



IRF23/2105

Plan Finalisation Report – PP-2022-1461

Cessnock Local Environmental Plan 2011 –
Comprehensive Review of Special Purposes Zones

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

Cessnock Local Environmental Plan 2011 (Map Amendment No. 9).

1.1.2 Site description

This planning proposal applies to the Special Purposes (SPx) zones in the Cessnock local government area (LGA).

1.1.3 Purpose of plan

Cessnock Council converted their Local Environmental Plan (LEP) into the Standard Instrument LEP format in 2011. Cessnock Council is currently undertaking a comprehensive review of the Cessnock LEP 2011 using a theme-based approach.

This planning proposal seeks to comprehensively review the Special Purposes zone land use tables, to rezone selected land to reflect current land uses and to undertake a number of administrative corrections. All conditions under the Gateway determination and matters raised during consultation have been adequately addressed.

1.1.4 State electorate and local member

Cessnock LGA falls within the Cessnock state electorate. Mr Clayton Barr MP is the State Member.

Cessnock LGA falls within the Hunter and Paterson federal electorates. Mr James Thomson and Ms Meryl Swanson respectively are the Federal Members of Parliament (MP) in the House of Representatives.

To the Central Coast and Hunter team's knowledge, no MP has made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination and alterations

The Gateway determination, issued on 22 December 2022 (**Attachment A**), determined that the planning proposal should proceed subject to conditions. Council has met all of the Gateway determination conditions.

In accordance with the Gateway determination (as altered on 29 March 2023 reducing the timeframe to finalise the proposal) the planning proposal is due to be finalised on 29/08/2023.

3 Public exhibition and post-exhibition changes

The planning proposal was exhibited from 2 February 2023 to 3 March 2023 in accordance with the Gateway determination, no submissions were received.

Transport for NSW (as a landowner) requested several of their properties be included as part of the planning proposal. Council advised that this was not the intent of the planning proposal. Council advised that they have noted most of the sites in their anomalies register and will address most of these in a future 'miscellaneous' amendment. TfNSW will be consulted when that planning proposal is being prepared.

One site, Lot 507 DP1141525 is too large and complicated to be dealt with as part of this planning proposal or as a miscellaneous amendment, as it may require its own planning proposal. TfNSW have been advised of this and are satisfied with the response.

3.1 Submissions during exhibition

3.1.1 Submissions supporting the proposal

No Submissions were received during public exhibition

3.2 Advice from agencies

In accordance with the Gateway determination, Council was required to consult with agencies listed in Table 1 below who have provided the following feedback.

Table 1 Advice from public authorities

Agency	Advice raised	Council response
NSW Rural Fire Service	The NSW RFS raises no objections to the planning proposal to review the Special Purposes land use zones for the Cessnock Local Environmental Plan 2011.	RFS raised no concerns, therefore, Council advised they are satisfied with the response, which is noted.

The Department considers Council has adequately addressed matters raised in submissions from public authorities.

3.3 Post-exhibition changes

There were no post exhibition changes.

4 Department's assessment

The planning proposal has been subject to detailed review and assessment through the Department's Gateway determination (**Attachment A**) and subsequent planning proposal processes. It has also been subject to a high level of public consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal.

As outlined in the Gateway determination report (**Attachment B**), the planning proposal submitted to the Department for finalisation:

- is generally consistent with the relevant objectives and planning priorities of the Hunter Regional Plan 2041
- remains consistent with Council's Local Strategic Planning Statement. Further consideration is not required.
- is generally consistent with the relevant section 9.1 Ministerial directions.
- is generally consistent with all relevant SEPPs.

The following tables identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage. Where the proposal is inconsistent with this assessment, requires further analysis or requires reconsideration of any unresolved matters these are addressed in Section 4.1

4.1 Detailed assessment

The following section provides details of the Department's assessment of key matters and any recommended revisions to the planning proposal to make it suitable.

The planning proposal's inconsistency with section 9.1 Ministerial directions: 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.1 Flooding, 5.1 Integrating Land Use and Transport, 6.1 Residential Zones, 7.1 Business and Industrial Zones, 9.1 Rural Zones and 9.2 Rural Lands are justified as the inconsistencies are of minor significance. This is because the planning proposal is an administrative amendment to consolidate Special Purpose zones to reflect current land uses under the Cessnock LEP 2011.

The planning proposal's inconsistency with Ministerial direction 4.3 Planning for Bushfire Protection has been addressed, as written advice from the Commissioner of the NSW Rural Fire Service (RFS) confirming the planning proposal can progress.

Table 1 Summary of strategic assessment

	Consistent with Gateway determination report Assessment	
Regional Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Section 9.1 Ministerial Directions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

Table 2 Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Environmental impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Infrastructure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

5 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

Table 2 Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	Digital maps have been prepared by the Department's ePlanning team and meet the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council	<p>Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i> (Attachment C).</p> <p>Council confirmed on 19/07/2023 that it approved the draft and that the plan should be made (Attachment C).</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

6 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- The draft LEP has strategic merit being consistent with *Hunter Regional Plan 2041*.
- It is consistent with the Gateway determination.
- There were no objections to the planning proposal.
- Request from TfNSW (as a landowner) to include certain lands has been resolved.



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Attachments

Attachment	Document
A	Gateway Determination
B	Gateway Determination Report
C	Consultation and confirmation of Map amendments by Council