remove the acquisition designation from various parcels of land in accordance with Council's adopted Recreation and Open Space Strategic Plan.

The LEP 2011 mapping amendments will reinforce the role of recreation and open space in Cessnock's towns and villages by applying a consistent zoning regime and broadening the scope of permissible development in open space land in the LGA.

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OPTIONS

Council has the following options:

1. Council resolve to support the recommendations of this report and submit the Planning Proposal to the Department of Planning, Industry and Environment for a Gateway determination. ***This is the recommended option.***
2. Request changes to the Planning Proposal. This option may delay the proposed amendments.
3. Not support the recommendation of this Report for the following reasons:

(To be provided by Council).

CONSULTATION

To ensure the range of issues relevant to recreation zoned land in the LGA were identified and considered in the Planning Proposal, an issues paper was prepared and circulated to relevant internal stakeholders for review and feedback. Relevant internal stakeholders consulted in relation to the issues paper included Council's Open Space and Recreation Team, Community Planning Team, Development Services Team, Building Team and Council's Senior Environmental Planner.

Formal public consultation regarding the Planning Proposal will be carried out in accordance with Gateway determination and Community Participation Plan should Council resolve to endorse the recommendation of this report. Targeted consultation will be undertaken with the owners of private recreation facilities, such as golf courses, included in the Planning Proposal.

STRATEGIC LINKS

a. Delivery Program

The Planning Proposal is consistent with the following themes and objectives of the Cessnock 2027 Community Strategic Plan (CSP):

- Objective 3.1 – Protecting and enhancing the natural environment and rural character of the area
- Objective 3.2 – Better utilisation of existing open space
- Objective 5.2 – involving more community participation in decision making

Objective 3.1 and 3.2 of the CSP focus on the conservation and preservation of the natural environment while balancing the impact of development to ensure a sustainable and healthy community. The Planning Proposal seeks to apply appropriate land use zones to protect our environmental amenity, waterways and green corridors, which connect our open space areas.

Objective 5.2 of the CSP focuses on involving the community in decision making processes affecting their future. Consultation is an important component of the Planning Proposal

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process and ensures outcomes align with the community's expectations in relation to recreation and open space areas and the environment.

b. Other Plans

Hunter Regional Plan 2036

The Planning Proposal is consistent with the following directions of the Hunter Regional Plan (HRP) 2036:

- Direction 14 - protect and connect natural areas; and
- Direction 18 - enhance access to recreational facilities and connect open spaces

Direction 14 of the HRP 2036 identifies the need to strengthen biodiversity corridors. Many of the proposed amendments contained in the Planning Proposal relate to land that contains important environmental characteristics, including significant vegetation, threatened species or endangered ecological communities. To this land, the Planning Proposal is seeking to apply an environmental zone, consistent with Council's comprehensive environmental zone review.

Direction 18 of the HRP 2036 outlines the need for Council's to expand on the recreational facilities that already exist to create a 'green grid' across the Hunter Region. The first step in this process is to accurately reflect (through the LEP) the correct location of public and private open space in the Cessnock Local Government Area.

Greater Newcastle Metropolitan Plan 2036

The Planning Proposal is consistent with the following strategies of the Greater Newcastle Metropolitan Plan (GNMP) 2036:

- Strategy 7 – respond to the changing land use needs of the new economy;
- Strategy 10 – create better buildings and great places; and
- Strategy 11 – create more great public spaces where people come together.

Strategy 7 of the GNMP 2036 identifies the need to build capacity for new jobs in areas well serviced by public transport and close to established centres. The proposed RE1 Public Recreation Zone and RE2 Private Recreation Zone land use table amendments will enable greater flexibility for compatible employment generating development to occur within the zones, while prohibiting uses that are considered incompatible. Employment generating uses that are considered compatible with the recreation zones include: entertainment facilities, function centres, information and education facilities, markets and restaurants or cafes.

Strategy 10 of the GNMP 2036 identifies the need to improve the amenity of our centres and urban renewal corridors through place making initiatives that strengthen the connection between people and the places they share. The Planning Proposal will reinforce the role of recreation and open space in Cessnock's towns and villages by applying a consistent zoning regime and broadening the scope of permissible development in open space land throughout the LGA.

Strategy 11 of the GNMP 2036 identifies the need to create and activate public spaces in strategic centres that are suitable for community events like markets, festivals, commemorations and assemblies. The proposed RE1 Public Recreation Zone and RE2 Private Recreation Zone land use table amendments will enable greater flexibility for community events, markets and assemblies to occur by permitting entertainment facilities,

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function centres, information and education facilities, markets and restaurants or cafes in the recreation zones.

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 consistent with the planning priorities and principles of the endorsed LSPS, notably Action 5, which outlines the need to review the LEP 2011 to bring about the following outcomes:

- To provide flexibility for new tourism development in suitable locations.
- To ensure permitted development is consistent with the objectives of each zone.
- To examine the urban release areas and rezone riparian corridors to an appropriate environmental zone.
- To ensure significant riparian corridors and water bodies are zoned to an appropriate environmental zone.
- To ensure that the zoning and land-uses for land that is significantly affected by natural hazards (e.g. flooding and bushfire) reflect the risk.
- To ensure major events are permitted in strategic centres and other suitable locations.
- To enable land-uses that support events, such as tourist and visitor accommodation, function centres, to be permissible in strategic centres and other suitable locations.

IMPLICATIONS

a. Policy and Procedural Implications

The status of the Planning Proposal is identified in the following process flow chart.

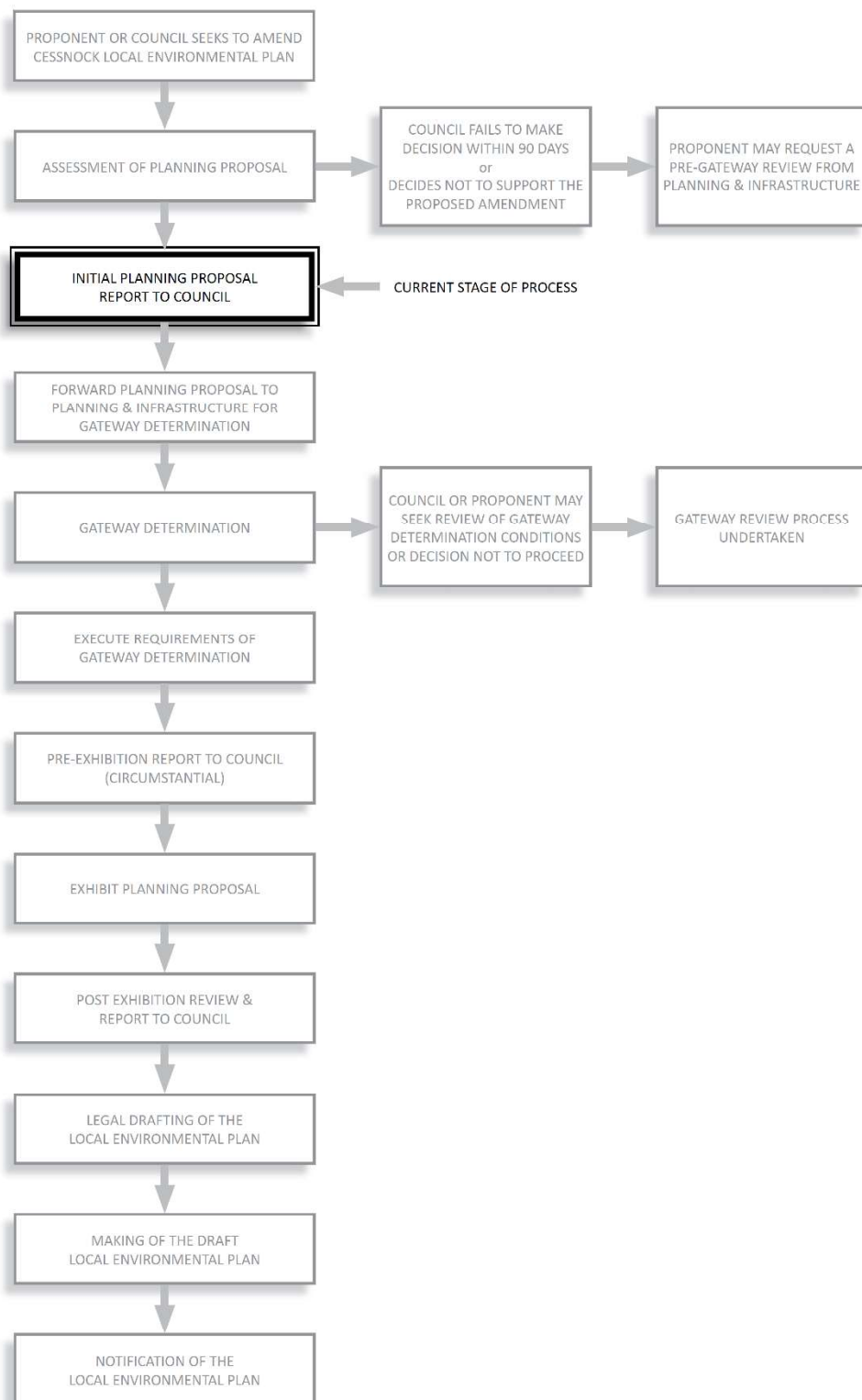
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PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



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b. Financial Implications

The cost of the Planning Proposal will be funded from Council's Strategic Land Use Planning budget. This is because the Planning Proposal has been initiated by Council and is related to the broader comprehensive LEP review.

c. Legislative Implications

The Planning Proposal has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the Department of Planning Industry and Environment's Guide to Preparing a Planning Proposal.

d. Risk Implications

The proposed changes will remove potential problems and / or delays for planned or possible future development.

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

This report and the associated planning proposal relate to the recreation land theme of the comprehensive LEP 2011 review. The Planning Proposal recommends various amendments to the Cessnock RE1 Public Recreation Zone and RE2 Private Recreation Zone land use tables and LEP 2011 maps. It is recommended that forward the Planning Proposal to the NSW Department of Planning, Industry and Environment (DPIE) for Gateway determination.

ENCLOSURES

- 1 Recreation Planning Proposal - Provided Under Separate Cover