

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

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 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**

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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.

Panel Recommendation

Recommendation Date : 16-May-2013

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The planning proposal should proceed subject to the following conditions:

1. 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 & Infrastructure 2013) and must be made publicly available for a minimum of 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 & Infrastructure 2013).

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

- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)

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.

3. 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).

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

Signature:



Printed Name:

NEIL SIMON

Date:

21/5/13