



Vincent Street
CESSNOCK 2325

9 April 2008

To All Councillors

You are hereby notified that the next Meeting of the Strategic & Community Services Committee will be held in the Council Chambers, on Wednesday, 16 April 2008, commencing at 6.30 pm, for the purpose of transacting the undermentioned business.

**B R MORTOMORE
GENERAL MANAGER**

AGENDA:

PAGE NO.

(1) APOLOGIES.

(2) CONFIRMATION OF MINUTES.

Minutes of the Strategic & Community Services Committee
Meeting held on 2 April 2008

(3) OFFICERS' REPORTS

ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES

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(4) QUESTIONS WITHOUT NOTICE.

OFFICER'S REPORTS

ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES REPORT NO. 31/2008

SUBJECT: NORTH BELLBIRD PRECINCT – PROPOSED ZONES AND PROPOSED EXHIBITION PERIOD

Consultant Planner, Leanne Saccaro, reports:-

This report relates to the rezoning submission for the North Bellbird Precinct and the recent resolution of Council. At its meeting held 19 March 2008 Council resolved that:

1. Pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, Council confirms their previous resolution(s) to prepare a draft local environmental plan to allow future urban development of the Bellbird North Precinct, as identified in the Cessnock City Wide Settlement Strategy (2007), including those areas added by Council resolution of 8 December 2004 and on 15 February 2006.
2. Council adopt the LES for the Bellbird North Investigation Area dated March 2008.
3. Pursuant to Section 64 of the Environmental Planning and Assessment Act 1979, Council seek Written Authorisation to Exercise Delegations from the Department of Planning, to allow exhibition of the draft LEP, LES and supporting material for the Bellbird North precinct.
4. Council seek any necessary opinions or approvals from the Director General of the Department of Planning in relation to the section 117 Directions of the Environmental Planning and Assessment Act 1979.
5. Upon receipt of the Authorisation Council exhibit the draft LEP for a period of 60 days.
6. Council consider a further report following exhibition of the draft LEP to determine the final content of the plan.

A meeting was held on 4 April 2008 at Council offices with a representative of the Department of Planning (DoP) to discuss how best to progress the rezoning given the current status of the Cessnock Comprehensive LEP 2008. The issue relates to proposed format of the written instrument which amends the Cessnock LEP 1989 when compared with the draft Cessnock Comprehensive LEP 2008.

Proposed Zones previously considered by Council

It was always intended that the amending instrument for the North Bellbird rezoning was to be drafted using the zones as prescribed by the Standard Instrument, in line with the provisions of the draft Cessnock Comprehensive LEP 2008. However, this is no longer considered the best way forward to progress the draft plan for North Bellbird as it is laborious and potentially confusing. In addition to not being encouraged by the Department of Planning due to potential conflict between the different planning instruments, there is also the potential for administrative delays.

Current Situation

In noting the work undertaken in 2005 and 2006, the Department has confirmed that in amending the current Cessnock LEP, the rezoning for the North Bellbird Precinct does not have to satisfy the requirements of the Standard Instrument. It is therefore proposed to amend the 1989 LEP by using the current zones available as shown in the table below. This avoids potential conflict with proposed land use provisions under the Standard Instrument, including changes to 'definitions', 'Group Terms' and other specific clauses as provided by the draft Comprehensive LEP 2008.

The benefits of this approach are that the 1989 plan is kept in its current form and we are not introducing what will most likely be confusing elements into the 1989 plan, for one site specific rezoning. A copy of the previous and current draft zoning maps are provided at Attachments A and B respectively.

Previous Proposed Zone	Current Proposed Zone	Comment
R5 Large Lot Residential	1(c) Rural – Residential/Rural (Small Holdings)	Minimum lot size of 4000m ² (for serviced land), as opposed to 2000m ² . This will be resolved upon gazettal of the Comprehensive LEP– reverting back to 2000 m ² as indicated on the relevant lot size map.
R2 and R3 Residential	2(a) Residential 'A'	2(a) includes both R2 and R3 zones. This may be addressed by the future DCP amendment – reverting back to R2 and R3 upon gazettal of the Comprehensive LEP.
B4 Mixed Use	3(b) Neighbourhood Business	No Change
RE1 Public Recreation	6(a) Open Space	No Change

Exhibition Period

A section 64 submission has been forwarded to the Department of Planning seeking written authorisation to exercise delegations from the Department of Planning, to allow exhibition of the draft LEP, LES and supporting material for the Bellbird North precinct as resolved by Council.

As part of this resolution, Council included a requirement that the draft plan for North Bellbird be exhibited for a period of sixty (60) days. This allowed for an extended exhibition period to enable the public to consider the proposed new zones as prescribed by the standard instrument.

However, given that Council is now utilising the current zones within the 1989 Plan, it is now recommended that the proposed Bellbird North rezoning proposal be exhibited for a minimum of thirty (30) days in accordance with Council's exhibition guidelines. Should a longer exhibition period be deemed necessary, it is further recommended that Council delegate its functions to the General Manager in this regard.

RECOMMENDATION that:-

1. The changes to the proposed zones for the North Bellbird Precinct are noted;
2. Upon receipt of the Authorisation from the Department of Planning, Council exhibit the draft LEP for a minimum period of 30 days;
3. Subject to the draft instrument being exhibited for not less than 30 days, Council delegate its functions to the General Manager with regard to the final determination of the exhibition period in consultation with the Department of Planning;
4. Council consider a further report following exhibition of the draft LEP to determine the final content of the plan.

To: **The General Manager**
Strategic & Community Services
Committee - 16 April 2008

S EADE
ACTING DIRECTOR STRATEGIC &
COMMUNITY SERVICES
4 April 2008

ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES

REPORT NO. 32/2008

SUBJECT: 2007/2008 HERITAGE DOLLAR FOR DOLLAR GRANTS SCHEME

Planning Assistant, Ms Donna Lorriman Reports:-

BACKGROUND

At its meeting held on 19 March 2008, Council adopted the report of the Dollar for Dollar Committee meeting held on 5 March 2008. The report made the following recommendations:

- *That the NSW Heritage Office be asked to match the balance of funds (\$5,355) and a total of \$10,710 be allocated towards improvements to Council owned, Heritage listed buildings, if not;*
- *That Council's balance of funds (\$5,335) be allocated towards improvements to Council owned, Heritage listed buildings or;*
- *Revote the funds towards the 2008/09 Heritage dollar for dollar grant scheme.*

It was requested that a further report be submitted to Council detailing whether the Heritage Office will allocate additional funds for Council owned buildings and how the balance of the dollar for dollar funds would be allocated.

Council's Heritage Advisor confirmed that the Heritage Office would **not** provide funding on a dollar for dollar basis for improvements to Council owned heritage buildings as buildings owned by local councils are not eligible for such funding.

It is therefore proposed that the balance of Council's funds (\$5,335) be allocated towards the improvement of a Council owned, heritage listed building. This report recommends that the funds be allocated towards conservation management works for the Greta Band Rotunda, which is listed on the Hunter Regional Environmental Plan (Heritage) and is proposed for listing in the draft Cessnock Local Environmental Plan 2008.

REPORT

In April 2007, Council's Heritage Advisor undertook a heritage assessment of the Greta Band Rotunda and a subsequent structural assessment was undertaken by consulting engineers Bill Jordan & Associates Pty Ltd in July 2007. It was concluded that the Rotunda is fundamentally sound, although liable to serious damage if conservation work is not carried out in the near future. Due to the high heritage significance of the Rotunda, Council has committed to undertaking repair works via a staged approach within the Recreation Capital Works Program. The works to the rotunda include:

- Conservation work on the timber structure;
- Replacement of deteriorated posts with hardwood timber posts sawn to the original profile and installed on galvanized posts;
- Cracks in the concrete floor be patched with a mortar made to match, or alternatively a 50mm reinforced overlay be installed; and
- Steps be reset to give conforming dimensions and the approach path be ramped to suit the new position of the lower step.

The \$5,335 will be used towards the above repair works.

RECOMMENDATION that the balance of funds (\$5,335) from the 2007/2008 Heritage Dollar for Dollar Grants Scheme be allocated towards conservation maintenance work to the Greta Band Rotunda.

To: **The General Manager**
Strategic & Community Services
Committee - 16 April 2008

S EADE
ACTING DIRECTOR STRATEGIC &
COMMUNITY SERVICES
7 April 2008

ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES

REPORT NO. 33/2008

SUBJECT: DRAFT CESSNOCK LOCAL ENVIRONMENTAL PLAN 2008

Landuse Planning Manager, Mr B Moshage, reports:-

PURPOSE

The purpose of this report is to provide Council with an update on the progress of the draft Cessnock Local Environmental Plan 2008 (the draft Plan).

The draft Plan differs from that initially considered by Council on 21 November 2007 (Report No. 133/2007) and incorporates a number of policy amendments raised by the Department of Planning (DoP) prior to public exhibition, including

- the proposed zoning of the Hunter Employment Zone (HEZ);
- the inclusion of an existing holding provision;
- height and floor space ratio (FSR) requirements for the commercial core area of Cessnock;
- reorganisation of landuse tables;
- dual occupancy provisions; and
- miscellaneous amendments and adjustments.

These issues were discussed at a Council briefing on 26 March 2008.

This report advises Council of the considerations of the draft Plan and recommends seeking 'Written Authorisation' from the Department of Planning to allow for public exhibition of the amended draft Plan. It is proposed to exhibit the draft City Wide Settlement Strategy (CWSS) 2007 and the consequential amendments to Cessnock Development Control Plan (DCP) during this time. This will provide opportunity for further comment and review of these plans prior to Council making a final decision.

The final version of the draft Cessnock LEP 2008 and Map Booklet Plan have not been included in the enclosure documents due to their size. Copies have been made available electronically on CD. A hard copy of the draft Plan is also available in the Councillors Room.

BACKGROUND

The draft Cessnock Local Environmental Plan (the draft Plan) was reported to Council on 21 November 2007. At this meeting, Council resolved to seek Written Authorisation to Exercise Delegations from the Department of Planning (DoP) to allow exhibition of the draft Plan.

The draft Plan and supporting documentation were subsequently sent to the DoP on the 10 December 2007. However, the Department advised on 3 January 2008 that the recently gazetted changes to the Standard Instruments (Local Environmental Plan) Amendment Order on the 14 December 2007 and SEPP (Infrastructure) on 21 December 2007 should be incorporated into the draft Plan prior to being considered. This required significant adjustments to the structure of the draft Plan incorporating 182 amendments of a legal drafting nature and amendments to the landuse tables respectively. The basic content of the draft Plan endorsed by Council on 21 November 2007 remained unchanged.

On the 31 January 2008 the revised draft Plan was sent back to the DoP for continued consideration. The Department identified in correspondence dated 11 March 2008 the following policy issues that Council would need to address prior to the draft Plan being publicly exhibited. A copy of the Department of Planning's correspondence is provided in the enclosure document.

Hunter Employment Zone

The draft Plan submitted by Council assigned the Special Activities (SP1) zone from the Standard Instrument to lands currently zoned 4(h) Hunter Employment Zone in recognition of the uniqueness of the HEZ site. The Special Activities (SP1) zone was chosen rather than the General Industrial (IN1) zone as it was considered at the time that this zone would provide the best opportunity to maintain the status quo relating to HEZ.

The DoP advised that, notwithstanding that the SP1 zone is for uses not able to be accommodated in other zones, the landuse table proposed by Council for this location is more consistent with an industrial zone and recommends the use of the General Industrial (IN1) zone.

It is noted, however, that the IN1 zone mandates zone objectives that can be considered contrary to the current intent for HEZ. This zone also mandates light industry rather than heavy industry. In particular, the first mandated objective for the IN1 zone seeks to provide for a "wide range of industrial and warehouse land uses".

To help overcome this concern, and while acknowledging that in some circumstances light industry can also be major industrial or major employment generating development, the following local objective has been added to help maintain the uniqueness of HEZ:

“to encourage sustainable major industrial development or major employment generating development”.

Key features of HEZ such as subdivision regime and land clearing requirements are maintained and have been addressed through local provisions in the draft Plan. However, at the request of the DoP, the HEZ development requirements (including Pelaw Main bypass) as currently contained in the existing Local Environmental Plan have now been included in the draft DCP 2008, Part E: Specific Areas, Chapter 6: HEZ. The importance of these requirements have not been diminished and they will still need to be considered when determining development applications in HEZ.

Existing Holdings

Council will recall that the draft Plan was prepared taking into account the expressed concern of the DoP that existing holding 'rights' should end, and also responding to the Department of Primary Industries (DPI) similar concern that continued residential uses in the rural areas has detrimental impacts upon agricultural pursuits.

Following consideration of the Central West Rural Lands Inquiry in late 2007, the DoP is now advising that such a clause can now be carried over to the draft Plan, provided that it does not create additional entitlements beyond those under the current LEP.

Accordingly, to ensure that the status quo is maintained, existing holdings have been identified on the Local Provisions Map and a local provision has been included in the draft Plan that recognises existing holdings as they were immediately prior to the gazettal of the draft Plan.

Height and Floor Space Ratios

Given the timeframe provided by the DoP in implementing the new comprehensive LEP, a staged process has been undertaken in order to meet a number of the statutory requirements. This staged process addresses the translation of the current Cessnock LEP 1989 and revision of the Settlement Strategies. In the absence of any current height and floor space ratio (FSR) requirements, it was proposed that a review of these requirements would be undertaken following gazettal of LEP 2008.

However, the DoP has confirmed that as Cessnock is identified as a major centre in the Lower Hunter Regional Strategy (LHRS), height and floor space ratio controls will need to be set out in the draft Plan.

Accordingly, based on recent examples of development approvals in the Cessnock commercial area, it is recommended that an overall height of 12 metres and FSR of 1.5:1 be introduced for land in the proposed Commercial Core (B3) Zone. This is considered a holding measure until further analysis has been undertaken post LEP 2008 to determine more detailed measures.

Landuse Tables

The proposed landuse tables have been amended in accordance with comments received from the DoP, the recently gazetted Standard Instruments (Local Environmental Plan) Amendment Order and SEPP (Infrastructure) legislation, including:

- definitions not doubled up;
- residential, business, industrial and infrastructure zones have a prohibited list, leaving some options open as permissible uses;
- rural, (other than the Rural Landscape (RU2) zone), recreation and environmental zones only a permissible list, reducing options for permissible uses.

The content of the landuse tables as endorsed by Council on 21 November 2007 remained unchanged.

Dual Occupancy

Dwelling capacity projections contained in the Lower Hunter Regional Strategy require Council to plan for 2000 new dwellings as infill housing over the next 25 years (2006 - 2031). To address these "infill" requirements, increased opportunities for appropriate housing types and densities using proximity to the Cessnock, Kurri Kurri, Branxton and Weston town centres have been identified in the draft Plan. Beyond these areas, single dwelling-houses will be the only form of dwelling type permitted on a single residential or village lot. Justification is provided in the draft CWSS 2007.

Opportunities for infill development will be re-evaluated every five (5) years as part of the CWSS review process.

Miscellaneous Amendments & Adjustments

Several minor anomalies, such as inadvertent drafting and mapping errors, have been identified in the previous version of the draft Plan reported to Council. It is opportune to rectify these in this final exhibited version. Changes made are inconsequential and do not represent a change in policy or a previous decision of Council.

A number of other changes of a legal drafting nature have also been made, including:

- additional provisions relating to architectural roof features;
- compulsory fire alarms;
- exempt and complying development covering filming, tents and marquees used for filming, rainwater tanks and satellite TV dishes;
- placing numerical requirements for certain permissible uses formerly contained in definitions.

The structure and policy directions agreed to by Council on 21 November 2007 remain unchanged apart from those already discussed.

PROCESS TO BE FOLLOWED

Should Council resolve to do so, the draft Plan will be forwarded to the DoP with a request for a 'Written Authorisation to Exercise Delegations', meaning that Council can place the draft Plan and supporting material on exhibition for public comment, once that written authorisation has been issued to Council.

Following authorisation, the draft Plan will be exhibited for a 10 week period to enable all interested parties to make submissions. It is intended that the exhibition process include:

- Statutory requirements (advertisements in the local newspapers);
- Council's Administration Building (Customer Service Section);
- Cessnock and Kurri Kurri Libraries
- Comprehensive information on Council's web site at www.cessnock.nsw.gov.au;
- Written notification to all affected stakeholders; and
- Public information sessions and meetings.

It is also intended to publicly exhibit the draft City Wide Settlement Strategy 2007 and the consequential amendments to Cessnock DCP 2006 at the same time as the draft Plan.

At the end of the exhibition period all submissions will be considered and a further report will be presented to Council for consideration regarding any necessary amendments.

RECOMMENDATION that:-

1. Council seek Written Authorisation to Exercise Delegations from the Department of Planning to allow exhibition of the draft Plan;
2. Upon receipt of the Authorisation, Council publicly exhibit the draft Plan in conjunction with the draft City Wide Settlement Strategy 2007 and the consequential amendments to Cessnock Development Control Plan 2006 in accordance with the Environmental Planning and Assessment Act, 1979, for a period of ten (10) weeks; and
3. Council consider a further report following exhibition to determine the final content and form of the Cessnock Local Environmental Plan 2008, City Wide Settlement Strategy 2007 and Cessnock Development Control Plan 2008.

To: **The General Manager**
Strategic & Community Services
Committee - 16 April 2008

S EADE
ACTING DIRECTOR STRATEGIC &
COMMUNITY SERVICES
7 April 2008