

Cessnock Local Environmental Plan 2011 Amendment - Greta Train Support Facility

Proposal Title : Cessnock Local Environmental Plan 2011 Amendment - Greta Train Support Facility

Proposal Summary : The Planning Proposal (PP) seeks to rezone the subject land from RU2 Rural Landscape to part SP2 Infrastructure (Railway) and part E2 Environmental Conservation.

The rezoning will make the Train Support Facility (TSF), already approved for the site under Part 3A of the EP&A Act 1979, permissible under Cessnock Local Environmental Plan 2011. Otherwise the development will need to rely on existing use right provisions. The significant vegetation (approximately 19.8ha), which forms part of the biodiversity offset package for the TSF, will be zoned E2 Environmental Conservation.

In addition, it is proposed to amend the lot size map, so that there is no minimum requirement for the land zoned SP2 Infrastructure and an 80ha minimum requirement for the land zoned E2 Environmental Conservation.

PP Number : PP_2012_CESSN_006_00 Dop File No : 12/19797

Planning Team Recommendation

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

S.117 directions :
 1.2 Rural Zones
 1.5 Rural Lands
 2.1 Environment Protection Zones

Additional Information : It is recommended that:

1. The Planning Proposal be supported.

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

- (a) the Planning Proposal be made publicly available for 14 days;
- (b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 4.5 of A guide to preparing LEPs (Department for Planning 2009).

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

- Office of Environment and Heritage
- Department of Sustainability, Environment, Water, Population and Communities

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

4. The Director General (or delegate) approves the minor inconsistencies with the Minister's S117 Direction 1.5 Rural Lands. The inconsistency is justified as of minor significance because the land has minimal agricultural potential, the SP2 zoning is appropriate for the approved Train Support Facility and the land is located between the main Northern Railway and the Hunter Expressway.

5. A public hearing is not required to be held into the matter by any person or body under

section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.

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

Supporting Reasons :

The rezoning will make the Train Support Facility (TSF), approved for the site under Part 3A of the EP&A Act 1979, permissible under Cessnock Local Environmental Plan 2011. Otherwise the Pacific National will need to rely on existing use right provisions. Also zoning infrastructure SP2 is consistent with the SI LEP practice note PN11-002.

The part of the site identified by the Part 3A approval as containing environmental lands (approximately 19.8ha), will be zoned E2 Environmental Conservation. The conservation lands will be managed in accordance with the bio-banking agreement, which is currently being finalised. No further environmental studies are considered necessary.

Panel Recommendation

Recommendation Date : **20-Dec-2012**

Gateway Recommendation : **Passed with Conditions**

Panel

Recommendation :

The Planning Proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to include current land zoning and lot size maps, which clearly identified the subject site. The 'explanation of provisions' within the planning proposal is to be amended to identify the minimum lot size proposed for the subject site.

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

(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012) and must be made publicly available for 14 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012).

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

- Office of Environment and Heritage
- Department of Sustainability, Environment, Water, Population and Communities.

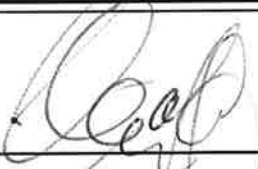
Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may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

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

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

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Signature:



Printed Name:

Neil McGavin

Date:

21.12.12