

Planning and Environment

Report No. PE15/2017

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**SUBJECT:** *PLANNING PROPOSAL - CLIFTLEIGH***RESPONSIBLE OFFICER:** *Strategic Land Use Planning Manager - Martin Johnson***SUMMARY**

APPLICATION NUMBER:	18/2016/1
PROPOSAL:	Planning Proposal - Cliftleigh
PROPERTY DESCRIPTION:	Part Lot 200 DP 1196167 and Part Lot 20 DP 1175757
PROPERTY ADDRESS:	21 Main Road and 43 Main Road Cliftleigh
ZONE: (CURRENT)	RE2 - Public Recreation Zone
ZONE (PROPOSED)	R2 - Low Density Residential Zone
OWNER:	Winten (No. 23) P/L
PROPONENT:	Monteath and Powys P/L

The purpose of this Report is to provide an overview of the Planning Proposal which seeks to rezone part of Lot 200 DP 1196167 and part of Lot 20 DP 1175757 currently zoned RE1 - Public Recreation to R2 - Low Density Residential and apply a corresponding 450m² minimum lot size at Cliftleigh.

This Report also seeks Council's approval to submit this Planning Proposal to the Department Planning and Environment for a Gateway determination and to seek to exercise the functions of the Minister for Planning under section 59 of the Environmental Planning and Assessment Act 1979 to make the Local Environmental Plan.

RECOMMENDATION

1. That Council request a Gateway determination for the Planning Proposal - Cliftleigh from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979* in relation to the Planning Proposal in Attachment 1.
2. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.
3. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. That Council receive a report back on the Planning Proposal - Cliftleigh if unresolved written objections are received during the consultation with the Community; otherwise forward the Planning Proposal to the Department of Planning and Environment requesting that the plan be made.

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Chronology

Date	Brief Description
11/10/2016	Planning Proposal lodged with Council
20/1/2017	Additional information requested
20/1/2017	Internal referral to Strategic Recreation and Community Facilities
3/2/2017	Response to additional information request
17/2/2017	Response to referral from Strategic Recreation and Community Facilities

Location Map:



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Aerial View:



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BACKGROUND

The Planning Proposal seeks to provide residential opportunity for the subject site within the Cliftleigh Urban Release Area (URA). The site is approximately 1.06ha in size and is unoccupied, containing a disused shed. The adjacent site to the north-west is zoned R2 Low Density Residential, with the vegetation to be removed as part of works associated with Stage 9A of the Cliftleigh URA.

As part of the rezoning of the Cliftleigh URA, the site was identified for residential purposes, with the Structure Plan exhibited with the draft LEP, indicating conventional lots 450-600m² in this location. However, Council at its meeting of 24 July 2007, resolved (in part) to amend draft LEP (Amendment No 120), relating to the Cliftleigh precinct to:

- a) *Include a 40 metre wide strip of 6(a) Open Space land along the rear boundaries of the residential properties fronting Main Road 195, and backing onto the subject land.*

While zoned RE1 - Public Recreation, the land has not been dedicated to Council and therefore does not need to be reclassified. The supporting Cliftleigh Planning Agreement (PA), which was amended to accommodate Council's resolution, requires the dedication of this land to Council prior to the issuing of the Subdivision Certificate that creates the 400th Residential Lot in the Cliftleigh URA development.

REPORT/PROPOSAL

The Planning Proposal seeks to rezone the subject site from RE1 - Public Recreation to R2 - Low Density Residential zone. It is proposed that an additional 13 allotments will be available for development within the Cliftleigh area if this Planning Proposal is pursued.

The RE1 zone was added by Council as part of the final consideration of the initial rezoning proposal. The site comprises a 40 metre wide strip between existing houses on the western side of Maitland Road to address concerns residence expressed in relation to the need for a visual screen to the (then) new Cliftleigh development. However, given the size of these lots and the reality that they are effectively surrounded by a residential zone, they were rezoned from rural to residential to be consistent with the zoning in the Cliftleigh URA. This makes Maitland Road the boundary between rural and residential zones in this location.

In determining the recreational and open space value of this land, the recommendations of Council's Recreation and Open Space Strategic Plan (ROSSP) 2009, Cycling Strategy 2016 and Recreation Needs Analysis (RNA) 2017 have been considered.

The subject site falls within the Kurri Kurri Planning Area, which includes Neath, Abermain, Weston, Mulbring, Heddon Greta and Cliftleigh, for which Council's ROSSP 2009 identifies a shortfall of recreation and open space facilities. However, the Cliftleigh URA provides an opportunity to address this, with the Testers Hollow District Park inclusive of an informal kick-a-bout area. In addition, regional sportsground facilities are anticipated to be delivered as part of the Hydro Planning Proposal, which will also address sporting facility shortfalls in this area.

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Council's RNA aims to provide 'developed' open space within 500m of most residents. Developed open space includes passive, local, district and regional facilities. Figure 1 shows existing and proposed open space in the immediate vicinity of the subject site.

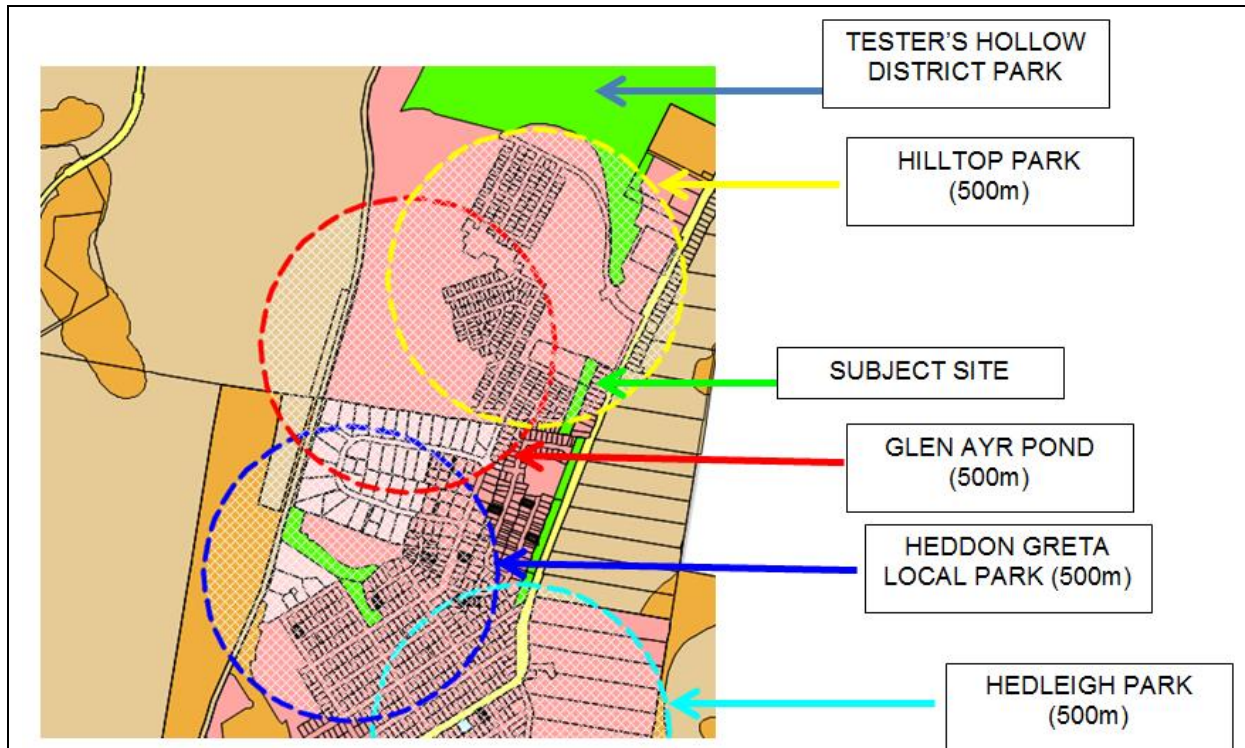


Figure 1: Existing and proposed developed open space

Whilst there is a portion of residents south of the subject site that fall outside the 500m open space area, it is considered that the broader planning area, incorporating Heddon Greta, Cliftleigh, Hedleigh Park and the proposed Hydro residential site, is currently or will be well serviced.

Notwithstanding these provisions, it is considered that the subject site is of limited recreational value due to the lineal shape not being ideal for the development as a local park in accordance with Open Space Design Guidelines of the ROSSP. Further, it is an isolated parcel of passive open space that has no connectivity to other open space corridors or existing and/or proposed cycleway networks and increases the potential for anti-social behaviour.

In addition to the above considerations, the ongoing management and maintenance of the site will also need to be considered. While the site will have all weeds and rubbish removed by the developer prior to dedication, the ongoing maintenance, inclusive of all management costs, will fall to Council and this will impact on Council's existing maintenance program and current and future maintenance levels of open space in the area.

The exclusion of the subject site as open space will have minimal impact on the overall recreation provisions within the Cliftleigh urban precinct. In all, some 53 hectares (approximately 39 percent of the total Cliftleigh URA) has been designated for passive and active open space through the Testers Hollow District Park, Glen Ayr Pond Park and Hilltop Park.

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OPTIONS

1. Council resolve to support the recommendations of this Report and submit a planning proposal to the Department of Planning and Environment for a Gateway determination. This is the recommended option.
2. Request changes to the Planning Proposal. This option may delay the proposed amendments.
3. Not support the recommendation of this Report for the following reasons:

(To be provided by Council).

CONSULTATION

The Planning Proposal is considered to be a low impact proposal and is proposed to be publicly exhibited for a minimum of 14 days in accordance with the Department's LEP Guide "A guide to preparing local environmental plans".

A low impact planning proposal is a planning proposal that is:

- consistent with the pattern of surrounding land use zones and/or land uses;
- consistent with the strategic planning framework;
- presents no issues with regard to infrastructure servicing;
- not a principal Local Environmental Plan;
- does not reclassify public land.

All adjoining property in addition to property owners in Tarrango Street, Taminga Road, and Cienna Street will be notified in writing of the Planning Proposal.

The exhibition material will be available from the following locations:

- Council's Administration Building;
- Cessnock Public Library;
- Kurri Kurri Public Library; and
- Council's Website at www.cessnock.nsw.gov.au

It is not proposed to consult with any government authorities or agencies due to the minor nature of this Planning Proposal.

The Department's Gateway determination may make prescriptions relating to government authority and/or agency consultation.

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STRATEGIC LINKS

a. Delivery Program

A Sustainable and Healthy Environment: Objective 3.1, Protecting and Enhancing the Natural Environment and the Rural Character of the Area.

b. Other Plans

The recommendations of Council's Recreation and Open Space Strategic Plan (ROSSP) 2009, Cycling Strategy 2016 and Recreation Needs Analysis 2017 were considered in this Report.

IMPLICATIONS

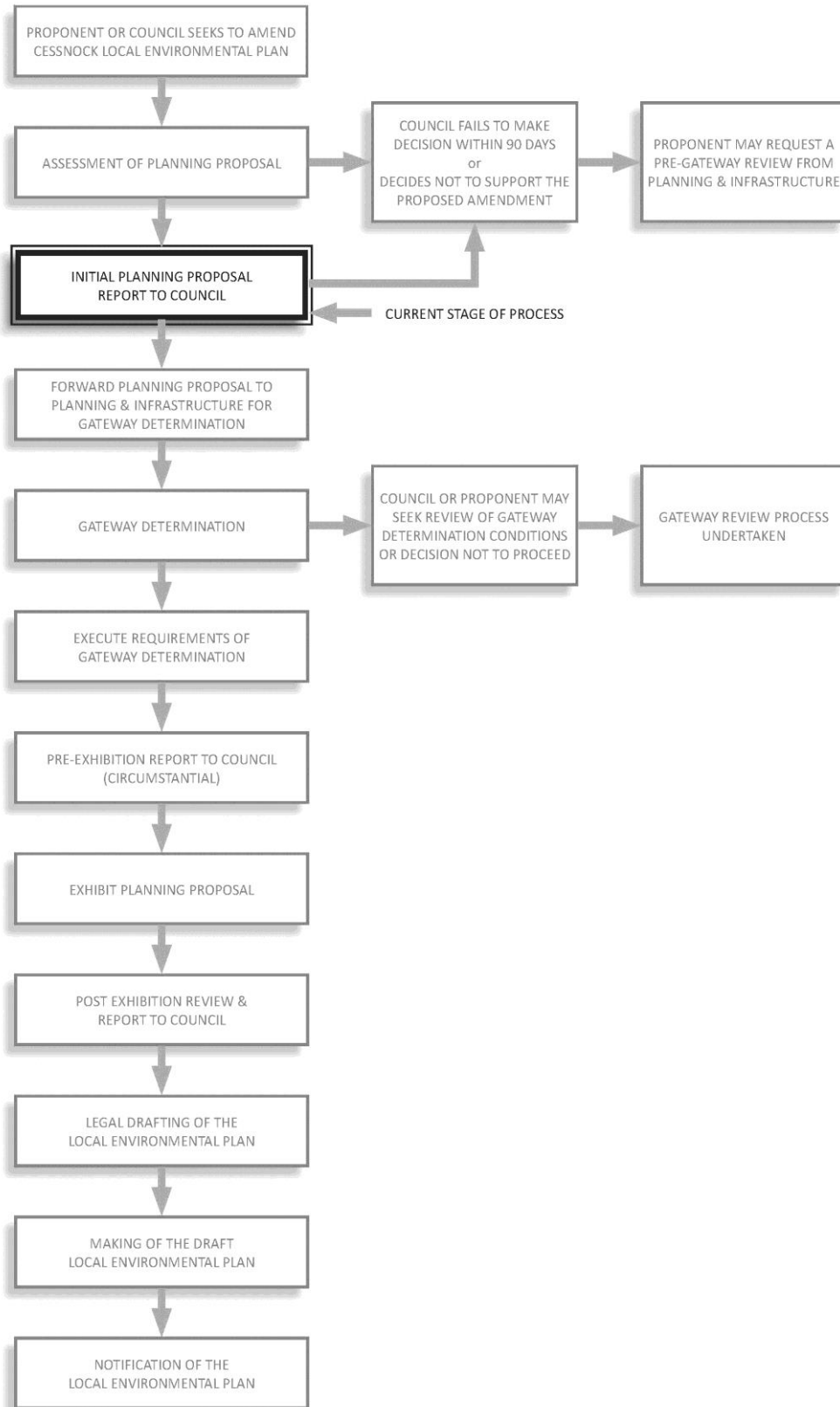
a. Policy and Procedural Implications

The current status of the Planning Proposal is identified in the process map below.

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PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



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b. Financial Implications

The finalisation of the Planning Proposal will be met through rezoning fees. This Planning Proposal is considered to be a Category A rezoning request and attracts a phase 1 fee of \$3,580.00.

c. Legislative Implications

This Report has regard to the provisions of the Environmental Planning and Assessment Act and its Regulations.

d. Risk Implications

There are considered to be minimal risk implications to Council with processing this amendment arising from the recommendation of this Report.

e. Environmental Implications

There are two on site Endangered Ecological Communities - Lower Hunter Spotted Gum - Ironbark Forest and Kurri Sand Swamp Woodland. However, the removal of this vegetation has previously been offset under a Biodiversity Agreement with the Office of Environment and Heritage in the consideration of the original rezoning of the Clifftleigh URA in 2007.

f. Other Implications

The difficulty with this site will be the ongoing management and maintenance of a relatively isolated parcel of open space of limited recreational value. While the site will have all weeds and rubbish removed by the developer prior to Council dedication, the ongoing maintenance, inclusive of all management costs, will subsequently fall to Council. This will have an impact on Council's existing maintenance program and current and future maintenance levels of open space in the area.

CONCLUSION

The recreational and open space value of this site is limited due to size and location of the site and the proximity of other open space within the Clifftleigh URA. The proposed rezoning is consistent with the surrounding development and it is considered that the potential for anti-social behaviour on the site will be minimised and ongoing Council maintenance costs reduced.

Should Council determine to support the recommendation of this Report, a Planning Proposal will be forwarded to the Department of Planning and Environment for a Gateway determination.

A further report in relation to the Planning Proposal will be presented to Council following public exhibition advising of the outcomes of the public consultation, if unresolved objections are received.

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ENCLOSURES

- [1](#) Planning Proposal - Cliftleigh RE1 Public Recreation to R2 Low Density Residential