

Cessnock Local Environmental Plan 2011 - Correct RE1 Public Recreation zoning anomalies

Proposal Title : Cessnock Local Environmental Plan 2011 - Correct RE1 Public Recreation zoning anomalies

Proposal Summary : The planning proposal will determine the appropriateness of rezoning the identified RE1 Public Recreation lands to the adjoining urban zone.

This will remove the split zone (10-20m wide strip) affecting a number of private properties along Gingers Lane, Government Road and Church Street, Weston as well as Mount View Road and Oakey Creek Road, Cessnock.

The standard instrument Local Environmental Plan does not provide flexibility between zone boundaries because the clause 5.3 "Development near zone boundaries" does not apply to land zoned RE1 Public Recreation.

Council has also agreed as part of this planning proposal to correct a mapping error caused by Amendment No.8 on the additional permitted use map(1720_COM_APU_005_080_20140226). Council will adjust the map to correctly identify the local government boundary between Cessnock and Singleton.

PP Number : PP_2014_CESSN_004_00 Dop File No : 14/10628

Proposal Details

Date Planning Proposal Received :	26-Jun-2014	LGA covered :	Cessnock
Region :	Hunter	RPA :	Cessnock City Council
State Electorate :	CESSNOCK	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	Various properties along Gingers Lane, Government Road and Church Street		
Suburb :	Weston	City :	Cessnock Postcode : 2326
Land Parcel :	Refer to planning proposal for Lot and DP details		
Street :	Various properties along Oakey Creek Road and Mount View Road		
Suburb :	Cessnock	City :	Cessnock Postcode : 2325
Land Parcel :	Refer to planning proposal for Lot and DP details		

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DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Robert O'Brien**
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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

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

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes : **Background - Council advises that 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.**

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When the Cessnock Local Environmental Plan 1989 was translated into the standard instrument format, this land was converted from 6(a) Open Space Zone to RE1 Public Recreation. The new LEP does not provide flexibility between zone boundaries because the clause 5.3 "Development near zone boundaries" does not apply to land zoned RE1 Public Recreation. Council advises that Cessnock Local Environmental Plan 1989 provided flexibility between zone boundaries, therefore it has already approved urban development for some properties within the RE1 Public Recreation zone.

Adequacy Assessment

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

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

Comment : The statement of objectives explains that the purpose of the planning proposal is rezone land from RE1 Public Recreation to the adjoining urban zone under the Cessnock Local Environmental Plan 2011. This amendment will allow property landowners to undertake development (subject to consent) consistent with the zoning of the remainder of the allotment.

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

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

Comment : The explanation of provisions outlines that it intends to rezone land from RE1 Public Recreation to the adjoining urban zone and to amend the minimum lot size accordingly.

Weston

It is proposed that the identified land along Gingers Lane, Government Road and Church Street, Weston, be rezoned from RE1 Public Recreation to R5 Rural Residential with a minimum lot size of 4HA and 2,000sm respectively under the Cessnock Local Environmental Plan 2011.

Cessnock

It is proposed that the identified land along Mount View Road and Oakey Creek Road, Cessnock be rezoned from RE1 Public Recreation to R2 Low Density Residential with a minimum lot size of 450m2 under the Cessnock Local Environmental Plan 2011.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **6.2 Reserving Land for Public Purposes**

* May need the Director General's agreement

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

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

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

If No, explain : **Minister's section 117 Direction**
Direction 6.2 Reserving Land for Public Purposes requires the approval of the Secretary's delegate to reduce the amount of land zoned RE1 Public Recreation. It is recommended that the Secretary's delegate approve the proposed rezonings from RE1 Public Recreation to the adjoining urban zone because it provides no recreational

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benefits to the public.

Council advises that Cessnock Local Environmental Plan 1989 provided flexibility between zone boundaries, therefore it has already approved urban development for some properties within the RE1 Public Recreation zone. Council will assess the visual appearance of future developments on this land under section 79C of the Environmental Planning and Assessment Act 1979.

If the Secretary's delegate approves this rezoning of RE1 Public Recreation lands, the planning proposal will be consistent with the other section 117 Directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The Department agrees with Council that the planning proposal is low impact and should be exhibited for a minimum of 14 days.**

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The standard instrument Local Environmental Plan was published on 23 December 2011

Assessment Criteria

Need for planning proposal :

Yes. The preparation of a planning proposal is the most appropriate mechanism to determine whether the identified properties zoned part RE1 Public Recreation should be rezoned to be entirely residential or rural residential.

Consistency with strategic planning framework :

The planning proposal is consistent with the underlying objectives of the Lower Hunter Regional Strategy (LHRS) and Council's City Wide Settlement Strategy (CCWSS) (2010).

Environmental social economic impacts :

The planning proposal will benefit private land owners burdened by the land being partly zoned RE1 Public Recreation under Cessnock Local Environmental Plan 2011.

Council advises that Cessnock Local Environmental Plan 1989 provided flexibility between zone boundaries, therefore it has already approved urban development for some properties within the RE1 Public Recreation zone. This planning proposal will remove this burden and provide equality.

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If the land is rezoned to the adjoining residential zone, Council will assess the visual appearance of future developments on this land under section 79C of the Environmental Planning and Assessment Act 1979.

Assessment Process

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

Timeframe to make LEP : **6 months** Delegation :

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service**

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

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

S.117 directions: **6.2 Reserving Land for Public Purposes**

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

1. The Planning Proposal be supported and Council be given the Minister's plan making delegations.

2. Council be advised to amend the additional permitted uses map 1720_COM_APU_005_080_20140226 to correctly identify the local government boundary between Cessnock and Singleton.

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

- (a) the Planning Proposal be made publicly available for 14 days;
- (b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 4.5 of A guide to preparing LEPs (Department for Planning 2009).

4. The Secretary's delegate approve the reduction of land zoned RE1 Public Recreation under direction 6.2 Reserving Land for Public Purposes on the basis that it provides no recreational benefits to the public.

5. Consult with the NSW Rural Fire Service under Section 117 Direction 4.4 Planning for Bushfire Protection prior to commencing community consultation.

6. 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.

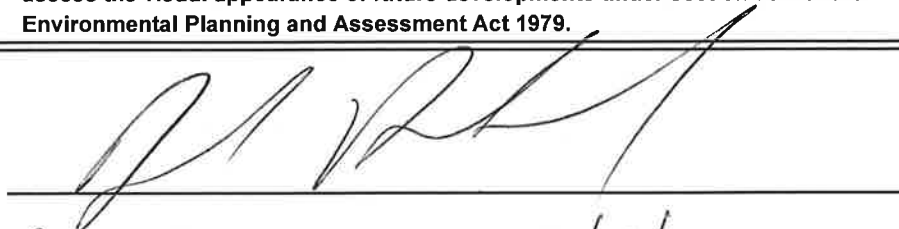
7. The timeframe for completing the LEP is 6 months from the date of the Gateway Determination.

Supporting Reasons :

When the Cessnock Local Environmental Plan 1989 was translated into the standard instrument format, this land was converted from 6(a) Open Space Zone to RE1 Public Recreation. The new LEP does not provide flexibility between zone boundaries because the clause 5.3 "Development near zone boundaries" does not apply to land zoned RE1 Public Recreation.

Council advises that Cessnock Local Environmental Plan 1989 provided flexibility between zone boundaries, therefore it has already approved urban development for some properties within the RE1 Public Recreation zone. If the land is rezoned, Council will assess the visual appearance of future developments under section 79C of the Environmental Planning and Assessment Act 1979.

Signature:



Printed Name:

David Rowland

Date:

11/7/2014