



PLANNING PROPOSAL
*Amendment to the
Cessnock Local Environment Plan 2011*

**Amendments
Cessnock
Local Environmental Plan 2011
“Deferred Matter”**

**Version 4.0
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PART 1: OBJECTIVES

In making the Cessnock Local Environmental Plan (LEP) 2011, certain lands illustrated in Figure 1 within the suburbs of Mulbring, Brunkerville, Mount Vincent, Richmond Vale, Buchanan, Stockrington, Black Hill and Buttai; and certain lands illustrated in Figure 2 within the suburbs of Wollombi, Cedar Creek, Sweetmans Creek, Paynes Crossing, Laguna and Bucketty were deferred from the Plan and identified as “Deferred Matter”.

This Planning Proposal aims to zone the “Deferred Matter” land to RU2 - Rural Landscape zone, E2 - Environmental Conservation zone and SP2 - Infrastructure zone as shown on the supporting maps and allocate a 40ha to land zoned RU2 – Rural Landscape and 80ha minimum lot size to land zoned E2 – Environmental Conservation under the Cessnock LEP 2011. A minimum lot size does not apply to the SP2 - Infrastructure zone.

The Planning Proposal will also provide for the full extent of heritage listing under the Cessnock Local Environmental Plan 2011, for affected properties and the Wollombi Conservation Area as shown in Figure 3.

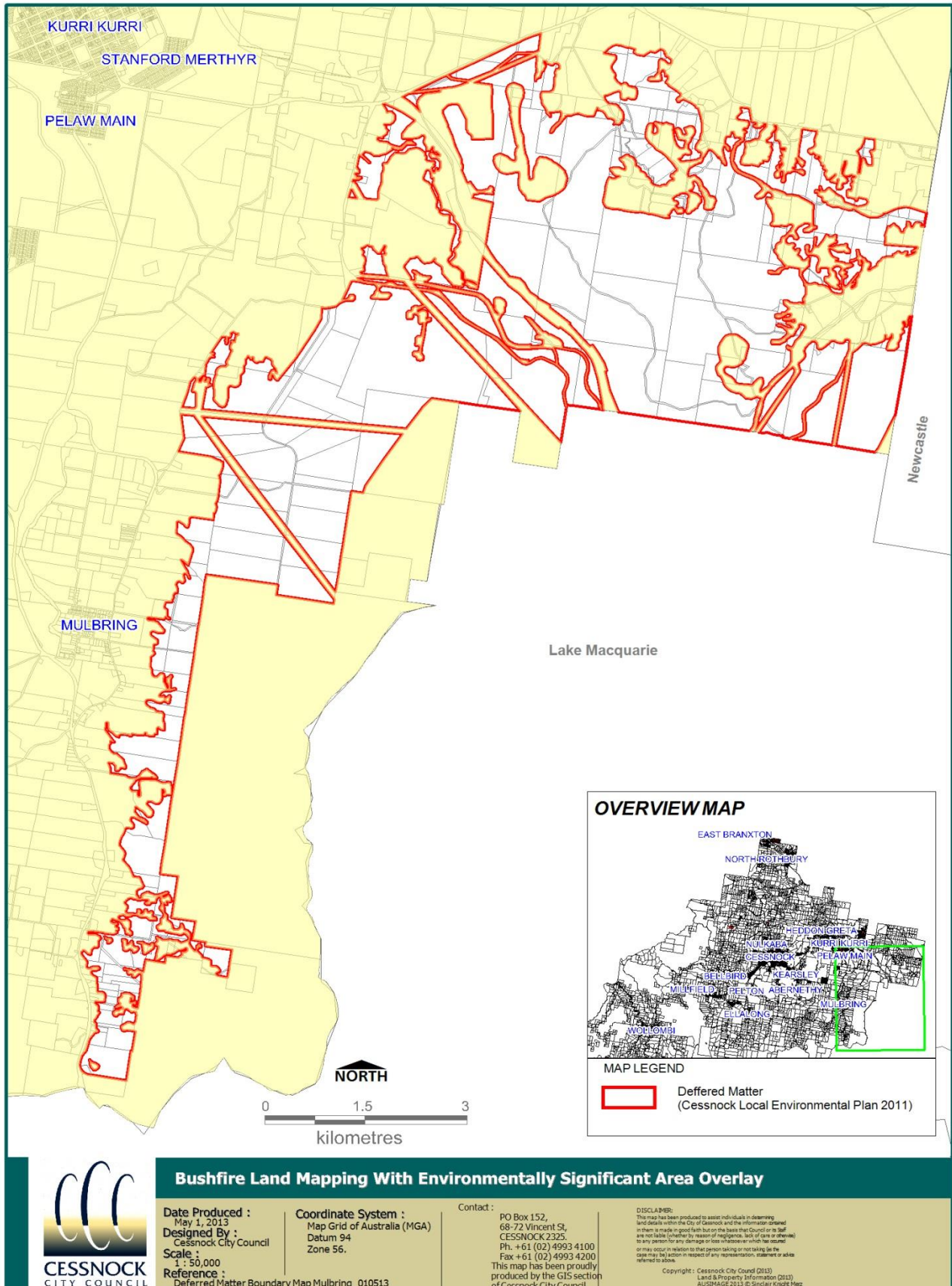


Figure 1 - Deferred Matter - Mulbring

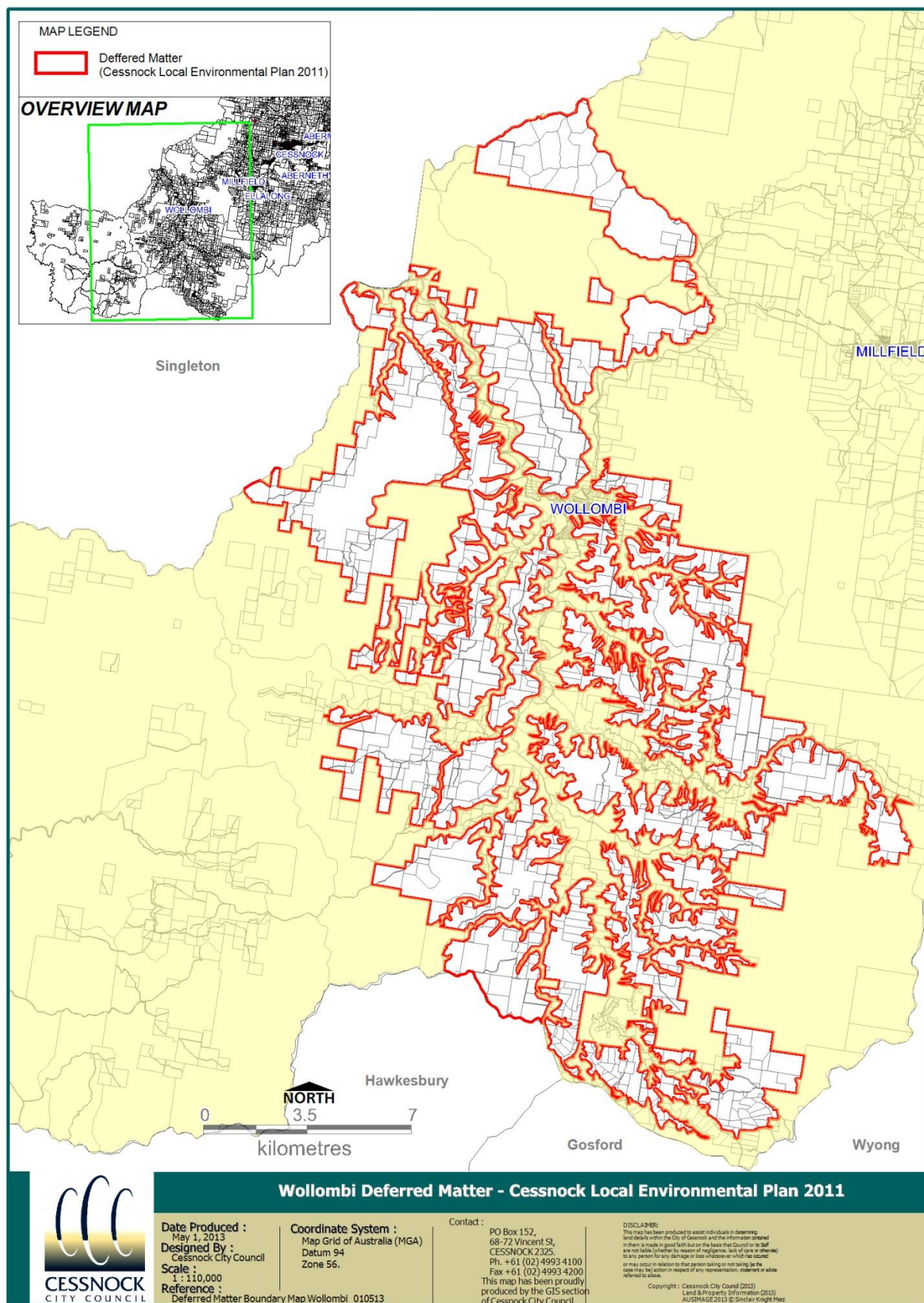


Figure 2 - Deferred Matter - Wollombi

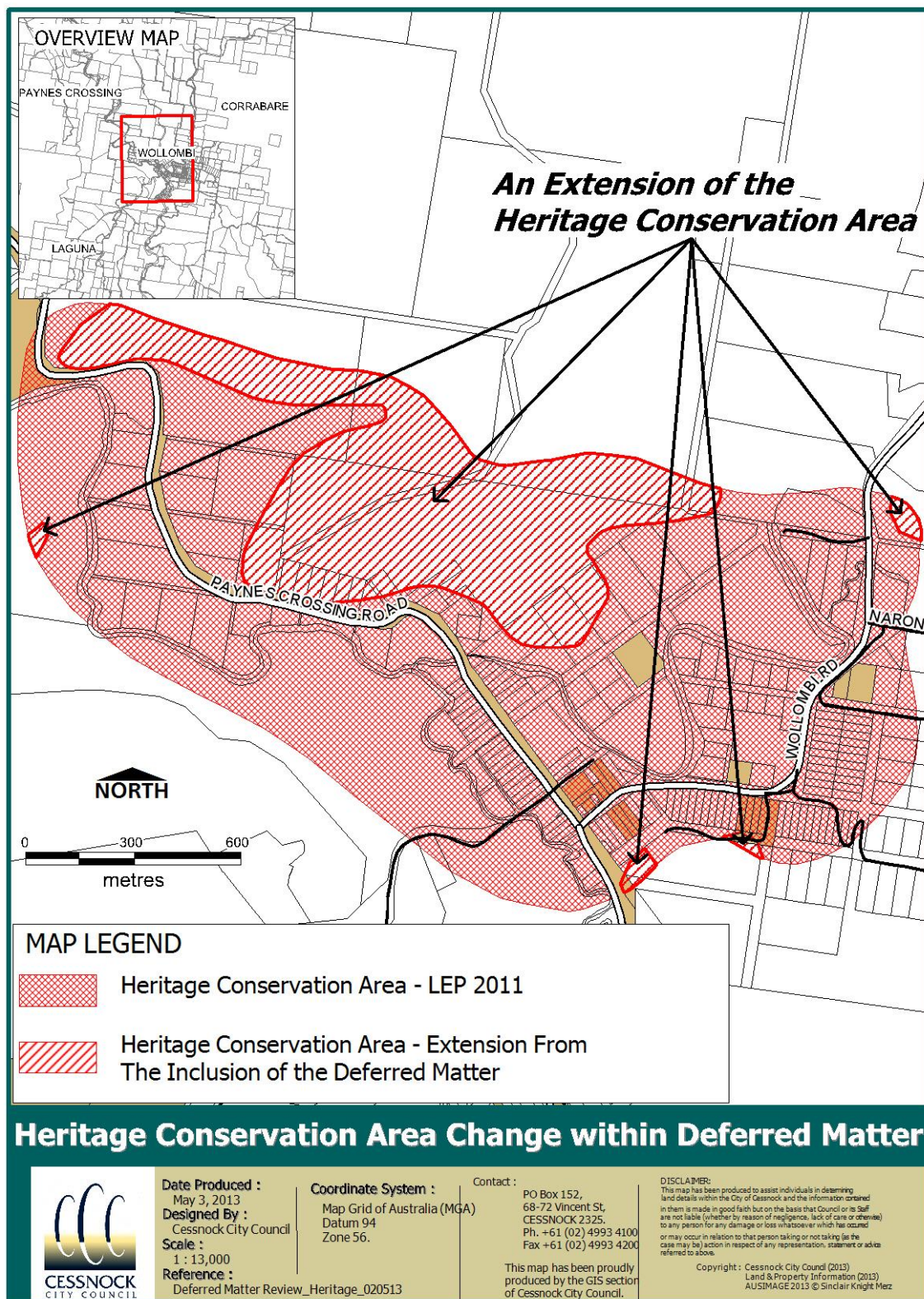


Figure 3 - Wollombi Heritage Conservation Area

PART 2: EXPLANATION of PROVISIONS

The Planning Proposal contains a zoning response for land identified as “Deferred Matter” under the Cessnock Local Environmental Plan 2011 at Mulbring and Wollombi to the equivalent Standard Instrument Template zone, being RU2- Rural Landscape.

The use of the RU2 - Rural Landscape zone in addition to the proposed local provision “General development principles in the RU2 - Rural Landscape zone” is the equivalent of the Rural 1(a) - Rural “A” zone and Clause 10 “General development principles - rural and environmental protection zones and Hunter Employment Zone” under Cessnock LEP 1989.

This reaffirms the process Council undertook when finalising the then (draft) Cessnock Local Environmental Plan in October 2010 and will provide the community an opportunity to comment on the proposal.

Affected Land

Planning Proposal is relevant to land described as “Deferred Matter” in the suburbs of Mulbring, Brunkerville, Mount Vincent, Richmond Vale, Buchanan, Stockrington, Black Hill, Buttai, Wollombi, Cedar Creek, Sweetmans Creek, Paynes Crossing, Laguna and Bucketty.

Any Council Interest

Given the general nature of this proposal, it is likely that Council would have interest in land that could be affected. However, this proposal has been prepared without regard to any such interest.

Recommendation

Forward the Planning Proposal at Enclosure 1 to the Department of Planning and Infrastructure under s.56 (1) of the *Environmental Planning and Assessment Act 1979* seeking a gateway determination to amend the Cessnock Local Environmental Plan 2011 as follows:

- Repeal subclause 1(A) from Clause 1.3 Land to which the Plan applies:
(1A) Despite subclause (1), this plan does not apply to land identified on the Land Application Map as :Deferred matter”.
- Remove any reference to ‘Deferred Matter’ from all Maps.
- Amend the Land Zone Maps referencing “Deferred Matter” land to zones RU2 – Rural Landscape, E2 – Environmental Conservation or SP2 – Infrastructure accordingly.
- Amend the Minimum Lot Size Maps referencing “Deferred Matter” land to illustrate a 80ha or 40ha minimum lot size accordingly except on land proposed to be zoned SP2 – Infrastructure where no minimum lot size is applicable.
- Amend the Heritage Map to reflect the full extent of properties identified in Schedule 5 as being of heritage significance and affected by the “Deferred Matter”.
- In Part 7 Additional Local Provision, insert the following clause:

7.11 General development principles in the RU2 - Rural Landscape zone

- (1) The objective of this clause is to protect and maintain the environmental values of land within zone RU2.
- (2) The consent authority must have regard to the following principles when determining a development application for development on land to which this clause applies:
 - a. development should be of a type compatible with the maintenance and enhancement, as far as is practicable, of the existing rural and scenic character of the City of Cessnock,
 - b. adequate utility services and community facilities should be available to the land and its future occupants, and the land should be capable of accommodating on-site disposal of domestic waste and the provision of a domestic water supply, including a fire-fighting capacity,
 - c. development should not have the possible effect of creating demands for unreasonable or uneconomic provision or extension of services by the Council or any other public authority,
 - d. development should not lead to any deterioration of water supply or water quality within a water catchment,
 - e. where land is proposed to be cleared, vegetation should be retained in appropriate locations to reduce the visual impact of clearing to the maximum extent consistent with the rural character of the area,
 - f. essential buildings should be sited in positions of least flood risk, and the floor levels of dwellings should be above the 100 year flood level and be capable of withstanding floodwater pressures,
 - g. adequate all weather flood-free access should be available to dwellings,
 - h. buildings should be sited and designed to minimise disturbance to the landscape through clearing, earthworks and access roads,
 - i. buildings should not intrude into the skyline, when viewed from roads or other public places.

PART 3: JUSTIFICATION

In accordance with the Department of Planning'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 Proposal

1. Resulting from a Strategic Study or Report

Council resolved to prepare a Planning Proposal to rezone the land shown as "Deferred Matter" to RU2 – Rural Landscape under the Cessnock Local Environmental Plan 2011, based on the recommendation of a Council report on the subject land, dated 18 September 2013. (Appendix 1)

2. Planning Proposal as best way to achieve objectives

A Planning Proposal is the only way of formalising the zoning of the subject land, which is currently identified as "Deferred Matter" under the Cessnock Local Environmental Plan 2011, as a necessary step towards establishing one Local Environmental Plan for the Cessnock LGA.

3. Net Community Benefit

Formalising the rezoning of the subject land under the Cessnock LEP 2011 will be of benefit to the wider community, as this would be a further step towards establishing one Local Environmental Plan for the Cessnock LGA.

Section B: Relationship to Strategic Planning Framework

4. Consistency with Objectives and Actions within Regional Strategies

Lower Hunter Regional Strategy 2006

There is no inconsistency with the objectives or actions of the Lower Hunter Regional Strategy.

5. Consistency with Council's Community Strategic Plan or other Local Strategic Plan

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

Council's Strategic Plan contains objective 3.1.1 - *Protecting and enhancing the natural environmental and the rural character and village atmosphere of the area* as follows

- *Ensure the Local Environmental Plan and other planning protocols protect rural areas and reflect the community values on "rural character" and the heritage feel of the area.*

The Planning Proposal is consistent with the Council's Strategic Plan.

6. Consistency with State Environmental Planning Policies

An assessment of relevant SEPPs against the Planning Proposal is provided in the table below.

Table 1: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 6 - Number of Storeys in a Building	The SEPP clarifies the reference to storey, floors and levels.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 15 - Rural Land Sharing Communities	The SEPP provides for multiple occupancy development, with council consent, in rural and non-urban zones, subject to a list of criteria in the policy.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 21 - Caravan Parks	The SEPP provides for development for caravan parks.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 22 - Shops and commercial premises	The SEPP provides for the change of use of commercial premises.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 30 - Intensive Agriculture	The SEPP provides considerations for consent for intensive agriculture.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 32 - Urban Consolidation (Redevelopment of Urban Land)	The SEPP makes provision for the re-development of urban land suitable for multi-unit housing and related development.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 33 - Hazardous & Offensive	The SEPP provides considerations for consent for hazardous & offensive development.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.

Development		
SEPP 36 - Manufactured Homes Estates	The SEPP makes provision to encourage manufactured homes estates through permitting this use where caravan parks are permitted and allowing subdivision.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 44 - Koala Habitat Protection	This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 50 - Canal Estates	The SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 55 - Remediation of Land	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 62 - Sustainable Aquaculture	The SEPP relates to development for aquaculture and to development arising from the rezoning of land and is of relevance for site specific rezoning proposals.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 64 - Advertising and Signage	The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 65 - Design Quality of Residential Development	The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Building Sustainability Index: BASIX 2004	The SEPP provides for the implementation of BASIX throughout the State.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Housing for Seniors or People with a Disability 2004	The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Major Development 2005	The SEPP defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition, the SEPP	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.

	identifies the council consent authority functions that may be carried out by Joint Regional Planning Panels and classes of regional development to be determined by JRPPs.	
SEPP Infrastructure 2007	The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Mining, Petroleum Production and Extractive Industries 2007	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.	The Planning Proposal does not propose to change zoning that would affect the permissibility of mining on the subject lands.
SEPP Temporary Structures 2007	The SEPP provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Exempt and Complying Development Codes 2008	The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.	The requirements of the SEPP will be applicable with respect to the land to be zoned RU2 - Rural Landscape.
SEPP Rural Lands 2008	The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts and provides development principles.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Affordable Rental Housing 2009	The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP State and Regional Development 2011	The SEPP aims to identify development and infrastructure that is State significant and confer functions on the Joint Regional Planning Panels to determine DAs.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.

7. Consistency with s.117 Ministerial Directions for Local Plan Making

An assessment of relevant Ministerial Directions against the Planning Proposal is provided in the table below.

Table 2: Relevant Section 117 Ministerial Directions

Ministerial Direction	Aim of Direction	Consistency and Implication
1. EMPLOYMENT AND RESOURCES		
1.2 Rural Zones	The objective of this direction is to protect the agricultural production	It is not proposed to amend the zoning of any land currently

	value of rural land.	affected by a rural zone or provide for an increase in land density. It is considered that the Planning Proposal is consistent with this Direction.
1.3 Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	The Planning Proposal does not propose to change zoning that would affect the permissibility of mining on the subject lands. It is considered that the Planning Proposal is consistent with this Direction
1.5 Rural Lands	The objective of this direction is to protect the agricultural production value of rural land and facilitate the economic development of rural lands for rural related purposes.	The Planning Proposal is consistent with the rural planning principles specified in the Rural Land SEPP. It is not proposed to alter zoning provisions.
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	The Planning Proposal does not seek to alter any existing zones that protect and conserve environmentally sensitive areas. The Planning Proposal is not inconsistent with this Direction.
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Nothing in this Planning Proposal affects the aims and provisions of this Direction.
2.4 Recreation Vehicle Areas	The draft LEP amendment does not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>).	Nothing in this Planning Proposal affects the aims and provisions of this Direction.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.	Nothing in this Planning Proposal affects the aims and provisions of this Direction.
3.2 Caravan parks and Manufactured	The objective of this direction is to provide for a variety of housing types, and provide opportunities for caravan	The Planning Proposal does not seek to rezone land to provide for caravan parks or

Home Estates	parks and manufactured home estates.	manufactured home estates. Further there are no existing caravan parks within the study area. It is considered that the Planning Proposal is consistent with this Direction.
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Nothing in this Planning Proposal affects the aims and provisions of this Direction.
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.	Nothing in this Planning Proposal affects the aims and provisions of this Direction.
3.5 Development Near Licensed Aerodromes	The objectives of this direction to ensure the efficient and safe operation of aerodromes, ensure their operation is not compromised by incompatible future adjoining land uses	Planning Proposal not affected by this direction.
3.6 Shooting Ranges	The objective of this direction is to maintain appropriate levels of public safety and amenity, reduce land use conflict and identify issues that must be addressed when rezoning land adjacent to an existing shooting range.	Planning Proposal not affected by this direction.
4. HAZARD AND RISK		
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils	Planning Proposal not affected by this direction.
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	Nothing in this Planning Proposal affects the aims and provisions of this Direction.
4.3 Flood Prone Land	The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , and that the provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.	Nothing in this Planning Proposal affects the aims and provisions of this Direction.

4.4 Planning for Bushfire Protection	The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.	Nothing in this Planning Proposal affects the aims and provisions of this Direction.
5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	Planning Proposal not affected by this direction.
6. LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The Planning Proposal does not propose amendments which require concurrence, consultation or referral of development applications to the Minister. The Planning Proposal does not identify any development as designated development. It is considered that the Planning Proposal is consistent with this Direction.
6.2 Reserving Land for Public Purposes	The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Planning Proposal not affected by this direction.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The Planning Proposal seeks to maintain local provisions not provided for within the existing framework of the Local Environmental Plan. These are not considered to be restrictive and therefore are consistent with this Direction.

Section C: Environmental, Social and Economic Impact

8. Impact on Threatened Species

There is no likelihood of adverse impact on threatened species, populations, ecological communities or critical habitat as a result of this Planning Proposal.

9. Environmental Impact

There is no likelihood of adverse environmental impact as a result of this Planning Proposal.

10. Social and Economic Impacts

There is no likelihood of adverse social or economic impact as a result of this Planning Proposal.

Section D: State and Commonwealth Interests

11. Adequate Public Infrastructure

The Planning Proposal will not generate demand for additional public infrastructure.

12. Consultation with State and Commonwealth Authorities

Consultation was undertaken with the following agencies in accordance with the Gateway Determination:

Office of Environment and Heritage

OEH understands that this proposal is essentially a procedural matter to eliminate duplication. However, OEH's preference would be to finalise investigations into the location and extent of high biodiversity values within the Cessnock LGA and to include this information as part of any updates to the Local Environmental Plan.

Comment

The proposed removal of the 'Deferred Matter' is an interim step and precedes a comprehensive review of the City Wide Settlement Strategy in the 2015 16 Financial Year.

This review will follow the rural and urban strategic land studies currently being prepared which will investigate rural land issues across the city, including zoning, lot size, dwelling entitlement and conservation outcomes.

The finding and recommendations of these studies will inform the review of the City Wide Settlement Strategy and future amendments to the Cessnock Local Environmental Plan.

Office of Environment and Heritage - Heritage

No comments to make on the basis that the amendment is an administrative one to address deferred matter and there are no substantive changes to local heritage items.

Comment

Information noted.

Department of Primary Industry

DPI notes the proposed zoning for the deferred matter retains the rural land scape values. However, it would be DPI preference for the RU2 lands to have a minimum lot size of 80ha

Comment

The minimum lot size for both the RU2 - Rural Landscape under Local Environmental Plan 2011 and Rural 1(a) under Local Environmental Plan 1989 is 40 ha and remains unaltered by the Planning Proposal.

The proposed removal of the 'Deferred Matter' is an interim step and precedes a comprehensive review of the City Wide Settlement Strategy in the 2015 16 Financial Year. This review will follow the rural and urban strategic land studies currently being prepared which will investigate rural land issues across the city, including zoning, lot size, dwelling entitlement and conservation outcomes. The finding and recommendations of these studies will inform the review of the City Wide Settlement Strategy and future amendments to the Cessnock Local Environmental Plan.

Transport for NSW - Rail Corp

Confirm and acknowledge that the Planning Proposal do not affect the land adjoining nor the operation of the ARTC Network.

Supports the Planning Proposal in accordance with principles outlines in PN 10-001 dated 14 December 2010.

Comment

Information Noted.

Transport for NSW - RMS

Confirm and acknowledge the legislative requirements associated with RMS responsibilities under the Roads Act, 1993

RMS do not have any objection to the Planning Proposal

Comment

Information Noted.

TransGrid

Confirm and acknowledge the legislative requirements associated with TransGrid's easements and State significant infrastructure in Cessnock LGA.

TransGrid Advise that they have no objection to the Planning Proposal.

Comment

Information Noted.

Community consultation requirements outlined in the Gateway Determination and in accordance with Council's requirements for the Planning Proposal have been completed.

PART 4: MAPPING

To achieve the intent of the Planning Proposal, it is proposed to amend the following Maps.

Land Application Map - Remove the “Deferred Matter” status.

- 1720_COM_LAP_001_250_20130314

Land Zone Map - Remove the “Deferred Matter” status of the subject land and instead zone the land RU2 - Rural Landscape, E2 - Environmental Conservation and SP2 - Infrastructure as shown on the supporting maps.

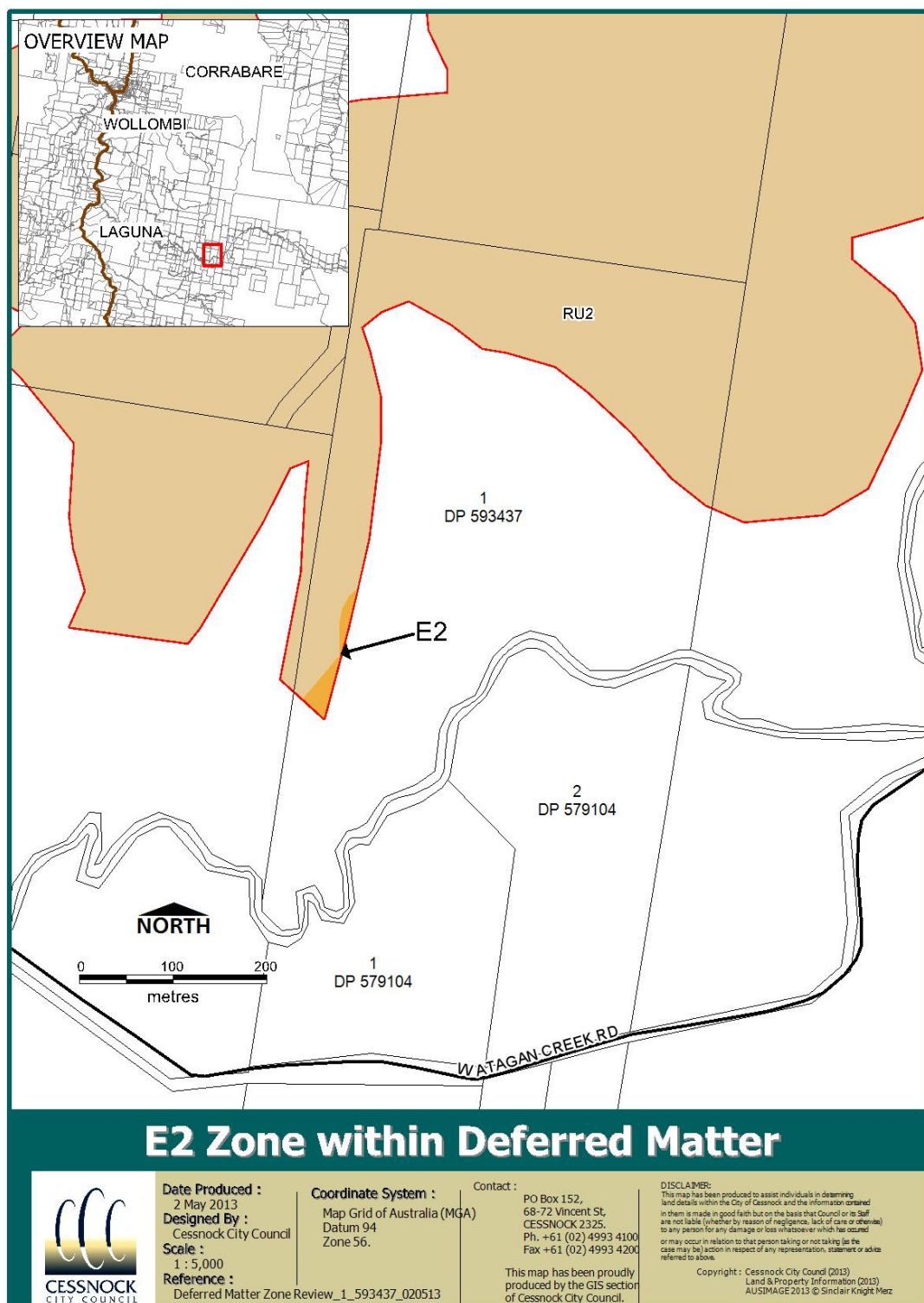
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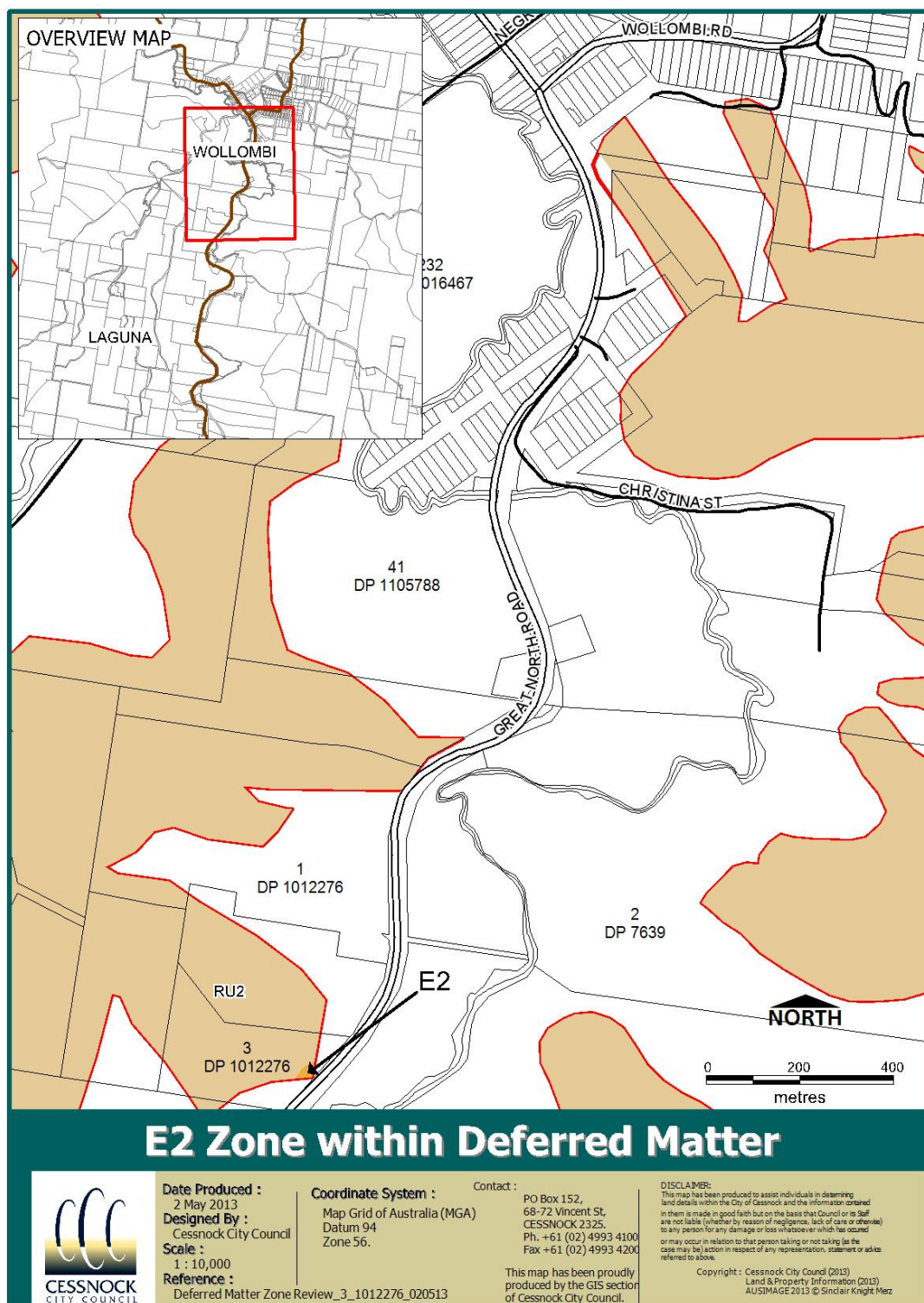
Lot Size Map - Provide a minimum lot size of 40 ha for the RU2 - Rural Landscape zone and 80ha for the E2 - Environmental Conservation zone as shown on the supporting maps.

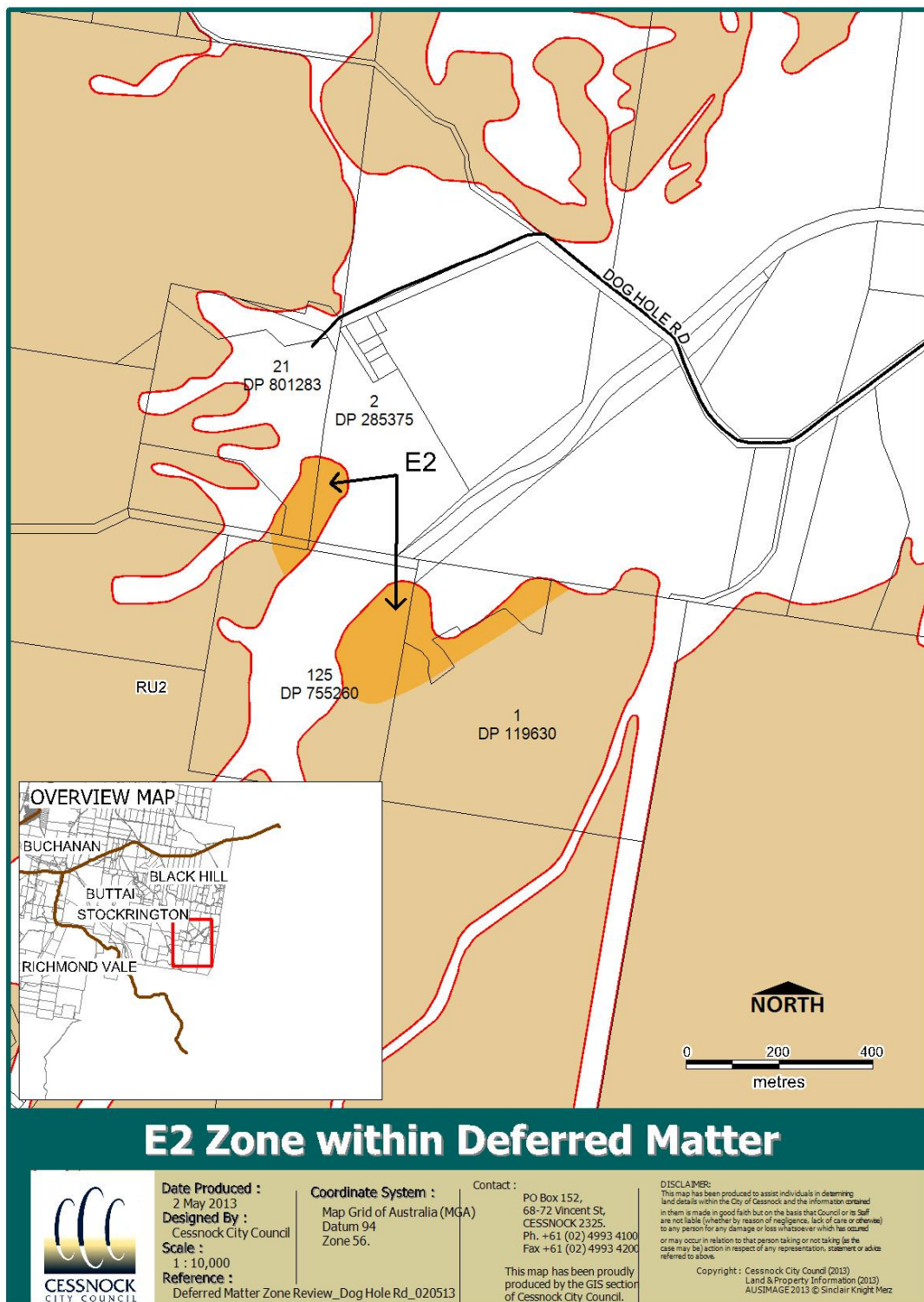
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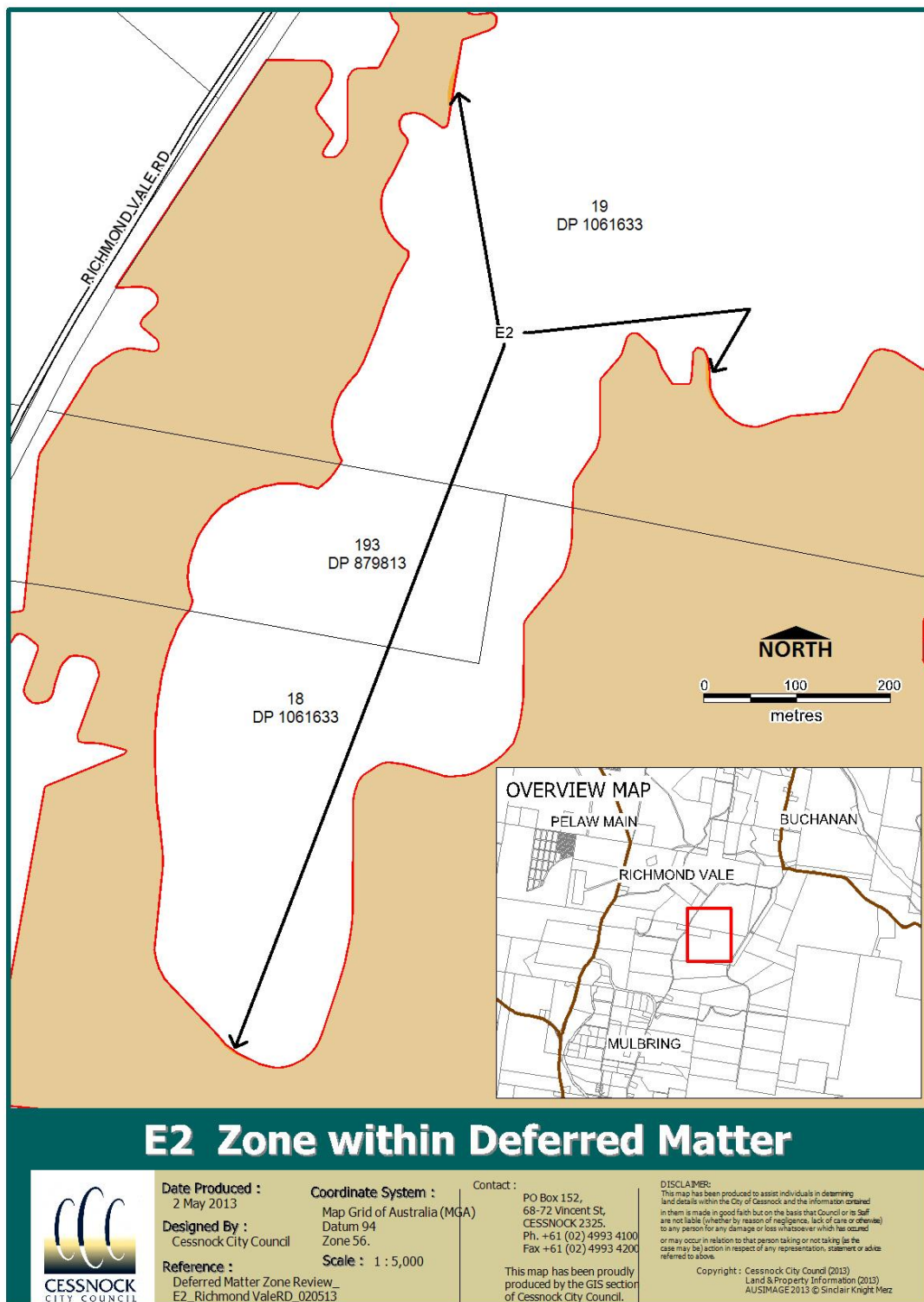
Heritage Map - Provide for the full extent of heritage listing for affected properties and the Wollombi Heritage Conservation Area as shown on the supporting maps.

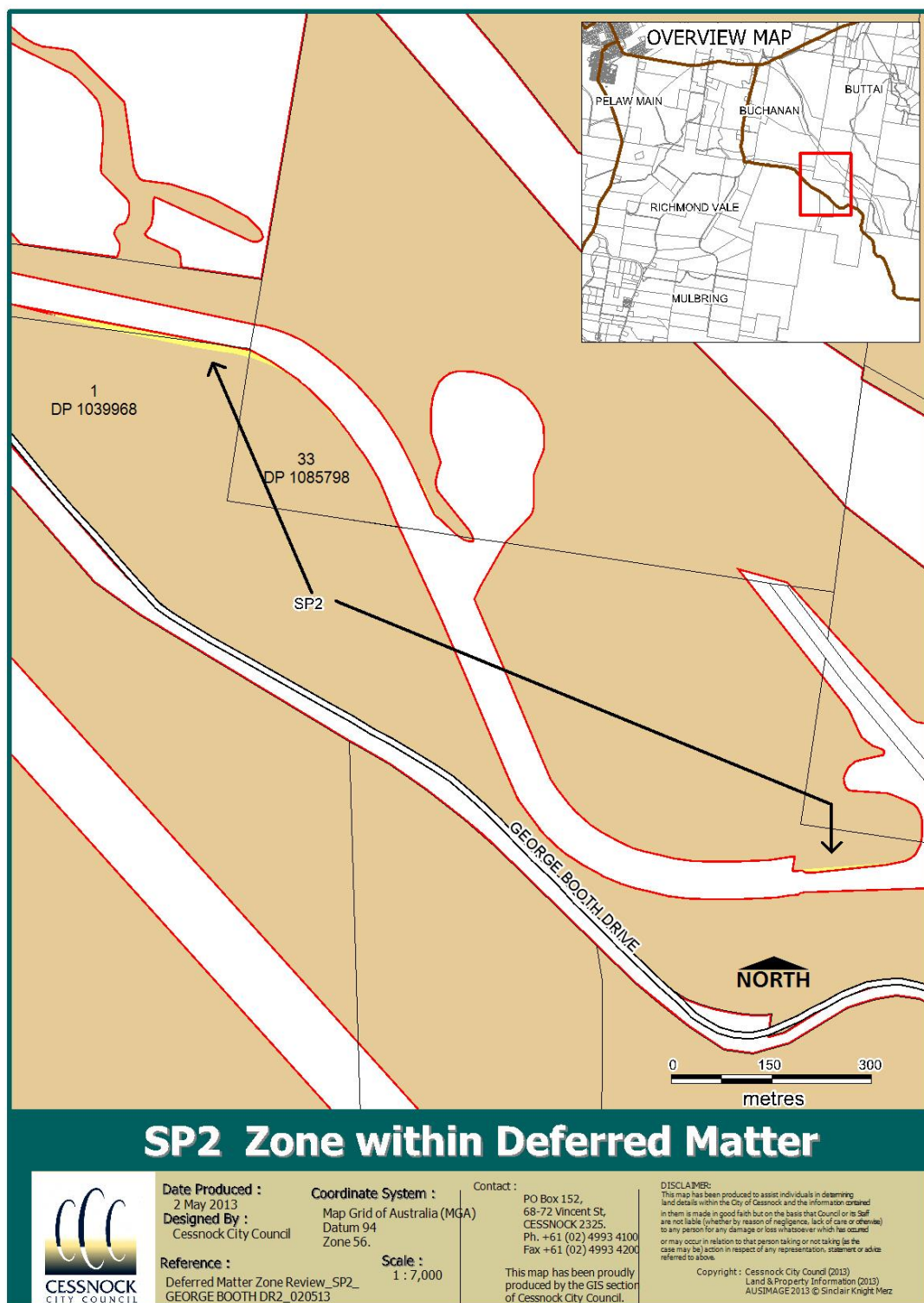
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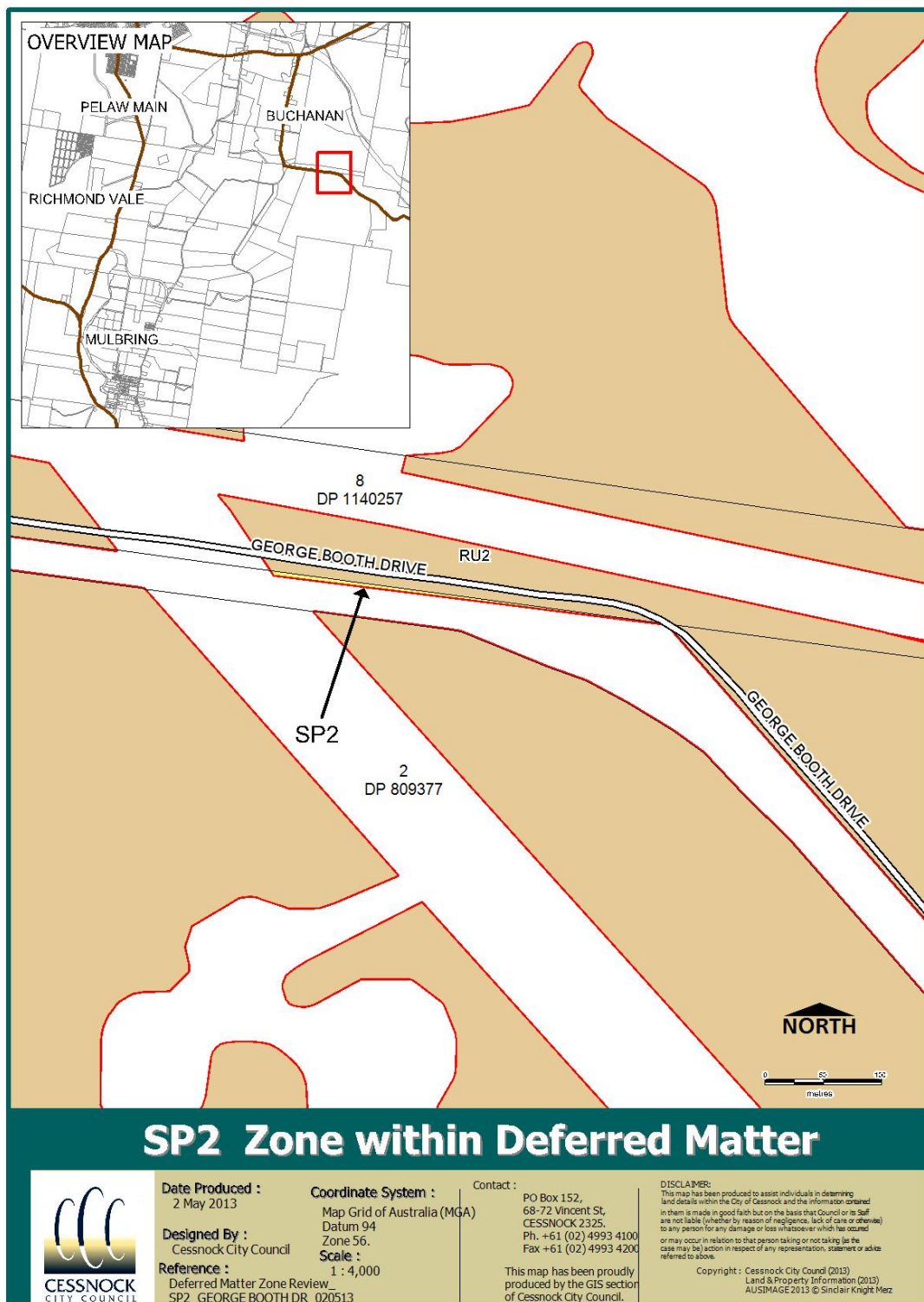


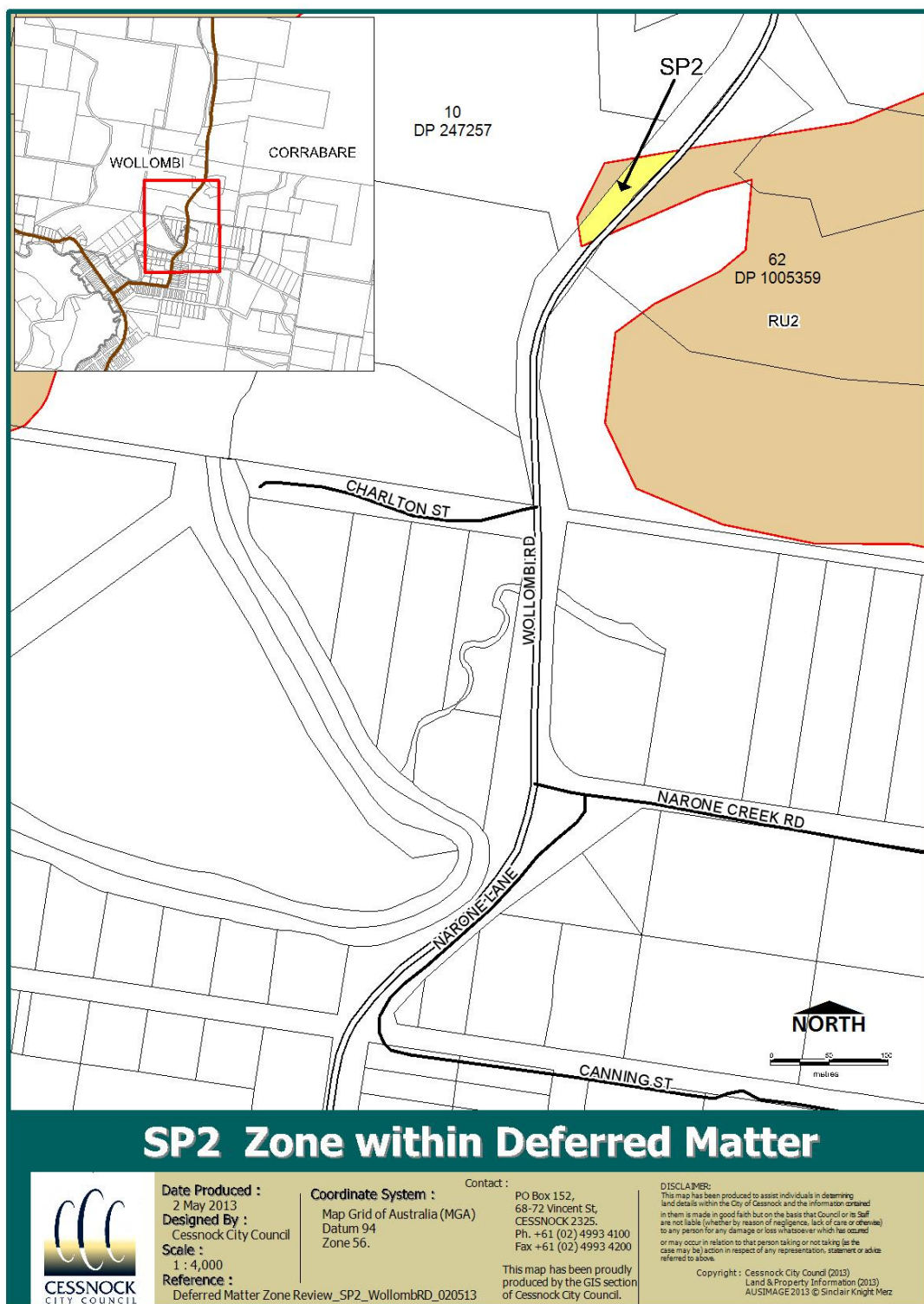


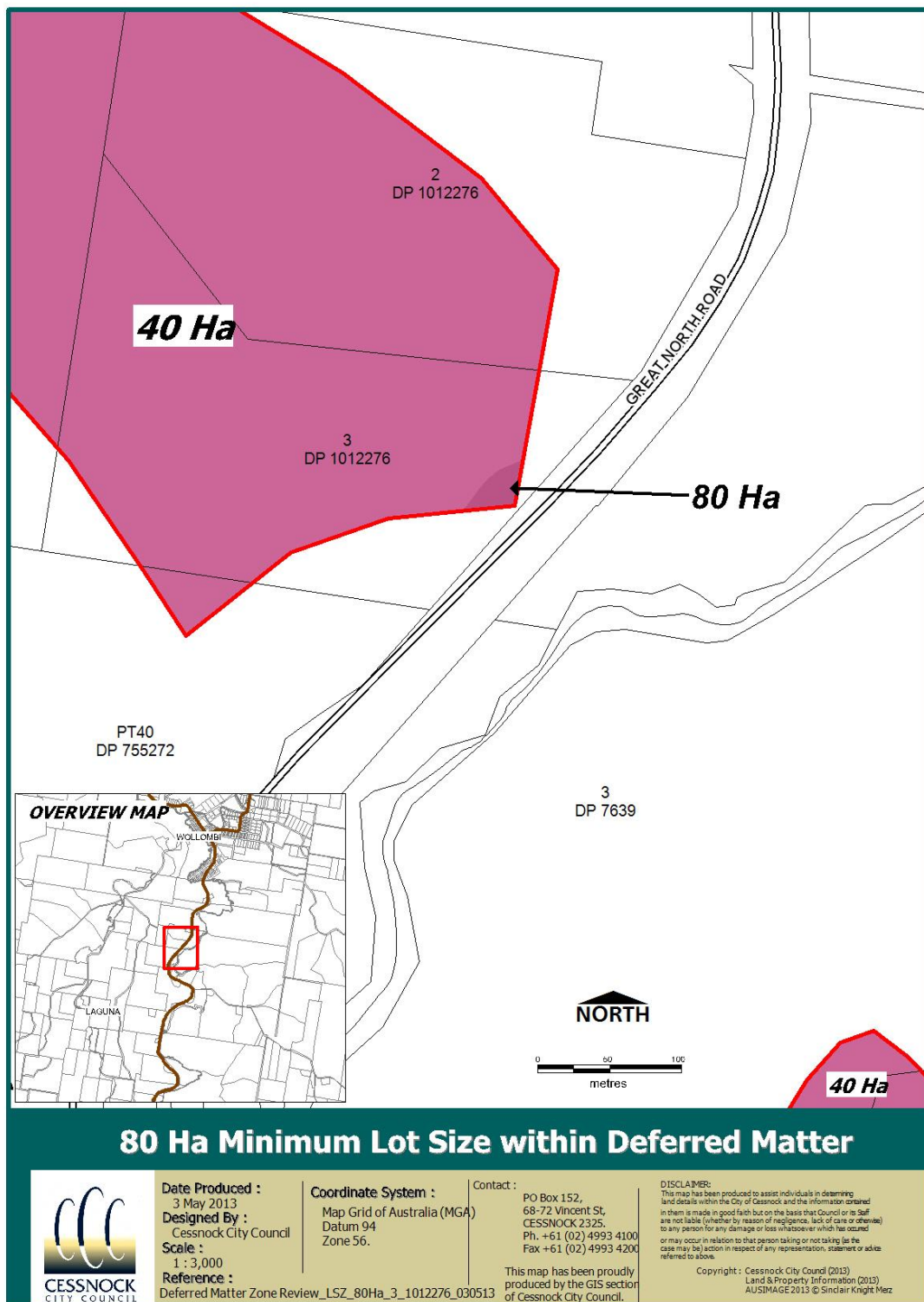


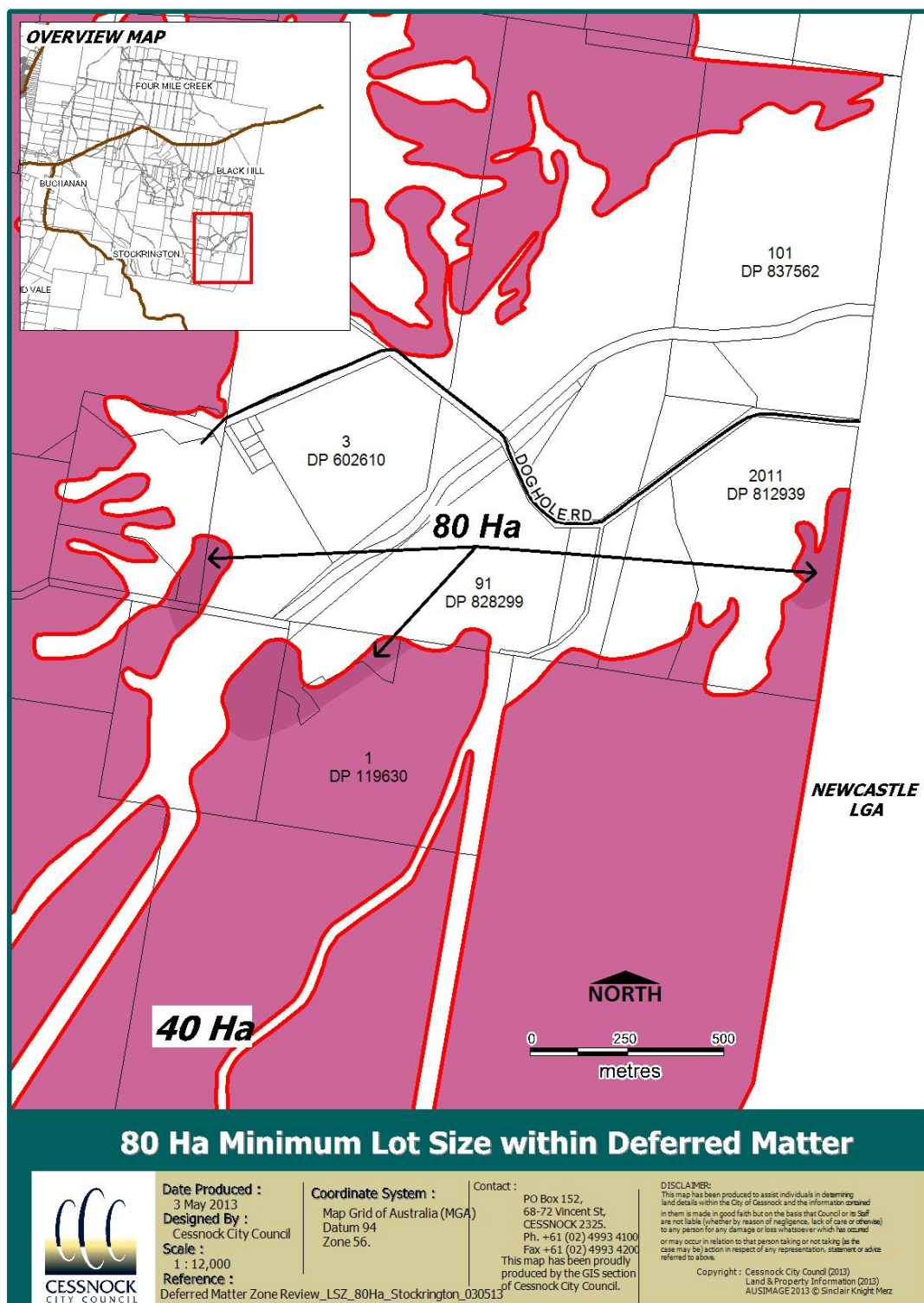


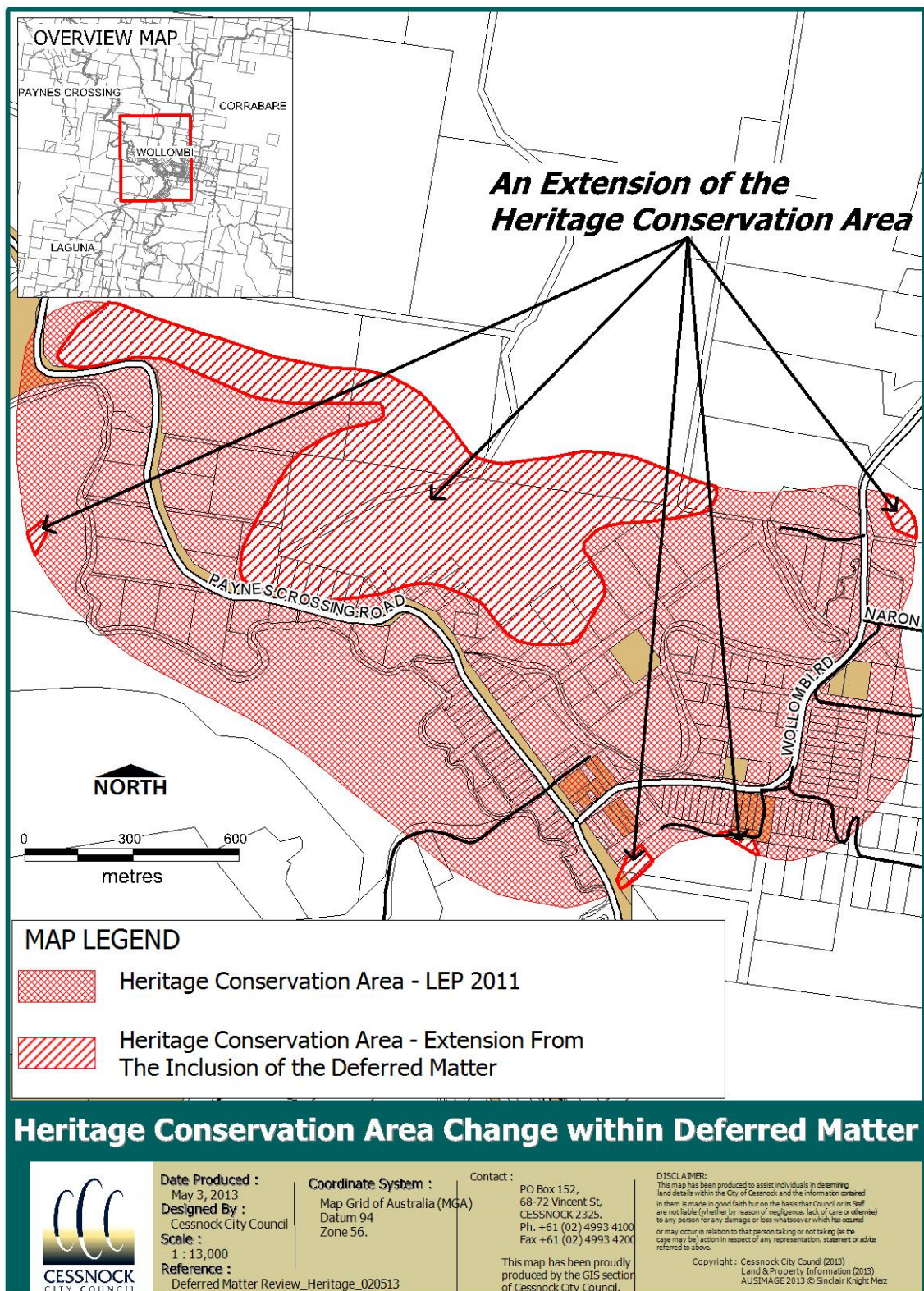












PART 5: COMMUNITY CONSULTATION

Community consultation was undertaken as directed in the Gateway Determination.

The Planning Proposal was publicly exhibited for twenty eight (28) days between 5 November 2014 to 3 December 2014.

This period was extended by twelve (12) days to the 17 December 2014 at the request of a Councilor.

The Planning Proposal was available for public review and comment for a total of 40 days.

The exhibition material, including a schedule listing all “Deferred Matter” properties grouped by suburbs indicating for each the proposed zone and minimum lot size change and relevant heritage listing, was available at the following locations:

- Council’s Administration Building (Customer Service Section);
- Council’s website at www.cessnock.nsw.gov.au
- Cessnock Library;
- Kurri Kurri Library; and
- Wollombi General Store, Wollombi Road, Wollombi

There are 26,184.25 ha comprising 1381 properties that are either wholly or partly affected by Planning Proposal - ‘Deferred Matter’.

One thousand three hundred and fifty seven (1357) notification letters were sent to the owners of the one thousand three hundred and eighty one (1381) properties that are either wholly or partly affected by Planning Proposal - ‘Deferred Matter’.

Council received and responded to one hundred and nineteen (119) telephone call and twenty nine (29) email inquiry as to the implications of the Planning Proposal on individual properties during the exhibition period.

Ten (10) public submissions and three (3) statutory agency submissions were received. Five (5) supported the Planning Proposal two (2) were against the proposal due to minimum lot size and heritage impact considerations, two (2) submissions related to obtaining a dwelling entitlement for their respective properties and one (1) related to the Black Hill Planning Proposal.

1. Dwelling Entitlement

Issue

Seeking resolution of long standing dwelling entitlement issues

Comment

Planning Proposal - “Deferred Matter” involves merging the current Cessnock Local Environmental Plan 1989 into the Cessnock Local Environmental Plan 2011. The Planning Proposal does not propose to resolve the more detailed and complex issues, associated with dwelling entitlement as identified in the Cessnock City Wide Settlement Strategy

Council have begun working on a brief for the consultancy work associated with the review of the Cessnock City Wide Settlement Strategy. This work includes a review of the dwelling entitlement issue within the Cessnock Local Government Area.

2. Black Hill

Issue

Considered that the “Deferred Matter” Planning Proposal to rezone land at Black Hill RU2 - Rural Landscape contradicts the “Black Hill” Planning Proposal which intends to rezone the same land IN1 - General Industrial

Comment

The area the subject of the Black Hill Planning Proposal is zoned RU2 - Rural Landscape under the Cessnock Local Environmental Plan 2011.

The “Deferred Matter” Planning Proposal contains a zoning response for land identified as ‘Deferred Matter’ under the Cessnock Local Environmental Plan 2011 to the equivalent Standard Instrument Template zone, being RU2- Rural Landscape.

No new zones are proposed with the “Deferred Matter” Planning Proposal.

This reaffirms the process Council undertook when finalising the then (draft) Cessnock Local Environmental Plan in October 2010 and does not contradict the “Black Hill” Planning Proposal, which seeks to rezone 300 ha of RU2 Rural Landscape zone to a combination of IN1 – General Industrial (152.4 ha), E4 Environmental Living E2 (105.6ha) and Environmental Conservation (40.4ha) under the *Cessnock Local Environmental Plan 2011* (Cessnock LEP 2011) – in accordance with the resolution of Cessnock City Council at its Ordinary Meeting held on 10 December 2014.

3. Impact of the Heritage listed Great North Road

Issue

Concerned that the heritage listing of the Great North Road will impact on property located adjacent to the road

Comment

The Planning Proposal does not seek to alter the heritage listing of the State Significant Heritage Item 217 - Great North Road.

There are no ‘Heritage items’ associated with the Great North Road located on adjacent property outside the road reserve.

4. Minimum Lot Size

Issue

Object to the proposed 40ha minimum lot size.

Comment

The minimum lot size for both the RU2 - Rural Landscape under Local Environmental Plan 2011 and Rural 1(a) under Local Environmental Plan 1989 is 40 ha and remains unaltered by the Planning Proposal.

The proposed removal of the 'Deferred Matter' is an interim step and precedes a comprehensive review of the City Wide Settlement Strategy in the 2015 16 Financial Year. This review will follow the rural and urban strategic land studies currently being prepared which will investigate rural land issues across the city, including zoning, lot size, dwelling entitlement and conservation outcomes. The finding and recommendations of these studies will inform the review of the City Wide Settlement Strategy and future amendments to the Cessnock Local Environmental Plan.

PART 6: PROJECT TIMELINE

The Project Timeline will assist with tracking the progress of the Planning Proposal through the various stages of consultation and approval.

On 17 October 2014, Council requested an extension to the 11 November 2014 completion date for this Planning Proposal to allow for the exhibition, briefing and reporting of the Planning Proposal to Council.

An extension to the Gateway Determination was granted on 2 December 2014 by the Department of Planning and Environment, with the Planning Proposal now due for completion on 18 November 2015.

Appendix 1: Council Report and Minutes



Acrobat Document

Council Report
4 March 2015



Acrobat Document

Submission Review
Council Report
4 March 2015



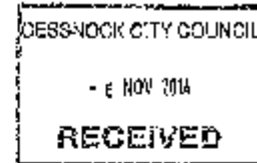
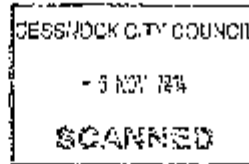
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114060.pdf

Council Minute
4 March 2015

Appendix 2: Agency Submissions



Office of
Environment
& Heritage



Your reference: 18/2013/2
Our reference: DDC14/240986-01
Contact: Ziggy Andersons, 4908 6820

Mr Gareth Curtis
General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Attention: Bo Moshage

Dear Mr Curtis

RE: PLANNING PROPOSAL – DEFERRED MATTER – CESSNOCK LGA

I refer to your letter dated 14 October 2014 requesting comment from the Office of Environment and Heritage (OEH) regarding the above mentioned planning proposal. OEH has reviewed the supplied documents and has provided comments below.

OEH understands that the objective of this Planning Proposal is to zone the 'Deferred Matter' land to RU2 - Rural Landscape zone, E2 - Environmental Conservation zone and SP2 - Infrastructure zone as shown on the supporting maps and allocate a 40 hectare minimum lot size to land zoned RU2 - Rural Landscape and 80 hectare minimum lot size to land zoned E2 - Environmental Conservation under the Cessnock LEP 2011. The Planning Proposal also provides for the full extent of heritage listing under the Cessnock Local Environmental Plan 2011, for affected properties and the Wollombi Conservation Area.

OEH understands that this proposal is essentially a procedural matter to eliminate duplication. However OEH's preference would be to finalise investigations into the location and extent of high biodiversity values within the Cessnock Local Government Area and to include this information as part of any updates to the Local Environment Plan.

Note that OEH Hunter Central Coast Region cannot comment directly on the matters European heritage included in this planning proposal.

If you have any enquiries concerning this advice, please contact Ziggy Andersons, Conservation Planning Officer, on 4908 6820.

Yours sincerely

 4 OCT 2014

RICHARD BATH
Senior Team Leader Planning, Hunter Central Coast Region
Regional Operations

PO Box 4880, Newcastle NSW 2300
117 Bull Street, Newcastle West NSW 2302
Tel: (02) 4908 6820 Fax: (02) 4908 6810
ABN 30 841 367 271
www.environment.nsw.gov.au

Department of Primary Industries

TRIM: OUT14/35238

Mr Bo Moshage
Coordinator Strategic Land Use Planning
Cessnock City Council

Dear Mr Moshage

**Planning Proposal Amendment to the Cessnock Local Environment Plan
2011, “Deferred Matter”**

Thank you for your correspondence of the 14 October 2014, NSW Primary Industries – Agriculture NSW (DPI) has reviewed the proposal and provides the following advice.

DPI notes that the proposed zoning of lands identified retains the rural landscape or conservation value. It would DPI preference for the RU2 lands to have a minimum lots size of 80ha. Beyond that, DPI therefore has no further comment.

Thank you for providing the opportunity to comment on the rezoning proposal.

Yours sincerely

Virginia Brunton
A/Resource Management Officer
Department of Primary Industries
Agriculture NSW
22 October 2014



Property and Services / Network Services and Operations

Telephone: (02) 9620 0765
Our reference: 2014/4099

APN 18 521 000 116

Cessnock City Council
PO Box 152,
CESSNOCK NSW 2325

Attn: Mr Bo Moshage
Co-ordinator Strategic Land Use Planning

WALLGROVE
270 Old Wallgrove Road
Eastern Creek
NSW 2138 Australia
PO Box 87
Hersley Park
NSW 2175 Australia

Dear Mr Moshage:

Re: Planning Proposal No.: 18/2013/2/1 – Deferred Matter.

Thank you for notifying TransGrid in respect of the above-mentioned planning proposal.

Please find attached a plan identifying TransGrid's easements and State significant infrastructure situated within the Cessnock local government area. From the exhibited documentation of the planning proposal (18/2013/2/1), it has been identified that TransGrid has registered interests in the area covered by Maps 8 and 9 respectively.

TransGrid's easements and infrastructure can be located within any NSW land use zone, in accordance with 'Principle 1' of the Planning NSW LEP Practice Note (PN10-001), dated 10 December 2010.

Please note that land over which TransGrid has a registered interest is subject development restrictions in accordance with the Electricity Supply Act and SEPP (Infrastructure) 2006 (**SEPP**). Regulation 45 of the SEPP requires statutory authorities such as Cessnock City Council to notify TransGrid of any development proposal that seeks to develop near our transmission line easements and other land interests. TransGrid's prior written consent is required (and may be conditional) before any planning approval is to be granted for a development that seeks to encroach our easements and infrastructure.

TransGrid also owns a freehold rural property at Richmond Vale, being Lot 15 in DP1061833, located within the area identified by Map 9. TransGrid has no objection to this land being zoned RU2 as identified by the planning proposal (18/2013/2/1).

Should you have any queries in relation to this matter please feel free to contact the undersigned.

Yours sincerely

Tim Cowdroy
Land Economist | Property and Services
TransGrid

10 November, 2014

Encl.



TransGrid is a NSW statutory State-owned corporation





27 January 2015

SF2012/009480
CR2014/005452
KM

General Manager
Cessnock Council
DX 21502
CESSNOCK NSW 2325

Attention: Mr Bo Moshage

Planning Proposal, Amendment to the Cessnock Local Environmental Plan 2011 'Deferred Matter'

Dear Mr Moshage

I refer to your letter dated 14 October 2014, regarding the proposed changes to zoning for lands identified as 'Deferred Matter' in the Cessnock Local Environmental Plan (LEP) forwarded to Roads and Maritime Services for consideration. I apologise for the delay in my response.

Roads and Maritime have reviewed the information provided by Cessnock Council (Council) and understand that Council is seeking an amendment to the LEP to zone land RU2- Rural Landscape zone, E2 – Environmental Conservation zone and SP2 – Infrastructure zone as identified on the maps included in the planning proposal documentation. Roads and Maritime further understand that the planning proposal is for rezoning only and no specific development is being considered at this stage. Any future development would be assessed in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

Roads and Maritime Responsibilities

Transport for NSW and Roads and Maritime's primary interests are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

In accordance with the *Roads Act 1993*, Roads and Maritime has powers in relation to road works, traffic control facilities, connections to roads and other works on the classified road network. We note that land proposed to be zoned as SP2 - Infrastructure zone is located in the vicinity of George Booth Drive. George Booth Drive is a classified (State) road and Roads and Maritime concurrence is required for connections to the road with Council consent, under Section 138 of the *Roads Act*. Roads and Maritime consent is required for traffic control signals and facilities under Section 87 of the *Roads Act*. Roads and Maritime note that other roads in the vicinity of the areas proposed for rezoning are Council's responsibility.

Roads & Maritime Services

59 Darby Street, Newcastle NSW 2300 | Locked Bag 2030 Newcastle NSW 2300 DX7813 Newcastle
T 02 4924 0606 | F 02 4924 0342 | E development.hunter@rma.nsw.gov.au

www.rms.nsw.gov.au | 13 22 13

Roads and Maritime Response

Based on the information provided by Council, Roads and Maritime can advise that it has no specific proposal that requires any part of the subject land. Roads and Maritime do not have any objection to the proposed rezoning.

Please contact me on 4924 0688 if you require further advice.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Browne', with a stylized flourish at the end.

Tim Browne
Manager Land Use
Hunter Region

Bo Moshage

From: Teena Rencs <TRencs@ARIC.com.au>
Sent: Tuesday, 3 February 2015 4:08 PM
To: Bo Moshage
Cc: Bronwyn Williams
Subject: RE: Consultation - Planning Proposal - Deferred Matter - 65/710/303

Good afternoon Bo,

I advise that the amendment to the Cessnock LEP 2011 for suburbs of Mulbring, Brunkerville, Mount Vincent, Richmond Vale, Buchanan, Stockrington, Black Hill, Buttai, Wollombi, Cedar Creek, Sweetmans Creek, Paynes Crossing, Laguna and Bucketty do not affect the land adjoining nor the operation of the ARTC Network, however it should be noted that a private railway corridor owned and maintained by South Maitland Railway extends into the LGA to Pellon.

Subsequently, the Department of Planning's LEP Practice Note Zoning for infrastructure in LEP's Ref. no PN 10-001 dated 14 December 2010 provides guidance to councils on zoning public infrastructure land in standard local environmental plans and aims to provide greater flexibility for the management of infrastructure. Australian Rail Track Corporation Ltd (ARTC) supports the zoning of its land in accordance with the principles outlined in this practice note.

The relevant principles are outlined below:

1. Where the infrastructure type is permitted on all land in the Infrastructure SEPP:
 - future infrastructure may be placed in any zone,
 - existing 'special use' zones should be rezoned the same as the adjacent zone.
2. Where the infrastructure type is only permitted in certain prescribed zones in the Infrastructure SEPP:
 - provide for future infrastructure in prescribed zones rather than special use zones,
 - existing 'special use' zones should be rezoned the same as the adjacent land (if a prescribed zone),
 - rezone land SP2 Infrastructure, if there is no adjacent prescribed zone.
3. If currently zoned 'special use', the following infrastructure land should remain zoned for a 'special purpose':
 - large complexes or strategic sites (rezone as SP2 Infrastructure).
4. Where land is to be zoned SP1 Special Activities or SP2 Infrastructure:
 - include flexible zone boundary provisions,
 - use generic land use map annotations.
5. Where surplus public land is currently zoned 'special use':
 - the land should be rezoned as a compatible land use, or
 - the land should be rezoned consistent with a valid site compatibility certificate.
6. When preparing an LEP, please avoid duplicating provisions in the Infrastructure SEPP to manage impacts on infrastructure corridors.

The major effect of the above is the preference for zoning of railway land the same as the adjacent zone in most circumstances. ARTC requests that zoning be considered as other uses, such as industrial, community and rural uses, these are likely to be compatible with railway activity and/or railway buildings and cannot be permitted under the SP2 zoning.

In terms of heritage ARTC would ordinarily require confirmation from Council that the LEP will not list any items on railway land that are not already listed on the State Heritage Register.

I trust I have responded adequately at this time, however should you require further information please do not hesitate to contact me.

Kind regards,

Teena Renés
Property Manager - Hunter Valley
Enterprise Services

ARTC

P. 02 4941 8619
M. 0430 464 913
E. TRenes@ARTC.com.au

Australian Rail Track Corporation
33 Newton Street
Broadmeadow NSW 2290

artc.com.au

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Bo Moshage

From: Marc Allas <Marc.Allas@environment.nsw.gov.au>
Sent: Tuesday, 10 February 2015 11:48 AM
To: Bo Moshage
Subject: TRIM: Amendment to Cessnock LEP-Deferred matter

HP TRIM Record Number: DOC2015/004997

Dear Bo,

I refer to Cessnock Council's 18 October 2014 request to the Heritage Division, Office of Environment and Heritage, for comments on the gateway determination for Amendment to Cessnock LEP-Deferred matter.

Apologies for delay in responding, there appears to have been an administrative oversight. As discussed, I do not have any comments to make, on the basis that the amendment is an administrative one to address deferred matters, and there are no substantive changes to local heritage items.

Marc Allas
Senior Team Leader
Heritage Planning, Heritage Division
Office of Environment and Heritage
(02) 9873 8558
E: marc.allas@environment.nsw.gov.au

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