

# **PLANNING PROPOSAL**

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

Planning Proposal to reclassify various properties at  
Aberdare, Cessnock, East Branxton and Kitchener and  
reclassify/rezone property at Cessnock

- Lot 3, DP4927, William St Cessnock (Parcel ID 4115)
- Lot 9, DP259718, Tulloch St East Branxton (Parcel ID 11697)
- Lot 9, DP758576, Cessnock St Kitchener (Parcel ID 14118)
- Lot 10, DP758576, Cessnock St Kitchener (Parcel ID 14117)
- Lot 11, DP758576, Aberdare St Kitchener (Parcel ID 13942)
- Lot 12, DP758576, Aberdare St Kitchener (Parcel ID 13945)
- Lot 18 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 897)
- Lot 17 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 899)
- Lot 16 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 900)
- Lot 15 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 901)
- Lot 14 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 903)
- Lot 13 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 904)
- Lot 12 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 905)
- Lot 11 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 908)
- Lot 7, Sec A, DP5015, Stephen St Cessnock (Parcel ID 2225)
- Lots 507 and 508, DP755215, Quorrobolong Rd, Cessnock (Parcel IDs 23221 & 23222)

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

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On 21 June 2017 Council resolved to proceed with the recommendations of the Strategic Property and Community Facilities Committee as per the following:

7. That Council transfer the following properties to the Property Investment Fund and commence the process to reclassify them from community land to operational land:
  - a. Lot 3, DP4927, William St Cessnock (Parcel ID 4115)
  - b. Lot 61, DP263594, Evatt St Pelaw Main (Parcel ID 12393)
  - c. Lot 9, DP259718, Tulloch St East Branxton (Parcel ID 11697)
  - d. Lot 9, DP758576, Cessnock St Kitchener (Parcel ID 14118)
  - e. Lot 10, DP758576, Cessnock St Kitchener (Parcel ID 14117)
  - f. Lot 11, DP758576, Aberdare St Kitchener (Parcel ID 13942)
  - g. Lot 12, DP758576, Aberdare St Kitchener (Parcel ID 13945)
8. That Council transfer the following properties to the Property Investment Fund, commence the process to reclassify them from community land to operational land and investigate the potential to rezone to residential zone R3:
  - a. Lot 18 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 897)
  - b. Lot 17 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 899)
  - c. Lot 16 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 900)
  - d. Lot 15 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 901)
  - e. Lot 14 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 903)
  - f. Lot 13 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 904)
  - g. Lot 12 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 905)
  - h. Lot 11 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 908)
9. That Council transfer Lot 7, DP5015, Stephen St Cessnock (Parcel ID 2225) to the Property Investment Fund and commence the process to reclassify the site from community land to operational land and rezone in line with surrounding properties.
12. That Council transfer the following properties to the Property Investment Fund, obtain valuations and authorise the General Manager to negotiate the sale of the property for no less than 95 percent of the valuation obtained:
  - a. Lot 502, DP755215, 2 Quorrobolong Rd Cessnock (Parcel ID 23218)
  - b. Lot 507, DP755215, 10 Quorrobolong Rd Cessnock (Parcel ID 23221)
  - c. Lot 508, DP755215, 12 Quorrobolong Rd Cessnock (Parcel ID 23222)
13. That Council authorise the sale, by private treaty following advertising through local real estate agents, of the following properties:
  - a. Lot 502, DP755215, 2 Quorrobolong Rd Cessnock (Parcel ID 23218)
  - b. Lot 507, DP755215, 10 Quorrobolong Rd Cessnock (Parcel ID 23221)
  - c. Lot 508, DP755215, 12 Quorrobolong Rd Cessnock (Parcel ID 23222)
14. That Council authorise the common seal of Cessnock City Council be affixed to the Transfer of Land between Cessnock City Council and the purchaser/s of the following properties:
  - a. Lot 502, DP755215, 2 Quorrobolong Rd Cessnock (Parcel ID 23218)
  - b. Lot 507, DP755215, 10 Quorrobolong Rd Cessnock (Parcel ID 23221)

- c. Lot 508, DP755215, 12 Quorrobolong Rd Cessnock (Parcel ID 23222)**
- 15. That Council authorise the Mayor and the General Manager to execute the Transfer of Land between Cessnock City Council and the purchasers of the following properties:**
  - a. Lot 502, DP755215, 2 Quorrobolong Rd Cessnock (Parcel ID 23218)**
  - b. Lot 507, DP755215, 10 Quorrobolong Rd Cessnock (Parcel ID 23221)**
  - c. Lot 508, DP755215, 12 Quorrobolong Rd Cessnock (Parcel ID 23222)**

**Both lots 507 and 508 Quorrobolong Road are classified community land while lot 502 is classified operational land. It is therefore proposed that lots 507 and 508 are classified from community to operational land in order to enact the above decision by Council.**

## PART 2: EXPLANATION of PROVISIONS

The purpose of the planning proposal is to proceed with the reclassification of the following properties:

- a. Lot 3, DP4927, William St Cessnock (Parcel ID 4115)
- b. Lot 9, DP259718, Tulloch St East Branxton (Parcel ID 11697)
- c. Lot 9, DP758576, Cessnock St Kitchener (Parcel ID 14118)
- d. Lot 10, DP758576, Cessnock St Kitchener (Parcel ID 14117)
- e. Lot 11, DP758576, Aberdare St Kitchener (Parcel ID 13942)
- f. Lot 12, DP758576, Aberdare St Kitchener (Parcel ID 13945)
- g. Lots 507 and 508, DP755215, 10 & 12 Quorrobolong Rd, Cessnock (Parcel ID 23221 & 23222)

Further investigation of the property at Evatt St Pelaw Main has identified that this land is required to be retained by Council for drainage purposes. The Draft 2017 Open Space Plan also notes that the land should be retained by Council. It is therefore proposed to not proceed with the reclassification of this property.

The purpose of the planning proposal is to proceed with the process to reclassify the following properties from community land to operational land and investigate the potential to rezone to residential zone R3:

- a. Lot 18 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 897)
- b. Lot 17 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 899)
- c. Lot 16 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 900)
- d. Lot 15 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 901)
- e. Lot 14 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 903)
- f. Lot 13 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 904)
- g. Lot 12 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 905)
- h. Lot 11 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 908)
- i. Lot 7, DP5015, Stephen St Cessnock (Parcel ID 2225)

Further investigation of the strategic merits of rezoning the land at Cessnock St Aberdare from R2 Low Density Residential to R3 Medium Density Residential have identified that there is insufficient strategic merit to rezone these properties due to the location and adjoining zones of the land. The properties are located on the periphery of the urban area and adjoin existing R2 Low Density Residential and SP2 Infrastructure (Railway) land. The site at Stephen Street Cessnock is currently zoned RE1 Public Recreation and adjoins existing R3 Medium Density Residential land.

Key attributes of the sites recommended for reclassification/rezoning are set out below:

Site	Current zone	Public Reserve status/ownership	Nature of Council's interest eg dedication, acquisition etc	Lease or agreements applying to land	Current land use	Strategic justification
Lot 3, DP4927, William St Cessnock	R3 Medium Density Residential	Public Recreation/ Council with no public reserve	Council purchased land by property transfer dated 18	There are no dedications, trusts, agreements or	Small park/playground	NA  Both plans state site is surplus.

		status	March 1968.	business dealings on the land.		
<b>Lot 9, DP259718, 26 Tulloch St East Branxton</b>	R2 Low Density Residential	Public Recreation/ Council and dedicated as public reserve.	The property was dedicated as public reserve by registration of DP259718 on 14 June 1979.	There are no trusts, agreements or business dealings on the land.	Tulloch St Park	NA Both 2009 and 2017 plans state site is surplus to need.
<b>Lots 9-12, DP758576, 29,31 Cessnock St 27,29 Aberdare St Kitchener</b>	RU5 - Village	Public Recreation/ Council and vested as a public reserve.	The property was vested as public reserve by registration of gazettal notice dated 19 March 1976.	There are no dedications, trusts, agreements or business dealings on the land.	Council park	NA Both 2009 and 2017 plans state sites surplus to need.
<b>Lots 11- 18 Sec 46, DP758002, 62,64,66,68, 70,72,74,76 Cessnock St Aberdare</b>	R2 Low Density Residential	Public Recreation/ Council and vested as a public reserve.	The property was vested as public reserve by registration of gazettal notice dated 20 January 1978.	There are no dedications, trusts, agreements or business dealings on the land.	Council park	R3 Medium Density Residential not justified.  Strategic justification provided (see Section A of report).
<b>Lot 7 Sec A DP5015 16A Stephen St Cessnock</b>	RE1 Public Recreation	Public Recreation/ Council with no public reserve status	Council purchased the land by property transfer dated 5 December 1945.	There are no dedications, trusts, agreements or business dealings on the land.	Council park	Site identified as surplus to need in the 2009 Plan. Rezone to adjoining zone R3 Medium Density Residential.
<b>Lots 507 and 508, DP755215, 10 &amp; 12 Quorrobolo</b>	RU2 Rural Landscape	Public Recreation/ Council with no public reserve	Council purchased the land by property transfer	There is a current tenancy lease agreement	Dwelling and vacant land.	The 2009 Recreation and Open Space Plan identify the

ng Rd, Cessnock		status.	dated 30 June 2005.	on 10 Quorrobol ong Road due to expire on 17 March 2018. There are no trusts or other agreement s applying to these parcels.		sites as surplus to need.
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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" and the LEP Practice Note PN 16-001 "Classification and reclassification of public land through a local environmental plan", 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 recommendations result from the strategic property review that Council has undertaken of its properties to ensure that they are fit for purpose and continue to meet community needs and standards. Inputs into the review include the outcomes of the Recreation and Open Space Strategic Plan 2009 and the draft Recreation and Open Space Strategic Plan 2017 that has been recently exhibited. All of the properties, with the exception of properties at Cessnock Street, Aberdare have been identified as surplus to Council's requirements. The properties have been identified as not being well located or suited for open space and recreation purposes in line with future community needs. Other recreation areas in these localities are either adequate or will be upgraded to ensure that the recreation needs of the community will be met in the most effective way.

Further information and justification of each of the properties is outlined below:

##### 62-76 Cessnock Street Aberdare

The property was vested as public reserve by registration of gazettal notice dated 20 January 1978. While the properties at Cessnock Street Aberdare have not been identified in the open space reviews, recent assessment of these properties has been undertaken having regard to the principles utilised in the reviews. Across the LGA, Council is anticipated to have a deficit of District Sportsgrounds, Local Parks and District Parks by 2036. At a district level, the Cessnock Planning Area is anticipated to have a deficit of Local and District Parks by 2036. Therefore opportunities to establish Local and District Parks in the Cessnock Planning Area must be considered.

The collective area of the lots identified at Cessnock Street Aberdare is approximately 0.83ha. Nearby open space includes Veterans Memorial Park (District Park) approximately 516m from the subject site and Turner Park (Regional Sportsground) approximately 868m from the subject site. Aberdare Cemetery is also located approximately 620m away on Greta Street.

Generally, Council's aim is to provide developed open space within 500m of most residents. Currently residents east of Caledonia Street Aberdare fall outside of the 500m catchment for developed open space.

Whilst there is an identified shortage of developed open space east of Caledonia Street, the land in Cessnock Street is not an ideal site to develop as open space for the following reasons:



- In accordance with Council's design guidelines, the preferred shape for Parks is square or rectangular with not side greater than 2:1. The subject site has a ratio of greater than 3:1.
- Opportunities for passive surveillance are limited due to Cessnock Street being a low volume local road and minimal overlooking from adjacent residences.
- There would be significant overlapping of catchments with Veterans Memorial Park should the subject site be developed as open space.
- A preferred approach to developing open space is to co-locate facilities to reduce maintenance demands and promote awareness.
- An opportunity exists to develop the Crown Reserve adjacent to Aberdare Cemetery as developed open space and this would address the shortage of developed open space east of Caledonia Street.

The properties at Cessnock Street Aberdare are therefore of limited recreation value and it is considered should not be retained for open space.

#### 16 Stephen Street Cessnock

Council purchased the land by property transfer dated 5 December 1945.

The Stephen St property, known as Stephenson Park, is also considered to be suitable for reclassification to operational land and for rezoning from RE1 Public Recreation to R3 Medium Density Residential in line with the adjoining zone. The site is currently vacant and is within 200 metres of Hall Park and playground. The site is approximately 1900m<sup>2</sup> in area.

#### 6 William Street Cessnock

Council purchased land by property transfer dated 18 March 1968.

The land is a single parcel approximately 390m<sup>2</sup> in area and is partially constrained by flooding. The land is zoned R3 Medium Density Residential and is within 400 metres of Hall Park. It is considered suitable for development, subject to consent.

#### 26 Tulloch Street East Branxton

The property was dedicated as public reserve by registration of DP259718 on 14 June 1979.

The site is approximately 1300m<sup>2</sup> in area and is currently zoned R2 Low Density Residential. It is located at the end of the cul de sac and is within 150m of an existing local park on the corner of Tulloch Street and Dalwood Road.

#### 29-31 Cessnock and 27-29 Aberdare Streets Kitchener

The property was vested as public reserve by registration of gazettal notice dated 19 March 1976.

The land comprises 4 parcels and is located opposite the Poppet Head Park off Quorrobolong Road at Kitchener. The Poppet Head Park is a regional level recreation facility. The land is partially affected by bushfire but is considered suitable for development subject to consent. Each parcel is approximately 1000m<sup>2</sup> in area and is zoned RU5 Village.

#### 10 and 12 Quorrobolong Road Cessnock

Council purchased the land by property transfer dated 30 June 2005.

The two adjacent properties proposed for reclassification, with 10 Quorrobolong Rd containing a dwelling while the other parcel is vacant. 10 Quorrobolong Rd is 1,200m<sup>2</sup> in area while 12 Quorrobolong Rd is 1,050m<sup>2</sup> in area. Both these parcels are largely cleared and part of a historic subdivision of 10 small rural lots of a similar size and are located within the RU2 Rural Landscape zone. This subdivision on Quorrobolong Road is located opposite the large lot rural subdivision on Racecourse Road zoned R5 large Lot Residential. Given the adjoining zone being R5 Large Lot Residential to the west, further consideration of the appropriate zoning could be considered following the completion of the Cessnock Planning Strategy.

The minimum lot size for subdivision for these lots is 40 hectares. Although the parcels are significantly undersized for the zone, 12 Quorrobolong Road consists of the whole of a holding and is therefore identified as having a dwelling entitlement in accordance with Cessnock LEP 2011 Clause 4.2A(d). An additional dwelling would be permissible on this parcel with consent of Council with consideration of site constraints. There is an existing dwelling at 10 Quorrobolong Road which is serviced with water and sewer.

Both the parcels adjoin bushland that is zoned RE1 Public Recreation to the east and are located within 400 metres by road of Badderley Park. These parcels are subject to bush fire (buffer zone). Both the parcels are partially flood prone with a flood classification of H1-H2 which is generally suitable for residential development (subject to development consent).

In summary, reclassification of the above properties to operational and rezoning of the Stephen St property will enable the sites to be sold for future infill residential development. The proposed properties recommended for reclassification are currently zoned either Residential, Village or Rural Landscape zone. The proposed reclassifications will promote infill development and are therefore considered to be consistent with the Hunter Regional Plan 2036 and the City Wide Settlement Strategy 2010.

It is also appropriate to include the site at Stephen St Cessnock for both reclassification and rezoning from RE1 Public Recreation to R3 Medium Density Residential in line with the adjoining zone.

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

The intended outcomes relate to amendments to the Cessnock LEP 2011. The Planning Proposal is to reclassify certain properties from community to operational and to reclassify and rezone land at Stephen St Cessnock. The proposal is considered the best means of ensuring the future open space/recreation and residential needs of the community are effectively met.

## **Section B: Relationship to Strategic Planning Framework**

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

#### **Hunter Regional Plan 2036**

The planning proposal seeks to make amendments to the Cessnock LEP to reclassify and rezone certain properties which will facilitate infill development consistent 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 amendments to the Cessnock LEP which are not inconsistent with the Council's strategic planning policies.

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

The proposal seeks to reclassify/rezone a number of sites that will help achieve further residential infill within the existing urban area. 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 1 - Development Standards</b>	The SEPP makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.	Not applicable to LGA.
<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 on the operation of this SEPP.
<b>SEPP 21 - Caravan Parks</b>	The SEPP provides for development for caravan parks.	Consistent. Nothing in the Planning Proposal impacts on the operation of this SEPP.
<b>SEPP 30 - Intensive Agriculture</b>	The SEPP provides considerations for consent for intensive agriculture.	Consistent. Nothing in the Planning Proposal impacts on the operation of this SEPP.
<b>SEPP 32 - Urban Consolidation (Redevelopment of</b>	The SEPP makes provision for the re-development of urban land suitable for multi-unit	Consistent. Nothing in the Planning Proposal impacts on the operation of this SEPP.

<b>SEPP</b>	<b>Relevance</b>	<b>Consistency and Implications</b>
<b>Urban Land)</b>	housing and related development.	Reclassification and rezoning of certain properties may provide additional suitable land for additional infill residential 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 on 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 on the operation of this SEPP.
<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 on the operation of this SEPP.
<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 on the operation of this SEPP.
<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 on the operation of this SEPP.
<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 on the operation of this SEPP.
<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 on 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.	Consistent. Nothing in the Planning Proposal impacts on the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
	Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	
<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 on the operation of this SEPP.
<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 workers close to places of work,</li> <li>(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.</li> </ul>	Consistent. Nothing in the Planning Proposal impacts on the operation of this SEPP.
<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 on the operation of this SEPP.
<b>SEPP Exempt and Complying</b>	The SEPP provides exempt and complying development codes	Consistent. Nothing in the Planning Proposal impacts on the

SEPP	Relevance	Consistency and Implications
<b>Development Codes 2008</b>	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.	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 on 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 on the operation of this SEPP.
<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, 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.	Consistent. Nothing in the Planning Proposal impacts on the operation of this SEPP.
<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 on the operation of this SEPP.
<b>SEPP Miscellaneous Consent Provisions 2007</b>	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	Consistent. Nothing in the Planning Proposal impacts on the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
	<p>persons using temporary structures,</p> <p>(c) to encourage the protection of the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration,</p> <p>(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.</p>	
<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 on the operation of this SEPP.
<b>SEPP State and Regional Development 2011</b>	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 on the operation of this SEPP.

## 6 Consistency with Section 117 Ministerial Directions for Local Plan Making

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

**Table 2: Relevant Section 117 Ministerial Directions**

Ministerial Direction	Objective of Direction	Consistency and Implication
<b>9. EMPLOYMENT AND RESOURCES</b>		
<b>a. Business and Industrial Zones</b>	<p>The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in business and industrial zones, and</p> <p>(c) support the viability of identified strategic centres.</p>	Consistent. Nothing in the Planning Proposal impacts on the operation of this SEPP.

Ministerial Direction	Objective of Direction	Consistency and Implication
<b>b.</b> Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	Consistent. While the properties at Quorrobolong Rd Cessnock are zoned RU2 Rural Landscape, they are small blocks in area and are part of a small “rural-residential” subdivision not utilised for agricultural purposes. Nothing in the Planning Proposal impacts on the operation of this SEPP.
<b>c.</b> 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 the Planning Proposal impacts on the operation of this SEPP.
<b>d.</b> 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. While the properties at Quorrobolong Rd Cessnock are zoned RU2 Rural Landscape, they are small blocks in area and are part of a small “rural-residential” subdivision not utilised for agricultural purposes. Nothing in the Planning Proposal impacts on the operation of this SEPP.
<b>10. ENVIRONMENT AND HERITAGE</b>		
<b>a.</b> Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Consistent. Nothing in the Planning Proposal impacts on the operation of this SEPP.
<b>b.</b> Coastal Protection	<i>The objective of this direction is to implement the principles in the NSW Coastal Policy.</i>	<i>Not Applicable to LGA</i>
<b>c.</b> Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Consistent. However it should be noted that the land at Kitchener adjoins the heritage item Collieries of the South Maitland Coalfields (Poppethead Park) and the properties at Aberdare adjoin the item South Maitland Railway System. It is considered that any impact can be considered at development stage.
<b>d.</b> 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 the Planning Proposal impacts on the operation of this SEPP.
<b>11. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>		
<b>a.</b> Residential Zones	The objectives of this direction are:	Consistent. Nothing in the Planning Proposal impacts on the



Ministerial Direction	Objective of Direction	Consistency and Implication
	(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.	operation of this SEPP.
<b>b.</b> 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 the Planning Proposal impacts on the operation of this SEPP.
<b>c.</b> Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Consistent. Nothing in the Planning Proposal impacts on the operation of this SEPP.
<b>d.</b> 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 movement of freight.	Consistent. Nothing in the Planning Proposal impacts on the operation of this SEPP.
<b>e.</b> Development	The objectives of this direction	Consistent. Nothing in the

Ministerial Direction	Objective of Direction	Consistency and Implication
Near Licensed Aerodromes	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.	Planning Proposal impacts on the operation of this SEPP.
f. 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 the Planning Proposal impacts on the operation of this SEPP.
<b>12. HAZARD AND RISK</b>		
a. 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 the Planning Proposal impacts on the operation of this SEPP.
b. 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.	Land at Cessnock St Aberdare is in the Tomalpin Mine Subsidence District. Future development may be subject to future development conditions. The other sites are located outside of a Mine Subsidence District.

Ministerial Direction	Objective of Direction	Consistency and Implication
c. Flood Prone Land	<p>The objectives of this direction are:</p> <p>(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</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>	<p>The properties at William St and Quorrobolong Road Cessnock are partially flood affected. A small part of this block is H1 at William Street which allows residential development. The evacuation route via William Street to Florence Street and then Sheddon Street is primarily categorised as H1 and H2. It is therefore considered that the site would be suitable for residential development with conditions considered at development stage. The Quorrobolong Road parcels are partially flood prone with a flood classification of H1-H2 which is generally suitable for residential development (subject to development consent).</p>
d. 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>	<p>The properties at Cessnock and East Branxton are not bushfire prone, however properties at Quorrobolong Road, Cessnock, Kitchener and Aberdare are partially affected by bushfire prone land (buffer). The sites are located within or on the periphery of an existing urban area. It is therefore considered that the proposed sites would be suitable for residential development with conditions considered at development stage.</p>
<b>13. REGIONAL PLANNING</b>		
a. Implementation of Regional Strategies	<p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes, and actions contained in regional strategies.</p>	<p>Consistent. Nothing in the Planning Proposal impacts on the operation of this SEPP.</p>
<b>14. LOCAL PLAN MAKING</b>		
a. Approval and Referral Requirements	<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	<p>Consistent. Nothing in the Planning Proposal impacts on the operation of this SEPP.</p>
b. Reserving Land for Public Purposes	<p>The objectives of this direction are:</p> <p>(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</p>	<p>The Planning Proposal is consistent with this direction.</p> <p>The properties that have been identified in this proposal for reclassification from community to</p>

Ministerial Direction	Objective of Direction	Consistency and Implication
	(b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	operational are viewed as surplus to Council's requirements. The properties have also been identified as not well located or suited for future open space and recreation purposes in line with future community needs. Other recreation areas in these localities will be upgraded to ensure that the recreation needs of the community will be met in the most effective way.
<b>c.</b> Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Consistent. Nothing in the Planning Proposal impacts on the operation of this SEPP.

## **Section C: Environmental, Social and Economic Impact**

### **7 *Impact on Threatened Species***

None of the sites contain critical habitat or ecologically threatened species.

### **8 *Environmental Impact***

The reclassifications and reclassification/rezoning are proposed to have minimal environmental impact. The properties at William Street and Quorrobolong Road Cessnock are partially flood prone land. None of the sites are affected by acid sulfate soils. Land at Cessnock St Aberdare is in the Tomalpin Mine Subsidence District. Future development may be subject to development conditions to satisfactorily address the above constraints.

All the other sites are located outside of a Mine Subsidence District. The properties at Kitchener, Quorrobolong Road Cessnock and Aberdare are partially affected by bushfire prone land (buffer). The land at Kitchener adjoins the heritage item Collieries of the South Maitland Coalfields (Poppethead Park) and the properties at Aberdare adjoin the item South Maitland Railway System. It is therefore considered that the proposed sites would be suitable for residential development with conditions considered at development stage.

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

The properties that have been identified in this proposal for reclassification from community to operational (and reclassification/rezoning) are viewed as surplus to Council's requirements. The properties have also been identified as not well located or suited for future open space and recreation purposes in line with future community needs. Other recreation areas in these localities will be upgraded to ensure that the recreation needs of the community will be met in the most effective way. Possible sale of the properties by Council following the reclassification process will result in additional funds for investment being available in improved recreation facilities in the City.

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

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

The Planning Proposal will not generate demand for additional public infrastructure. Possible sale of the properties following the reclassification process will result in additional funds for Council for investment in improved recreation facilities in the City. Future residential development on these sites will allow for further minor residential infill development in the City.

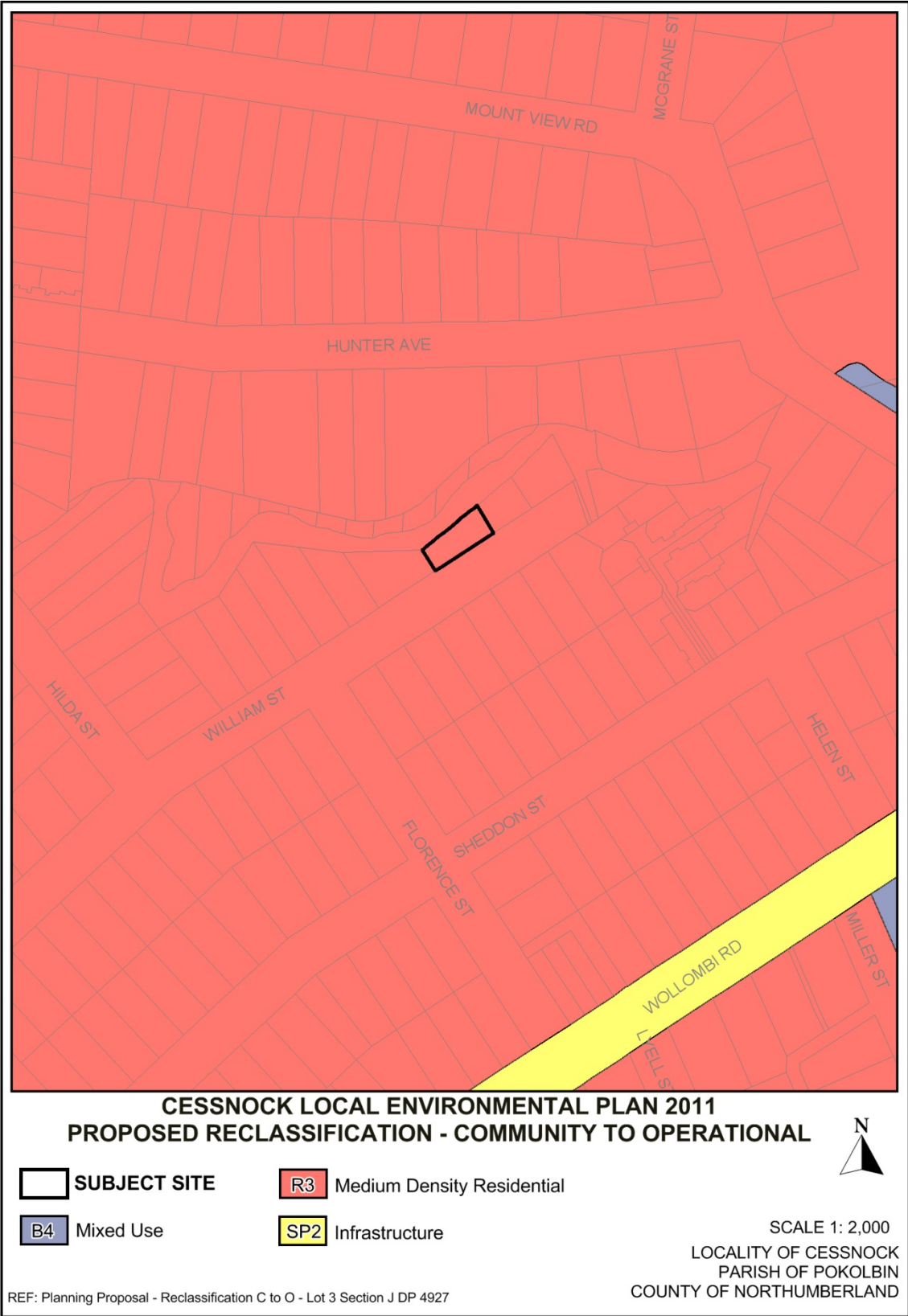
### ***11 Consultation with State and Commonwealth Authorities***

Consultation with State and Commonwealth public authorities will be undertaken in accordance with the Gateway Determination. It is proposed that consultation with the Subsidence Advisory NSW will be undertaken during exhibition in relation to the sites at Cessnock Street Aberdare. Consultation with the Rural Fire Service will be required in relation to the properties at Aberdare, Cessnock (Quorrobolong Road) and Kitchener. OEH will be consulted in relation to the sites at William St and Quorrobolong Road Cessnock.

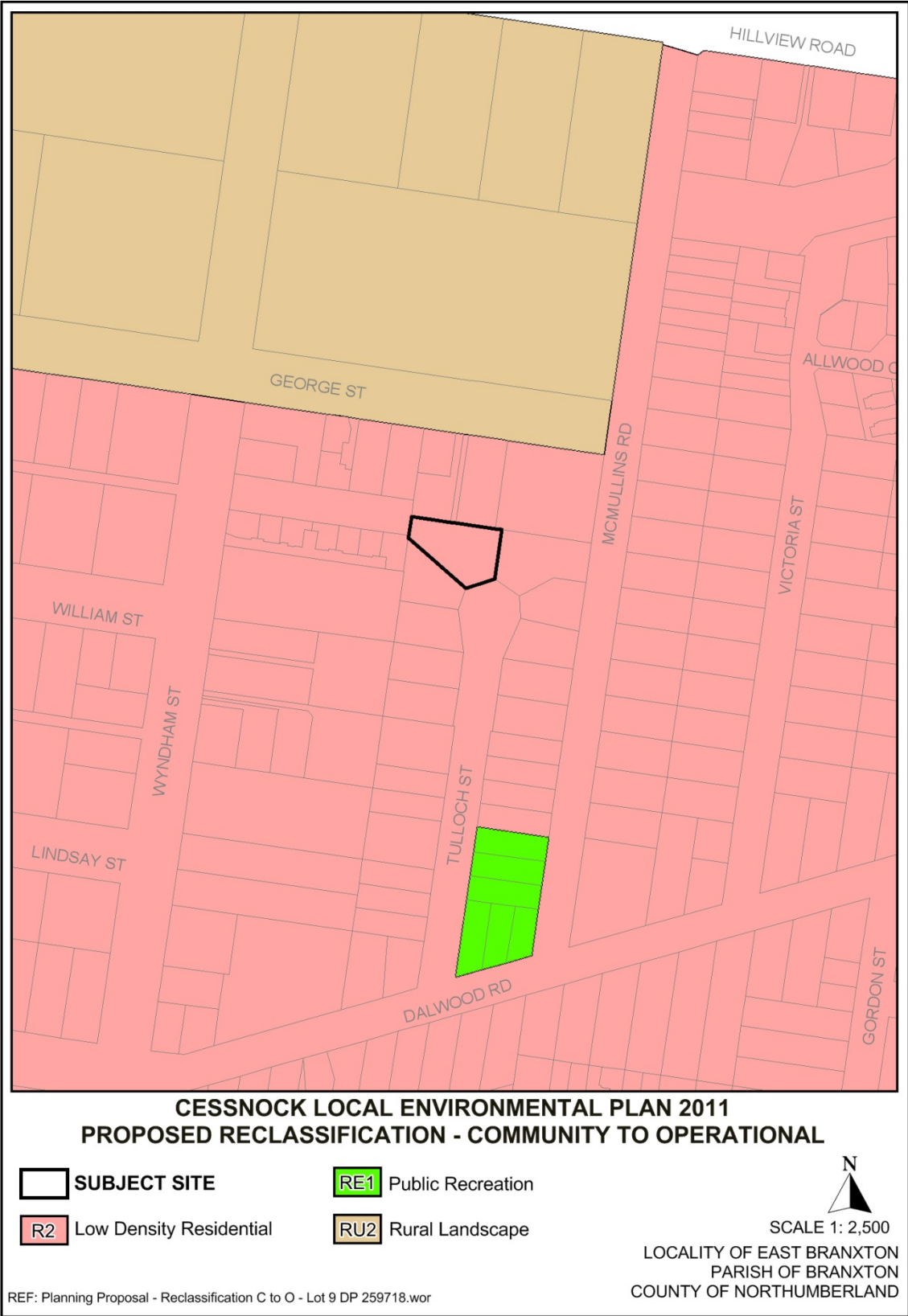
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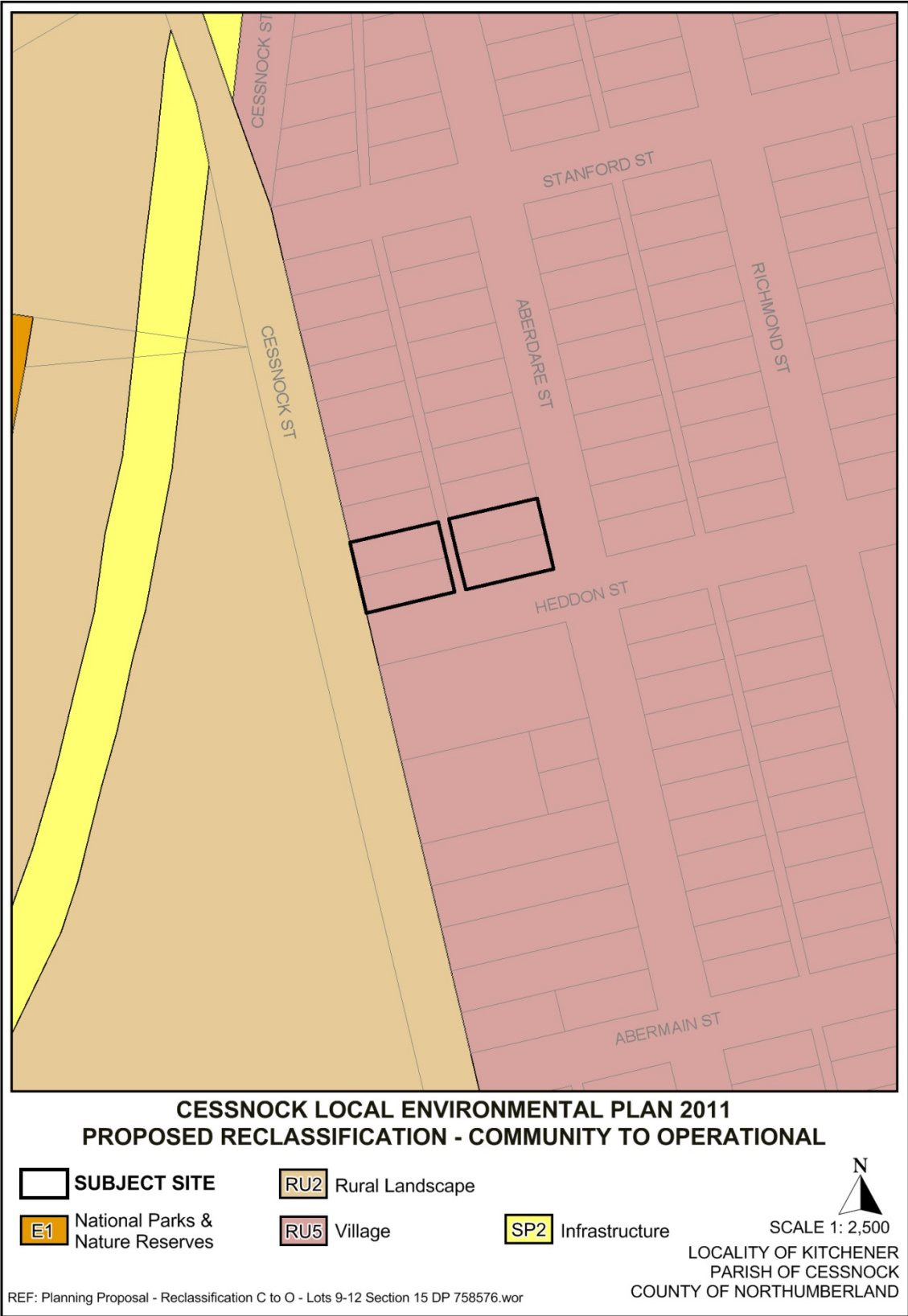
## **PART 4: MAPPING**

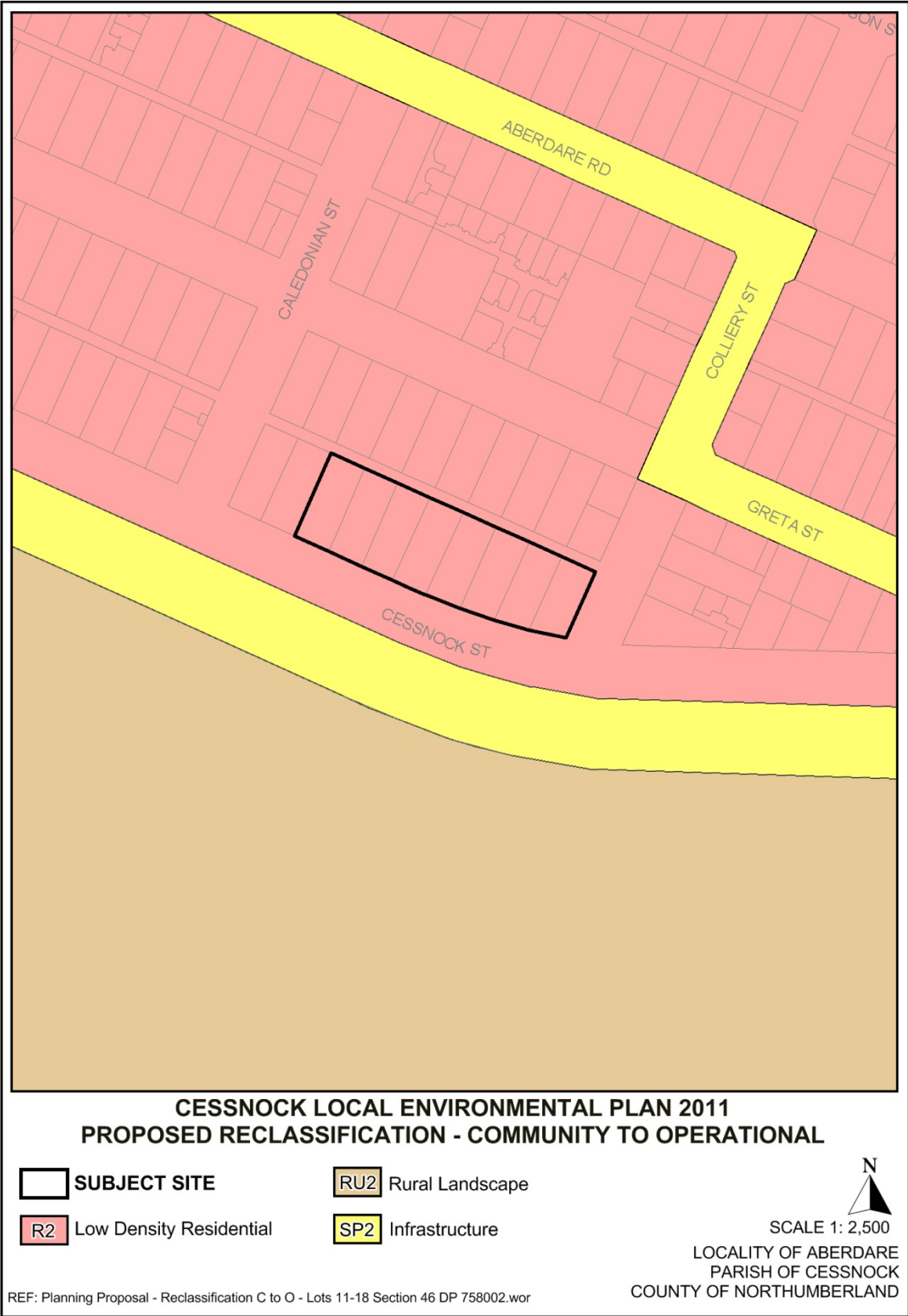
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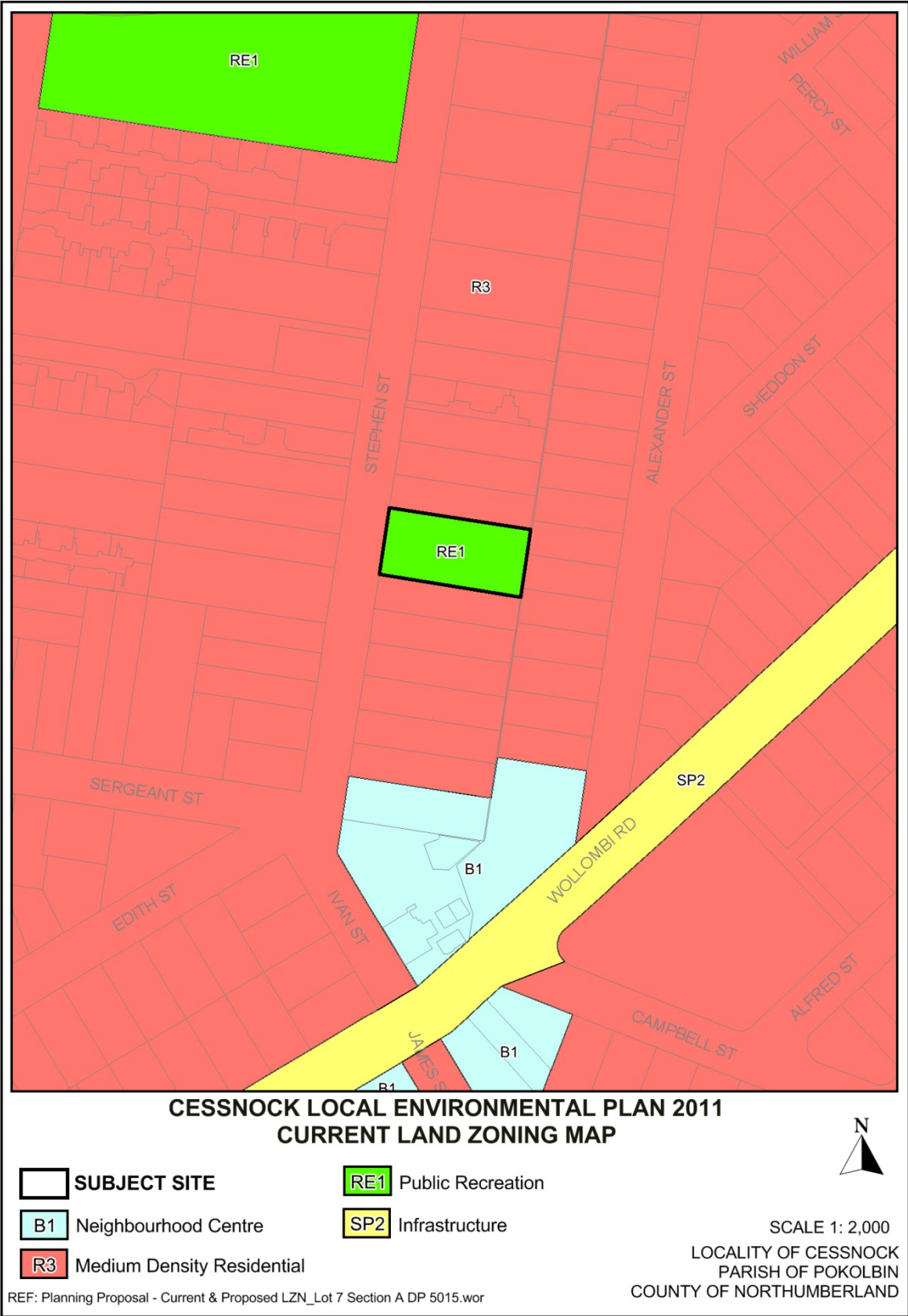




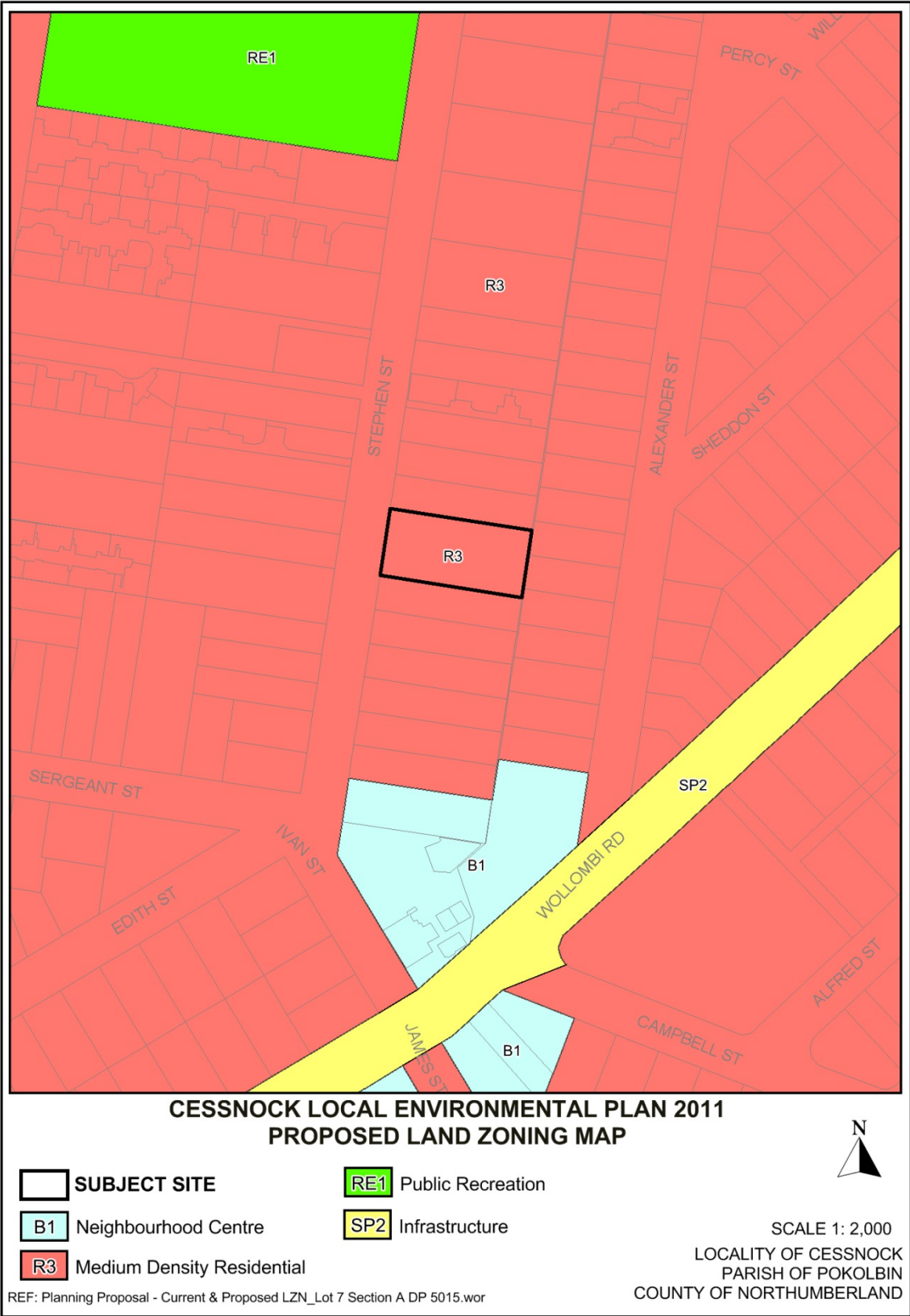


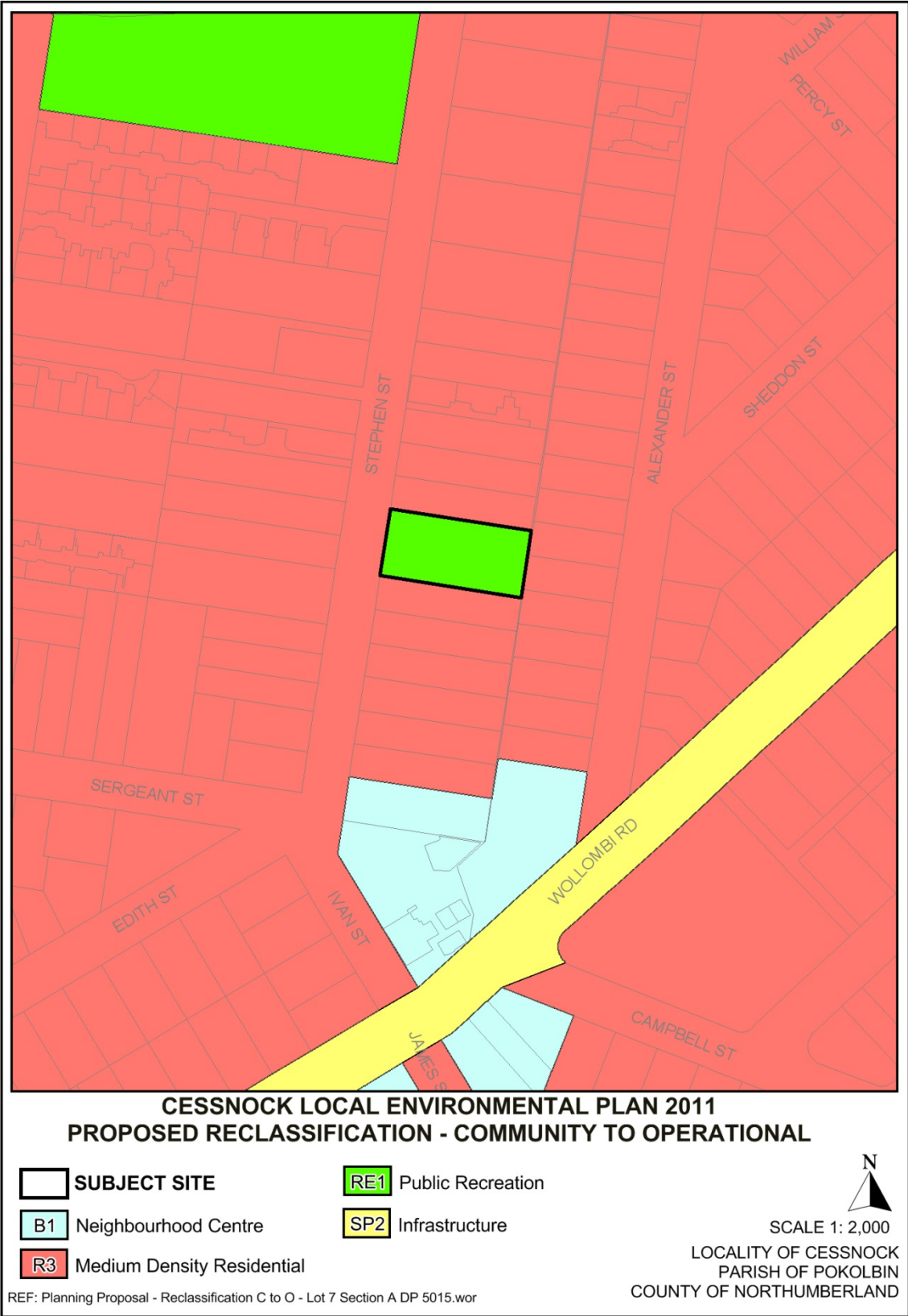


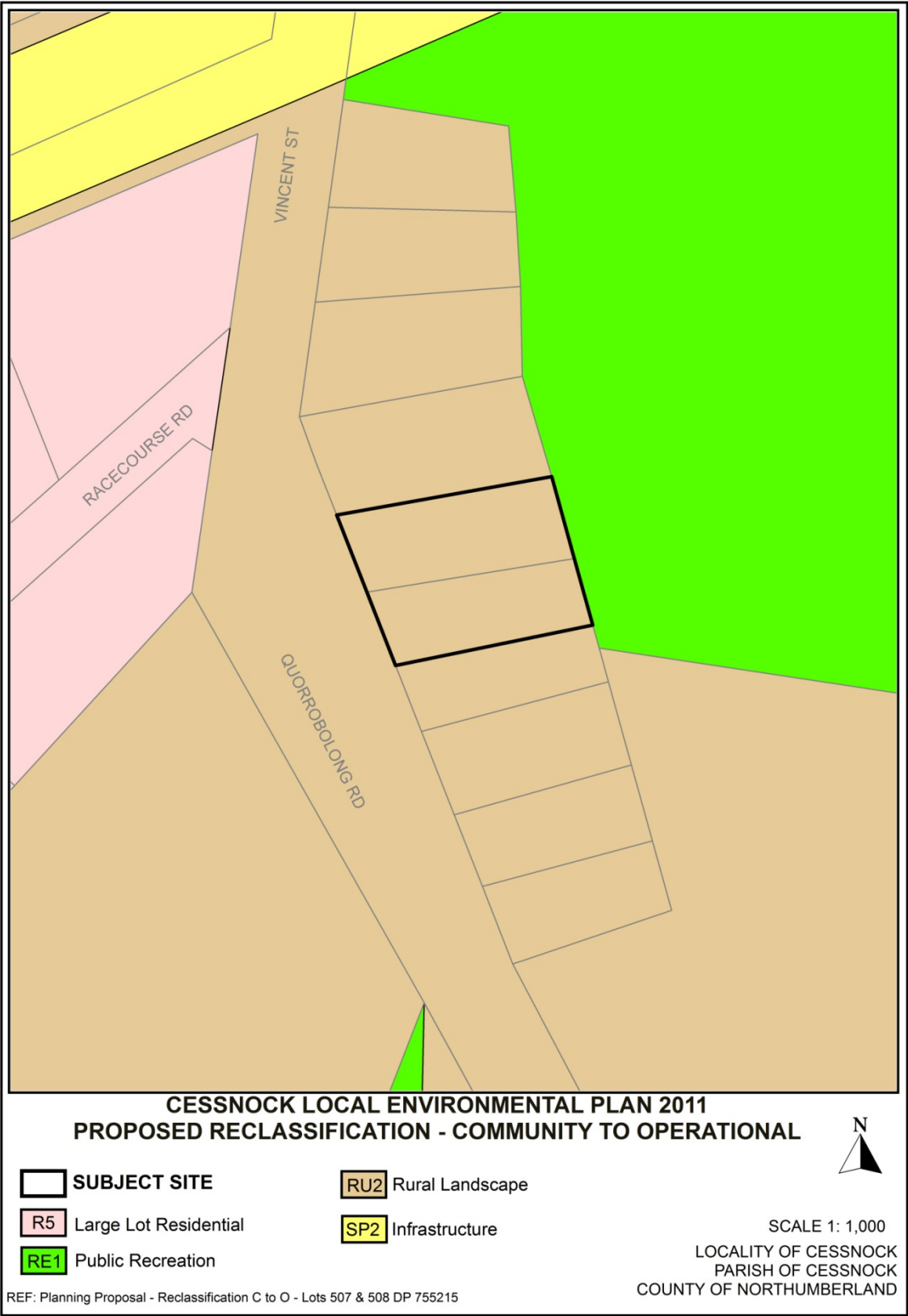












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## **PART 5: COMMUNITY CONSULTATION**

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The Planning Proposal is proposed to be publicly exhibited for 28 days 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 will be 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)

It is proposed to consult with the Subsidence Advisory NSW, the Rural Fire Service and the Office of Environment and Heritage (OEH) on the content of this Planning Proposal.

In line with the requirements for the reclassification of land from community to operational, a public hearing will be held (EPA Act s.3.34 & Local Government Act s.29) following the completion of the public exhibition. An independent facilitator will undertake the public hearing and 21 days' notice of the hearing will be given after completion of the public exhibition period.

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



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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 12 months.

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.



## PROJECT TIMELINE

	April 2018	May 2018	June 2018	July 2018	Aug 2018	Oct 2018	Nov 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> Public Exhibition							
<b>STAGE 4</b> Review/consideration of submission received							
<b>STAGE 5</b> Public Hearing							
<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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Report to Ordinary Meeting of Council – 21 June 2017

Minutes of Ordinary Meeting of Council – \*21 June 2017 \*

All Council reports and minutes are accessible from Council's website: <http://www.cessnock.nsw.gov.au/council/meetings>.

### **PLANNING AND ENVIRONMENT NO. PE31/2017**

**SUBJECT: MINUTES OF THE STRATEGIC PROPERTY AND COMMUNITY FACILITIES COMMITTEE HELD 7 JUNE 2017**

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**MOTION**

**Moved:** Councillor Burke

**Seconded:** Councillor

Fitzgibbon

1

**RESOLVED**

1. That the Minutes of the Strategic Property and Community Facilities Committee of 7 June 2017 be adopted as a resolution of the Ordinary Council.
2. That Council adopt the Terms of Reference for the Strategic Property & Community Facilities Committee.
3. That Council endorse the Chair determined by the Strategic Property & Community Facilities Committee.
4. That Council note the balance of the Property Investment Fund as at 31 March 2017.
5. That Council notes the background report on the Strategic Property Review.
6. That Council receive and note the information on the progress of the Strategic Property Review.
7. That Council transfer the following properties to the Property Investment Fund and commence the process to reclassify them from community land to operational land:
  - a. Lot 3, DP4927, William St Cessnock (Parcel ID 4115)
  - b. Lot 61, DP263594, Evatt St Pelaw Main (Parcel ID 12393)
  - c. Lot 9, DP259718, Tulloch St East Branxton (Parcel ID 11697)
  - d. Lot 9, DP758576, Cessnock St Kitchener (Parcel ID 14118)
  - e. Lot 10, DP758576, Cessnock St Kitchener (Parcel ID 14117)
  - f. Lot 11, DP758576, Aberdare St Kitchener (Parcel ID 13942)
  - g. Lot 12, DP758576, Aberdare St Kitchener (Parcel ID 13945)
8. That Council transfer the following properties to the Property Investment Fund, commence the process to reclassify them from community land to operational land and investigate the potential to rezone to residential zone R3:

- a. Lot 18 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 897)
  - b. Lot 17 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 899)
  - c. Lot 16 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 900)
  - d. Lot 15 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 901)
  - e. Lot 14 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 903)
  - f. Lot 13 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 904)
  - g. Lot 12 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 905)
  - h. Lot 11 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 908)
9. That Council transfer Lot 7, DP5015, Stephen St Cessnock (Parcel ID 2225) to the Property Investment Fund and commence the process to reclassify the site from Community Land to Operational Land and rezone in line with surrounding properties.
10. That Council lodge a Plan of Subdivision for Lot 7, DP1140055 Maitland Street Kurri Kurri (Parcel ID 507711) to separate the land containing the netball courts from the land containing part of the Kurri Kurri Early Childhood Centre.
11. That Council transfer the new lot containing the netball courts to the Property Investment Fund and commence the process to reclassify the site from Community Land to Operational Land and investigate rezoning in line with the outcomes of the Kurri Kurri District Masterplan.
12. That Council transfer the following properties to the Property Investment Fund, obtain valuations and authorise the General Manager to negotiate the sale of the property for no less than 95 percent of the valuation obtained:
- a. Lot 502, DP755215, 2 Quorrobolong Rd Cessnock (Parcel ID 23218)
  - b. Lot 507, DP755215, 10 Quorrobolong Rd Cessnock (Parcel ID 23221)
  - c. Lot 508, DP755215, 12 Quorrobolong Rd Cessnock (Parcel ID 23222)
13. That Council authorise the sale, by private treaty following advertising through local real estate agents, of the following properties:
- a. Lot 502, DP755215, 2 Quorrobolong Rd Cessnock (Parcel ID 23218)
  - b. Lot 507, DP755215, 10 Quorrobolong Rd Cessnock (Parcel ID 23221)
  - c. Lot 508, DP755215, 12 Quorrobolong Rd Cessnock (Parcel ID 23222)
14. That Council authorise the Common Seal of Cessnock City Council be affixed to the Transfer of Land between Cessnock City Council and the purchaser/s of the following properties:
- a. Lot 502, DP755215, 2 Quorrobolong Rd Cessnock (Parcel ID 23218)
  - b. Lot 507, DP755215, 10 Quorrobolong Rd Cessnock (Parcel ID 23221)
  - c. Lot 508, DP755215, 12 Quorrobolong Rd Cessnock (Parcel ID 23222)

15. That Council authorise the Mayor and the General Manager to execute the Transfer of Land between Cessnock City Council and the purchasers of the following properties:

- a. Lot 502, DP755215, 2 Quorrobolong Rd Cessnock (Parcel ID 23218)
- b. Lot 507, DP755215, 10 Quorrobolong Rd Cessnock (Parcel ID 23221)
- c. Lot 508, DP755215, 12 Quorrobolong Rd Cessnock (Parcel ID 23222)

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**







Planning and Environment

Report No. PE19/2018

Planning and Environment



**SUBJECT:** ***PLANNING PROPOSAL TO RECLASSIFY VARIOUS PROPERTIES AT ABERDARE, CESSNOCK, EAST BRANXTON AND KITCHENER.***

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

### **UMMARY**

The purpose of the Report is to present a Planning Proposal to reclassify land in Aberdare, Cessnock, East Branxton and Kitchener from community to operational. The site at Stephen St Cessnock is also recommended for rezoning from RE1 Public Recreation to R3 Medium Density Residential.

### **RECOMMENDATION**

1. That Council request a Gateway determination for the Planning Proposal – Reclassification and rezoning of properties at Aberdare, Cessnock, East Branxton and Kitchener, from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
2. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
3. That Council receive a report on the outcomes of the community consultation on the Planning Proposal.

### **BACKGROUND**

In 2017 Council undertook a Strategic Property Review to ensure that the Council's properties were fit for purpose and continue to meet community needs and standards.

On 21 June 2017 Council resolved to proceed with the recommendations of the Strategic Property and Community Facilities Committee and reclassify and rezone a number of properties. This Report addresses part 7, 8, 9, 12, 13, 14 and 15 of the Council resolution on 21 June 2017. A copy of this resolution is at **Enclosure 1**.

### **REPORT/PROPOSAL**

The objective of the Planning Proposal (**Enclosure 2**) is to enact the Council resolution of 21 June 2017 to reclassify numerous properties at Aberdare, Cessnock, East Branxton and Kitchener. A locality map of each property is included in **Enclosure 3**. The following properties are included in the Planning Proposal: It is estimated that this amendment to the Cessnock Local Environmental Plan 2011 will be completed within 12 months.

**Planning and Environment**

**Report No. PE19/2018**

**Planning and Environment**



62-76 Cessnock Street Aberdare

These properties were vested as a public reserve by registration of gazettal notice dated 20 January 1978. The properties have not been identified in the open space review however recent assessment of these properties has been undertaken having regard to the principles utilised in the open space review.

At a district level, the Cessnock Planning Area is anticipated to have a deficit of Local and District Parks by 2036. Open space in close proximity to subject site includes Veterans Memorial Park (District Park) approximately 516m from the subject site and Turner Park (Regional Sportsground) approximately 868m from the subject site. Generally, Council's aim is to provide developed open space within 500m of most residents. Currently residents east of Caledonia Street Aberdare fall outside of the 500m catchment for developed open space.

Whilst there is an identified shortage of developed open space east of Caledonia Street, the land in Cessnock Street is not an ideal site to develop as open space for the following reasons:

- In accordance with Council's design guidelines, the preferred shape for Parks is square or rectangular with no side greater than 2:1. The subject site has a ratio of greater than 3:1.
- Opportunities for passive surveillance are limited due to Cessnock Street being a low volume local road and minimal overlooking from adjacent residences.
- There would be significant overlapping of catchments with Veterans Memorial Park.
- A preferred approach to developing open space is to co-locate facilities to reduce maintenance demands and promote awareness.
- An opportunity exists to develop the Crown Reserve adjacent to Aberdare Cemetery as developed open space and this would address the shortage of developed open space east of Caledonia Street.

The properties at Cessnock Street Aberdare are therefore of limited recreation value and it is considered should not be retained for open space.

The Council resolution from 21 June 2017 also requested that the sites be investigated for rezoning from R2 Low Density Residential to R3 Medium Density Residential. Further investigation has determined that the properties remain zoned R2. The properties are located on the periphery of the urban area and are located over one kilometre away from existing R3 Medium Density Residential zone land that adjoins the Cessnock commercial precinct. Surrounding land is zoned R2 Low Density Residential and SP2 Infrastructure (Railway) land.

A rezoning to R3 would also be inconsistent with the Cessnock City Wide Settlement Strategy 2010. The Settlement Strategy identifies areas within a kilometre of Cessnock commercial precinct as potentially suitable for medium density development. This land is located over two kilometres from the Cessnock commercial precinct.

The Planning Proposal intends to reclassify this property from Community to Operational land.

**Planning and Environment**

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16 Stephen Street Cessnock

Council purchased the land by property transfer dated 5 December 1945. The site is currently vacant and is within 200 metres of Hall Park and playground. The site is approximately 1,900m<sup>2</sup> in area. The property, known as Stephenson Park, is considered to be suitable for reclassification to Operational land and for rezoning from RE1 Public Recreation to R3 Medium Density Residential in line with the adjoining zone.

6 William Street Cessnock

Council purchased the land by property transfer dated 18 March 1968. The site is approximately 390m<sup>2</sup> in area and is partially impacted by flooding. The land is zoned R3 Medium Density Residential and is within 400 metres of Hall Park. It is considered suitable for development, subject to consent. The Planning Proposal intends to reclassify this property from Community to Operational land.

26 Tulloch Street East Branxton

The property was dedicated as public reserve by registration on 14 June 1979. The site is approximately 1,300m<sup>2</sup> in area and is currently zoned R2 Low Density Residential. It is located at the end of the cul de sac and is within 150m of an existing local park on the corner of Tulloch Street and Dalwood Road. The Planning Proposal intends to reclassify this property from Community to Operational land.

29-31 Cessnock and 27-29 Aberdare Streets Kitchener

The property was vested as public reserve on 19 March 1976. The land comprises 4 parcels and is located opposite the Poppet Head Park off Quorrobolong Road at Kitchener. Poppet Head Park is a regional level recreation facility. The land is partially affected by bushfire buffer but is considered suitable for development subject to consent. Each parcel is approximately 1000m<sup>2</sup> in area and is zoned RU5 Village. The Planning Proposal intends to reclassify this property from Community to Operational land.

10 and 12 Quorrobolong Road Cessnock

Council purchased these properties on 30 June 2005. 10 Quorrobolong Rd is 1200m<sup>2</sup> and contains a dwelling while 12 Quorrobolong Rd is 1050m<sup>2</sup> and is vacant. 12 Quorrobolong Road has been identified as the whole of an existing holding and therefore would have a dwelling entitlement (subject to development consent). Both these parcels are part of a historic subdivision of 10 small rural lots of a similar size and are located within the RU2 Rural Landscape zone on the urban periphery of Cessnock town centre.

Both the parcels adjoin bushland that is zoned RE1 Public Recreation to the east and are located within 400 metres by road of Baddeley Park. Both the parcels are partially flood prone with a flood classification of H1-H2 which is generally suitable for residential development (subject to development consent).

The Planning Proposal intends to reclassify these properties from Community to Operational land.

**Planning and Environment**

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**Planning and Environment**



In summary, reclassification of the above properties to operational and rezoning of the Stephen St property will enable the sites to be sold and/or developed for future infill residential development. The proposed reclassifications will promote infill development and are therefore considered to be consistent with the Hunter Regional Plan 2036 and the City Wide Settlement Strategy 2010.

All of the properties included in the Planning Proposal with the exception of properties at Cessnock Street, Aberdare have been identified in strategic open space reviews as surplus to Council's requirements. The properties have been identified as not being well located or suited for open space and recreation purposes in line with future community needs. Other recreation areas in these localities are considered to be more suitable and will be upgraded over time to ensure that the recreation needs of the community will be met in the most effective way.

**Lot 61, DP263594, Evatt St Pelaw Main**

Lot 61, DP263594, Evatt St Pelaw Main is not recommended to be reclassified as it is required to be retained by Council for drainage purposes. There is an existing large drainage basin on the land which makes it unsuitable for future development purposes.

**OPTIONS**

Council has the following options:

1. That Council request a Gateway determination for the Planning Proposal – Reclassification and rezoning of properties at Aberdare, Cessnock, East Branxton and Kitchener, from the Department of Planning and Environment pursuant to the Environmental Planning and Assessment Act 1979.  
*This is the recommended option.*
2. That Council not proceed with the Planning Proposal – Reclassification and rezoning of properties at Aberdare, Cessnock, East Branxton and Kitchener,  
This is not the preferred option.
3. That Council make amendments to the Planning Proposal.  
This is not the preferred option.

**CONSULTATION**

The report has been prepared in consultation with Strategic Property, Development Services and Open Space and Community Facilities Departments of Council.

**STRATEGIC LINKS**

**a. Delivery Program**

The Planning Proposal is consistent with the following priorities and objectives in the Cessnock 2027 Community Strategic Plan:

A sustainable and prosperous economy  
Objective 2.1 - Diversifying local business options

**Planning and Environment**

**Report No. PE19/2018**

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Objective 2.2 - Achieving more sustainable employment opportunities.

A sustainable and healthy environment

Objective 3.2 - Better utilisation of existing open space.

The proposed reclassifications and rezoning will result in potential opportunities for infill housing which will provide future business and employment opportunities for a growing population. The reclassifications and future sale and/or development of these properties will also allow Council to focus future investment in existing open spaces and new recreation facilities which are better suited and located for the Cessnock community.

**b. Other Plans**

City Wide Settlement Strategy 2010 (CWSS)

The CWSS is Council's primary strategic planning policy. The CWSS directs growth across the local government area and informs changes to the Cessnock Local Environmental Plan 2011.

Part 5 of the CWSS refers to the provision of residential land. Section 5.3 and 5.4 identify specific areas of infill residential development. The subject locations are all within infill urban areas. In addition Section 6.2 specifically nominates additional development to be considered suitable in the villages of Ellalong, Paxton, Millfield and Kitchener due to the availability of specific services including water and sewer.

Hunter Regional Plan 2036

The Planning Proposal is consistent with Direction 21: Create a compact settlement and related actions to support further development within existing towns and villages in the region.

**IMPLICATIONS**

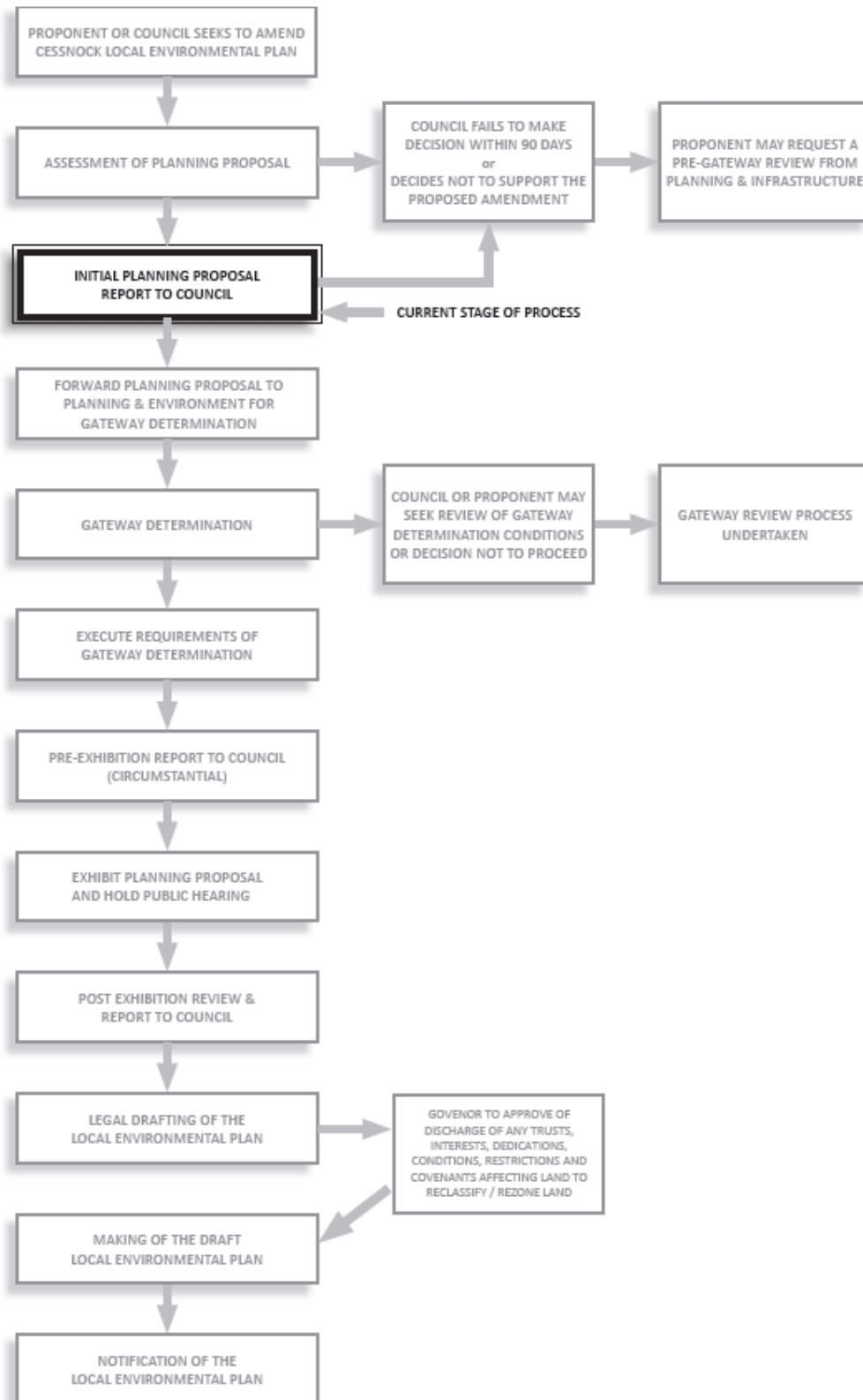
**a. Policy and Procedural Implications**

The status of the Planning Proposal is identified in the following process flow chart.

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PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN FOR RECLASSIFICATION



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**b. Financial Implications**

The proposed reclassification/rezoning of these subject sites will enable Council to sell and/or develop these properties for development purposes.

Council has endorsed a Financial Sustainability Initiative which includes a Strategic Property Review. This review has the intent of focusing on ensuring the community's needs are met by a balanced portfolio of land that provides services as well as sustainable revenue-generating opportunities.

These parcels have been deemed as surplus to requirements with the funds from the proposed sale and/or development to be utilised to acquire and maintain a balanced portfolio of property investments ensuring maximum capital growth, a recurrent income source and the financial capacity to further invest and develop.

This will ensure that Council can look to become more financially sustainable and, in the long term, generate sufficient funds to provide the levels of service and infrastructure agreed with the local community needs to increase reliance on own sourced revenue.

**c. Legislative Implications**

The amendment will be undertaken in accordance with the *NSW Environmental Planning and Assessment Act 1979* (Section 3.4) and the *NSW Local Government Act 1993* (Sections 27-34).

**d. Risk Implications**

The risk implications are considered to be low as the proposal will be progressed in accordance with relevant legislation and procedures and Council's strategic planning framework.

**e. Environmental Implications**

The reclassifications and rezoning are expected to have minimal environmental impact. The properties at Quorrobolong, Kitchener and Aberdare are partially affected by bushfire prone land. The sites at Quorrobolong Road Cessnock and William Street Cessnock are partially affected by flooding but it is considered that the flood risk can be effectively managed.

Land at Cessnock St Aberdare is in the Tomalpin Mine Subsidence District. Future development at Aberdare may be subject to development conditions to satisfactorily address the above constraint.

The properties at Kitchener and Aberdare also adjoin local heritage items. The land at Kitchener adjoins the heritage item Collieries of the South Maitland Coalfields (Poppet Head Park) and the properties at Aberdare adjoin the item South Maitland Railway System. It is therefore considered that the proposed sites would be suitable for residential development with any conditions considered at development stage.

**f. Other Implications**

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Timing of planning proposals of this nature are difficult to estimate in terms of completion of the process which is set by the NSW Government. Under normal circumstances, planning proposals may take anywhere from 6 months to several years, depending on the level of state agency involvement and outcomes from community engagement and any submissions received.

**CONCLUSION**

The Planning Proposal seeks to reclassify and rezone a number of properties to operational land in order for the subject sites to be sold by Council for future residential infill development. The recommended properties are poorly suited for open space purposes.

Reclassification of the properties that are in this proposal from community to operational land is consistent with Council's strategic approach to future management and development of open space lands in the City. Council has also undertaken a strategic property review that focuses on ensuring the community's needs are met by a balanced portfolio of land that provides services as well as sustainable revenue-generating opportunities.

Possible sale and/or development of the properties by Council following the reclassification will be in accordance with Council's Investment Policy.

**ENCLOSURES**

- 1 ➡ Minutes of the Council Meeting of 21 June 2017 for Report PE31/2017
- 2 ➡ Planning Proposal to Reclassify Properties at Aberdare, Cessnock, East Branxton and Kitchener
- 3 ➡ Locality and Property Maps



## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE19/2018**

**SUBJECT:** **PLANNING PROPOSAL TO RECLASSIFY VARIOUS PROPERTIES AT ABERDARE, CESSNOCK, EAST BRANXTON AND KITCHENER.**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Stapleford

1. That Council request a Gateway determination for the Planning Proposal – Reclassification and rezoning of properties at Aberdare, Cessnock, East Branxton and Kitchener, from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
2. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
3. That Council receive a report on the outcomes of the community consultation on the Planning Proposal.

**AMENDMENT**      **Moved:** Councillor Olsen

1. That Council request a Gateway determination for the Planning Proposal – Reclassification and rezoning of properties at Aberdare, Cessnock, East Branxton and Kitchener with the exception of 6 William Street, Cessnock, from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
2. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
3. That Council receive a report on the outcomes of the community consultation on the Planning Proposal.

*The Amendment lapsed for want of a Seconder.*

*The Motion was then **PUT** and **CARRIED***

**MOTION**            **Moved:**    Councillor Suvaal            **Seconded:**    Councillor Stapleford

1

**RESOLVED**

1.    That Council request a Gateway determination for the Planning Proposal – Reclassification and rezoning of properties at Aberdare, Cessnock, East Branxton and Kitchener, from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
2.    That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
3.    That Council receive a report on the outcomes of the community consultation on the Planning Proposal.

**FOR**

Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (12)**

**AGAINST**

Councillor Olsen

**Total (1)**

**CARRIED**