



# **PLANNING PROPOSAL**

## **Amendment to the *Cessnock Local Environment Plan 2011***

### **City Wide Administrative Amendment 2017 to the Cessnock Local Environmental Plan 2011**

Version 5

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**Contact: Mr Ian Shillington**

Senior Strategic Land Use Planner

**Telephone:** 02 4993 4168

**Email:** [ian.shillington@cessnock.nsw.gov.au](mailto:ian.shillington@cessnock.nsw.gov.au)

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## **PART 1: OBJECTIVES and OUTCOMES**

The objective of the Planning Proposal is to amend the Cessnock Local Environmental Plan 2011 (LEP 2011) to achieve the following outcomes:

- Rezone land recently added to the National Parks Estate in the Cessnock LGA from RU2 - Rural Landscape to E1 - National Parks and Nature Reserves;
- Resolve a mapping anomaly in the B3 - Commercial Core Zone in Cessnock;
- Amend the IN2 - Light Industrial zone Land Use Table to permit 'General industry' with Council consent;
- Resolve issues relating to minimum lot sizes for subdivision for RU2 Rural Landscape, RU5 - Village and R5 - Large Lot Residential split zones.

## **PART 2: EXPLANATION of PROVISIONS**

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This Planning Proposal has been prepared to enable the following amendments to be made to the CLEP 2011 instrument and maps.

### **Amendment 1 - Mapping**

#### Issue

The Office of Environment and Heritage (OEH) have advised Council of five significant additions to the national parks estate in the Cessnock LGA. A copy of this correspondence is attached.

The E1 - National Parks and Nature Reserves zone is for existing national parks, nature reserves and conservation areas and new areas proposed for reservation that have been identified and agreed by the NSW Government.

The Office of Environment and Heritage (OEH) was formally consulted during exhibition on the content of this Planning Proposal. A copy of recent correspondence from OEH is attached. OEH supports the rezoning to as outlined in 1(a) as this has been reserved, however, the other lands outlined in 1(b) to 1 (e), although transferred and owned by NPWS (in the Minister's name), have not yet been reserved, so it is more appropriate to wait until these lands are formally gazetted as part of the national park estate under the NPW Act. NPWS informs Council when this occurs.

The Planning Proposal has therefore been amended to exclude sites 1(b) to 1(e) until OEH has advised Council that these sites have reserved as part of the national park estate.

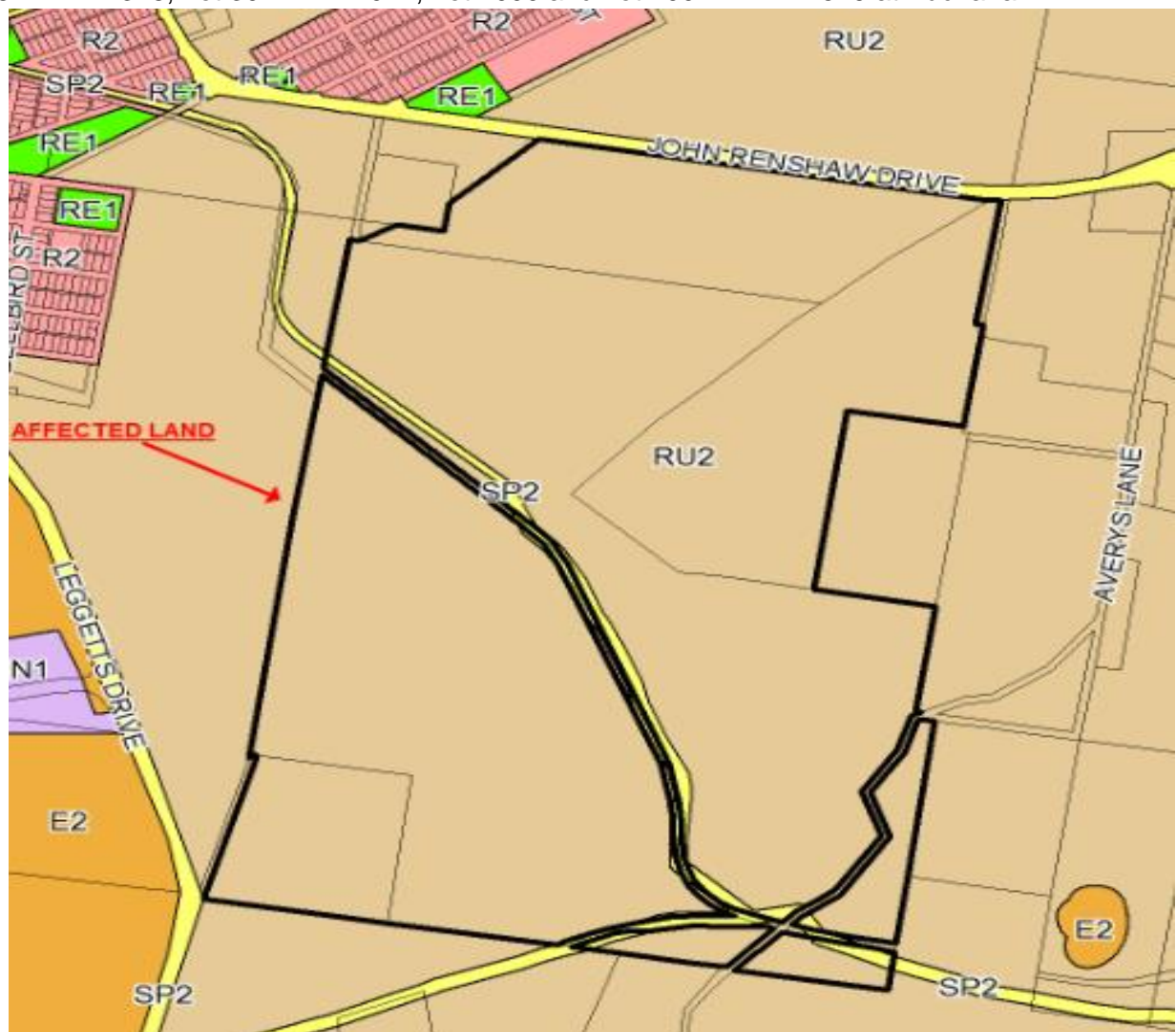
### Amendment 1(a)

The purpose of this amendment is to rezone land recently added to the Werakata State Conservation Area as part of a compensatory offset package for the construction of the Hunter Expressway from RU2 - Rural Landscape to E1 - National Parks and Nature Reserves.

Corresponding amendments to the minimum lot size mapping layer are also proposed to change the minimum lot size from 40ha to 200ha.

### Affected Land

The land affected by the amendment is identified in Figure 1 and contains 342.16ha, being Lot 8 DP1114318, Lot 30 DP1177041, Lot 1000 and Lot 1002 DP1142529 at Buchanan.



**Figure 1**

### Recommendation

- Land Zoning Map (LZN 009A) and Minimum Lot Size Map (LSZ 009A) be amended to zone Lot 8 DP1114318, Lot 30 DP1177041, Lot 1000 and Lot 1002 DP1142529 from RU2 - Rural Landscape to E1 - National Parks and Nature Reserves zone and from 40ha to 200ha minimum lot size respectively.

## Amendment 2 - Mapping

### Issue

The purpose of this amendment is to rectify a mapping anomaly that unintentionally and incorrectly zoned part the Big W complex at Cessnock a B4 - Mixed Use rather than B3 - Commercial Core zone. Rezoning this small part of the lot will make the zone consistent with the balance of the site.

### Affected Land

The land affected by the amendment is identified in Figure 6, being part of Lot 1 DP1097308.



**Figure 6**

### Recommendation

- Land Zoning Map (LZN 006CA) be amended to zone that part of Lot 1 DP1097308 from B4 - Mixed Use to B3 - Commercial Core.

### Amendment 3 - Land Use Tables

#### Issue

The purpose of this amendment is to provide consistency in the application of the IN2 - Light Industrial zone.

As was reported to Council on 2 November 2016, to maintain consistency between the Cessnock and Newcastle LGAs in the application and use of the IN2 zone particularly in the Black Hill area and ensure the zone structure supports the intent of the zone, it was recommended that the IN2 be supported with the addition to the land use table of 'general industry'.

***'General industry'*** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

The inclusion of **general industry** in the land use tables as permitted with consent in the IN2 zone is considered compatible with the zone objectives. Analysis undertaken of existing industrial zones in the Cessnock LGA shows that the nature of existing industrial uses within these zones are already compatible and generally suitable with the range of industrial land use activities permissible in the **general industry** definition. It is considered important that these existing and proposed future industrial uses can continue to operate in these areas. Many of the uses that come under the **general industry** definition in the LEP are long standing uses within these areas.

General industry as defined in the SI LEP is more a land use description than a land use type has a long standing use within the Light Industrial zone. Council does not consider that the inclusion of General industry in the range of permitted land uses for the IN2 zone would conflict with existing and/or proposed land uses outside those considerations that would ordinarily be taken into account as part of a development application assessment under 79C of the EPA Act.

The range of permitted land uses in the IN2 zone need to be 'light' in nature, meaning they will not cause nuisance or adversely affect the surrounding amenity for example by way of emissions or noise. The inclusion of general industry in the land use tables as permitted with consent in the IN2 zone is considered compatible with the zone objectives.

With Amendment No. 24 to the Cessnock LEP 2011, General Industry became a permitted land use in the IN2 zone, but only in the Blackhill area. Part of the justification for this was that the inclusion of General industry in the IN2 zone at Blackhill would make it consistent with the adjacent zone of the Newcastle LEP for the IN2 zone and IN1 zone in the Maitland LEP.

As noted at the time, to maintain consistency across Council's IN2 zone and to ensure the zone structure supports the intent of the IN2 zone, it was recommended that the IN2 be amended with the addition to the land use table of general industry. Essentially, only permitting general industry in the IN2 zone applicable to the Blackhill area adds an additional level of complexity to the LEP that is not required.

The purpose of this amendment is to provide consistency in the application of the IN2 - Light Industrial zone across the Cessnock Local Environmental Plan 2011 when it comes to General Industry.

Excluding Blackhill, there is 66ha of land zoned IN2 in the Cessnock LGA and a site assessment of each IN2 site and the appropriateness of General Industrial development in each locality has been undertaken as summarised below:

#### Industrial Area/ha

#### Predominant existing uses

Kurri Kurri Industrial (Railway Parade) 41.3ha	Manufacturing and other related uses. High demand due to proximity to the HEX.
Branxton Industrial (Station Street) 3.2ha	Local service industry activities, including smash repairs.
Branxton Industrial (Maitland Street) 9.4ha	Manufacturing, construction and service activities.
Cessnock Industrial (Maitland Road) 11.2ha	Motor vehicle sales, freight, service industry and fuel retail.
Cessnock Industrial (McGrane Street) 2.4ha	Social and recreational activities, including Cessnock PCYC.

### Affected Land

This amendment is not specific to any one location, but will affect the IN2 - Light Industrial land use zones across the Cessnock LGA as outlined above. Adding this use to the IN2 zone not only improves consistency of application of the zone with the Newcastle LGA, but provides clarity for developers regarding the intended use of the IN2 industrial areas within the Cessnock LGA.

### Recommendation

- The land use table for the IN2 - Light Industrial zone be amended to include 'general industry' in the permitted uses list, making this use permitted with consent in this zone.



## **Amendment 4 - Local Provision**

### Issue

The purpose of this amendment is to resolve development constraints relating to land with an RU5 - Village and R5 - Large Lot Residential split zoning.

Council resolved on 17 August 2016 in its consideration of Report PE60/2016 to prepare a Planning Proposal to amend the Cessnock LEP 2011 to resolve development constraints relating to lot size anomalies between the RU5 - Village and R5 - Large Lot Residential zones.

The current controls contained in *Clause 4.1B - Minimum lot size for certain split zones* is proposed to be amended to permit subdivision of land in the RU5 - Village zone (subject to the minimum lot size) while not creating any additional dwelling entitlements on R5 - Large lot residential zoned land, which must be wholly contained in a residue allotment.

This will prevent the creation of multiple lots with urban and rural zonings while facilitating the subdivision of land within the RU5 - Village zone.

The split zone provision relates to 14 properties in and around the Nulkaba and Paxton Village areas. It is not considered feasible to rezone these properties that as they form a transition from the village zone to rural and/or environmental zones. It is therefore recommended that the proposed amendment to Clause 4.1B - Minimum lot size for certain split zones to include RU5 - Village (and RU2 - Rural Landscape as discussed below) remain as this will prevent the creation of multiple lots while still allowing subdivision in the areas zoned RU5 - Village. A further comprehensive review of zones in these localities will also be undertaken as part of the city-wide Cessnock planning strategy review due to be completed in 2018.

It is also noted that Council's consideration of this matter is consistent with other SI LEPs throughout the Hunter, and Council's clause is modelled on the Port Stephens LEP.

It is also proposed to expand the changes to clause 4.1B to include the RU2 Rural Landscape zone, particularly in light of the 'Cessnock Civic Site', which is not just limited to James Street, as it would appear to also be relevant to the B7 Business Park zone portion of the site which adjoins RU2 zone.

### Affected Land

While the amendment relates to certain properties in and around Nulkaba and Paxton Village areas, the amendment is not specific to any one location, but will apply to land with a split RU5 – Village, R5 - Large Lot Residential and RU2 Rural Landscape zone in the Cessnock Local Government Area.

### Recommendation

- Amend Clause 4.1B – Minimum lot size for certain split zones by adding RU5 – Village, R5 - Large Lot Residential and RU2 Rural Landscape zones to land affected by this clause.

The following changes are proposed as part of this administrative amendment.

#### **4.1B Minimum lot sizes for certain split zones**

(1) The objectives of this clause are:

(a) to provide for the subdivision of lots that are within more than one zone and cannot be subdivided under clause 4.1, and

(b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.

(2) This clause applies to each lot (an ***original lot***) that only contains:

(a) land in a Zone RU5 Village, residential, business or industrial zone, and

(b) land in Zone E2 Environmental Conservation or Zone E3 Environmental Management R5 Large lot residential, RU2 Rural Landscape zone.

(3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if:

(a) one of the resulting lots will contain:

(i) land in a residential, business or industrial zone or Zone RU5 Village that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and

(ii) all of the land in E2 Environmental Conservation, Zone E3 Environmental Management, RU2 Rural Landscape or Zone R5 Large Lot Residential that was in the original lot, and

(b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.



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## **PART 3: JUSTIFICATION**

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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 is not the result of a specific strategic study or report. The Proposal seeks to rectify anomalies in the Cessnock LEP instrument and maps and resolve development constraints relating to land with an RU5 - Village and R5 - Large Lot Residential split zoning, in addition to land with a B7 Business Park and RU2 Rural Landscape split zoning.

#### **2 *Planning Proposal as best way to achieve to objectives***

The intended outcomes relate to amendments to the Cessnock LEP 2011. The Planning Proposal to clarify the operation of the subject clauses and to correct errors is the best means of ensuring the LEP operates as intended.

## Section B: Relationship to Strategic Planning Framework

### 3 ***Consistency with Objectives and Actions within Regional Strategies***

#### **Hunter Regional Plan 2016**

The Planning Proposal seeks to make administrative amendments to the Cessnock LEP, which are not inconsistent with the Hunter Regional Plan.

### 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 seeks to make administrative amendments to the Cessnock LEP, which are not inconsistent with the Council's strategic planning policies.

#### **City Wide Settlement Strategy (2010)**

There is no inconsistency between Council's City Wide Settlement Strategy and the Planning Proposal.

### 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**

<b>SEPP</b>	<b>Relevance</b>	<b>Consistency and Implications</b>
<b>SEPP 14 – Coastal Wetlands</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP 15 - Rural Land Sharing Communities</b>	The SEPP provides for multiple occupancy development, with council consent, in rural and non-urban zones, subject to a list of criteria in the policy.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
<b>SEPP 19 – Bushland in Urban Areas</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP 21 - Caravan Parks</b>	The SEPP provides for development for caravan parks.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
<b>SEPP 26 – Littoral Rainforests</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP 29 – Western Sydney Recreation Area</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP 30 - Intensive Agriculture</b>	The SEPP provides considerations for consent for intensive agriculture.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
<b>SEPP 32 - Urban Consolidation</b>	The SEPP makes provision for the re-development of urban land	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP

SEPP	Relevance	Consistency and Implications
<b>(Redevelopment of Urban Land)</b>	suitable for multi-unit housing and related development.	
<b>SEPP 33 - Hazardous &amp; Offensive Development</b>	The SEPP provides considerations for consent for hazardous & offensive development.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
<b>SEPP 36 - Manufactured Homes Estates</b>	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
<b>SEPP 39 – Spit Island Bird Habitat</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP 44 - Koala Habitat Protection</b>	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. Nothing in the Planning Proposal impacts upon the operation of this SEPP
<b>SEPP 47 – Moore Park Showground</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP 50 - Canal Estate Development</b>	The SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
<b>SEPP 52 – Farm Dams and Other works in Land and Water Management Plan Areas</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP 55 - Remediation of Land</b>	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
<b>SEPP 59 – Central Western Sydney Regional Open Space and Residential</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP 62 - Sustainable Aquaculture</b>	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	Relevance	Consistency and Implications
<b>SEPP 64 - Advertising and Signage</b>	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
<b>SEPP 65 - Design Quality of Residential Development</b>	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
<b>SEPP 70 – Affordable Rental Housing (Revised Schemes)</b>	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
<b>SEPP 71 – Coastal Protection</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP Affordable Rental Housing 2009</b>	<p>The aims of this Policy are as follows:</p> <ul style="list-style-type: none"> <li>(a) to provide a consistent planning regime for the provision of affordable rental housing,</li> <li>(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,</li> <li>(c) to facilitate the retention and mitigate the loss of existing affordable rental housing,</li> <li>(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,</li> <li>(e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,</li> <li>(f) to support local business centres by providing affordable rental housing for</li> </ul>	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP

SEPP	Relevance	Consistency and Implications
	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.	
<b>SEPP Building Sustainability Index: BASIX 2004</b>	The SEPP provides for the implementation of BASIX throughout the State.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
<b>SEPP Exempt and Complying Development Codes 2008</b>	The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
<b>SEPP Housing for Seniors or People with a Disability 2004</b>	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
<b>SEPP Infrastructure 2007</b>	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
<b>SEPP (Kosciuszko National Park – Alpine Resorts) 2007</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP (Kurnell Peninsula) 1989</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP Major Development 2005</b>	The SEPP defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition,	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP



SEPP	Relevance	Consistency and Implications
	the SEPP identifies the council consent authority functions that may be carried out by Joint Regional Planning Panels (JRPPs) and classes of regional development to be determined by JRPPs.	
<b>SEPP Mining, Petroleum Production and Extractive Industries 2007</b>	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
<b>SEPP Miscellaneous Consent Provisions 2007</b>	<p>The aims of this Policy are as follows:</p> <ul style="list-style-type: none"> <li>(a) to provide that the erection of temporary structures is permissible with consent across the State,</li> <li>(b) to ensure that suitable provision is made for ensuring the safety of persons using temporary structures,</li> <li>(c) to encourage the protection of the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration,</li> <li>(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.</li> </ul>	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
<b>SEPP Penrith Lakes Scheme 1989</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP Rural Lands 2008</b>	The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts and provides development principles.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
<b>SEPP 53 Transitional Provisions 2011</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP State and Regional Development 2011</b>	The SEPP aims to identify development and infrastructure that is State significant and confer	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP

SEPP	Relevance	Consistency and Implications
	functions on the Joint Regional Planning Panels (JRPPs) to determine development applications.	
<b>SEPP (Sydney Drinking Water Catchment 2011)</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP Sydney Region Growth Centres 2006</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP (Three Ports_ 2013</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP (Urban Renewal) 2010</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP (Western Sydney Employment Area) 2009</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP (Western Sydney Parklands) 2009</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>

## 6 **Consistency with s.9.1 Ministerial Directions for Local Plan Making**

An assessment of relevant s.9.1 Directions against the planning proposal is provided in the table below.

**Table 2: Relevant s.9.1 Ministerial Directions**

Ministerial Direction	Objective of Direction	Consistency and Implication
<b>1. EMPLOYMENT AND RESOURCES</b>		
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. The Planning Proposal does not seek to reduce the amount of employment land available in the Cessnock Local Government Area.
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.
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	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.

Ministerial Direction	Objective of Direction	Consistency and Implication
	compromised by inappropriate development.	
4. Oyster Aquaculture	<p><i>The objectives of this direction are:</i></p> <p>(a) <i>to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal,</i></p> <p>(b) <i>to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</i></p>	Not Applicable to LGA
5. Rural lands	<p>The objectives of this direction are to:</p> <p>(a) protect the agricultural production value of rural land,</p> <p>(b) facilitate the orderly and economic development of rural lands for rural and related purposes.</p>	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
<b>2. ENVIRONMENT AND HERITAGE</b>		
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. Coastal Protection	<i>The objective of this direction is to implement the principles in the NSW Coastal Policy.</i>	Not Applicable to LGA
3. 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.
4. 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.
<b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>		
1. Residential Zones	<p>The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to</p>	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.

Ministerial Direction	Objective of Direction	Consistency and Implication
	<p>provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p>	
2. Caravan parks and Manufactured Home Estates	<p>The objectives of this direction are:</p> <p>(a) to provide for a variety of housing types, and</p> <p>(b) to provide opportunities for caravan parks and manufactured home estates.</p>	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
3. Home Occupations	<p>The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.</p>	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
4. Integrating Land Use and Transport	<p>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:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
5. Development Near Licensed Aerodromes	<p>The objectives of this direction are:</p>	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.

Ministerial Direction	Objective of Direction	Consistency and Implication
	(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.	
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		
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	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
2. Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
3. Flood Prone Land	The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.

Ministerial Direction	Objective of Direction	Consistency and Implication
	<p>Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(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.</p>	
4. Planning for Bushfire Protection	<p>The objectives of this direction are:</p> <p>(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</p> <p>(b) to encourage sound management of bush fire prone areas.</p>	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
5. REGIONAL PLANNING		
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.
2. Sydney Drinking Water Catchment	<i>The objective of this Direction is to protect water quality in the Sydney drinking water catchment.</i>	<i>Not Applicable to LGA</i>
3. Farmland of State and Regional Significance on the NSW Far North Coast	<p><i>The objectives of this direction are:</i></p> <p><i>(a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre,</i></p> <p><i>(b) to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and</i></p> <p><i>(c) to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.</i></p>	<i>Not Applicable to LGA</i>

Ministerial Direction	Objective of Direction	Consistency and Implication
4. <i>Commercial and Retail Development along the Pacific Highway, North Coast</i>	<p><i>The objectives for managing commercial and retail development along the Pacific Highway are:</i></p> <ul style="list-style-type: none"> <li><i>(a) to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route;</i></li> <li><i>(b) to prevent inappropriate development fronting the highway</i></li> <li><i>(c) to protect public expenditure invested in the Pacific Highway,</i></li> <li><i>(d) to protect and improve highway safety and highway efficiency,</i></li> <li><i>(e) to provide for the food, vehicle service and rest needs of travellers on the highway, and</i></li> <li><i>(f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</i></li> </ul>	<i>Not Applicable to LGA</i>
5. <i>Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</i>	<i>(Revoked 18 June 2010)</i>	<i>Not Applicable to LGA</i>
6. <i>Sydney to Canberra Corridor</i>	<i>(Revoked 10 July 2008. See amended Direction 5.1)</i>	<i>Not Applicable to LGA</i>
7. <i>Central Coast</i>	<i>(Revoked 10 July 2008. See amended Direction 5.1)</i>	<i>Not Applicable to LGA</i>
8. <i>Second Sydney Airport: Badgerys Creek</i>	<i>The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</i>	<i>Not Applicable to LGA</i>
9. <i>North West Rail Link Corridor Strategy</i>	<p><i>The objectives of this direction are to:</i></p> <ul style="list-style-type: none"> <li><i>(a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL)</i></li> <li><i>(b) ensure development within the NWRL corridor is consistent with the proposals</i></li> </ul>	<i>Not Applicable to LGA</i>

Ministerial Direction	Objective of Direction	Consistency and Implication
	<i>set out in the NWRL Corridor Strategy and precinct Structure Plans.</i>	
<b>6. LOCAL PLAN MAKING</b>		
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.
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.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
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.
<b>7. Metropolitan Planning</b>		
1. <i>Implementation of A Plan for Growing Sydney</i>	<i>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i>	<i>Not Applicable to LGA</i>
1.1 Implementation of Greater Macarthur Land Release Investigation	The objective of this direction is to ensure development within the Greater Macarthur Land Release Investigation Area is consistent with the Greater Macarthur Land Release Preliminary Strategy and Action Plan (the Preliminary Strategy).	<i>Not Applicable to LGA</i>
1.2 Parramatta Road Corridor Urban Transformation Strategy	The objectives of this Direction are to: (a) facilitate development within the Parramatta Road Corridor that is consistent with the <i>Parramatta Road Corridor Urban Transformation Strategy (November, 2016)</i> and the <i>Parramatta Road Corridor Implementation Tool Kit</i> ,	<i>Not Applicable to LGA</i>



Ministerial Direction	Objective of Direction	Consistency and Implication
	<ul style="list-style-type: none"><li>(b) provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community, and</li><li>(c) guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure</li></ul>	

## **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.

### **8    *Environmental Impact***

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

### **9    *Social and Economic Impacts***

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

## **Section D: State and Commonwealth Interests**

### **10 *Adequate Public Infrastructure***

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

### **11 *Consultation with State and Commonwealth Authorities***

The gateway determination does not prescribe consultation with any State and Commonwealth public authorities.

The Office of Environment and Heritage (OEH) was formally consulted on the content of this Planning Proposal. Previous and recent correspondence from OEH is attached. OEH supports the rezoning to as outlined in 1(a) as this has been reserved, however, the other lands outlined in 1(b) to 1 (e), although transferred and owned by NPWS (in the Minister's name), have not yet been reserved, so it is more appropriate to wait until these lands are formally gazetted as part of the national park estate under the NPW Act. OEH informs Council when this occurs.

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## **PART 4: MAPPING**

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

### Land Zoning

- 1720\_COM\_LZN\_006CA\_010\_20160121
- 1720\_COM\_LZN\_009A\_040\_20150318

### Lot Size

- 1720\_COM\_LSZ\_009A\_040\_20150518

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## **PART 5: COMMUNITY CONSULTATION**

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The Planning Proposal was publicly exhibited for 28 days from 28 February until 28 March 2018 in accordance with Council's Advertising and Notification Requirements and the Department's LEP Guide "A guide to preparing local environmental plans".

The exhibition material was available from the following locations:

- Council's administration building (Help and Information Counter);
- Cessnock Public Library
- Kurri Kurri Public Library; and
- Council's Website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au)

The Department's amended Gateway determination has not made prescriptions relating to government authority and/or agency consultation. One submission was received from OEH.

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## **PART 6: PROJECT TIMELINE**

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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 within 9 months.

Technical Studies have not been identified as a component of the Planning Proposal. The Department's amended Gateway determination did not make prescriptions relating to technical studies required.

## PROJECT TIMELINE

	April 2017	Sept 2017	Dec 2017	Feb 2018	Mar 2018	May 2018	June 2018
<b>STAGE 1</b> Submit to DoP&E – Gateway Panel consider Planning Proposal							
<b>STAGE 2</b> Receive Gateway Determination							
<b>STAGE 3</b> Preparation of documentation for Public Exhibition							
<b>STAGE 4</b> Public Exhibition							
<b>STAGE 5</b> Review/consideration of submission received							
<b>STAGE 6</b> Report to Council							
<b>STAGE 7</b> Forward Planning Proposal to DoP&E with request the amendment is made							

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## Appendix 1: Council Report and Minutes

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Acrobat Document

Council Report PE9/2017



Acrobat Document

Council Minute PE9/2017



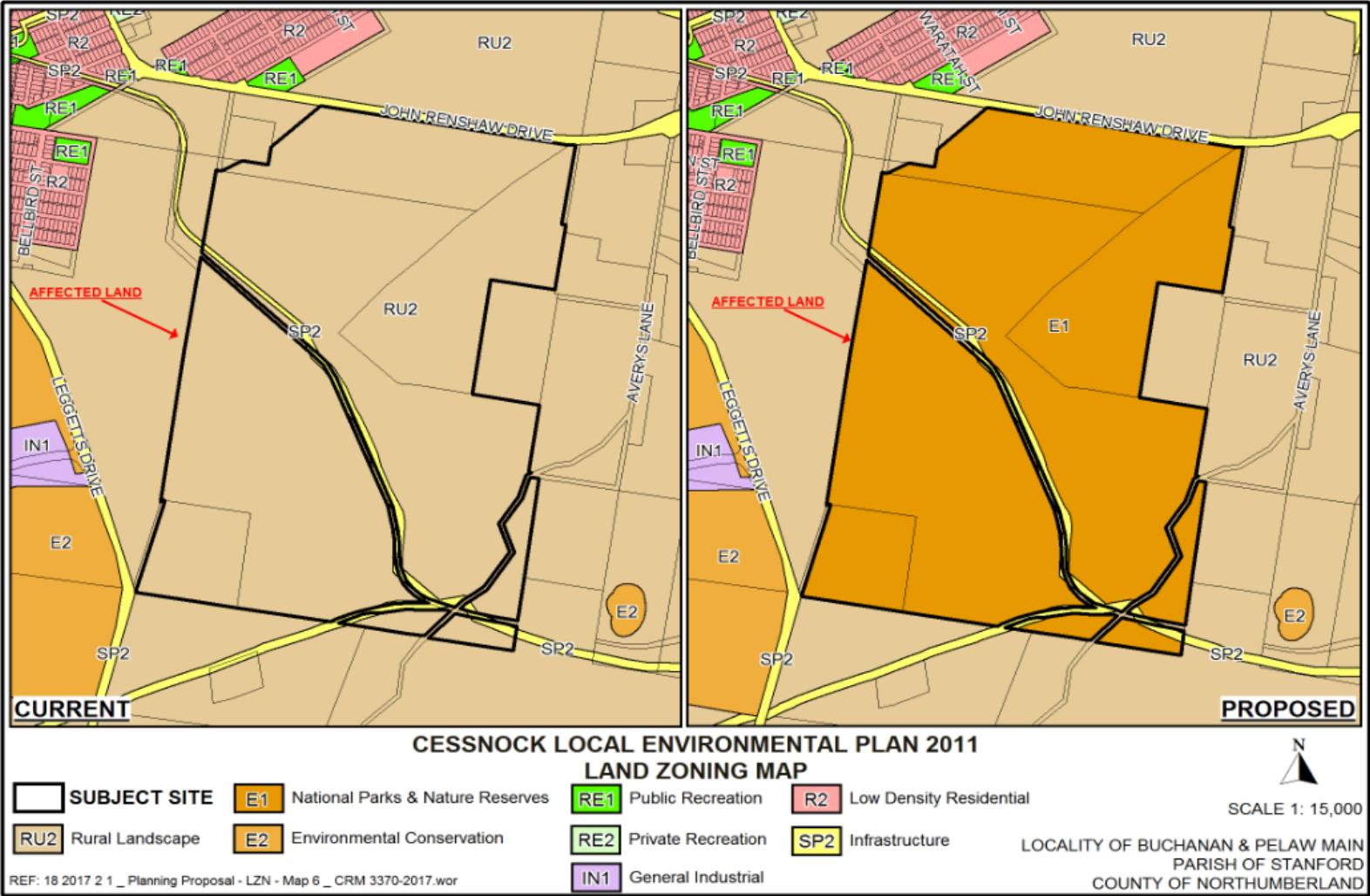
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## Appendix 2: Mapping Amendments

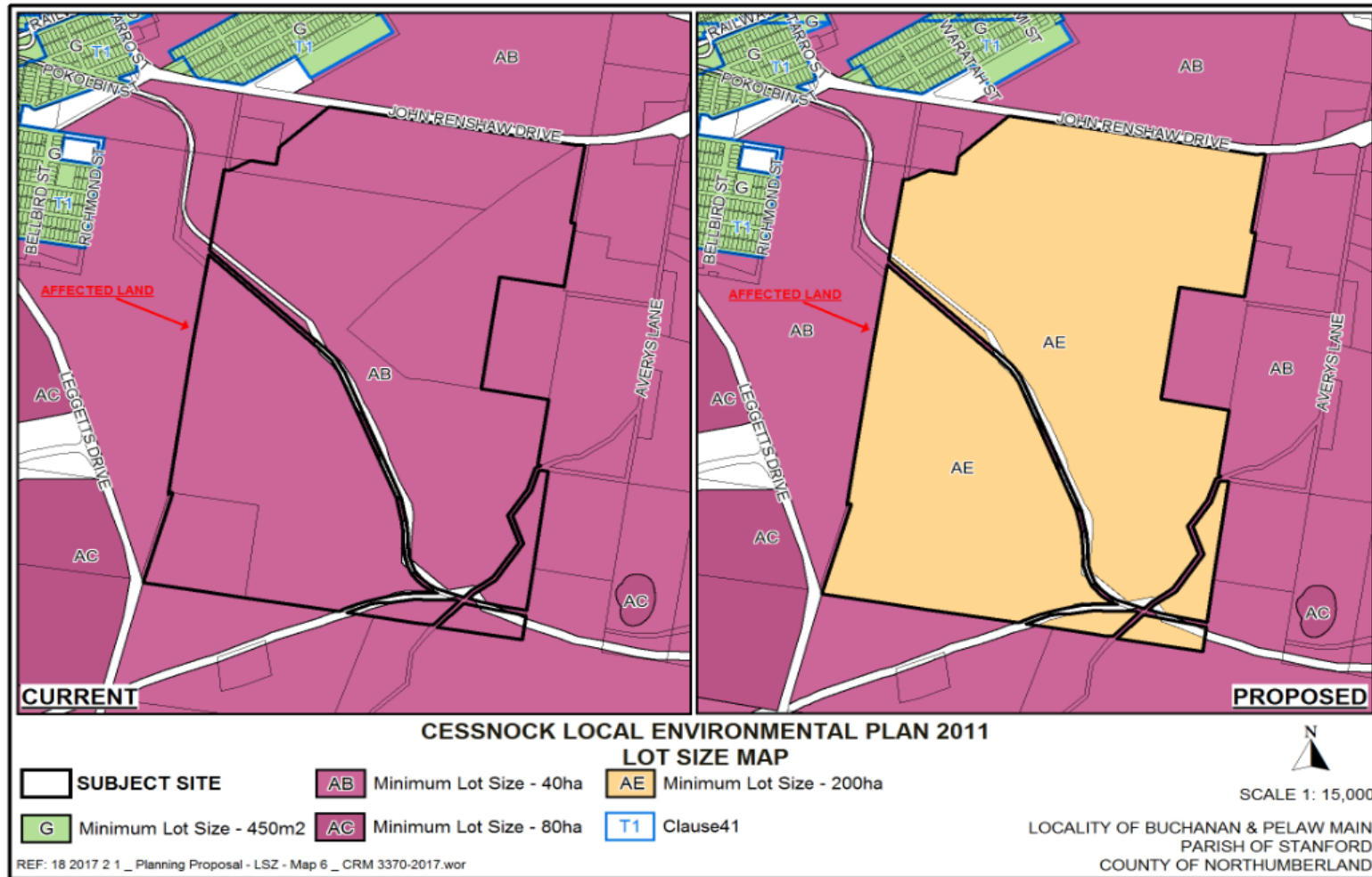
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Amendment 1(a)	Rezoning of land at Buchanan from RU2 - Rural Landscape to E1 - National Parks and Nature Reserves zone
	Amend Minimum Lot Size of land at Buchanan from 40ha to 200ha
Amendment 2	Rezone land at Cessnock from B4 - Mixed Use to B3 - Commercial Core

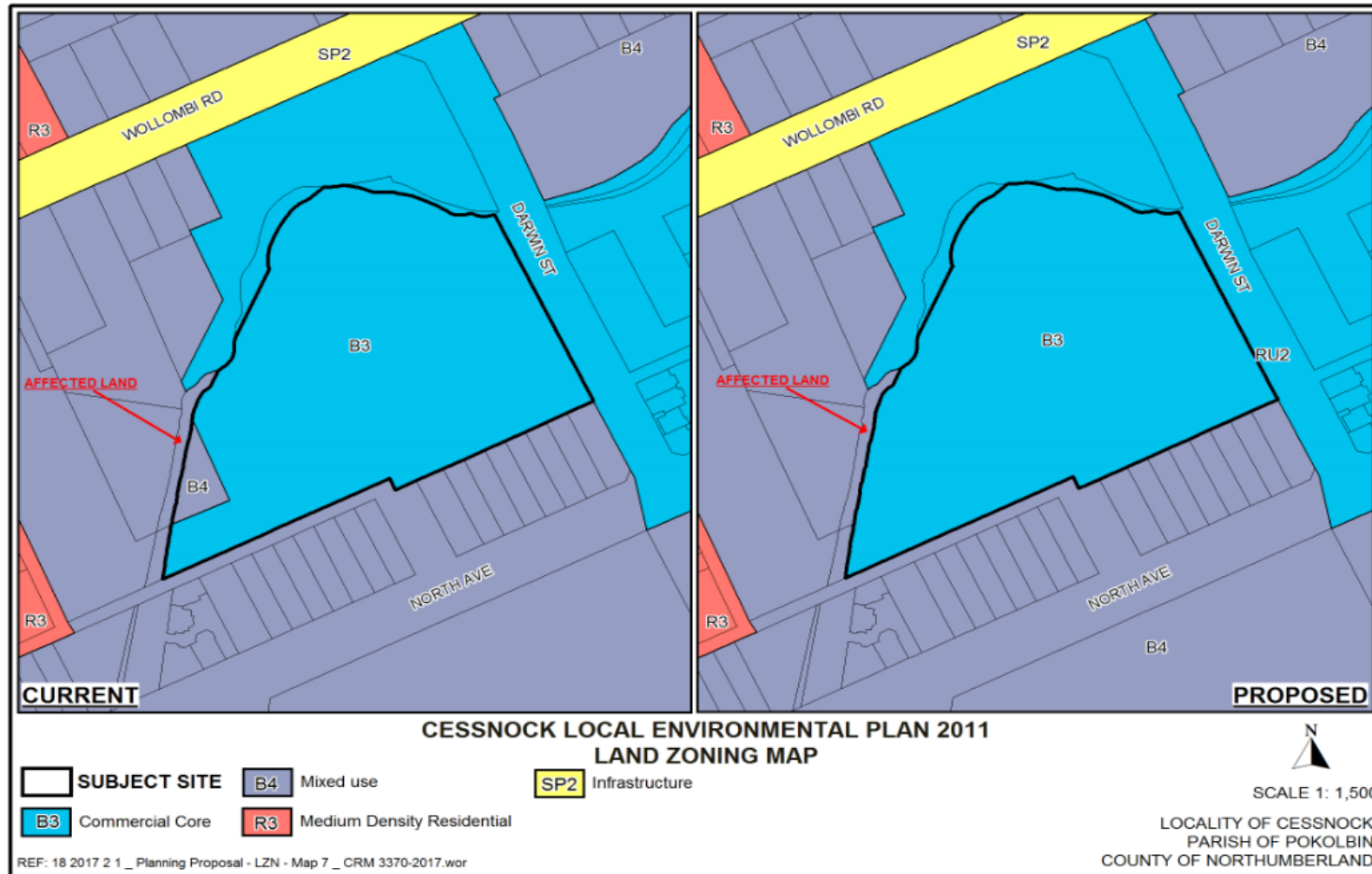
Mapping Amendment 1(a) - Rezoning of land at Buchanan from RU2 - Rural Landscape to E1 - National Parks and Nature Reserves zone



Mapping Amendment 1(a) - Amend Minimum Lot Size of land at Buchanan from 40ha to 200ha



Mapping Amendment 2 - Rezone land at Cessnock from B4 - Mix Use to B3 - Commercial Core



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## **Appendix 3: Correspondence from Office of Environment and Heritage**

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DOC18/215644  
18/2017/2/1

Mr Ian Shillington  
Senior Strategic Planner  
Cessnock City Council  
ian.shillington@cessnock.nsw.gov.au, council@cessnock.nsw.gov.au

Attention: Ian Shillington

Dear Mr Shillington

**Planning Proposal – City Wide Administrative Amendment 2017**

I refer to your correspondence dated 6 April 2018 seeking comments from National Parks and Wildlife Service (NPWS) regarding rezoning of land acquired by NPWS. This followed advice from NPWS of land acquired within Cessnock local government area with the future intent to reserve the land under the *National Parks and Wildlife Act 1974* (NPW Act).

The lands mapped as 'affected land' in Amendments 1(a) – 1(e) of the *Planning Proposal - City Wide Administrative Amendment 2017 to the Cessnock Local Environment Plan 2011* have been acquired by NPWS but only land in Amendment 1(a) has been reserved under the NPW Act to date. The timeframe for reservation of the remaining lands is unknown at this time and is subject to various reserve establishment procedures.

NPWS prefers Council rezones land following its reservation under the NPW Act which remains the discretion of the Minister administering the NPW Act. NPWS routinely advises local councils when land is reserved under the NPW Act in their jurisdiction.

NPWS supports rezoning of land that has been reserved under the NPW Act as Werekata State Conservation Area, as shown in Amendment 1(a). NPWS does not consider it appropriate for lands shown in Amendments 1(b) – 1(e) to be rezoned at this time.

If you require any further information you may contact me on 02 9585 6095 or at paul.donnelly@environment.nsw.gov.au.

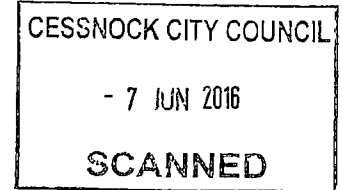
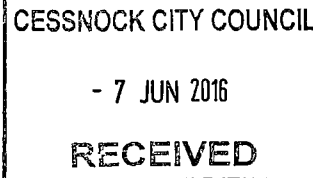
Yours sincerely

**PAUL DONNELLY**  
Team Leader, Land Assessment  
Reserve Establishment



DOC16/259391

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



**Dear Mr Glen**

**Acquisition of land for addition to national parks estate, including Yengo National Park**

The National Parks and Wildlife Service (NPWS), in line with the Government's goals outlined in *NSW 2021*, is committed to fostering government transparency and greater connection with community. As part of this process we inform council of when and why NPWS acquires land for addition to the national parks system.

Lands within Cessnock LGA were recently transferred to the Minister for the Environment to be managed under the *National Parks and Wildlife Act 1974* (NPW Act)

The lands were part of compensatory offset packages or voluntary acquisitions. Reservation of the land under the NPW Act is a condition of the transfer agreements.

*NPWS acquired land (450 hectares) for addition to Yengo National Park (Map A)*

- NPWS completed the voluntary acquisition of three properties comprised of lot 207, 67,91,140,179,180,193, 194 DP755272, lot 19 DP755213
- Land transferred as part of compensatory habitat (lot 64, 24,32,43,46 DP755213, lot 126 DP755272)

The land is bounded by Yengo National Park. It is currently zoned RU2 rural landscape. NPWS plans to reserve the land under the NPW Act as an addition to Yengo National Park.

NPWS will also seek to add portions of Crown road to the park where it lies bounded by the acquired lots. These roads are not required for public access and their addition to the park will streamline land management within government.

*Other NPWS acquired land (1400 hectares) in Cessnock LGA (Map B)*

- Land transferred as part of compensatory habitat for development offsets (lot 181 DP755241, lot 63 DP755217, lot 165 DP755219, lot 220 DP755230, lot 10 DP1137569, lots 15,16 DP755211). NPWS intends to add these lands to the national parks estate in the near future.

The addition of the lands to Yengo National Park is part of a strategy to gradually acquire private inholdings (particularly within wilderness) within the park boundary as they become available. It will allow greater consistency of management actions across the reserve and will increase cost and outcome effectiveness for control of fire, pests and weeds. It secures permanent access to a fire trail linking Stockyard Arm fire trail via Stockyard Creek fire trail to the Cagney fire trail.



The addition will fulfil a goal of the Aboriginal community in securing protection of a registered Aboriginal art site that is a good example of a shelter with art. It is likely that more Aboriginal art sites may be found on the properties.

Addition of the lands to the national parks estate secures protection of suitable habitat for a range of threatened fauna species including gang-gang cockatoo, little lorikeet, powerful owl, koala, yellow-bellied glider and large-eared pied bat. It increases protection of two rare vegetation communities: Sydney hinterland rocky yellow bloodwood woodland and Hunter range hillgrove gum gully forest.

If there are any matters you wish to discuss concerning the addition of this land to the national parks estate, please contact Paul Donnelly, Team Leader, on 9585 6095 or by email [paul.donnelly@environment.nsw.gov.au](mailto:paul.donnelly@environment.nsw.gov.au).

Any specific matters regarding land management should be directed to the relevant NPWS Area Manager. You may contact Angela Lonergan, Hawkesbury North Area Manager, on ph 4320 4215, in relation to lands on Map A and southern portions of Map B. In regard to the remaining lands on Map B, you may contact Deon van Rensburg, Lower Hunter Area Manager, on ph 4946 4102.

Yours sincerely

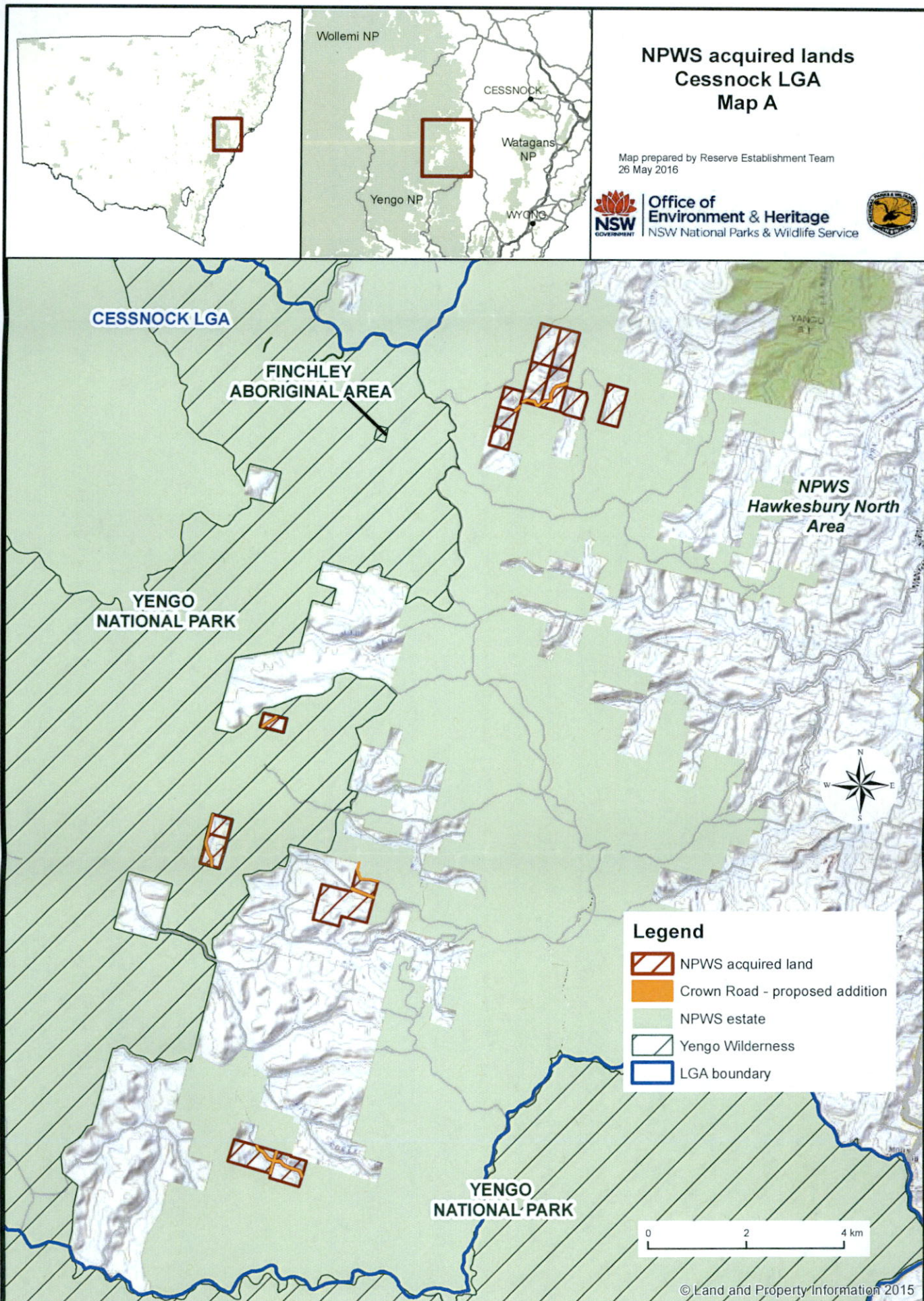


**RACHEL DEWAR**

A/Team Leader, Land Assessment  
National Parks and Wildlife Service

Enclosure: Maps





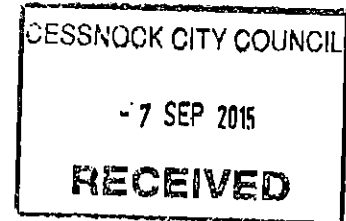
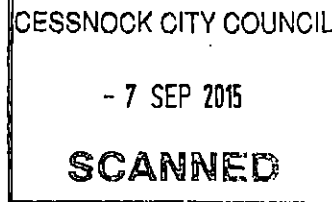






DOC15/340650

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



Dear Mr Glen

#### **Addition of land to Werakata State Conservation Area**

Land comprising 342.16 hectares (being Lot 8 DP 1114318, Lot 30 DP1177041 and Lots 1000 and 1002 DP1142529) located just south of Kurri Kurri were transferred to the Minister for the Environment in 2014 by NSW Roads and Maritime Services as part of a compensatory offset package for the construction of the National Highway Link - Hunter Expressway. Reservation of the land under the *National Parks and Wildlife Act 1974* (NPW Act) is a condition of the transfer agreement. National Parks and Wildlife Service (NPWS) proposes to add the land to Werakata State Conservation Area (SCA) as shown on the attached map.

The land forms part of a key wildlife corridor between Werakata National Park and Sugarloaf SCA and it contributes to the protection of three endangered ecological communities. Of particular importance is the 310 hectares of Kurri sand swamp woodland endangered ecological community. This community is only found in the Kurri Kurri and Cessnock area and only 2500 hectares remains. Adding this land to the SCA will increase the area under long term protection from 400 hectares to 710 hectares, which will promote its survival. The vegetation found on this land supports a high number of winter flowering plants and presents a food resource for nectar feeding fauna including the vulnerable squirrel glider and critically endangered regent honeyeater.

Other threatened flora and fauna species recorded from the land include *Acacia bynoeana* (Bynoe's wattle), *Eucalyptus glaucina* (slaty red gum), *Eucalyptus parramattensis* subsp. *decadens* (Earp's gum), and *Grevillea parviflora* subsp. *parviflora* (small-flower grevillea), little lorikeet, swift parrot, speckled warbler, grey-crowned babbler, squirrel glider, eastern false pipistrelle, eastern bentwing-bat and greater broad-nosed bat.

SCAs are the only category of reserve under the NPW Act that allows for exploration and mining. This category was created to cover areas where both conservation values and mineral/energy values occurred together. The Department of Industry – Resources and Energy has advised us that this land has potential for future energy resource extraction. To accommodate this interest, NPWS has agreed to add this land to Werakata SCA. State conservation areas are reviewed on a five yearly basis and if the dual-purpose SCA designation is no longer required, the SCA can be changed to a national park.



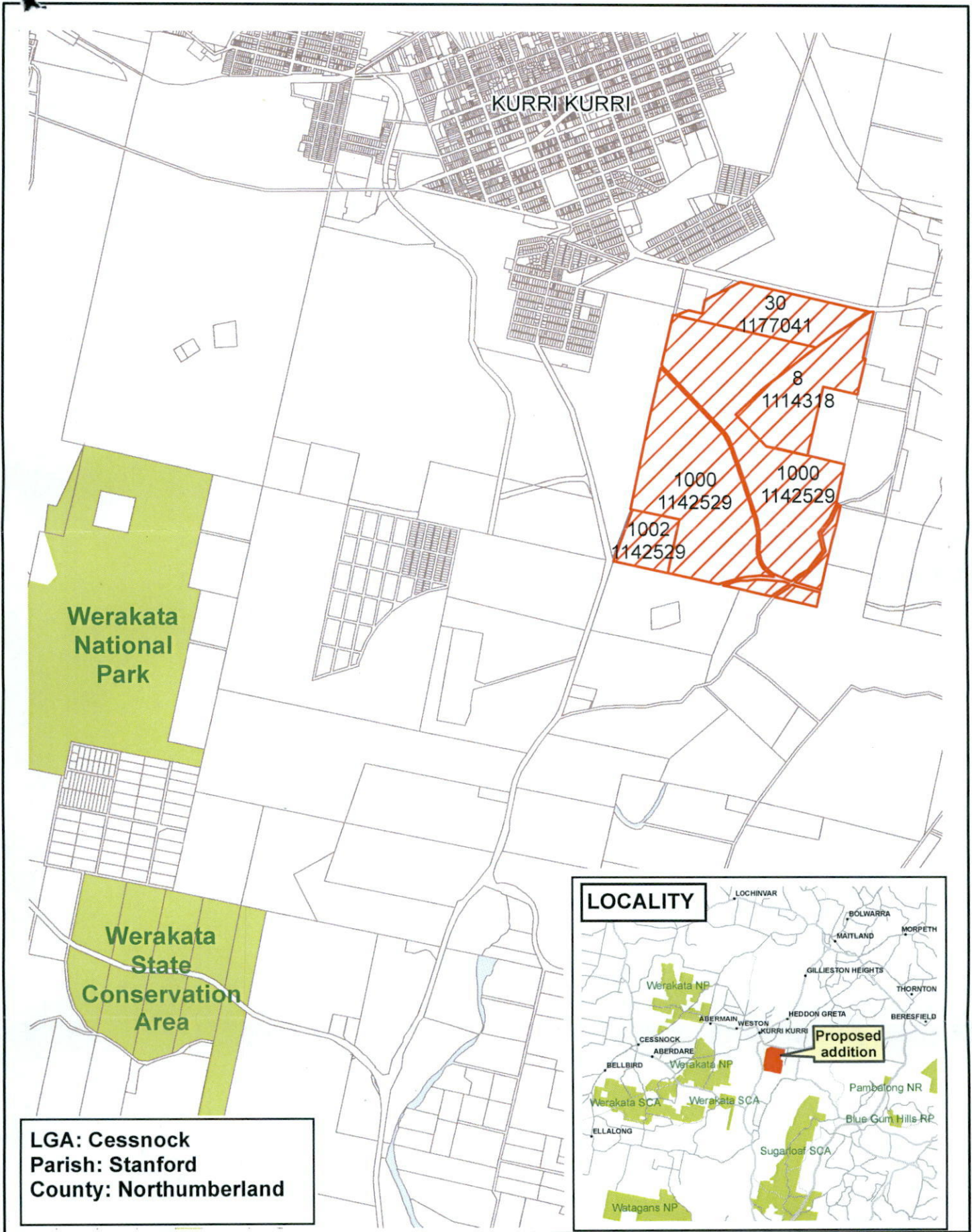
If there are any matters you wish to discuss about the proposed reservation please contact me on 9585 6095 or by email [paul.donnelly@environment.nsw.gov.au](mailto:paul.donnelly@environment.nsw.gov.au). Any specific matters regarding land management should be directed to Deon van Rensburg, Lower Hunter Area Manager on 4946 4102.

Yours sincerely

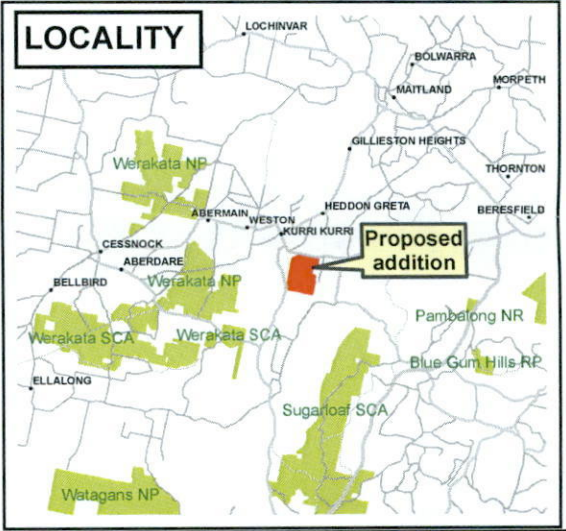
Handwritten signature of Paul Donnelly and the date 2/9/15.

**PAUL DONNELLY**  
**Team Leader, Land Assessment**

Enclosure: Map of the proposed addition to Werakata SCA



**LGA: Cessnock**  
**Parish: Stanford**  
**County: Northumberland**



<p><b>Legend</b></p> <ul style="list-style-type: none"> <li> Proposed addition</li> <li> NPWS Reserve</li> <li> Lot and DP</li> </ul>	<p align="center"><b>Proposed addition to Werakata National Park</b></p> <div style="display: flex; justify-content: space-between; align-items: center;"> <div> <p><b>Office of Environment &amp; Heritage</b></p> <p>NSW National Parks &amp; Wildlife Service</p> </div> </div>	<p align="right"><b>EF14/7146</b></p> <p align="right">Printed by RET 3 August 2015</p> <div style="text-align: center;"> <p>N</p> </div> <div style="text-align: center;"> <p>0 0.25 0.5 1</p> <p>Kilometres</p> </div>
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