

Cessnock LEP 2011 Housekeeping Amendment

Proposal Title : **Cessnock LEP 2011 Housekeeping Amendment**

Proposal Summary : **To make amendments to address minor matters within the Cessnock LEP 2011, including;**

1. Amendment to Lot Size maps for portions of land at Ellalong and Millfield to reflect the servicing of this land with sewer.

2. Amendment to Heritage maps to address labelling anomalies.

3. Amendment to Land Use Tables to clarify Council's intention regarding permissible and prohibited uses.

4. Amendment to the standard clause 5.9 Preservation of trees or vegetation, to include the optional sub-clause (9), that clarifies that all clearing within listed zones must be consistent with a development consent or property vegetation plan.

5. Inclusion of the standard clause 5.13 Eco-tourist facilities.

6. Inclusion of a new local provision that allows for the subdivision of land in Pokolbin, known as 'The Vintage', to create lots of any size for the purposes of development comprising of entertainment facility – amphitheatre, exhibition home, place of public worship, pub, residential accommodation (including attached dwellings, dual occupancy, dwelling houses, residential flat building and multi-dwelling housing), recreation facility (outdoor) - golf course and registered club.

7. Amendment to Schedule 5 and associated mapping to identify the Memorial Gates at Sawyers Gully as a heritage item of local significance.

If the Planning Proposal proceeds as the Regional Team recommends it will also;

8. Amend the model clause Acid Sulphate Soils for consistency with the revised model clause.

9. Amend the boundary of the urban release area at Heddon Greta to address a mapping error.

PP Number : **PP_2012_CESSN_004_00**

Dop File No :

12/13904

Planning Team Recommendation

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

S.117 directions :

Additional Information : **1. Council is to amend the Planning Proposal to limit Item 6 to the subdivision potential provided by the former clause 17 of Cessnock LEP 1989 and provide an assessment of the item's consistency or otherwise with the SEPP Rural Lands 2008, relevant strategies and s117 directions.**

2. Amend the Planning Proposal to include an additional item that amends model clause 7.1 Acid Sulphate Soils to reflect the revised model clause.

3. Amend the Planning Proposal to include an additional item that amends urban release area map 1720_COM_URA_009A_040_20111202 to address an error at Heddon Greta which incorrectly mapped certain land as being within the urban release area.

4. Council is to amend the Planning Proposal to include mapping of the changes required in relation to Item 2 Heritage labels and Item 7 Memorial Gates at Sawyers Gully.

5. Council is to provide a copy of the revised Planning Proposal and maps to the Regional Team for review prior to placing it on public exhibition.

6. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for 14 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

7. Consultation is required with no public authorities under section 56(2)(d) of the EP&A Act. This does not discharge Council from any obligation to respond to submissions made by relevant agencies as a result of the public exhibition of the proposal.

8. 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).

9. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is required to address implementation issues associated with the new standard instrument Cessnock LEP 2011. Some of these issues were identified prior to gazettal of the new LEP, however were unable to be made due to implications for re-exhibition, others have been identified through the early application of the new planning controls.

There is insufficient information provided to assess Item 6, the proposal for subdivision at the Vintage. The outstanding issues in relation to this item should not delay other elements of the proposal and therefore this item should be modified by limiting it to the former provisions of the Cessnock LEP 1989. It is considered that, once the relevant information is obtained, a proposal for additional subdivision at the Vintage could be considered.

This information includes;

- Evidence of the approval to subdivide, under torrens title and to a lot of any size, individual uses (including entertainment facility – amphitheatre, exhibition home, place of public worship, pub, recreation facility (outdoor) - golf course and registered club) without the need to consider their integration in a larger tourism facility.

- Assessment of the consistency or otherwise of this proposal with the SEPP Rural Lands 2008, relevant strategies and s117 directions.

Panel Recommendation

Recommendation Date : **18-Oct-2012**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council is to amend the planning proposal to :

(a) remove all references to item 6 (The Vintage),

(b) include an additional item that amends model clause 7.1 Acid Sulphate Soils to reflect the revised model clause,

(c) include an additional item that amends urban release area map

1720_COM_URA_009A_040_20111202 to address an error at Heddon Greta which incorrectly mapped certain land as being within the release area, and

(d) include mapping of the changes required in relation to Item 2 Heritage labels and Item 7 Memorial Gates at Sawyers Gully,

A copy of the revised planning proposal and maps should be placed on exhibition and forwarded to the department's regional team.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for 14 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

4. 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).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature: _____

Printed Name: _____

Date: _____