



PLANNING PROPOSAL

AMENDMENT TO THE CESSNOCK LOCAL ENVIRONMENTAL PLAN 2011

Olivia Lewis-Curnoe

LGA Wide

TABLE OF CONTENTS

PART 1: OBJECTIVES AND OUTCOMES.....	4
PART 2: EXPLANATION OF PROVISIONS.....	4
PART 3: JUSTIFICATION	5
Section A: Need for the Planning Proposal	5
Section B: Relationship to Strategic Planning Framework.....	6
Section C: Environmental, Social and Economic Impact	15
Section D: Infrastructure	17
Section E: State and Commonwealth Interests	18
PART 5: COMMUNITY CONSULTATION	21
PART 6: PROJECT TIMELINE.....	22

Tables

Table 1: Relevant State Environmental Planning Policies	13
Table 2: Relevant Section 9.1 Ministerial Directions	13
Table 3: Indicative project timeline.	22

Figures

Figure 1: Existing ANEF Extent.....	20
Figure 2: Revised ANEF Extent.....	21

Appendices

Appendix 1: Council Report and Minutes	23
Appendix 2: List of supporting documents	24

Version 2.0

12 December 2023

Contact: Olivia Lewis-Curnoe

Strategic Planner

Telephone: 4993 4180

Email: Olivia.Lewis-Curnoe@cessnock.nsw.gov.au

Revision History

Revision	Description	Date
1	Draft for Council Endorsement	15/03/2023
2	Draft for Planning Portal	03/08/2023
3	Draft for reupload to Planning Portal	26/09/2023
4	Draft for reupload to Portal #2	23/11/2023

Application No.: 18/2022/8/1
Subject: Cessnock Aerodrome
Proposal: Update of Noise Exposure Forecast Map
Parcel: 514569
Ext Ref:
Proponent: Cessnock City Council

PART 1: OBJECTIVES AND OUTCOMES

The objective of the Planning Proposal is to update Cessnock Local Environment Plan 2011 (CLEP 2011) Aircraft Noise Exposure Forecast (ANEF) Map to accurately represent the current noise of Cessnock Aerodrome as identified within the Noise Assessment Report by Global Airspace Solutions.

PART 2: EXPLANATION OF PROVISIONS

The objective will be achieved by an amendment to the existing ANEF Map in CLEP 2011 utilising the modelling produced by a Noise Assessment Report by Global Airspace Solutions.

This will require an amendment to the following maps:

- NEF_005; and
- NEF_006C.

PART 3: JUSTIFICATION

In accordance with the Department of Planning and Environment's "Local Environmental Plan Making Guideline", 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: Infrastructure
- Section E: State and Commonwealth Interests

Section A: Need for the Planning Proposal

1 Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The Planning Proposal is the result of a report commissioned by Cessnock City Council to assess the current noise of Cessnock Aerodrome. The Noise Assessment Report was informed by the current Cessnock City Council Airport Operational Policy and Operational User Guideline and Civil Aviation Safety Authority (CASA) approved flight paths/Civil Aviation Safety Act 1998. This report identified a change in the noise patterns which differs from the existing ANEF Maps in CLEP 2011.

In 2010, when the last acoustic report was conducted the Integrated Noise Model Version 6.2A was used but in the 2021 acoustic report the sound model used was Aviation Design Tool 3d, Version 153.0.13097.1. There have been significant advancements in technology since the previous study was produced and these changes in technology have contributed to the changes in the mapping being more accurate.

2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The ANEF Maps are existing maps within CLEP 2011 and are referenced by Clause 7.5 "Development in areas subject to airport noise".

The revised mapping indicates that while aerodrome noise intensity is reduced, its land coverage is a much wider extent than that currently mapped.

As an existing layer in the CLEP 2011, a planning proposal is required for its amendment.

Section B: Relationship to Strategic Planning Framework

3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Hunter Regional Plan 2041

The Hunter Regional Plan 2041 (HRP 2041) provides the overarching strategic framework to guide development, investment and planning within the Hunter region to 2041.

The HRP 2041 seeks to promote visions relating to housing choice, liveability and economic development within the Hunter Region:

“The leading regional economy in Australia, where people are connected and care for Country, with a vibrant metropolitan city at its heart and sustainable 15-minute neighbourhoods.”

The following objectives and strategies are relevant to the Planning Proposal:

Strategy 4.11 Planning proposals must not undermine the long-term capacity of inter-regional connections to meet future freight and logistics movements.

The Planning Proposal does not change the existing operation of the aerodrome, therefore does not impact the future freight and logistics movements. The Planning Proposal is a map update only.

Objective 7: Reach net zero and increase resilience and sustainable infrastructure

- Strategy 7.5: Planning proposals will protect sensitive land uses from sources of air pollution, such as major roads, railway lines and designated freight routes, using appropriate planning and development controls and design solutions to prevent and mitigate exposure and detrimental impacts on human health and wellbeing.

The amended mapping will allow for better planning around the aerodrome to ensure future incompatible land uses are not constructed within the ANEF affected area.

Objective 8: Plan for businesses and services at the heart of healthy, prosperous and innovative communities

- Strategy 8.6 Planning proposals to facilitate tourism activities will:
 - Demonstrate that the scale and type of tourism land use proposed can be supported by the transport network and complements the landscape setting
 - Be compatible with the characteristics of the site and existing and likely future land uses in the vicinity of the site
 - Demonstrate that the tourism land use would support the function of nearby tourism gateways or nodes

The aerodrome is commonly used for tourist activities in the vineyards such as helicopter wine tasting tours and small plane flights with tourists from Sydney. Although the land use for the site is SP2 Infrastructure it is used for tourist activities, therefore updating the mapping to the

current level of use demonstrates the scale and type of tourism that is occurring within the locality. Updating the mapping ensures the surrounding land uses are compatible with the characteristics of the site and supports the function of nearby tourism gateway or nodes.

Objective 9: Sustain and balance productive rural landscapes

- Strategy 9.4 Planning proposals for lands within or near critical industry cluster land will demonstrate they are compatible with equine and viticultural activities and:
 - complements scenic values, visual amenity and local character
 - provides suitable separation distances for sensitive uses, like tourist accommodation, having regard to spray, noise, and lighting considerations
 - considers existing and likely future agricultural and rural uses of adjoining lands and the cumulative impact of similar proposals on the locality.

The land surrounding Cessnock Aerodrome is zoned RU4 Primary Production Small Lots and is within the Hunter Valley Vineyards District. The airport has been in operation since 1942, catering for a varying range of aircraft ever since.

Amending the ANEF Mapping will enable more accurate consideration of noise impacts on land uses within the locality.

Updating the ANEF mapping does not impact the scenic value, visual amenity and local character of the area as there are no changes to the current operation as a result of the mapping, nor does it impact existing separation distances for sensitive uses as the mapping is aligned with the current Operational Policy and CASA approved flight paths.

Part 3 District Planning and Growth Areas

The aerodrome is located within the Cessnock Vineyards District Regionally Significant Growth Area (RSGA). The aerodrome supports tourism within the Vineyards District, providing for scenic helicopter flights and transfers of tourists from other areas (e.g. Sydney).

The aerodrome currently provides for;

- Own-use business aviation
- Sports & recreational flying - ballooning, fixed wing & rotary joy flights, parachuting, aero club, pleasure & personal transport.
- Non scheduled passenger and freight transport charters
- Instructional flying
- Air ambulance
- Fire fighting

Updating the aerodrome mapping reflects the importance of the function of the aerodrome and the advantages it provides to the local tourism industry. It does not affect or change the aesthetic of the visually significant area or viticultural strategic agricultural land as it does not change the operation from what is already occurring.

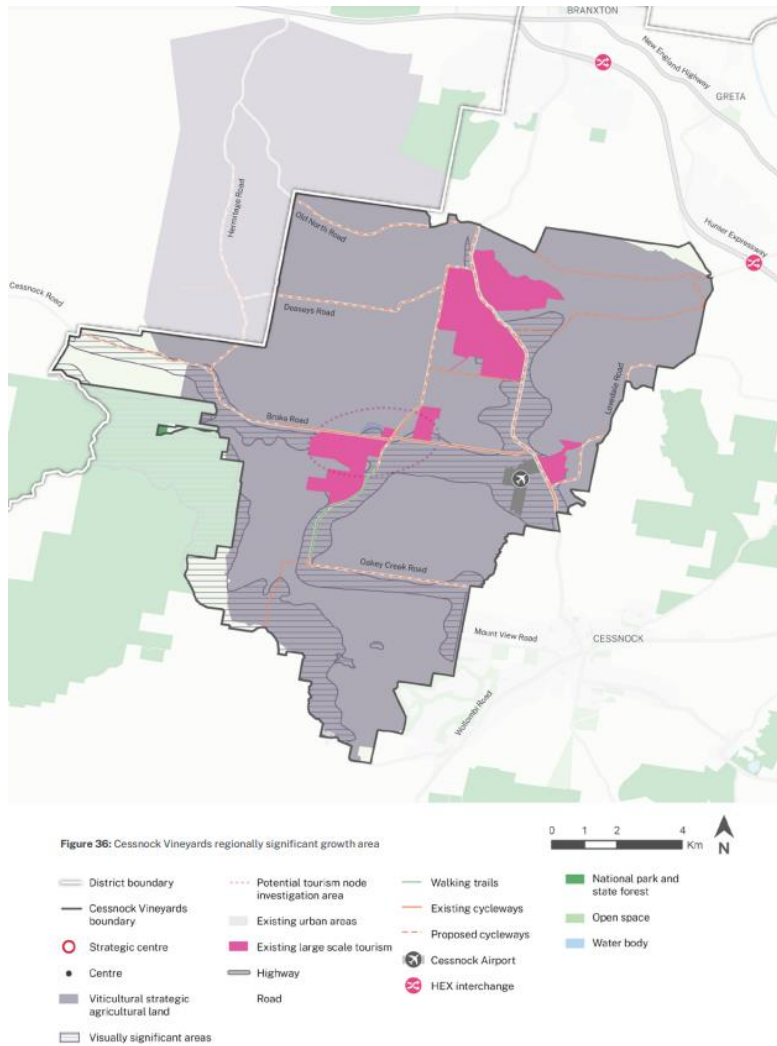


Figure 1. Cessnock Vineyards regionally significant growth area

Greater Newcastle Metropolitan Plan

The Greater Newcastle Metropolitan Plan (GNMP) sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens, which together make up Greater Newcastle. The plan also helps to achieve the vision set in the Hunter Regional Plan 2041 for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart.

The Planning Proposal is consistent with the following strategy/action of the Greater Newcastle Metropolitan Plan:

- Create active transport networks to connect the tourism node to tourism activities and landscape features -Regionally Significant Growth Areas - Viticulture Growth Area.

Updating the mapping allows for better planning as tourists often use the airport to have flights over the vineyards and to access the vineyards by aircraft.

4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Cessnock Local Strategic Planning Statement 2036 (LSPS)

The Cessnock Local Strategic Planning Statement 2036 (LSPS) establishes a 20-year vision for land use planning in the Cessnock LGA. The LSPS sets out the important character and values, which are to be preserved and establishes planning principles to manage land use planning in the future.

The following planning priorities and principles are relevant to the proposal.

Planning Priority 8: Our rural land is protected from incompatible development

Amendment of the ANEF mapping allows for the impacts of higher risk, non-agricultural land-uses to be appropriately managed to mitigate impacts on the rural, environmental and scenic values of the Local Government Area (LGA).

Planning Priority 9: Our wine tourism industry is supported and enhanced.

The mapping is being updated to align with the current Operational Policy and CASA approved flight paths therefore does not create any new impact to the wine tourism industry. The amendment to the mapping reflects the importance of the airport and the need to ensure its operation is not impeded by encroachment of sensitive land uses.

Planning Priority 10: Our City encourages a variety of niche tourism opportunities.

The mapping is being updated to align with the current Aerodrome Operational Policy therefore does not create any new impacts, but rather, supports existing niche tourism to continue, such as joy flights.

Planning Priority 15: Key infrastructure is leveraged to support economic growth

Updating the ANEF mapping allows land-use in the vicinity of Cessnock Aerodrome to be consistent with Council's Airport Strategy and land-use and infrastructure planning are aligned to maximise the use and capacity of existing infrastructure and development is appropriately sequenced.

Planning Priority 17: Our lands of environmental value are protected and enhanced.

The mapping is being updated to align with the current Aerodrome Operational Policy and User Guidelines and CASA approved flight paths, therefore does not have any impact on the environment.

Planning Priority 21: Developments minimise environmental impacts and respond to site environmental characteristics and natural hazards.

The mapping is being updated to align with the current Aerodrome Operational Policy and CASA approved flight paths therefore does not have any impact on the site's environmental characteristics and natural hazards.

Planning Priority 22: Our rural landscape is retained and enhanced.

The mapping is being updated to align with the current Aerodrome Operational Policy and CASA approved flight paths therefore does not create any new impacts to the rural landscape.

Planning Priority 23: The scenic and rural landscape of our Vineyards District is preserved.

The mapping is being updated to align with the current Aerodrome Operational Policy and CASA approved flight paths therefore does not create any new impact on the scenic and rural landscape of the Vineyards District.

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

The Cessnock Community Strategic Plan 2036 (CSP) identifies the community's main priorities and expectations for the future and ways to achieve these goals. The vision of the CSP is:

"Cessnock is a cohesive and welcoming community living in an attractive and sustainable rural environment. There is a diversity of business and employment opportunities supported by accessible infrastructure and services which effectively meet community needs."

The Planning Proposal is consistent with Outcomes 2 and 4 of the CSP:

- Outcome 2: A sustainable and prosperous economy
- Outcome 4: Accessible infrastructure, services, and facilities

5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?

A 20-year Economic Vision for Regional NSW

The Economic Vision for Regional NSW seeks to drive sustainable, long term economic growth in regional NSW

The planning proposal is consistent with the principles of this strategy, notably Principle 2 which seeks to improve travel between regional centres and from regional centres to international gateways.

Future Transport Strategy 2056

The Future Transport Strategy 2056 acknowledges the vital role transport plays in land use, tourism and economic development of towns and cities. With a focus on issue specific and place-based supporting plans that shift the focus away from individual modes of transport, towards integrated solutions.

The Planning Proposal supports the continued operation of the Aerodrome and ensures land use surrounding the area is compatible with its operation.

State Emergency Management Plan (EMPLAN)

The State Emergency Management Plan (EMPLAN) provides a coordinated and comprehensive approach to emergency management in NSW. The Plan identifies the importance of land use planning in prevention o

f impacts of hazards on the community.

All-agencies approach: Emergency responses require a collaborative response between agencies, both government and non-government, therefore updating the mapping will allow for agencies outside of Cessnock City Council to make informed decisions using up to date public maps of the airport.

Having up to date mapping will assist in the preparation of plans in relation to the prevention of, preparation for, response to and recovery from emergencies in the LGA.

6 Is the planning proposal consistent with applicable SEPPs?

An assessment of relevant SEPPs against the planning proposal is provided in the table below.

Table 1: Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy (Housing) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy (Planning Systems) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy (Primary Production) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy (Resilience and Hazards) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy (Resources and Energy) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP.

7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

An assessment of relevant Section 9.1 Directions against the planning proposal is provided in the table below.

Table 2: Relevant Section 9.1 Ministerial Directions

Ministerial Direction		Consistency and Implications
Planning Systems		
1.1	Implementation of Regional Plans	Consistent. The Hunter Regional Plan 2041 is applicable to the Cessnock LGA. The Hunter Regional Plan provides the overarching framework to guide the NSW Government's land use planning priorities and decisions to 2041
1.2	Development of Aboriginal Council Land	Not applicable.
1.3	Approval and Referral Requirements	Consistent.
1.4	Site Specific Provisions	The amendments do not propose to change any requirements relating to this direction.
Planning Systems – Place-based		
Design and Place		

Biodiversity and Conservation		
3.1	Conservation Zones	The amendments do not propose to change any requirements relating to this direction.
3.2	Heritage Conservation	The amendments do not propose to change any requirements relating to this direction.
3.5	Recreation Vehicle Areas	The amendments do not propose to change any requirements relating to this direction.
Resilience and Hazards		
4.1	Flooding	The amendments do not propose to change any requirements relating to this direction.
4.2	Coastal Management	Not applicable
4.3	Planning for Bushfire Protection	The amendments do not propose to change any requirements relating to this direction.
4.4	Remediation of Contaminated Land	Not applicable
4.5	Acid Sulfate Soils	Not applicable
4.6	Mine Subsidence and Unstable Land	Not applicable
Transport and Infrastructure		
5.1	Integrating Land Use and Transport	The amendments do not propose to change any requirements relating to this direction.
5.2	Reserving Land for Public Purposes	The amendments do not propose to change any requirements relating to this direction.
5.3	Development Near Regulated Airports and Defence Airfields	Consistent
5.4	Shooting Ranges	Not applicable
Housing		
6.1	Residential Zones	The amendments do not propose to change any requirements relating to this direction.
6.2	Caravan Parks and Manufactured Home Estates	Not applicable
Industry and Employment		
7.1	Business and Industrial Zones	Not applicable
Resources and Energy		
8.1	Mining, Petroleum Production and Extractive Industries	Not applicable
Primary Production		
9.1	Rural Zones	Not applicable
9.2	Rural Lands	Consistent
9.3	Oyster Aquaculture	Not applicable

Section C: Environmental, Social and Economic Impact

- 8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?**

Nil

- 9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?**

The Planning Proposal seeks to amend mapping which reflects existing operations at the Cessnock Aerodrome, therefore there are no environmental effects from the planning proposal.

- 10 Has the planning proposal adequately addressed any social and economic effects?**

The new noise mapping extends into a site that is currently C2 Environmental Conservation and R5 Large Lot Residential and is part of the Nulkaba Urban Investigation Area Site.

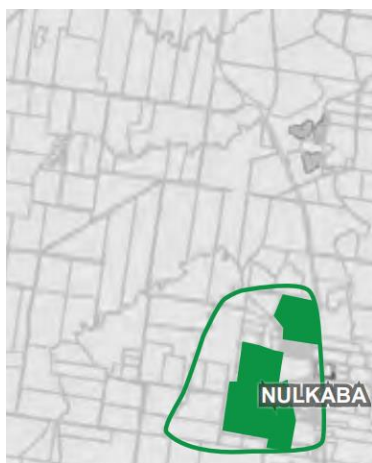


Figure 2. pg. 19 Cessnock Urban Growth Management Plan 2036

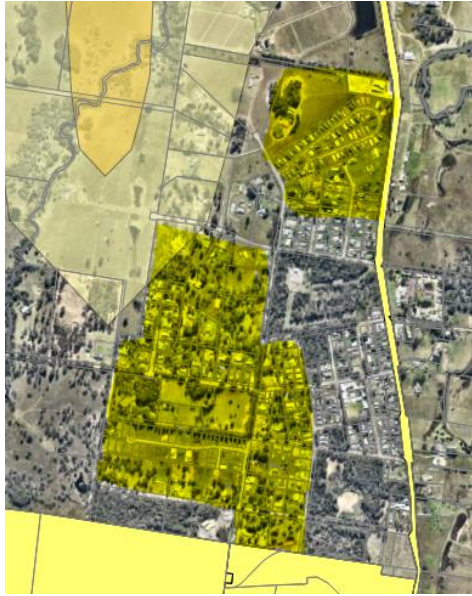


Figure 3. shows the extent of Nulkaba Urban Investigation Area overlaid with the ANEF map. The two highlighted yellow areas show the Urban Investigation Area. (note: these figures can be formalised for the public exhibition purposes)

A structure plan for the Nulkaba Urban Investigation Area is being prepared that will respond to the relationship between the ANEF, AS2021:2015 and the future land uses. It is not appropriate for this PP to respond to a future subdivision. The future rezoning of the investigation area is the appropriate time to consider the appropriateness of that planning proposal against the ANEF constraint and the requirements of AS2021:2015. It is not relevant for this planning proposal to consider these potential future uses.

The number of allotments with dwelling entitlements within the proposed ANEF 25 and above is seven. Of these, one of the lots comprise existing Tourist and Visitor Accommodation (Crowne Plaza), which does not have any dwellings built on the site. A further four of the allotments already have a dwelling built on the property with the proposed ANEF 25 and above only covering a small part of the lot, and not covering the existing dwelling. Only two allotments with dwelling entitlements are located within the proposed 25 ANEF.

It is important to stress that updating the mapping does not allow for changes to the functioning of the aerodrome. The aerodrome is operating within the approved limits of its Operational Policy and CASA approved flight paths. The updated map is based on current functioning and reflects current noise patterns being experienced in the area. Updating the mapping will allow the aircraft movements to be accurately reflected, allowing for better planning surrounding the airport.

Section D: Infrastructure

11 Is there adequate public infrastructure for the planning proposal?

The planning proposal does not impact the provision of, or require new public infrastructure.

Section E: State and Commonwealth Interests

12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Agency consultation will be undertaken in accordance with the conditions of a Gateway Determination and may include Rural Fire Service, TfNSW, Biodiversity Conservation Division, Environmental Protection Authority and Air Services Australia.

PART 4: MAPS

The Planning Proposal will require an amendment to the following maps:

- NEF_005; and
- NEF_006C.

The existing and revised ANEF extents are provided in Figures 1 and 2 respectively.

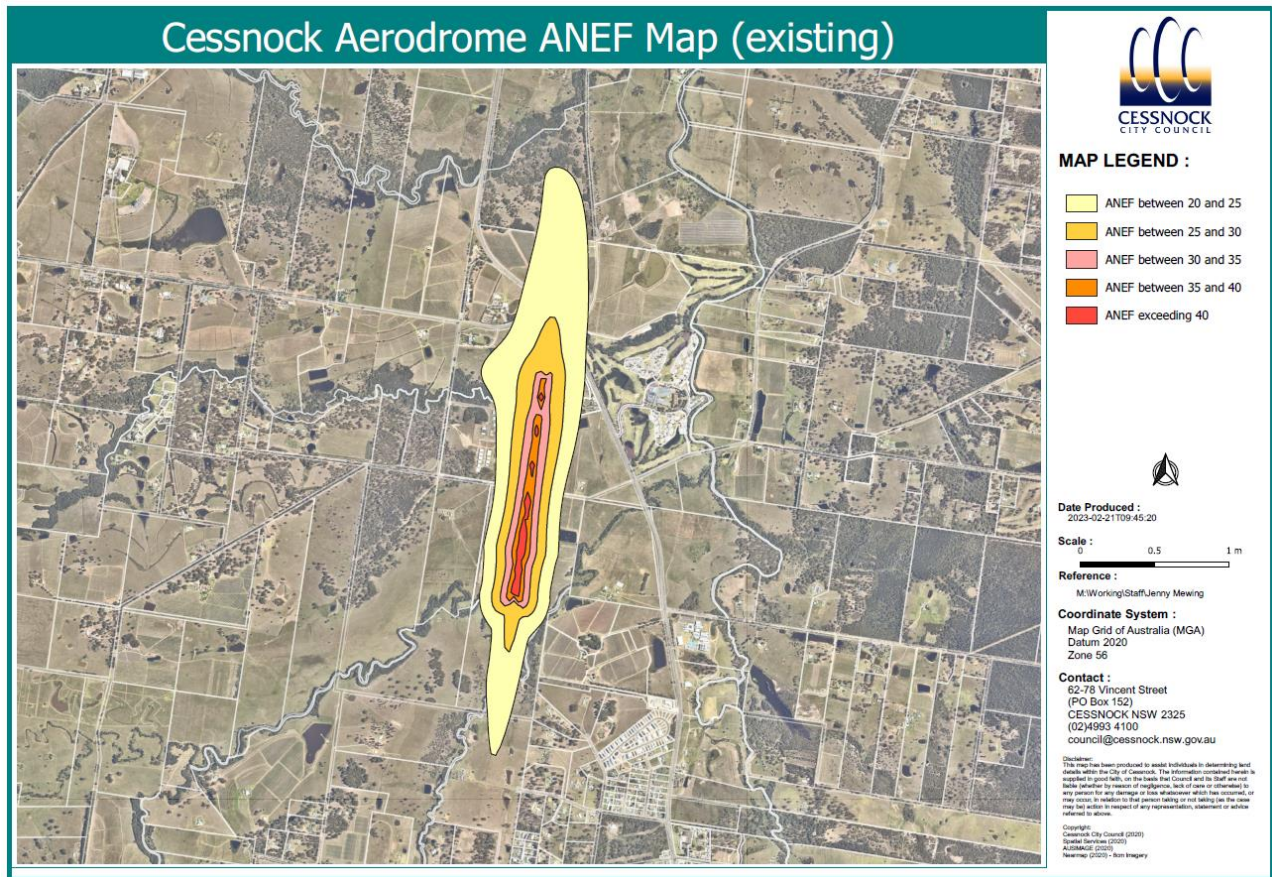


Figure 1: Existing ANEF Extent

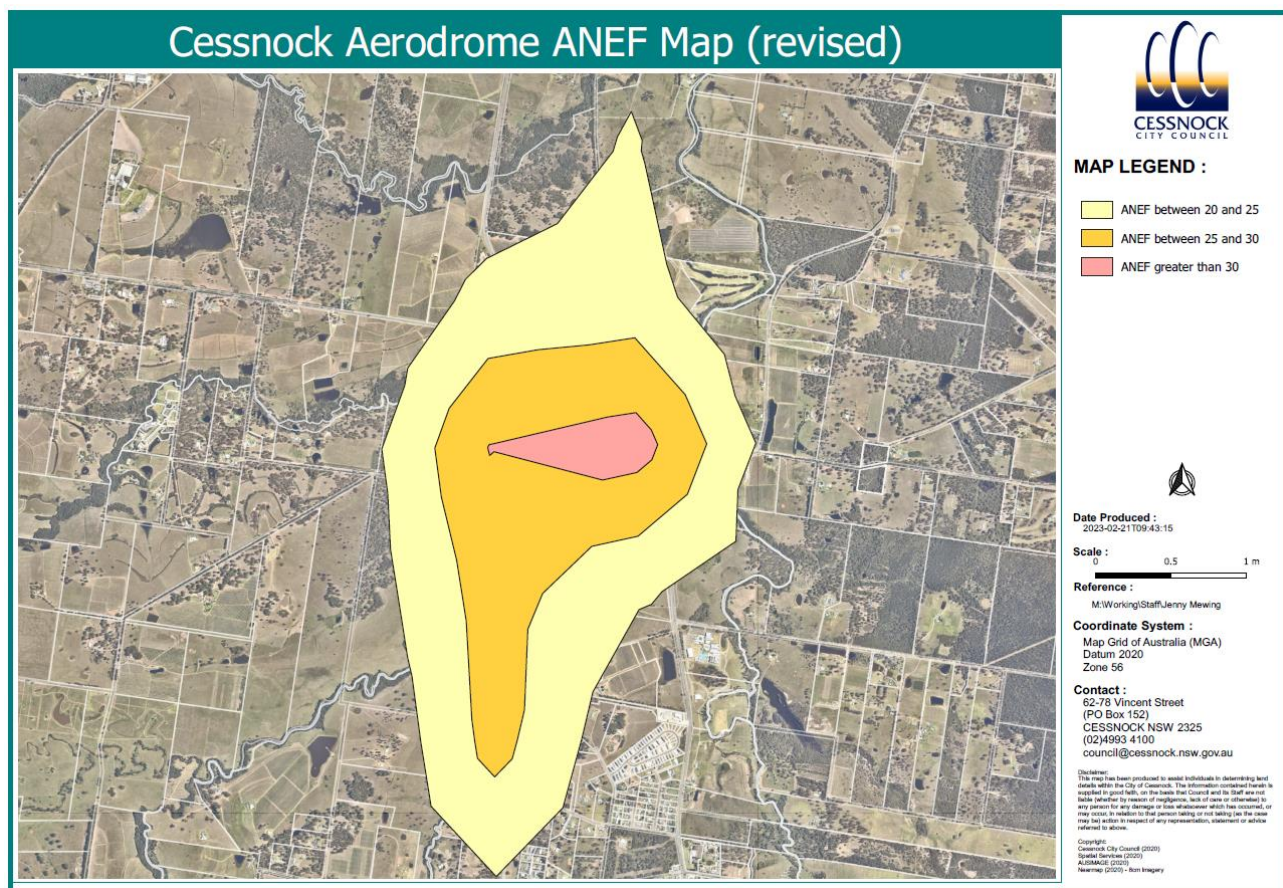


Figure 2: Revised ANEF Extent

PART 5: COMMUNITY CONSULTATION

The Planning Proposal will be exhibited in accordance with the conditions of the gateway determination and Council's Community Participation Plan.

PART 6: PROJECT TIMELINE

Table 3: Indicative project timeline.

Stage	Timeframe and/or date
Consideration by council	March 2023
Council decision	March 2023
Gateway determination	December 2023
Pre-exhibition	December 2023
Commencement and completion of public exhibition period	January 2023
Consideration of submissions	February 2023
Post-exhibition review and additional studies	February 2023
Submission to the Department for finalisation (where applicable)	March 2023
Gazettal of LEP amendment	March 2024

Appendix 1: Council Report and Minutes

Report to Ordinary Meeting of Council – 15 March 2023

Minutes of Ordinary Meeting of Council – 15 March 2023

All Council reports and minutes are accessible from Council's website:
<http://www.cessnock.nsw.gov.au/council/meetings>.

Appendix 2: List of supporting documents

Council Report and Meeting Minutes 15/03/2023

2021 Noise Assessment Report by Global Airspace Solutions

Cessnock Aerodrome Operational Policy

Cessnock Aerodrome User Guideline

