

Cessnock Local Environmental Plan 2011 Amendment - Dwelling Entitlements at Quorrobolong

Proposal Title :	Cessnock Local Environmental Plan 2011 Amendment - Dwelling Entitlements at Quorrobolong		
Proposal Summary :	The Planning Proposal aims to amend the Dwelling Entitlements Map to provide dwelling entitlements for the following allotments:- a. Lot 1 DP 873717, 94 Nash Road Quorrobolong b. Lot 2 DP 873717, 45 Nash Road Quorrobolong c. Lot 96 755254, 116 Nash Road Quorrobolong d. Lot 54 755254, 46 Nash Road Quorrobolong Council supports granting dwelling entitlements for these allotments based on the recommendations of the Independent Peer Review prepared by Cityplan Strategy and Development Pty Limited (2011) which summarises the long standing planning history including numerous planning errors.		
PP Number :	PP_2013_CESSN_003_00	Dop File No :	13/05662

Proposal Details

Date Planning Proposal Received :	19-Apr-2013	LGA covered :	Cessnock
Region :	Hunter	RPA :	Cessnock City Council
State Electorate :	CESSNOCK	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Lot 2 DP873717		
Suburb :	45 Nash Road	City :	Quorrobolong
Land Parcel :		Postcode :	2325
Street :	Lot 1 DP873717		
Suburb :	94 Nash Road	City :	Quorrobolong
Land Parcel :		Postcode :	2325
Street :	Lot 54 DP755254		
Suburb :	46 Nash Road	City :	Quorrobolong
Land Parcel :		Postcode :	2325
Street :	Lot 96 DP755254		
Suburb :	116 Nash Road	City :	Quorrobolong
Land Parcel :		Postcode :	2325

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DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	Other	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Lower Hunter Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	4	No. of Dwellings (where relevant) :	4
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**
If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**
If Yes, comment :

Supporting notes

Internal Supporting Notes : Council supports granting dwelling entitlements for these allotments based on the recommendations of the Independent Peer Review prepared by Cityplan Strategy and Development Pty Limited (2011) which summarises the long standing planning history including numerous planning errors. Council has given incorrect planning advice, issued invalid approvals and not enforced conditions of consent.

Delays and errors in Council's development assessment and planning processes led to the establishment of the Independent Planning Panel. The Planning Panel was dissolved on 26 January 2012 because Council had largely implemented the recommendations of the independent review of its planning functions and the NSW Government wanted to return

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local planning powers back to local Councils.

Recognising dwelling entitlements for these allotments does not create an undesirable precedent because of the unique circumstances, which cannot be applied to other undersized allotments. Council needs to undertake a comprehensive review of all dwelling entitlements on undersized rural allotments and to clearly identify existing holdings.

Delegations

Council have not requested use of plan-making delegations. As the planning proposal is considered to have minor impacts, it is recommended Council are given plan-making delegations.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives explains that the purpose of the Planning Proposal is to give dwelling entitlements for the four undersized rural allotments.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions explains that Council intends to amend the Dwelling Entitlements Map.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.5 Rural Lands

* May need the Director General's agreement

4.2 Mine Subsidence and Unstable Land

4.4 Planning for Bushfire Protection

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP (Rural Lands) 2008

e) List any other
matters that need to
be considered :

N/A

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain :

Direction 1.5 Rural Lands

The Planning Proposal is consistent with this Direction and the rural planning principles specified in the Rural Land SEPP. It is not proposed to alter zoning provisions. C13(b) is not applicable as it is not proposed to amend the existing minimum lot size provisions.

Direction 4.2 Mine Subsidence and Unstable Land

Council advises that underground mining is occurring in this locality. However, the site is not identified as a proclaimed subsidence district. In the circumstances, Council should consult the Mine Subsidence Board

Direction 4.4 Planning for Bushfire Protection

Council needs to consult with the NSW Rural Fire Service before undertaking

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community consultation to satisfy the requirements of Direction 4.4 Planning for Bushfire Protection.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes to exhibit the planning proposal for 14 days because the rezoning is a 'low impact Planning Proposal'. Public notification of the exhibition will include a notice in the local newspaper and a notice in Council's website. This exhibition period is supported.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **SI LEP published 23 December 2011**

Assessment Criteria

Need for planning proposal : **Yes. The preparation of a Planning Proposal is the most appropriate mechanism to amend the Dwelling Entitlements Map .**

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Consistency with strategic planning framework :

Lower Hunter Regional Strategy (LHRS)

The Planning Proposal seeks recognition of dwelling entitlement for four (4) properties. It is considered that the Planning Proposal is sufficiently consistent with the LHRS which aims to provide housing and manage rural and environmental lands.

City Wide Settlement Strategy (2010)

The City Wide Settlement Strategy identifies the need to undertake a comprehensive review of all dwelling entitlements on undersized rural allotments and to clearly identify existing holdings.

Independent Peer Review prepared by Cityplan Strategy and Development Pty Limited (2011)

Council supports dwelling entitlements for these allotments based on the recommendations of the Independent Peer Review which summarises the long standing planning history including numerous planning errors associated with these sites.

Due to the matters raised, Council has asked that this independent report remains confidential.

Recognising dwelling entitlements for these allotments does not create an undesirable precedent because of the unique circumstances, which cannot be applied to other undersized allotments.

Environmental social economic impacts :

The Planning Proposal process will determine whether it is appropriate to recognise dwelling entitlements for four (4) properties. The development assessment process will determine whether the construction of a dwelling is appropriate after taking into consideration bushfire, onsite effluent disposal, mine subsidence and flora and fauna impacts.

Environmental

The site contains three vegetation Communities:- the Central Hunter Riparian Forest; Hunter Lowland Redgum Forest and Central Hunter Spotted Gum – Iron bark Forest. These vegetation types are listed as Endangered Ecological Communities under the TSC Act (1995). When a development application is lodged for a dwelling house including required bushfire asset protection zones, the potential impacts on flora and fauna will need to be assessed. In the circumstances, consultation with the Office of Environment and Heritage is not necessary at the rezoning stage.

Agricultural Lands

Council advises that the land is categorised as Class 5 Agricultural lands and is not currently use for any agricultural activities. In the circumstances, consultation with the Department of Primary Industries is not required/necessary.

Social and economic impacts

The recognition of dwelling entitlements will provide positive social and economic impacts through the provision of housing and the creation of construction jobs.

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Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 Month** Delegation : **DG**

Public Authority **Mine Subsidence Board**
Consultation - 56(2)(d) **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required.:

If Other, provide reasons :

No other studies are required for the rezoning. However it is noted that when a development application is lodged for a dwelling, it will be necessary to address s79C of the EPAA, 1979. Council will determine which studies are required, such as flora and fauna, bushfire and geotechnical for on-site effluent disposal.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Land Use Planning _ PlanningProposal _ Nash Road Version 2 _ April 2013.pdf	Proposal	Yes
Independent Peer Review - Confidential Report.pdf	Determination Document	No

Planning Team Recommendation

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

S.117 directions: **1.5 Rural Lands**
4.2 Mine Subsidence and Unstable Land
4.4 Planning for Bushfire Protection

Additional Information : **It is recommended that:**

1. The Planning Proposal be supported.

2.Council be required to consult with the NSW Rural Fire Service before undertaking community consultation to address the requirements of the Minister's S117 Direction 4.4

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Planning for Bushfire Protection.

3. 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)**

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

- **NSW Rural Fire Service**
- **Mine Subsidence Board**

The 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.

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.

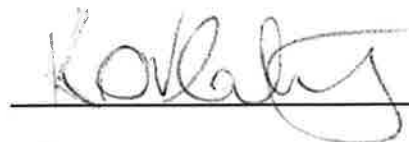
7. Council are given plan-making delegations.

In the covering letter, Council should be advised that it is necessary to undertake a comprehensive review of all dwelling entitlements on undersized rural allotments and to clearly identify existing holdings before submitting any future Planning Proposals to amend the dwelling entitlement map.

Supporting Reasons :

The Department recommends that the Planning Proposal should proceed based on the recommendations of the Independent Peer Review which summarises the long standing planning history including numerous planning errors.

Signature:



Printed Name:

KO'FLAHERTY

Date:

10/5/13

