

SECTION 59 PLANNING REPORT

Planning proposal details:

PP_2014_CESSN_004_00

Planning proposal summary:

To rezone land at Gingers Lane, Government Road and Church Street, Weston as well as Mount View Road and Oakey Creek Road, Cessnock.

Date of Gateway determination:

9 July 2014

1.0 SUMMARY

Policy background

The Greater Cessnock Strategic Plan 1976 recommended open space buffer areas to reduce the “*major adverse environmental effects of through traffic*”. Subdivisions were encouraged to retain as many trees as possible on “unproductive or boundary land”. Subsequently, a number of areas were set aside for buffer areas under the Northumberland Local Environmental Plan (covering Cessnock, Newcastle and Lake Macquarie Local Government areas) and then zoned 6(a) Open Space Zone under the Cessnock Local Environmental Plan 1989.

Consequent to the implementation of the Standard Instrument Local Environmental Plan (Cessnock Local Environmental Plan 2011 (Cessnock LEP 2011)), the open space buffer was zoned RE1 Open Space and became restrictive to the development of land used for residential purposes. Further detailed description of the policy background is provided in the attached Planning Proposal (**Attachment 1**).

Overview of zones and development standards to be amended

There are two precincts relating to the amendment, namely the Weston precinct and the Cessnock precinct. The Weston precinct relates to land at Gingers Lane, Government Road and Church Street, Weston Cessnock Precinct relates to land at Mount View Road and Oakey Creek Road, Cessnock. A list of the land parcels to be amended is provided in the attached Planning Proposal (**Attachment 1**).

The Weston precinct seeks to rezone land from RE1 Public Recreation to R5 Large Lot Residential, and add the minimum lot size provisions of 2,000m² and 4ha consistent with the adjoining land use provisions.

The Cessnock precinct seeks to rezone land from RE1 Public Recreation to R2 Low Density Residential, and add the minimum lot size provision of 450m² consistent with the adjoining land use provisions.

Exhibition and submissions summary

In accordance with the Gateway Determination, the Planning Proposal was publicly exhibited for a period of 14 days from 27 August 2014 to 10 September 2014. One submission was received as a result of the exhibition, supporting the proposal. No amendments were made to the Planning Proposal as a result of the submission.

2.0 GATEWAY DETERMINATION

A Gateway Determination (at **Attachment 2**) was issued by the Department of Planning and Environment on 9 July 2014, allowing 6 months to complete the amendment.

A request to amend the Cessnock LEP 2011 (Amendment 14) was made to Parliamentary Counsel on 5 December 2014. Parliamentary Counsel Opinion was received on 9 January 2015.

All conditions of the Gateway Determination have been complied with.

3.0 COMMUNITY CONSULTATION

In accordance with the Gateway Determination, the Planning Proposal was publicly exhibited for a period of 14 days from 27 August 2014 to 10 September 2014. One submission was received as a result of the exhibition, supporting the proposal. No amendments were made to the Planning Proposal as a result of the submission.

No amendments were made to the Planning Proposal as a result of the submission.

Consultation requirements stipulated by the Gateway Determination were complied with.

4.0 VIEWS OF PUBLIC AUTHORITIES

The Rural Fire Service was consulted in accordance with the gateway determination and advised Council by letter on 4 August 2014 (refer **Attachment 7**) that it had no objection to the Planning Proposal proceeding.

5.0 CONSISTENCY WITH S.117 DIRECTIONS AND OTHER STRATEGIC PLANNING DOCUMENTS

An assessment of relevant Section 117 Directions is provided in the Planning Proposal (refer **Attachment 1**).

In accordance with the relevant Section 117 Directions, the NSW Rural Fire Service was consulted and provided a response (refer **Attachment 7**). No updates to s117 directions were required as a result of their response.

6.0 PARLIAMENTARY COUNSEL OPINION

Council sought an opinion of Parliamentary Counsel on 5 December 2014. Parliamentary Counsel's Opinion was given on 9 January 2015 (refer **Attachment 5**).

7.0 OTHER RELEVANT MATTERS

There are no additional matters that are relevant considerations for the making of the plan.

8.0 MAPPING

The relevant Maps and Map Cover Sheet are at **Attachment 6**, and were sent to the Department for checking on 23 December 2014. The mapping was confirmed to be correct by the Department on 16 January 2015.

9.0 RECOMMENDATION

Council recommends that Amendment No. 14 to Cessnock Local Environmental Plan 2011 be made as per the attached Parliamentary Counsel Opinion (**Attachment 5**) and associated Maps (**Attachment 6**).

Attachments:

1. Planning Proposal – *Certain RE1 Public Recreation Zones and Amendments to Mapping for Additional Permissible Uses*;
2. Gateway Determination - PP_2014_CESSN_004_00;
3. Report to Ordinary Meeting of Council 19 November 2014;
4. Minutes of Ordinary Meeting of Council 19 November 2014;
5. Parliamentary Counsel Opinion –*Cessnock Local Environmental Plan 2011 (Amendment No 14)*;
6. Map Cover Sheet and Maps associated with Cessnock Local Environmental Plan 2011 (Amendment No 14);
7. Letter of response dated 4 August 2014 from NSW Rural Fire Service to Cessnock City Council.

Attachment No 1:

**Planning Proposal – Certain RE1 Public Recreation Zones and
Amendments to Mapping for Additional Permissible Uses**



PLANNING PROPOSAL
Amendment to the
Cessnock Local Environmental Plan 2011

**REZONING OF:
CERTAIN RE1 PUBLIC RECREATION
ZONES;
AND AMENDMENTS TO MAPPING FOR
ADDITIONAL PERMISSIBLE USES**

- Gingers Lane, Weston
- Church Street, Weston
- Oakey Creek Road, Cessnock
- Mount View Road, Cessnock
- Minor change to Additional Permissible Uses Map

Version 3.0
October 2014

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PART 1: OBJECTIVES and OUTCOMES

Objective

The objectives of this planning proposal are to:

- Correct a number of zoning anomalies with relation to the application of the RE1 Public Recreation zone in the Cessnock Local Environmental Plan 2011; and to
- Amend, at the request of the Department of Planning and Environment a mapping anomaly for the Additional Permitted uses map 1720_COM_APU_005_080_20140226.

This amendment is required to allow private landowners to undertake development within their property (subject to DA consent) consistent with the zoning of the remainder of the allotment.

Since the preparation of the Local Environmental Plan 2011, a number of minor zoning and mapping errors have been identified with relation to the RE1 zone. These RE1 zoning anomalies are implementing unreasonable restrictions for private land owners when undertaking minor development in the Cessnock LGA.

The Planning Proposal applies to land at Gingers Lane Weston; Church Street Weston; Oakey Creek Road Cessnock; and Mount View Road, Cessnock. The Planning Proposal involves a minor change to the Additional Permissible Uses map.

Background

The Greater Cessnock Strategic Plan 1976 recommended open space buffer areas to reduce the “*major adverse environmental effects of through traffic*”. Subdivisions were encouraged to retain as many trees as possible on “unproductive or boundary land”. Subsequently, a number of areas were set aside for buffer areas under the Northumberland Local Environmental Plan (covering Cessnock, Newcastle and Lake Macquarie Local Government areas) and then zoned 6(a) Open Space Zone under the Cessnock Local Environmental Plan 1989 (CLEP 1989).

Changes between the 6(a) Zone (LEP 1989) and RE1 Zone (LEP 2011)

In implementing the Cessnock Local Environmental Plan 2011, the land was rezoned to RE1 Public Recreation under the provisions of the Standard Instrument and therefore a conversion of the preceding 6(a) Public Recreation Zone under Cessnock LEP 1989. However, while the 6(a) zone was to be applied to private open space land, Practice Note 11-002 “Preparing LEPs using the Standard Instrument: Standard Zones” recommended that the RE1 zone only be used for public recreational areas.

The objectives of the 6(a) zone were to:

- Recognise existing public land used or capable of being used for public recreation purposes; and
- Recognise private recreation facilities on privately owned land or on land where general public access may be restricted.

The objectives of the RE1 Public Recreation zone are to:

- Enable land to be used for public open space or recreational purposes;
- Provide a range of recreational settings and activities and compatible land uses; and
- Protect and enhance the natural environment for recreational purposes.

Enabling Clauses

The anomalies in the historical zoning provisions were able to exist given the enabling clauses in previous instruments which no longer apply under the Cessnock LEP 2011 (in respect to land zoned RE1).

Under the CLEP 1989, there was a provision under Clause 55 which enabled consent to be granted, subject to Council's discretion, for development within 20 metres of a boundary between any two zones where the proposed development was consistent with the adjoining zone. By enabling development to occur across the entire 20m width of the strip of 6(a) zoned land, this clause diluted the original intentions of the 6(a) zoning.

Under the Cessnock LEP 2011, the following land uses are permitted in the RE1 zone:

Camping grounds; Caravan parks; Child care centres; Community facilities; Environmental facilities; Environmental protection works; Heliports; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads

All other uses are prohibited, which is restrictive to future residential development. Clause 5.3 "Development near zone boundaries" of the Cessnock Local Environmental Plan 2011 aims to provide flexibility by allowing uses within 20 metres of an adjoining zone boundary to enable more logical and appropriate development and uses of the site and to be compatible with the planning objectives and land uses for the adjoining zone. However land zoned RE1 is excluded from this clause. The impact of this is that private land owners are restrained from developing their own land. Therefore while the enabling clause 55 under Cessnock LEP 1989 enabled certain appropriate developments and uses to be permitted, the clause under Cessnock LEP 2011 does not.

PART 2: EXPLANATION of PROVISIONS

Cessnock Local Environmental Plan 2011

The Cessnock Local Environmental Plan 2011 is proposed to be amended in the following ways:

1. Amend the Land Use Zoning Map in accordance with the maps provided at Appendix 4 for the two key sites listed below.
2. Amend the Minimum Lot Size Map in accordance with the maps provided at Appendix 6 for the two (2) key sites listed below.
3. Amend the Additional Permitted Uses Map in accordance with the map provided at Appendix 8.

KEY SITES

1. Gingers Lane and Church Street, Weston

A 20m wide strip of land zoned RE1 Public Recreation along the boundary of Gingers Lane, Government Road and Church Street, Weston currently encroaches in privately owned land zoned R5 Large Lot Residential. The intended purpose of the 20m wide strip would appear to have been to screen the road from a proposed 1,200 lot residential development which was founded prior to 1982 but has since not come to fruition. The 20m wide strip was associated with an amendment to the Northumberland Local Environmental Plan (covering Cessnock, Newcastle and Lake Macquarie Local Government areas) which was advertised in the 1982 NSW Government Gazette No 172.

This includes the following parcels:

- | | |
|---|-----------------------|
| • Lots 1 – 6, DP 1029601, | Gingers Lane, Weston |
| • Lot 14 and 15, DP 1029601, | Gingers Lane, Weston |
| • Lot 19 – 24, and Lot 41 - 46, DP 1065210, | Gingers Lane, Weston |
| • Lot 1, Lot 39-42, Lot 50, DP 1039150, | Gingers Lane, Weston |
| • Lots 21 and 22, DP 1139662, | Gingers Lane, Weston |
| • Lot 285, DP 755231, | Gingers Lane, Weston |
| • Lot 1 and 2, DP 1157432, | Church Street, Weston |
| • Lot 3, DP 870096, | Church Street, Weston |
| • Lot 1 – 3, DP 1058063, | Church Street, Weston |
| • Lot 27 – 28, DP 1039150, | Church Street, Weston |
| • Lot 1, DP 770815, | Church Street, Weston |
| • Lot 288, DP 755231, | Church Street, Weston |

Under the zone conversion under the Standard Instrument, the land has incorrectly inherited an RE1 zoning. The land does not provide any recreational benefits to the public, the zoning poses unreasonable restrictions on land use and provides a hindrance to private land owners when undertaking minor development. It is proposed that land located within the allotment so affected along Gingers Lane, Government Road and Church Street, Weston, be rezoned from RE1 Public Recreation to R5 Rural Residential with a minimum lot size for some parcels of 4HA and 2,000m² for others, under the Cessnock Local Environmental Plan 2011.

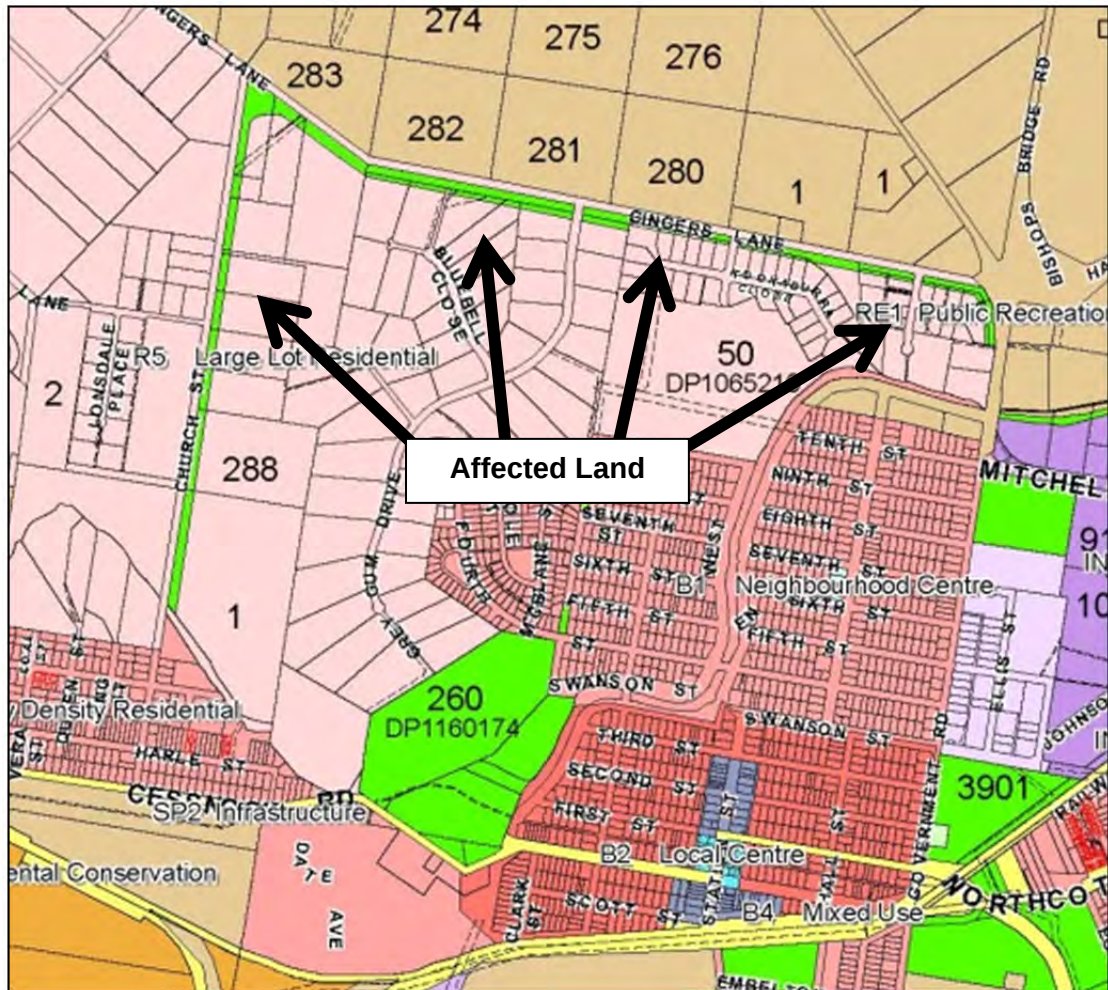


Figure 1 – Gingers Lane and Church Street, Weston

1. Mount View Road and Oakey Creek Road, Cessnock

A number of properties along the boundary of Mount View Road and Oakey Creek Road, Cessnock currently have a strip of land zoned RE1 Public Recreation encroaching into land under private ownership zoned R2 Low Density Residential (refer Figure 2 below). The strip ranges from less than 10m in width to approximately 20m. Similar to the 20m wide strip at Gingers Lane, Weston, the intended purpose of the 20m wide strip was likely to provide a natural and screening buffer between the adjoining residential lands.

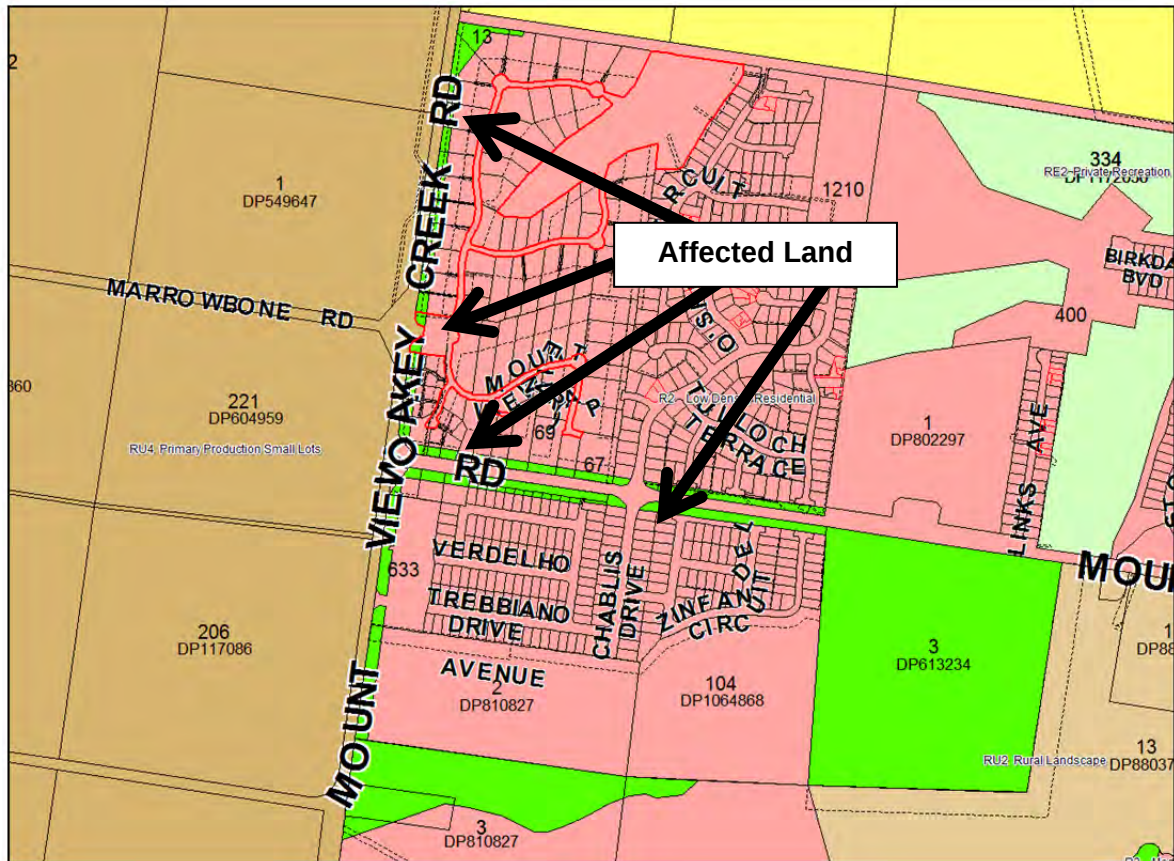


Figure 2 - Mount View Road and Oakley Creek Road, Cessnock

The preceding 6 (a) Public Open Space strips - now zoned RE 1 Public Recreation - were deliberately planned to provide a nature strip screening the rural land uses from adjoining residential lands. The strip presents a landscaped interface and entry statement to the vineyards district in addition to preventing direct access to residential lots from Oakley Creek Road to the Kelman Estate (which has an 80 kph speed limit).

However, this zoning should not apply to the privately owned land segments. Therefore, this Planning Proposal proposes to rezone the privately owned land zoned RE1 Public Open Space to R2 Low Density Residential. It is noted that the recently approved subdivision at the corner of Trebbiano Drive and Mount View Road included the dedication of land zoned RE1 to Council ownership. Consequently, this land was revised post exhibition to remain RE1 and the boundaries between the two zones, particularly along the section of Mount View Road running north/south has been revised to coordinate with the approved subdivision.

For comparative purposes, the proposed zonings as exhibited are shown in Figure 3 below and the zonings as recommended for endorsement are shown in Figure 4 below.

The proposed zonings relate to:

- | | |
|--|-------------------|
| • Lots 1 – 14, DP 270158 | Oakley Creek Road |
| • Lot 82, 83, 86, 87, and 94 , DP 270158 | Oakley Creek Road |
| • Lots 67 – 73, 89, 90, DP 270158 | Mount View Road |
| • Lots 616 – 628, DP 1185414 | Mount View Road |
| • Lot 633, DP 1185414 | Mount View Road |
| • Lots 10 – 12, DP 809451 | Mount View Road |
| • Lot 2, DP 810827 | Mount View Road |

This zoning represents a historical zoning anomaly which no longer has any strategic merit except for the segments of land on the western and southern borders of the Kelman Estate adjacent to Oakey Creek Road and Mount View Road respectively. The land does not provide any recreational benefits to the public and the zoning poses unreasonable restrictions on land use and provides a hindrance to private land owners when undertaking minor development. It is proposed that the zoning of the RE1 parcels be amended to R2 Low Density Residential with a minimum lot size of 450m² under the Cessnock Local Environmental Plan 2011.

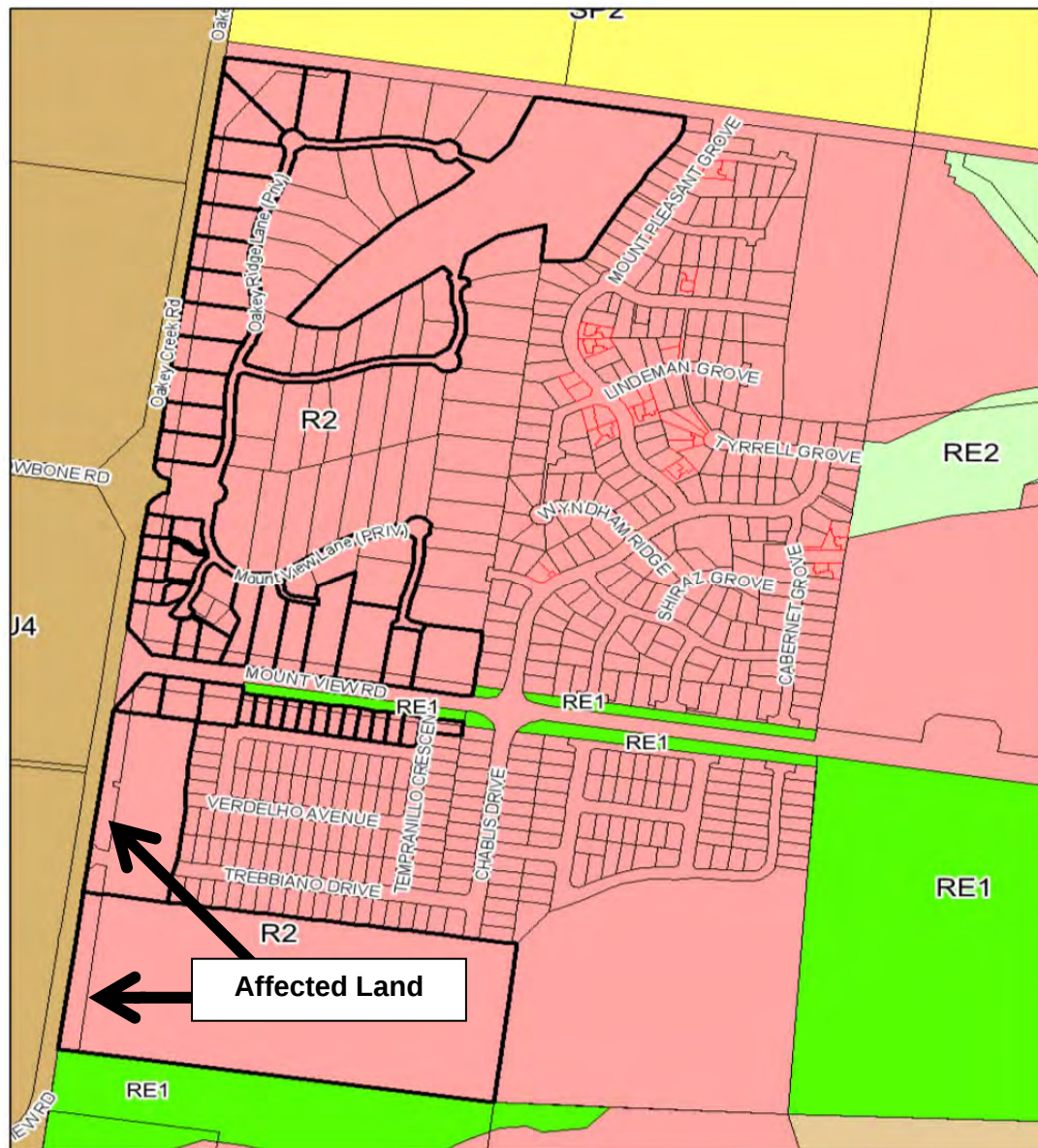


Figure 3 - Mount View Road and Oakey Creek Road, Cessnock – As Exhibited

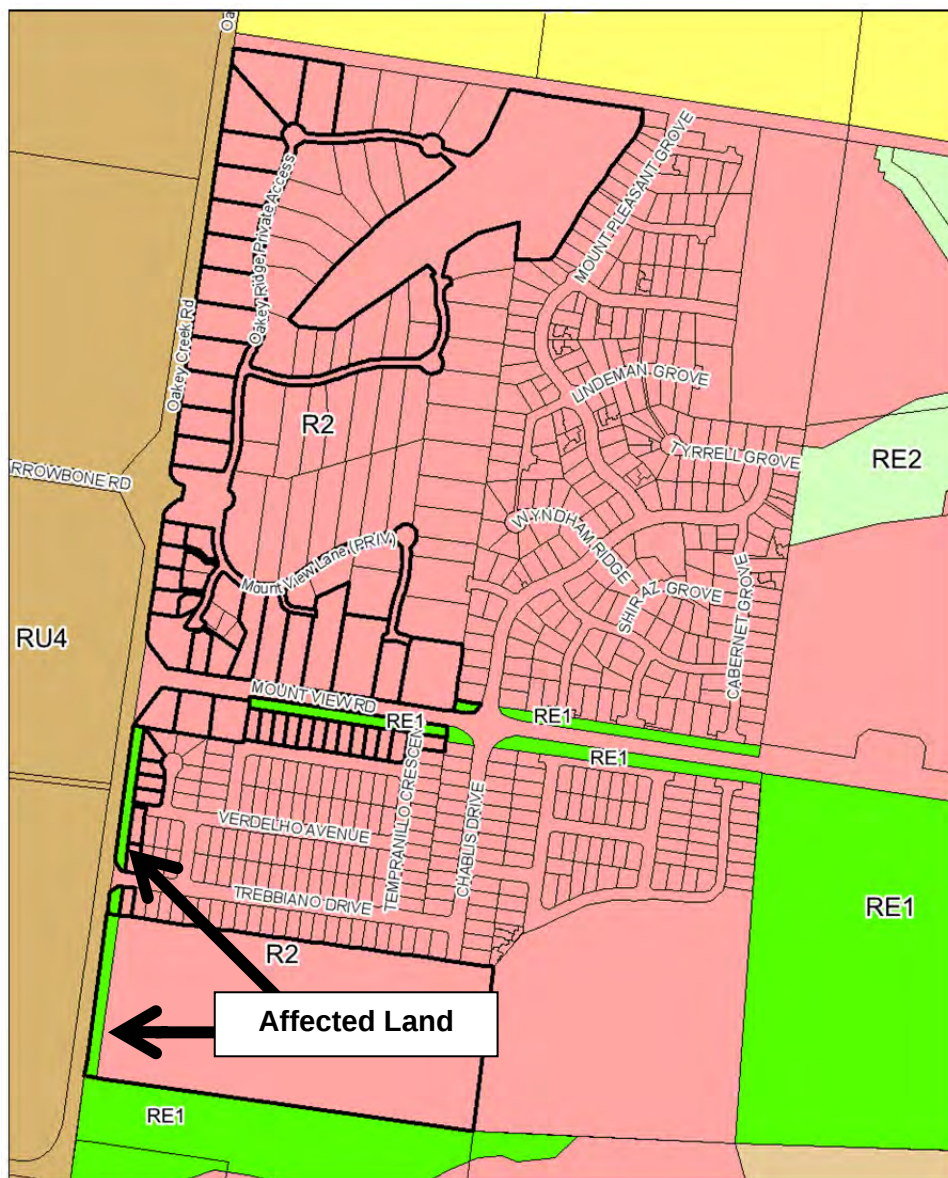


Figure 4 - Mount View Road and Oakley Creek Road, Cessnock – Post Exhibition

2. Additional Permitted Uses Map

The Planning Proposal seeks to amend additional permitted uses map 1720_COM_APU_005_080_20140226 to correctly identify the local government boundary between Cessnock and Singleton. Lot 79, DP 270482 needs to be reinstated on the map to rectify an administrative error which arose at the time of gazettal of Amendment 8 to the Cessnock LEP 2011. The amendment also seeks to correctly identify the lands known as “The Vintage”, “Hunter Valley Gardens” and “Cypress Lakes” as was previously illustrated on map 1720_COM_APU_005_080_20130416. This arose due to an administrative error by the Department of Planning and Environment.

PART 3: JUSTIFICATION

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

The Planning Proposal is not a result of a strategic study or report. It is required to correct a number of minor mapping anomalies with the Cessnock Local Environmental Plan 2011.

The planning proposal is a result of a Councillor request in September 2013 which highlighted an anomaly in the zoning of Gingers Lane, Weston. Council's consideration of the issues identified in this planning proposal were provided at Councils Ordinary Meeting held on 9 October 2013 (Report Q325/2013) and on 20 November 2013. A copy of these Council reports are attached to this document.

The amendment aims to bring the zoning provisions in the Cessnock LGA consistent with Practice Note 11-002 "Preparing LEPs using the Standard Instrument: standard zones" This practice note recommends as follows:

- **RE1 Public Recreation** - This zone is generally intended for a wide range of public recreational areas and activities including local and regional parks and open space. The uses may include 'recreation facilities,' 'community facilities' such as lifesaving clubs, 'environmental facilities,' 'environmental protection works' and other uses compatible with the primary use of the land. Where land is to be reserved for public recreation purposes (e.g. local or regional open space), the land is to be outlined and annotated on the Land Reservation Acquisition Map, and the relevant acquisition authority identified in the table in clause 5.1.
- **RE2 Private Recreation** - This zone is generally intended to cover a wide range of recreation areas and facilities on land that is privately owned or managed. The use of facilities developed on this land may be open to the general public or restricted e.g. to registered members only. Private recreation may include racecourses, golf clubs, bowling clubs, rifle ranges, speedways, tennis complexes and other sporting or recreational facilities which may be on significant parcels of privately owned land, or on land leased from councils or State authorities.

2. Planning Proposal as best way to achieve to objectives

This planning proposal is the best means of achieving the objectives and intended outcomes. There are no other mechanisms to achieve the objectives or intended outcomes.

It is envisaged that by rectifying these zoning anomalies, that there will be an overall net community benefit. The proposed amendments to Cessnock LEP 2011 are essential as the current zoning provisions are placing unreasonable restrictions on future land use for the affected properties and are providing a hindrance to private land owners when undertaking minor development.

Section B: Relationship to Strategic Planning Framework

3. 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.

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

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

The Planning proposal is consistent with "Cessnock 2023 Community Strategic Plan - Our People, Our Place, Our Future". Objective 3.2 Better utilisation of existing open space and objective 5.3 Making Council More Responsive to the Community.

City Wide Settlement Strategy (2010)

5. Consistency with State Environmental Planning Policies

There is no inconsistency with any applicable SEPP or draft SEPP.

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

The delegate to the Director-General in the Department of Planning and Environment agreed, as part of the Gateway Determination to approve the reduction of land zoned RE1 Public Recreation under the Minister's section 117 Direction 6.2 Reserving Land for Public Purposes on the basis that it provides no recreational benefits to the public.

There are minor inconsistencies with Ministerial Directions regarding Local Plan Making and these are addressed below.

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.	Consultation with relevant authorities is required to ensure consistency with the direction
6.2 Reserving Land for Public	The objectives of this direction are to facilitate the	The reduction of land zoned RE1 Public Recreation in the Planning Proposal has been

Purposes	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.	approved as part of the Gateway Determination on the basis that the subject land provides no recreational benefits to the public.
Residential Zones <u>Objectives</u> (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to <i>minimise</i> the impact of residential development on the environment and resource lands.	<u>Where this direction applies</u> This direction applies when will affect land within: • an existing or proposed residential zone (including the alteration of any existing residential zone boundary), • make more efficient use of existing infrastructure and services, and • be of good design. • not contain provisions which will reduce the permissible residential density of land. <u>Consistency</u> A planning proposal may be inconsistent with the terms of this direction only if the Council can satisfy the Director-General (or nominee) that the provisions of the planning proposal that are inconsistent are of minor significance.	It is submitted that the Planning Proposal: a) Does not in any way detract from the encouragement of variety and choice of housing types to provide for existing and future housing needs, b) Provides for efficient use of existing infrastructure and services and maintains appropriate access to infrastructure and services, c) Provides for rezoning of RE 1 land that is not in public ownership and has no recreational benefits to the public. d) Does not contain provisions which will reduce the permissible residential density of land; and e) Is of minor significance.

Section C: Environmental, Social and Economic Impact

7. **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 and relevant legal obligations will be still apply to those areas of land being re-zoned to R2 Low Density Residential and R5 Large Lot Residential.

There are two endangered ecological communities (EEC) along Gingers Lane and Church Street - the Lower Hunter Spotted Gum – Ironbark and Kurri Sand Swamp

Woodland, The associated legal requirements will pertain in terms of constraints to, and assessments of, development proposals under the R5 Large Lot Residential zone.

8. Environmental Impact

Again, there are two endangered ecological communities (EEC) along Gingers Lane and Church Street - the Lower Hunter Spotted Gum – Ironbark and Kurri Sand Swamp Woodland, The associated legal requirements will pertain in terms of constraints to, and assessments of, development proposals under the R5 Large Lot Residential zone.

9. Social and Economic Impacts

This Planning Proposal will not create any adverse social or economic impact and will have positive impacts in terms of enabling minor developments and uses of privately owned land to occur which were previously constrained by the RE 1 zoning.

Section D: State and Commonwealth Interests

10. Adequate Public Infrastructure

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

11. Consultation with State and Commonwealth Authorities

Council consulted with the Rural Fire Service (RFS) was consulted in accordance with the gateway determination and the RFS advised by letter of 4 August 2014 that it had no objection to the Planning Proposal proceeding.

PART 4: MAPPING

The following maps are required to be amended to achieve the intent of the Planning Proposal:

CESSNOCK

Land Zone Map – Replace the “RE1 Public Recreation” zoning with R2 Low Density Residential on map sheet 1720_COM_LZN_006C_040_20130116 as it relates to the following parcels:

- | | |
|--------------------------------------|------------------|
| • Lot 1 – 14, DP 270158 | Oakey Creek Road |
| • Lot 82, 83, 86, 87, 94 , DP 270158 | Oakey Creek Road |
| • Lot 67 – 73, 89, 90, DP 270158 | Mount View Road |
| • Lot 616-628, DP 1185414 | Mount View Road |
| • Lot 705-706, DP 1185414 | Mount View Road |
| • Lot 713-718, DP 1185414 | Mount View Road |
| • Lot 10-12, DP 809451 | Mount View Road |
| • Lot 2, DP 810827 | Mount View Road |

Lot Size Map – Amend the minimum lot size map to reflect a minimum lot size of 450m² on map sheet 1720_COM_LSZ_006C_040_20130227 as it relates to the following parcels:

- | | |
|--------------------------------------|------------------|
| • Lot 1 – 14, DP 270158 | Oakey Creek Road |
| • Lot 82, 83, 86, 87, 94 , DP 270158 | Oakey Creek Road |
| • Lot 67 – 73, 89, 90, DP 270158 | Mount View Road |
| • Lot 616 – 628, DP 1185414 | Mount View Road |
| • Lot 705-706, DP 1185414 | Mount View Road |
| • Lot 713-718, DP 1185414 | Mount View Road |
| • Lot 10 – 12, DP 809451 | Mount View Road |
| • Lot 2, DP 810827 | Mount View Road |

POKOLBIN

Additional Permitted Uses – Amend the Additional Permitted Uses map sheet 1720_COM_APU_005_080_20140226 to correctly identify the local government boundary between Cessnock and Singleton. Lot 79, DP 270482 needs to be reinstated on the map to rectify an administrative error which arose. The amendment also seeks to correctly identify the lands known as “The Vintage”, “Hunter Valley Gardens” and “Cypress Lakes” as was previously illustrated on map sheet 1720_COM_APU_005_080_20130416.

WESTON

Land Zone Map - Replace the “RE1 Public Recreation” zoning with R5 Large Lot Residential on map sheet 1720_COM_LZN_009A_040_20130815 as it relates to the following parcels:

- | | |
|---|----------------------|
| • Lots 1 – 6, DP 1029601, | Gingers Lane, Weston |
| • Lot 14 and 15, DP 1029601, | Gingers Lane, Weston |
| • Lot 19 – 24, and Lot 41 - 46, DP 1065210, | Gingers Lane, Weston |
| • Lot 1, Lot 39-42, Lot 50, DP 1039150, | Gingers Lane, Weston |
| • Lots 21 and 22, DP 1139662, | Gingers Lane, Weston |

- Lot 285, DP 755231, Gingers Lane, Weston
- Lot 1 and 2, DP 1157432, Church Street, Weston
- Lot 3, DP 870096, Church Street, Weston
- Lot 1 – 3, DP 1058063, Church Street, Weston
- Lot 27 – 28, DP 1039150, Church Street, Weston
- Lot 1, DP 770815, Church Street, Weston
- Lot 288, DP 755231, Church Street, Weston

Lot Size Map

Amend the minimum lot size map to reflect a minimum lot size of 4 Hectares on map sheet 1720_COM_LSZ_009A_040_20130614 as it relates to the following parcels:

- Lot 1 and 2, DP 1157432, Church Street, Weston
- Lot 3, DP 870096, Church Street, Weston
- Lot 1 – 3, DP 1058063, Church Street, Weston
- Lot 27 – 28, DP 1039150, Church Street, Weston
- Lot 1, DP 770815, Church Street, Weston
- Lot 288, DP 755231, Church Street, Weston
- Lot 1, Lot 39-42, Lot 50, DP 1039150, Gingers Lane, Weston
- Lots 21 and 22, DP 1139662, Gingers Lane, Weston
- Lot 285, DP 755231, Gingers Lane, Weston

Amend the minimum lot size map to reflect a minimum lot size of 2,000m² on map sheet 1720_COM_LSZ_009A_040_20130614 as it relates to the following parcels:

- Lots 1 – 6, DP 1029601, Gingers Lane, Weston
- Lot 14 and 15, DP 1029601, Gingers Lane, Weston
- Lot 19 – 24, and Lot 41 - 46, DP 1065210, Gingers Lane, Weston

PART 5: COMMUNITY CONSULTATION

Under Section 57(2) of the Environmental Planning and Assessment Act, before community consultation is undertaken, the Director-General of Planning and Environment must approve the form of planning proposals to comply with the gateway determination.

Council is of the view that this site meets all the above criteria as a 'low impact planning proposal' in its "Guide to Preparing Local Environmental Plans" and thus this planning proposal shall be made.

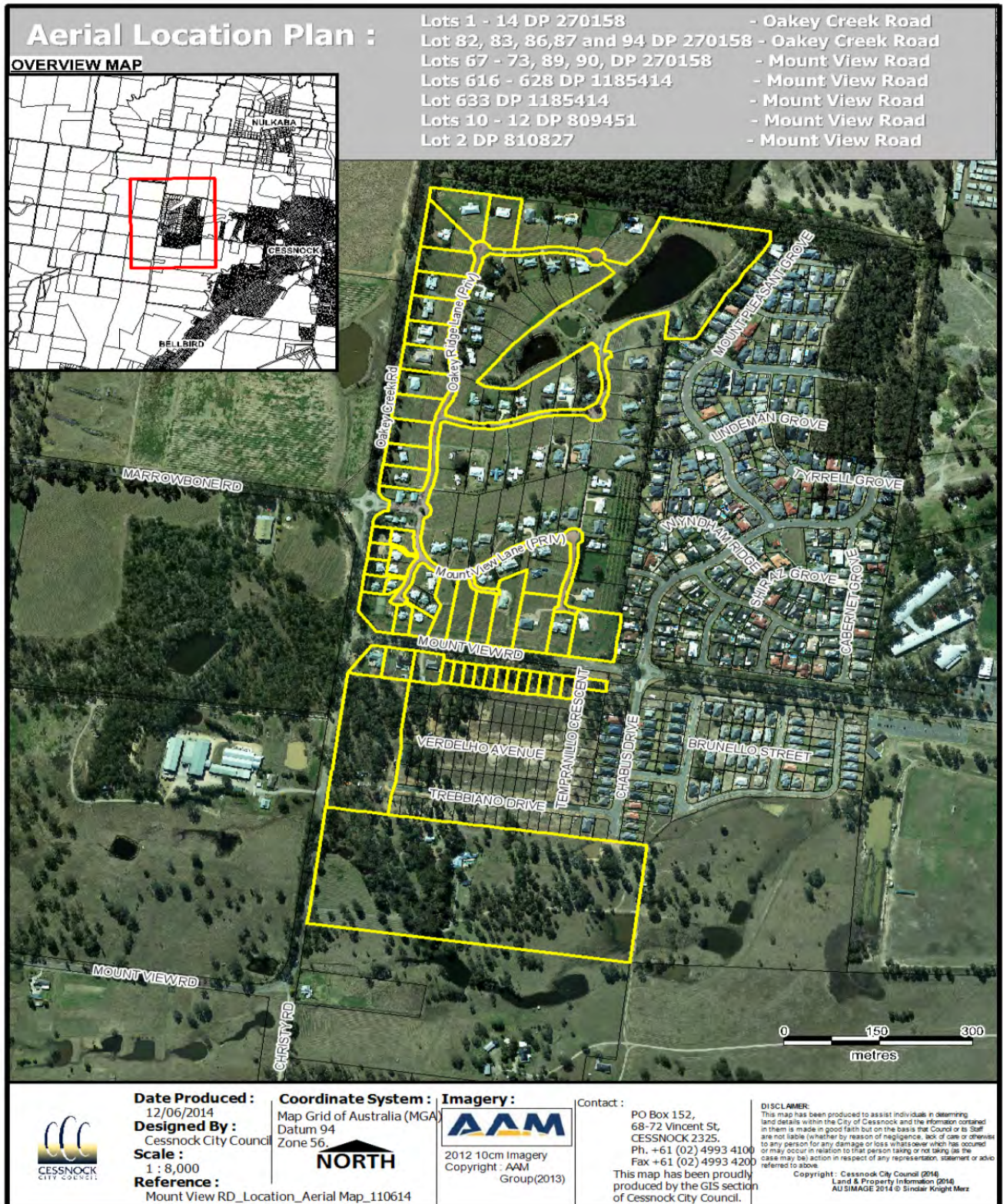
PART 6: PROJECT TIMELINE

The Project Timeline will assist with tracking the progress of the Planning Proposal through the various stages of consultation and approval as outlined in the following table.

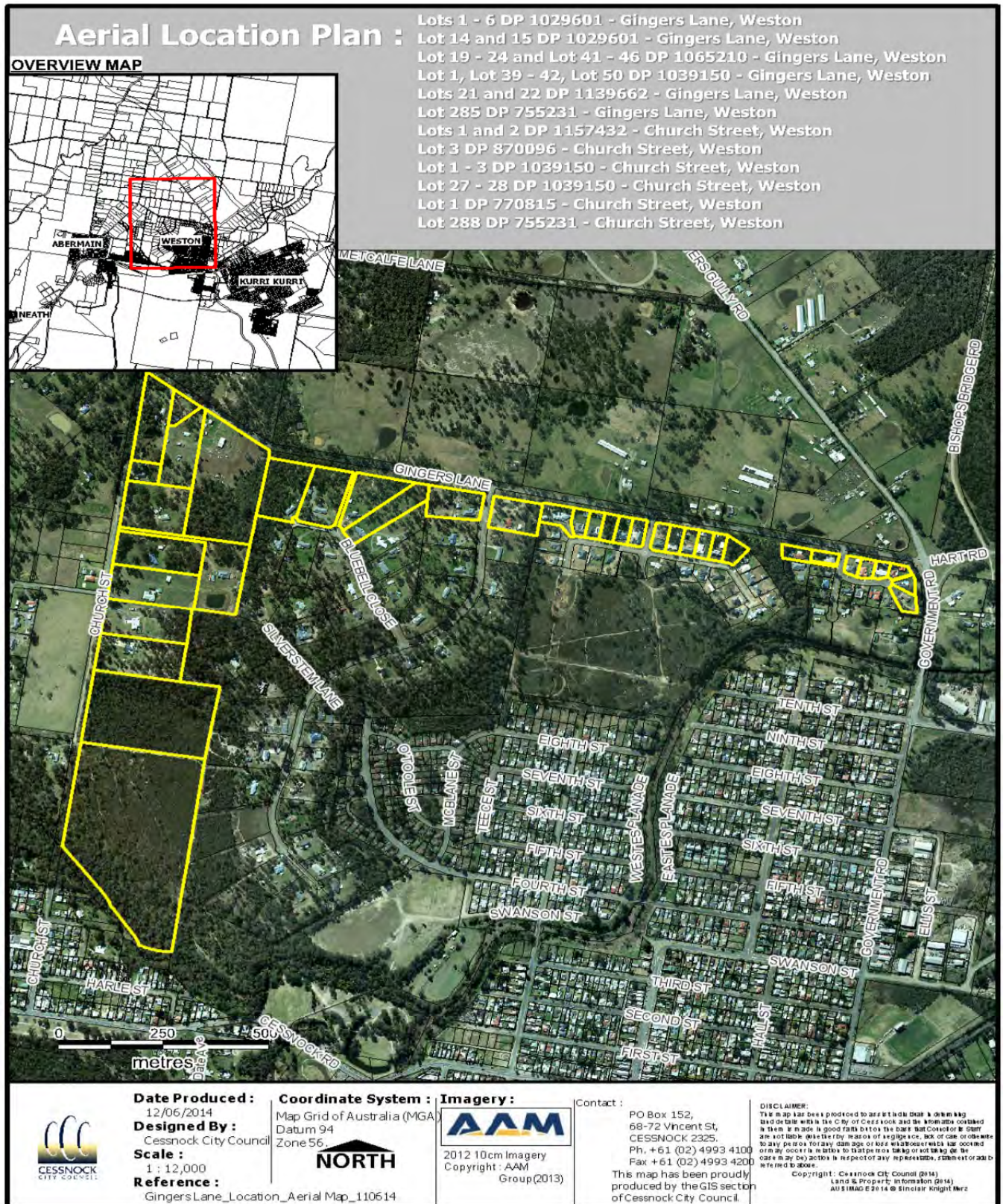
It is estimated that this amendment to the Cessnock Local Environmental Plan 2011 will be completed by January 2015.

	July 2014	Aug 2014	Sep 2014	Oct 2014	Nov 2014	Dec 2014	Jan 2015
STAGE 1 Submit Planning Proposal to Planning & Infrastructure							
STAGE 2 Anticipated commencement date (Gateway Determination)							
STAGE 3 Public Exhibition Period							
STAGE 4 Reviewal / consideration of submissions							
STAGE 5 Report to Council							
STAGE 6 Council makes- the Local Environmental Plan							

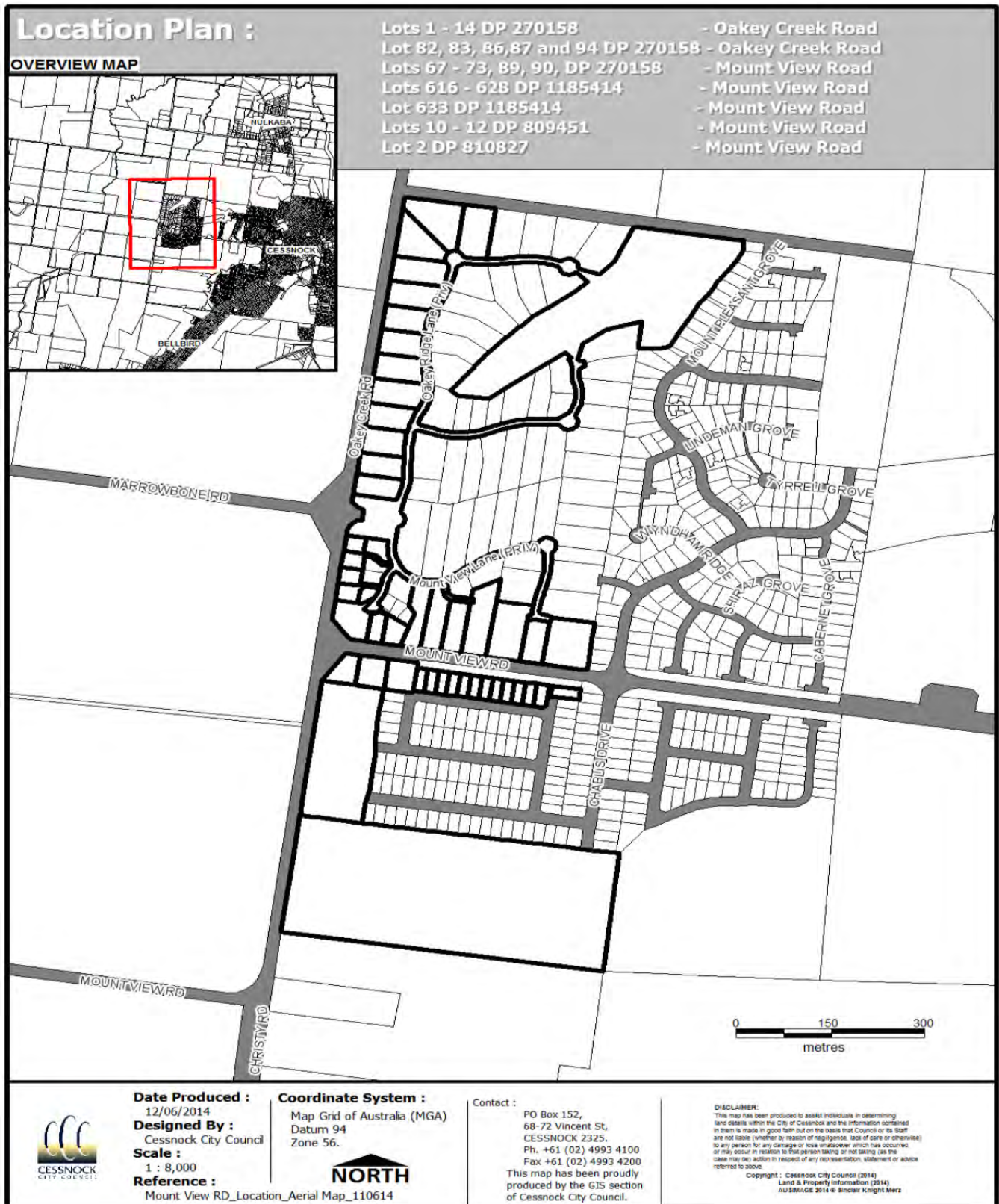
Appendix 1: Map 1: Aerial Location Plan – Mount View Road and Oakey Creek Road, Cessnock



Appendix 1: Map 2: Aerial Location Plan – Gingers Lane and Church Street, Weston



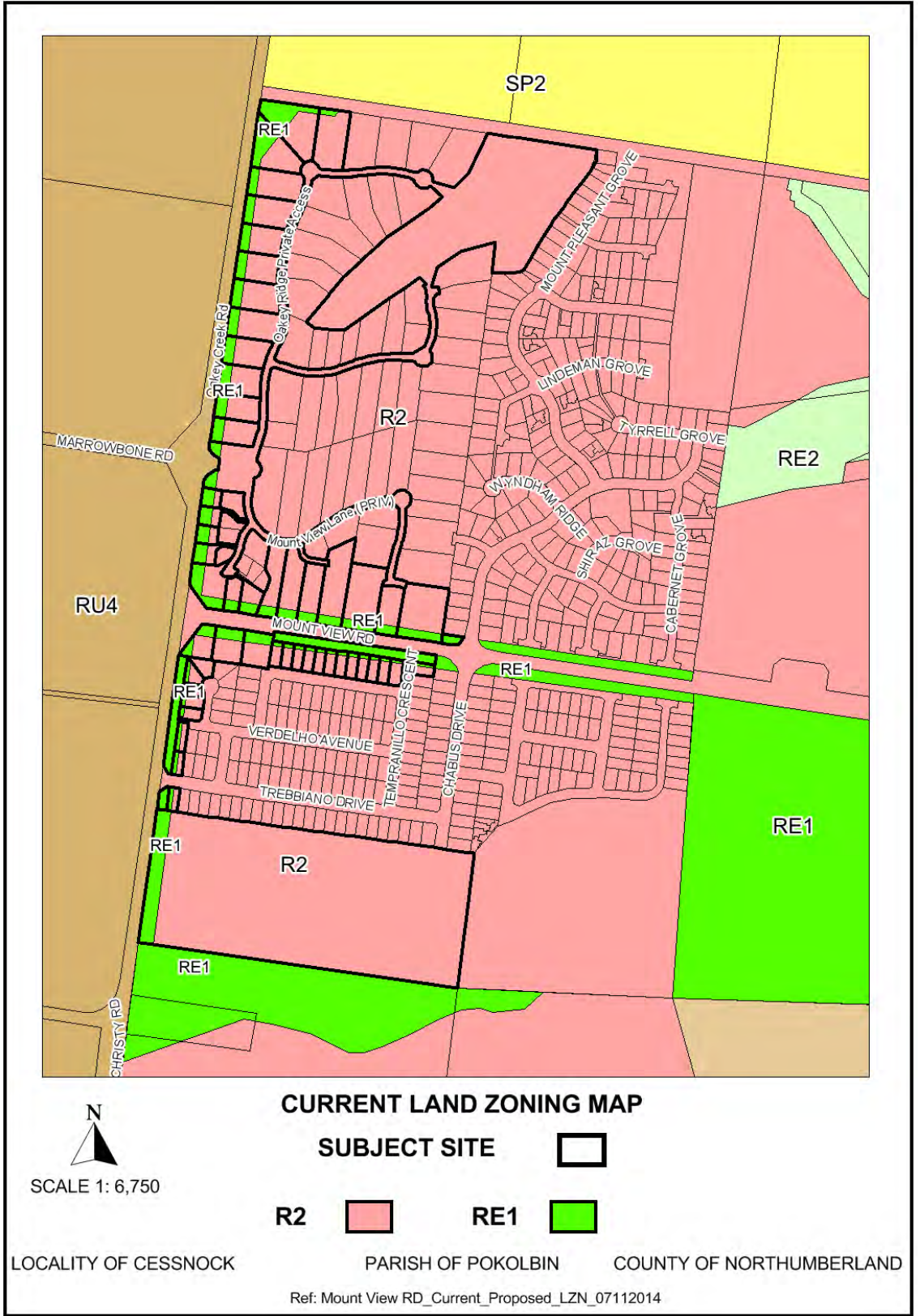
Appendix 2: Map 1: Location Plan – Mount View Road and Oakey Creek Road, Cessnock



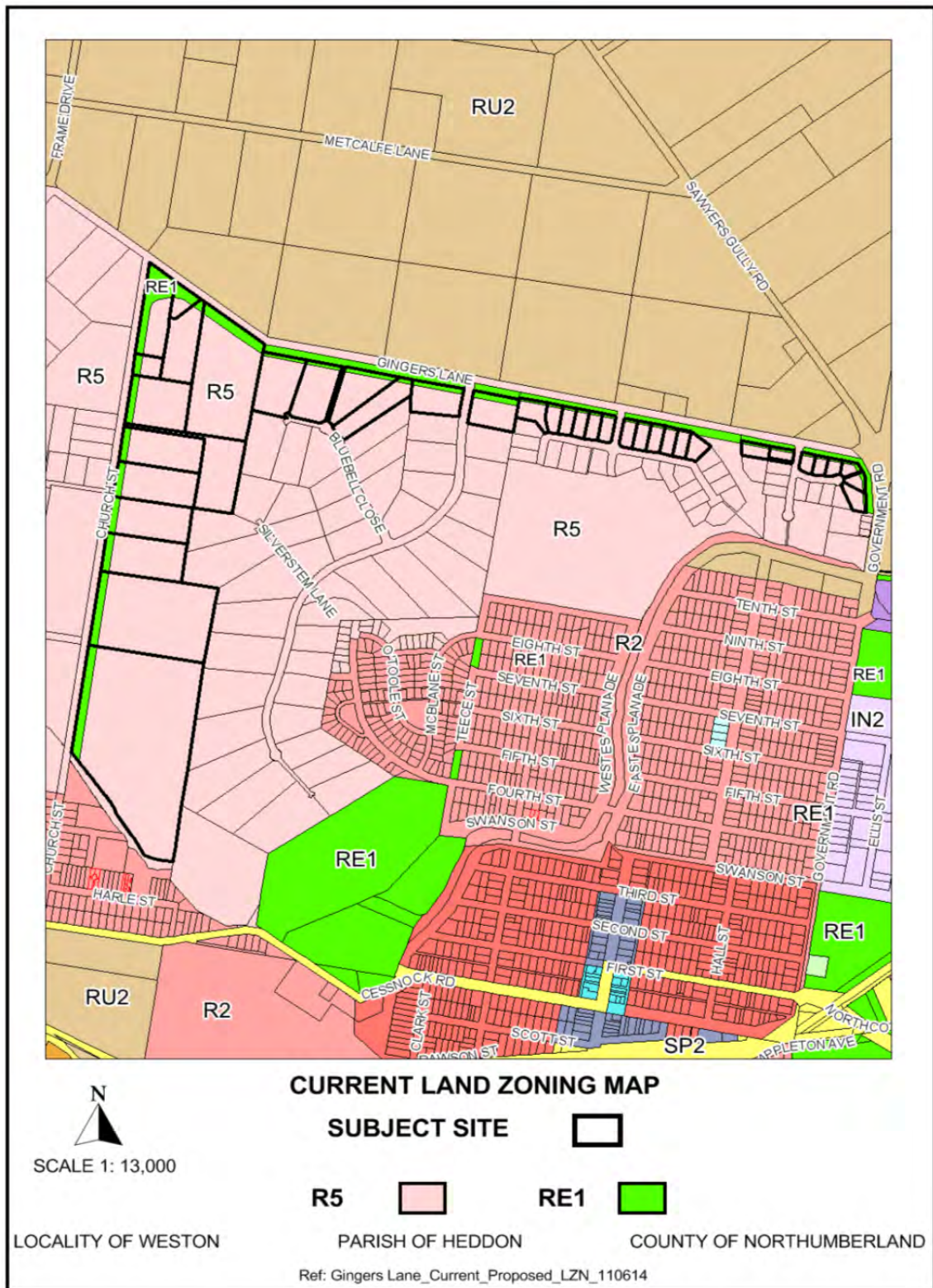
Appendix 2: Map 2: Location Plan – Gingers Lane and Church Street, Weston



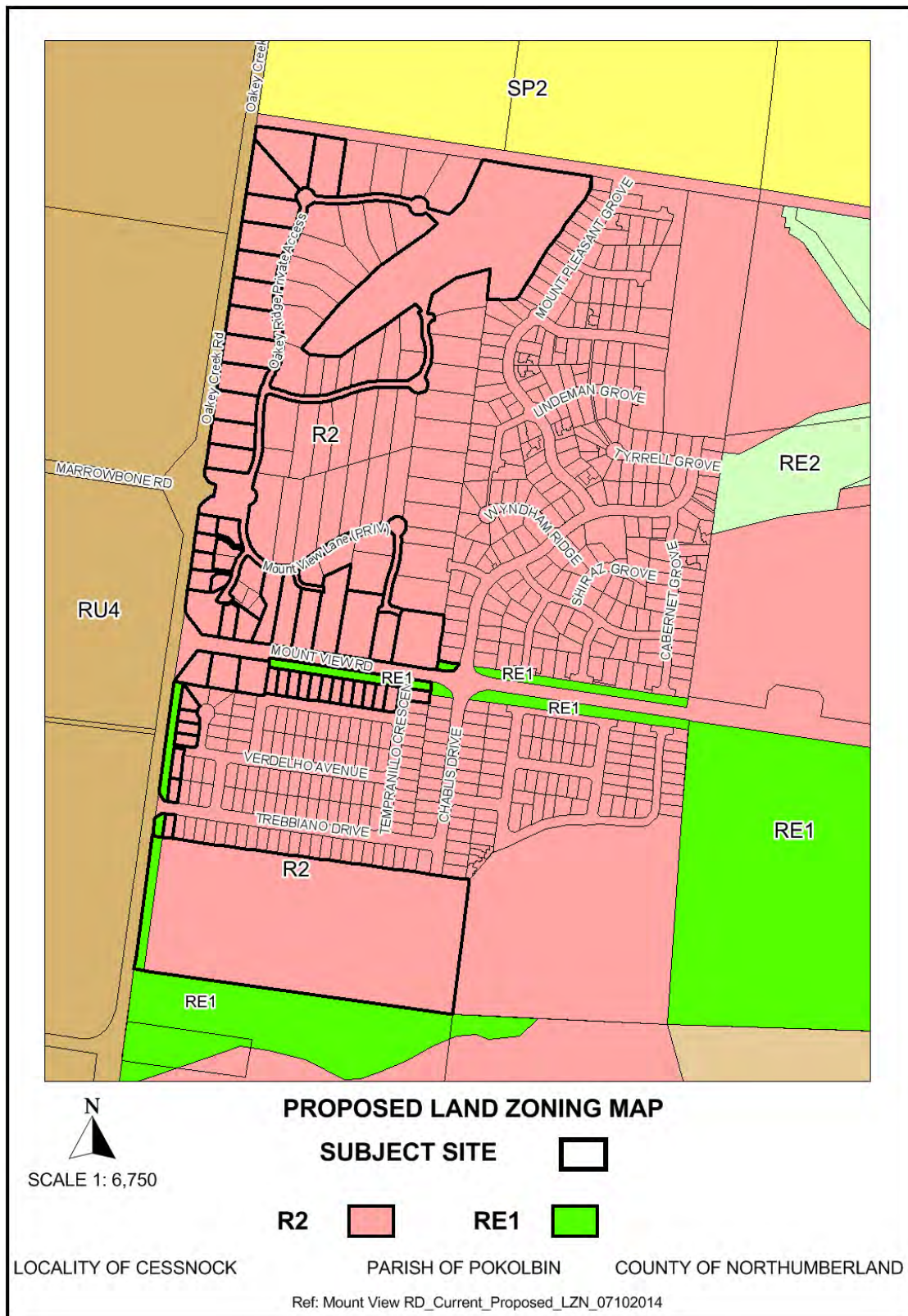
Appendix 3: Map 1: Current Land Zone Map – Mount View Road and Oakey Creek Road, Cessnock



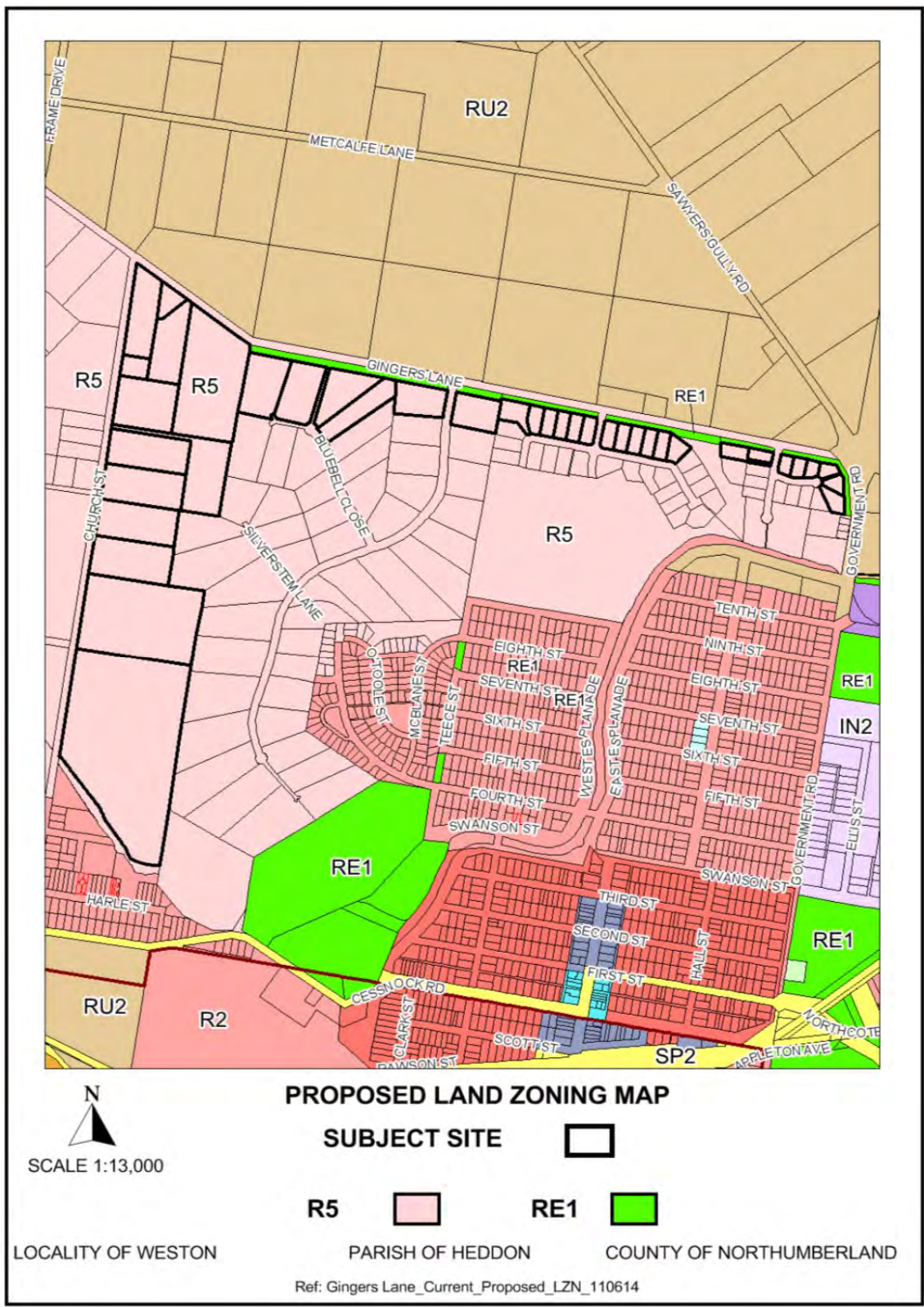
Appendix 3: Map 2: Current Land Zone Map – Gingers Lane and Church Street, Weston



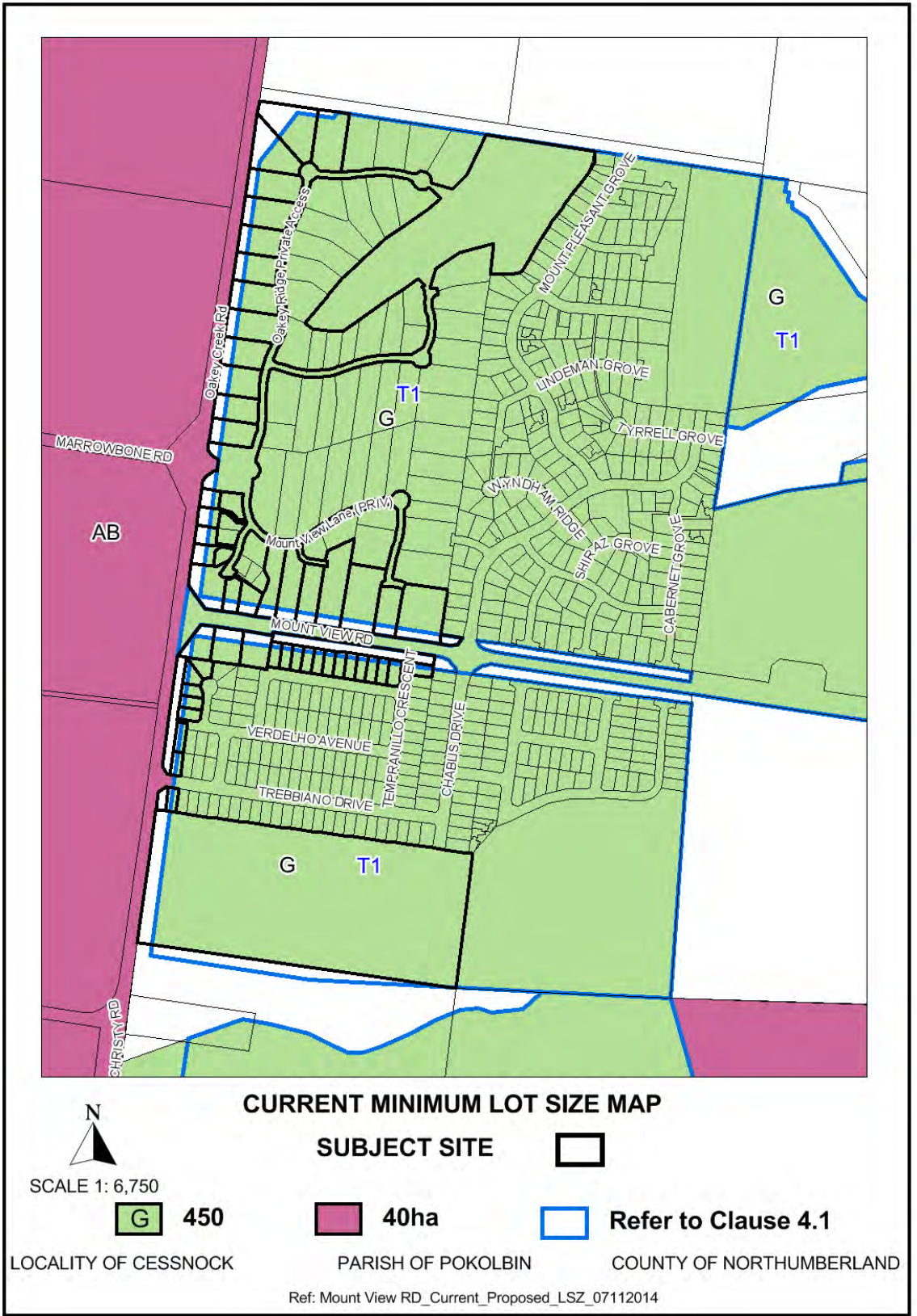
Appendix 4: Map 1: Proposed Land Zone Map – Mount View Road and Oakey Creek Road, Cessnock



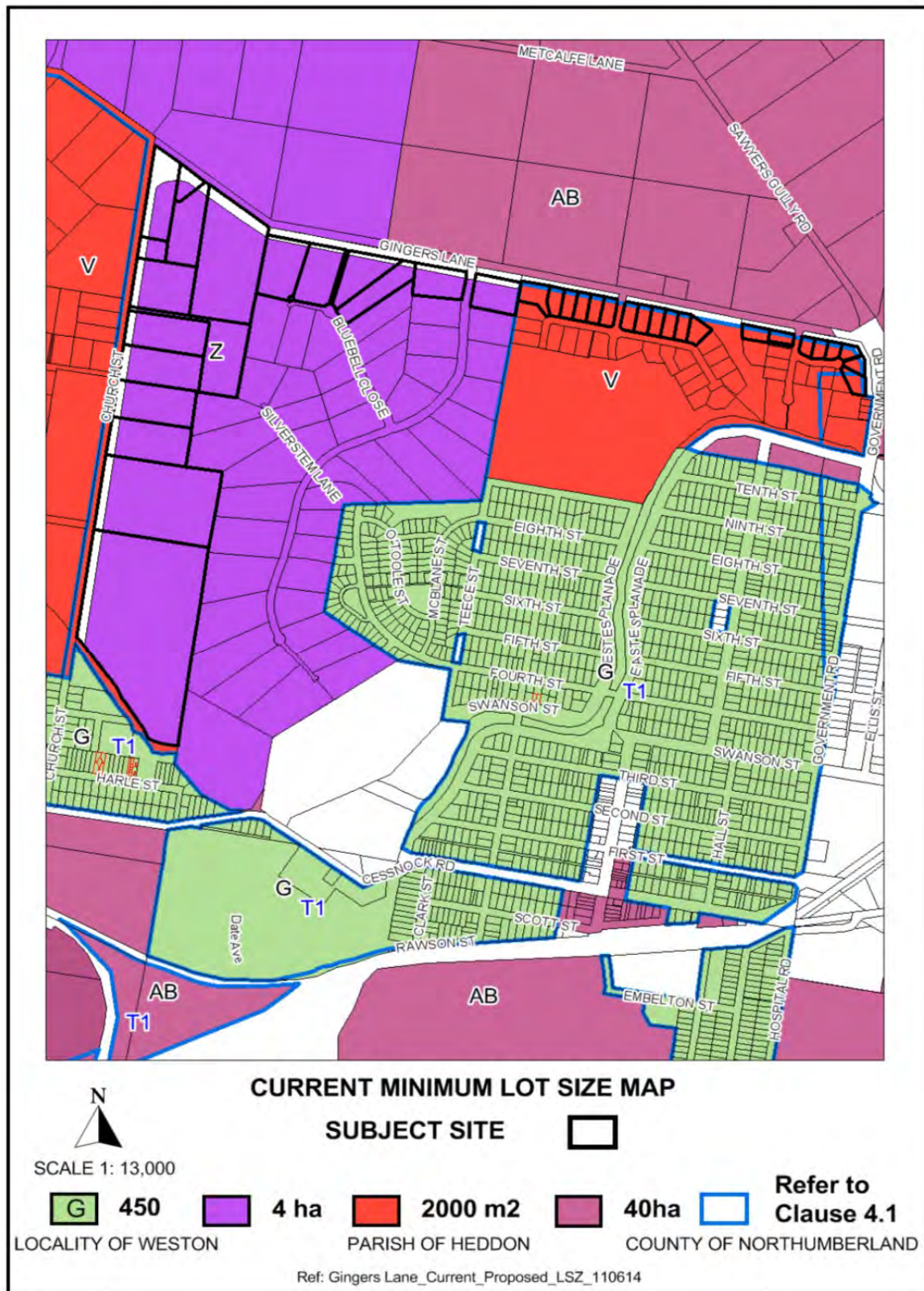
Appendix 4: Map 2: Proposed Land Zone Map – Gingers Lane and Church Street, Weston



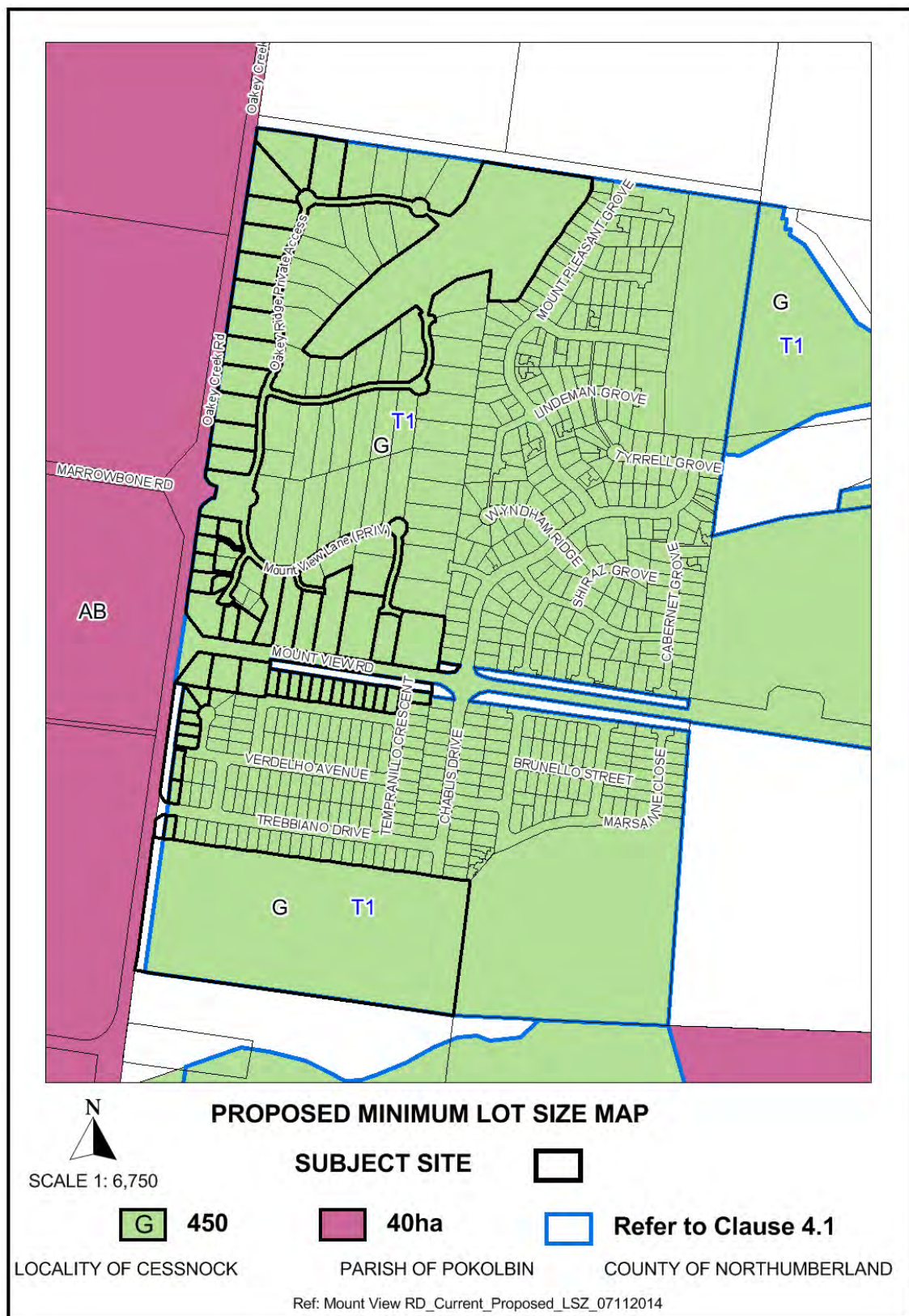
Appendix 5: Map 1: Current Minimum Lot Size Map Map – Mount View Road and Oakey Creek Road, Cessnock



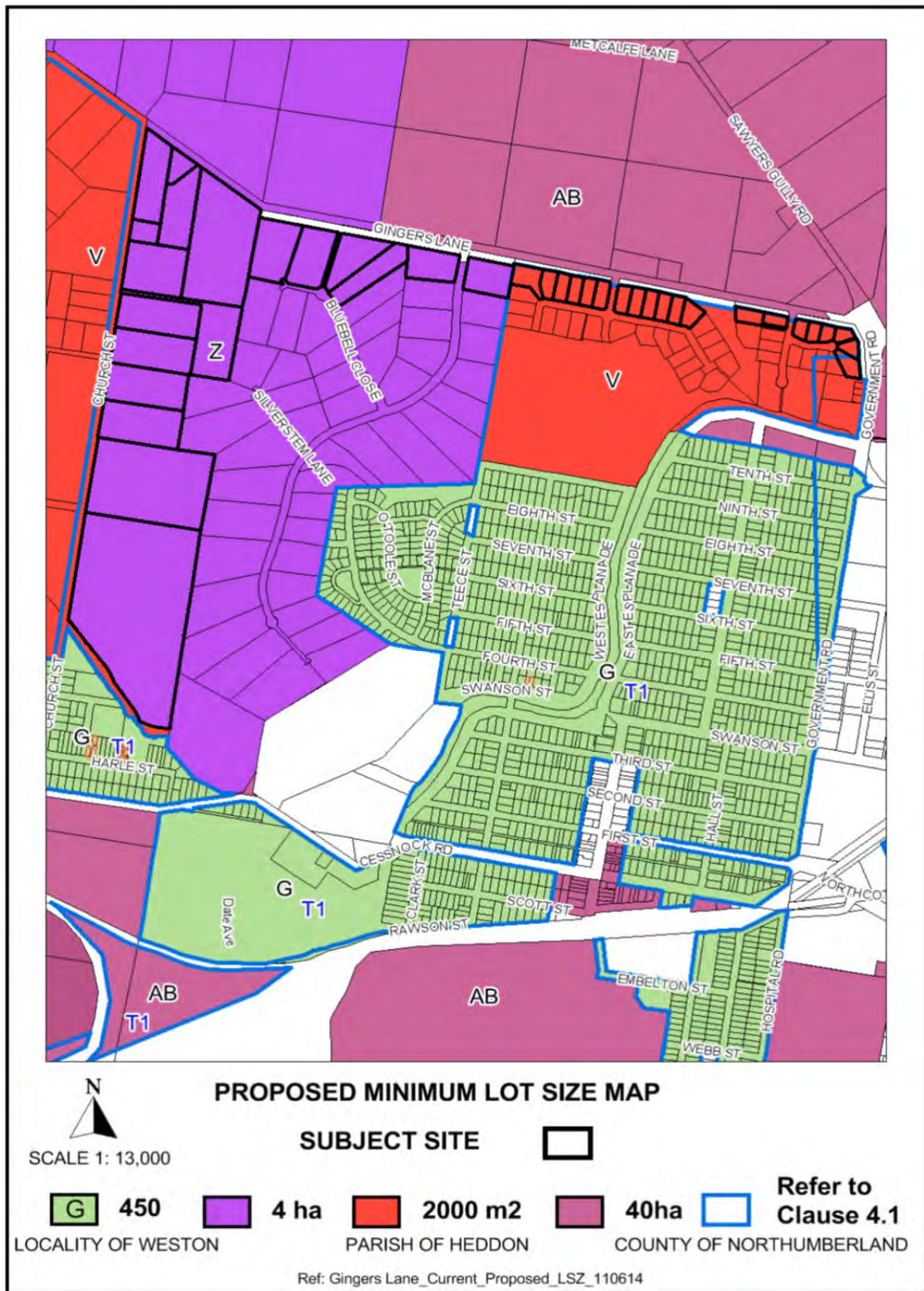
Appendix 5: Map 2: Current Minimum Lot Size Map Map – Gingers Lane and Church Street, Weston



Appendix 6: Map 1: Proposed Minimum Lot Size Map – Mount View Road



Appendix 6: Map 2: Proposed Minimum Lot Size Map – Gingers Lane and Church Street, Weston



Appendix 7: Existing Additional Permitted Uses Map 1720_COM_APU_005_080_20140226



Appendix 8: Proposed Additional Permitted Uses Map



Appendix 9: Council Report and Minutes

Report To Ordinary Meeting of Council - 20 November 2013

Our Natural, Developed and Cultural Environment

Report No. EE90/2013

Strategy and Sustainability



SUBJECT: *GINGERS LANE, WESTON - RE1 PUBLIC OPEN SPACE LAND ZONING*

RESPONSIBLE OFFICER: *Acting Strategic Land Use Planning Manager - Scott Christie*

SUMMARY

The purpose of this Report is to respond to a question posed by Councillor Maybury at Council's Ordinary Meeting held 18 September 2013 concerning land zoned RE1 Public Recreation within the boundary of privately owned residential properties along Gingers Lane, Weston.

Following an investigation into the history of the zoning, it has been determined that the significance and relevance of the portion of RE1 zoning within the privately owned land along Gingers Lane, Government Road and Church Street, Weston no longer meets the original intentions of the zoning, is a hindrance to the land owners and conflicts with the objectives of the zoning.

The report concludes with a recommendation that Council prepare a Planning Proposal to amend the Cessnock Local Environmental Plan 2011 to reflect the current land ownership and subdivision patterns.

RECOMMENDATION

1. That Council prepare a Planning Proposal to amend the Cessnock Local Environmental Plan 2011 rezoning land within the boundaries of privately owned land along Gingers Lane, Government Road and Church Street, Weston from RE1 Public Recreation to R5 Large Lot Residential, and
2. That Council further review the Cessnock Local Environmental Plan 2011 to identify any other land that is subject to similar circumstances.

BACKGROUND

At Council's Ordinary Meeting held on 18 September 2013 Councillor Maybury asked the following question:

"Councillor Maybury advised that there is an easement of about 20m that intrudes into backyards houses and there is 8m that the residents can't use under the LEP and asked for a report back with an explanation?"

A response to Councillor Maybury's question was provided at Council's Ordinary Meeting held 9 October 2013 (Report Q325/2013) stating that a report will be provided to Council following investigations into the past intent of the RE1 Public Recreation zoning.

The research has been undertaken by Council officers.

REPORT/PROPOSAL

Page 1

Our Natural, Developed and Cultural Environment

Report No. EE90/2013

Strategy and Sustainability



Land zoned RE1 Public Recreation in the form of a strip approximately 20m in width along the boundary of Gingers Lane, Government Road and Church Street, Weston currently encroaches on the boundaries of privately owned land (refer Figure 1 below).

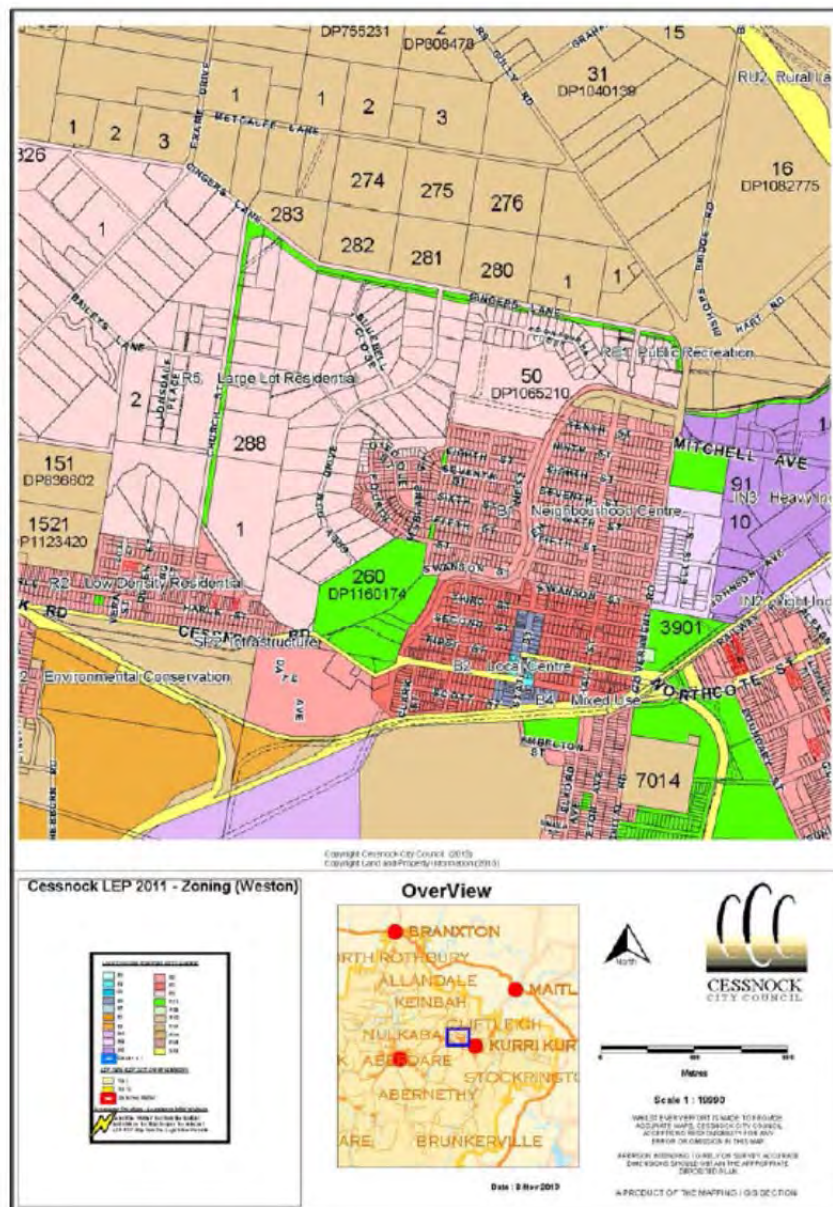


Figure 1: Cessnock Local Environmental Plan 2011 Zone Mapping - Weston

The RE1 land adjoins R5 Large Lot Residential zoned land to the south and RU2 Rural Landscape zoned land to the north.

Research into the history of the land zoning identifies that the 20m wide strip was associated with an amendment to the Northumberland Local Environmental Plan (Covering Cessnock, Newcastle and Lake Macquarie Council areas) gazette as per the following:

Our Natural, Developed and Cultural Environment

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1982 NSW Government Gazette No 172
Greater Cessnock Local Environmental Plan No 13.

Aimed "to allow for the development of a controlled residential proposal comprising approximately 1,200 allotments".

It is likely that this rezoning implemented the 20m wide strip in keeping with the directions of the Greater Cessnock Strategic Plan 1976 which makes specific reference to the "major adverse environmental effects of through traffic" and further reference to subdivisions requiring the retention of as many trees as possible, the screening of roads and undertaking of tree planting on "unproductive or boundary land".

Without locating specific historic reference to the strip of RE1 zoned land subject to this report, it can be assumed that this land was initially zoned for the purpose of screening the road from a 1,200 lot development. It is noted that the vision for the 1,200 lot development founded prior to 1982 has not come to fruition.

In drafting the Cessnock Local Environmental Plan 1989 (first reported to Council in 1982), the 20m wide strip of land was zoned 6(a) Open Space Zone for the purpose of open space.

The objectives of the 6(a) Open Space Zone are:

- to recognise existing public land used or capable of being used for public recreation purposes, and
- to recognise private recreation facilities on privately owned land or on land where general public access may be restricted

It is noted that the 6(a) zone was used for both public and private open space land use. Furthermore, the Cessnock Local Environmental Plan 1989 included a provision under Clause 55 enabling consent to be given, subject to Council's discretion, for development within 20 metres of a boundary between any two zones where the proposed development is consistent with the adjoining zone.

It is considered that Clause 55 of the Cessnock Local Environmental Plan 1989 diluted what is assumed to be the original intentions of the 20 metre wide 6(a) zoned strip of land by potentially enabling development to occur across the entire width of the strip.

In implementing the Standard Instrument Local Environmental Plan this land was rezoned to RE1 Public Recreation under the Cessnock Local Environmental Plan 2011.

The objectives of land zoned RE1 is to:

- Enable land to be used for public open space or recreational purposes,
- Provide a range of recreational settings and activities and compatible land uses, and
- Protect and enhance the natural environment for recreational purposes.

It is noted that Clause 5.3 "Development near zone boundaries" of the Cessnock Local Environmental Plan 2011 now excludes land zoned RE1 from enabling development to occur within 20 metres of an adjoining zone boundary for the purpose of that adjoining zone.

The following land uses are permitted in the RE1 zone:

Our Natural, Developed and Cultural Environment

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Camping grounds; Caravan parks; Child care centres; Community facilities; Environmental facilities; Environmental protection works; Heliports; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads

It is considered that the privately owned portion of the 20m wide strip of land zoned RE1 does not provide a recreational benefit to the public; is a hindrance to the land owners due to restrictions on land use; and has no strategic merit. It is therefore proposed that the Cessnock Local Environmental Plan 2011 be amended to reflect the current use and ownership of the land.

OPTIONS

Council may:

1. Prepare a Planning Proposal to amend the Cessnock Local Environmental Plan 2011 rezoning land within the boundaries of privately owned land along Gingers Lane, Government Road and Church Street, Weston from RE1 Public Recreation to R5 Large Lot Residential, and

Further review the Cessnock Local Environmental Plan 2011 to discover any other land that is subject to similar circumstances.

Note this is the recommended action.

2. Note the report and resolve not to prepare a Planning Proposal.

CONSULTATION

Group Leader Strategy and Sustainability
Group Leader Built and Natural Environment
Acting Group Leader Community Services

STRATEGIC LINKS

a. Delivery Program

NIL

b. Other Plans

NIL

IMPLICATIONS

a. Policy and Procedural Implications

This Report recommends that a Planning Proposal to amend the Cessnock Local Environmental Plan 2011 be initiated.

b. Financial Implications

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Should the recommendation of this report be endorsed by Council, the Planning Proposal will be prepared by Council officers. The Planning Proposal is considered to be a simple Planning Proposal and no studies will be required in support.

With the exclusion of any unforeseen studies required to support the proposed Planning Proposal, the costs involved in preparing the Planning Proposal are expected to be absorbed by the Strategic Land Use Planning budget.

c. Legislative Implications

The recommendations of this report are consistent with the Environmental Planning and Assessment Act.

d. Risk Implications

NIL

e. Other Implications

N/A

CONCLUSION

The privately owned land zoned RE1 Public Recreation provides no strategic merit and should be considered for rezoning to R5 Large Lot Residential. This report to Council recommends that a Planning Proposal be prepared by Council to amend the Cessnock Local Environmental Plan 2011 to that effect.

ENCLOSURES

There are no enclosures for this report

OUR NATURAL, DEVELOPED AND CULTURAL ENVIRONMENT NO. EE90/2013

SUBJECT: GINGERS LANE, WESTON - RE1 PUBLIC OPEN SPACE LAND ZONING

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Smith
673

RESOLVED

1. That Council prepare a Planning Proposal to amend the Cessnock Local Environmental Plan 2011 rezoning land within the boundaries of privately owned land along Gingers Lane, Government Road and Church Street, Weston from RE1 Public Recreation to R5 Large Lot Residential, and
2. That Council further review the Cessnock Local Environmental Plan 2011 to identify any other land that is subject to similar circumstances.

FOR

Councillor Gibson
Councillor Troy
Councillor Doherty
Councillor Stapleford
Councillor Hawkins
Councillor Smith
Councillor Campbell
Councillor Parsons
Councillor Maybury
Councillor Pynsent
Total (10)

AGAINST

Councillor Olsen
Councillor Ryan

Total (2)

CARRIED

This is page 23 of the Minutes of the Ordinary Council Meeting held on 20 November 2013 confirmed on 11 December 2013

.....General ManagerChairperson

Attachment No 2:
Gateway Determination - PP_2014_CESSN_004_00



Mr Stephen Glen
General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Our ref: PP_2014_CESSN_004_00 (14/10628)
Your ref: DOC 2014/025326

Attention: Robert O'Brien

Dear Mr Glen,

**Planning Proposal to amend Cessnock Local Environmental Plan 2011
RE1 Public Recreation zoning anomalies at Weston and Cessnock**

I refer to Council's letter dated 23 June 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone the identified RE1 Public Recreation lands to the adjoining urban zone at Weston and Cessnock.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination. I have also conditioned the Gateway determination to correct the mapping error caused by Amendment No.8 on the additional permitted use map (1720_COM_APU_005_080_20140226).

I have also agreed to approve the reduction of land zoned RE1 Public Recreation under the Minister's section 117 Direction 6.2 Reserving Land for Public Purposes on the basis that it provides no recreational benefits to the public.

Council may still need to obtain the Department's approval to satisfy the requirements of relevant S117 Directions. Council should ensure that this occurs prior to the plan being made. Also, consultation with the NSW Rural Fire Service must be undertaken under S117 Direction 4.4 Planning for Bushfire Protection prior to commencing community consultation.

The Minister delegated his plan making powers to Councils in October 2012 and it is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Attached for your assistance is a simplified guide to the plan making process and reporting requirements to ensure that the LEP Tracking System is kept updated.

Should you have any questions regarding this matter, I have arranged for Trent Wink from the Department's Newcastle office to assist you. Mr Wink can be contacted on (02) 49042716.

Yours sincerely,

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

9 July 2014

David Rowland
General Manager
Hunter and Central Coast Region
Growth Planning

Gateway Determination

Planning Proposal (Department Ref: PP_2014_CESSN_004_00): to rezone land at Gingers Lane, Government Road and Church Street, Weston as well as Mount View Road and Oakey Creek Road, Cessnock.

I, the General Manager, Hunter and Central Coast Region at Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Cessnock Local Environmental Plan (LEP) 2011 to rezone the identified RE1 Public Recreation lands to the adjoining urban zone at Weston and Cessnock proceed subject to the following conditions:

1. Revise the planning proposal to amend the additional permitted uses map 1720_COM_APU_005_080_20140226 to correctly identify the local government boundary between Cessnock and Singleton.
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 & 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)*.
3. 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)

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. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.
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 **6 months**.

Dated 9th day of July 2014.



David Rowland
General Manager
Hunter & Central Coast Region
Growth Planning

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Cessnock City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_CESSN_004_00	Planning proposal to rezone the identified RE1 Public Recreation lands to the adjoining urban zone at Weston and Cessnock

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 9 July 2014

David Rowland
General Manager
Hunter and Central Coast Region
Growth Planning

Delegated plan making reporting requirements (attachment 5 from “A Guide to preparing local environmental plans)”

Notes:

- The Department will fill in the details of Table 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the Department’s publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department with the RPA’s request to have the LEP notified

Table 1 – To be completed by the Department

Stage	Date/Details
Planning Proposal Number	PP_2014_CESSN_004_00
Date Sent to Department under s56	
Date considered at LEP Review Panel	
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details
Dates draft LEP exhibited	
Date of public hearing (if held)	
Date sent to PCO seeking Opinion	
Date Opinion received	
Date Council Resolved to Adopt LEP	
Date LEP made by GM (or other) under delegation	
Date sent to P&I requesting notification	
Brief Description of Purpose of planning proposal	

Table 3 – To be completed by the Department

Stage	Date/Details
Notification Date and details	

Additional relevant information:

PLAN MAKING PROCESS POST GATEWAY – FOR DELEGATED MATTERS

1. Post Exhibition Review

- If planning proposal is revised, council is to email a copy of the revised proposal to the regional planning team - hunter@planning.nsw.gov.au under Section 58(2) of the Act prior to requesting LEP to be made.
- If changes to planning proposal are substantial then may no longer be authorised by the Gateway determination and a new Gateway may be required before LEP is made. Councils are encouraged to contact regional planning team to seek advice before finalising the LEP under delegation.
- Any unresolved s117 directions must be finalised before progressing with LEP

2. Legal Drafting of the LEP

- Council's request to draft and finalise the plans should be made directly to Parliamentary Counsel's Office (PCO) - parliamentary.counsel@pco.nsw.gov.au as soon as possible to ensure timeframes are met.
- The request to parliamentary.counsel@pco.nsw.gov.au is to include the planning proposal, a copy of the gateway determination and details of any change to the proposal arising from the gateway determination. The name and contact details of the Council contact officer should also be supplied.
- A copy of the request should also be forwarded to the department for administrative purposes only - planmaking.monitoring@planning.nsw.gov.au.

3. Maps

- Council should upload the maps and GIS data directly to the department's FTP site (ftp://lepup:lep_upload@203.3.194.247/).
- Once uploaded Council should email POCGIS@planning.nsw.gov.au and advise that maps are available for checking. Any questions can be directed to Brent Condliffe or Noo Porima ph 89228 6542.
- Unless otherwise negotiated the department will only undertake a technical review of any maps, to ensure they comply with LEP mapping technical guidelines.
- No maps or mapping/GIS data is to be sent directly to PCO.

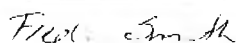
4. Making of the draft LEP s59

- Council's delegate resolves to finalise the LEP by signing the instrument (see example below).
- If council's delegate decides not to make plan or defer a matter, council should liaise with regional team for assistance.
- Council must also notify PCO if plan not proceeding

5. Notification of LEP

- Council advises and requests the department plan is made - planmaking.monitoring@planning.nsw.gov.au and the following documents to be provided for notification
 - 1. Signed LEP - which includes full name of LEP and PCO file reference
 - 2. Signed map cover sheet and associated maps,
 - 3. Name and position of the delegation who signed the LEP and date,
 - 4. Completed Attachment 5 - delegated plan making reporting template,
 - 5. Copy of council's assessment (s 59 report) which is usually the council report/minutes
 - 6. PC opinion
- Request to planmaking.monitoring@planning.nsw.gov.au by Tuesday of the week will enable notification by Friday.

Example of signature front page



Fred Smith
General Manager

Attachment No 3:
Report to Ordinary Meeting of Council 19 November 2014

Planning and Environment

Report No. PE136/2014

Planning and Environment



SUBJECT: *REZONING OF VARIOUS RE1 PUBLIC RECREATION PARCELS AND OTHER MINOR AMENDMENTS*

RESPONSIBLE OFFICER: *Strategic Landuse Planning Manager - Martin Johnson*

SUMMARY

The purpose of this report is to recommend that Council endorses this Planning Proposal (as modified following public exhibition) and makes this Plan in accordance with the Gateway Determination - that Planning Proposal being for:

- The zonings of various RE1 – Public Recreation of parts of multiple properties at Gingers Lane, Government Road and Church Street Weston and at Oakey Creek Road and Mount View Road (including a modified alignment of the zone boundary between the RE1 Public Recreation zone and the R2 Low Density – Residential zone on the southern side of Mount View Road); and
- The correction of errors by the NSW Department of Planning and Environment when finalising the LEP 2011 mapping for “Additional Permitted Uses”

RECOMMENDATION

That Council makes the Plan based upon the Planning Proposal (Enclosure 1) and as modified after public exhibition and notification which:

- 1) Rezones parts of the properties along Gingers Lane, Government Road and Church Street, Weston from RE1 Public Recreation to R5 Large Lot Residential with related adjustments to minimum lot sizes as depicted in Appendix 4 Map 2 and Appendix 6 Map 2 respectively in Enclosure 1;
- 2) Rezones parts of the properties along Mount View Road and Oakey Creek Road Cessnock from RE1 Public Recreation to R2 Low Density Residential with related adjustments to minimum lot sizes as depicted in Appendix 4 Map 1 and Appendix 6 Map 1 respectively in Enclosure 1; and
- 3) Rectifies the Mapping Anomalies - Additional Permitted Uses Map by amending the Additional Permitted Uses Map 1720_COM_APU_005_080_20140226 to correctly identify the local government boundary between Cessnock and Singleton, reinstates Lot 79, DP 270482 on the map to rectify an administrative error which arose at the time of gazettal of Amendment 8 to the Cessnock LEP 2011 and correctly identifies the lands known as “The Vintage”, “Hunter Valley Gardens” and “Cypress Lakes” as was previously illustrated on Map 1720_COM_APU_005_080_20130416.
- 4) Notifies the person who made a submission of Council’s decision.

BACKGROUND

Planning and Environment

Report No. PE136/2014

Planning and Environment



The Planning Proposal originates from a question posed by Councillor Maybury at Council's Ordinary Meeting held 18 September 2013 concerning land zoned RE1 Public Recreation within the boundary of privately owned residential properties along Gingers Lane, Weston.

At its meeting of 20 November 2013, Council resolved as follows:

1. *To prepare a Planning Proposal to amend the Cessnock Local Environmental Plan 2011 rezoning land within the boundaries of privately owned land along Gingers Lane, Government Road and Church Street, Weston from RE1 Public Recreation to R5 Large Lot Residential, and*
2. *To further review the Cessnock Local Environmental Plan 2011 to identify any other land that is subject to similar circumstances.*

Implementation of the second part of the resolution led to the identification of other potentially anomalous RE1 Public Recreation zoning on privately owned lots along Mount View Road and Oakey Creek Road, Cessnock. The proposed rezoning of this land was incorporated into the Planning Proposal forwarded to the Department of Planning and Environment for the gateway determination. As part of the gateway determination issued on 9 July 2014, the Department of Planning and Environment requested that the "Additional Permitted Uses Map 1720_COM_APU_005_080_20140226" be amended to rectify a mapping anomaly following an error by the Department of Planning and Environment when Cessnock LEP, Amendment No. 8, 2011 was finalised.

The Planning Proposal was placed on public exhibition for a period of fourteen (14) days from 27 August 2014 to 10 September 2014

The Conversion of the 6(a) Public Open Space zone in Cessnock LEP 1989 to the RE 1 Public Recreation zone in Cessnock LEP 2011

In drafting the Cessnock Local Environmental Plan 1989 (first reported to Council in 1982), the 20m wide strip of land was zoned 6(a) Open Space Zone fronting the subject roads for the purpose of open space.

The objectives of the 6(a) Open Space Zone were:

1. To recognise existing public land used or capable of being used for public recreation purposes, and
2. To recognise private recreation facilities on privately owned land or on land where general public access may be restricted

It is noted that the 6(a) – Open Space zone was used in Cessnock LEP 1989 (and other Council LEP's at this time) for both public and private open space land use. Furthermore, the Cessnock Local Environmental Plan 1989 included a provision under Clause 55 enabling consent to be given, subject to Council's discretion, for development within 20 metres of a boundary between any two zones where the proposed development is consistent with the adjoining zone objectives.

In effect, Clause 55 of the Cessnock Local Environmental Plan 1989 diluted what is assumed to be the original intentions of the 20 metre wide 6(a) zoned strip of land by potentially enabling development to occur across the entire width of the strip.

Planning and Environment

Report No. PE136/2014

Planning and Environment



In implementing the Standard Instrument Local Environmental Plan (resulting in CLEP 2011) this land was rezoned to RE1 Public Recreation as a logical conversion from the 6(a) Open Space zone.

The objectives of RE1 Public Recreation zone are to:

- Enable land to be used for public open space or recreational purposes,
- Provide a range of recreational settings and activities and compatible land uses, and
- Protect and enhance the natural environment for recreational purposes.

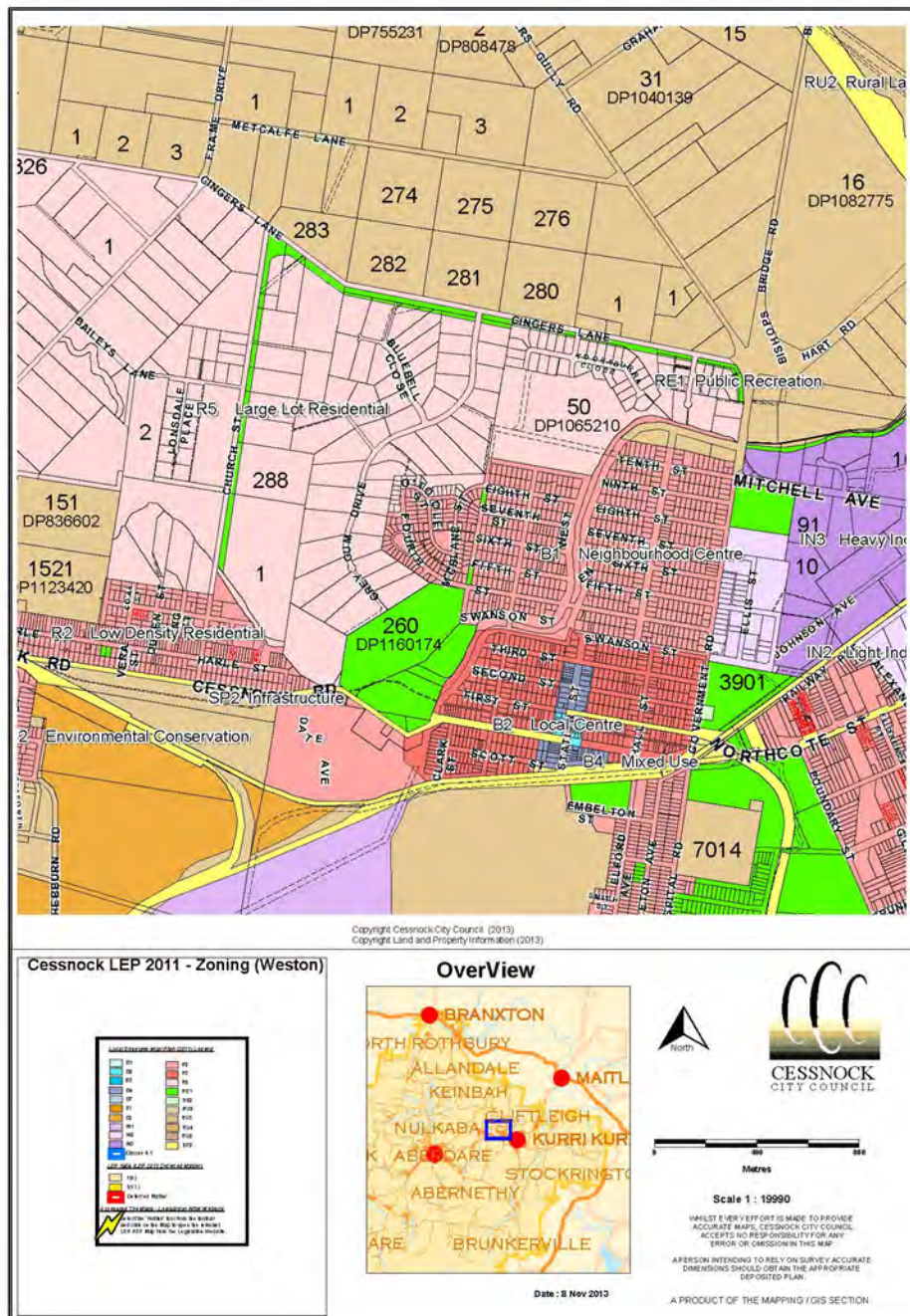
Clause 5.3 “Development near zone boundaries” (conversion of the previous Clause 55) of the Cessnock Local Environmental Plan 2011 now excludes land zoned RE1 Public Recreation from enabling development to occur within 20 metres of an adjoining zone boundary for the purpose of that adjoining zone.

Gingers Lane, Government Road and Church Street, Weston

Land zoned RE1 Public Recreation in the form of a strip approximately 20m in width along the boundary of Gingers Lane, Government Road and Church Street; Weston under Cessnock LEP 2011 was a conversion from the 6 (a) Public Open Space zone in Cessnock LEP 1989. That RE1 Public Recreation zone currently encroaches on privately owned land whereas the RE1 Public Recreation zone should apply only to land in public ownership.

It is assumed that this strip of land at Gingers Lane, Government Road and Church Street Weston was initially zoned 6(a) Public Open Space (now RE1 Public Recreation) for the purpose of screening the road from a 1,200 lot development immediately to the north. (The approval for the 1,200 lot development has not been implemented).

Figure 1: Cessnock Local Environmental Plan 2011 Zone Mapping – Weston



Mount View Road and Oakey Creek Road, Cessnock

A number of properties along the boundary of Mount View Road and Oakey Creek Road, Cessnock currently have a strip of land zoned RE1 Public Recreation encroaching into land under private ownership zoned R2 Low Density Residential. The strip ranges from less than 10m in width to approximately 20m.

The creation of a minimum 10 metre strip along the borders of the Kelman Estate was an important, integral principle for the design of the subdivision and its marketing in terms of:

- Providing a landscaped buffer and transition between the Kelman Estate and residential areas to the east and the vineyards – a principle also established in Council policy of the day;

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- b) Ensuring a single point of road access into the Kelman Estate for traffic management and security reasons together with benefitting the Cellar Door business proposal – (the security factor was apparently a significantly positive factor for many purchasers).

Again, under the zone conversion for the Cessnock LEP 2011, the land was zoned RE1 Public Recreation from the former 6(a) Open Space zone. When this current Planning Proposal was initiated, it was considered that this zoning represents a historical zoning anomaly which no longer has any strategic merit. The land does not provide any recreational benefits to the public; the zoning imposes unreasonable restrictions on land use and provides an impediment to private land owners when proposing to undertake minor development. The exhibited Planning Proposal included the intent to rezone the parts of properties zoned RE1 Public Recreation to R2 Low Density Residential with a minimum lot size of 450m² under the Cessnock Local Environmental Plan 2011.

The residential estate south and south-east of the intersection of Mount View Road and Oakey Creek Road was also subject of a buffer for landscaping and Asset Management – based upon objectives of presenting a landscaped buffer, transition entry statement. In August 2003, Council resolved to grant conditional development consent to a 197 lot subdivision of Lot 14 DP880374 south of Mount View Road east of the Oakey Creek Road intersection and east of Mount View Road south of the Oakey Creek Road intersection. This included provision of a 15 metre buffer adjacent to Mount View Road which was also functioned as an Asset Protection zone on the western side of the proposed subdivision adjacent to Mount View Road. The buffer and Asset Protection zone was dedicated as public open space. One intent of this Planning Proposal is to regularise the RE1 Public Recreation zone to be consistent with these dedicated buffers and to accurately establish consistency between the private land zoned R2 Low Density Residential and the public land zoned RE1 Public Recreation.

In August 2013, Council granted development consent to the staged development of the above subdivision (197 lots) and the subdivision certificate (Stage 7, 25 lots), incorporating the 15 metre buffer, was issued in January 2014.

Mapping Anomalies - Additional Permitted Uses Map

The Planning Proposal seeks to amend Additional Permitted Uses Map 1720_COM_APU_005_080_20140226 to correctly identify the local government boundary between Cessnock and Singleton. Lot 79, DP 270482 needs to be reinstated on the map to rectify an administrative error which arose at the time of gazettal of Amendment 8 to the Cessnock LEP 2011. The amendment also seeks to correctly identify the lands known as “The Vintage”, “Hunter Valley Gardens” and “Cypress Lakes” as was previously illustrated on Map 1720_COM_APU_005_080_20130416. This also arose due to an administrative error by the Department of Planning and Environment.

Gateway Determination

The gateway determination was issued by the General Manager of the Department of Planning and Environment - Hunter Regional Office on 9 July 2014.

Most importantly, delegation was given to Council to make the Plan in accordance with the Ministerial delegation of October 2012. Finalisation of the LEP was advised as being required within six months ie by 9 December 2014.

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The Gateway Determination included references to justifying certain inconsistencies with Ministerial Directions issued under section 117 of the Environmental Planning and Assessment Act 1979 (as amended) and these are addressed, details of which are within Enclosure 2.

REPORT/PROPOSAL

Gingers Lane, Government Road and Church Street, Weston

It is considered that the 20m wide strip of land zoned RE1 as parts of privately owned portions of the multiple properties at Gingers Lane, Government Road and Church Street Weston does not serve the objectives of the RE1 Public Recreation zone, does not provide a recreational benefit to the public; is an inappropriate impediment to the land owners proposing minor developments and has no strategic merit. It is therefore proposed that the Cessnock Local Environmental Plan 2011 be amended to reflect the current use and ownership of the land.

It is proposed that land located within the allotments so affected along Gingers Lane, Government Road and Church Street, Weston, be rezoned from RE1 Public Recreation to R5 Rural Residential with a minimum lot size for some parcels of 4HA and 2,000m² for others, under the Cessnock Local Environmental Plan 2011 – refer to Enclosure 1: Appendices 4, 5 and 6.

The proposed amendments to the RE1 Public Recreation zone in this area are recommended to proceed as exhibited.

Mount View Road and Oakey Creek Road, Cessnock

The proposal to rezone the strip of land zoned RE1 Public Recreation to R2 Low-Density Residential with a 450m² minimum lot size was included in the Planning Proposal as exhibited and notified (refer to Enclosure 1, Appendices 3, 4, 5 and 6 for illustrations).

The strip of land affects multiple lots which are part of the Kelman Estate. The estate is described as a “fully integrated” large lot community title subdivision which is sympathetic to, and compatible with the vineyards. The subdivision contains lots between 1506m² and 5321m² with the average lot size being 3600m². About 44 percent of land area is occupied with vineyards.

As was submitted to the Land and Environment Court for the appeal against the refusal of the proposed Signature Gardens Seniors Living development immediately to the west of the Kelman Estate, it is understood that the RE1 strip was deliberately planned to present a landscaped interface with, and entry statement to, the vineyards district as well as to prevent direct access to residential lots from Oakey Creek Road which has an 80 kph speed limit.

It was considered prudent to research the history of Kelman Estate further. As the result of discussions with the manager of the original development company and with a representative of the Community Association, it is concluded that the proposed rezoning from RE1 Public Recreation to R2 Low Density Residential can proceed given the established easements, building envelopes and role of the Community Association in administering the vineyards/community title land. The basic principles and subdivision design for the Kelman Estate as a development as explained above, and the discussions with the original development company, also lead to a conclusion that Council should consider the initiation of a Planning Proposal for the Kelman Estate for re-zoning to R5 Large Lot Residential.

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Integral to these processes would be more detailed analysis and consultation regarding design for traffic safety for Oakey Creek Road and the related implications of the presence of the Lower Hunter Spotted Gum – Ironbark within the road reserve and the current RE1 Public Recreation zone.

The other components in the current Planning Proposal of re-zoning from RE1 Public Recreation to R2 Low Density in this area are therefore recommended to proceed for the land depicted within Enclosure 1, Appendix 4.

Mapping Anomalies - Additional Permitted Uses Map

The Planning Proposal is to:

- Amend Additional Permitted Uses Map 1720_COM_APU_005_080_20140226 to correctly identify the local government boundary between Cessnock and Singleton; and
- Reinstate Lot 79, DP 270482 on the map to rectify an administrative error which arose at the time of gazettal of Amendment 8 to the Cessnock LEP 2011; and
- Correctly identify the lands known as “The Vintage”, “Hunter Valley Gardens” and “Cypress Lakes” as was previously illustrated on Map 1720_COM_APU_005_080_20130416.

These amendments are necessary to correct administrative errors by the Department of Planning and Environment.

The existing and recommended maps for the “Additional Permitted Uses Maps” are depicted in Appendices 7 and 8 of Enclosure 1.

OPTIONS

Council has the following options:

1. Make the Plan based upon the Planning Proposal to amend the Cessnock Local Environmental Plan 2011 as recommended and as exhibited;
2. Make the Plan based upon the Planning Proposal to amend the Cessnock Local Environmental Plan 2011 but not rezone, at this stage, the subject segments of land currently zoned RE1 Public Recreation adjacent to the Kelman Estate to R2 Low Density Residential pending another Planning Proposal directed at re-zoning to R5 Large Lot Residential.
3. Not proceed with the Planning Proposal for the following reasons:

(To be provided by Council)

CONSULTATION

The Planning Proposal was on public exhibition for a period of fourteen (14) days from 27 August 2014 to 10 September 2014 and was able to be viewed at the following locations:

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Planning and Environment

- Council's Administration Building (Help & Information Centre);
- Cessnock Public Library;
- Kurri Kurri Library; and
- Council's website at www.cessnock.nsw.gov.au.

Letters of notification were sent to all landowners of properties which currently have the strips of RE1 zoning as described in this report – 66 landowners in Weston, 55 landowners in the Mount View Road / Oakey Creek Road area and one owner in relation to the mapping anomalies.

One submission was received in response from a property owner in Church Street Weston who, in summary, submitted that:

- It is his understanding that the imposition of RE1 Public Recreation on his lot was inadvertently carried forward from the previous 6 (a) Open Space zoning due to an oversight by Council officers and that this Planning Proposal corrects that oversight;
- The original reason that 20 metre strip zoned 6 (a) was applied to his property frontage was to create a buffer zone between residential (his lot was previously zoned Residential 2(a) with a 450m² minimum lot size) and the land across the road which was zoned :Large Lot Residential;
- However, both sides of Church Street are now zoned R5 Large Lot Residential and the RE1 Public Recreation zone is redundant and should not have been "imposed" on his lot in LEP 2011;
- This is to correct an anomaly and an adjustment to the minimum lot size for his property (Minimum Lot Size map 10 – Weston) – his lot has all services available and a current development approval for 39 "lifestyle lots" on minimum lot size 2000m² but is in an area of 4 hectares (10000m²) minimum lot size.

The Rural Fire Service was consulted in accordance with the gateway determination and advised by letter of 4 August 2014 that it had no objection to the Planning Proposal proceeding.

Internal Consultation occurred with:

- The Principal Natural Environment Planner; and
- Council's Ecologist

STRATEGIC LINKS

a. Delivery Program

The Planning Proposal is consistent with Council's Delivery Program and completes a task within the Strategic Land Use work program in a timely manner.

b. Other Plans

The Planning Proposal is consistent with Council's City Wide Settlement Strategy and other relevant plans and policies.

IMPLICATIONS

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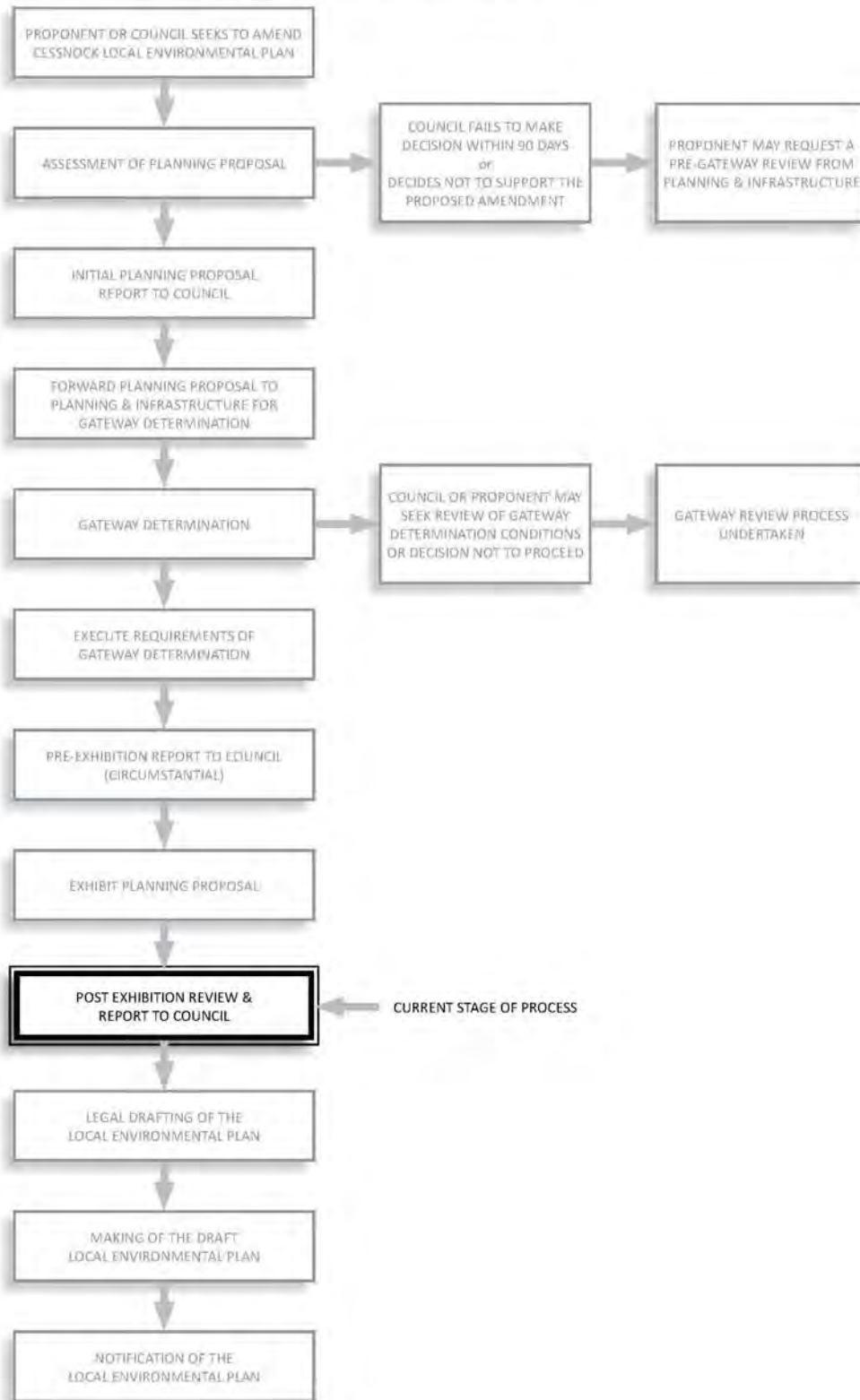


a. Policy and Procedural Implications

The Planning Proposal is consistent with Council's relevant policies and procedures and completes the process well ahead of the LEP finalisation date set in the Gateway Determination of 9 December 2014.

The Planning proposal's current status is identified in the following flow chart.

PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



b. Financial Implications

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The costs involved in preparing, reporting on and managing this Planning Proposal are funded from the Strategic Land Use Planning budget.

c. Legislative Implications

The recommendations of this report are consistent with the Environmental Planning and Assessment Act 1979 (as amended) and provides for adjustment of a significant area of the RE1 Public Recreation zone inappropriately applying to privately owned land in accordance with directions for use of that zone in LEP's.

The delegate of the Director-General of the Department of Planning and Environment has advised acceptance of the submissions regarding potential minor inconsistencies with the Ministerial directions under the section 117 of the Environmental Planning and Assessment Act 1979 (as amended).

d. Risk Implications

This is a Planning Proposal of limited significance and risk. Not proceeding could lead some reputational loss to Council from land owners in the relevant areas of Gingers Lane, Government Road and Church Street Weston and Mount View Roads in terms of being able to carry out relatively minor uses/works.

e. Other Implications

NIL

CONCLUSION

The RE1 Public Recreation zones on the privately owned land along Gingers Lane, Government Road and Church Street, Weston and Oakey Creek Road/Mount View Road, Cessnock as referenced in the recommendation carries no strategic merit and are recommended for rezoning to R5 Large Lot Residential (with corresponding lot size changes). This report to Council recommends that Council make the Plan accordingly - thereby finalising the Planning Proposal and the relevant amendments to the Cessnock Local Environmental Plan 2011.

Note: Content that is "struck out" and that is included in red font represent amendments to the Planning Proposal as exhibited.

ENCLOSURES

- 1** The Planning Proposal
- 2** The Gateway Determination

Attachment No 4:
Minutes of Ordinary Meeting of Council 19 November 2014

PLANNING AND ENVIRONMENT NO. PE136/2014

SUBJECT: REZONING OF VARIOUS RE1 PUBLIC RECREATION PARCELS AND OTHER MINOR AMENDMENTS

MOTION **Moved:** Councillor Troy **Seconded:** Councillor Doherty
1147
RESOLVED

That the disclosure of interest received from Councillor Gibson be accepted.

FOR	AGAINST
Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

Councillor Gibson declared a Non-Pecuniary Interest Significant Conflict for the reason that he is the selling agent of two of the said lots contained within the report. Councillor Gibson left the Chamber and took no part in in discussion and voting

Councillor Bryce Gibson left the meeting, the time being 07:23 PM

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Stapleford
1148
RESOLVED

That Council makes the Plan based upon the Planning Proposal (Enclosure 1) and as modified after public exhibition and notification which:

- 1) Rezones parts of the properties along Gingers Lane, Government Road and Church Street, Weston from RE1 Public Recreation to R5 Large Lot Residential with related adjustments to minimum lot sizes as depicted in Appendix 4 Map 2 and Appendix 6 Map 2 respectively in Enclosure 1;**

- 2) Rezones parts of the properties along Mount View Road and Oakey Creek Road Cessnock from RE1 Public Recreation to R2 Low Density Residential with related adjustments to minimum lot sizes as depicted in Appendix 4 Map 1 and Appendix 6 Map 1 respectively in Enclosure 1; and
- 3) Rectifies the Mapping Anomalies - Additional Permitted Uses Map by amending the Additional Permitted Uses Map 1720_COM_APU_005_080_20140226 to correctly identify the local government boundary between Cessnock and Singleton, reinstates Lot 79, DP 270482 on the map to rectify an administrative error which arose at the time of gazettal of Amendment 8 to the Cessnock LEP 2011 and correctly identifies the lands known as "The Vintage", "Hunter Valley Gardens" and "Cypress Lakes" as was previously illustrated on Map 1720_COM_APU_005_080_20130416.
- 4) Notifies the person who made a submission of Council's decision.

Councillor Ryan moved dissent from the Mayor's ruling regarding a Point of Order.

MOTION

That the Mayor's ruling be upheld.

FOR	AGAINST
Councillor Troy	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Wrightson	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (10)	Total (2)

The Motion of Dissent was **PUT** and **CARRIED**

Councillor Cordelia Troy left the meeting, the time being 07:35 PM

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Stapleford
1149

RESOLVED

That Council makes the Plan based upon the Planning Proposal (Enclosure 1) and as modified after public exhibition and notification which:

- 1) Rezones parts of the properties along Gingers Lane, Government Road and Church Street, Weston from RE1 Public Recreation to R5 Large Lot Residential with related adjustments to minimum lot sizes as depicted in Appendix 4 Map 2 and Appendix 6 Map 2 respectively in Enclosure 1;

- 2) Rezones parts of the properties along Mount View Road and Oakey Creek Road Cessnock from RE1 Public Recreation to R2 Low Density Residential with related adjustments to minimum lot sizes as depicted in Appendix 4 Map 1 and Appendix 6 Map 1 respectively in Enclosure 1; and
- 3) Rectifies the Mapping Anomalies - Additional Permitted Uses Map by amending the Additional Permitted Uses Map 1720_COM_APU_005_080_20140226 to correctly identify the local government boundary between Cessnock and Singleton, reinstates Lot 79, DP 270482 on the map to rectify an administrative error which arose at the time of gazettal of Amendment 8 to the Cessnock LEP 2011 and correctly identifies the lands known as "The Vintage", "Hunter Valley Gardens" and "Cypress Lakes" as was previously illustrated on Map 1720_COM_APU_005_080_20130416.
- 4) Notifies the person who made a submission of Council's decision.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Wrightson	Councillor Ryan
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (9)	Total (2)

CARRIED

Councillor Bryce Gibson returned to the meeting, the time being 07:35 PM

Attachment No 5:
Parliamentary Counsel Opinion –*Cessnock Local Environmental Plan*
2011 (Amendment No 14)



New South Wales

PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Cessnock Local Environmental Plan 2011 (Amendment No 14)

Your ref: Scott Christie
Our ref: IG e2014-350-d04

 20/1/2015
GENERAL MANAGER
CESSNOCK CITY COUNCIL

In my opinion the attached draft environmental planning instrument may legally be made.

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.



(D COLAGIURI)
Parliamentary Counsel

9 January 2015



New South Wales

Cessnock Local Environmental Plan 2011 (Amendment No 14)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979.

Minister for Planning

 20/1/2015
GENERAL MANAGER
CESSNOCK CITY COUNCIL

Cessnock Local Environmental Plan 2011 (Amendment No 14)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Cessnock Local Environmental Plan 2011 (Amendment No 14)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to certain land within the vicinity of Mount View and Oakey Creek Roads, Cessnock and Gingers Lane, Government Road and Church Street, Weston.

4 Maps

The maps adopted by *Cessnock Local Environmental Plan 2011* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

**Attachment No 6:
Map Cover Sheet and Maps associated with Cessnock Local
Environmental Plan 2011 (Amendment No 15)**

Cessnock Local Environmental Plan 2011 (Amendment No 14)

Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Map Cover Sheet

The following map sheets are revoked:

Map Sheet	Map Identification Number
Lot Size Map LSZ_006C LSZ_009A LSZ_009AA	1720_COM_LSZ_006C_040_20140327 1720_COM_LSZ_009A_040_20130614 1720_COM_LSZ_009AA_010_20111202
Land Zoning Map LZN_006C LZN_009A LZN_009AA	1720_COM_LZN_006C_040_20140327 1720_COM_LZN_009A_040_20130815 1720_COM_LZN_009AA_010_20111214

The following map sheets are adopted:

Map Sheet	Map Identification Number
Lot Size Map LSZ_006C LSZ_009A LSZ_009AA	1720_COM_LSZ_006C_040_20141209 1720_COM_LSZ_009A_040_20141212 1720_COM_LSZ_009AA_010_20141215
Land Zoning Map LZN_006C LZN_009A LZN_009AA	1720_COM_LZN_006C_040_20141209 1720_COM_LZN_009A_040_20141212 1720_COM_LZN_009AA_010_20141215

Certified



General Manager
Cessnock City Council

[Date] Minister for Planning

[Date]



Cessnock Local Environmental Plan 2011

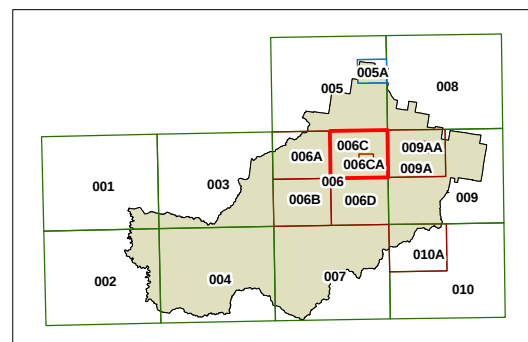
Land Zoning Map - Sheet LZN_006C

Zone

- B1** Neighbourhood Centre
- B2** Local Centre
- B3** Commercial Core
- B4** Mixed Use
- B7** Business Park
- E1** National Parks and Nature Reserves
- E2** Environmental Conservation
- IN1** General Industrial
- IN2** Light Industrial
- IN3** Heavy Industrial
- R2** Low Density Residential
- R3** Medium Density Residential
- R5** Large Lot Residential
- RE1** Public Recreation
- RE2** Private Recreation
- RU2** Rural Landscape
- RU3** Forestry
- RU4** Primary Production Small Lots
- RU5** Village
- SP2** Infrastructure
- DM** Deferred Matter
- MDP** SEPP (Major Development) 2005

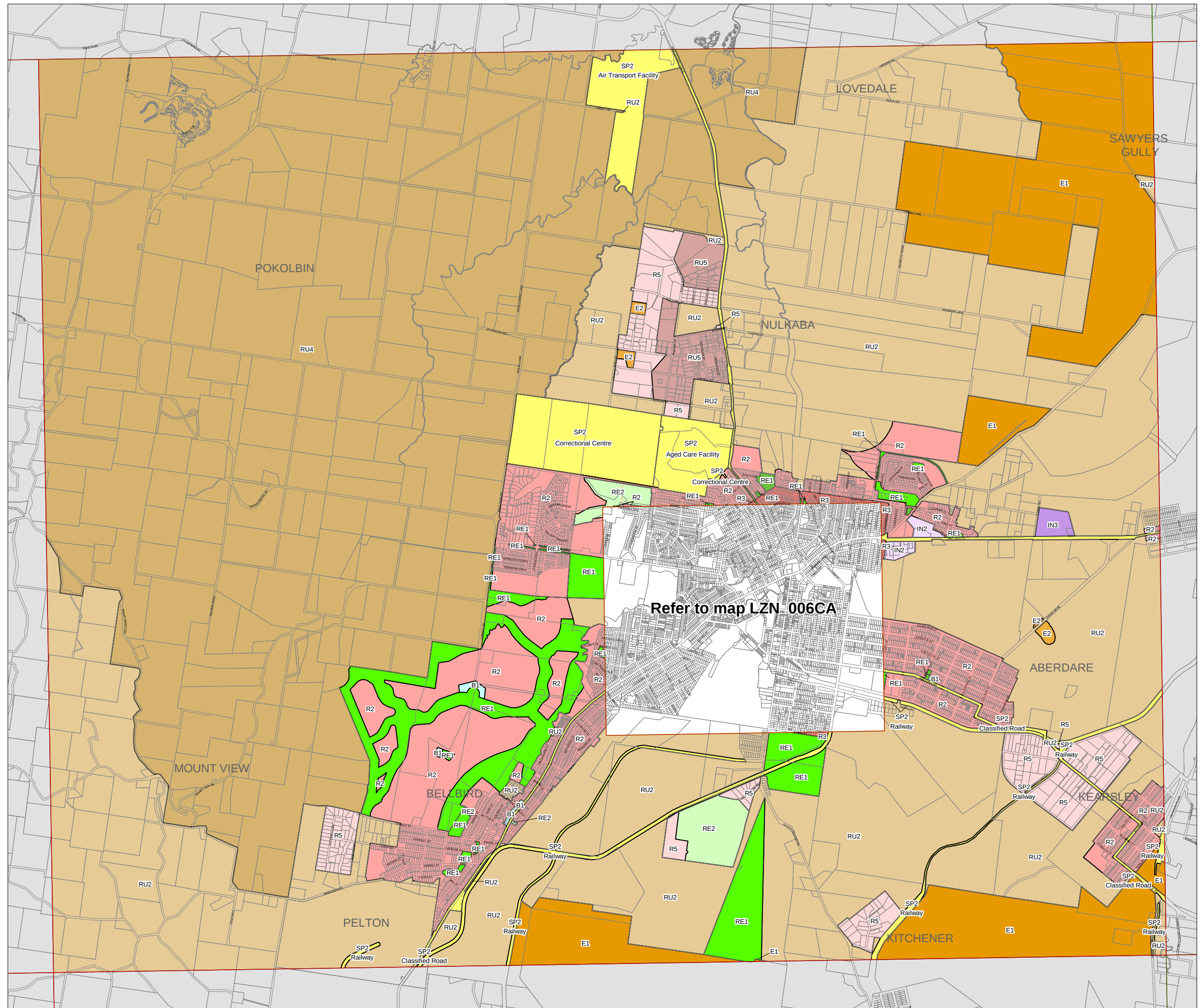
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Cadastre 09/12/2014 © Land and Property Information (LPI)



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Map identification number:
1720_COM_LZN_006C_040_20141209





Cessnock Local Environmental Plan 2011

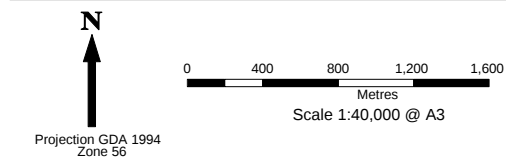
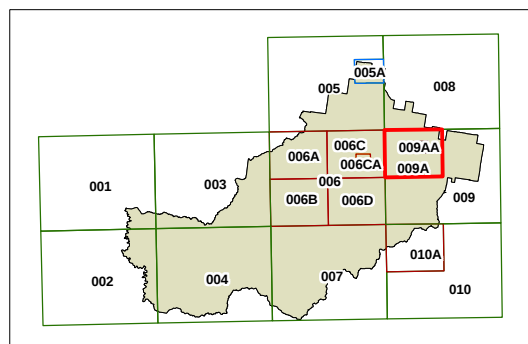
Land Zoning Map - Sheet LZN_009A

Zone

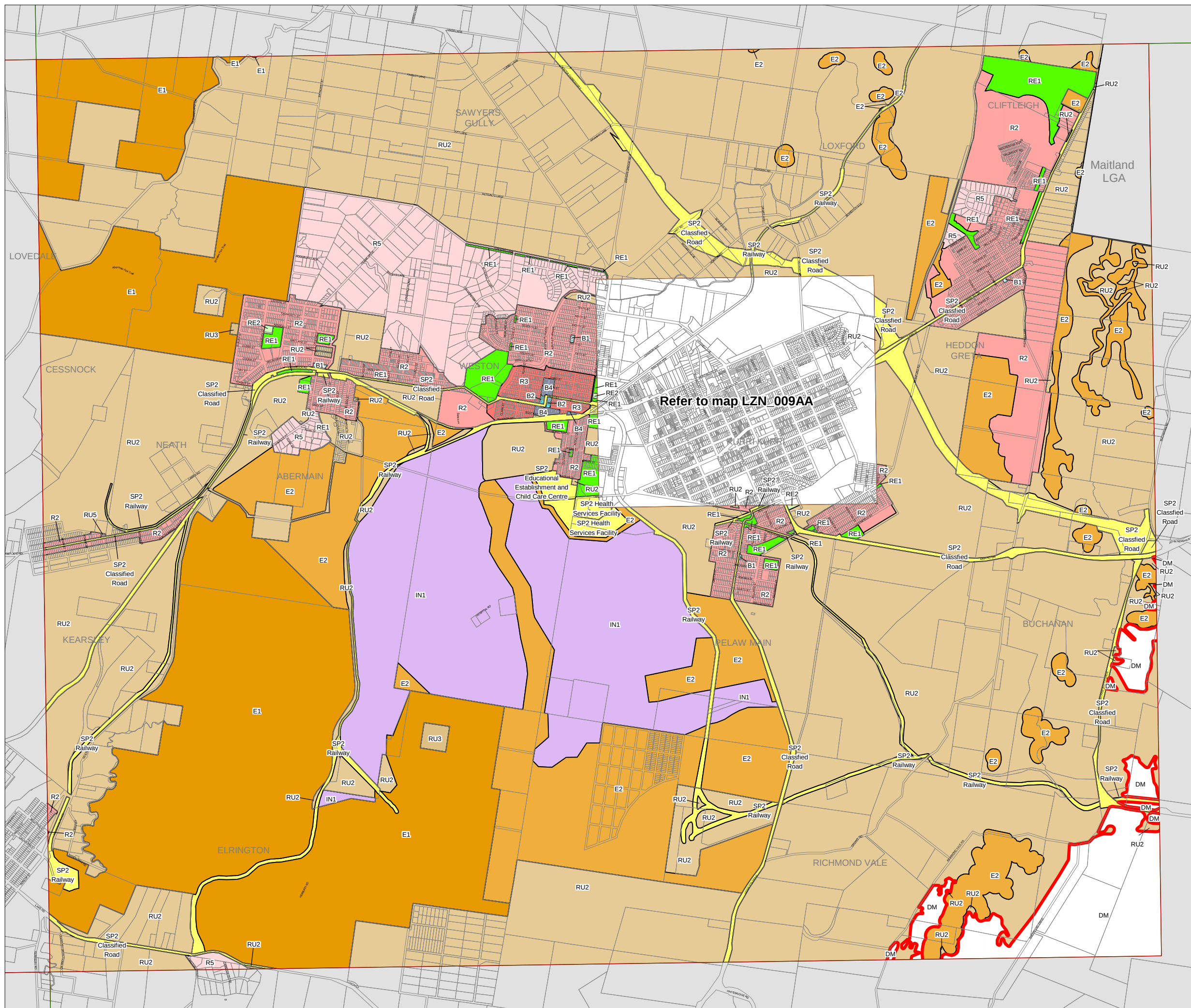
- B1** Neighbourhood Centre
- B2** Local Centre
- B3** Commercial Core
- B4** Mixed Use
- B7** Business Park
- E1** National Parks and Nature Reserves
- E2** Environmental Conservation
- IN1** General Industrial
- IN2** Light Industrial
- IN3** Heavy Industrial
- R2** Low Density Residential
- R3** Medium Density Residential
- R5** Large Lot Residential
- RE1** Public Recreation
- RE2** Private Recreation
- RU2** Rural Landscape
- RU3** Forestry
- RU4** Primary Production Small Lots
- RU5** Village
- SP2** Infrastructure
- DM** Deferred Matter
- MDP** SEPP (Major Development) 2005

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Map identification number: 1720_COM_LZN_009A_040_20141212





Cessnock Local Environmental Plan 2011

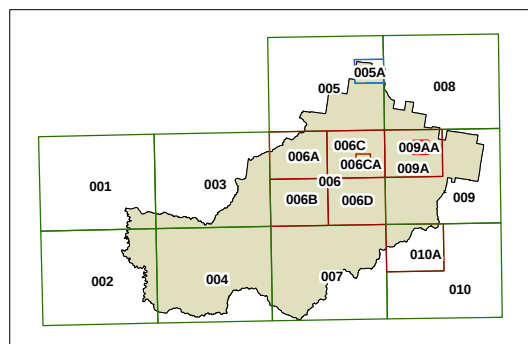
Land Zoning Map - Sheet LZN_009AA

Zone

- B1** Neighbourhood Centre
- B2** Local Centre
- B3** Commercial Core
- B4** Mixed Use
- B7** Business Park
- E1** National Parks and Nature Reserves
- E2** Environmental Conservation
- IN1** General Industrial
- IN2** Light Industrial
- IN3** Heavy Industrial
- R2** Low Density Residential
- R3** Medium Density Residential
- R5** Large Lot Residential
- RE1** Public Recreation
- RE2** Private Recreation
- RU2** Rural Landscape
- RU3** Forestry
- RU4** Primary Production Small Lots
- RU5** Village
- SP2** Infrastructure
- DM** Deferred Matter
- MDP** SEPP (Major Development) 2005

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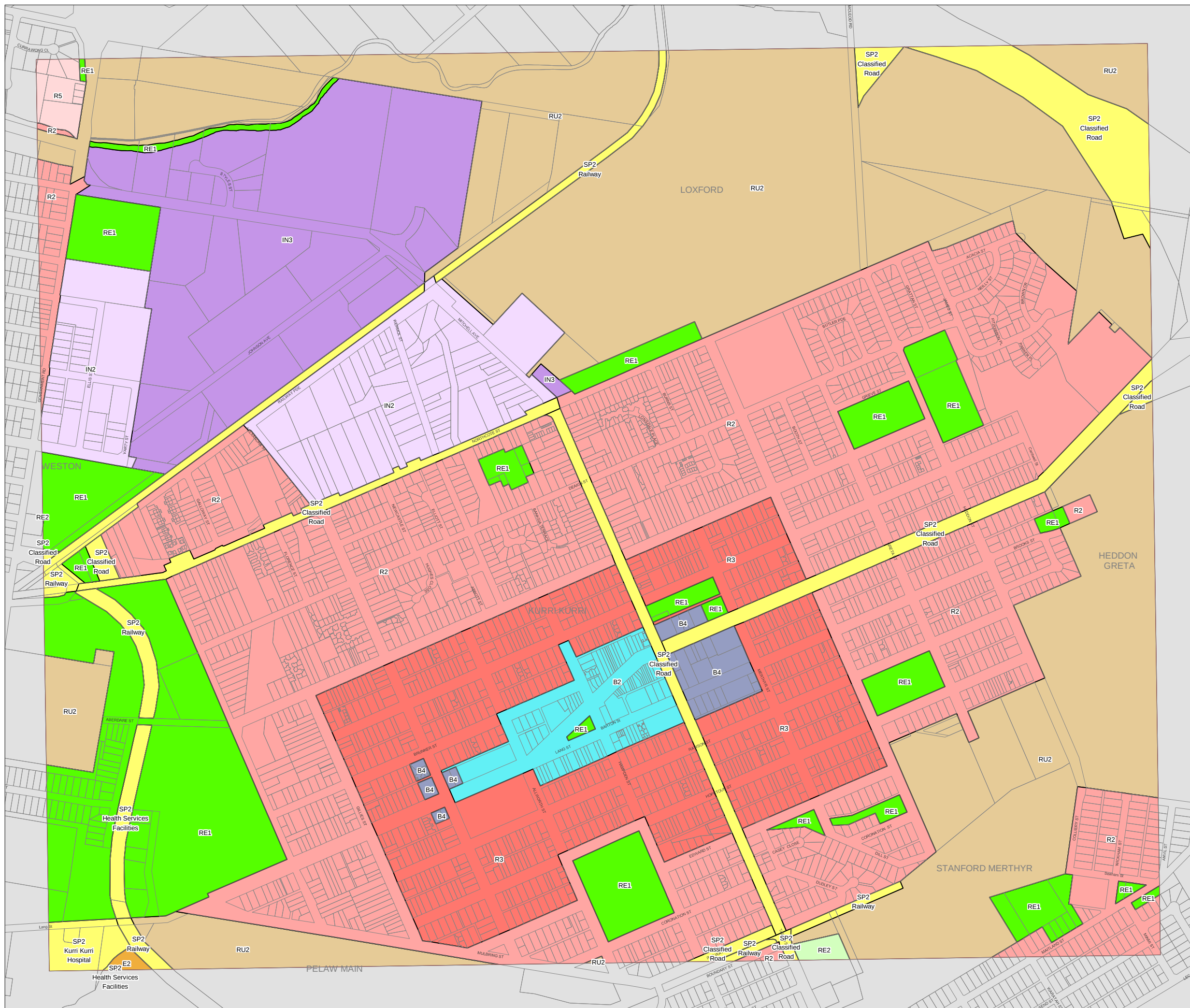
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Projection GDA 1994
Zone 56

Map identification number: 1720_COM_LZN_009AA_010_20141215





Cessnock Local Environmental Plan 2011

Lot Size Map - Sheet LSZ_006C

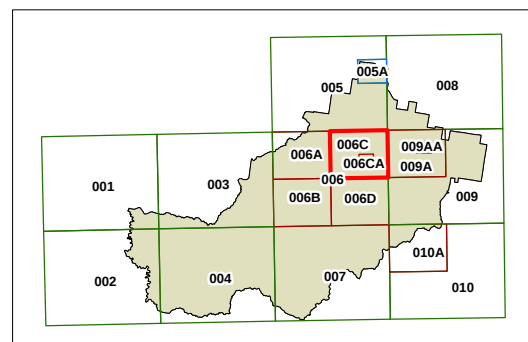
Minimum Lot Size (m2)

- G 450
- M 600
- R 750
- U1 1200
- U2 1500
- V 2000
- W 4000
- Z 4 ha
- AB 40 ha
- AC 80 ha
- AE 200 ha

Refer to Clause 4.1

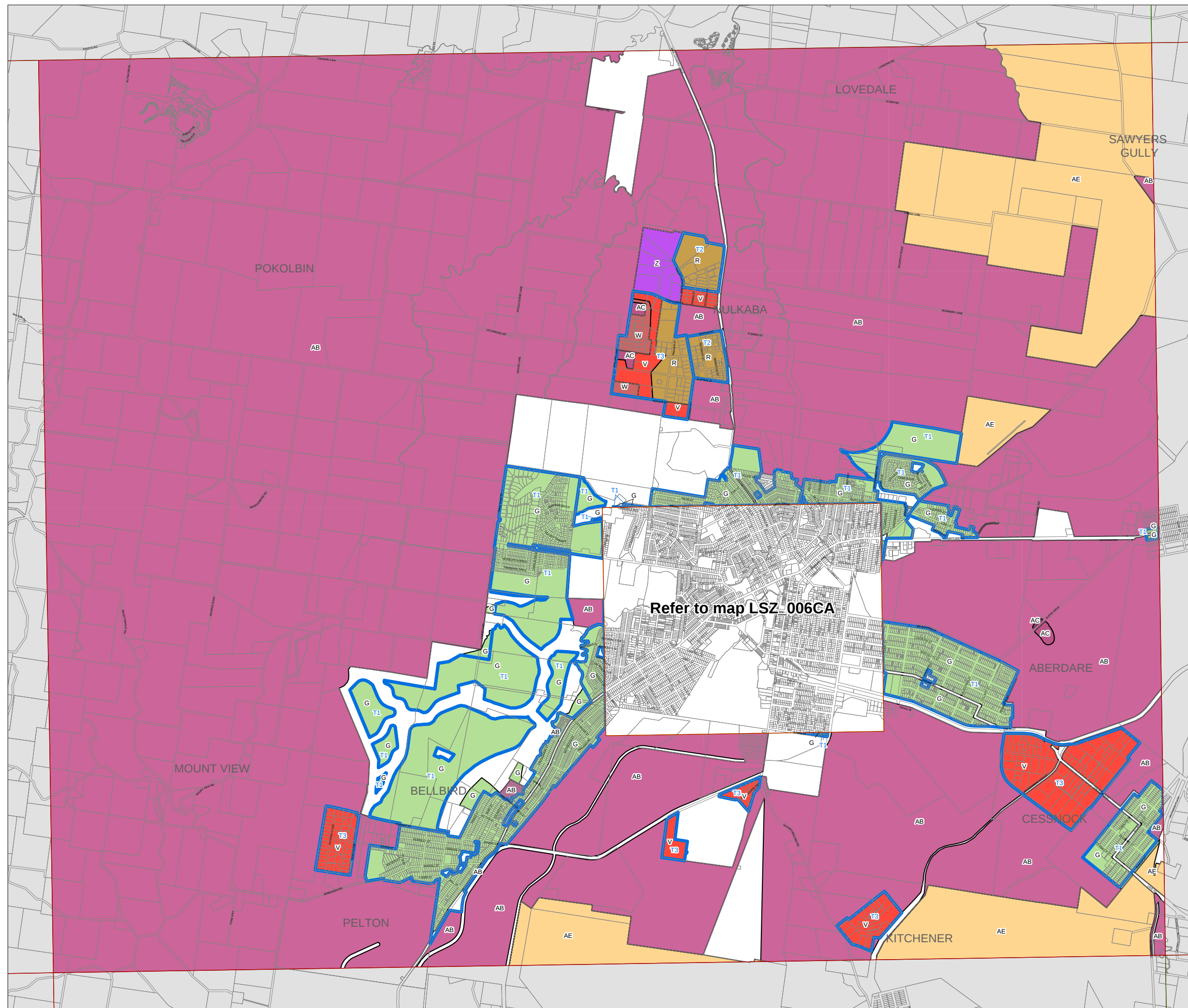
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Map identification number:
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Cessnock Local Environmental Plan 2011

Lot Size Map - Sheet LSZ_009A

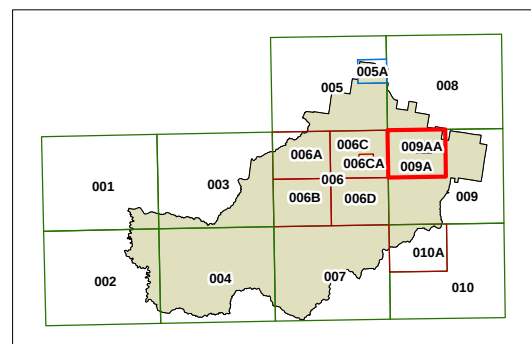
Minimum Lot Size (m2)

- G 450
- M 600
- R 750
- U1 1200
- U2 1500
- V 2000
- W 4000
- Z 4 ha
- AB 40 ha
- AC 80 ha
- AE 200 ha

Refer to Clause 4.1

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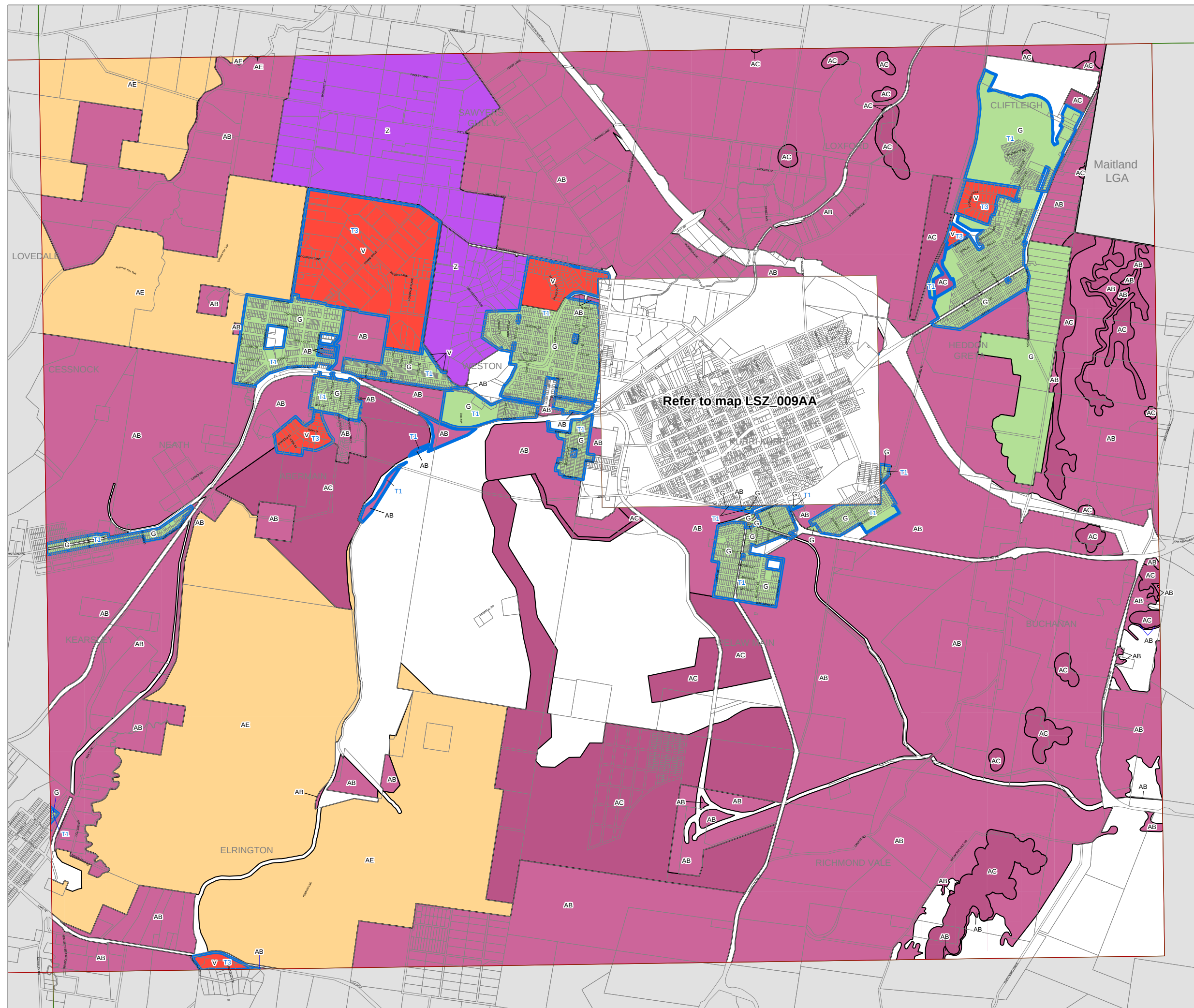
Cadastre 15/12/2014 © Land and Property Information (LPI)

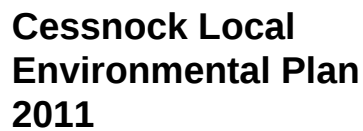


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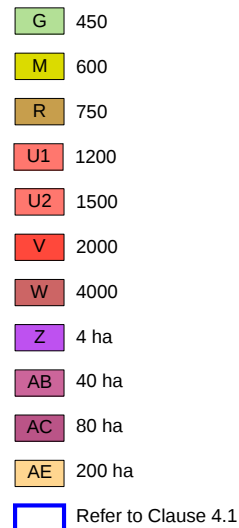
Projection GDA 1994
Zone 56

Map identification number: 1720_COM_LSZ_009A_040_20141212



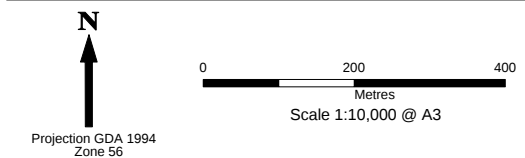
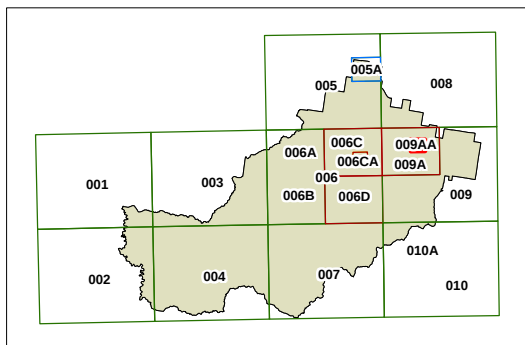


Minimum Lot Size (m2)

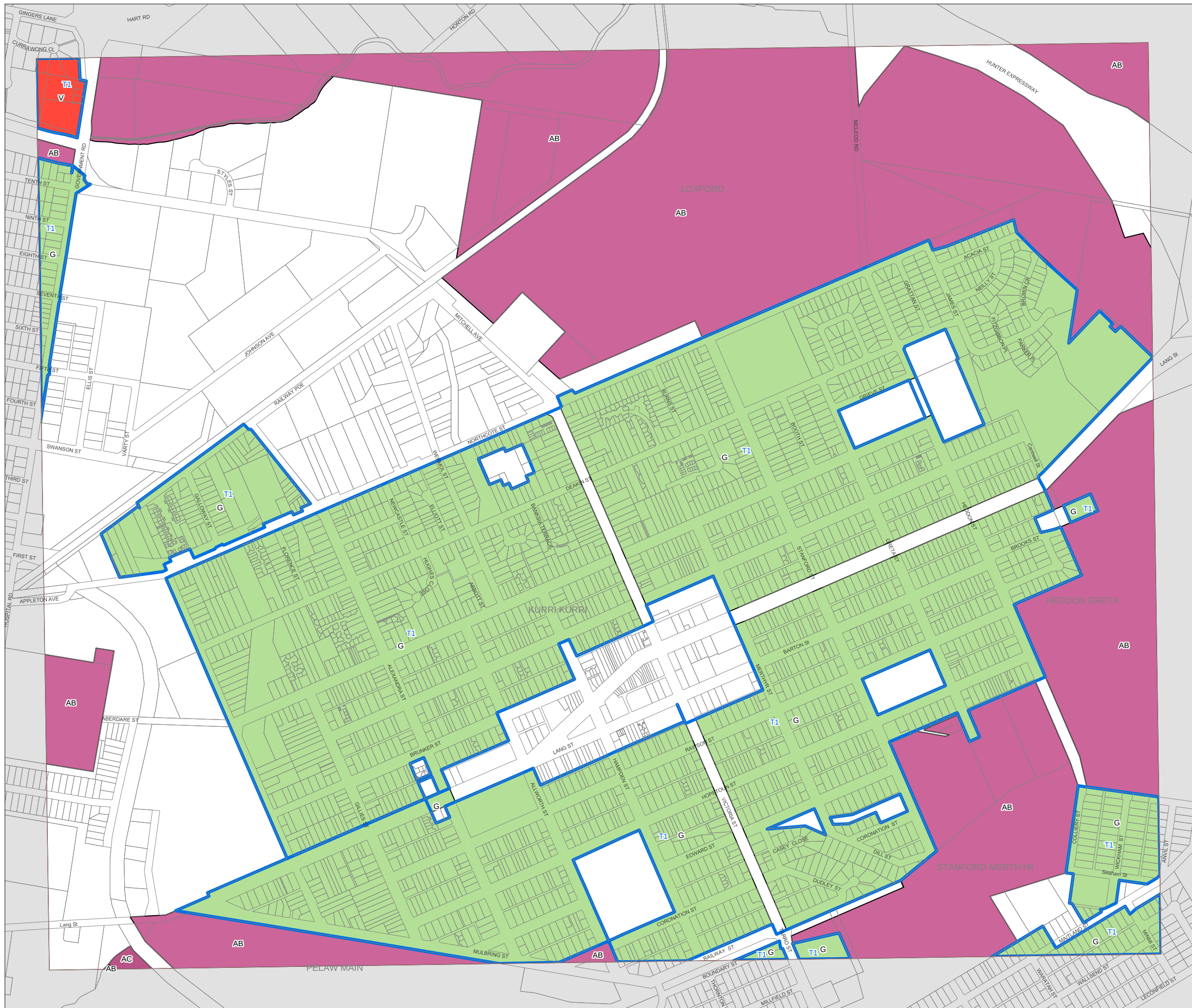


Cadaastre

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Map identification number: 1720_COM_LSZ_009AA_010_20141215



Attachment No 7:

**Letter of response dated 4 August 2014 from NSW Rural Fire Service
to Cessnock City Council**



NSW RURAL FIRE SERVICE



The General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Your reference: DOC2014/
Our reference: LEP/0025 JM

4 August 2014

Attention: Robert O'Brien

Dear Mr O'Brien,

Planning Proposal – Rezoning of Anomalous RE1 Public recreation Land -Gingers Lane, Weston and Mount View Road, Cessnock

Reference is made to your letter dated 14 July 2014 seeking advice in relation to the above planning proposal in accordance with the *Environmental Planning and Assessment Act 1979*. This proposal seeks to correct a number of anomalies in the zoning of land and in the additional permitted uses map.

Based upon an assessment of the information provided, the New South Wales Rural Fire Service raises no objection to the proposal.

As part of the land to be rezoned is bush fire prone land, *Planning for Bushfire Protection 2006* should be considered in relation to any future development proposal on the land.

If you have any queries regarding this advice, please contact Jason Maslen, Development Assessment and Planning Officer, on 1300 NSW RFS or Jason.maslen@rfs.nsw.gov.au.

Yours faithfully,

Catherine Ryland
Acting Team Leader, Development Assessment and Planning
Customer Service Centre East

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