



**PLANNING PROPOSAL**  
**AMENDMENT TO THE CESSNOCK LOCAL ENVIRONMENTAL PLAN 2011**

Mr Iain Rush

Comprehensive LEP Review: Recreation (RE1 & RE2) Land Use Zones

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Revision 4

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#### Revision History

Revision	Description	Date
1	For lodgement	15.09.21
2	Amended to address DPIE information request - 5/11/21	09.11.21
3	Amended to address conditions of DPE Gateway determination	31.03.21
4	Map items 68, 69 and 70 included.	05.04.22

# PART 1: OBJECTIVES AND OUTCOMES

## Background

The *Cessnock Local Environmental Plan 2011* ('the LEP 2011') and Cessnock Development Control Plan 2010 ('the DCP 2010') contain provisions that guide development on recreation zoned land in the Cessnock Local Government Area (LGA). These provisions need to be comprehensively reviewed to ensure consistency with the relevant priorities and principals for recreation land contained in the Cessnock Local Strategic Planning Statement (LSPS) 2036 and other relevant local and regional plans and strategies.

The objective of the Planning Proposal is to amend the LEP 2011 to achieve the following:

1. 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
  - **prohibit** heliports and respite day care centres.
2. 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.
3. Amend the LEP 2011 Land Use Zone Map, Minimum Lot Size Map and Land Reservation Acquisition Map for various parcels of land in the LGA to achieve the principles set out in **Table 1**, below.

**Table 1: Principles for application of zones**

Situation	Principle
<b>Recreation land that is publically owned</b>	<p>Land is proposed to be zoned RE1 Public Recreation if it is publicly owned and predominantly used for a recreation purpose.</p> <p>For example:</p> <ul style="list-style-type: none"><li>➤ public land used for active recreation (e.g. sporting fields) or passive recreation (e.g. kicking a ball, playground); and</li><li>➤ public showgrounds.</li></ul> <p>Exceptions include:</p> <ul style="list-style-type: none"><li>➤ if the land (or part of the land) is heavily vegetated or has an identified environmental value, or is subject to natural hazards. In this circumstance, the land will be rezoned to reflect its environmental value; or</li><li>➤ if the land is used for informal recreation and is located in a commercial centre. In this circumstance, the land should adopt the adjacent commercial zone.</li></ul> <p>The RE1 Public Recreation Zone will not be applied to private land. In this circumstance, the land should adopt the relevant adjacent zone.</p>



<b>Privately owned recreation land</b>	<p>Land will be zoned RE2 Private Recreation if it is privately owned and predominantly used for an existing recreation purpose.</p> <p>For example:</p> <ul style="list-style-type: none"> <li>➤ privately owned showground; and</li> <li>➤ golf clubs, bowling clubs and racecourses.</li> </ul>
<b>Recreation land containing endangered ecological communities</b>	Recreation land containing Endangered Ecological Communities should be zoned C2 Environmental Conservation.
<b>Creeks, streams and other natural watercourses, which are subject to flooding.</b>	<p>Flood prone land, creeks, streams and other natural watercourses are proposed to be zoned C3 Environmental Management.</p> <p>Exceptions include:</p> <ul style="list-style-type: none"> <li>➤ Concrete storm water channels in urban areas. In this circumstance, the land should adopt the relevant adjacent zone; or</li> <li>➤ if the predominant use of the land is for a recreation purpose. In this circumstance, the land should be rezoned RE1.</li> </ul>
<b>Land set aside to buffer development</b>	Recreation zones should not be applied as a 'default zone' to buffer development or land use zones. In this circumstance, the land will adopt the relevant adjacent zone.
<b>Showgrounds</b>	<ul style="list-style-type: none"> <li>➤ Public showgrounds are to be included in the RE1 Public Recreation zone if they are under the care, control or management of Council or Crown lands.</li> <li>➤ Privately owned showgrounds are to be included in the RE2 Private Recreation zone.</li> </ul>
<b>Split zoning</b>	<p>Where possible there should be only one zone per lot, unless part of the land has significant environmental value or a predominant environmental purpose.</p> <p>Note: DPIE Practice Note 11-002 outlines that in some circumstances split zoning on a single lot may be acceptable to acknowledge the different development potential of the land due to topography, different environmental values, certain land constraints or different designated future land uses.</p>
<b>RE1 Public Recreation Zone minimum lot size, height of buildings and floor space ratio provisions</b>	No minimum lot size, height of building or floor space ratio will apply to the RE1 Public Recreation Zone given the land is publicly owned and is primarily developed for public recreation purposes. Commercial activities and development on these lands are subject to additional assessment policies and processes due to the public interest and value of these lands.

### **Request for authorisation to act as Local Plan-Making Authority**

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.

## PART 2: EXPLANATION of PROVISIONS

This Planning Proposal has been prepared to enable the following amendments to be made to the *Cessnock Local Environmental Plan 2011* (the LEP) instrument and maps.

### **Item 1 – Amendment to the RE1 and RE2 Zone Land Use Tables**

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 proposed RE1 Public Recreation Zone and RE2 Private Recreation Zone land use table amendments (see below and **Appendix 1**) will enable greater flexibility for compatible employment generating development to occur within the recreation zones, while prohibiting uses that are considered incompatible.

#### Proposed amendments to the RE1 Public Recreation Zone Land Use Table

The existing Cessnock RE1 Zone Land Use Table is provided below with the mandated land uses ***bolded and italicised***.

##### **2 – Permitted without consent**

Nil

##### **3 – Permitted with consent**

***Aquaculture***; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; ***Environmental facilities***; ***Environmental protection works***; Heliports; ***Kiosks***; ***Recreation areas***; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; ***Roads***

##### **4 – Prohibited**

Any development not specified in item 2 or 3

It is proposed to include the following land uses as permitted with consent in the RE1 Zone: emergency services facilities, entertainment facilities, function centres, information and education facilities, markets, restaurants or cafes and signage.

It is proposed to include the following land uses as prohibited in the RE1 Zone: heliports and respite day care centres.

#### Proposed amendments to the RE2 Private Recreation Zone Land Use Table

The existing Cessnock RE2 Zone Land Use Table is provided below with the mandated land uses ***bolded and italicised***.

##### **2 – Permitted without consent**

Nil

##### **3 – Permitted with consent**

***Aquaculture***; Camping grounds; Caravan parks; ***Community facilities***; ***Environmental facilities***; ***Environmental protection works***; Helipads; ***Kiosks***; ***Recreation areas***; ***Recreation facilities (indoor)***; Recreation facilities (major); ***Recreation facilities (outdoor)***; Registered clubs; ***Roads***

##### **4 – Prohibited**

Any development not specified in item 2 or 3




It is proposed to include the following land uses as permitted with consent in the RE2 Zone: amusement centres, building identification signs, business identification signs, entertainment facilities, function centres, information and education facilities, markets and restaurants or cafés.

It is proposed to include the following land uses as prohibited in the RE2 Zone: helipads.




## Item 2 – Amendments to the LEP map sheets




The following LEP 2011 map amendments are proposed. The amendments will ensure the most appropriate zone is applied to the land.

**Table 2: Proposed map amendments**




No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
1	26 / 7 / 758082 27 / 7 / 758082 28 / 7 / 758082	<p><b>Name:</b> Miners Memorial Park, Bellbird</p> <p><b>Address:</b> 496 Wollombi Road Bellbird</p> <p><b>Current Classification:</b> Community Land</p> <p><b>Reason for LEP Amendment:</b> The land is primarily used for recreation purposes.</p> <p><b>Map Sheet:</b> LZN_006C LSZ_006C</p>	<p>LZN: R2</p> <p>MLS: 450m<sup>2</sup></p>	<p>LZN: RE1</p> <p>MLS: NA</p>	
2	N/A	<p><b>Name:</b> Pokolbin Park, Pokolbin</p> <p><b>Address:</b> N/A</p> <p><b>Current Classification:</b> Community Land</p> <p><b>Reason for LEP Amendment:</b> The land is primarily used for recreation purposes.</p> <p><b>Map Sheet:</b> LZN_006C LSZ_006C</p>	<p>LZN: RU4</p> <p>MLS: 40ha</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	
3	17 / 5 / 758005 18 / 5 / 758005	<p><b>Name:</b> Abernethy Park, Abernethy</p> <p><b>Address:</b> 6 Murray Street Abernethy</p> <p><b>Current Classification:</b> Community Land</p> <p><b>Reason for LEP Amendment:</b> The land is primarily used for recreation purposes.</p> <p><b>Map Sheet:</b> LZN_006D LSZ_006D</p>	<p>LZN: RU5</p> <p>MLS: 750m<sup>2</sup></p>	<p>LZN: RE1</p> <p>MLS: NA</p>	


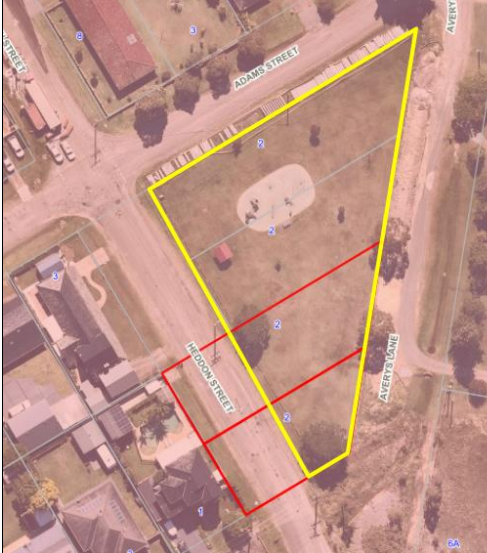



No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
4	2882 // 1158212	<p><b>Name:</b> George Jeffery Park, Kearsley</p> <p><b>Address:</b> 24 Congewai Street Kearsley</p> <p><b>Current Classification:</b> Community Land</p> <p><u>Reason for LEP Amendment:</u> The land is primarily used for recreation purposes.</p> <p><u>Map Sheet:</u> LZN_006C LSZ_006C</p>	<p>LZN: RU2</p> <p>MLS: 40ha</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	
5	8 / 2 / 758795 10 / 2 / 758795	<p><b>Name:</b> Nulkaba Park, Nulkaba</p> <p><b>Address:</b> 9 Branxton Street Nulkaba</p> <p><b>Current Classification:</b> Community Land</p> <p><u>Reason for LEP Amendment:</u> The land is primarily used for recreation purposes.</p> <p><u>Map Sheet:</u> LZN_006C LSZ_006C</p>	<p>LZN: RU5</p> <p>MLS: 750m<sup>2</sup></p>	<p>LZN: RE1</p> <p>MLS: NA</p>	
6	14 / 10 / 5465 15 / 10 / 5465	<p><b>Name:</b> O'Brien Street Playground, Cessnock</p> <p><b>Address:</b> 36 O'Brien Street Cessnock</p> <p><b>Current Classification:</b> Community Land</p> <p><u>Reason for LEP Amendment:</u> The land is primarily used for recreation purposes.</p> <p><u>Map Sheet:</u> LZN_006CA LSZ_006CA</p>	<p>LZN: R3</p> <p>MLS: 450m<sup>2</sup></p>	<p>LZN: RE1</p> <p>MLS: NA</p>	




No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
7	421 // 1031072	<p><b>Name:</b> Shiraz Grove Park, Cessnock</p> <p><b>Address:</b> 9 Shiraz Grove Cessnock</p> <p><b>Current Classification:</b> Community Land</p> <p><u>Reason for LEP Amendment:</u> The land is primarily used for recreation purposes.</p> <p><u>Map Sheet:</u> LZN_006C LSZ_006C</p>	<p>LZN: R2</p> <p>MLS: 450m<sup>2</sup></p>	<p>LZN: RE1</p> <p>MLS: NA</p>	
8	7005 // 93585	<p><b>Name:</b> Kitchener Poppethead Park, Kitchener</p> <p><b>Address:</b> 30 Cessnock Street Kitchener</p> <p><b>Current Classification:</b> Community Land</p> <p><u>Reason for LEP Amendment:</u> The land is primarily used for recreation purposes.</p> <p><u>Map Sheet:</u> LZN_006D LSZ_006D</p>	<p>LZN: RU2 SP2</p> <p>MLS: 40ha &amp; NA</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	
9	7005 // 1074592	<p><b>Name:</b> Bailey Park, Abermain</p> <p><b>Address:</b> 198 Cessnock Road Abermain</p> <p><b>Current Classification:</b> Community Land</p> <p><u>Reason for LEP Amendment:</u> The land is primarily used for recreation purposes.</p> <p><u>Map Sheet:</u> LZN_009A LSZ_009A</p>	<p>LZN: RU2</p> <p>MLS: 40ha</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	






No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
10	N/A	<p><b>Name:</b> Edgeworth David Park, Abermain</p> <p><b>Address:</b> 286 Cessnock Road Abermain</p> <p><b>Current Classification:</b> Community Land</p> <p><b>Reason for LEP Amendment:</b> The land is primarily used for recreation purposes.</p> <p><b>Map Sheet:</b> LZN_009A LSZ_009A</p>	<p>LZN: SP2</p> <p>MLS: NA</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	
11	4 / 4 / 758926 5 / 4 / 758926	<p><b>Name:</b> Stanford Merthyr Park, Stanford Merthyr</p> <p><b>Address:</b> 42 Wallsend Street Stanford Merthyr</p> <p><b>Current Classification:</b> Community Land</p> <p><b>Reason for LEP Amendment:</b> The land is primarily used for recreation purposes.</p> <p><b>Map Sheet:</b> LZN_009A LSZ_009A</p>	<p>LZN: R2</p> <p>MLS: 450m<sup>2</sup></p>	<p>LZN: RE1</p> <p>MLS: NA</p>	
12	4 / 11 / 979187	<p><b>Name:</b> Bluey Frame Park, Weston</p> <p><b>Address:</b> 103 Station Street Weston</p> <p><b>Current Classification:</b> Community Land</p> <p><b>Reason for LEP Amendment:</b> The land is primarily used for recreation purposes.</p> <p><b>Map Sheet:</b> LZN_009A LSZ_009A</p>	<p>LZN: R3</p> <p>MLS: 450m<sup>2</sup></p>	<p>LZN: RE1</p> <p>MLS: NA</p>	




No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
13	170 / 1137848	<p><b>Name:</b> George Winter Park, Kurri Kurri</p> <p><b>Address:</b> 131A Aberdare Street Kurri Kurri</p> <p><b>Current Classification:</b> Community Land</p> <p><b>Reason for LEP Amendment:</b> The land is primarily used for recreation purposes.</p> <p><b>Map Sheet:</b> LZN_009AA LSZ_009AA</p>	<p>LZN: R2</p> <p>MLS: 450m<sup>2</sup></p>	<p>LZN: RE1</p> <p>MLS: NA</p>	
14	12 / 15 / 3816 13 / 15 / 3816 14 / 15 / 3816 15 / 15 / 3816	<p><b>Name:</b> Hedleigh Park, Heddon Greta</p> <p><b>Address:</b> 2 Adams Street, Heddon Greta</p> <p><b>Current Classification:</b> Community Land</p> <p><b>Reason for LEP Amendment:</b> The land is primarily used for recreation purposes.</p> <p><b>Map Sheet:</b> LZN_009A LSZ_009A</p>	<p>LZN: R2</p> <p>MLS: 450m<sup>2</sup></p>	<p>LZN: RE1</p> <p>MLS: NA</p>	
15	9 / 23 / 979187 10 / 23 / 979187	<p><b>Name:</b> Meredith Park, Weston</p> <p><b>Address:</b> 11 Eight Street, Weston</p> <p><b>Current Classification:</b> Community Land</p> <p><b>Reason for LEP Amendment:</b> The land is primarily used for recreation purposes.</p> <p><b>Map Sheet:</b> LZN_009A LSZ_009A</p>	<p>LZN: R2</p> <p>MLS: 450m<sup>2</sup></p>	<p>LZN: RE1</p> <p>MLS: NA</p>	






No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
16	1 // 1089923 2 // 1089923	<p><b>Name:</b> Mulbring Park, Mulbring</p> <p><b>Address:</b> 11 Vincent Street Mulbring</p> <p><b>Current Classification:</b> Community Land</p> <p><u>Reason for LEP Amendment:</u> The land is primarily used for recreation purposes.</p> <p><u>Map Sheet:</u> LZN_009 LSZ_009</p>	<p>LZN: RU5</p> <p>MLS: 750m<sup>2</sup></p>	<p>LZN: RE1</p> <p>MLS: NA</p>	
17	1 // 329999 2 // 329999	<p><b>Name:</b> Maybury Peace Park, Weston</p> <p><b>Address:</b> 122 Cessnock Road Weston</p> <p><b>Current Classification:</b> Community Land</p> <p><u>Reason for LEP Amendment:</u> The land is primarily used for recreation purposes.</p> <p><u>Map Sheet:</u> LZN_009A LSZ_009A</p>	<p>LZN: R2, R3</p> <p>MLS: 450m<sup>2</sup></p>	<p>LZN: RE1</p> <p>MLS: NA</p>	
18	1 // 1151642 241 // 755259	<p><b>Name:</b> Neath Pony Ground, Neath</p> <p><b>Address:</b> 63 Carrs Road Neath</p> <p><b>Current Classification:</b> Community Land</p> <p><u>Reason for LEP Amendment:</u> The land is primarily used for recreation purposes.</p> <p><u>Map Sheet:</u> LZN_009A LSZ_009A</p>	<p>LZN: RU2</p> <p>MLS: 40ha</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	



No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
19	140 // 755225	<p><b>Name:</b> Ellalong Park, Ellalong</p> <p><b>Address:</b> 22 Helena Street Ellalong</p> <p><b>Current Classification:</b> Community Land</p> <p><u>Reason for LEP Amendment:</u> The land is primarily used for recreation purposes.</p> <p><u>Map Sheet:</u> LZN_006D LSZ_006D</p>	<p>LZN: RU5</p> <p>MLS: 1500m<sup>2</sup></p>	<p>LZN: RE1</p> <p>MLS: NA</p>	
20	2 // 591952 191 // 1137947 1 // 1134121 2 // 1134121 3 // 1134121 4 // 1134121 5 // 1134121 6 // 1134121 7 // 1134121 8 // 1134121 9 // 1134121 1 // 772428 2 // 772428 3 // 772428 4 // 772428 5 // 772428 6 // 772428 7 // 772428 8 // 772428	<p><b>Name:</b> Miller Park and Branxton Pool, Branxton</p> <p><b>Address:</b> 4 and 8 Maitland Street East Branxton</p> <p><b>Current Classification:</b> Community Land</p> <p><u>Reason for LEP Amendment:</u> The land is primarily used for recreation purposes.</p> <p><u>Map Sheet:</u> LZN_005A LSZ_005A</p>	<p>LZN: RU2</p> <p>MLS: 40ha</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	
21	7 // 813163	<p><b>Name:</b> Rothbury Riot Miner's Memorial, North Rothbury</p> <p><b>Address:</b> 1707 Wine Country Drive, North Rothbury</p> <p><b>Current Classification:</b> Community Land</p> <p><u>Reason for LEP Amendment:</u> The land is primarily used for recreation purposes.</p> <p><u>Map Sheet:</u> LZN_005A LSZ_005A</p>	<p>LZN: R1</p> <p>MLS: NA</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	



No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
22	16 / B / 7554 17 / B / 7554 18 / B / 7554 19 / B / 7554	<p><b>Name:</b> Ayrfield Miners Memorial Park, North Rothbury</p> <p><b>Address:</b> 6 Morgan Street North Rothbury</p> <p><b>Current Classification:</b> Community Land</p> <p><u>Reason for LEP Amendment:</u> The land is primarily used for recreation purposes.</p> <p><u>Map Sheet:</u> LZN_005A LSZ_005A</p>	LZN: RU5  MLS: 750m <sup>2</sup>	LZN: RE1  MLS: NA	
23	1 // 963590	<p><b>Name:</b> Norman Brown Park, Greta</p> <p><b>Address:</b> 59 High Street Greta</p> <p><b>Current Classification:</b> Community Land</p> <p><u>Reason for LEP Amendment:</u> The land is primarily used for recreation purposes.</p> <p><u>Map Sheet:</u> LZN_005A LSZ_005A</p>	LZN: R2  MLS: 450m <sup>2</sup>	LZN: RE1  MLS: NA	
24	25 / A / 5904 26 / A / 5904	<p><b>Name:</b> Whitburn Park, Greta</p> <p><b>Address:</b> 22 Whitburn Street Greta</p> <p><b>Current Classification:</b> Community Land</p> <p><u>Reason for LEP Amendment:</u> The land is primarily used for recreation purposes.</p> <p><u>Map Sheet:</u> LZN_005A LSZ_005A</p>	LZN: R2  MLS: 450m <sup>2</sup>	LZN: RE1  MLS: NA	






No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
25	7007 // 93250	<p><b>Name:</b> ANZAC Reserve</p> <p><b>Address:</b> 7 Narone Creek Road Wollombi</p> <p><b>Current Classification:</b> Community Land</p> <p><b>Reason for LEP Amendment:</b> The land is primarily used for recreation purposes.</p> <p><b>Map Sheet:</b> LZN_006B LSZ_006B</p>	<p>LZN: RU2</p> <p>MLS: 40ha</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	
26	1 // 650947 35 // 13687 36 // 13687 37 // 13687 38 // 13687 39 // 13687 40 // 13687 41 // 13687 42 // 13687 73 // 13687 74 // 13687 75 // 13687 76 // 13687 77 // 13687 78 // 13687 79 // 13687 80 // 13687	<p><b>Name:</b> Crawfordville Park, Millfield</p> <p><b>Address:</b> 33 Bennett St Millfield</p> <p><b>Current Classification:</b> Community Land</p> <p><b>Reason for LEP Amendment:</b> The land is primarily used for recreation purposes.</p> <p><b>Map Sheet:</b> LZN_006B LSZ_006B</p>	<p>LZN: RU5</p> <p>MLS: 750m<sup>2</sup></p>	<p>LZN: RE1</p> <p>MLS: NA</p>	
27	100 // 1039335 101 // 1039335 509 // 1098835	<p><b>Name:</b> Wollombi Tennis, Wollombi</p> <p><b>Address:</b> 2979 Paynes Crossing Road Wollombi</p> <p><b>Current Classification:</b> Community Land</p> <p><b>Reason for LEP Amendment:</b> The land is primarily used for recreation purposes.</p> <p><b>Map Sheet:</b> LZN_003 &amp; LZN_006B LSZ_003 &amp; LSZ_006B</p>	<p>LZN: RU5</p> <p>MLS: 750m<sup>2</sup></p>	<p>LZN: RE1</p> <p>MLS: NA</p>	


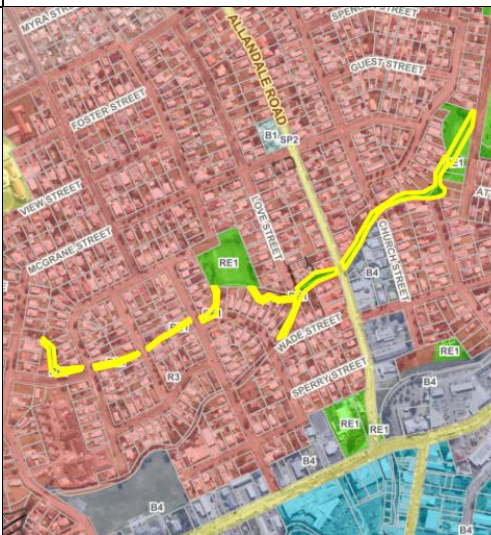
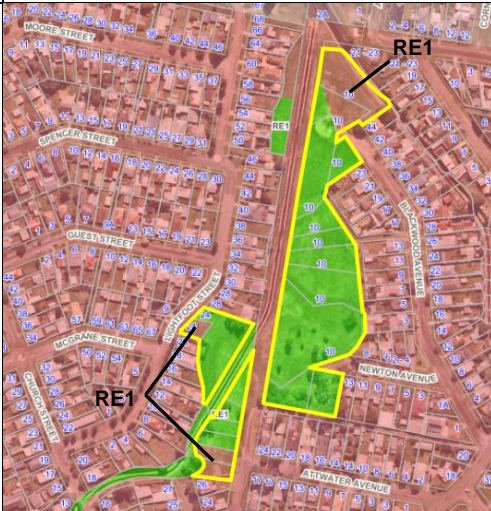







No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
		contains endangered ecological communities.  <u>Map Sheet:</u> LZN_006C & LZN_006CA LSZ_006C & LSZ_006CA			
31	106 // 1251728 725 // 1185415 724 // 1185415 634 // 1185414 236 // 1081597 234 // 1081597 136 // 831570 137 // 831570 201 // 1081597	<b>Name:</b> Various RE1 Private Recreation Zone land at Bellbird  <b>Address:</b> Mount View Rd Cessnock 335 Mount View Rd Cessnock 1A O'Shea Crt Cessnock 2A O'Shea Crt Cessnock 2 Chablis Dr Cessnock  <b>Current Classification:</b> NA – Privately Owned  <b>Reason for LEP Amendment:</b> Urban land set aside as buffer should adopt the relevant adjoining zone.  <u>Map Sheet:</u> LZN_006C LSZ_006C	LZN: RE1  MLS: NA	LZN: R2  MLS: 450m <sup>2</sup>	
32	52 // 807540 51 // 807540 1 // 328497	<b>Name:</b> Various RE1 Private Recreation Zone land at Bellbird  <b>Address:</b> 1A Kalingo St Bellbird 342 Wollombi Rd Bellbird Heights 2 Ruby St Bellbird  <b>Current Classification:</b> NA – Privately Owned  <b>Reason for LEP Amendment:</b> Land is privately owned and is significantly flood prone.  <u>Map Sheet:</u> LZN_006C LSZ_006C	LZN: RE1  MLS: NA	LZN: C3  MLS: 40Ha	






No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
33	37 // 755215 20 // 755215 21 // 755215 580 // 1017350 583 // 1017350	<p><b>Name:</b> Various land at Cessnock</p> <p><b>Address:</b> Vincent St Cessnock Quorrobolong Rd Cessnock 85 Railway St Cessnock</p> <p><b>Current Classification:</b> NA</p> <p><b>Reason for LEP Amendment:</b> The land contains endangered ecological communities and is not primarily used for recreation.</p> <p><b>Map Sheet:</b> LZN_006C LZN_006CA LZN_006D LSZ_006C LSZ_006CA LSZ_006</p>	LZN: RE1  MLS: NA	LZN: C2  MLS: 80Ha	
34	Road Reserve	<p><b>Name:</b> Part of Veterans Memorial Park</p> <p><b>Address:</b> Road reserve bisecting 108A Aberdare Road Aberdare</p> <p><b>Current Classification:</b> Community Land</p> <p><b>Reason for LEP Amendment:</b> The land is primarily used for recreation purposes.</p> <p><b>Map Sheet:</b> LZN_006C LSZ_006C</p>	LZN: R2  MLS: 450m <sup>2</sup>	LZN: RE1  MLS: NA	
35	3 // 574111 51 // 1128812	<p><b>Name:</b> NA</p> <p><b>Address:</b> South Avenue Cessnock 30A West Avenue Cessnock</p> <p><b>Current Classification:</b> NA</p> <p><b>Reason for LEP Amendment:</b> The proposed R3 land is used for residential purposes and contains a seniors' living development. The proposed C3 land contains stormwater drainage (natural).</p> <p>In accordance with Council's adopted Recreation and Open Space Strategic Plan (Action C1.10), the land is no longer required for a future public purpose and the designation of the site for acquisition may be removed.</p> <p><b>Map Sheet:</b></p>	LZN: RE1  MLS: NA  LRA: Yes	LZN: R3 & C3  MLS: 450m <sup>2</sup> & 40Ha  LRA: No	




No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
		LZN_006CA LSZ_006CA LRA_006CA			
36	7016 // 1030584 3 / 4 / 758082 16 / 6 / 758082	<p><b>Name:</b> NA</p> <p><b>Address:</b> Kendall St Bellbird Cambage St Bellbird Sparke St Bellbird</p> <p><b>Current Classification:</b> Community Land (Default)</p> <p><b>Reason for LEP Amendment:</b> Land contains natural hazards (flood prone land) and is not primarily used for recreation purposes, see section C.8 of this Planning Proposal.</p> <p><b>Map Sheet:</b> LZN_006C LSZ_006C</p>	LZN: RE1  MLS: NA	LZN: C3  MLS: 40Ha	
37	19 / 7 / 11969 29 / 3 / 11969 25 / 4 / 11969 19 / 5 / 11969 18 / 5 / 11969 3 // 588377	<p><b>Name:</b> Concrete storm water channel</p> <p><b>Address:</b> Short St Cessnock Boomerang St Cessnock Davidson St Cessnock Westcott St Cessnock Love St Cessnock Kenny St Cessnock</p> <p><b>Current Classification:</b> Community Land (Default)</p> <p><b>Reason for LEP Amendment:</b> The land is used for stormwater drainage (artificial) and should adopt the relevant adjacent land use zone as the default zone.</p> <p><b>Map Sheet:</b> LZN_006CA LSZ_006CA</p>	LZN: RE1  MLS: NA	LZN: R3  MLS: 450m <sup>2</sup>	
38	3 // 13454 4 // 13454 45 // 13297 36 / B / 8991 37 / B / 8991	<p><b>Name:</b> Manning Park (East and West)</p> <p><b>Address:</b> 10 Newton Avenue Cessnock 24 Lightfoot Street Cessnock</p> <p><b>Current Classification:</b> Community Land (Default)</p> <p><b>Reason for LEP Amendment:</b> The land is primarily used for recreation purposes.</p> <p><b>Map Sheet:</b> LZN_006C &amp; LZN_006CA LSZ_006C &amp; LSZ_006CA</p>	LZN: R3  MLS: 450m <sup>2</sup>	LZN: RE1  MLS: NA	






No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
39	1 // 723856 1 // 1103032 32 // 455973 33 // 455974 1 // 392509	<p><b>Name:</b> Land Adjacent to Concrete Stormwater Channels</p> <p><b>Address:</b> Henderson Ave Cessnock 44 Boomerang St Cessnock 1A Doyle St Cessnock 33 Ferguson St Cessnock</p> <p><b>Current Classification:</b> Community Land (Default)</p> <p><b>Reason for LEP Amendment:</b> All the proposed C3 land is privately owned and is significantly flood prone.</p> <p>The proposed R3 land is adjacent to land used for stormwater drainage (artificial) and should adopt the relevant adjacent land use zone as the default zone.</p> <p><b>Map Sheet:</b> LZN_006C &amp; LZN_006CA LSZ_006C &amp; LSZ_006CA</p>	<p>LZN: RE1, R3 &amp; B4</p> <p>MLS: NA</p>	<p>LZN: R3 &amp; C3</p> <p>MLS: 450m<sup>2</sup> &amp; 40Ha</p>	
40	311 // 566724 313 // 566724 13 // 11020 14 // 11020 15 // 11020 16 // 11020 17 // 11020 18 // 11020 1 / A / 4924 2 / A / 4924 3 / A / 4924 4 / A / 4924 5 / A / 4924	<p><b>Name:</b> Alkira Avenue Park Housing Community Park</p> <p><b>Address:</b> 11 Duguid Cl Cessnock 159 Alkira Ave Cessnock 68 Anzac Ave Cessnock 70-76 Anzac Ave Cessnock 78 Anzac Ave Cessnock 80 Anzac Ave Cessnock 82 Anzac Ave Cessnock 41 Anzac Ave Cessnock 360 Old Maitland Rd Cessnock 362 Old Maitland Rd Cessnock 364 Old Maitland Rd Cessnock 366 Old Maitland Rd Cessnock</p> <p><b>Current Classification:</b> Community Land</p> <p><b>Reason for LEP Amendment:</b> The land contains endangered ecological communities and is not primarily used for recreation.</p> <p><b>Map Sheet:</b> LZN_006C LSZ_006C</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	<p>LZN: C2</p> <p>MLS: 80Ha</p>	
41	312 // 566724	<p><b>Name:</b> N/A</p> <p><b>Address:</b> Old Maitland Rd Cessnock</p> <p><b>Current Classification:</b> Community Land</p> <p><b>Reason for LEP Amendment:</b> Urban land set aside as buffer should adopt the relevant adjoining zone.</p> <p><b>Map Sheet:</b> LZN_006C</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	<p>LZN: R2</p> <p>MLS: 450m<sup>2</sup></p>	




No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
		LSZ_006C			
42	369 // 823684 312 // 720687	<p><b>Name:</b> N/A</p> <p><b>Address:</b> Ridley Street Abermain</p> <p><b>Current Classification:</b> Community Land (Default)</p> <p><b>Reason for LEP Amendment:</b> The land contains endangered ecological communities and is not primarily used for recreation.</p> <p><b>Map Sheet:</b> LZN_009A LSZ_009A</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	<p>ZN: C2</p> <p>MLS: 80Ha</p>	
43	2 / 12 / 758004	<p><b>Name:</b> Abermain Primary School</p> <p><b>Address:</b> Goulburn Street Abermain</p> <p><b>Current Classification:</b> N/A</p> <p><b>Reason for LEP Amendment:</b> The land contains a public school and is not used for public recreation. Relevant adjacent zone should be applied to the land.</p> <p><b>Map Sheet:</b> LZN_009A LSZ_009A</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	<p>LZN: R2</p> <p>MLS: 450m<sup>2</sup></p>	
44	381 - 382 // 755231 384 // 755231 7301 // 1139383 7303 // 1139381 7309 // 1139379 7310 // 1139492 537 // 755231 698 - 724 // 755231 730 - 752 // 755231 753 - 755 // 755231 764 - 766 // 755231 147 - 148 // 755259	<p><b>Name:</b> N/A</p> <p><b>Address:</b> Aberdare St Weston Gover St Weston Hospital Rd Weston Lang St Weston 175 Northcote St Kurri Kurri 177 Northcote St Kurri Kurri 385 Lang St Kurri Kurri</p> <p><b>Current Classification:</b> Community Land</p> <p><b>Reason for LEP Amendment:</b> The land contains endangered ecological communities and is not primarily used for recreation</p> <p><b>Map Sheet:</b> LZN_009A &amp; LZN_009AA LSZ_009A &amp; LSZ_009AA</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	<p>ZN: C2</p> <p>MLS: 80Ha</p>	



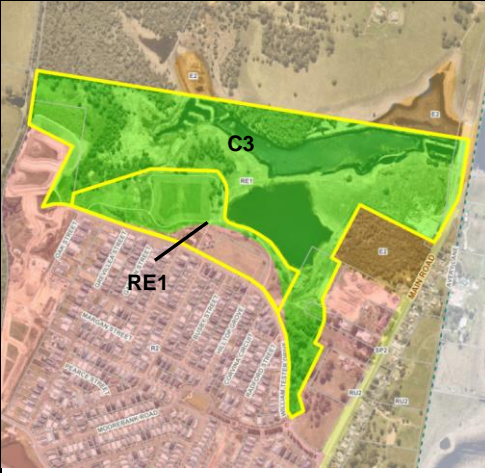


No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
45	760 // 755231	<p><b>Name:</b> N/A</p> <p><b>Address:</b> Mitchell Ave Kurri Kurri</p> <p><b>Current Classification:</b> Community Land</p> <p><b>Reason for LEP Amendment:</b> Land contains natural hazards (flood prone land) and is not primarily used for recreation purposes, see section C.8 of this Planning Proposal.</p> <p><b>Map Sheet:</b> LZN_009AA LSZ_009AA</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	<p>ZN: C3</p> <p>MLS: 40Ha</p>	
46	52 // 1039150 51 // 1065210 17 // 1029601	<p><b>Name:</b> N/A</p> <p><b>Address:</b> Gingers Ln Sawyers Gully Woodlands Dr Sawyers Gully Mitchell Ave Kurri Kurri</p> <p><b>Current Classification:</b> Community Land</p> <p><b>Reason for LEP Amendment:</b> Land set aside as buffer should adopt the relevant adjoining zone.</p> <p><b>Map Sheet:</b> LZN_009A &amp; LZN_009AA LSZ_009A &amp; LSZ_009AA</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	<p>LZN: R5</p> <p>MLS: 2000m<sup>2</sup> and 4ha</p>	
47	100 // 1039497 1000 // 1062120 6 // 1251190 5 // 1251190 12 // 1234688 1 // 1267615 SP 103267	<p><b>Name:</b> N/A</p> <p><b>Address:</b> 153 Mitchell Ave Kurri Kurri 149 Mitchell Ave Kurri Kurri 135 Mitchell Ave Kurri Kurri 10 Styles St Kurri Kurri 8 Styles St Kurri Kurri 6 Styles St Kurri Kurri</p> <p><b>Current Classification:</b> N/A – Privately owned</p> <p><b>Reason for LEP Amendment:</b> Land is set aside as buffer, contains natural hazards (flood prone land), and is not primarily used for recreation purposes, see section C.8 of this Planning Proposal.</p> <p><b>Map Sheet:</b> LZN_009AA LSZ_009AA</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	<p>ZN: C3</p> <p>MLS: 40Ha</p>	





No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
48	793 // 257064	<p><b>Name:</b> N/A</p> <p><b>Address:</b> 43 Northcote St Kurri Kurri</p> <p><b>Current Classification:</b> N/A</p> <p><b>Reason for LEP Amendment:</b> Land is set aside as buffer. The land contains endangered ecological communities and is not primarily used for recreation.</p> <p><b>Map Sheet:</b> LZN_009AA LSZ_009AA</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	<p>ZN: C2</p> <p>MLS: 80Ha</p>	
49	38 // 262837 7301 // 1135304	<p><b>Name:</b> Brooks Street Reserve</p> <p><b>Address:</b> Stanford Rd Buchanan 15-17 Brooks St Kurri Kurri</p> <p><b>Current Classification:</b> Community Land (Default)</p> <p><b>Reason for LEP Amendment:</b> The land contains endangered ecological communities and is not primarily used for recreation.</p> <p><b>Map Sheet:</b> LZN_009AA LSZ_009AA</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	<p>ZN: C2</p> <p>MLS: 80Ha</p>	
50	22 // 1152642 9 / 17 / 758834 10 / 17 / 758834 11 / 17 / 758834 275 // 262836	<p><b>Name:</b> N/A</p> <p><b>Address:</b> Leconfield St Stanford Merthyr Pokolbin St Pelaw Main 8 Tomalpin St Pelaw Main</p> <p><b>Current Classification:</b> Community Land (Default)</p> <p><b>Reason for LEP Amendment:</b> The land contains endangered ecological communities or is flood prone, is undermined and is not primarily used for recreation.</p> <p><b>Map Sheet:</b> LZN_009A LSZ_009A</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	<p>ZN: C2 &amp; C3</p> <p>MLS: 80Ha &amp; 40Ha</p>	




No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
51	31 // 262836 11 / 54 / 758590 7010 // 1021260	<p><b>Name:</b> N/A</p> <p><b>Address:</b> Edward St Kurri Kurri Minmi St Stanford Merthyr 1-7 Coronation St Kurri Kurri</p> <p><b>Current Classification:</b> Community Land (Default)</p> <p><b>Reason for LEP Amendment:</b> Proposed C3 land contains natural hazards (flooding due to stormwater drainage) and is not primarily used for recreation purposes. Proposed R2 land is set aside as buffer should adopt the relevant adjoining zone.</p> <p><b>Map Sheet:</b> LZN_009A &amp; LZN_009AA LSZ_009A &amp; LSZ_009AA</p>	LZN: RE1  MLS: NA	LZN: R2 & C3  MLS: 450m <sup>2</sup> & 40Ha	
52	36 // 1262926 30 // 1256960 8 // 1047409	<p><b>Name:</b> N/A</p> <p><b>Address:</b> Hall St Heddon Greta 9 Broome St Heddon Greta 11 Madeline St Heddon Greta</p> <p><b>Current Classification:</b> Community Land (Default)</p> <p><b>Reason for LEP Amendment:</b> The land contains natural hazards (flooding due to stormwater drainage) and is not primarily used for recreation purposes. Zone boundary does not align with cadastral boundary.</p> <p><b>Map Sheet:</b> LZN_009A LSZ_009A</p>	LZN: RE1  MLS: NA	ZN: C3  MLS: 40Ha	
53	140 // 1079687 142 // 1079687 317 // 1227504 318 // 1227504	<p><b>Name:</b> N/A</p> <p><b>Address:</b> Main Rd Heddon Greta 16 Ashton Dr Heddon Greta 71 Main Rd Heddon Greta 85 Main Rd Heddon Greta</p> <p><b>Current Classification:</b> Community Land (Default)</p> <p><b>Reason for LEP Amendment:</b> Urban land set aside as buffer should adopt the relevant adjoining zone.</p> <p><b>Map Sheet:</b> LZN_009A LSZ_009A</p>	LZN: RE1  MLS: NA	LZN: R2  MLS: 450m <sup>2</sup>	






No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
54	1 // 1249763 1 // 1266792 21 // 607899 1386//1272043 1100//1272048	<p><b>Name:</b> N/A</p> <p><b>Address:</b> William Tester Dr Cliftleigh 19 Main Rd Cliftleigh 21 Main Rd Cliftleigh 64 William Tester Dr Cliftleigh</p> <p><b>Current Classification:</b> Community Land (Default)</p> <p><b>Reason for LEP Amendment:</b> Proposed C3 land contains natural hazards (flood prone land) and is not primarily used for recreation purposes, see section C.8 of this Planning Proposal.</p> <p><b>Map Sheet:</b> LZN_009A LSZ_009A</p>	<p>LZN: RE1 &amp; R2</p> <p>MLS: NA &amp; 450m<sup>2</sup></p>	<p>LZN: RE1 &amp; C3</p> <p>MLS: NA &amp; 40Ha</p>	
55	1 // 1210267 775 // 755231	<p><b>Name:</b> N/A</p> <p><b>Address:</b> Stanford Rd Heddon Greta 66 Clift St Heddon Greta</p> <p><b>Current Classification:</b> N/A</p> <p><b>Reason for LEP Amendment:</b> Land contains a privately owned outdoor recreation facilities are more appropriately zoned RE2 Private Recreation.</p> <p><b>Map Sheet:</b> LZN_009A LSZ_009A</p>	<p>LZN: RU2</p> <p>MLS: 40Ha</p>	<p>LZN: RE2</p> <p>MLS: NA</p>	
56	672 // 1003593 3 // 1094098 1 // 1094098	<p><b>Name:</b> N/A</p> <p><b>Address:</b> Maitland St Branxton 83 Maitland St Branxton 83A Maitland St Branxton</p> <p><b>Current Classification:</b> N/A</p> <p><b>Reason for LEP Amendment:</b> The land is flood prone, is privately owned, is set aside as buffer and is not used for recreation purposes.</p> <p><b>Map Sheet:</b> LZN_005A LSZ_005A</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	<p>LZN: C3</p> <p>MLS: 40Ha</p>	




No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
57	195 // 1149980 1 // 592029 63 // 569450 9 // 502065 4 // 591952	<b>Name:</b> N/A  <b>Address:</b> Cessnock Rd Branxton Maitland St Branxton  <b>Current Classification:</b> N/A  <b>Reason for LEP Amendment:</b> Land contains a privately owned outdoor recreation facility and should be zoned private recreation.  <b>Map Sheet:</b> LZN_005A LSZ_005A	LZN: RU2  MLS: 80Ha	LZN: RE2  MLS: NA	
58	123 // 1110717	<b>Name:</b> Cessnock Showground  <b>Address:</b> 111 Mount View Road Cessnock  <b>Current Classification:</b> N/A  <b>Reason for LEP Amendment:</b> Land containing privately owned outdoor recreation facilities are more appropriately zoned RE2 Private Recreation.  Land is no longer required for acquisition. In accordance with Council's adopted Recreation and Open Space Strategic Plan (Action C1.10), the land is no longer required for a future public purpose and the designation of the site for acquisition may be removed.  <b>Map Sheet:</b> LZN_006CA LSZ_006CA LRA_006CA	LZN: RE1  MLS: NA  LRA: Yes	LZN: RE2  MLS: NA  LRA: No	


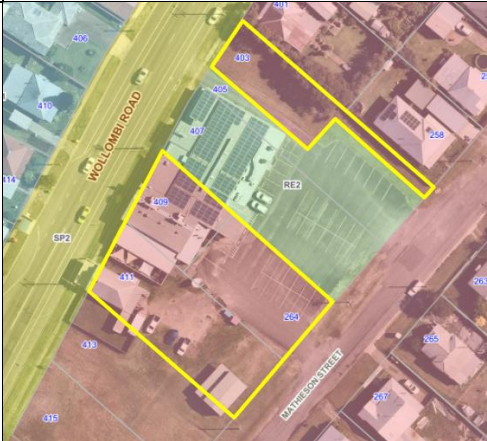


No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
59	1 // 1175046	<p><b>Name:</b> Hunter Water Facility</p> <p><b>Address:</b> 157 Mount View Road Cessnock</p> <p><b>Current Classification:</b> N/A</p> <p><u>Reason for LEP Amendment:</u> Land contains Hunter Water Corporation Infrastructure, more appropriately zoned SP2 Infrastructure.</p> <p><u>Map Sheet:</u> LZN_006CA LSZ_006CA</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	<p>LZN: SP2</p> <p>MLS: NA</p>	
60	1 // 508142	<p><b>Name:</b> N/A</p> <p><b>Address:</b> 68 Eighth Street Weston</p> <p><b>Current Classification:</b> N/A</p> <p><u>Reason for LEP Amendment:</u> The land contains natural hazards (flooding), is privately owned and is not primarily used for recreation purposes.</p> <p>In accordance with Council's adopted Recreation and Open Space Strategic Plan (Action KK1.11), the land is no longer required for a future public purpose and the designation of the site for acquisition may be removed.</p> <p><u>Map Sheet:</u> LZN_009A LSZ_009A LRA_009A</p>	<p>LZN: RE1</p> <p>MLS: NA</p> <p>LRA: Yes</p>	<p>LZN: C3</p> <p>MLS: 80Ha</p> <p>LRA: No</p>	
61	140 // 264038 141 // 264038	<p><b>Name:</b> N/A</p> <p><b>Address:</b> Fifth Street Weston Eighth Street Weston</p> <p><b>Current Classification:</b> N/A</p> <p><u>Reason for LEP Amendment:</u> Land is owned by the Department of Housing, is not used for recreation purposes, is set aside as buffer and should adopt the relevant adjoining zone.</p> <p><u>Map Sheet:</u> LZN_009A LSZ_009A</p>	<p>LZN: RE1</p> <p>MLS: NA</p>	<p>LZN: R2</p> <p>MLS: 450m<sup>2</sup></p>	



No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
Item 62 removed in accordance with Condition 1(b) of the Gateway determination.					
63	558 // 729017	<p><b>Name:</b> N/A</p> <p><b>Address:</b> Quorrobolong Road Kitchener</p> <p><b>Current Classification:</b> N/A</p> <p><u>Reason for LEP Amendment:</u> In accordance with Council's adopted Recreation and Open Space Strategic Plan (Action C1.10), the land is no longer required for a future public purpose and the designation of the site for acquisition may be removed.</p> <p><u>Map Sheet:</u> LRA_006D</p>	<p>LRA: Yes</p> <p>LZN: RU2 &amp; SP2</p> <p>MLS: 40Ha &amp; NA</p>	<p>LRA: No</p> <p>LZN: RU2 &amp; SP2</p> <p>MLS: 40Ha &amp; NA</p>	
64	532 // 1268182	<p><b>Name:</b> N/A</p> <p><b>Address:</b> 49B Aberdare Road Cessnock</p> <p><b>Current Classification:</b> N/A</p> <p><u>Reason for LEP Amendment:</u> In accordance with Council's adopted Recreation and Open Space Strategic (Action C1.9), the land is identified for a future public purpose and is proposed to be designated for acquisition in the LEP 2011.</p> <p><u>Map Sheet:</u> LRA_006CA</p>	<p>LRA: No</p> <p>LZN: B1</p> <p>MLS: N/A</p>	<p>LRA: Yes</p> <p>LZN: B1</p> <p>MLS: N/A</p>	
65	2 // 1239939	<p><b>Name:</b> N/A</p> <p><b>Address:</b> Part of 22 William Street Abermain</p> <p><b>Current Classification:</b> N/A</p> <p><u>Reason for LEP Amendment:</u> In accordance with Council's adopted Recreation and Open Space Strategic (Action C1.9), the land is identified for a future public purpose and is proposed to be designated for acquisition in the LEP 2011.</p> <p><u>Map Sheet:</u> LRA_009A</p>	<p>LRA: No</p> <p>LZN: RE1</p> <p>MLS: N/A</p>	<p>LRA: Yes</p> <p>LZN: RE1</p> <p>MLS: N/A</p>	

No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
66	1 // 1103032	<p><b>Name:</b> N/A</p> <p><b>Address:</b> 1A Doyle Street Cessnock</p> <p><b>Current Classification:</b> N/A</p> <p><b>Reason for LEP Amendment:</b> In accordance with Council's adopted Recreation and Open Space Strategic (Action C1.7), the land is identified for a future public purpose and is proposed to be designated for acquisition in the LEP 2011. Note: part of the land is already designated for acquisition.</p> <p>See Item 39 for proposed zoning.</p> <p><u>Map Sheet:</u> LRA_006CA</p>	<p>LRA: Yes (Partial)</p> <p>LZN: R3, RE1 &amp; B4</p> <p>MLS: 450m<sup>2</sup> &amp; N/A</p>	<p>LRA: Yes</p> <p>LZN: C3</p> <p>MLS: 40Ha</p>	
67	753 // 1242605	<p><b>Name:</b> N/A</p> <p><b>Address:</b> 2 Colombard Street Clifftleigh</p> <p><b>Current Classification:</b> Community Land</p> <p><b>Reason for LEP Amendment:</b> The land is primarily used for recreation purposes.</p> <p><u>Map Sheet:</u> LZN_009A LSZ_009A</p>	<p>LZN: R2</p> <p>MLS: 450m<sup>2</sup></p>	<p>LZN: RE1</p> <p>MLS: NA</p>	
68	287 / 755211 7 / 715676	<p><b>Name:</b> Greta Workers' Club</p> <p><b>Address:</b> West Street Greta</p> <p><b>Reason for LEP Amendment:</b> Land contains a privately owned indoor recreation facility and bowling green, which is more appropriately zoned RE2 Private Recreation.</p> <p><u>Map Sheet:</u> LZN_005A LSZ_005A</p>	<p>LZN: RU2</p> <p>MLS: 40ha</p>	<p>LZN: RE2</p> <p>MLS: NA</p>	

No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
69	3 / 575554 13 / 5 / 5442	<p><b>Name:</b> Cessnock PCYC and Northern Coalfields Community Care</p> <p><b>Address:</b> 1A Short Street Cessnock 1B Short Street Cessnock</p> <p><b>Reason for LEP Amendment:</b> 1A contains a privately owned indoor recreation facility. 1B contains a community facility. Both properties are more appropriately zoned RE2 Private Recreation.</p> <p><b>Map Sheet:</b> LZN_006CA LSZ_006CA</p>	<p>LZN: IN2</p> <p>MLS: NA</p>	<p>LZN: RE2</p> <p>MLS: NA</p>	
70	A / 420427 A and B / 335519 11 / 7802	<p><b>Name:</b> Bellbird Workers' Club</p> <p><b>Address:</b> 403 Wollombi Road Bellbird 409 Wollombi Road Bellbird 411 Wollombi Road Bellbird 264 Mathieson Street Bellbird</p> <p><b>Reason for LEP Amendment:</b> Land contains a privately owned indoor recreation facility, which is more appropriately zoned RE2 Private Recreation.</p> <p><b>Map Sheet:</b> LZN_006C LSZ_006C</p>	<p>LZN: R2</p> <p>MLS: 450m<sup>2</sup></p>	<p>LZN: RE2</p> <p>MLS: NA</p>	



## **PART 3: JUSTIFICATION**

In accordance with the Department of Planning and Environment's "Guide to Preparing Planning Proposals", 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 the Planning Proposal**

#### **1 Is the planning proposal a result of an endorsed LSPS, strategic study or report?**

The Planning Proposal is required to address Action 5 of the LSPS. Action 5 of the LSPS outlines the need to review the LEP 2011 to bring about the following relevant 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.

The Planning Proposal will also address irregularities in the historical application of the RE1 Public Recreation Zone and RE2 Private Recreation Zone in the Cessnock LGA.

#### **2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The objective of the Planning Proposal is to amend the LEP 2011 RE1 Public Recreation Zone and RE2 Private Recreation Zone land use tables and the maps accompanying the LEP in respect of various parcels of land in the LGA. A planning proposal is the only way for Council to achieve these objectives.

## **Section B: Relationship to Strategic Planning Framework**

### **3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?**

#### **Hunter Regional Plan 2036**

The Hunter Regional Plan (HRP) provides the overarching strategic framework to guide development, investment and planning within the Hunter region to 2036. The HRP sets the following regionally focused goals:

- The leading regional economy in Australia
- A biodiversity-rich natural environment
- Thriving communities
- Greater housing choice and jobs

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.

#### **Draft Hunter Regional Plan 2041**

The Planning Proposal is consistent with the Draft Hunter Regional Plan 2041, which encourages settlements in which services and facilities are within a 15-minute walk of places where people live. The Planning Proposal seeks to identify land, which is primarily used for recreation, by designating it with an appropriate recreation zone. The Planning Proposal also seeks to maintain scenic and recreational values of natural and rural landscapes in accordance with the plan.

#### **Greater Newcastle Metropolitan Plan**

The Greater Newcastle Metropolitan Plan (GNMP) sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens, which together make up Greater Newcastle. The plan also helps to achieve the vision set in the Hunter Regional Plan 2036 for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart.

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

#### **4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?**

##### **Cessnock Local Strategic Planning Statement 2036 (LSPS)**

The Cessnock Local Strategic Planning Statement 2036 (LSPS) establishes a 20-year vision for land use planning in the Cessnock LGA. The LSPS sets out the important character and values, which are to be preserved and establishes planning principles to manage land use planning in 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.

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

The Cessnock Community Strategic Plan 2027 (CSP) was prepared in 2013 and identifies the community's main priorities and expectations for the future and ways to achieve these goals. The vision of the CSP is:



*“Cessnock will be a cohesive and welcoming community living in an attractive and sustainable rural environment with a diversity of business and employment opportunities supported by accessible infrastructure and services which effectively meet community needs.”*

A range of strategic directions are provided which relate to the social, environmental and economic health, sustainability and prosperity of the Cessnock LGA. 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 process and ensures outcomes align with the community’s expectations in relation to recreation and open space areas and the environment.

## 5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?

### A 20-year Economic Vision for Regional NSW

The Economic Vision for Regional NSW seeks to drive sustainable, long term economic growth in regional NSW.

The Planning Proposal is consistent with the principles of this strategy, notably Principle 6: Recognising each region’s strengths and underlying endowments. The principle seeks to investigate options to activate tourism potential based on regional endowments and cultural heritage.

### State Emergency Management Plan (EMPLAN)

The State Emergency Management Plan (EMPLAN) provides a coordinated and comprehensive approach to emergency management in NSW. The Plan identifies the importance of land use planning in prevention of impacts of hazards on the community. The Planning Proposal is not contrary to the objectives of the EMPLAN.

## 6 Is the planning proposal consistent with applicable SEPPs?

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

**Table 3: Relevant State Environmental Planning Policies**

SEPP	Consistency and Implications
State Environmental Planning Policy (Biodiversity and Conservation) 2021	The Planning Proposal will have no impact on threatened species or endangered ecological communities (EEC). The Planning Proposal seeks to prevent negative impacts on threatened species and

SEPP		Consistency and Implications
		EEC through the application of an appropriate land use zone.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004		Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008		Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy (Housing) 2021		Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development		Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy (Planning Systems) 2021		Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy (Primary Production) 2021		The Planning Proposal seeks to rezone several rural parcels of land, which are used for recreation purposes. The application of a recreation zone to these sites is considered appropriate given the current use of the land. The amendment is of minor significance as the land in question is not capable of supporting a viable agricultural enterprise.
State Environmental Planning Policy (Resilience and Hazards) 2021		<p>The Planning Proposal relates to some land that is subject to flooding. The extent of the Flood Planning Area is shown in the maps included in Section C of this Planning Proposal.</p> <p>In accordance with LEP Practice Note PN 09-002 the land is proposed to be rezoned C3 Environmental Management to reflect the flood hazard that affects the land.</p>
State Environmental Planning Policy (Resources and Energy) 2021		Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy (Transport and Infrastructure) 2021		Nothing in this Planning Proposal impacts on the operation of this SEPP.

## 7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

An assessment of relevant Section 117 Directions against the planning proposal is provided in the table below.

**Table 4: Relevant Section 117 Ministerial Directions**

Ministerial Direction		Consistency and Implications
Planning Systems		
1.1	Implementation of Regional Plans	<p><b>Consistent</b></p> <p>The Planning Proposal will not impact the operation of this direction.</p>
1.3	Approval and Referral Requirements	<p><b>Consistent</b></p>

		The Planning Proposal will not impact the operation of this direction.
1.4	Site Specific Provisions	<b>Consistent</b> The Planning Proposal will not impact the operation of this direction.
<b>Biodiversity and Conservation</b>		
3.1	Conservation Zones	<b>Consistent</b> The Planning Proposal seeks to apply an environmental zone to properties that are known to contain endangered ecological communities or critical habitat.
3.2	Heritage Conservation	<b>Consistent</b> The Planning Proposal will not impact the operation of this direction.
3.5	Recreation Vehicle Areas	<b>Consistent</b> The Planning Proposal will not impact the operation of this direction.
<b>Resilience and Hazards</b>		
4.1	Flooding	<p><b>Inconsistent</b></p> <p>The Planning Proposal includes several properties that are proposed to be rezoned residential, but contain artificial stormwater channels and are subject to high hazard flooding.</p> <p>However, it is considered that the provisions of the Planning Proposal that are inconsistent with the direction are of minor significance (in accordance with part 9(d) of the direction) on the basis that:</p> <ul style="list-style-type: none"> <li>- <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> allows certain environmental management works, e.g. flood mitigation works and waterways (including artificial waterways), to be undertaken in any zone. This is confirmed by DPIE Practice Note 10-001 and is the reason other forms of infrastructure (e.g. roads) often adopt the relevant adjacent zone, rather than the SP2 Infrastructure Zone.</li> <li>- The land that is proposed to be rezoned from RE1 Public Recreation to a residential zone (R2 or R3) cannot be developed for residential purposes, in the same manner a local road, zoned residential, cannot be developed for residential purposes.</li> <li>- The cadastral boundaries associated with the properties in question make it impractical for Council to apply a SP2 Infrastructure Zone to the land.</li> <li>- Some of the land currently zoned RE1 Public Recreation is presently in private ownership, is</li> </ul>



		<p>not proposed to be acquired by Council and must be rezoned.</p> <p><u>Note:</u> DPE advised on 30 March 2022 that the inconsistency of the planning proposal is justified in accordance with the terms of the direction.</p>
4.2	Coastal Management	<p><b>Not applicable</b></p> <p>The Planning Proposal does not apply to land within a coastal area.</p>
4.3	Planning for Bushfire Protection	<p><b>Consistent</b></p> <p>The Planning Proposal seeks to apply an environmental zone to properties that are known to pose a substantial bushfire risk.</p>
4.4	Remediation of Contaminated Land	<p><b>Consistent</b></p> <p>With the exception of site 69, Council is not aware of any previous contaminating activities within the land to which this Planning Proposal relates.</p> <p>Site 69 is presently zoned IN2 Light Industrial and contains an indoor recreation facility. Until 2009, the site was used as a clothing factory, but was repurposed under development consent 8/2012/42 as an indoor recreation facility in 2012. A hazardous materials survey was undertaken as a component of the development application, and while asbestos containing material was located in the site, this was required to be remediated in accordance with the documentation submitted with the development application.</p>
4.5	Acid Sulfate Soils	<p><b>Consistent</b></p> <p>The Planning Proposal will not impact the operation of this direction.</p>
4.6	Mine Subsidence and Unstable Land	<p><b>Consistent</b></p> <p>The Planning Proposal will not impact the operation of this direction.</p>
<b>Transport and Infrastructure</b>		
5.1	Integrating Land Use and Transport	<p><b>Consistent</b></p> <p>The Planning Proposal seeks to rezone several parcels of land to better reflect their current use for recreation purposes. In this regard, the proposed zone amendments are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> <li>a) Improving Transport Choice – Guidelines for planning and Development (DUAP 2001); and</li> <li>b) The Right Place for Business and Services – Planning Policy (DUAP 2001)</li> </ul>
5.2	Reserving Land for Public Purposes	<p><b>Inconsistent</b></p> <p>The Planning Proposal amends the area of land set aside for a public purpose in the LGA. The</p>

		<p>amendments are considered to be of minor significance.</p> <p><u>Note:</u> DPE advised on 30 March 2022 that the inconsistency of the planning proposal is agreed to on the basis that the amendments reflect historical and current use of the land.</p>
5.3	Development Near Regulated Airports and Defence Airfields	<p><b>Consistent</b></p> <p>The Planning Proposal will not impact the operation of this direction.</p>
5.4	Shooting Ranges	<p><b>Consistent</b></p> <p>The Planning Proposal will not impact the operation of this direction.</p>
<b>Housing</b>		
6.1	Residential Zones	<p><b>Inconsistent</b></p> <p>The Planning Proposal seeks to rezone several residential parcels of land, which are used for recreation purposes. The application of a recreation zone to these sites is considered appropriate given the current use of the land. The amendment is of minor significance as the land in question is set aside as local park, or contains threatened species, or is subject to natural hazards that would otherwise prevent a residential use of the land.</p> <p><u>Note:</u> DPE advised on 30 March 2022 that the inconsistency of the planning proposal is justified in accordance with the terms of the direction.</p>
6.2	Caravan Parks and Manufactured Home Estates	<p><b>Consistent</b></p> <p>No change to the permissibility of caravan parks is proposed by this Planning Proposal.</p>
<b>Industry and Employment</b>		
7.1	Business and Industrial Zones	<p><b>Inconsistent</b></p> <p>Two of the proposed mapping amendments relate to land that is proposed to be zoned for commercial purposes, i.e. sites 62 and 66 (also site 39).</p> <p>Site 62 is privately owned and contains an existing commercial building. The site cannot remain zoned RE1 Public Recreation. The application of a B1 Neighbourhood Centre Zone is appropriate, is consistent with the zoning in the immediate area and is of minor significance.</p> <p>Site 66 is privately owned and is split zoned R3 Medium Density Residential, RE1 Public Recreation and B4 Mixed Use. The site cannot remain partially zoned RE1 Public Recreation and it preferable to remove the split zoning. The application of an C3 Environmental Management Zone to the site is appropriate in consideration of site flood</p>

		<p>affectation. The amendment to the land use zone is considered to be of minor significance.</p> <p><u>Note:</u> DPE advised on 30 March 2022 that the inconsistency of the planning proposal is justified in accordance with the terms of the direction.</p>
<b>Resources and Energy</b>		
8.1	Mining, Petroleum Production and Extractive Industries	<p><b>Consistent</b></p> <p>The Planning Proposal will not impact the operation of this direction.</p>
<b>Primary Production</b>		
9.1	Rural Zones	<p><b>Inconsistent</b></p> <p>The Planning Proposal seeks to rezone several rural parcels of land, which are used for recreation purposes. The application of a recreation zone to these sites is considered appropriate given the current use of the land. The amendment is of minor significance as the land in question is not capable of supporting a viable agricultural enterprise.</p> <p><u>Note:</u> DPE advised on 30 March 2022 that the inconsistency of the planning proposal is justified in accordance with the terms of the direction.</p>
9.2	Rural Lands	<p><b>Inconsistent</b></p> <p>The Planning Proposal seeks to rezone several rural parcels of land, which are used for recreation purposes. The application of a recreation zone to these sites is considered appropriate given the current use of the land. The amendment is of minor significance as the land in question is not capable of supporting a viable agricultural enterprise.</p> <p><u>Note:</u> DPE advised on 30 March 2022 that the inconsistency of the planning proposal is justified in accordance with the terms of the direction.</p>
9.3	Oyster Aquaculture	<p><b>Consistent</b></p> <p>The Planning Proposal will not impact the operation of this direction.</p>

## Section C: Environmental, Social and Economic Impact

### 8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

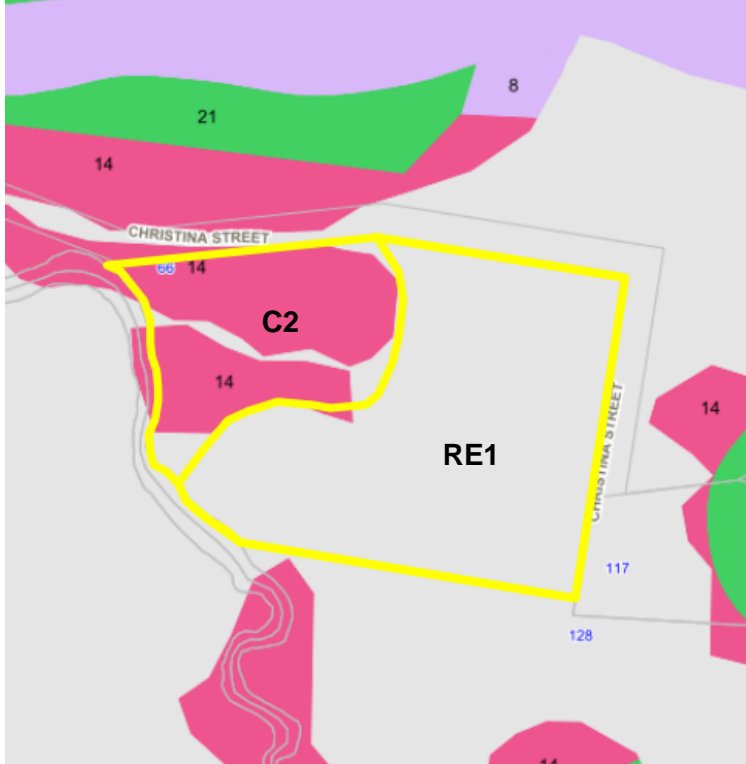
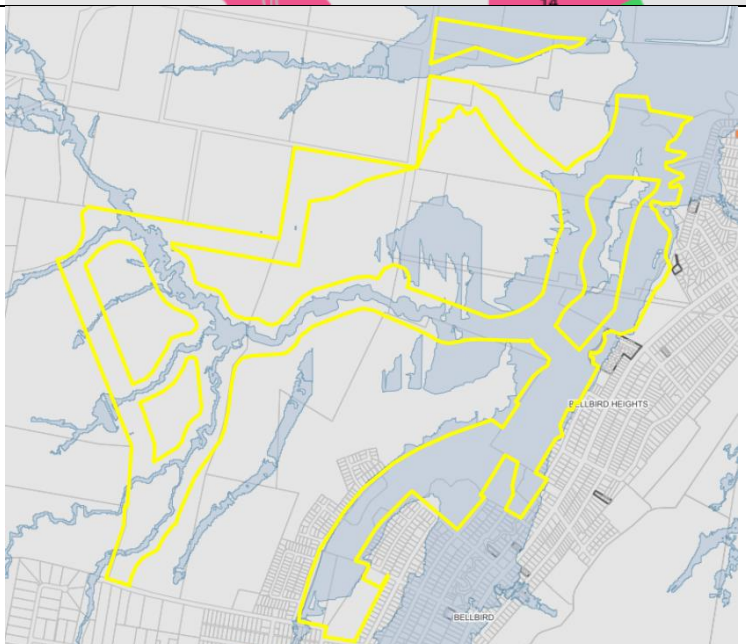
The Planning Proposal will have no impact on threatened species or endangered ecological communities (EEC). The Planning Proposal seeks to prevent negative impacts on threatened species and EEC through the application of an appropriate land use zone.



## 9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The Planning Proposal will have no impact on environmentally sensitive land or endangered ecological communities (EEC). The Planning Proposal seeks to prevent negative impacts on threatened species and EEC by applying an appropriate environmental land use zone to that land.

**Table 5: Environmental Considerations**

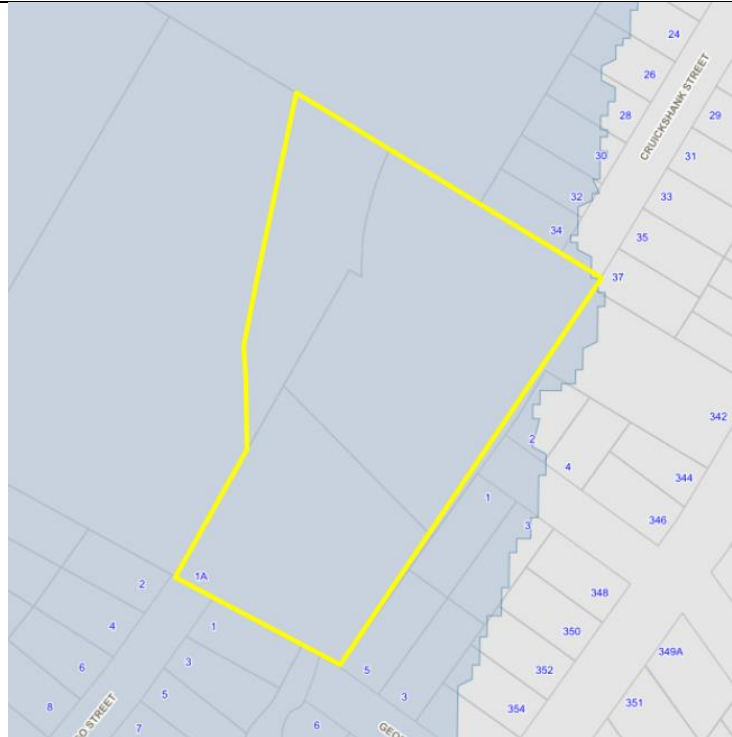
<p><b>Map Amendment No. 29</b></p> <p>Part of the site is mapped as containing Wollombi Redgum River Oak Forest, which is an Endangered Ecological Community (EEC).</p> <p>The extent of the EEC is shown on the map opposite.</p> <p>In accordance with Practice Note PN 09-002, the part of the site containing the EEC is proposed to be rezoned C2 Environmental Conservation, to acknowledge the potential significance of the vegetation.</p>	
<p><b>Map Amendment No. 30</b></p> <p>The majority of the land is subject to flooding. The extent of the Flood Planning Area is shown on the map opposite.</p> <p>In accordance with LEP Practice Note PN 09-002 the land is proposed to be rezoned C3 Environmental Management to reflect the flood hazard that affects the majority of the land.</p> <p>It is also noted that the land is currently in private ownership and therefore, should not be zoned RE1 Public Recreation.</p>	

### **Map Amendment No. 32**

The whole of the land is subject to flooding. The extent of the Flood Planning Area is shown on the map opposite.

In accordance with LEP Practice Note PN 09-002 the land is proposed to be rezoned C3 Environmental Management to reflect the flood hazard that affects the land.

It is also noted that the land is currently in private ownership and therefore, should not be zoned RE1 Public Recreation.

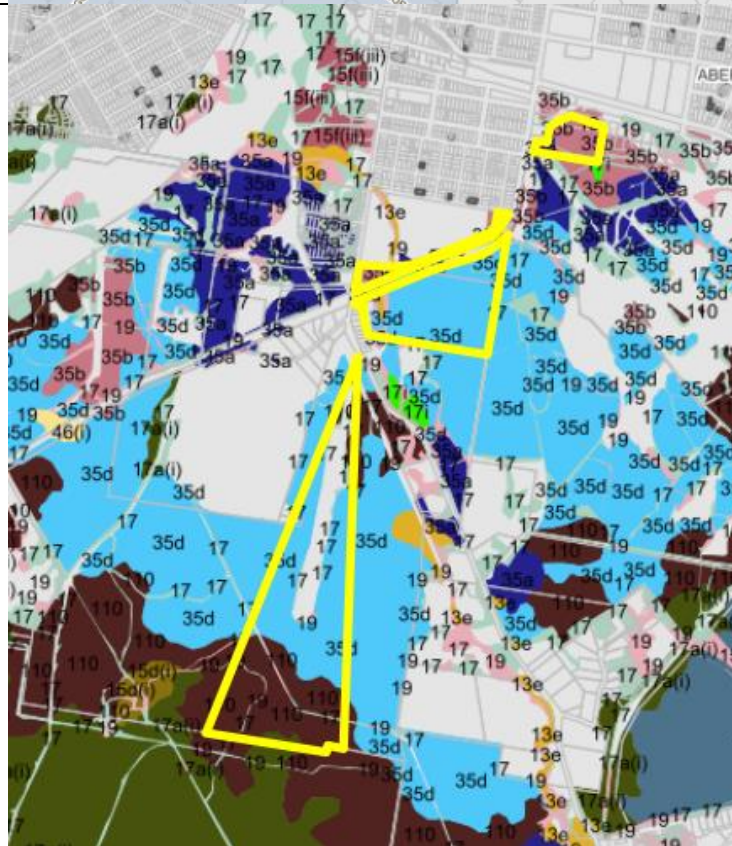


### **Map Amendment No. 33**

The site is mapped as containing EECs. The extent of the EECs is shown on the map opposite.

- Kurri Sands Stringybark Forest.
- Lower Hunter Spotted Gum - Ironbark Forest.
- Hunter Lowland Redgum Forest.
- Kurri Sands Heath Woodland.

In accordance with Practice Note PN 09-002, the site is proposed to be rezoned C2 Environmental Conservation, to acknowledge the potential significance of the vegetation.

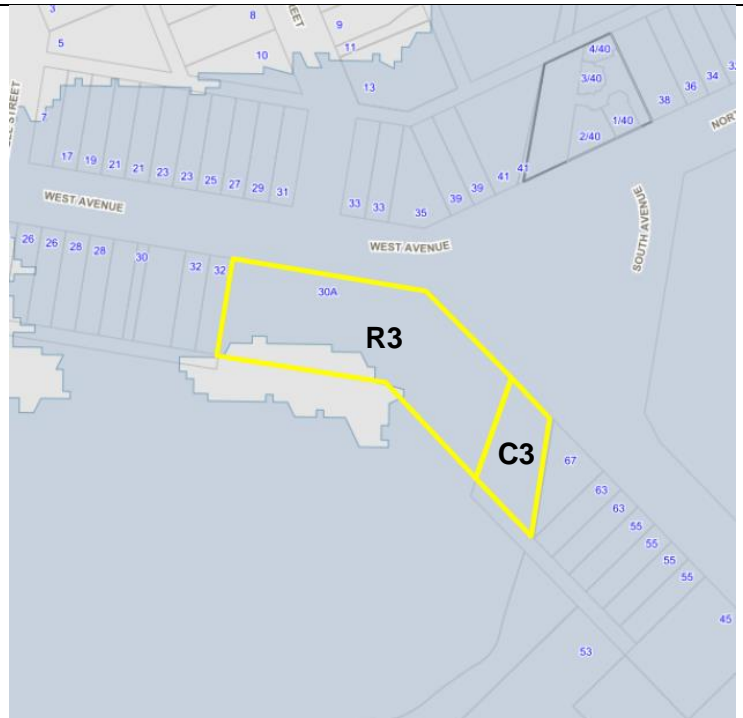


### **Map Amendment No. 35**

The majority of the land is subject to flooding. The extent of the Flood Planning Area is shown on the map opposite.

In accordance with LEP Practice Note PN 09-002 the land is proposed to be rezoned C3 Environmental Management to reflect the flood hazard.

It is also noted that the land is currently in private ownership and therefore, should not be zoned RE1 Public Recreation.



### **Map Amendment No. 36**

The majority of the land is subject to flooding. The extent of the Flood Planning Area is shown on the map opposite.

In accordance with LEP Practice Note PN 09-002 the land is proposed to be rezoned C3 Environmental Management to reflect the flood hazard.

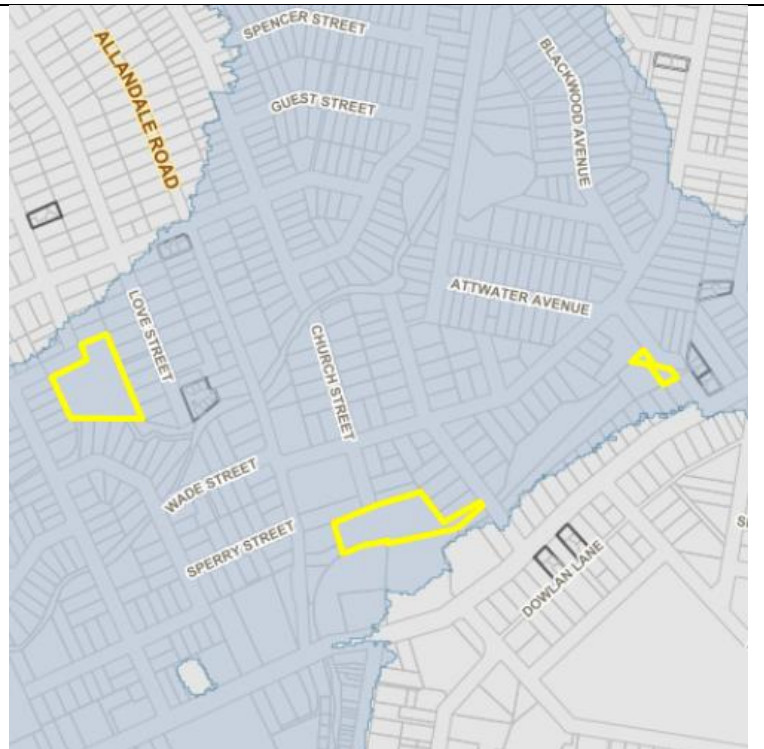




### **Map Amendment No. 39**

The whole of the land is subject to flooding. The extent of the Flood Planning Area is shown on the map opposite.

In accordance with LEP Practice Note PN 09-002 the land is proposed to be rezoned C3 Environmental Management to reflect the flood hazard that affects the land.

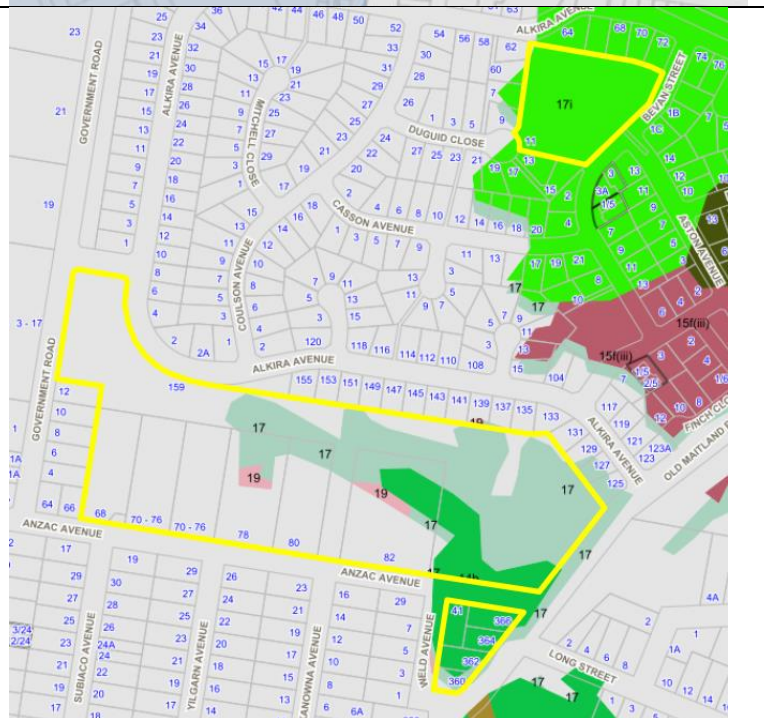


### **Map Amendment No. 40**

The site is mapped as containing EECs. The extent of the EECs is shown on the map opposite.

- Lower Hunter Spotted Gum - Ironbark Forest
- Lower Hunter Grey Box Grassy Forest
- Lower Hunter Spotted Gum Red Ironbark Forest
- Riparian Apple - Grey Gum Dune Forest,

In accordance with Practice Note PN 09-002, the site is proposed to be rezoned C2 Environmental Conservation, to acknowledge the potential significance of the vegetation.

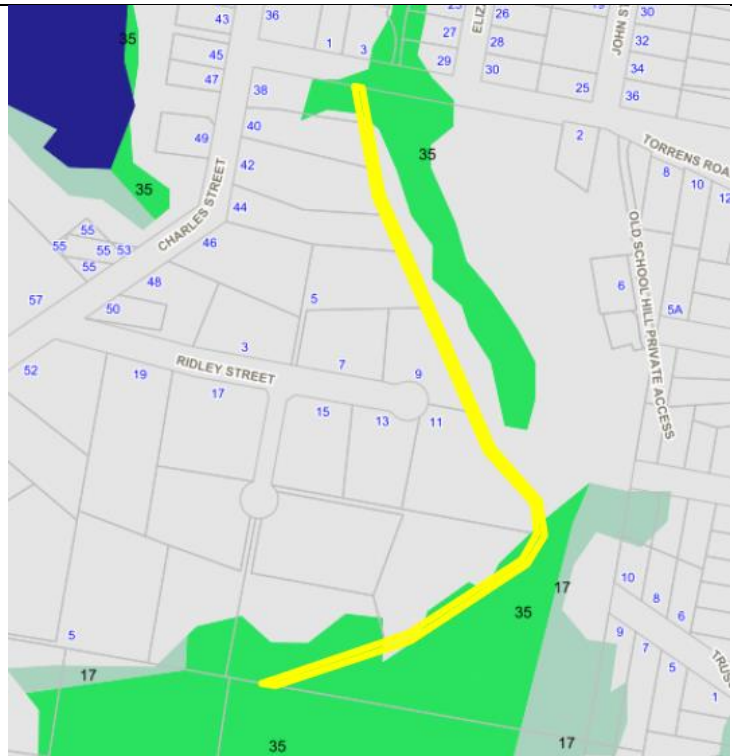


### **Map Amendment No. 42**

Part of the site is mapped as containing Kurri Sand Swamp Woodland, which is an Endangered Ecological Community (EEC).

The extent of the EEC (mapped as item 14) is shown on the map opposite.

In accordance with Practice Note PN 09-002, the part of the site containing the EEC is proposed to be rezoned C2 Environmental Conservation, to acknowledge the potential significance of the vegetation.



### **Map Amendment No. 44**

The site is mapped as containing EECs. The extent of the EECs is shown on the map opposite.

- Kurri Sands Heath Woodland
- Kurri Sand Swamp Woodland
- Lower Hunter Spotted Gum - Ironbark Forest
- Lower Hunter Spotted Gum - Red Ironbark Forest

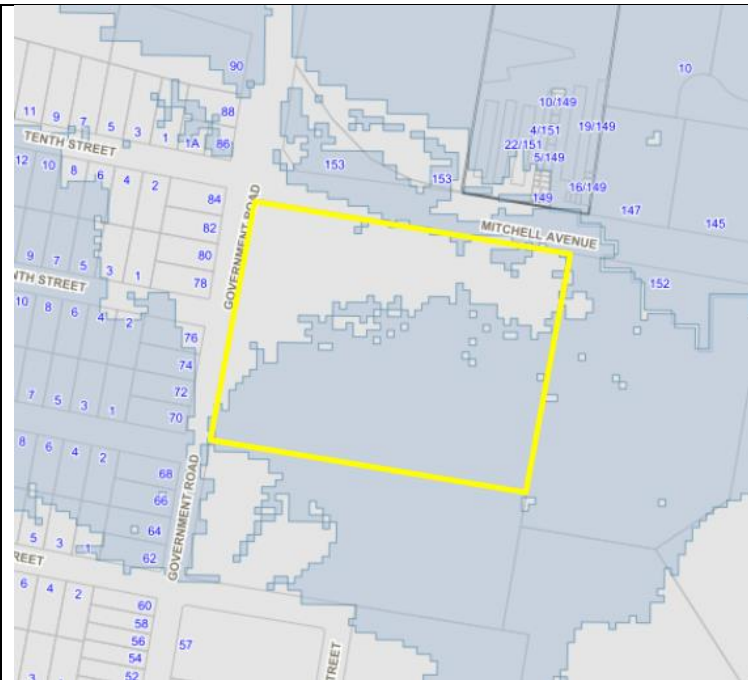
In accordance with Practice Note PN 09-002, the site is proposed to be rezoned C2 Environmental Conservation, to acknowledge the potential significance of the vegetation.



#### **Map Amendment No. 45**

The majority of the land is subject to flooding. The extent of the Flood Planning Area is shown on the map opposite.

In accordance with LEP Practice Note PN 09-002 the land is proposed to be rezoned C3 Environmental Management to reflect the flood hazard.



#### **Map Amendment No. 47**

The whole of the land is subject to flooding. The extent of the Flood Planning Area is shown on the map opposite.

In accordance with LEP Practice Note PN 09-002 the land is proposed to be rezoned C3 Environmental Management to reflect the flood hazard that affects the land.





## Map Amendment No. 48

The site is mapped as containing EECs. The extent of the EECs is shown on the map opposite.

- Kurri Sand Swamp Woodland
- Lower Hunter Spotted Gum – Red Ironbark Forest

In accordance with Practice Note PN 09-002, the site is proposed to be rezoned C2 Environmental Conservation, to acknowledge the potential significance of the vegetation.



## Map Amendment No. 49

Part of the site is mapped as containing Kurri Sand Swamp Woodland, which is an Endangered Ecological Community (EEC).

The extent of the EEC (mapped as item 14) is shown on the map opposite.

In accordance with Practice Note PN 09-002, the part of the site containing the EEC is proposed to be rezoned C2 Environmental Conservation, to acknowledge the potential significance of the vegetation.



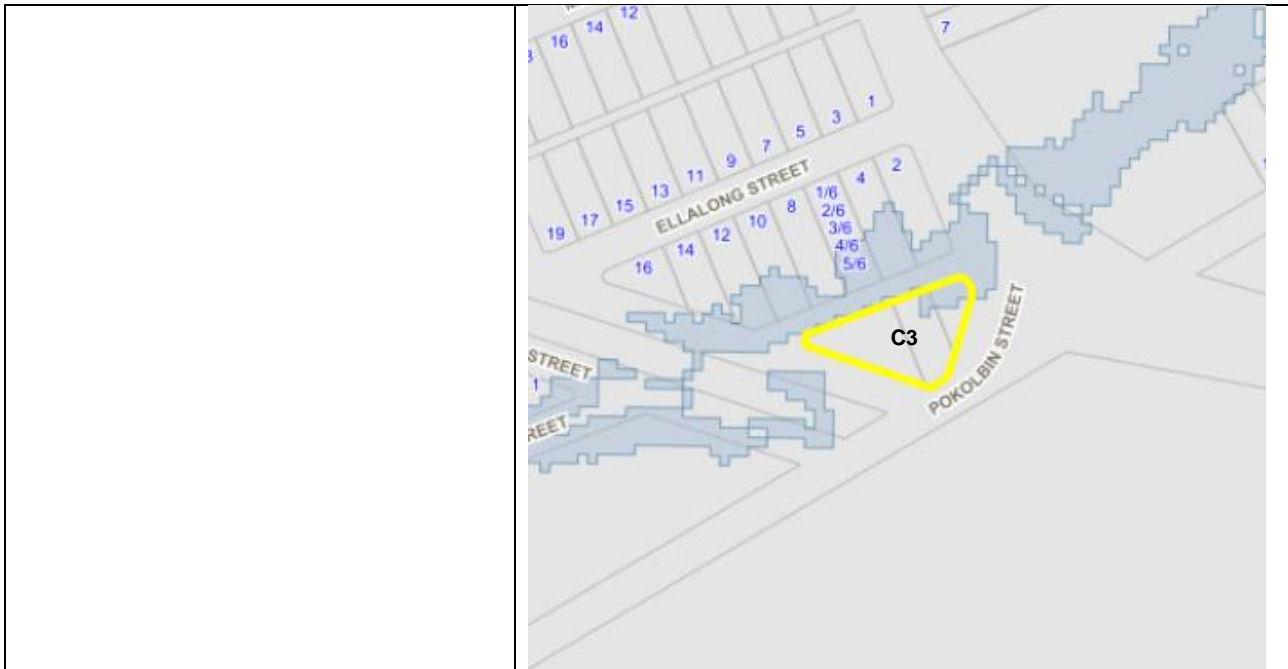
## Map Amendment No. 50

The site is mapped as containing EECs. The extent of the EECs is shown on the map opposite.

- Lower Hunter Spotted Gum – Red Ironbark Forest
- Lower Hunter Spotted Gum - Ironbark Forest

In accordance with Practice Note PN 09-002, the site is proposed to be rezoned C2 Environmental Conservation, to acknowledge the potential significance of the vegetation.

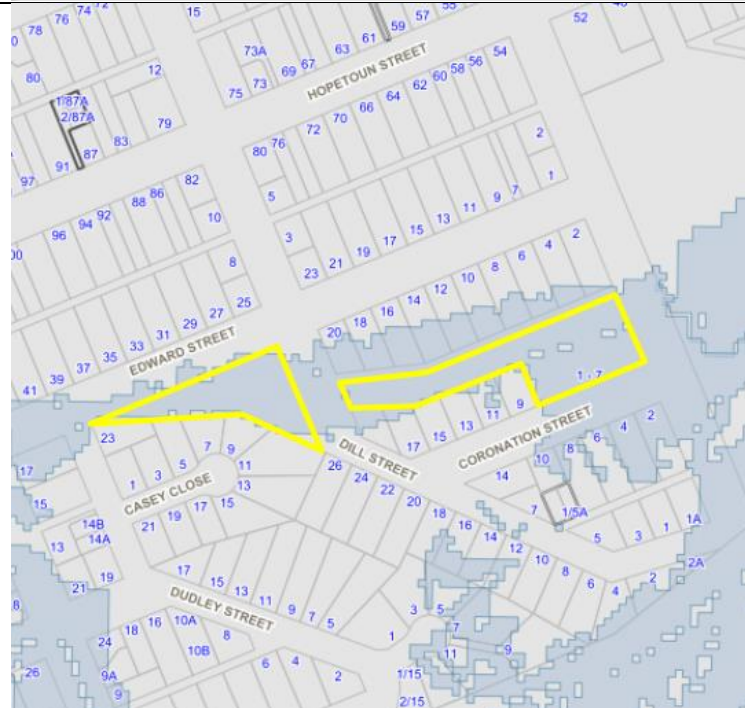




### **Map Amendment No. 51**

The majority of the land is subject to flooding. The extent of the Flood Planning Area is shown on the map opposite.

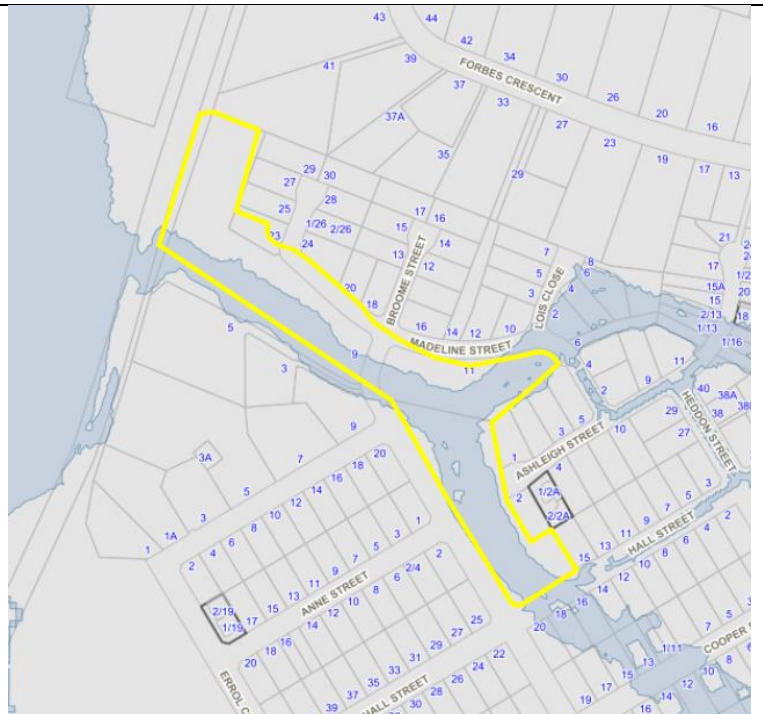
In accordance with LEP Practice Note PN 09-002 the land is proposed to be rezoned C3 Environmental Management to reflect the flood hazard.



### **Map Amendment No. 52**

Part of the land is subject to flooding. The extent of the Flood Planning Area is shown on the map opposite.

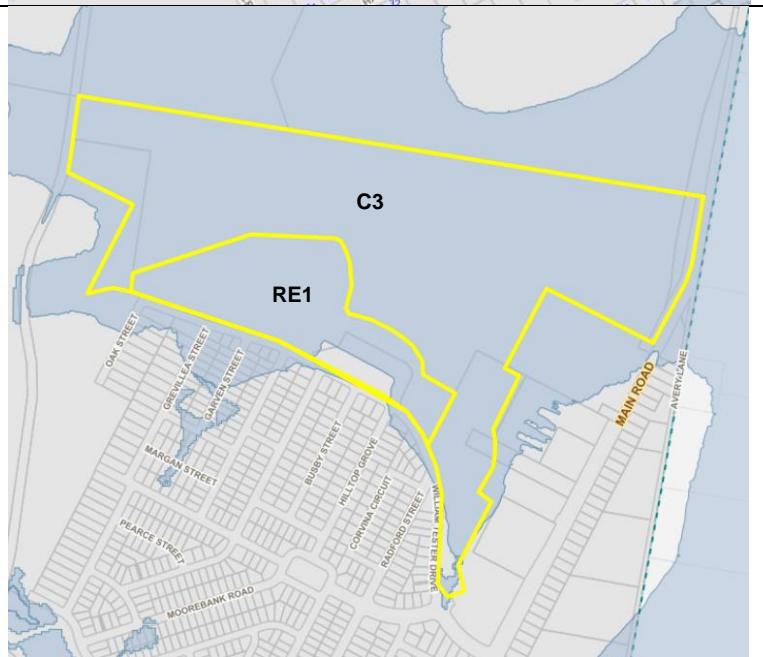
In accordance with LEP Practice Note PN 09-002 the land is proposed to be rezoned C3 Environmental Management to reflect the flood hazard that affects the land.



### **Map Amendment No. 54**

The majority of the land is subject to flooding. The extent of the Flood Planning Area is shown on the map opposite.

In accordance with LEP Practice Note PN 09-002 the land is proposed to be rezoned C3 Environmental Management to reflect the flood hazard that affects the land.



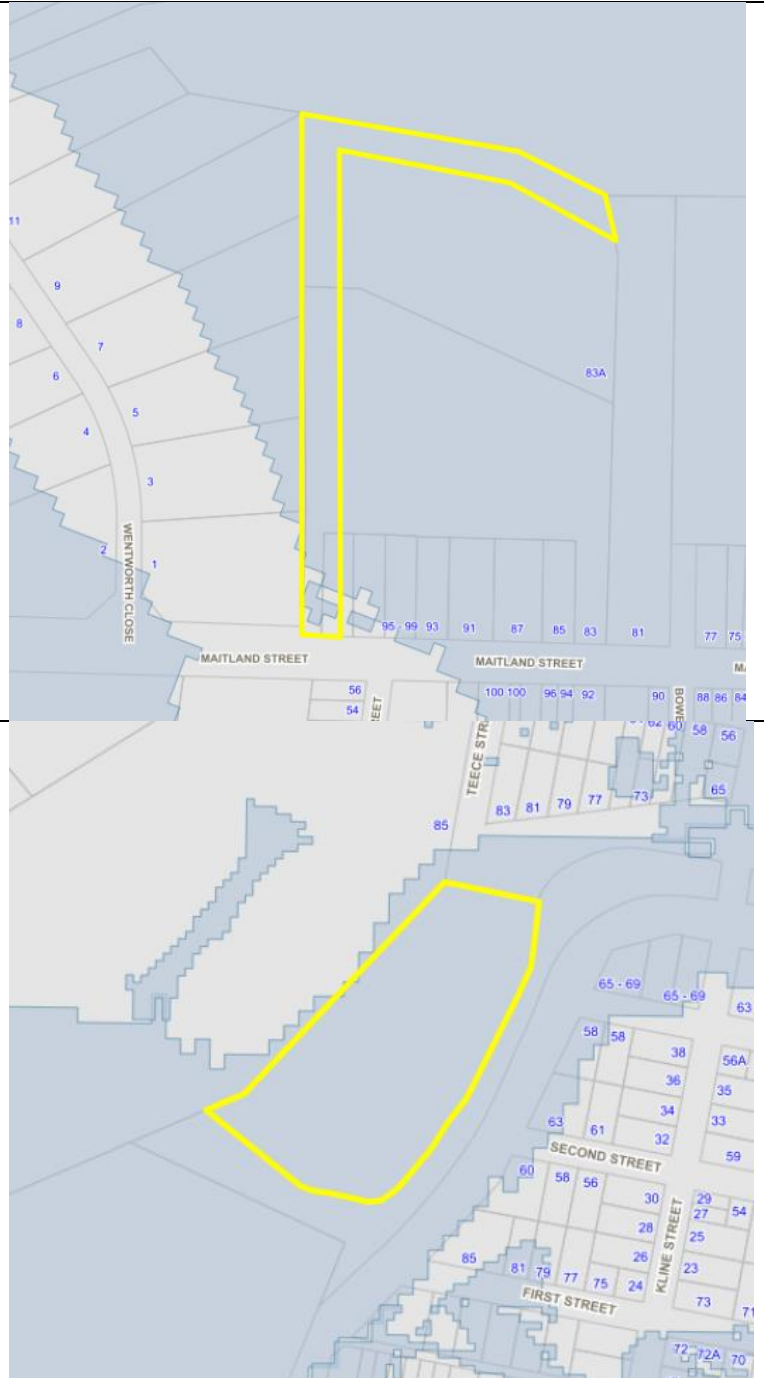


### **Map Amendment No. 56**

The majority of the land is subject to flooding. The extent of the Flood Planning Area is shown on the map opposite.

In accordance with LEP Practice Note PN 09-002 the land is proposed to be rezoned C3 Environmental Management to reflect the flood hazard that affects the land.

It is also noted that the land is currently in private ownership and therefore, should not be zoned RE1 Public Recreation.

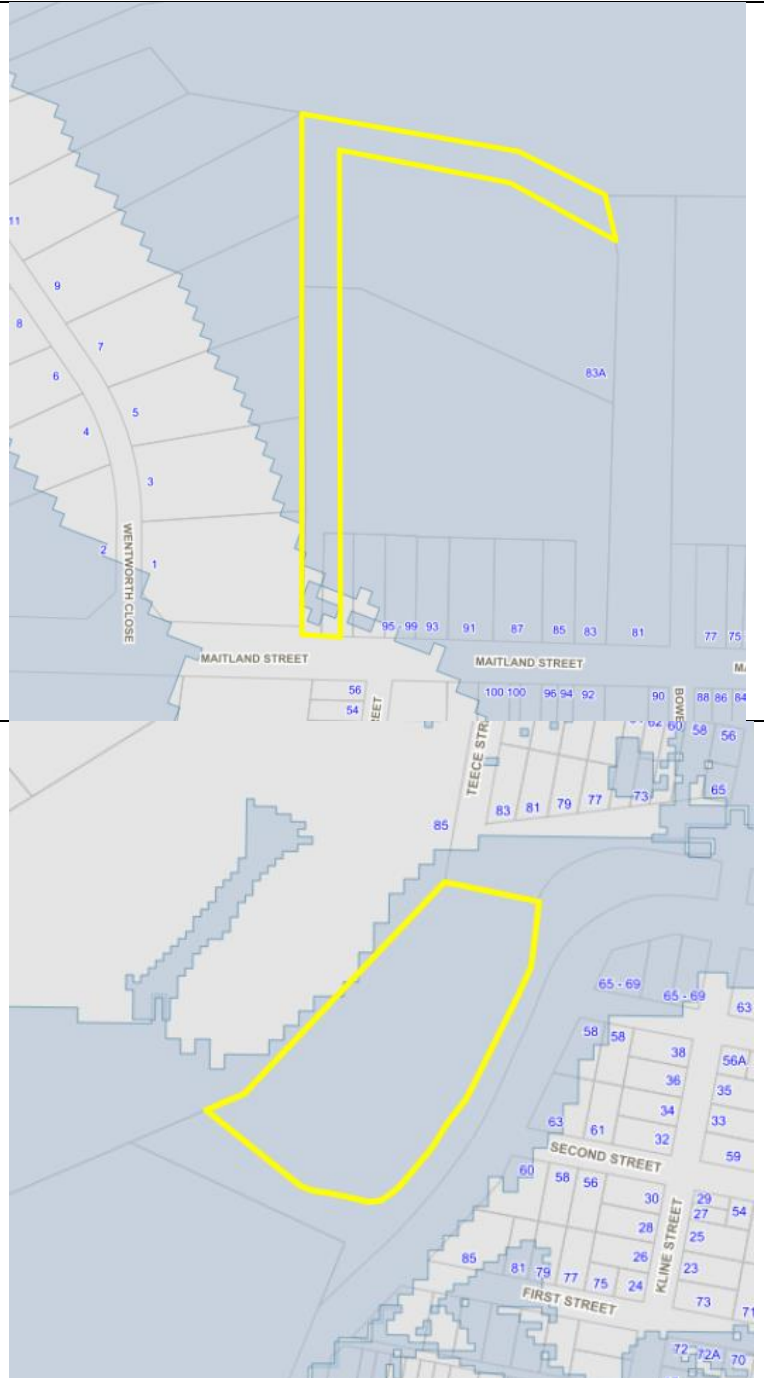


### **Map Amendment No. 60**

The whole of the land is subject to flooding. The extent of the Flood Planning Area is shown on the map opposite.

In accordance with LEP Practice Note PN 09-002 the land is proposed to be rezoned C3 Environmental Management to reflect the flood hazard that affects the land.

It is also noted that the land is currently in private ownership and therefore, should not be zoned RE1 Public Recreation.



## Map Amendment No. 68

The majority of the land is subject to flooding. The extent of the Flood Planning Area is shown on the map opposite.

The land contains a privately owned indoor recreation facility and bowling green, which is more appropriately zoned RE2 Private Recreation.



## Map Amendment No. 69

The whole of the land is subject to flooding. The extent of the Flood Planning Area is shown on the map opposite.

1A contains a privately owned indoor recreation facility. 1B contains a community facility. Both properties are more appropriately zoned RE2 Private Recreation.



### **Map Amendment No. 70**

Part of the land is subject to flooding. The extent of the Flood Planning Area is shown on the map opposite.

Land contains a privately owned indoor recreation facility, which is more appropriately zoned RE2 Private Recreation.



The Planning Proposal relates to several properties that are proposed to be rezoned residential, but contain artificial stormwater channels and are subject to flooding. However, it is considered that the provisions of the Planning Proposal in relation to flood prone land have merit on the basis that:

- State Environmental Planning Policy (Transport and Infrastructure) 2021 allows certain environmental management works, e.g. flood mitigation works and waterways (including artificial waterways), to be undertaken in any zone. This is confirmed by DPIE Practice Note 10-001 and is the reason other forms of infrastructure (e.g. roads) often adopt the relevant adjacent zone, rather than the SP2 Infrastructure Zone.
- The land that is proposed to be rezoned from RE1 Public Recreation to a residential zone (R2 or R3) cannot be developed for residential purposes, in the same manner a local road, zoned residential, cannot be developed for residential purposes.
- The cadastral boundaries associated with the properties in question make it impractical for Council to apply a SP2 Infrastructure Zone to the land.
- Some of the land currently zoned RE1 Public Recreation is presently in private ownership, is not proposed to be acquired by Council and must be rezoned.

### **10 Has the planning proposal adequately addressed any social and economic effects?**

The planning proposal is unlikely to have any significant adverse social or economic impacts. The Planning Proposal will not generate demand for additional public infrastructure.



## **Section D: Infrastructure (Local, State and Commonwealth)**

### **11 Is there adequate public infrastructure for the planning proposal?**

The Planning Proposal will have no impact on public infrastructure; however, it does seek to apply an appropriate land use zone to land that contains public infrastructure.

## **Section E: State and Commonwealth Interests**

### **12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

Council will undertake consultation with public authorities and the community as required by the Gateway determination. The following government agencies are likely to have an interest in the planning proposal:

- The Biodiversity Conservation Division (BCD) of DPIE
- Hunter Water Corporation (HWC)
- Subsidence Advisory (SA)

The following community group is also likely to have an interest in the planning proposal:

- Mindaribba Local Aboriginal Land Council (MLALC)

## **PART 4: MAPS**

The following LEP map sheets will be required to be amended as a result of the Planning Proposal.

### **Land Zoning Map**

- LZN\_003
- LZN\_005A
- LZN\_006B
- LZN\_006C
- LZN\_006CA
- LZN\_006D
- LZN\_009
- LZN\_009A
- LZN\_009AA

### **Land Size Map**

- LSZ\_003
- LSZ\_005A
- LSZ\_006B
- LSZ\_006C
- LSZ\_006CA
- LSZ\_006D
- LSZ\_009
- LSZ\_009A
- LSZ\_009AA

### **Land Reservation Acquisition Map**

- LRA\_006CA
- LRA\_006D
- LRA\_009A

## PART 5: COMMUNITY CONSULTATION

Community consultation will be undertaken in accordance with a Gateway determination.

## PART 6: PROJECT TIMELINE

It is estimated that the proposed amendment to the LEP will be completed by November 2022, following receipt of a Gateway determination from the Department of Planning and Environment. Additional time has been added to the timeline taking into consideration the Christmas period and scheduling of Council meetings.

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.

**Table 6: Indicative project timeline.**

Plan Making Stage		Nov 2021	Dec 2021	Jan 2022	Feb 2022	Mar 2022	Apr 2022	May 2022	Jun 2022	Jul 2022	Aug 2022	Sep 2022	Oct 2022	Nov 2022
<b>STAGE 1</b>	Submit to DPIE for Gateway Determination													
<b>STAGE 2</b>	Receive Gateway Determination													
<b>STAGE 3</b>	Preparation of documentation for Public Exhibition													
<b>STAGE 4</b>	Public Exhibition													
<b>STAGE 5</b>	Review/consideration of submission received													
<b>STAGE 6</b>	Report to Council													
<b>STAGE 7</b>	Forward Planning Proposal to DPIE with request the amendment be made													



## **Appendix 1: Council Report and Minutes**

Report to Ordinary Meeting of Council – PE55/2021 – 20 October 2021

Minutes of Ordinary Meeting of Council – PE55/2021 – 20 October 2021

All Council reports and minutes are accessible from Council's website:

<http://www.cessnock.nsw.gov.au/council/meetings>.

## Appendix 2: RE1 and RE2 Zone Land Use Table Amendments

All SILEP defined land uses are listed in the table below and were reviewed for their compatibility with the RE1 Public Recreation and RE2 Private Recreation Zone objectives. Land uses outlined **RED** in the table below are recommended changes to the land use matrix.

Cessnock Local Environmental Plan 2011						
Rural Zone Land Use Matrix		Public Recreation (Existing)	Public Recreation (Proposed)	Reason	Private Recreation (Existing)	Private Recreation (Proposed)
Legend						
o permitted without consent [mandated under the SI].						
o permitted without consent.						
c permitted with consent [mandated under the SI].						
c permitted with consent.						
x prohibited [mandated under the SI].						
x prohibited.						
A permitted under SEPP (Affordable Rental Housing) 2009.						
I permitted under SEPP (Infrastructure) 2007.						
E permitted under SEPP (Educational Establishments and Child Care Facilities) 2017						
fill colours in green or red mandated under the SI.						
fill colour in purple public infrastructure permitted under a SEPP.						
		RE1	RE1		RE2	RE2
(LAND USE terms WITHIN agriculture group term)						
<b>agriculture</b>						
	aquaculture	c	c		c	c
	Oyster aquaculture	c	c		c	c
	Pond-based aquaculture	c	c		c	c
	Tank-based aquaculture	c	c		c	c
	extensive agriculture [eg. grazing of livestock, etc.]	x	x		x	x
	bee keeping	x	x		x	x
	dairy (pasture-based)	x	x		x	x
	intensive livestock agriculture [eg. poultry farms, etc.]	x	x		x	x
	feedlots	x	x		x	x
	dairies (restricted)	x	x		x	x
	pig farm	x	x		x	x
	poultry farm	x	x		x	x
	intensive plant agriculture [eg. cultivation of irrigated crops]	x	x		x	x
	horticulture	x	x		x	x
	turf farming	x	x		x	x

		viticulture	x	x		x	x	
(LAND USE terms OUTSIDE agriculture group term)								
		animal boarding or training establishments	x	x		x	x	
		farm buildings	x	x		x	x	
		forestry	x	x		x	x	
(LAND USE terms WITHIN residential accommodation group term)								
		<b>residential accommodation</b>	x	x		x	x	
		attached dwellings	x	x		x	x	
		boarding houses	x	x		x	x	
		dual occupancies	x	x		x	x	
		dual occupancies (attached)	x	x		x	x	
		dual occupancies (detached)	x	x		x	x	
		dwelling houses	x	x		x	x	
		group homes	x	x		x	x	
		group homes (permanent)	x	x		x	x	
		group homes (transitional)	x	x		x	x	
		hostels	x	x		x	x	
		multi dwelling housing	x	x		x	x	
		residential flat buildings	x	x		x	x	
		rural worker's dwellings	x	x		x	x	
		secondary dwellings	x	x		x	x	
		semi-detached dwellings	x	x		x	x	
		seniors housing	x	x		x	x	
		residential care facilities	x	x		x	x	
		shop top housing	x	x		x	x	
(LAND USE terms OUTSIDE residential accommodation group term)								
		home business	x	x		x	x	
		home occupations	x	x		x	x	
		home occupation (sex services)	x	x		x	x	
(LAND USE terms WITHIN tourist and visitor accommodation group term)								
		<b>tourist and visitor accommodation</b>	x	x		x	x	
		backpackers' accommodation	x	x		x	x	
		bed & breakfast accommodation	x	x		x	x	
		farm stay accommodation	x	x		x	x	
		hotel or motel accommodation	x	x		x	x	
		serviced apartments	x	x		x	x	

(LAND USE terms OUTSIDE tourist and visitor accommodation group term)							
	camping grounds	C	C		C	C	
	caravan parks	C	C		C	C	
	eco-tourist facilities	X	X		X	X	
(LAND USE terms WITHIN commercial premises group term)							
<b>commercial premises</b>			X	X	X	X	
	<b>business premises</b> [eg. banks, post offices, hairdressers, etc.]	X	X		X	X	
	funeral homes	X	X		X	X	
	goods repair and reuse premises	X	X		X	X	
<b>office premises</b>			X	X	X	X	
<b>retail premises</b>			X	X	X	X	
	cellar door premises	X	X		X	X	
	food & drink premises	X	X		X	X	
	pubs	X	X		X	X	
	restaurants or cafes	X	C	Permitting the land use will enable greater flexibility for compatible employment generating development to occur in the zone.	X	C	Permitting the land use will enable greater flexibility for compatible employment generating development to occur in the zone.
	take-away food & drink premises	X	X		X	X	
	small bars	X	X		X	X	
	garden centres	X	X		X	X	
	hardware & building supplies	X	X		X	X	
	kiosks	C	C		C	C	
	landscaping material supplies	X	X		X	X	
	markets	X	C	Permitting the land use will allow for compatible tourist-related activities to occur in the zone.	X	C	Permitting the land use will allow for compatible tourist-related activities to occur in the zone.
	plant nurseries	X	X		X	X	
	roadside stalls	X	X		X	X	
	rural supplies	X	X		X	X	
	shops	X	X		X	X	
	neighbourhood shops	X	X		X	X	
	neighbourhood supermarkets	X	X		X	X	
	Specialised retail premises	X	X		X	X	
	timber yards	X	X		X	X	
	vehicle sales or hire premises	X	X		X	X	
(LAND USE terms OUTSIDE commercial premises group term)							



	amusement centres	x	x		x	c	
	entertainment facilities	x	c	Permitting the land uses will allow for compatible tourist-related activities and enable greater flexibility for employment generating development to occur in the zone.	x	c	Permitting the land uses will allow for compatible tourist-related activities and enable greater flexibility for employment generating development to occur in the zone.
	function centres	x	c		x	c	
	highway service centres	x	x		x	x	
	industrial retail outlets	x	x		x	x	
	registered clubs	x	x		c	c	
	restricted premises	x	x		x	x	
	service stations	x	x		x	x	
	sex services premises	x	x		x	x	
	veterinary hospitals	x	x		x	x	
	wholesale supplies	x	x		x	x	
(LAND USE terms WITHIN rural industry group term)							
	<b>rural industries</b> [eg. use of composting facilities and works]	x	x		x	x	
	agricultural produce industries	x	x		x	x	
	livestock processing industries	x	x		x	x	
	sawmill or log processing industries	x	x		x	x	
	stock & sale yards	x	x		x	x	
(LAND USE terms WITHIN industry group term)							
	<b>industries</b>	x	x		x	x	
	heavy industries	x	x		x	x	
	hazardous industry	x	x		x	x	
	offensive industry	x	x		x	x	
	light industries	x	x		x	x	
	artisan food and drink industry	x	x		x	x	
	creative industries	x	x		x	x	
	high technology industries	x	x		x	x	
	data centre	x	x		x	x	
	home industry	x	x		x	x	
	general industries	x	x		x	x	
(LAND USE terms OUTSIDE industry group term)							
	boat building and repair facilities	x	x		x	x	
	vehicle body repair workshops	x	x		x	x	
	vehicle repair stations	x	x		x	x	

(LAND USE terms WITHIN heavy industrial storage establishment group term)						
	<b>heavy industrial storage establishments</b>	x	x		x	x
	hazardous storage establishments	x	x		x	x
	liquid fuel depots	x	x		x	x
	offensive storage establishments	x	x		x	x
(LAND USE terms WITHIN storage premises group term)						
	<b>storage premises</b>	x	x		x	x
	self storage units	x	x		x	x
(LAND USE terms OUTSIDE storage premises group term)						
	depots	x	x		x	x
	warehouse or distribution centres	x	x		x	x
	Local distribution premises	x	x		x	x
(LAND USE terms WITHIN sewerage system group term)						
	<b>sewerage systems</b>	x	x		x	x
	biosolids treatment facilities	x	x		x	x
	sewage reticulation systems	I	I		I	I
	sewage treatment plants	x	x		x	x
	water recycling facilities	x	x		x	x
(LAND USE terms WITHIN waste or resource management facility group term)						
	<b>waste or resource management facilities</b>	x	x		x	x
	resource recovery facilities	x	x		x	x
	waste disposal facilities	x	x		x	x
	waste or resource transfer stations	x	x		x	x
(LAND USE terms WITHIN water supply system group term)						
	<b>water supply systems</b>	x	x		x	x
	water reticulation systems	x	x		x	x
	water storage facilities	x	x		x	x
	water treatment facilities	x	x		x	x
(LAND USE terms WITHIN air transport facility group term)						
	<b>air transport facilities</b>	x	x		x	x
	airport	x	x		x	x
	heliport	C	x	The use has the potential to intensify land use conflict within recreation land.	x	x
(LAND USE terms OUTSIDE air transport facility group term)						
	airstrip	x	x		x	x

helipad	x	x		c	x	The use has the potential to intensify land use conflict within recreation land.
(Other LAND USE terms relating to infrastructure)						
car parks	x	x		x	x	
electricity generating works	x	x		x	x	
freight transport facilities	x	x		x	x	
passenger transport facilities	x	x		x	x	
port facilities	x	x		x	x	
roads	c	c		c	c	
transport depots	x	x		x	x	
truck depots	x	x		x	x	
wharf or boating facilities	x	x		x	x	
(LAND USE terms WITHIN educational establishment group term)						
educational establishments [eg. TAFE establishment, etc.]	x	x		x	x	
schools	x	x		x	x	
(LAND USE terms WITHIN health services facility group term)						
health services facilities	x	x		x	x	
hospitals	x	x		x	x	
medical centres	x	x		x	x	
health consulting rooms	x	x		x	x	
(Other LAND USE terms relating to community infrastructure)						
early education & care facilities [eg TAFE establishment etc.]	x	x		x	x	
centre-based child care facilities	c	c		x	x	
home-based child care	x	x		x	x	
school-based child care	x	x		x	x	
community facilities	c	c		c	c	
correctional centres	x	x		x	x	
emergency services facilities	x	c	Permitting the land use will allow for compatible forms of emergency services facilities to collocate on public recreation land.	x	x	
industrial training facilities	x	x		x	x	
information and education facilities	x	c	Permitting the land uses will allow for compatible tourist-related activities and enable greater flexibility for employment generating development to occur in the zone.	x	c	Permitting the land uses will allow for compatible tourist-related activities and enable greater flexibility for employment generating development to occur in the zone.
places of public worship	x	x		x	x	

	public administration building	x	x		x	x	
	research stations	x	x		x	x	
	respite day care centres	c	x	The use has the potential to intensify land use conflict in recreation land.	x	x	
(LAND USE terms WITHIN signage group term)							
	signage	x	c	The use is not contrary to the zone objectives and will assist with wayfinding in certain recreation land.	x	x	
	advertising structure	x	c	The use will provide opportunities for Council and other public authorities to obtain revenue through advertising on certain public recreation land, e.g. on fencing around sportsgrounds.	x	x	
	building identification sign	x	c	The use is not contrary to the zone objectives and will assist with wayfinding in certain recreation land.	x	c	The use is not contrary to the zone objectives and will assist with wayfinding in certain recreation land.
	business identification sign	x	c		x	c	
(LAND USE terms relating to recreation)							
	boat launching ramps	x	x		x	x	
	boat sheds	x	x		x	x	
	charter & tourism boating facilities	x	x		x	x	
	environmental facilities	c	c		c	c	
	jetties	x	x		x	x	
	marinas	x	x		x	x	
	mooring	x	x		x	x	
	mooring pens	x	x		x	x	
	recreation areas	c	c		c	c	
	recreation facilities (indoor)	c	c		c	c	
	recreation facilities (major)	c	c		c	c	
	recreation facilities (outdoor)	c	c		c	c	
	water recreation structures	x	x		x	x	
(Other miscellaneous LAND USE terms)							
	cemetery	x	x		x	x	
	crematorium	x	x		x	x	
	environmental protection works	c	c		c	c	
	exhibition homes	x	x		x	x	
	exhibition villages	x	x		x	x	
	extractive industries	x	x		x	x	
	flood mitigation works	x	x		x	x	
	mortuaries	x	x		x	x	



	open cut mining	x	x		x	x	
	(OTHER LAND USES)						
	development which cannot be characterised into any land uses defined in the SI	x	x		x	x	