

Cessnock LEP 2011 Minor Amendments

Proposal Title : **Cessnock LEP 2011 Minor Amendments**

Proposal Summary : **To correct a number of minor errors and anomalies within the Cessnock LEP 2011.**

PP Number : **PP_2012_CESSN_003_00**

Dop File No : **12/11090**

Proposal Details

Date Planning Proposal Received : **17-Jul-2012**

LGA covered : **Cessnock**

Region : **Hunter**

RPA : **Cessnock City Council**

State Electorate : **CESSNOCK**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street : **Broke Road**

Suburb : **Pokolbin**

City : **Cessnock**

Postcode : **2320**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Katrine O'Flaherty**

Contact Number : **0249042707**

Contact Email : **katrine.o'flaherty@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Bo Moshage**

Contact Number : **0249934241**

Contact Email : **bo.moshage@cessnock.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Lower Hunter Regional Strategy**

Consistent with Strategy : **N/A**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

A Planning Proposal for minor amendments was submitted by Council on 2 July 2012 however the submitted Planning Proposal contained a number of errors and inconsistencies. Council were subsequently requested to revise the Planning Proposal. The revisions resulted in a number of components being removed from the Proposal and the revised Planning Proposal, submitted on 17 July 2012 is the subject of this report. Cessnock Council were scheduled to consider a second Housekeeping Planning Proposal on 1 August 2012. Due to the timing and minor nature of the first proposal it was considered appropriate to delay consideration of the first proposal and consider combining the two proposals. Council resolved to submit the second proposal to the Department, however a rescission motion has been lodged and that Proposal will be further considered on 15 August. Further delay to the submitted planning proposal is not considered appropriate.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives adequately explain that the intent of the planning proposal is to correct a number of minor errors or anomalies in the Cessnock LEP 2011, gazetted on 23 December 2011.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions indicates that the planning proposal is intended to be delivered through an amendment to the Cessnock LEP 2011. This will include;**

- 1. Amendment to the land application map, land zoning and lot size maps to address the inadvertent exclusion of two parcels of land from Cessnock LEP 2011. Until this issue is resolved the Cessnock LEP 1989 provides the planning controls for this land.**
- 2. Amendment to land zoning and lot size maps to address several areas where the boundary of zone or lot size does not 'snap to' the cadastra boundary. It is noted that this issue is not identifiable on the maps published on the NSW legislation website, even at**

2000% zoom, but has been identified through the preparation of s149 certificates.

3. Amendment to heritage maps to correct errors in the location of labels for some heritage items. It is noted that Schedule 5 of the LEP is correct in relation to all these items.

4. Amendment to the land use table for Business Park zone B7 and General Industrial zone IN2, to remove 'home industries' from paragraph 4, where prohibition of this use is inconsistent with the Standard Instrument LEP.

5. Amendment to the title of clause 7.7 Subdivision of land at Lovedale Road Keindah and subclause (1) to replace 'd' with 'b' and correct the spelling of Keinbah.

6. Amendment to Schedule 5 Environmental Heritage, to Remove Item No. 62 Wentworth Hotel which was damaged by fire and subsequently demolished in 2011.

7. Amendment to a heritage map to correct the labelling of an item to reflect recent subdivision approval. It is noted that Schedule 5 of the LEP is correct in relation to all these items.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified?

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : Council have provided the relevant shape files to assist with the preparation of the maps however the Department will be required to prepare the amending maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : Council have proposed that this Planning Proposal proceed as a 73A Amendment and therefore that no community consultation is required. Although it is considered that the proposal does not entirely constitute an amendment under 73A, it is not considered necessary for consultation to occur due to the minor nature of the amendments.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment**Principal LEP:**

Due Date :

Comments in relation to Principal LEP : **Cessnock LEP was gazetted on 23 Decemeber 2011**

Assessment Criteria

- Need for planning proposal :
1. The planning proposal is a direct outcome of a review of the Cessnock LEP 2011 and implementation of the new planning controls within the LGA. Although minor matters, correction of these errors and/or anomalies will ensure the accuracy of the LEP including LEP maps.
 2. Council have proposed that the amendment should proceed as a 73A matter. 73A of the Environmental Planning and Assessment Act 1979 allows for expedited amendment of environmental planning instruments which can dispense with stages of plan making for proposals that are to correct obvious errors, address minor matters or have no significant adverse impact on the environment or adjoining land. Although many of the matters included within this proposal may be considered 73A matters, it is considered that the application of a new standard instrument zone and lot size to the two parcels of land inadvertently excluded from the LEP is not such a matter. Therefore it is considered that this proposal should proceed, all be it without a formal period of community consultation.
 3. Although no formal net community benefit test has been undertaken it is considered that there is community benefit in ensuring that the Cessnock LEP 2012 is accurate.
- Consistency with strategic planning framework :
- The Planning Proposal reflects minor amendments that do not raise any issues of inconsistency with the strategic planning framework.
- Environmental social economic impacts :
- The Planning Proposal reflects minor amendments that do not have any environmental, social or economic impacts.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	Nil
Timeframe to make LEP :	3 Month	Delegation :	DG
Public Authority Consultation - s56(2)(d) :			
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :			
Resubmission - s56(2)(b) :	No		
If Yes, reasons :			

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Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
CCC Minor Housekeeping Planning Proposal V2.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

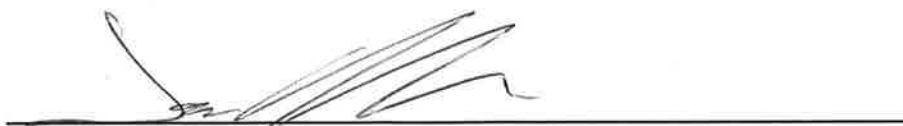
S.117 directions:

Additional Information : **The Director General as delegate of the Minister for Planning and Infrastructure determine under section 56(2) of the EP&A Act that an amendment to the Cessnock Local Environmental Plan 2011 be undertaken to address seven minor housekeeping matters, to correct errors or anomalies within the LEP, subject to the following conditions;**

- 1. Community consultation is not required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act").**
- 2. Consultation is not required with any public authorities under section 56(2)(d) of the EP&A Act.**
- 3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).**
- 4. The timeframe for completing the LEP is to be 3 months from the week following the date of the Gateway determination.**
- 5. The Department will arrange for the legal drafting of the LEP and refer it to Council consistent with section 59 (1) when a draft is available.**

Supporting Reasons : **Although minor, the planning proposal will address seven clear errors or anomalies within the Cessnock LEP 2011 and resolve uncertainty for several individuals within the LGA that arise due to these anomalies.**

Signature:



Printed Name:

James Shelton

Date:

10/8/12

