

Cessnock Local Environmental Plan 2011 Amendment - Vintage Balance Lands & Beggars Bridge

Proposal Title :	Cessnock Local Environmental Plan 2011 Amendment - Vintage Balance Lands & Beggars Bridge		
Proposal Summary :	The Planning Proposal aims to rezone the subject land from RU4 Primary Production Small Lots to SP3 Tourist zone under the Cessnock Local Environmental Plan 2011. The site is part of a larger tourism/ housing development known as 'The Vintage'. The rezoning will permit the development of a 200 unit "village resort" (villas/ apartments), approximately 210 residential dwellings for permanent occupancy, 40 rural residential lots, and 9 hole extension to the existing 18 hole golf course. The other proposed uses such as cellar door, viticulture and restaurants are already permissible in the RU4 Primary Production Small Lots zone. Dwelling houses are permitted but there is a 40ha minimum lot size requirement. The Lower Hunter Regional Strategy identifies the Pokolbin vineyard and tourism precincts as a specialised centre, with the potential to provide an additional 1,600 jobs. It does not identify the subject lands as an residential release area.		
PP Number :	PP_2013_CESSN_002_00	Dop File No :	13/05663

Planning Team Recommendation

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

S.117 directions : **1.5 Rural Lands**

Additional Information : **It is recommended that the Planning Proposal should proceed, subject to the following conditions:**

1. Council is encouraged to consider whether the proposed SP3 zone should also be extended to include the whole Vintage site, to reinforce the integrated nature of uses.
2. Council is to undertake a site investigation into potential contamination of the land in accordance with SEPP 55 – Remediation of Land to ensure the land is capable of supporting the proposed future land use. The planning proposal is to be amended to reflect the outcome of the investigation prior to the commencement of public exhibition.
3. The subject site be identified as an Urban Release Area and the Department's model clause adopted to require the development to contribute towards the provision of designated State Infrastructure, provide required public utility infrastructure and that a DCP is prepared before any development application is determined.
4. Council needs to ensure that the requirements of the following S117 Directions are addressed in the public exhibition material:
 - S117 Direction 1.2 Rural Zones
 - S117 Direction 1.5 Rural Lands
 - S117 Direction 2.3 Heritage Conservation
 - S117 Direction 3.4 Integrating Land Use and Transport
 - S117 Direction 3.1 Residential Zones
 - S117 Direction 4.3 Flood Prone Land
 - S117 Direction 4.4 Planning for Bushfire Protection
 - S117 Direction 5.1 Implementation of Regional Strategies
- 5 Council is to provide additional information within the public exhibition material regarding the following matters to suitable identify all impacts that may result from the

proposed development:

- flora and fauna
- bushfire risk
- aboriginal archaeology
- land contamination (SEPP 55)
- traffic
- infrastructure and services
- agricultural land use
- water management
- the social and economic impacts of the proposal

Additionally, Council is to provide additional information addressing consistency with the Upper Hunter Strategic Regional Land Use Plan, and also addressing the matters previously raised by the Planning Assessment Commission.

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

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

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

- NSW Aboriginal Land Council
- Office of Environment and Heritage
- NSW Department of Primary Industries – Agriculture
- NSW Department of Primary Industries - Minerals and Petroleum
- Hunter Water Corporation
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services

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.

8. Further to Condition 7 above, Council is to consult with the Commissioner of the NSW Rural Fire Service and, prior to undertaking community consultation, take into account any comments made and amend the planning proposal (if necessary) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

9. Council should amend the planning proposal to reflect the requirements of the Gateway determination. Council needs to provide a copy of the revised proposal to the Department's Regional Team prior to the commencement of exhibition.

10. 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).

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

Supporting Reasons :

This Planning Proposal seeks to facilitate residential development within an SP3 zone, as part of an approved larger tourist development, in the Hunter Valley Vineyards. Use of the SP3 zone will reinforce that the development is part of a larger integrated development, and it is recommended that Council consider applying the SP3 zone to the remainder of the site. It is also recommended that the site be mapped as an urban release area in

relation to state infrastructure.

The proposal represents an opportunity for expansion of the existing Vintage development, and would provide economic stimulus in this area.

It is noted that a Gateway Determination has recently been issued for the nearby "Golden Bear" proposal, in August 2012. The Golden Bear proposal includes 300 residential dwellings, a hotel, golf course and 250 tourist villas. A determination was issued on the basis that the tourism component was consistent with the LHRS, and additional studies were required post Gateway to justify the permanent residential component.

It is acknowledged that further studies will be required, and these will need to address issues such as s.117 Directional matters raised by the PAC, among other issues.

A strategic review of permanent residential dwellings in this locality would be beneficial in light of the current approved and proposed developments underway in the locality, and this is a matter to be considered as part of the review of the Lower Hunter Regional Strategy. The Vintage already has approval for 522 dwellings, the Golden Bear proposes up to 300 dwellings and this Planning Proposal proposes an additional 410 dwellings and 40 rural residential allotments. This potentially provides a total of 1272 dwellings (up to 3300 residents).

Panel Recommendation

Recommendation Date : **24-Apr-2013**

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 update the 'explanation of provisions' within the planning proposal to identify how the intended outcomes of the proposal are to be achieved by an amendment to Cessnock LEP 2011, including advising whether the proposal intends to amend the minimum lot size of the subject land and advise of the maximum development potential of the land.**
- 2. Council is to consider extending the proposed SP3 zone to include the entire Vintage site to reinforce the integrated nature of uses on the land. If this approach is supported, Council is to amend the planning proposal and accompanying maps accordingly, prior to undertaking public exhibition.**
- 3. Council is to place on public exhibition the draft land use table for the SP3 zone and current (and where applicable, proposed) land zoning, lot size and urban release area maps, which are at an appropriate scale and clearly identify the subject site.**
- 4. Prior to undertaking public exhibition, Council is to update the planning proposal to include a project timeline, consistent with Section 2.6 Part 6 of the A Guide to Preparing Planning Proposals. The project timeline is to provide a mechanism to monitor the progress of the planning proposal.**
- 5. Prior to undertaking public exhibition, Council is to update the planning proposal to identify the subject site as an Urban Release Area and include the department's model clauses 6.1 Arrangements for designated State public infrastructure, 6.2 Public utility infrastructure, 6.3 Development control plan and 6.4 Relationship between part and remainder of plan to require the development to contribute towards the provision of infrastructure.**
- 6. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.**

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

- flora and fauna
- bushfire risk
- Aboriginal archaeology
- traffic
- infrastructure and services
- water management
- social and economic impacts of the proposal
- agricultural land suitability and capability
- flooding
- visual impact
- public utility feasibility

8. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions and other relevant documents:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- Upper Hunter Strategic Regional Land Use Plan
- Lower Hunter Regional Strategy
- matters raised by the Planning Assessment Commission in its assessment of the Golden Bear and Vintage Balance Lands proposals.

Council is to update the planning proposal accordingly prior to undertaking public exhibition, and provide a copy of the revised planning proposal to the department's regional office.

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

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

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

- NSW Aboriginal Land Council
- Office of Environment and Heritage
- NSW Department of Primary Industries - Agriculture
- NSW Department of Primary Industries - Minerals and Petroleum
- Hunter Water Corporation
- Transport for NSW - Roads and Maritime Services
- NSW Police
- Hunter Valley Wine Industry Association
- Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)

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

11. 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).

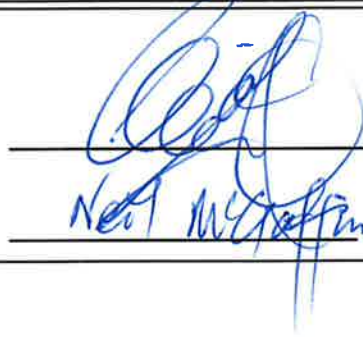
12. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Plan making delegations:

The LEP Review Panel has recommended Council not be issued with plan making delegation because Council has been asked to address various strategic and environmental matters, prior to undertaking public exhibition.

Signature: _____

Printed Name: _____



Neil McEwen

Date: _____

2.5.13.