

PLANNING PROPOSAL

**Amendment to the
*Cessnock Local Environmental Plan 2011***

**21 Main Road and 43 Main Road Cliftleigh
Rezoning of
Part Lot 949 DP 1223319 & Part Lot: 20 DP: 1175757
from
RE1 - Public Recreation to R2 - Low Density
Residential**

Version 1A

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PART 1: OBJECTIVES and OUTCOMES

The intended outcome is for this planning proposal is to:

- Rezone that part of Lot 949 DP 1223319 and that part of Lot 20 DP 1175757 currently zoned RE1 - Public Recreation to R2 - Low Density Residential.
- Apply a minimum lot size of 450m²

A locality plan is shown as Figure 1a. That part of the lots that is the subject of this Planning Proposal is shown in Figure 1b.



Figure 1a: Locality Plan



Figure 1b: Locality Plan

The site is known as 21 and 43 Main Road, Cliftleigh, and can be legally identified as Lot 949 DP 1223319 & Lot 20 DP1175757 respectively. Note Lot 949 DP 1223319 was previously identified as Lot 200 DP1196167. The western portion of Lot 20 DP 1175757 is currently undeveloped bushland, it is zoned R2 - Low Density Residential and will ultimately be occupied by residential development.

While the subject site is zoned RE1 Public Recreation, it should be noted that the land is currently privately owned and not used for public recreation purposes. The site is also not recognised on the Land Reservation Acquisition Map.

It should be noted that while the land to the south of the subject site is shown as vegetated, the land has in fact been developed for residential purposes recently. Similarly, land to the north has also been cleared for residential development, being stage 9A which is anticipated to be registered later this year.

PART 2: EXPLANATION of PROVISIONS

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

Land Zoning

Replace the RE1 - Public Recreation zoning with R2 - Low Density Residential on Land Zoning Map Sheet 1720_COM_LZN_009A_040_20150318 for that part of Lot 949 DP 1223319 and Lot 20 DP1175757 as shown as Figure 1 in Appendix 2.

Lot Size

Amend the minimum lot size map to reflect a minimum lot size of 450m² on map sheet 1720_COM_LSZ_009A_040_20150518 for that part of Lot 949 DP 1223319 and Lot 20 DP1175757 as shown as Figure 3 in Appendix 2.

PART 3: JUSTIFICATION

In accordance with the Department of Planning and Environment's "Guide to Preparing Planning Proposals", this section provides a response to the following issues:

- Section A: Need for Proposal;
- Section B: Relationship to Strategic Planning Framework;
- Section C: Environmental, Social and Economic Impact; and
- Section D: State and Commonwealth Interests

Section A: Need for Proposal

1 Resulting from a Strategic Study or Report

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.

Background

The subject site is within the Cliftleigh URA, which was gazetted on 14 November 2008.

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.

The RE1 zone over the subject site was added by Council as part of the final consideration of the initial Cliftleigh 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.

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.

In addition, 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.

Recreation and Open Space Value

The Planning Proposal was referred to Council's Strategic Recreation and Community Facilities Planner on 17 February 2017.

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.

These documents seek to assist Council in the planning for open space, recreation and community facilities through a 'needs' based approach. This is a moved away from the use of quantitative standards of provision, such as fixed ratio of supply of open space per 1000 people. The focus on 'needs' based planning has been applied to these plans, with standards used only as an indicative guide. Standards in this regard help to 'benchmark' or quantify current practice against future plans.

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.

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 2 shows existing and proposed open space in the immediate vicinity of the subject site.

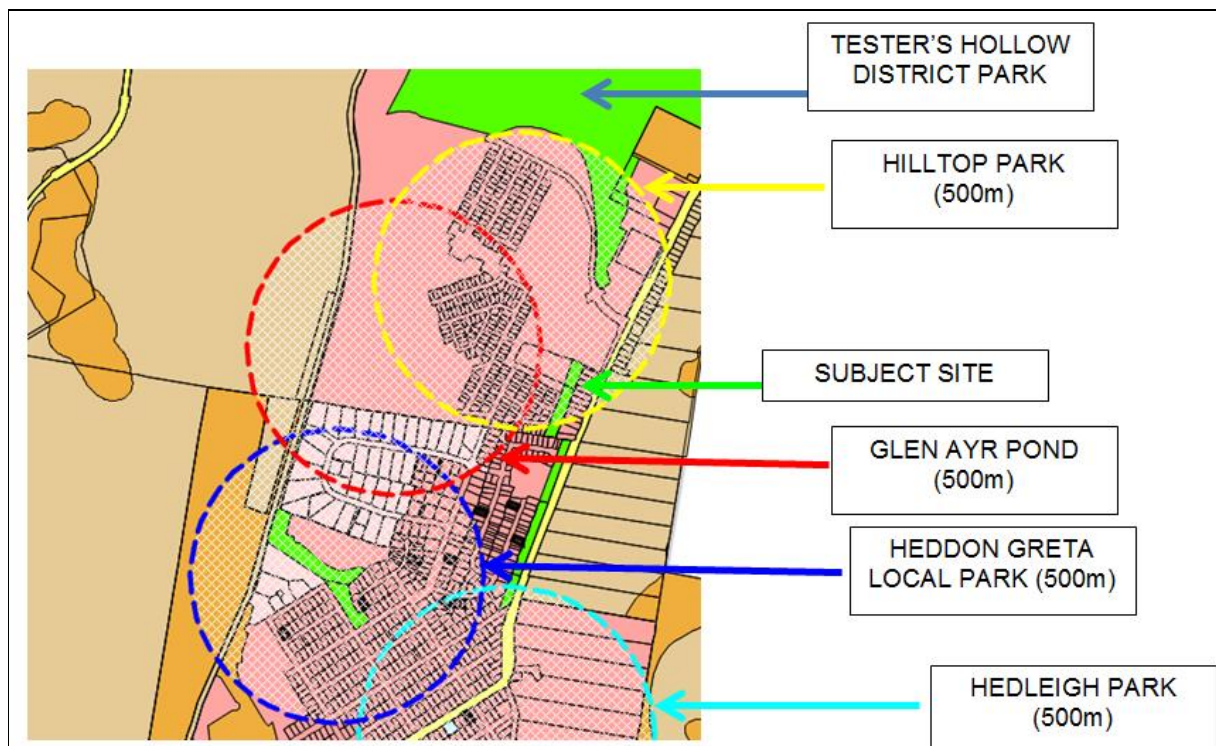


Figure 2: Existing and proposed developed open space

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 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.

Current and Future Recreation and Open Space

Despite being privately owned, 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% of the total Cliftleigh URA) has been designated for passive and active open space through the Testers Hollow District Park (to be dedicated to Council for public use with embellishments at the 331st lot in the development), Hilltop Park (to be dedicated to Council for public use with embellishments at the 400th lot in the development) and Glen Ayr Pond Park (to be dedicated to Council for public use with embellishments at the 600th lot in the development).

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.

Section B: Relationship to Strategic Planning Framework

3 Consistency with Objectives and Actions within Regional Strategies

Hunter Regional Plan 2016

The Planning Proposal supports the following directions and actions of the Hunter Regional Plan 2036.

Direction	Consistency and Implications
Direction 18: Enhance access to recreational facilities and connect open spaces.	The site is not connected to other recreation and open space areas. As outlined in Section A the site was zoned RE1 to provide a buffer to address concerns residence expressed in relation to the need for a visual screen to the (then) new Cliftleigh development. The site was not intended to provide a connection to urban areas.
Direction 21: Creating a compact settlement.	The site is in the Cliftleigh Urban Release Area, which is a key component of the Kurri Kurri Growth Corridor.

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 Council's Operational Plan, in the better utilisation of existing open space:

- Our open spaces are distributed where people live.
- We have green corridors connecting our open space areas.
- We have high quality, centralised multi-purpose sporting and recreation facilities.

City Wide Settlement Strategy (2010)

The City Wide Settlement Strategy (CWSS) sets out strategic directions and implements a number of the outcomes and actions arising from the Lower Hunter Regional Strategy 2006.

There is no inconsistency between Council's CWSS and the Planning Proposal. The Cliftleigh URA has been approved for residential development since 2009.

Recreation and Open Space Strategic Plan (2009)

The Cessnock Recreation and Open Space Strategic Plan 2009 was introduced to assist Cessnock City Council to plan and manage the future development and maintenance needs of open space and recreation facilities throughout the Cessnock LGA. As part of this strategy, recreation supply throughout the LGA was examined. As a result, recommendations were provided regarding gaps in the provision of recreation settings.

It should be noted however, that the subject site is currently privately owned and thus it is unlikely this land was examined as part of the strategy. The land could be handed over to Council who would have ongoing maintenance liabilities; however, the proposal is

considered a more efficient outcome given other open space areas in the locality and the wider Cliftleigh urban release area.

Recreation Needs Analysis (2017)

Council's Recreation Needs Analysis aims to provide 'developed' open space within 500m of most residents. Developed open space includes passive, local, district and regional facilities. Figure 2 shows existing and proposed open space in the immediate vicinity of the subject site.

5 Consistency with State Environmental Planning Policies

An assessment of relevant SEPPs against the planning proposal is provided in the table below.

Table 1: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 14 - Coastal Wetlands	The aim of this policy is to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the State.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 21 - Caravan Parks	The SEPP provides for development for caravan parks.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 30 - Intensive Agriculture	The SEPP provides considerations for consent for intensive agriculture.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 32 - Urban Consolidation (Redevelopment of Urban Land)	The SEPP makes provision for the re-development of urban land suitable for multi-unit housing and related development.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 33 - Hazardous & Offensive Development	The SEPP provides considerations for consent for hazardous & offensive development.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 36 - Manufactured Homes Estates	The SEPP makes provision to encourage manufactured homes estates through permitting this use where caravan parks are permitted and allowing subdivision.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 44 - Koala Habitat Protection	This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	Consistent. The ecological investigations undertaken as part of the original rezoning and DA process for the Cliftleigh URA determined that the site did not constitute a "Potential Koala Habitat" under the provisions of SEPP 44
SEPP 50 - Canal	The SEPP bans new canal	Consistent. Nothing in the

SEPP	Relevance	Consistency and Implications
Estate Development	estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.	Planning Proposal impacts upon the operation of this SEPP
SEPP 55 - Remediation of Land	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 62 - Sustainable Aquaculture	The SEPP relates to development for aquaculture and to development arising from the rezoning of land and is of relevance for site specific rezoning proposals.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 64 - Advertising and Signage	The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 65 - Design Quality of Residential Development	The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 70 – Affordable Rental Housing (Revised Schemes)	The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP Affordable Rental Housing 2009	The aims of this Policy are as follows: (a) to provide a consistent planning regime for the provision of affordable rental housing, (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards, (c) to facilitate the retention and mitigate the loss of existing affordable rental housing,	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP

SEPP	Relevance	Consistency and Implications
	(d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing, (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing, (f) to support local business centres by providing affordable rental housing for workers close to places of work, (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.	
SEPP Building Sustainability Index: BASIX 2004	The SEPP provides for the implementation of BASIX throughout the State.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP (Educational Establishments and Child Care Facilities) 2017	The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by: (a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and (b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and (c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP

SEPP	Relevance	Consistency and Implications
	quality of infrastructure delivered and to minimise impacts on surrounding areas, and (d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and (e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and (f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and (g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and (h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.	
SEPP Exempt and Complying Development Codes 2008	The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP

SEPP	Relevance	Consistency and Implications
	that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.	
SEPP Housing for Seniors or People with a Disability 2004	The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP Infrastructure 2007	The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP Mining, Petroleum Production and Extractive Industries 2007	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP Miscellaneous Consent Provisions 2007	The aims of this Policy are as follows: (a) to provide that the erection of temporary structures is permissible with consent across the State, (b) to ensure that suitable provision is made for ensuring the safety of persons using temporary structures, (c) to encourage the protection of the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration, (d) to provide that development comprising the subdivision of land, the erection of a building or the demolition of a building, to the extent to which it does not already require development consent under another environmental planning instrument, cannot be carried out except with development consent.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP Rural Lands	The SEPP aims to facilitate	Consistent. Nothing in the

SEPP	Relevance	Consistency and Implications
2008	economic use and development of rural lands, reduce land use conflicts and provides development principles.	Planning Proposal impacts upon the operation of this SEPP
SEPP State and Regional Development 2011	The SEPP aims to identify development and infrastructure that is State significant and confer functions on the Joint Regional Planning Panels (JRPPs) to determine development applications.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP State Significant Precincts 2005	The aims of this Policy are as follows: (a) (b) (Repealed) (c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State, (d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes. (e), (f) (Repealed)	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP (Vegetation in Non-Rural Areas) 2017	The aims of this Policy are: (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP

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

An assessment of relevant s.117 Directions against the planning proposal is provided in the table below.

Table 2: Relevant s.117 Ministerial Directions

Ministerial Direction	Objective of Direction	Consistency and Implication
1. EMPLOYMENT AND RESOURCES		
1.1. Business and Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
1.2. Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
1.3. Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
1.4. Rural lands	The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
2. ENVIRONMENT AND HERITAGE		
2.1. Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
2.2. Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
2.3. Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1. Residential	The objectives of this direction	Consistent – This Planning

Ministerial Direction	Objective of Direction	Consistency and Implication
Zones	are: (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 minimise the impact of residential development on the environment and resource lands.	Proposal is considered to be consistent with this direction for the following reasons: • Will broaden the choice of building and housing • Make efficient use of existing infrastructure and services • Not increase the urban fringe of Cliftleigh.
3.2. Caravan parks and Manufactured Home Estates	The objectives of this direction are: (a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
3.3. Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
3.4. Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.

Ministerial Direction	Objective of Direction	Consistency and Implication
	movement of freight.	
3.5. Development Near Licensed Aerodromes	The objectives of this direction are: (a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
3.6. Shooting Ranges	The objectives are: (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
4. HAZARD AND RISK		
4.1. Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils	The subject site is not affected by acid sulphate soils.
4.2. Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.

Ministerial Direction	Objective of Direction	Consistency and Implication
	subsidence.	
4.3. Flood Prone Land	The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
4.4. Planning for Bushfire Protection	The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
5. REGIONAL PLANNING		
5.1. Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes, and actions contained in regional strategies.	There is no inconsistency between the Planning Proposal and the objectives or actions of the Hunter Regional Strategy.
5.10. Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions, and actions contained in Regional Plans.	The Planning Proposal is consistent with the following directions of the Hunter Regional Plan 2036. Direction 21: Creating a compact settlement. Direction 18: 'Enhancing access to recreational facilities and connect open space' is relevant to the proposal as the site is currently zoned RE1 Public Recreation. Despite the zoning, the site is privately owned and does not connect urban areas. Further information on the Hunter

Ministerial Direction	Objective of Direction	Consistency and Implication
		Regional Plan is provided in Section 3.
5. 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.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
6.2. Reserving Land for Public Purposes	The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Inconsistent - as it proposes to alter and reduce exiting zonings and reservations of land for public purposes. The inconsistency is considered to be of a minor significance as the property has little public benefit in being retained for public purposes if the land were transferred to Cessnock City Council. While the subject site is zoned RE1 Public Recreation, it should be noted that the land is currently privately owned and not used for public recreation purposes. The site is also not recognised on the Land Reservation Acquisition Map The proposed rezoning is reflects the developers preference to develop the land rather than dedicate as recreation, considering it to be a more efficient outcome given other open space and recreational opportunities in the locality see Figure 2. It is considered that the proposed rezoning is consistent with the surrounding development, will reduce the potential for anti-social behaviour on the site and will minimise the potential for Council maintenance costs if the ownership of the land were transferred. Finally, existing and future recreational needs will be met by existing and planned recreation areas and facilities, including:

Ministerial Direction	Objective of Direction	Consistency and Implication
		Testers Hollow District Park, Glen Ayr Pond Park and Hilltop Park, in all, some 53 hectares (approximately 39% of the total Cliftleigh URA).
6.3. Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.

Section C: Environmental, Social and Economic Impact

7 *Impact on Threatened Species*

The EEC the subject of this Planning Proposal was offset under the original VPA biodiversity agreement with the OEH.

8 *Environmental Impact*

There are two on site Endangered Ecological Communities (EEC) - 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 (then) Department of Environment and Climate Change (now) Office of Environment and Heritage associated with the original rezoning of for the Cliftleigh URA in 2008.

As a vegetation removal offset, it was agreed that the developer would contribute \$400,000.00 to allow the OEH to implement the Lower Hunter Spotted Gum - Ironbark Forest Recovery Plan Development and Implementation Plan.

Under the terms of the biodiversity agreement, the payment of the \$400,000.00 was paid in two instalments to the Office of Environment and Heritage. The first instalment of \$200,000.00 was paid on 14 November 2008 with the gazettal of the LEP that gave effect to the rezoning. The second instalment of \$200,000.00 was paid on 17 June 2009 with the approval of the Development Consent by Cessnock City Council.

9 *Social and Economic Impacts*

It is not considered that the Planning Proposal will conflict with the current residential land uses on the adjacent lands, as the proposed zoning is the same R2 - Low Density Residential zone.

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 during the public exhibition.

Section D: State and Commonwealth Interests

10 Adequate Public Infrastructure

The Planning Proposal will not generate demand for additional public infrastructure as the Cliftleigh URA area has adequate infrastructure to support the proposal.

11 Consultation with State and Commonwealth Authorities

Consultation with State and Commonwealth public authorities will be undertaken in accordance with the Gateway Determination.

It is not proposed to consult with any authorities due to the nature and content of this Planning Proposal.

PART 4: MAPPING

To achieve the intent of the Planning Proposal, it is proposed to amend the following map sheets:

Land Zoning

Replace the RE1 - Public Recreation zoning with R2 - Low Density Residential on map sheet 1720_COM_LZN_009A_040_20150318 for that part of Lot 949 DP 1223319 and Lot 20 DP1175757 as shown as Figure 1 in Appendix 2.

Lot Size

Amend the minimum lot size map to reflect a minimum lot size of 450m² on map sheet 1720_COM_LSZ_009A_040_20150518 for that part of Lot 949 DP 1223319 and Lot 20 DP1175757 as shown as Figure 3 in Appendix 2.

PART 5: COMMUNITY 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.

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.

It is estimated that this amendment to the Cessnock Local Environmental Plan 2011 will be completed by April 2018.

Technical Studies have not been identified as a component of the Planning Proposal. The Department's Gateway determination may make prescriptions relating to technical studies and this may impact on the estimated completion date

	April 2017	Aug 2017	Sept 2017	Oct / Nov 2017	Dec 2018	Mar 2018	April 2018
STAGE 1 Submit Planning Proposal to DoP&E							
STAGE 2 Receive Gateway Determination							
STAGE 3 Preparation of documentation for Public Exhibition							
STAGE 4 Public Exhibition							
STAGE 5 Reviewal / consideration of submissions							
STAGE 6 Report to Council							
STAGE 7 Finalise Planning Proposal / request to the DoP&E that the amendment is made							

Appendix 1: Council Report and Minutes



Acrobat Document

Council Report PE15/2017



Acrobat Document

Council Minute PE15/2017

Appendix 2: Mapping Amendments

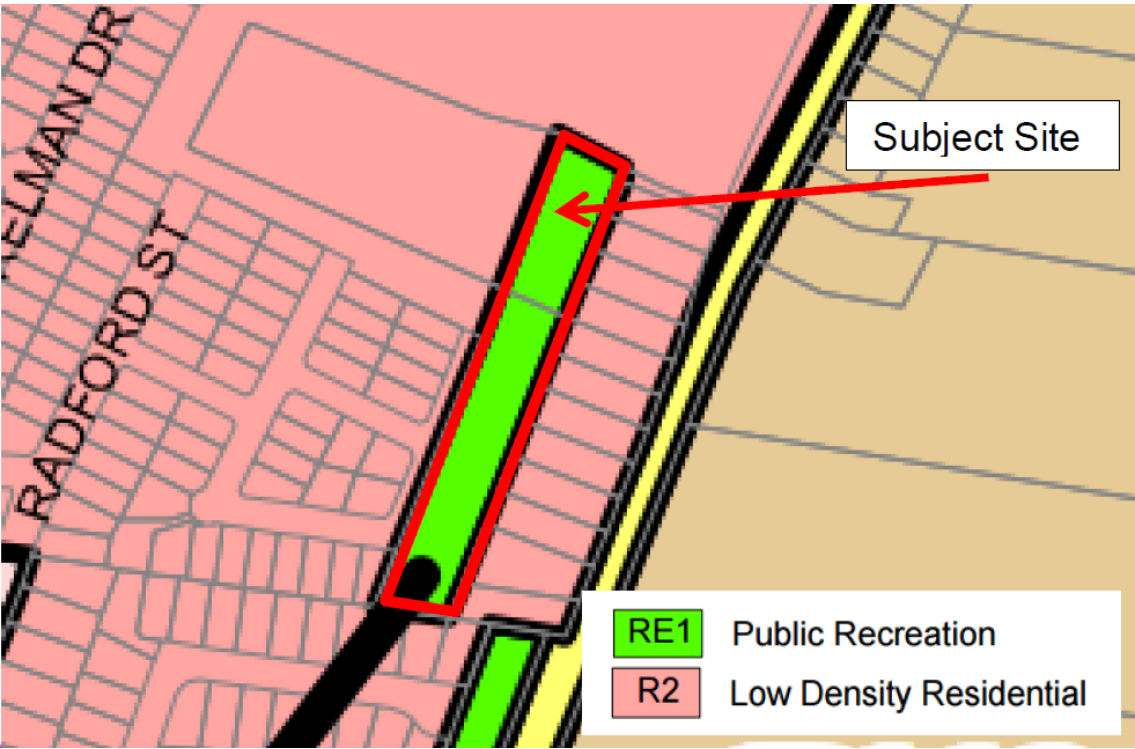


Figure 1 - Existing Zoning

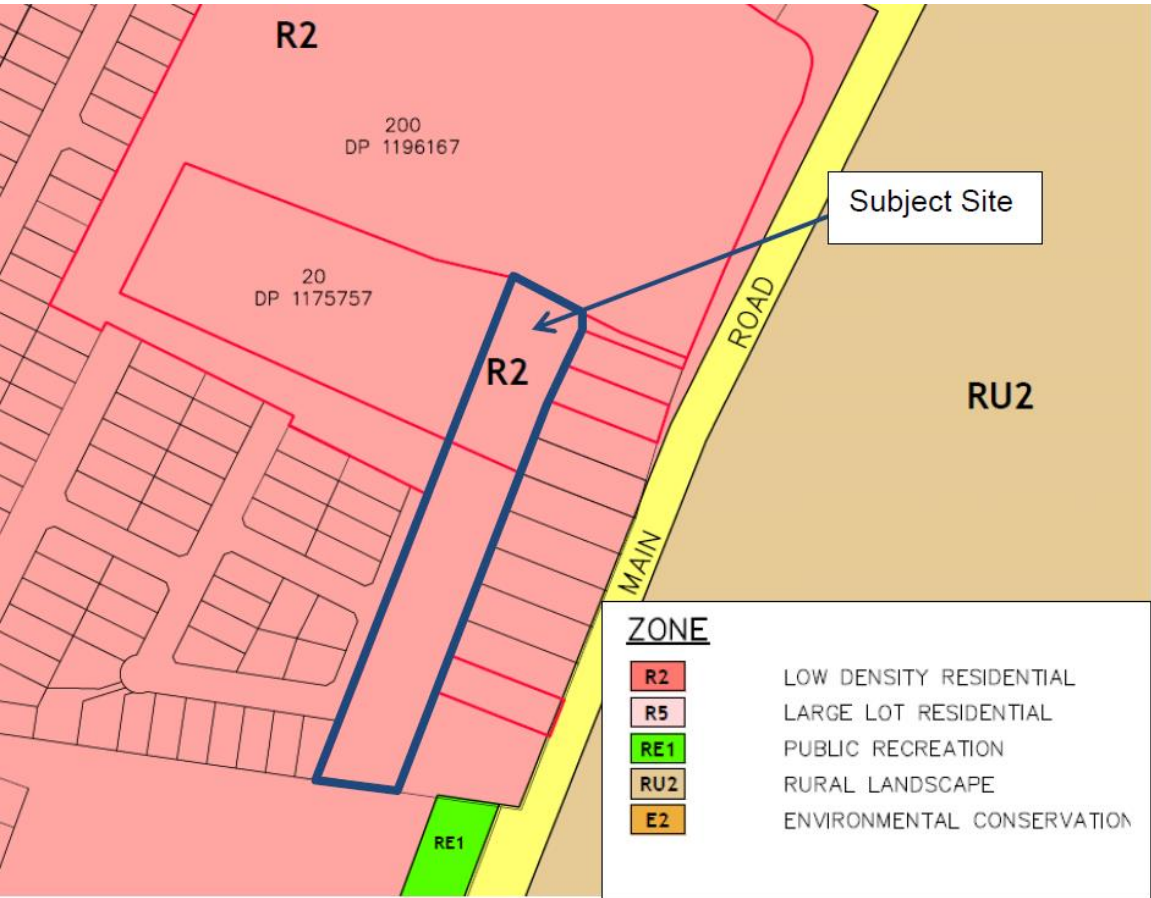


Figure 2 - Proposed Zoning



Figure 3 - Existing Lot Size



Figure 4 - Proposed Lot Size