



PLANNING PROPOSAL

Amendment to the *Cessnock Local Environment Plan 2011*

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

Version 2

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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 and RU3 – Forestry 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 RU5 - Village and R5 - Large Lot Residential split zones; and
- Streamline the approvals process for A-frame signage and real estate directional signage.

PART 2: EXPLANATION of PROVISIONS

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.

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.

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.

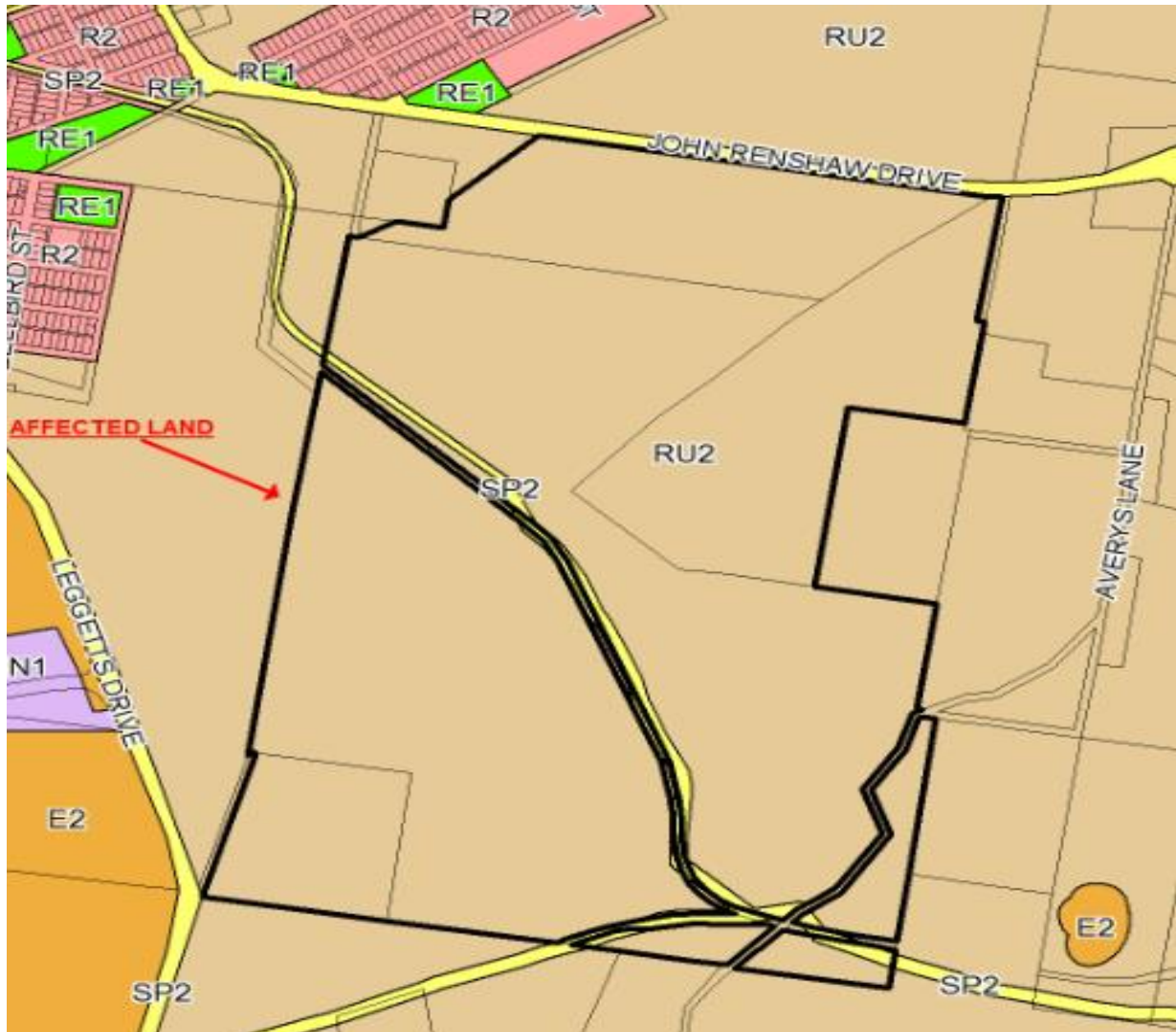


Figure 1

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 1(b)

The purpose of this amendment is to rezone land recently added to the Yengo National Park as part of voluntary acquisition 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 2 and contains 215ha, being Lots 67, 91, 140, 179, 180, 193, 194, 207 DP755272 and Lot 19 DP755213 at Paynes Crossing.

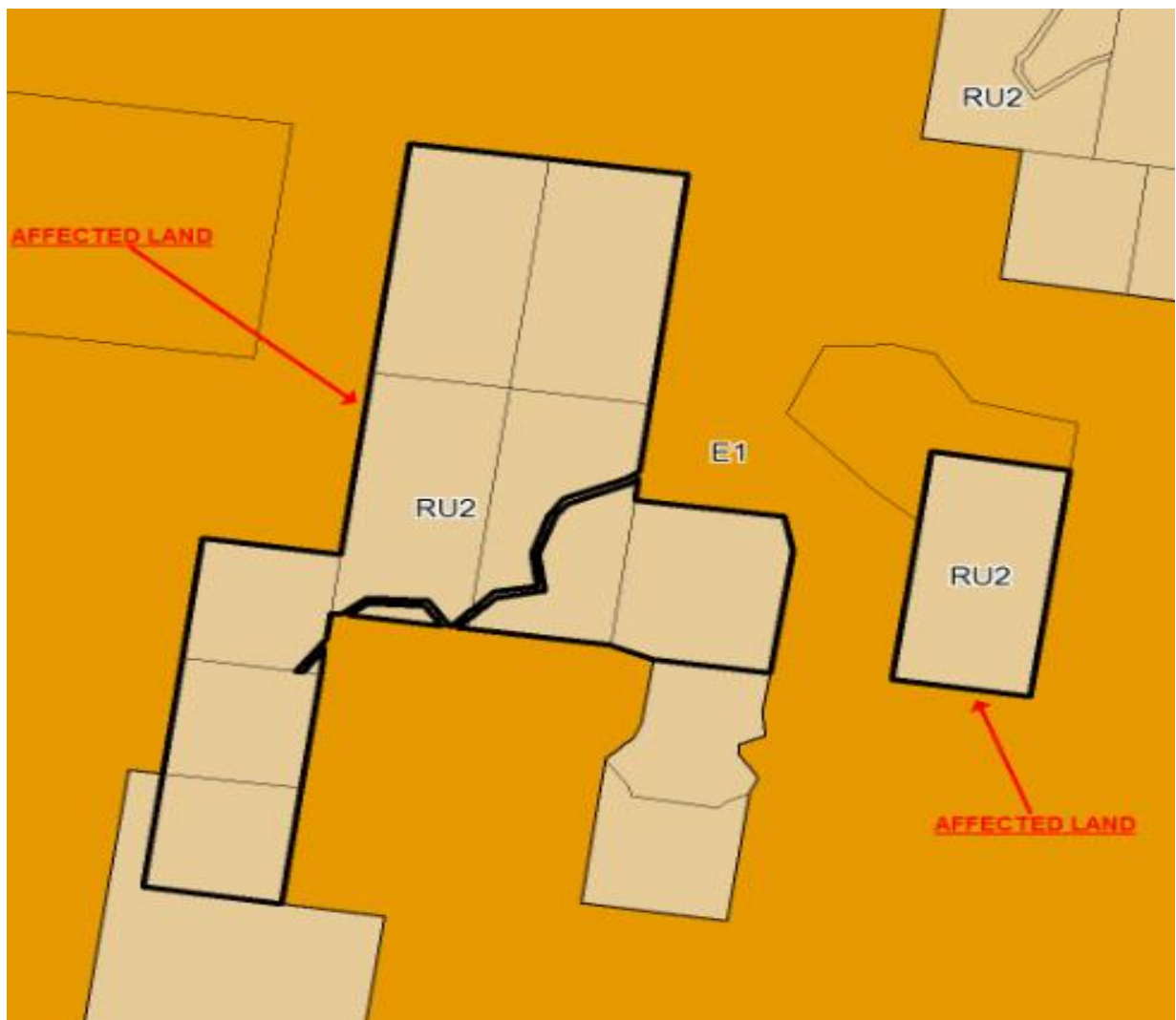


Figure 2

Recommendation

- Land Zoning Map (LZN 003 and LZN 004) and Minimum Lot Size Map (LSZ 003 and LSZ 004) be amended to zone Lots 67, 91, 140, 179, 180, 193, 194, 207 DP755272 and Lot 19 DP755213 from RU2 - Rural Landscape to E1 - National Parks and Nature Reserves zone and from 40ha to 200ha minimum lot size respectively.

Amendment 1(c)

The purpose of this amendment is to rezone land recently added to the Yengo National Park as part of a compensatory offset package 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 3 and contains 235ha, being Lot 24, 32, 43, 46, 64 DP755213 and Lot 126 DP 755272 at Yengo.

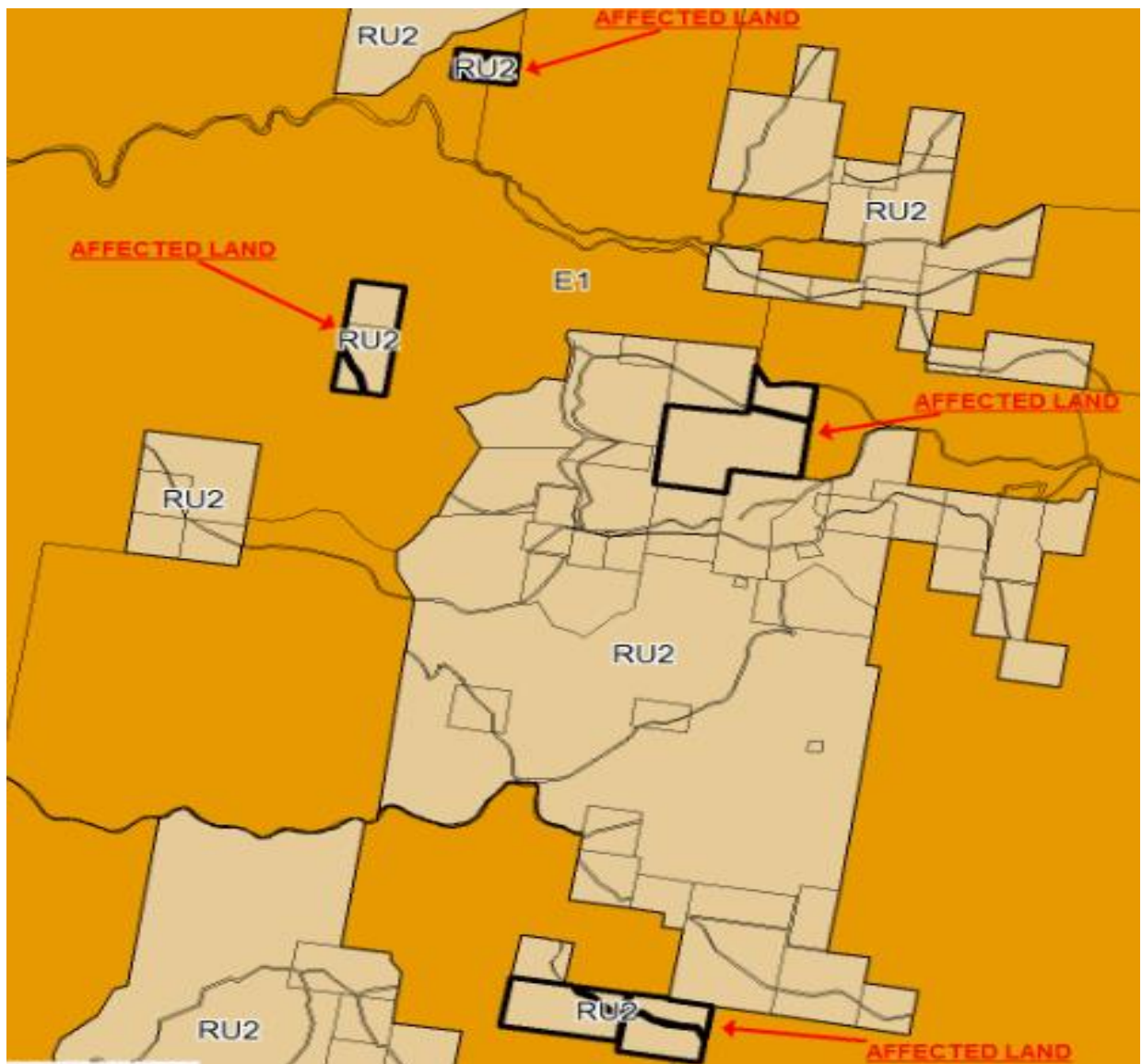


Figure 3

Recommendation

- Land Zoning Map (LZN 003 and LZN 004) and Minimum Lot Size Map (LSZ 003 and LSZ 004) be amended to zone Lots 24, 32, 43, 46, 64 DP755213 and Lot 126 DP 755272 from RU2 - Rural Landscape to E1 - National Parks and Nature Reserves zone and from 40ha to 200ha minimum lot size respectively.

Amendment 1(d)

The purpose of this amendment is to rezone land to be added to the National Park Estate as part of a compensatory habitat for development offsets 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 4 and contains 640.08ha, being Lot 181 DP 755241, Lot 63 DP755217 at Cedar Creek and Sweetmans Creek.

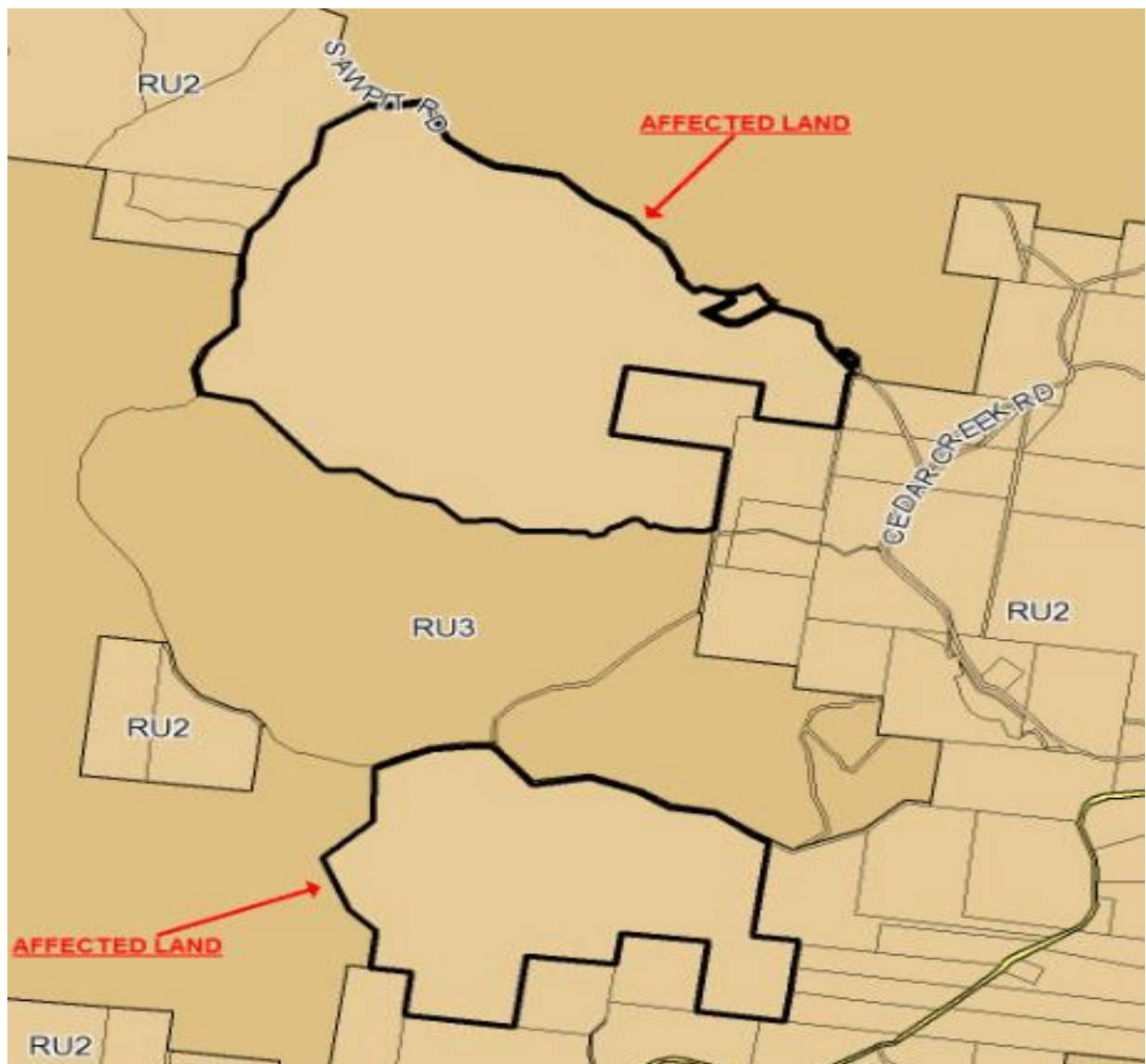


Figure 4

Recommendation

- Land Zoning Map (LZN 006A and LZN 006B) and Minimum Lot Size Map (LSZ 006A and LSZ 006B) be amended to zone Lot 181 DP 755241, Lot 63 DP755217 from RU2 - Rural Landscape to E1 - National Parks and Nature Reserves zone and from 40ha to 200ha minimum lot size respectively.

Amendment 1(e)

The purpose of this amendment is to rezone land to be added to the National Park Estate as part of a compensatory habitat for development offsets from RU2 - Rural Landscape and RU3 - Forestry 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 5 and contains 547.60ha, being Lot 165 DP755219 and Lot 220 DP755230 at Corrabare, and Watagan Creek.

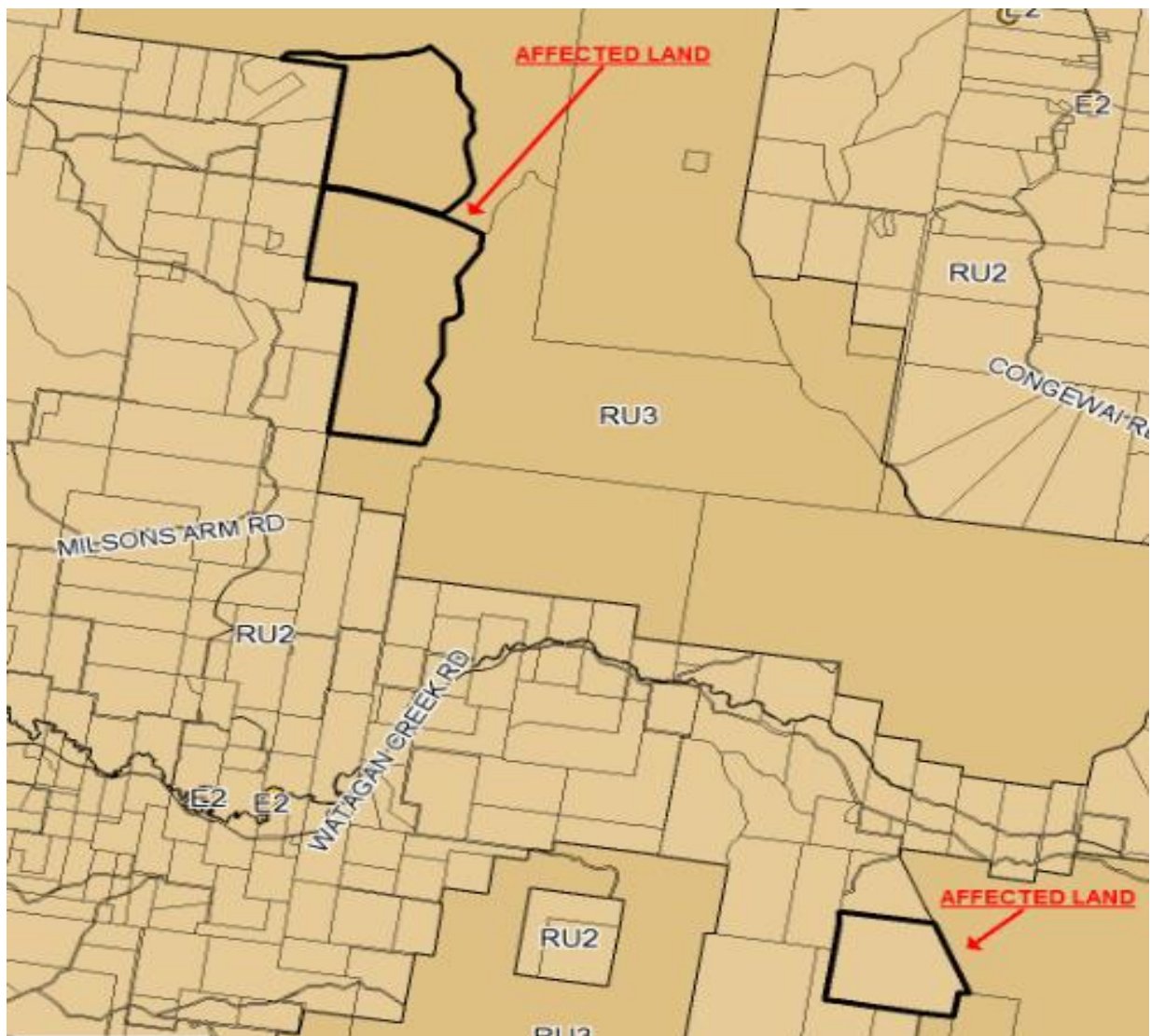


Figure 5

Recommendation

- Land Zoning Map (LZN 006B and LZN 007) and Minimum Lot Size Map (LSZ 006B and LSZ 007) be amended to zone Lot 165 DP755219 and Lot 220 DP755230 from RU2 - Rural Landscape and RU3 - Forestry 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.

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. 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 remove 'general industry' from the prohibited 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.

Affected Land

The amendment is not specific to any one location, but will apply to land with a split RU5 - Village and R5 - Large Lot Residential zone in the Cessnock Local Government Area.

Recommendation

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

The following changes (~~struck through~~ and **highlighted**) 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**.

~~(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) and in a residential, business or industrial zone 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 Zone E2 Environmental Conservation or Zone E3 Environmental Management 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.~~

(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 all of the land in E2 Environmental Conservation, Zone E3 Environmental Management or Zone R5 Large lot Residential that was in the original lot, and:

(i) an existing dwelling, or

(ii) land in 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

(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.

Amendment 5 - Schedule 2 – Exempt Development**Issue**

The purpose of this amendment is to streamline the approvals process for certain forms of 'low impact' signage development, including A-frame signage and real estate directional signage.

Presently, A-frame signage and real estate directional signage that are erected in the road reserve require both development consent and consent under Section 138 of the Roads Act 1993.

Adding these forms of signage to Schedule 2 – Exempt Development would eliminate the need for a business owner to obtain multiple consents when satisfying a prescribed list of criteria.

Council, as the roads authority for local roads, will still maintain a measure of control over the signage under the Roads Act 1993.

A development consent is required if any one of the exempt development criteria relating to A-frame signage and real estate directional signage is unable to be satisfied.

Affected Land

The amendment is not specific to any one location, applying to all lawfully established businesses in the Cessnock Local Government Area.

Recommendation

- Amend Schedule 2 – Exempt Development of the LEP and add the following exempt development criteria relating to A-frame signage and real estate directional signage.

A-frame sign boards and structures

Must comply with all of the following:

- a) Must be associated with a lawfully established business,
- b) Maximum of 1 per premises,
- c) Maximum size—600mm × 900mm,
- d) Must not be illuminated,
- e) Must be on the part of the footpath that is adjacent to that business,
- f) Must not obstruct access to the premises, adjacent premises or pedestrians using footpath,
- g) Must not reduce the number of car spaces on the site of the development,
- h) Must be temporary and removed at the close of business each day,
- i) Must be secure and stable,
- j) Must be prepared in a professional manner and installed in accordance with the manufacturer's specifications and any relevant Australian Standards,

- k) Lettering and artwork on A-frame signs is to be non-offensive in terms of images, words, and language used,
- l) Must be authorised under Division 3 of Part 9 of the Roads Act 1993,
- m) Must not relate to a building being used as restricted premises.

Directional real estate signs on certain land

- (1) Must be on land in a residential, business or industrial zone or on land in Zone RU2, Zone RU4, Zone RE2, Zone SP2 or Zone SP3 that is not part of an approved subdivision that is being advertised for sale.
- (2) Must comply with the general requirements for signage and advertising specified in clause 2.83 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- (3) Maximum area:
 - (a) in a rural or residential zone—4.5m², or
 - (b) in any other zone—6m².
- (4) Must be located within a 3km radius of the subdivision.
- (5) Maximum—4 signs.
- (6) If the nearest major arterial road or freeway is located outside the 3km radius, 3 additional signs may be located outside the 3 km radius.
- (7) Must relate to the subdivision as a whole and not to individual lots.
- (8) Must be removed as soon as practicable after all the land in the subdivision has been sold.

PART 3: JUSTIFICATION

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

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

Section A: Need for Proposal

1 *Resulting from a Strategic Study or Report*

The Planning Proposal 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.

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

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

SEPP	Relevance	Consistency and Implications
(Redevelopment of Urban Land)	land suitable for multi-unit housing and related development.	the operation of this SEPP
SEPP 33 - Hazardous & Offensive Development	The SEPP provides considerations for consent for hazardous & offensive development.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 36 - Manufactured Homes Estates	The SEPP makes provision to encourage manufactured homes estates through permitting this use where caravan parks are permitted and allowing subdivision.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 39 – Spit Island Bird Habitat	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 44 - Koala Habitat Protection	This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 47 – Moore Park Showground	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 50 - Canal Estate Development	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
SEPP 52 – Farm Dams and Other works in Land and Water Management Plan Areas	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 55 - Remediation of Land	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 59 – Central Western Sydney Regional Open Space and Residential	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 62 - Sustainable Aquaculture	The SEPP relates to development for aquaculture and to development arising from the rezoning of land and is of relevance for site specific rezoning proposals.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP

SEPP	Relevance	Consistency and Implications
SEPP 64 - Advertising and Signage	The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 65 - Design Quality of Residential Development	The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 70 – Affordable Rental Housing (Revised Schemes)	The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP 71 – Coastal Protection	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Affordable Rental Housing 2009	The aims of this Policy are as follows: (a) to provide a consistent planning regime for the provision of affordable rental housing, (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards, (c) to facilitate the retention and mitigate the loss of existing affordable rental housing, (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing, (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing, (f) to support local business centres by providing affordable rental housing for	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.	
SEPP Building Sustainability Index: BASIX 2004	The SEPP provides for the implementation of BASIX throughout the State.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP Exempt and Complying Development Codes 2008	The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact 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
SEPP Housing for Seniors or People with a Disability 2004	The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP Infrastructure 2007	The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP (Kurnell Peninsula) 1989	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Major Development 2005	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	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP

SEPP	Relevance	Consistency and Implications
	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.	
SEPP Mining, Petroleum Production and Extractive Industries 2007	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP Miscellaneous Consent Provisions 2007	The aims of this Policy are as follows: (a) to provide that the erection of temporary structures is permissible with consent across the State, (b) to ensure that suitable provision is made for ensuring the safety of persons using temporary structures, (c) to encourage the protection of the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration, (d) to provide that development comprising the subdivision of land, the erection of a building or the demolition of a building, to the extent to which it does not already require development consent under another environmental planning instrument, cannot be carried out except with development consent.	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP
SEPP Penrith Lakes Scheme 1989	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Rural Lands 2008	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
SEPP 53 Transitional Provisions 2011	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP State and Regional Development 2011	The SEPP aims to identify development and infrastructure that is State significant and	Consistent. Nothing in the Planning Proposal impacts upon the operation of this SEPP

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

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

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

Table 2: Relevant s.117 Ministerial Directions

Ministerial Direction	Objective of Direction	Consistency and Implication
1. EMPLOYMENT AND RESOURCES		
1. 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	<i>The objectives of this direction are:</i> <i>(a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal,</i> <i>(b) 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>	Not Applicable to LGA
5. Rural lands	The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
2. ENVIRONMENT AND HERITAGE		
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.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
1. Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.

Ministerial Direction	Objective of Direction	Consistency and Implication
	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.	
2. Caravan parks and Manufactured Home Estates	The objectives of this direction are: (a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
3. Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
4. Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
5. Development Near Licensed Aerodromes	The objectives of this direction are: (a) to ensure the effective and safe operation of aerodromes, and	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.

Ministerial Direction	Objective of Direction	Consistency and Implication
	(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 Government's Flood Prone Land Policy and the principles of the Floodplain	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.

Ministerial Direction	Objective of Direction	Consistency and Implication
	Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	
4. Planning for Bushfire Protection	The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this Direction.
5. REGIONAL PLANNING		
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	<i>The objectives of this direction are: (a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre, (b) to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and (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>	<i>Not Applicable to LGA</i>
4. Commercial and Retail Development along the	<i>The objectives for managing commercial and retail development along the Pacific Highway are:</i>	<i>Not Applicable to LGA</i>

Ministerial Direction	Objective of Direction	Consistency and Implication
<i>Pacific Highway, North Coast</i>	<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> <i>(b) to prevent inappropriate development fronting the highway</i> <i>(c) to protect public expenditure invested in the Pacific Highway,</i> <i>(d) to protect and improve highway safety and highway efficiency,</i> <i>(e) to provide for the food, vehicle service and rest needs of travellers on the highway, and</i> <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>	
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>	<i>The objectives of this direction are to:</i> <i>(a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL)</i> <i>(b) ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.</i>	<i>Not Applicable to LGA</i>

Ministerial Direction	Objective of Direction	Consistency and Implication
6. LOCAL PLAN MAKING		
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.
7. Metropolitan Planning		
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> , (b) provide a diversity of jobs and housing to meet the needs of a broad cross-	Not Applicable to LGA

Ministerial Direction	Objective of Direction	Consistency and Implication
	section of the community, and (c) guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure	

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*

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

It is proposed to consult with the Roads and Maritime Services (RMS) and the Office of Environment and Heritage (OEH) on the content of this Planning Proposal.

PART 4: MAPPING

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

Land Zoning

- 1720_COM_LZN_003_080_20150318
- 1720_COM_LZN_004_080_20150318
- 1720_COM_LZN_006A_040_20150318
- 1720_COM_LZN_006B_040_20150318
- 1720_COM_LZN_006CA_010_20160121
- 1720_COM_LZN_007_080_20150318
- 1720_COM_LZN_009A_040_20150318

Lot Size

- 1720_COM_LSZ_003_080_20150518
- 1720_COM_LSZ_004_080_20150518
- 1720_COM_LSZ_006A_040_20150518
- 1720_COM_LSZ_006B_040_20150518
- 1720_COM_LSZ_007_080_20150518
- 1720_COM_LSZ_009A_040_20150518

PART 5: COMMUNITY CONSULTATION

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

It is proposed to consult with the Roads and Maritime Services (RMS) and the Office of Environment and Heritage (OEH) on the content of this Planning Proposal.

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

PART 6: PROJECT TIMELINE

The Project Timeline will assist with tracking the progress of the Planning Proposal through the various stages of consultation and approval.

It is estimated that this amendment to the Cessnock Local Environmental Plan 2011 will be completed by in 6 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 2017	Jun 2017	July 2017	Aug 2017	Sept 2017	Oct 2017	Nov 2017
STAGE 1 Submit to DoP&E – Gateway Panel consider Planning Proposal							
STAGE 2 Receive Gateway Determination							
STAGE 3 Preparation of documentation for Public Exhibition							
STAGE 4 Public Exhibition							
STAGE 5 Review/consideration of submission received							
STAGE 6 Report to Council							
STAGE 7 Forward Planning Proposal to DoP&E with request the amendment is made							

Appendix 1: Council Report and Minutes



Acrobat Document

Council Report PE9/2017



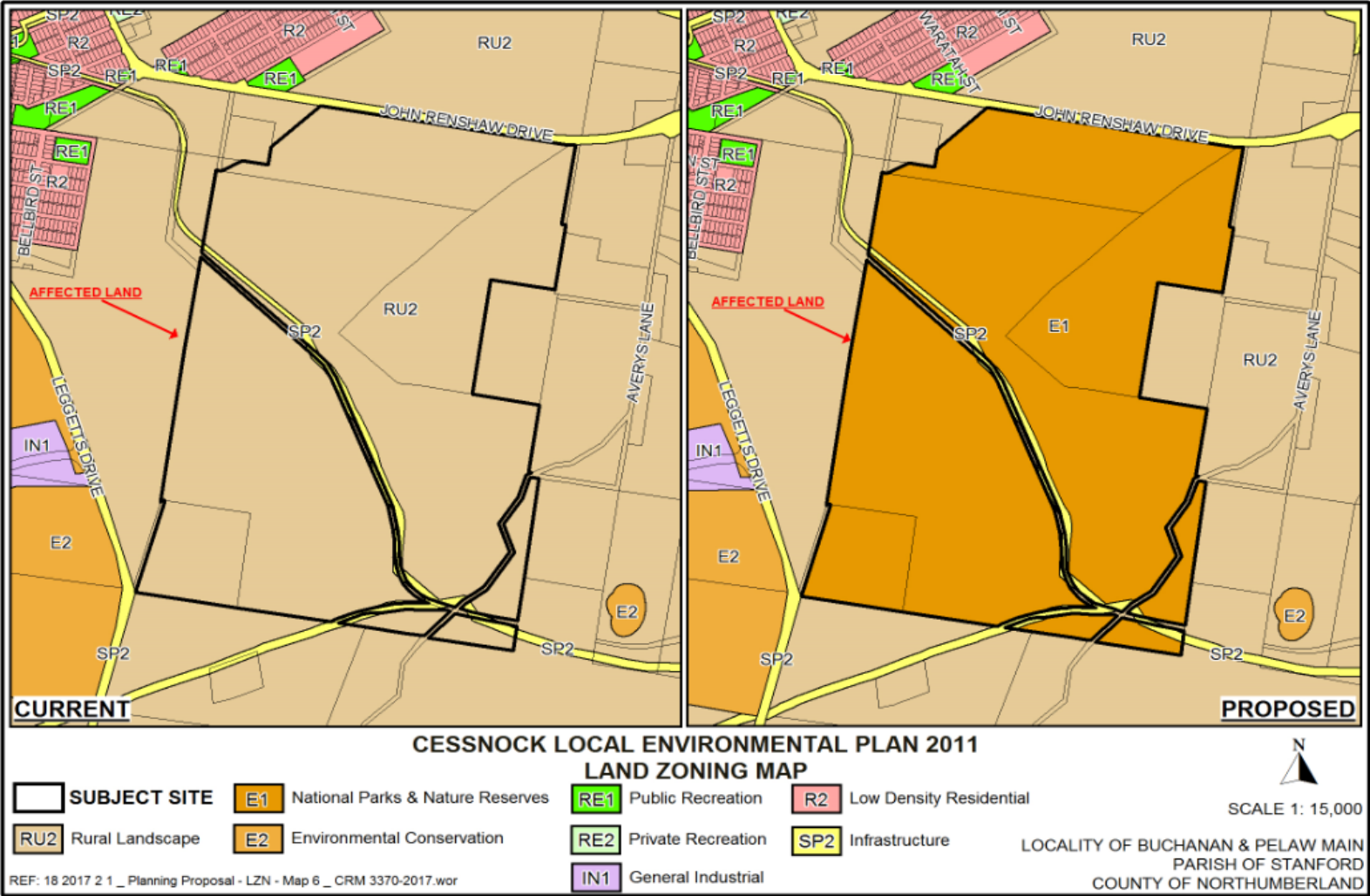
Acrobat Document

Council Minute PE9/2017

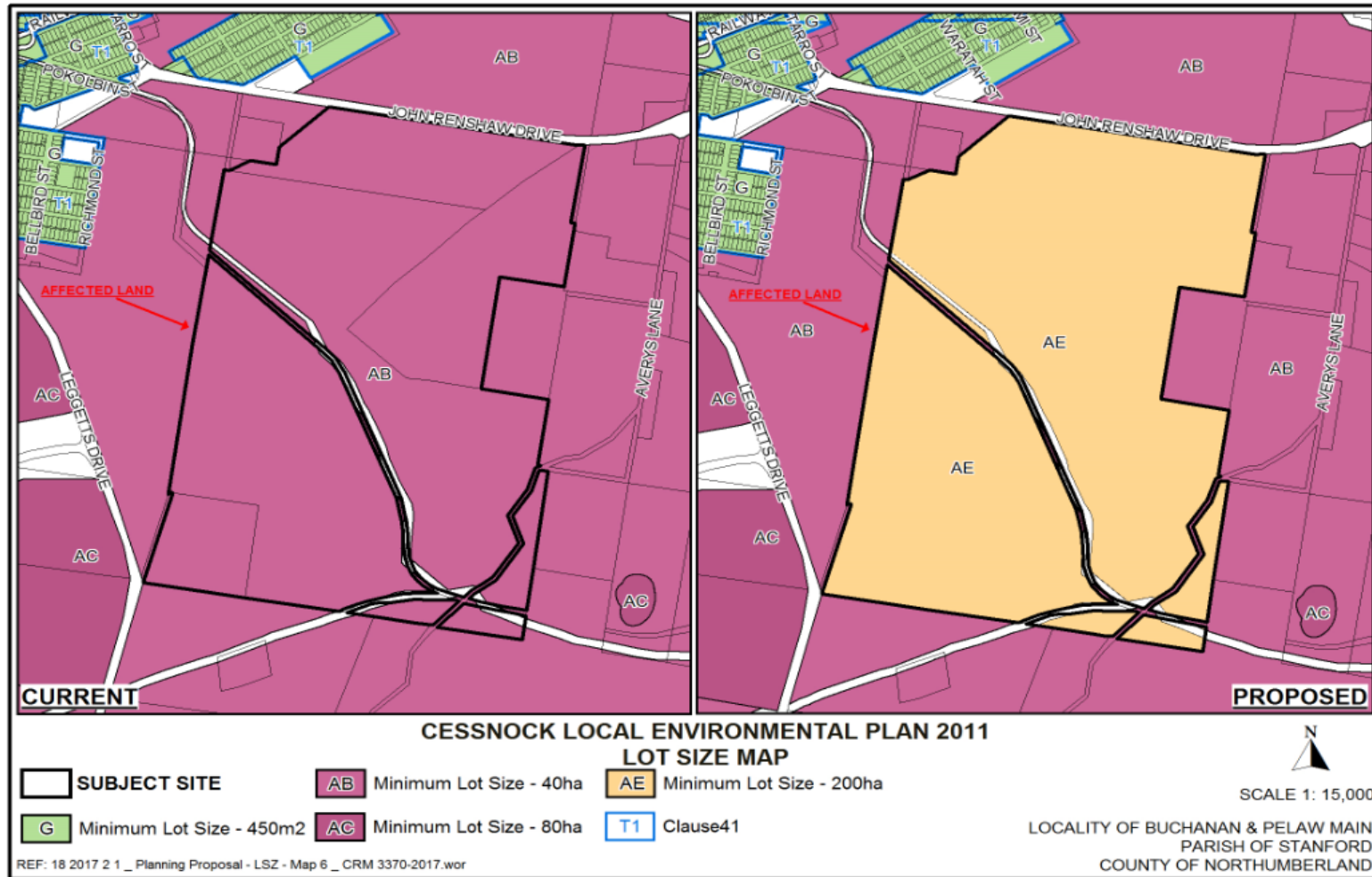
Appendix 2: Mapping Amendments

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 1(b)	Rezoning of land at Paynes Crossing from RU2 - Rural Landscape to E1 - National Parks and Nature Reserves zone
	Amend Minimum Lot Size of land at Paynes Crossing from 40ha to 200ha
Amendment 1(c)	Rezoning of land at Yengo from RU2 - Rural Landscape to E1 - National Parks and Nature Reserves zone
	Amend Minimum Lot Size of land at Yengo from 40ha to 200ha
Amendment 1(d)	Rezoning of land at Cedar Creek and Sweetmans Creek from RU2 - Rural Landscape to E1 - National Parks and Nature Reserves zone
	Amend Minimum Lot Size of land at Cedar Creek and Sweetmans Creek from 40ha to 200ha
Amendment 1(e)	Rezoning of land at Corrabare, and Watagan Creek from RU2 - Rural Landscape and RU3 – Forestry to E1 - National Parks and Nature Reserves zone
	Amend Minimum Lot Size of land at Corrabare, and Watagan Creek from 40ha to 200ha
Amendment 2	Rezone land at Cessnock from B4 - Mix Use to B3 - Commercial Core

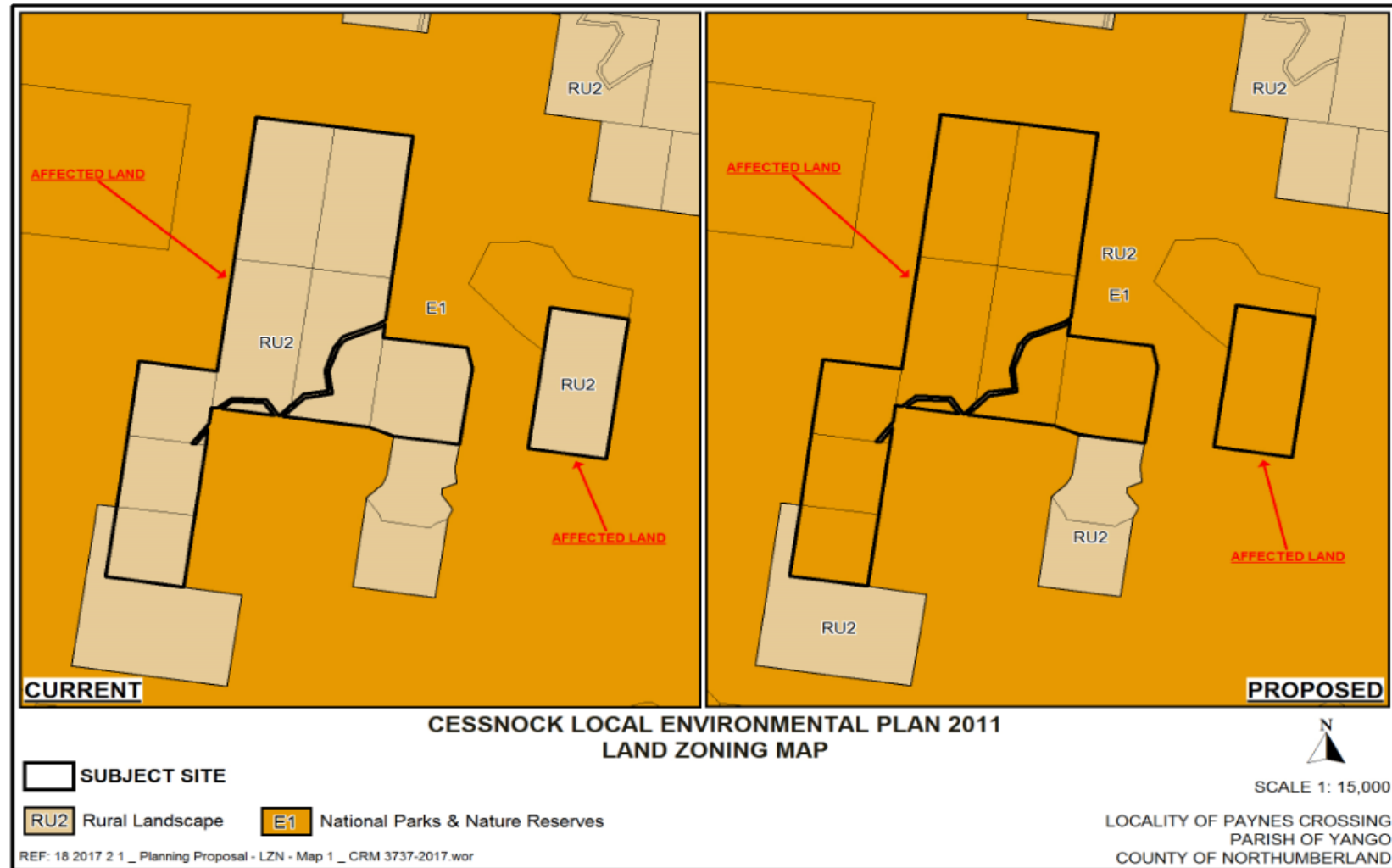
Mapping Amendment 1(a) - Rezoning of land at Buchanan from RU2 - Rural Landscape to E1 - National Parks and Nature Reserves zone



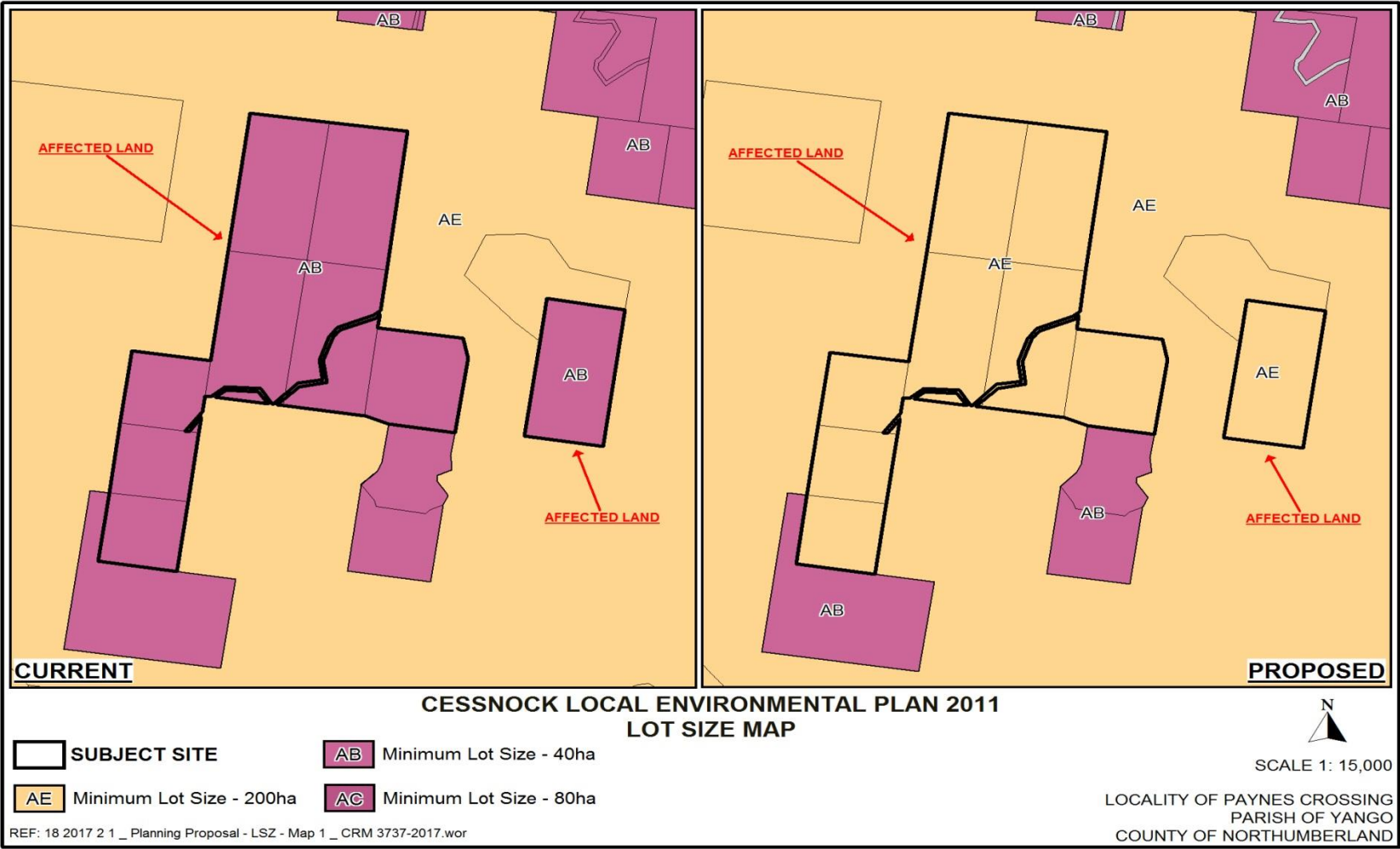
Mapping Amendment 1(a) - Amend Minimum Lot Size of land at Buchanan from 40ha to 200ha



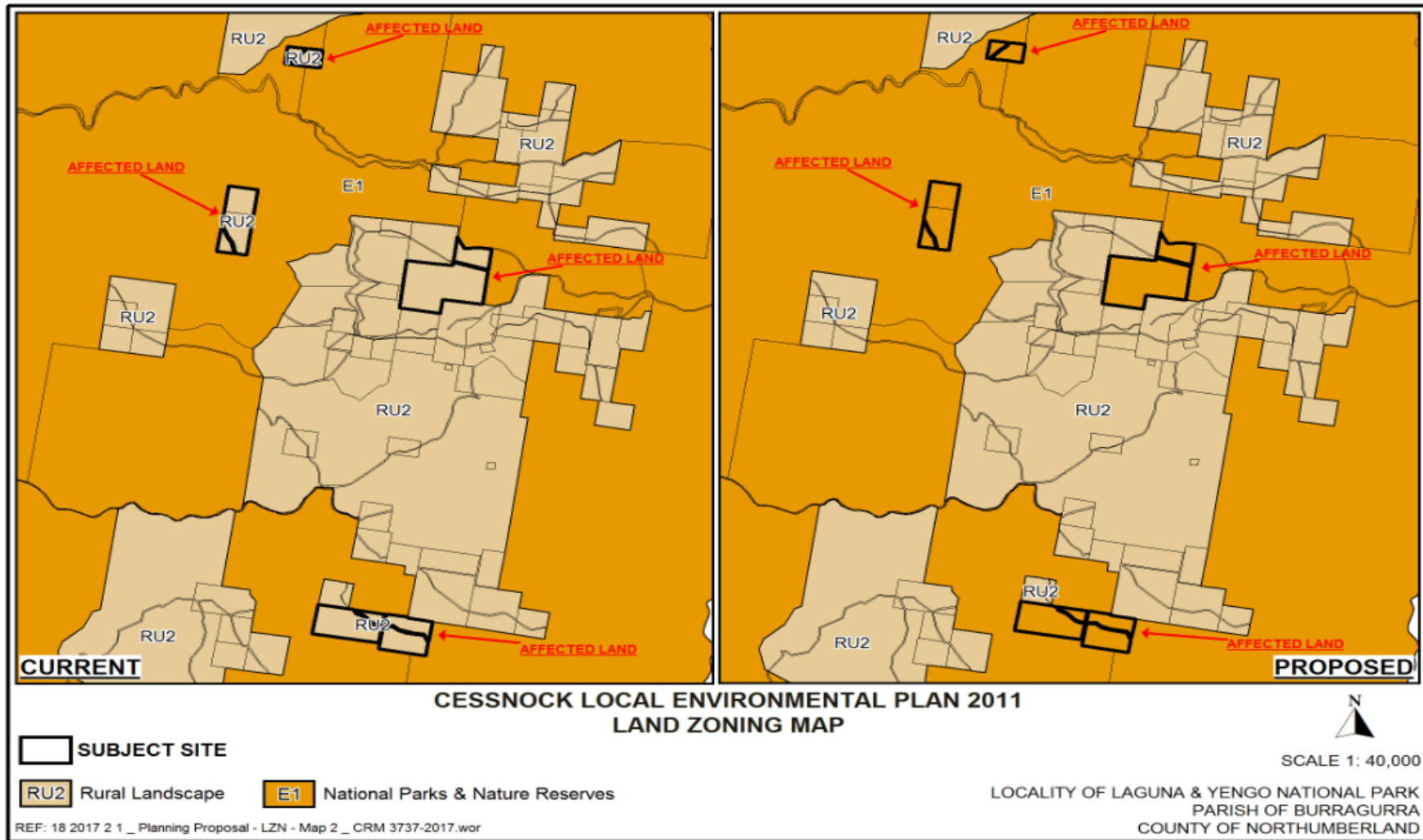
Mapping Amendment 1(b) - Rezoning of land at Paynes Crossing from RU2 - Rural Landscape to E1 - National Parks and Nature Reserves zone



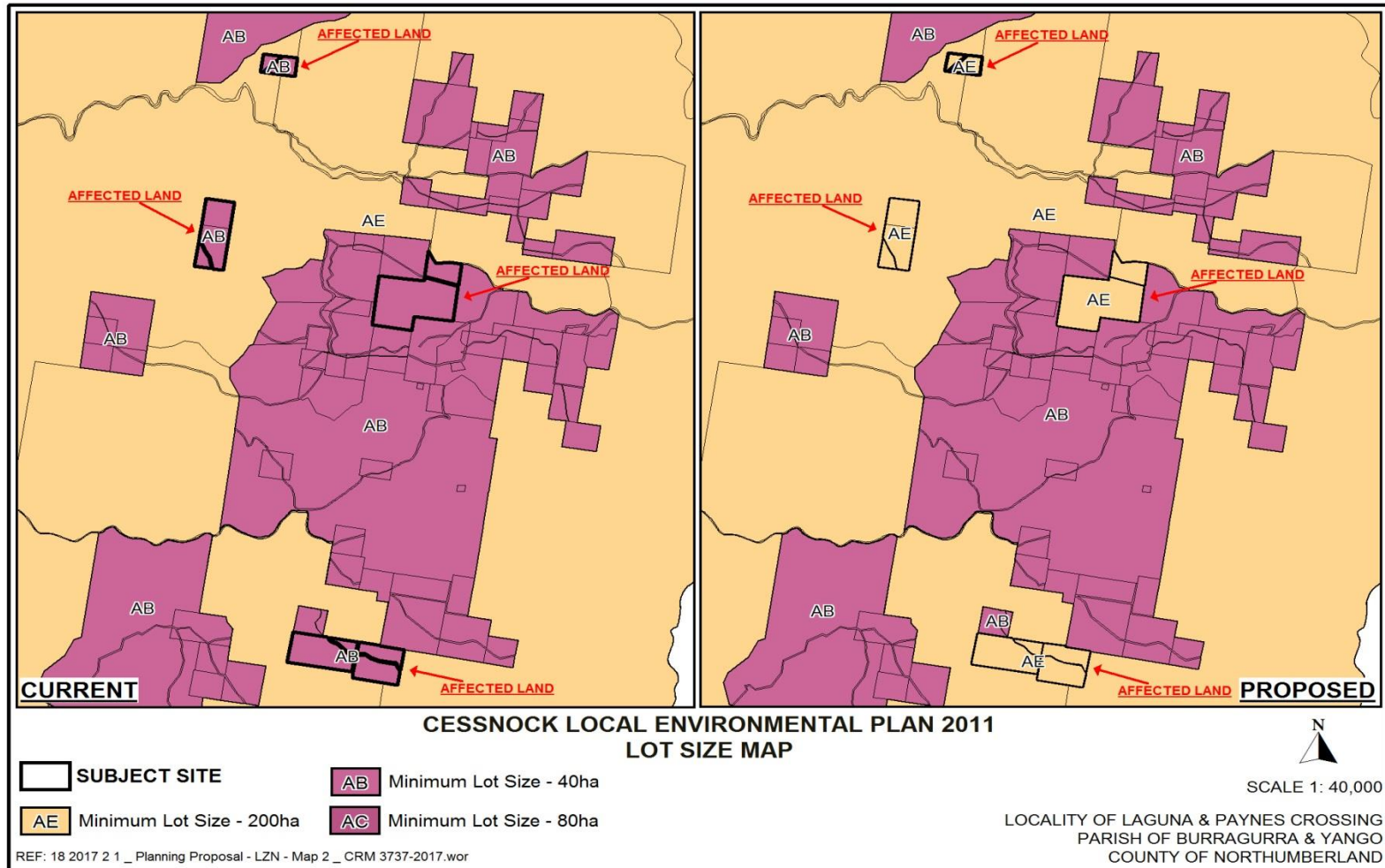
Mapping Amendment 1(b) - Amend Minimum Lot Size of land at Paynes Crossing from 40ha to 200ha



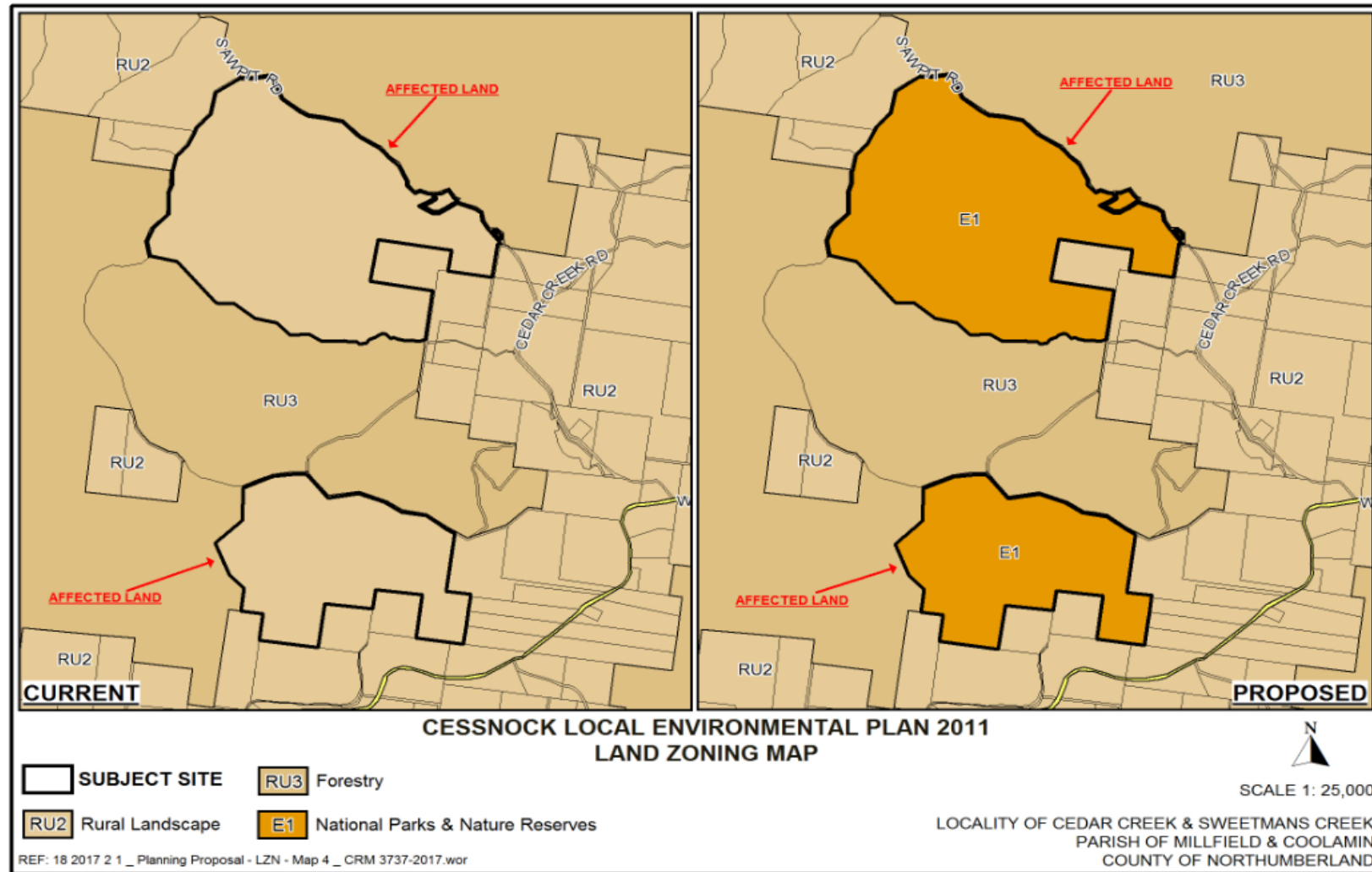
Mapping Amendment 1(c) - Rezoning of land at Yengo from RU2 - Rural Landscape to E1 - National Parks and Nature Reserves zone



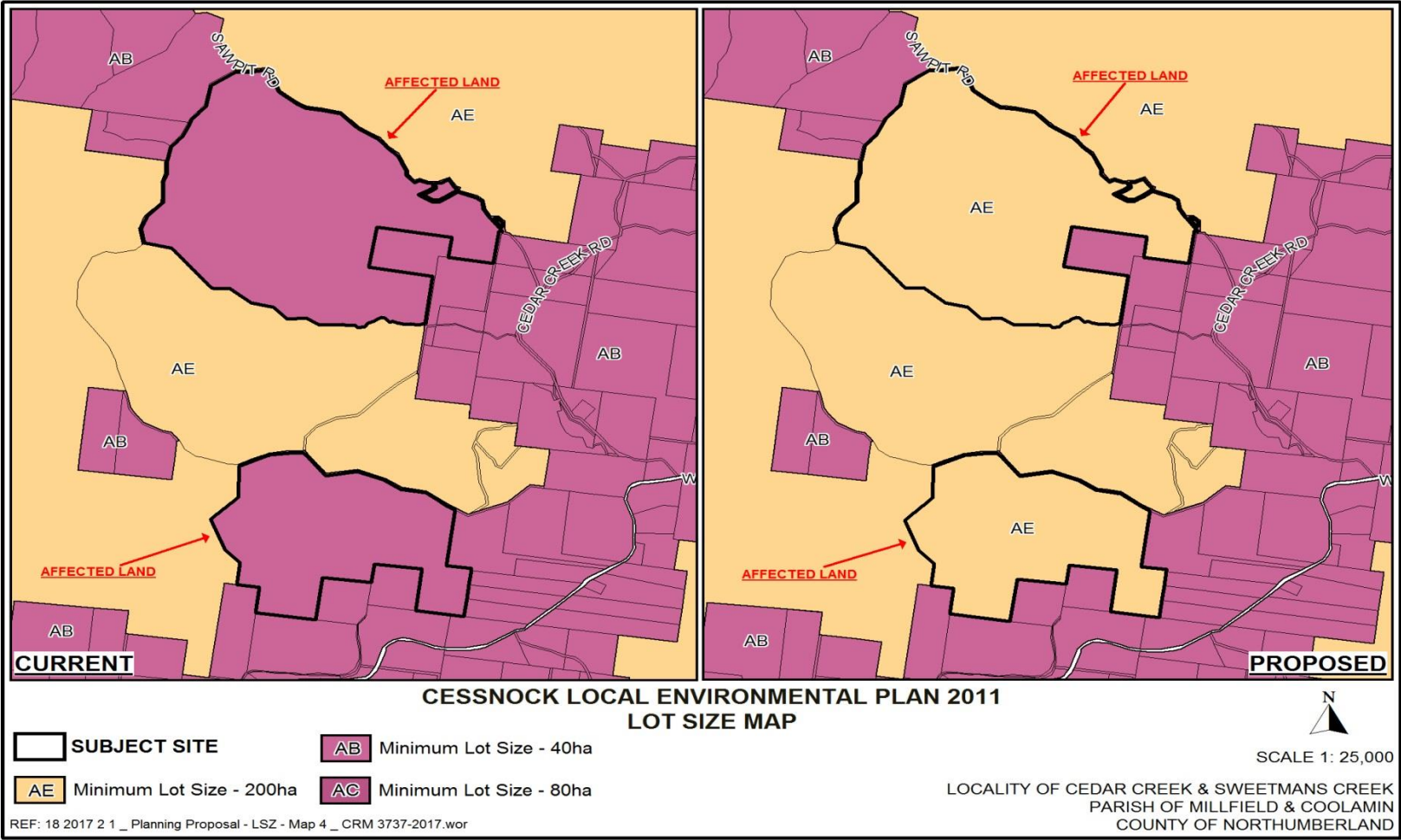
Mapping Amendment 1(c) - Amend Minimum Lot Size of land at Yengo from 40ha to 200ha



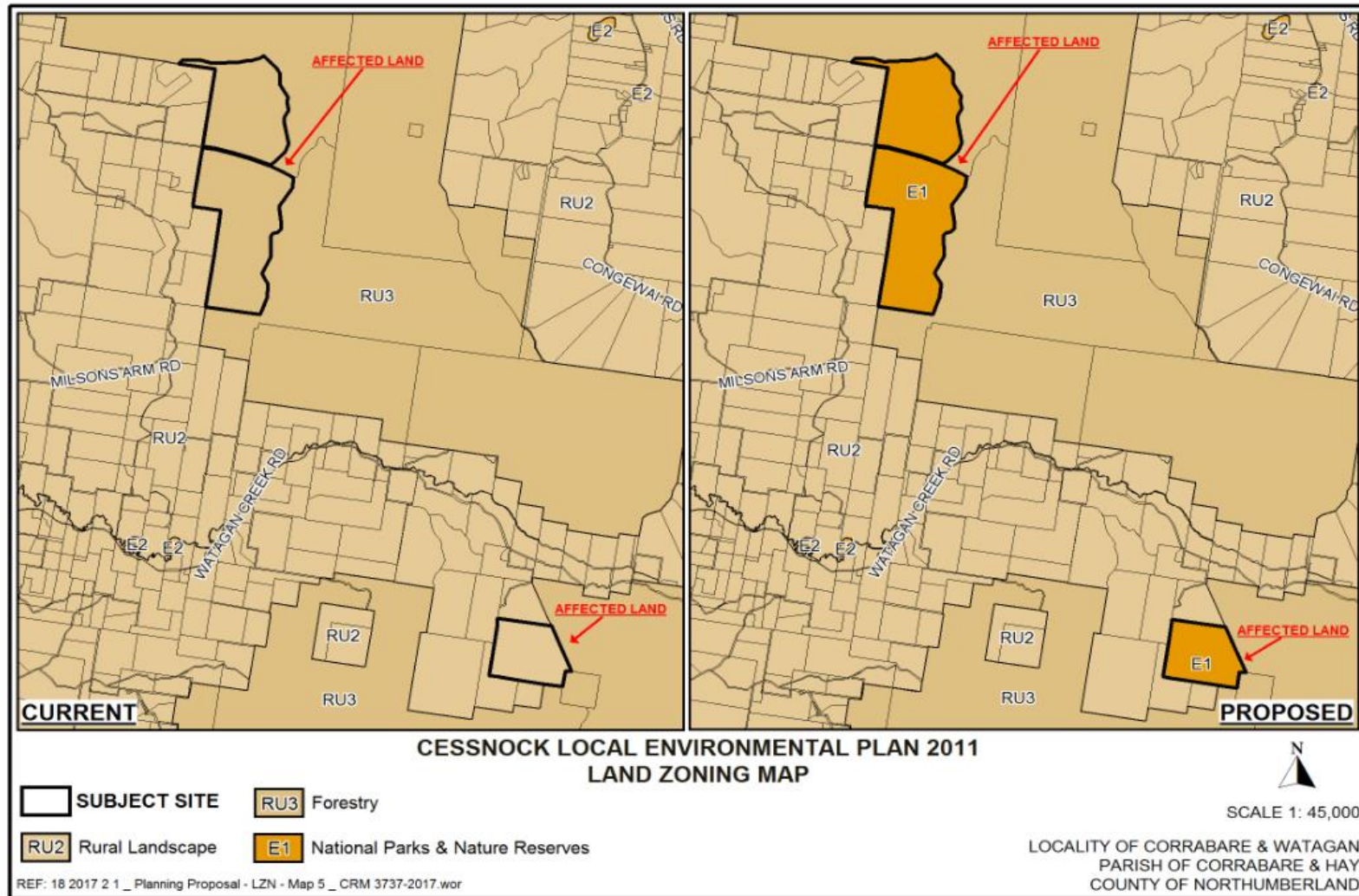
Mapping Amendment 1(d) - Rezoning of land at Cedar Creek and Sweetmans Creek from RU2 to E1 - National Parks and Nature Reserves zone



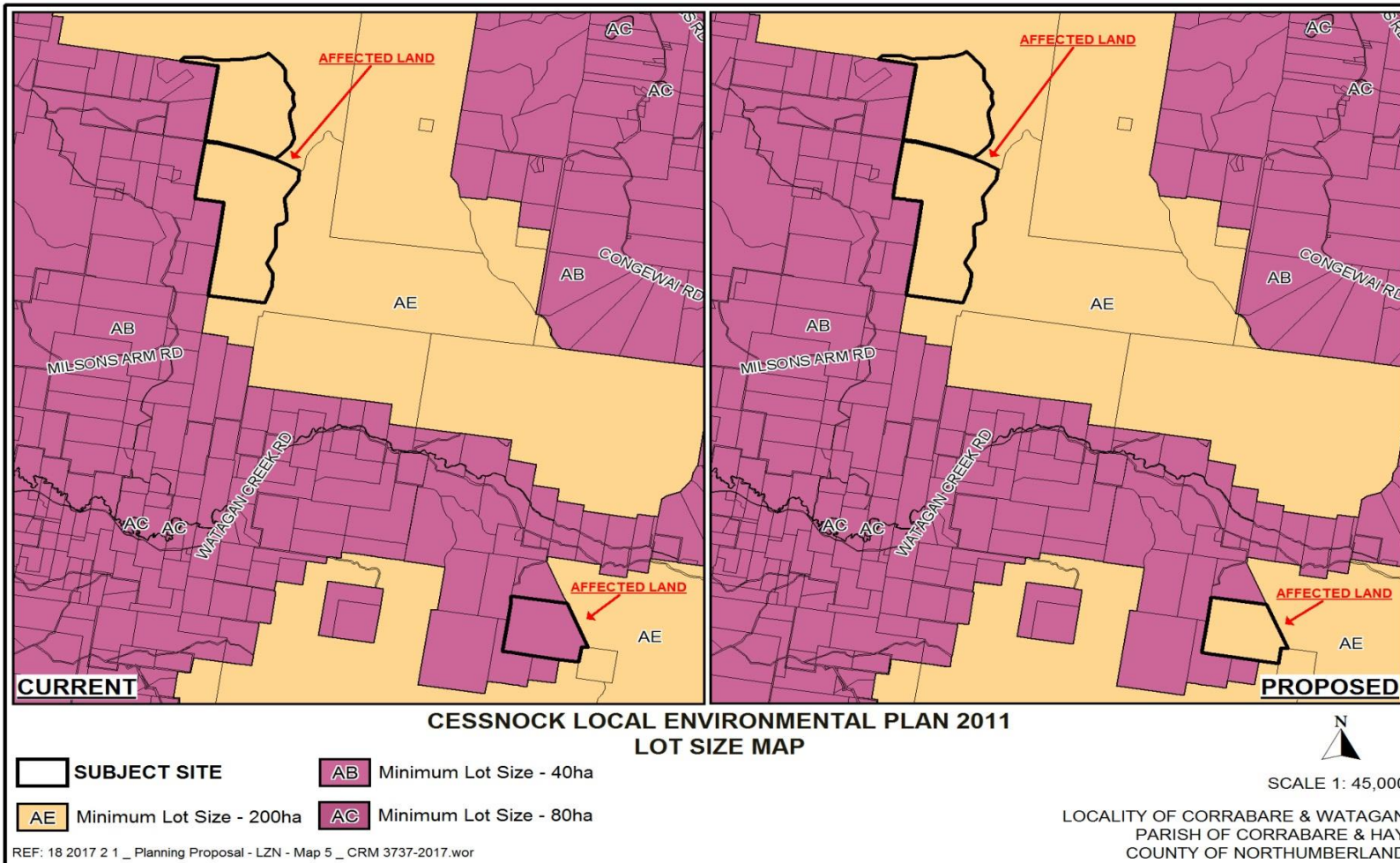
Mapping Amendment 1(d) - Amend Minimum Lot Size of land at Cedar Creek and Sweetmans Creek from 40ha to 200ha



Mapping Amendment 1(e) - Rezoning of land at Corrabare, and Watagan Creek from RU2 - Rural Landscape and RU3 – Forestry to E1 - zone



Mapping Amendment 1(e) - Amend Minimum Lot Size of land at Corrabare, and Watagan Creek from 40ha to 200ha



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

