

PLANNING PROPOSAL
Amendment to the
Cessnock Local Environment Plan 2011

Section 73A Matter
Minor Amendments
Cessnock Local Environmental
Plan 2011

Version 2.0
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PART 1: OBJECTIVES and BACKGROUND

Objective

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979. The objective of this planning proposal is to correct a number of minor mapping errors, zoning and land use table anomalies as well as inconsistencies between the schedules and maps in the Cessnock Local Environmental Plan 2011.

It is considered that these matters could be an expedited amendment to the Cessnock Local Environmental Plan 2011 in accordance with Section 73A of the Environmental Planning and Assessment Act 1979.

Background

Cessnock Local Environmental Plan 2011 (the LEP) was published (gazetted) on 23 December 2011 and came into effect on that date. All new LEPs have errors or anomalies that need to be rectified. In addition to these several issues related to LEP 2011 have been identified that directly from changes to the draft LEP made by the Department of Planning and problems with the standard instrument template, group definitions or mapping errors and anomalies emanating from Department.

A staged approach to addressing the changes to LEP 2011 is are needed. This will allow Council to address many of the minor but significant issues relating to mapping, simple errors and anomalies immediately while simultaneously conducting the preparation of a more detailed planning proposal to addressed more significant technical issues that will require an amending LEP and its public exhibition.

The Department of Planning and Infrastructure has recommended that a 'minor amendment' Planning Proposal should be kept separate from the Planning Proposals needed to rectify more substantial amendments to the Cessnock Local Environmental Plan 2011, including addressing the 'Deferred Matters', given the potentially different consultation requirements.

PART 2: EXPLANATION of PROVISIONS

This Planning Proposal has been prepared to enable minor amendments to be made to the Cessnock Local Environmental Plan 2011, which was published (gazetted) on 23 December 2011 and came into effect on that date.

Since the preparation of the Local Environmental Plan 2011, a number of minor mapping errors, zoning and land use table anomalies as well as inconsistencies between the schedules and maps have been identified. This amendment proposes to correct these matters.

These amendments are considered to be suitable under Section 73(1)(a) as it aims to correct obvious minor errors in the Cessnock Local Environmental Plan and are detailed below.

Mapping

General

The purpose of this amendment is to rectify various minor map drafting errors to ensure the maps for Local Environmental Plan 2011 are accurate.

These amendments essentially relate to correcting minor mapping discrepancies involved with the 'snapping' of zoning boundaries to property boundaries which occurred through the translation of Council's draft Local Environmental Plan maps to the final Local Environmental Plan maps.

The attached CD contains the 'shape files' data identifying the mapping discrepancies.

Land Application Map

The purpose of this amendment is to rectify a drafting error that unintentionally and inadvertently omitted Lot 79 DP 270482 and part of Lot 1 DP 812640, Pokolbin as shown in **Figure 1** and Lot 1 DP 73597, Cliftleigh as shown in **Figure 2** from the Cessnock Local Government Area.

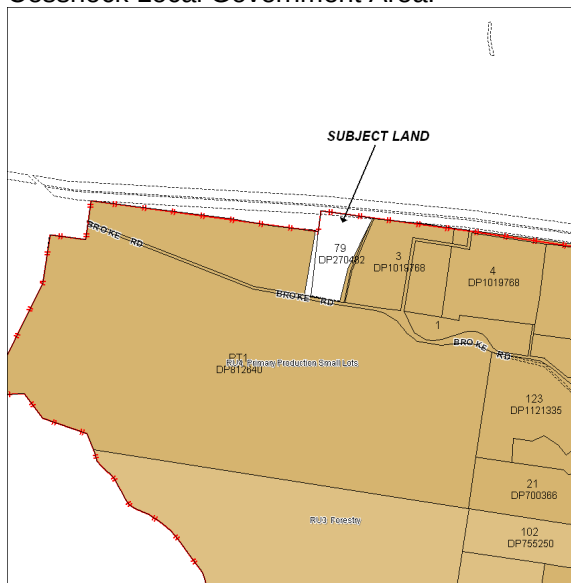


Figure 1: Pokolbin

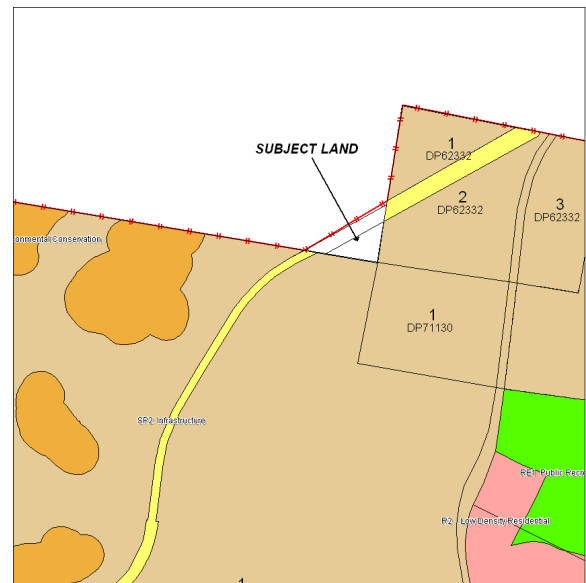


Figure 2: Cliftleigh

Recommendation

- The Land Application Map (1720_COM_LAP_001_250_20111220) be amended to include Lot 79 DP 270482 and part of Lot 1 DP 812640, Pokolbin and Lot 1 DP 73597, Cliftleigh within the Cessnock City Council Local Government Area.
- The Land Zoning Map (1720_COM_LZN_005_080_20111214) and Lot Size Map (1720_COM_LSZ_005_080_20111215) be amended to zone Lot 79 DP 270482 and part of Lot 1 DP 812640 an RU4 - Primary Production Small Lots Zone and 40ha minimum lot size respectively.
- The Land Zoning Map (1720_COM_LZN_008_080_20111214) and Lot Size Map (1720_COM_LSZ_008_080_20111218) be amended to zone Lot 1 DP 7359 an RU2 - Rural Landscape Zone and 40ha minimum lot size respectively.

Land Zoning Map / Minimum Lot Size Map

Cessnock

The purpose of this amendment is to rectify a drafting error that unintentionally zoned part of Lots 201 and 228 DP 1081597, Lot 239 DP 1165293 and Lots 309, 326 and 327 DP 1165295 as shown in **Figure 3** an RE1 - Open Space zone and part of Lot 234 DP 1081597 as shown in **Figure 4** an R2 - Low Density Residential zone.

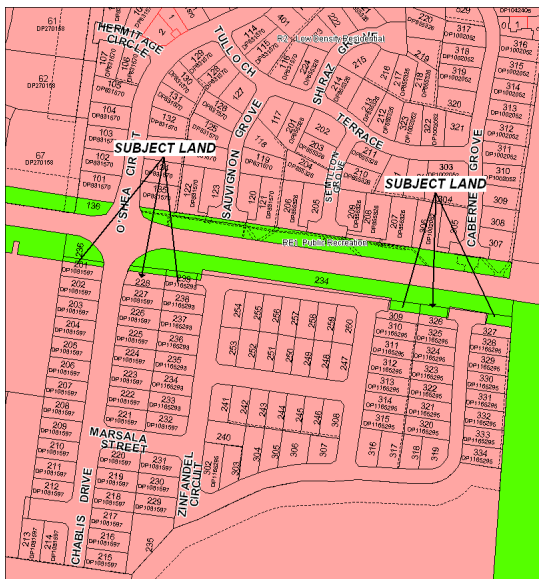


Figure 3:

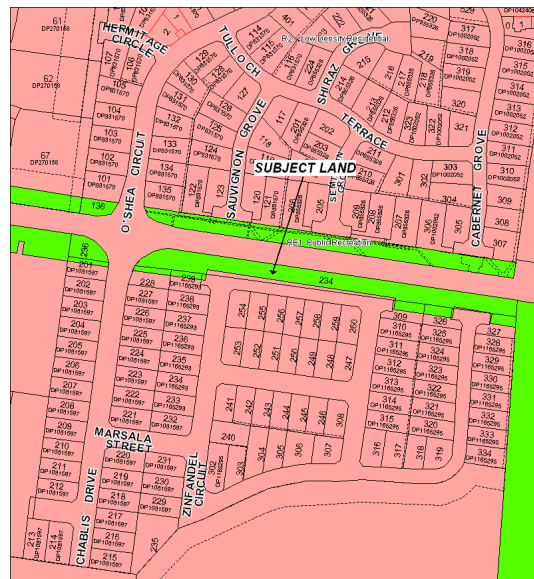


Figure 4:

Recommendation

- Land Zoning Map (1720_COM_LZN_006C_040_20111220) and Minimum Lot Size Map (1720_COM_LSZ_006C_040_20111220) be amended to zone Lots 201 and 228 DP 1081597, Lot 239 DP 1165293 and Lots 309, 326 and 327 DP 1165295 and R2 - Low Density Residential zone and 450m² minimum lot size respectively.

- Land Zoning Map (1720_COM_LZN_006C_040_20111220) and Minimum Lot Size Map (1720_COM_LSZ_006C_040_20111220) be amended to zone Lot 234 DP 1081597 an RE1 - Open Space zone and remove the 450m² minimum lot size respectively.

The purpose of this amendment is to rectify a drafting error that unintentionally zoned part of Lot 1 DP 574324 an R2 - Low Density Residential and SP2 - Infrastructure zone as shown in **Figure 5** and Lot 24 DP 1069262 an R2 - Low Density Residential zone respectively as shown in **Figure 6**.

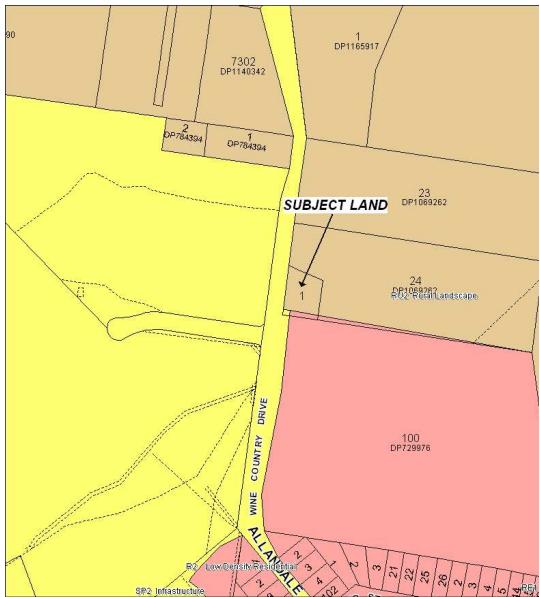


Figure 5:

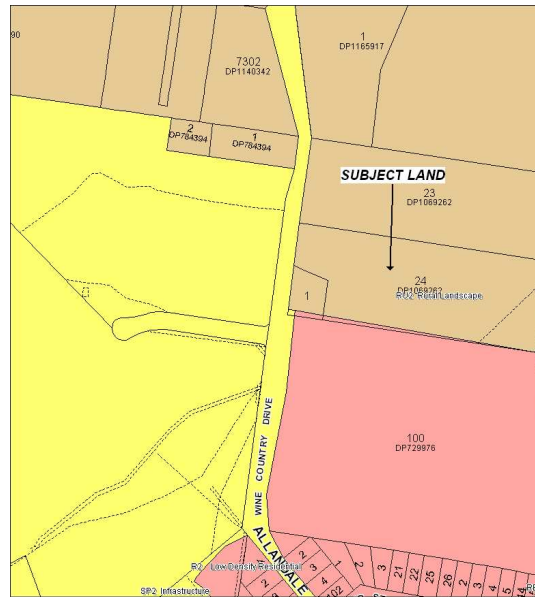


Figure 6

Recommendation

- Land Zoning Map (1720_COM_LZN_006C_040_20111220) and Minimum Lot Size Map (1720_COM_LSZ_006C_040_20111220) be amended to zone Lot 1 DP 574324 and Lot 24 DP 1069262 RU2 - Rural Landscape zone and 40ha minimum lot size respectively.

Heritage Mapping

The purpose of this amendment is to rectify a drafting error that unintentionally placed the following heritage items, I200 on Lot 23 DP 248431 and I202, I203, I205 and I206 on Lot 41 DP 716227 from Heritage Map Sheet 1720_COM_HER_007_080_20111128 and item I30 on Lot 2 DP 120482 from Heritage Map Sheet 1720_COM_HER_009A_040_20111128.

Recommendation

- Heritage Map Sheet 1720_COM_HER_007_080_20111128 be amended to remove reference to heritage item I200 from Lot 23 DP 248431, I202, I203, I205 and I206 from Lot 41 DP 716227.
- Heritage Map Sheet 1720_COM_HER_009A_040_20111128 be amended to remove reference to heritage item I30 from Lot 2 DP 120482.
- Heritage Map Sheet 1720_COM_HER_005A_020_20111120 be amended to replace reference to heritage I8 with I30.

Land Use Tables

The group term 'light industry' which includes 'home industry' is mandated as being permissible with consent under the Standard Instrument Template in the B7 - Business Park zone and IN2 - Light Industrial zone respectively. However, these uses are currently listed under the Cessnock LEP 2011 as being prohibited in these zones.

Council is unable to prohibit individual elements of the 'group term' if it is listed as mandatory as permitted with consent.

Recommendation

- The land use table for the B7 - Business Park zone and IN2 - Light Industrial zone be amended to remove 'home industries' from the prohibited list, making these uses permitted with consent in each zone as a subset of 'light industry'.

Schedules

Keinbah

The purpose of this amendment is to correct typographical error in the spelling of "Keinbah".

Recommendation

- Omit "Keindah" and replace with "Keinbah".

Schedule 5 – Environmental Heritage

Wentworth Hotel

The purpose of this amendment is to remove Item No. 62 - Wentworth Hotel, which was damaged by fire and subsequently demolished in 2011, from Schedule 5 of the LEP and associated heritage maps.

Recommendation

- Remove Item No. 62 – Wentworth Hotel from Schedule 5 of the LEP and associated heritage maps.

Former Ayrfield No 1 Colliery

The purpose of this amendment is to reflect the recent subdivision approval, with the former Ayrfield No 1 Colliery - Remaining Colliery relics identified in "*European Archaeological Assessment*", Insite Heritage, April 2005 refer only to Lot 23 DP 607899 as shown in **Figure 7**.

Recommendation

- Amend the Heritage Maps to refer only Lot 23 DP 607899 as containing the site of the former Ayrfield No 1 Colliery at Cliftleigh as part of Item No. 215 - Collieries of the South Maitland Coalfields / Greta Coal Measures Group.

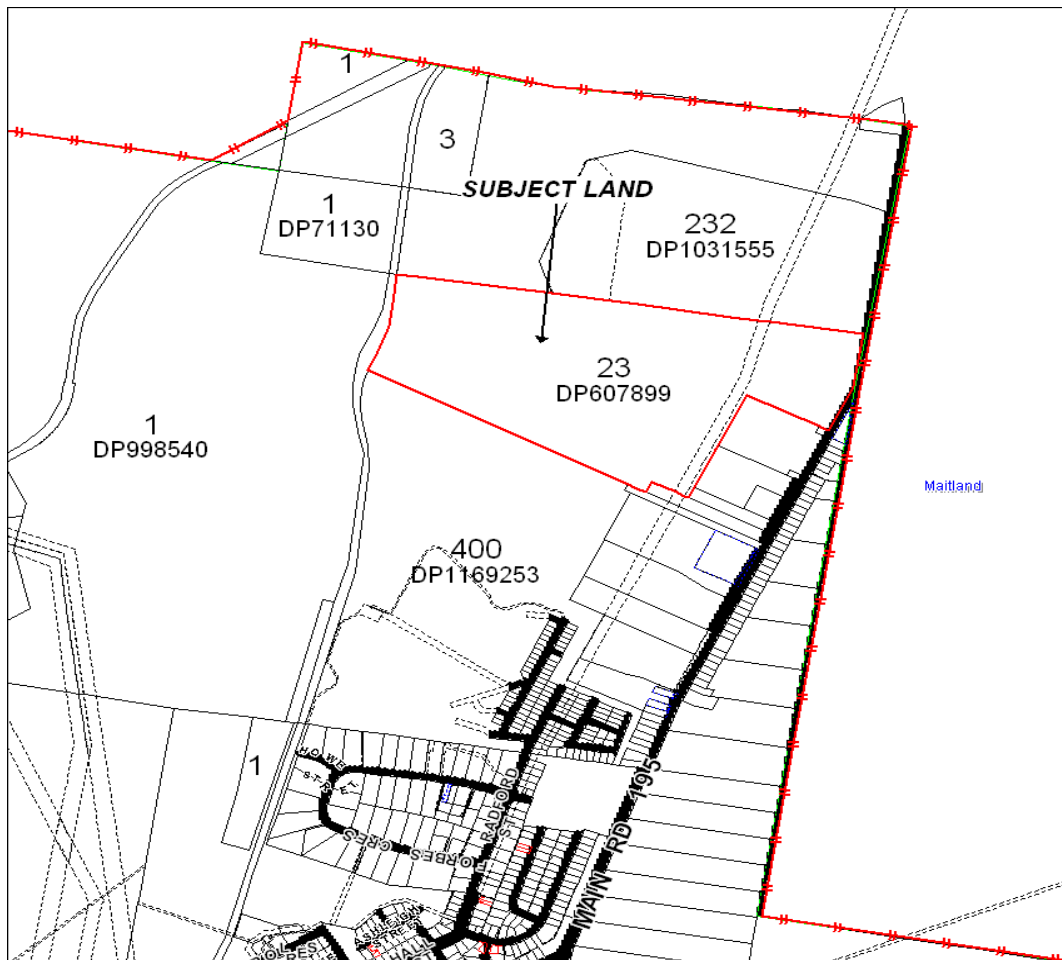


Figure 7:

PART 3: JUSTIFICATION

In accordance with the Department of Planning'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 a result of a strategic study or report. It is required to correct a number of minor mapping errors anomalies with the Cessnock Local Environmental Plan 2011.

2. Planning Proposal as best way to achieve to objectives

A Planning Proposal is required to make the proposed change to the Cessnock Local Environmental Plan 2011.

3. Net Community Benefit

The proposed amendments to Cessnock LEP 2011 are essential to ensure Council's intent for LEP 2011 is achieved.

Section B: Relationship to Strategic Planning Framework

4. Consistency with Objectives and Actions within Regional Strategies

Lower Hunter Regional Strategy 2006

The applicable regional strategy is the Lower Hunter Regional Strategy.

There is no inconsistency with the objectives or actions of the Lower Hunter Regional

5. Consistency with Council's Community Strategic Plan or other Local Strategic Plan

Community Strategic Plan - Our People, Our Place, Our Future

There is no inconsistency with Council's Strategic Plan and the Planning Proposal.

6. Consistency with State Environmental Planning Policies

There is no inconsistency with any applicable SEPP or draft SEPP.

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

There is no inconsistency with any s.117 Ministerial Direction.

Section C: Environmental, Social and Economic Impact

8. 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.

9. Environmental Impact

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

10. 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

11. Adequate Public Infrastructure

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

12. Consultation with State and Commonwealth Authorities

The Department of Planning and Infrastructure advised that this 'minor amendment' Planning Proposal should be kept separate from the Planning Proposals needed to rectify more substantial amendments to the Cessnock Local Environmental Plan 2011, including addressing the 'Deferred Matters', given the potentially different consultation requirements.

No other State or Commonwealth authorities have been consulted with regard to this Planning Proposal.

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

PART 4: COMMUNITY CONSULTATION

The purpose of this Planning Proposal is to correct a number of minor discrepancies and anomalies with the Cessnock Local Environmental Plan 2011 under Section 73A of the Environmental Planning and Assessment Act 1979.

As such it is required that no community consultation be undertaken.

Appendix 1: Council Report and Minutes



Acrobat Document

Report



Acrobat Document

Minutes

