



Vincent Street  
CESSNOCK

29 April 2016

## **ORDINARY MEETING OF COUNCIL**

**WEDNESDAY, 4 MAY 2016**

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# **PLANNING PROPOSAL**

## **Amendment to the *Cessnock Local Environment Plan 2011***

### **Schedule 1 Additional Permitted Uses at Huntlee (B4 Mixed Use Zone)**

Version 2

14 April 2016

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Planning Proposal – Huntlee: B4 Mixed Use Amendment

File No. 18/2015/6/1

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## Summary of Proposal

<b>PROPOSAL:</b>	Planning Proposal – Huntlee New Town Site – Additional Permitted Uses
<b>PROPERTY DESCRIPTION:</b>	Applies to all B4 Mixed Use zoned land at the Huntlee New Town site that is within the Local Government Area of Cessnock
<b>PROPERTY ADDRESS:</b>	As above
<b>ZONE: (CURRENT)</b>	B4 Mixed Use Zone
<b>ZONE (PROPOSED)</b>	Not Applicable
<b>OWNER:</b>	Huntlee Pty Ltd
<b>PROPONENT:</b>	JBA Urban Planning Consultants

## Background

The Huntlee New Town site (Huntlee) straddles the local government areas of Cessnock and Singleton and was gazetted as a State Significant Site on 9 January 2009. Huntlee comprises several land use zones, including a substantial area zoned B4 Mixed Use.

Development standards for Huntlee, including permitted and prohibited land uses for each of the zones, were originally set out under Schedule 3 of State *Environmental Planning Policy (SEPP) (Major Development) 2005*. A separate Development Control Plan (DCP) was also adopted for Huntlee by the then Director-General of the Department of Planning and Infrastructure. The Huntlee DCP came into force on 12 June 2013.

The B4 Mixed Use Zone adopted for Huntlee under SEPP Major Development was tailored by the Department to permit a broad range of land uses for the Huntlee Town Centre, including low density residential development. In contrast, the B4 Zone adopted under *Cessnock Local Environmental Plan 2011* (LEP 2011) was tailored by Council to enable a specific mix of commercial and higher density residential development in areas adjacent to the B3 Commercial Core Zone.

On 5 March 2015, the provisions of SEPP Major Development relating to Huntlee were transferred to the LEP 2011 by the Department of Planning and Environment. In order to address differences between the intended character of the B4 Zone under SEPP Major Development and the B4 Zone under the LEP 2011, an Additional Permitted Use (APU) clause was included in Schedule 1 of the LEP 2011 in respect of Huntlee (Area B). The APU enabled *dwelling houses, exhibition homes, exhibition villages* and *highway service centres* in the B4 Mixed Use Zone at Huntlee (Area B). The land uses were additional to a range of uses already permissible in the Zone under the LEP 2011, including *multi-dwelling housing, residential flat buildings, seniors housing, and shop top housing*.

The land uses, *dual occupancies, secondary dwellings, recreation facilities (outdoor)*, and *light industries* do not appear to have been considered when provisions of *State Environmental Planning Policy (SEPP) (Major Development) 2005* were transferred to the LEP 2011 by the Department of Planning and Environment.

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## **PART 1: OBJECTIVES and OUTCOMES**

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The objective of this Planning Proposal is to include *dual occupancies*, *secondary dwellings*, *recreation facilities (outdoor)*, and *light industries* as additional permitted uses in the B4 Mixed Use Zone at the Huntlee New Town site under *Cessnock Local Environmental Plan 2011* (LEP 2011).

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## PART 2: EXPLANATION of PROVISIONS

The objective of the Planning Proposal is to permit development for *dual occupancies*, *secondary dwellings*, *recreation facilities (outdoor)*, and *light industries* in the B4 Mixed Use Zone at the Huntlee New Town site (Huntlee).

- *Dual occupancy* means a dual occupancy (attached) or a dual occupancy (detached).
  - dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.
  - dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.
- *Secondary dwelling* means a self-contained dwelling that:
  - (a) is established in conjunction with another dwelling (the principal dwelling), and
  - (b) is on the same lot of land as the principal dwelling, and
  - (c) is located within, or is attached to, or is separate from, the principal dwelling.
- *recreation facility (outdoor)* means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).
- *light industry* means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:
  - (a) high technology industry,
  - (b) home industry.

*Dual occupancies* and *secondary dwellings* were not originally included as permissible land uses in the B4 Zone at Huntlee. This appears to have been an oversight in the drafting of the original provisions for the site under *State Environmental Planning Policy (SEPP) (Major Development) 2005* by the then Department of Planning and Infrastructure. The anomaly is peculiar given the broad range of residential accommodation already permissible in the Zone, including *dwelling houses*, *multi-dwelling housing*, *residential flat buildings*, *seniors housing*, and *shop top housing*.

The recommended inclusion of *dual occupancies* and *secondary dwellings* as permitted land uses in the B4 Zone at Huntlee will assist in bringing about a key objective for Huntlee specified in the Lower Hunter Regional Strategy, being the delivery of 7,200 residential dwellings in that area. The inclusion of dual occupancies and secondary dwellings in the B4 Zone will also increase the range of dwelling types and residential options available for new residents. The increased range of dwelling types will improve housing affordability and ensure a broad social mix of residents is achieved.

The proposed amendment will also ensure consistent development standards apply across the Huntlee B4 Zone in the Cessnock and Singleton Local Government Areas. Dual occupancies and secondary dwellings are permitted with consent in the B4 Zone in the Singleton Local Government Area, but not in the Cessnock LGA.

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The proposal also seeks to enable the land uses, *recreation facilities (outdoor)* and *light industries* as additional permitted uses in the B4 Zone at Huntlee. These land uses were originally permissible in the B4 Zone at Huntlee under SEPP Major Development; however, were not carried into the LEP 2011 by the Department of Planning and Environment when the provisions of the SEPP were transferred, which appears to have been a drafting error. The Planning Proposal also seeks to rectify this anomaly.

Recommendation

Amend Clause 3(2) of schedule 1 of the LEP 2011, relating to the Huntlee New Town, by inserting the words 'dual occupancies', 'secondary dwellings', 'recreation facilities (outdoor)', and 'light industries' as additional permitted uses in the B4 Mixed Use Zone.

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## **PART 3: JUSTIFICATION**

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In accordance with the Department of Planning and Environment'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 Huntlee New Town is specifically identified in the Lower Hunter Regional Strategy as a major urban release area able to accommodate up to 7,200 residential dwellings. The proposed LEP amendment will assist in bringing about a key objective for Huntlee specified in the Lower Hunter Regional Strategy, being the delivery of 7,200 residential dwellings in the area. The proposed LEP amendment will also enable dwellings of a higher density to be permitted in appropriate locations within the B4 zoned town centre and entry village.

The initial rezoning of the Huntlee site included a State Significant Site study to justify the rezoning and strategic merit of the development. The State Significant Study was publically exhibited and endorsed by the State Government to inform the rezoning of the site.

#### **2 Planning Proposal as best way to achieve to objectives**

As stated the relevant planning controls for Huntlee have been transferred out of the Major Development SEPP and into the Cessnock LEP. Accordingly an LEP amendment is required to permit additional land uses within the B4 zone at Huntlee. A Planning Proposal or LEP amendment is the appropriate mechanism for achieving this.



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## **Section B: Relationship to Strategic Planning Framework**

### **3 Consistency with Objectives and Actions within Regional Strategies**

#### **Lower Hunter Regional Strategy 2006**

The Lower Hunter Regional Strategy 2006 (LHRS) was released in October 2006 by DoP with the purpose of ensuring that adequate land is available and appropriately located to sustainably accommodate the projected housing and employment needs of the region's population over the next 25 years.

The approved Huntlee development is specifically identified in the Strategy as a major urban release area able to accommodate up to 7,200 residential dwellings. This represents 6.1% of the total new dwellings required under the Strategy and 10.4% of all new dwellings in new release areas across the Region. In addition, Huntlee will contribute up to 200 hectares of employment land to the region, which is capable of generating in excess of 3000 jobs. This is consistent with the Regional Strategy objective of ensuring the availability of sufficient employment lands and maintaining or improving the employment self-sufficiency of the region.

The proposed amendment to the Cessnock LEP to permit a higher density form of housing within the B4 zone will ensure that Huntlee is able to achieve its potential dwelling target with appropriate residential density. The location of dual occupancies and secondary dwellings within the B4 zone will ensure that they are located in close proximity to public transport and employment uses.

### **4 Consistency with Council's Community Strategic Plan or other Local Strategic Plan**

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

The Planning Proposal aligns with the Cessnock Community Strategic Plan, which seeks to increase housing affordability. The Planning Proposal will facilitate smaller dwelling types increasing affordability and improving the range of dwelling types available in the B4 zone. Additionally, the Planning Proposal will permit additional dwelling types in close proximity to public transport and employment land uses.

#### **City Wide Settlement Strategy (2010)**

The City Wide Settlement Strategy (2010) identifies the Huntlee release area as providing 7,200 new residential dwellings. The Planning Proposal seeks to achieve this dwelling target by increasing the range of dwelling types permitted in the B4 zone. The Settlement Strategy also seeks to locate dual occupancies and secondary dwellings on the fringe of commercial areas, consistent with the location of the B4 zone and proposed location for the dual occupancies and secondary dwellings.

The Planning Proposal is consistent with the City Wide Settlement strategy as it seeks to permit dual occupancies and secondary dwellings on the fringe of the commercial based Huntlee Town Centre.

Additionally the Huntlee site was subject to a State Significant Site Study which provided strategic context and justification for the rezoning. The study considered that a range of dwelling types and sizes were suitable for the development. Accordingly the Planning Proposal, which seeks to permit dual occupancies and secondary dwellings on the site, is consistent with the State Significant Site Study.

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## 5 Consistency with State Environmental Planning Policies

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

Table 1: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
<b>SEPP 1 - Development Standards</b>	The SEPP makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.	<b>Consistent.</b> SEPP 1 only remains relevant to the deferred matter sites in the Cessnock Local Government Area. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 14 – Coastal Wetlands</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP 15 - Rural Land Sharing Communities</b>	The SEPP provides for multiple occupancy development, with council consent, in rural and non-urban zones, subject to a list of criteria in the policy.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 19 – Bushland in Urban Areas</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP 21 - Caravan Parks</b>	The SEPP provides for development for caravan parks.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 26 – Littoral Rainforests</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP 29 – Western Sydney Recreation Area</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP 30 - Intensive Agriculture</b>	The SEPP provides considerations for consent for intensive agriculture.	Not applicable
<b>SEPP 32 - Urban Consolidation (Redevelopment of Urban Land)</b>	The SEPP makes provision for the re-development of urban land suitable for multi-unit housing and related development.	<b>Consistent.</b> The SEPP continues to apply to the site. The proposed LEP amendment will not adversely impact the application of the SEPP.
<b>SEPP 33 - Hazardous &amp; Offensive Development</b>	The SEPP provides considerations for consent for hazardous & offensive development.	Not applicable
<b>SEPP 36 - Manufactured Homes Estates</b>	The SEPP makes provision to encourage manufactured homes estates through permitting this use where caravan parks are permitted and allowing subdivision.	Not applicable
<b>SEPP 39 – Spit Island Bird Habitat</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP 44 - Koala Habitat Protection</b>	This SEPP applies to land across NSW that is greater than	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon

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SEPP	Relevance	Consistency and Implications
	1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	the operation of this SEPP.
<b>SEPP 47 – Moore Park Showground</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP 50 - Canal Estate Development</b>	The SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.	Not applicable
<b>SEPP 52 – Farm Dams and Other works in Land and Water Management Plan Areas</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP 55 - Remediation of Land</b>	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination	<b>Consistent.</b> The B4 zoned land at Huntlee was approved for residential development upon its rezoning.  Therefore the land to which this amendment applies is not anticipated to be contaminated land.
<b>SEPP 59 – Central Western Sydney Regional Open Space and Residential</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP 62 - Sustainable Aquaculture</b>	The SEPP relates to development for aquaculture and to development arising from the rezoning of land and is of relevance for site specific rezoning proposals.	Not applicable
<b>SEPP 64 - Advertising and Signage</b>	The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 65 - Design Quality of Residential Development</b>	The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.  The B4 zone has been approved for residential development and the

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SEPP	Relevance	Consistency and Implications
	Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	proposal seeks to clarify the additional dwellings that can be provided in the B4 zone.
<b>SEPP 70 – Affordable Rental Housing (Revised Schemes)</b>	The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 71 – Coastal Protection</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP Affordable Rental Housing 2009</b>	The aims of this Policy are as follows: (a) to provide a consistent planning regime for the provision of affordable rental housing, (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards, (c) to facilitate the retention and mitigate the loss of existing affordable rental housing, (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing, (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing, (f) to support local business centres by providing affordable rental housing for workers close to places of work, (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.	<b>Consistent.</b> The SEPP continues to apply to the site. While the proposed LEP amendment will not benefit from the provisions of the SEPP, the additional dwelling types will improve housing affordability, aligning with the intention of the SEPP.
<b>SEPP Building Sustainability Index: BASIX 2004</b>	The SEPP provides for the implementation of BASIX throughout the State.	<b>Consistent.</b> All future developments as a result of the LEP amendment will be required to achieve compliance with BASIX

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SEPP	Relevance	Consistency and Implications
		requirements.
<b>SEPP Exempt and Complying Development Codes 2008</b>	The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.	<b>Consistent.</b> The SEPP (Exempt and Complying Development Codes) 2008 applies to the site. The LEP amendment will not have any adverse impacts on the application of the SEPP.
<b>SEPP Housing for Seniors or People with a Disability 2004</b>	The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.	<b>Consistent.</b> SEPP (Seniors housing) applies to the site. The LEP amendment will not have any adverse impacts on the application of the SEPP.
<b>SEPP Infrastructure 2007</b>	The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	<b>Consistent.</b> SEPP (Infrastructure) applies to the site. The LEP amendment will not have any adverse impacts on the application of the SEPP.
<b>SEPP (Kosciuszko National Park – Alpine Resorts) 2007</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP (Kurnell Peninsula) 1989</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP Major Development 2005</b>	The SEPP defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition, the SEPP identifies the council consent authority functions that may be carried out by Joint Regional Planning Panels (JRPPs) and classes of regional development to be determined by JRPPs.	<b>Consistent.</b> The site is no longer included as a State Significant Site under the Major Development SEPP.
<b>SEPP Mining, Petroleum Production and</b>	The SEPP aims to provide proper management of mineral, petroleum and extractive	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.

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SEPP	Relevance	Consistency and Implications
<b>Extractive Industries 2007</b>	material resources and ESD.	
<b>SEPP Miscellaneous Consent Provisions 2007</b>	The aims of this Policy are as follows: (a) to provide that the erection of temporary structures is permissible with consent across the State, (b) to ensure that suitable provision is made for ensuring the safety of persons using temporary structures, (c) to encourage the protection of the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration, (d) to provide that development comprising the subdivision of land, the erection of a building or the demolition of a building, to the extent to which it does not already require development consent under another environmental planning instrument, cannot be carried out except with development consent.	<b>Consistent.</b> Nothing in this Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP Penrith Lakes Scheme 1989</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP Rural Lands 2008</b>	The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts and provides development principles.	Not applicable
<b>SEPP 53 Transitional Provisions 2011</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
<b>SEPP State and Regional Development 2011</b>	The SEPP aims to identify development and infrastructure that is State significant and confer functions on the Joint Regional Planning Panels (JRPPs) to determine development applications.	<b>Consistent.</b> The SEPP will continue to apply to future <i>development</i> of the site which may be deemed as 'regional development' (meeting the relevant thresholds under Schedule 4A of the EP&A Act), with the JRPP acting as the determining authority.
<b>SEPP (Sydney Drinking Water Catchment 2011)</b>	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>

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SEPP	Relevance	Consistency and Implications
SEPP Sydney Region Growth Centres 2006	Not Applicable to LGA	Not Applicable to LGA
SEPP (Three Ports 2013	Not Applicable to LGA	Not Applicable to LGA
SEPP (Urban Renewal) 2010	Not Applicable to LGA	Not Applicable to LGA
SEPP (Western Sydney Employment Area) 2009	Not Applicable to LGA	Not Applicable to LGA
SEPP (Western Sydney Parklands) 2009	Not Applicable to LGA	Not Applicable to LGA

## 6 Consistency with s.117 Ministerial Directions for Local Plan Making

An assessment of relevant s.117 Directions against the planning proposal is provided in the table below.

Table 2: Relevant s.117 Ministerial Directions

Ministerial Direction	Objective of Direction	Consistency and Implication
<b>1 EMPLOYMENT AND RESOURCES</b>		
1.1 Business and Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	<b>Consistent.</b> The Planning Proposal seeks to permit light industries in the B4 Zone at Huntlee. The inclusion of the light industry land use, will encourage additional opportunities for employment in the Zone.
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	<b>Consistent.</b> The Planning Proposal applies to B4 zoned land and will not undermine the agricultural production value of rural land
1.3 Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	<b>Consistent.</b> The Planning Proposal seeks to permit additional secondary dwelling types in the B4 Zone. Accordingly it will not unduly or further restrict the use of the land for mining, extractive industries or petroleum production.
1.4 Oyster Aquaculture	The objectives of this direction are: (a) to ensure that Priority Oyster Aquaculture Areas	Not Applicable to LGA

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Ministerial Direction	Objective of Direction	Consistency and Implication
	<p><i>and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal,</i></p> <p><i>(b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</i></p>	
1.5 Rural lands	<p>The objectives of this direction are to:</p> <p>(a) protect the agricultural production value of rural land,</p> <p>(b) facilitate the orderly and economic development of rural lands for rural and related purposes.</p>	<b>Consistent.</b> The Planning Proposal applies to B4 zoned land and as such is not rural land.
<b>2 ENVIRONMENT AND HERITAGE</b>		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	<b>Consistent.</b> The Planning Proposal applies to B4 zoned land and as such is not in an environmental protection zone.
2.2 Coastal Protection	<i>The objective of this direction is to implement the principles in the NSW Coastal Policy.</i>	<i>Not Applicable to LGA</i>
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<b>Consistent.</b> There are no heritage items or heritage conservation zones in the B4 zoned land at Huntlee.
2.4 Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	<b>Consistent.</b> The Planning Proposal does not relate to recreation vehicle areas.
<b>3 HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>		
3.1 Residential Zones	<p>The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and</p>	<b>Consistent.</b> The Planning Proposal applies to B4 zoned land in which residential uses are permitted. The planning proposal seeks to increase the permitted range of residential accommodation and therefore increase the diversity and range of

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Ministerial Direction	Objective of Direction	Consistency and Implication
	<p>services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p>	<p>housing choice. The additional dwellings will allow for an increased density to make better use of existing infrastructure and contain residential accommodation within the existing B4 and residential zoned land.</p>
3.2 Caravan parks and Manufactured Home Estates	<p>The objectives of this direction are:</p> <p>(a) to provide for a variety of housing types, and</p> <p>(b) to provide opportunities for caravan parks and manufactured home estates.</p>	<p><b>Consistent.</b> The Planning Proposal does not relate to Caravan parks and Manufactured Home Estates.</p>
3.3 Home Occupations	<p>The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.</p>	<p><b>Consistent.</b> Nothing in this Planning Proposal impacts upon the carrying out of home occupations in the B4 Mixed Use Zone. Home occupations will remain permitted without consent in the Zone.</p>
3.4 Integrating Land Use and Transport	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	<p><b>Consistent.</b> The Planning Proposal, through permitting additional residential dwelling types, will facilitate residential development appropriately located to support public transport, and improve access to housing, jobs and services by walking, cycling and public transport.</p> <p>In light of this it is expected that the proposal will reduce travel demand including the number of trips generated by the development and the distances travelled, especially by car.</p>
3.5 Development Near Licensed Aerodromes	<p>The objectives of this direction are:</p> <p>(a) to ensure the effective and safe operation of aerodromes, and</p>	<p><b>Consistent.</b> The Planning Proposal does not relate to land near licensed aerodromes.</p>

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Planning Proposal – Huntlee: B4 Mixed Use Amendment

File No. 18/2015/6/1

Ministerial Direction	Objective of Direction	Consistency and Implication
	<p>(b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and</p> <p>(c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p>	
3.6 Shooting Ranges	<p>The objectives are:</p> <p>(a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</p> <p>(b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,</p> <p>(c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p>	<b>Consistent.</b> The Planning Proposal does not relate to land near a shooting range.
<b>4 HAZARD AND RISK</b>		
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils	<b>Consistent.</b> The site is not identified in the Cessnock LEP as having acid sulphate soils.
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	<b>Consistent.</b> The Planning Proposal seeks to increase the range of permitted dwelling types in the B4 zone. Any impacts from mine subsidence may be assessed during future applications for dwellings.
4.3 Flood Prone Land	<p>The objectives of this direction are:</p> <p>(a) to ensure that development of flood prone land is</p>	<b>Consistent.</b> The B4 Zone in the Cessnock LGA is not subject to flooding. The Planning Proposal seeks to increase the range of

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Planning Proposal – Huntlee: B4 Mixed Use Amendment

File No. 18/2015/6/1

Ministerial Direction	Objective of Direction	Consistency and Implication
	consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	permitted dwelling types in the B4 zone. Any flooding impacts may be assessed during future applications for dwellings.
4.4 Planning for Bushfire Protection	The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	<b>Consistent.</b> The Planning Proposal seeks to increase the range of permitted dwelling types in the B4 zone. Any future applications for dwellings on land affected by bushfire will be subject to the Huntlee DCP bushfire management provisions.
<b>5 REGIONAL PLANNING</b>		
5.1 Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes, and actions contained in regional strategies.	<b>Consistent.</b> Huntlee is identified in the lower Hunter Regional Strategy. The Planning Proposal will enable additional residential dwelling types, contributing to the achievement of the Huntlee Dwelling target of 7,200 dwellings.
5.2 Sydney Drinking Water Catchment	<i>The objective of this Direction is to protect water quality in the Sydney drinking water catchment.</i>	<i>Not Applicable to LGA</i>
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<i>The objectives of this direction are: (a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre, (b) to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and (c) to reduce land use conflict arising between agricultural use and non-agricultural</i>	<i>Not Applicable to LGA</i>

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Planning Proposal – Huntlee: B4 Mixed Use Amendment

File No. 18/2015/6/1

Ministerial Direction	Objective of Direction	Consistency and Implication
	<i>use of farmland as caused by urban encroachment into farming areas.</i>	
5.4 <i>Commercial and Retail Development along the Pacific Highway, North Coast</i>	<i>The objectives for managing commercial and retail development along the Pacific Highway are: (a) to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route; (b) to prevent inappropriate development fronting the highway (c) to protect public expenditure invested in the Pacific Highway, (d) to protect and improve highway safety and highway efficiency, (e) to provide for the food, vehicle service and rest needs of travellers on the highway, and (f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</i>	<i>Not Applicable to LGA</i>
5.5 <i>Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</i>	<i>(Revoked 18 June 2010)</i>	<i>No longer applicable to the LGA.</i>
5.6 <i>Sydney to Canberra Corridor</i>	<i>(Revoked 10 July 2008. See amended Direction 5.1)</i>	<i>Not Applicable to LGA</i>
5.7 <i>Central Coast</i>	<i>(Revoked 10 July 2008. See amended Direction 5.1)</i>	<i>Not Applicable to LGA</i>
5.8 <i>Second Sydney Airport: Badgerys Creek</i>	<i>The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</i>	<i>Not Applicable to LGA</i>
5.9 <i>North West Rail Link Corridor Strategy</i>	<i>The objectives of this direction are to: (a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL)</i>	<i>Not Applicable to LGA</i>

Planning Proposal – Huntlee: B4 Mixed Use Amendment

File No. 18/2015/6/1

Ministerial Direction	Objective of Direction	Consistency and Implication
	<i>(b) ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.</i>	
<b>6 LOCAL PLAN MAKING</b>		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	No new concurrence provisions are proposed.
6.2 Reserving Land for Public Purposes	The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	<b>Consistent.</b> No new land reservation provisions are proposed.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	<b>Consistent.</b> The Planning Proposal seeks to include <i>dual occupancies, secondary dwellings, recreation facilities (outdoor), and light industries</i> as additional permitted uses in the B4 Mixed Used Zone at Huntlee (Area B). In accordance with clause (4)(c) of the Ministerial Direction, the Proposal will not impose any development standards or requirements in addition to those already contained within the LEP 2011 in relation to the additional permitted uses.
<b>7 Metropolitan Planning</b>		
7.1 Implementation of A Plan for Growing Sydney	<i>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i>	Not Applicable to LGA

Planning Proposal – Huntlee: B4 Mixed Use Amendment  
File No. 18/2015/6/1

## **Section C: Environmental, Social and Economic Impact**

### **7 Impact on Threatened Species**

The part 3A approval for the Huntlee New Town included a detailed assessment of any impact on threatened species. A Voluntary Planning Agreement for the development establishes an Environmental Lands Offset Agreement, involving the dedication of up to 780 hectares at Huntlee and up to a further 4,988 hectares of conservation land in a number of locations in the Lower Hunter Valley Region provides robust ecological outcomes for threatened species and ecological communities and is consistent with the outcomes proposed in the Lower Hunter Regional Strategy and the Lower Hunter Regional Conservation Plan.

The Planning Proposal seeks to permit additional residential dwelling types within the B4 zone to facilitate a greater mix of residential dwelling types. Residential uses are already permitted in the B4 zone along with a range of urban and recreational land uses. Development within the B4 zone is offset under the Conservation Agreement under the part 3A approval. As the planning proposal does not seek to increase the area of the B4 zone, it is not anticipated to have any significant adverse impact on threatened species.

### **8 Environmental Impact**

The Planning Proposal seeks to increase the range of dwelling types permitted in the B4 zone at Huntlee. Residential dwellings are already permitted in the B4 zone along with multi-dwelling housing and as such will not introduce residential dwellings into a zone in which they were previously prohibited.

The proposed inclusion of dual occupancies and secondary dwellings in the B4 zone will increase the range of dwelling types and options available for new residents. The increased range of dwelling types will enable greater levels of housing affordability and ensure a broad social mix of residents is achieved.

The inclusion of dual occupancies and secondary dwellings in the B4 zone is consistent with the adjoining R1 residential zone in which these uses are permitted. While the inclusion of these dwelling types will facilitate an increase in residential density, the B4 zone already permits residential flat buildings and 'cottage lots' with a minimum area of 150m<sup>2</sup>. The increase in density is also limited to the maximum number of dwellings permitted for Huntlee under the Stage 1 Project Approval. Additionally the B4 zone is located within close proximity to the town centre, public transport and open space and is therefore appropriate to accommodate secondary and dual occupancy dwellings.

The provision of secondary dwellings will facilitate additional surveillance as these dwelling types are often located in close proximity to laneways and as such will provide additional passive surveillance to these areas.

The Planning Proposal also seeks to include *recreation facilities (outdoor)* and *light industries* in the B4 Zone at Huntlee. These land uses were previously permitted in the Zone at Huntlee under State *Environmental Planning Policy (Major Development) 2005*, but were omitted upon subsequent transferal of the provisions to the LEP 2011. The omission of the land uses was likely to have been an oversight.

Planning Proposal – Huntlee: B4 Mixed Use Amendment

File No. 18/2015/6/1

## **9 Social and Economic Impacts**

The Planning Proposal will permit additional dwelling types within the B4 zone, adding to the range of permitted dwelling types within the entry village. The additional dwelling types will facilitate improved housing choice within the B4 zone, ultimately contributing to housing affordability through smaller dwelling types and ensuring a broad social mix of residents is achieved.

The Planning Proposal also seeks to permit light industries in the B4 Zone at Huntlee. The inclusion of the light industry land use, will encourage additional opportunities for employment in the Zone.

The Planning Proposal is not anticipated to create any adverse social or economic impacts within Huntlee or the wider local area.

## **Section D: State and Commonwealth Interests**

### **10 Adequate Public Infrastructure**

The Planning Proposal applies to a B4 zoned urban area and will have access to a range of services provided under the Stage 1 Project Approval.

### **11 Consultation with State and Commonwealth Authorities**

A Gateway determination was issued by the Department of Planning and Environment (DoPE) in respect of the Planning Proposal on 15 February 2016. The determination specified that no consultation was required with any public authority.

Planning Proposal – Huntlee: B4 Mixed Use Amendment

File No. 18/2015/6/1

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## **PART 4: MAPPING**

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The Planning Proposal does not require any mapping amendments.



Planning Proposal – Huntlee: B4 Mixed Use Amendment

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## **PART 5: COMMUNITY CONSULTATION**

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Community consultation was undertaken as directed in the Gateway determination. Given the low impact nature of the Proposal, a 14 day exhibition period was required by the Determination. No consultation with public authorities was required by the Department of Planning and Environment.

The Planning Proposal was placed on public exhibition between 24 February 2016 and 9 March 2016. The Proposal was re-exhibited on 23 March 2016 when it came to light that not all the affected properties had been notified during the original exhibition period. The re-exhibition period subsequently concluded on 13 April 2016 and included an additional week in consideration of the Easter long weekend holiday. On both occasions, the exhibition of the Proposal resulted in no submissions.

The Proposal was notified as follows:

- Notification in the Cessnock Advertiser, which is the locally circulating newspaper in the LGA;
- Hard copy display at Council's Administration Building and at Cessnock and Kurri Kurri Public Libraries;
- Web based notification on Council's website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au); and
- Notification to property owners directly affected by a land use zone amendment.

Planning Proposal – Huntlee: B4 Mixed Use Amendment

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## **PART 6: PROJECT TIMELINE**

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It is estimated that this proposed amendment to the *Cessnock Local Environmental Plan 2011* will be completed by Jul 2016, following receipt of a Gateway Determination from the Department of Planning and Environment in February 2016 (i.e. six months).

Technical Studies have not been identified as a component of the Planning Proposal. If the Department of Planning and Environment Gateway Determination makes prescriptions relating to technical studies, this will adversely impact on the estimated completion date.

**PROJECT TIMELINE**

	Dec 2015	Feb 2016	Mar 2016	Apr 2016	May 2016	Jun 2016	Jul 2016
<b>STAGE 1</b> Submit to DoP&E – Gateway Panel consider Planning Proposal							
<b>STAGE 2</b> Receive Gateway Determination							
<b>STAGE 3</b> Preparation of documentation for Public Exhibition							
<b>STAGE 4</b> Public Exhibition							
<b>STAGE 5</b> Review/consideration of submission received							
<b>STAGE 6</b> Report to Council							
<b>STAGE 7</b> Forward Planning Proposal to DoP&E with request the amendment is made							

## Appendix 1: Council Report and Minutes

### PLANNING AND ENVIRONMENT NO. PE100/2015

**SUBJECT:** 18/2015/6: PLANNING PROPOSAL - HUNTLEE

**MOTION** 1512 **Moved:** Councillor Stapleford **Seconded:** Councillor Campbell  
**RESOLVED**

1. That Council prepares a Planning Proposal to amend Clause 3(2) of Schedule 1 of the *Cessnock Local Environmental Plan 2011* to include *dual occupancies, secondary dwellings, recreation facilities (outdoor), and light industries* as additional permitted uses in the B4 Mixed Use Zone at Huntlee.
2. That Council requests a Gateway determination from the NSW Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
3. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. That a further report be presented to Council following the public exhibition of the Planning Proposal, to consider any submissions and outcomes of the consultation.
5. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

FOR	AGAINST
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
<b>Total (8)</b>	<b>Total (2)</b>

**CARRIED**

This is page 44 of the Minutes of the Ordinary Council Meeting held on 9 December 2015 confirmed on 3 February 2016

.....General Manager .....Chairperson

**Report To Ordinary Meeting of Council - 9 December 2015**

Planning and Environment

Report No. PE100/2015

Planning and Environment



**SUBJECT:** 18/2015/6: PLANNING PROPOSAL - HUNTLEE

**RESPONSIBLE OFFICER:** Strategic Landuse Planning Manager - Martin Johnson

<b>APPLICATION NUMBER:</b>	18/2015/6
<b>PROPOSAL:</b>	Planning Proposal – Huntlee New Town Site – Additional Permitted Uses
<b>PROPERTY DESCRIPTION:</b>	Applies to all B4 Mixed Use zoned land at the Huntlee New Town site that is within the Local Government Area of Cessnock
<b>PROPERTY ADDRESS:</b>	As above
<b>ZONE: (CURRENT)</b>	B4 Mixed Use Zone
<b>ZONE (PROPOSED)</b>	Not Applicable
<b>OWNER:</b>	Huntlee Pty Ltd
<b>PROPONENT:</b>	JBA Urban Planning Consultants

**SUMMARY**

The purpose of this Report is to seek Council's endorsement to prepare a Planning Proposal to include *dual occupancies, secondary dwellings, recreation facilities (outdoor), and light industries* as additional permitted uses in the B4 Mixed Use Zone at the Huntlee New Town site (Huntlee). The land uses do not appear to have been considered when provisions of *State Environmental Planning Policy (SEPP) (Major Development) 2005* were transferred to the *Cessnock Local Environmental Plan 2011* by the NSW Department of Planning and Environment.

**RECOMMENDATION**

1. That Council prepares a Planning Proposal to amend Clause 3(2) of Schedule 1 of the *Cessnock Local Environmental Plan 2011* to include *dual occupancies, secondary dwellings, recreation facilities (outdoor), and light industries* as additional permitted uses in the B4 Mixed Use Zone at Huntlee.
2. That Council requests a Gateway determination from the NSW Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
3. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.

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4. That a further report be presented to Council following the public exhibition of the Planning Proposal, to consider any submissions and outcomes of the consultation.
5. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

**BACKGROUND**

Huntlee straddles the Local Government Areas of Cessnock and Singleton and was gazetted as a State Significant Site on 9 January 2009. Huntlee comprises several land use zones, including a substantial area zoned B4 Mixed Use. The land use zones that apply to Huntlee are identified in Figure 1.

Development standards for Huntlee, including permitted and prohibited land uses for each of the zones, were originally set out under Schedule 3 of State *Environmental Planning Policy (SEPP) (Major Development) 2005*. A separate Development Control Plan (DCP) was also adopted for Huntlee by the then Director-General of the Department of Planning and Infrastructure. The Huntlee DCP came into force on 12 June 2013.

The B4 Mixed Use Zone adopted for Huntlee under SEPP Major Development was tailored by the Department to permit a broad range of land uses for the Huntlee Town Centre, including low density residential development. In contrast, the B4 Zone adopted under *Cessnock Local Environmental Plan 2011* (LEP 2011) was tailored by Council to enable a specific mix of commercial and higher density residential development in areas adjacent to the B3 Commercial Core Zone.

On 5 March 2015, the provisions of SEPP Major Development relating to Huntlee were transferred to the LEP 2011 by the Department of Planning and Environment. In order to address differences between the intended character of the B4 Zone under SEPP Major Development and the B4 Zone under the LEP 2011, an Additional Permitted Use (APU) clause was included in Schedule 1 of the LEP 2011 in respect of Huntlee. The result of the APU is that the B4 Zone at Huntlee enables a far broader range of residential accommodation, including *dwelling houses, multi-dwelling housing, residential flat buildings, seniors housing, and shop top housing*.

The land uses, *dual occupancies, secondary dwellings, recreation facilities (outdoor), and light industries* do not appear to have been considered when provisions of *SEPP Major Development* were transferred to the LEP 2011 by the Department of Planning and Environment.

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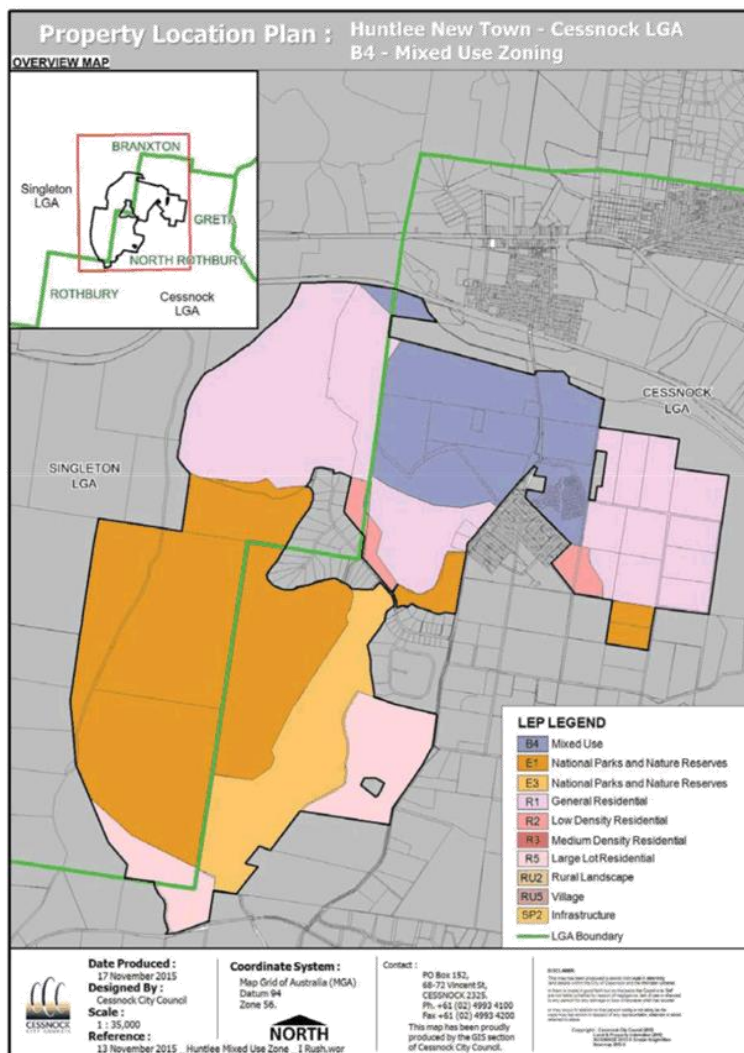
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Figure 1: Huntlee New Town Site – Land Use Zones



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**REPORT/PROPOSAL**

The objective of the Planning Proposal is to permit development for *dual occupancies*, *secondary dwellings*, *recreation facilities (outdoor)*, and *light industries* in the B4 Mixed Use Zone at the Huntlee New Town site (Huntlee).

- *Dual occupancy* means a dual occupancy (attached) or a dual occupancy (detached).
  - dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.
  - dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.
- *Secondary dwelling* means a self-contained dwelling that:
  - (a) is established in conjunction with another dwelling (the principal dwelling), and
  - (b) is on the same lot of land as the principal dwelling, and
  - (c) is located within, or is attached to, or is separate from, the principal dwelling.
- *recreation facility (outdoor)* means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).
- *light industry* means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:
  - (a) high technology industry,
  - (b) home industry.

*Dual occupancies* and *secondary dwellings* were not originally included as permissible land uses in the B4 Zone at Huntlee. This appears to have been an oversight in the drafting of the original provisions for the site under *SEPP Major Development* by the then Department of Planning and Infrastructure. The anomaly is peculiar given the broad range of residential accommodation already permissible in the Zone, including *dwelling houses*, *multi-dwelling housing*, *residential flat buildings*, *seniors housing*, and *shop top housing*.

The recommended inclusion of *dual occupancies* and *secondary dwellings* as permitted land uses in the B4 Zone at Huntlee will assist in bringing about a key objective for Huntlee specified in the Lower Hunter Regional Strategy, being the delivery of 7,200 residential dwellings in that area. The inclusion of dual occupancies and secondary dwellings in the B4 Zone will also increase the range of dwelling types and residential options available for new residents. The increased range of dwelling types will improve housing affordability and ensure a broad social mix of residents is achieved.

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The proposed amendment will also ensure consistent development standards apply across the Huntlee B4 Zone in the Cessnock and Singleton Local Government Areas. Dual occupancies and secondary dwellings are permitted with consent in the B4 Zone in the Singleton Local Government Area, but not in the Cessnock LGA.

The proposal also seeks to enable the land uses, *recreation facilities (outdoor)* and *light industries* as additional permitted uses in the B4 Zone at Huntlee. These land uses were originally permissible in the B4 Zone at Huntlee under SEPP Major Development; however, were not carried into the LEP 2011 by the Department of Planning and Environment when the provisions of the SEPP were transferred, which appears to have been a drafting error. The Planning Proposal also seeks to rectify this anomaly.

Recommendation

Amend Clause 3(2) of schedule 1 of the LEP 2011, relating to the Huntlee New Town, by inserting the words 'dual occupancies', 'secondary dwellings', 'recreation facilities (outdoor)', and 'light industries' as additional permitted uses in the B4 Mixed Use Zone.

**OPTIONS**

1. Council resolve to support the recommendations of this Report and submit a planning proposal to the Department of Planning and Environment for a Gateway determination. This is the recommended option.
2. Request changes to the Planning Proposal. This option will delay the proposed amendments.
3. Not support the recommendation of this Report for the following reasons:

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(To be provided by Council).

**CONSULTATION**

Formal consultation with selected statutory agencies, including with the wider community, will be undertaken following and as directed by, the Gateway determination.

**STRATEGIC LINKS**

**a. Delivery Program**

A Sustainable and Healthy Environment: Objective 3.1 Protecting and Enhancing the Natural Environment and the Rural Character of the Area.

**b. Other Plans**

The Planning Proposal is considered to be consistent with relevant State Environmental Planning Policies and Section 117 Ministerial Directions.

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**IMPLICATIONS**

**a. Policy and Procedural Implications**

The Huntlee Development Control Plan (DCP) 2013 does not currently incorporate specific development controls for dual occupancies, secondary dwellings, light industries, or recreational facilities (outdoor). The Planning Proposal will increase the need to review the Huntlee DCP to ensure that it is able to achieve a high standard of development at Huntlee.

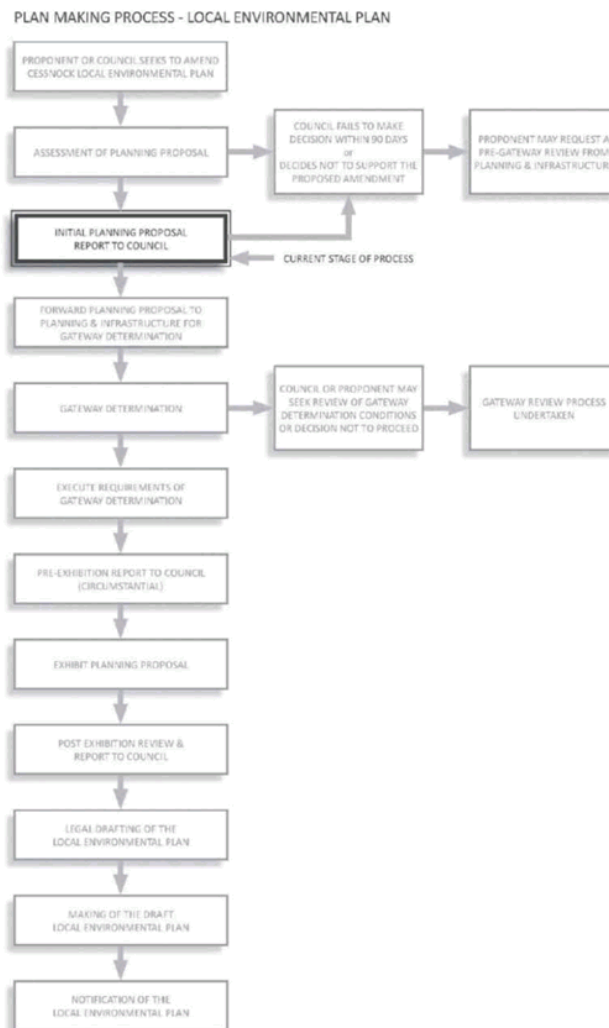
The current status of the planning proposal is identified in the following process.

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**b. Financial Implications**

The finalisation of the Planning Proposal will be met through rezoning fees. This Planning Proposal is considered to be a Category A rezoning application and attracts a phase 1 fee of \$3,580.00.

**c. Legislative Implications**

The process underway to develop and finalise the Planning Proposal is consistent with Council's statutory responsibilities under the Environmental Planning and Assessment Act 1979.

**d. Risk Implications**

The proposed changes will remove potential problems and / or delays for planned or possible future development within the B4 Mixed Use Zone at Huntlee New Town. It will also see land uses consistent across Singleton and Cessnock Councils.

**e. Other Implications**

Nil

**CONCLUSION**

The Planning Proposal will enable development for *dual occupancies* and *secondary dwellings* to occur in the B4 Mixed Use Zone at Huntlee. The amendment will assist in bringing about the objectives for Huntlee specified in the Lower Hunter Regional Strategy, will assist in improving housing affordability, and will ensure consistent development land uses apply across the B4 Mixed Use Zone at Huntlee.

The Planning Proposal will also enable development for *recreation facilities (outdoor)* and *light industries* in the B4 Zone at Huntlee. These land uses were previously permitted with consent in the B4 Zone at Huntlee under SEPP Major Development; however, were not carried into the LEP 2011 by the Department of Planning and Environment when the provisions of the SEPP were transferred, which appears to have been a drafting error.

Should Council determine to support the recommendation of this Report, a planning proposal will be forwarded to the Department of Planning and Environment for a Gateway determination. The Gateway determination is likely to contain conditions that will need to be satisfied before exhibition can commence. A further report will be presented to Council following public exhibition of the planning proposal, if objections are received, advising of the outcomes of the consultation program.

**ENCLOSURES**

- 1** Planning Proposal - Huntlee New Town Site

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## Gateway Determination

**Planning Proposal (Department Ref: PP\_2016\_CESSN\_01\_00):** to permit dual occupancies, secondary dwellings, recreation facilities (outdoor) and light industries in the B4 Mixed Use zone (Area B) at the Huntlee.

I, the Director Regions, Hunter and Central Coast at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Cessnock Local Environmental Plan (LEP) 2011 to amend part 3 of Schedule 1 Additional permitted uses to also permit dual occupancies, secondary dwellings, recreation facilities (Outdoor) and light industries in the B4 Mixed Use Zone (Area B) at Huntlee should proceed subject to the following conditions:

1. 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 (Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Planning & Infrastructure 2013)*.
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
3. 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).
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 15                      day of February                      2016.

A handwritten signature in black ink, appearing to read 'Monica Gibson'.

**Monica Gibson**  
**Director Region, Hunter and Central Coast**  
**Planning Services**  
**Department of Planning and Environment**  
  
**Delegate of the Minister for Planning**



**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

Cessnock City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_CESSN_01_00	Planning proposal to amend Schedule 1 Additional permitted uses to permit dual occupancies, secondary dwellings, recreation facilities (Outdoor) and light industries in the B4 Mixed Use Zone (Area B) at Huntlee.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 15 February 2016

A handwritten signature in black ink, appearing to read "Monica Gibson".

**Monica Gibson**  
**Director Regions, Hunter and Central Coast**  
**Planning Services**  
**Department of Planning and Environment**





Our ref: R16/0006  
Further contact: Adam Dansie

15 April 2016

Dear General Manager

**Local Government and Shires Association of New South Wales – Election of Board of Directors**

The purpose of this letter is to provide members of the Local Government and Shires Association of New South Wales (the "Association") with important information about the election of persons to the Board of the Association.

You will recall that the Association asked the Australian Electoral Commission ("AEC") to seek an Election Inquiry immediately after the Board election held at our 2015 Annual Conference, because an error caused a voting irregularity.

On 29 March 2016 the Federal Court of Australia ("Court") made an order declaring that the election of 13 persons on the Board of Directors of Association declared on 16 October 2015 void and each such person not to have been elected. The offices of President and Treasurer were unaffected, and the Court determined that three other directors were not impacted by the irregularity because of the size of their respective primary votes. A copy of the Court's judgement is available at the following link: <http://www.lgnsw.org.au/files/imce-uploads/127/federal-court-judgement-2016.pdf>.

The Fair Work Commission has directed the AEC to conduct a fresh election for the affected positions, and in accordance with the Court's orders the election will be by secret postal ballot. The vacant positions are:

- Vice President (Metropolitan/Urban council)
- Vice President (Regional/Rural council)
- Five (5) Directors (Metropolitan/Urban council)
- Six (6) Directors (Regional/Rural council)

The only candidates eligible for these positions are those who stood for them in 2015. A nomination for election may be withdrawn by a candidate, provided that notice of withdrawal in writing is received by the Returning Officer no later than seven (7) days before the holding of the ballot.

The AEC's Notice of Election, issued on 15 April 2016, is available at the following link [http://www.lgnsw.org.au/files/imce-uploads/79/2016 Election Notice.pdf](http://www.lgnsw.org.au/files/imce-uploads/79/2016_Election_Notice.pdf).

**LOCAL GOVERNMENT NSW**  
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L8, 28 MARGARET ST SYDNEY NSW 2000  
T 02 9242 4000 F 02 9242 4111  
**LGNSW.ORG.AU** LGNSW@LGNSW.ORG.AU  
ABN 49 853 913 882

***Allocation of voting delegates***

The formula for calculating the number of voting delegates is provided for in Rule 23 of the Association's Rules.

The number of voters that each Ordinary member is entitled to is set out in the table at Annexure A.

***Eligibility requirements to be a voting delegate***

Voting delegates must be a Councillor of a Council which is an Ordinary Member of the Association, or, in the case of the NSW Aboriginal Land Council, a member of its Board – see rule 37(a) of the Association's rules.

An Administrator of a Council that is an Ordinary member, shall not be eligible for nomination or election as a member of the Board nor be entitled to vote in any such election – see rule 37(b) of the Association's rules.

***How to nominate voting delegates***

Each Ordinary member must nominate its voting delegate(s) for the postal ballot by **12:00 noon on Thursday 2 June 2016**. No changes to voting delegates will be accepted after this time.

Nominations must include the full name and postal address (including street address or PO Box number, suburb, state and postcode) for each voting delegate and indicate whether the address for each voting delegate is a workplace address.

Nominations are to be made online using the nomination form at the following link:  
<https://lgsa.wufoo.com/forms/m1ro2ek01d8ed36/>

Important note: Only one nomination form may be completed for each Ordinary member. It is important that you have all of the required information (full names and postal addresses for each nominated voting delegate) before completing the form.

Questions on voting delegates should be directed to Adam Dansie, Senior Manager – Industrial Relations on (02) 9242 4142.

Yours sincerely



Cr Keith Rhoades AFSM  
**President**





### Annexure A for 2016 Board Elections

Ordinary members' voting delegations for the 2016 election to vacant positions on the Board of Directors of the Association.

Ordinary member	Number of voters for voting in the election of Board of Directors
Aboriginal Land Council	9
Albury City Council (R/R)	4
Armidale Dumaresq Council (R/R)	3
The Council of the Municipality of Ashfield (M/U)	4
Auburn City Council (M/U)	5
Ballina Shire Council (R/R)	3
Balranald Shire Council (R/R)	1
Bankstown City Council (M/U)	10
Bathurst Regional Council (R/R)	3
Bega Valley Shire Council (R/R)	3
Bellingen Shire Council (R/R)	2
Berrigan Shire Council (R/R)	1
Blacktown City Council (M/U)	12
Bland Shire Council (R/R)	1
Blayney Shire Council (R/R)	1
Blue Mountains City Council (R/R)	4
Bogan Shire Council (R/R)	1
Bombala Council (R/R)	1
Boorowa Council (R/R)	1
The Council of the City of Botany Bay (M/U)	4
Bourke Shire Council (R/R)	1
Brewarrina Shire Council (R/R)	1
Broken Hill City Council (R/R)	2
Burwood Council (M/U)	4
Byron Shire Council (R/R)	3
Cabonne Shire Council (R/R)	2
Camden Council (M/U)	5
Campbelltown City Council (M/U)	9
City of Canada Bay Council (M/U)	5
Canterbury City Council (M/U)	7
Carrathool Shire Council (R/R)	1
Central Darling Shire Council (R/R)	1**
Cessnock City Council	4
Clarence Valley Council (R/R)	4
Cobar Shire Council (R/R)	1
Coffs Harbour City Council (R/R)	4
Conargo Shire Council (R/R)	1

Ordinary member	Number of voters for voting in the election of Board of Directors
Coolamon Shire Council (R/R)	1
Cooma-Monaro Shire Council (R/R)	2
Coonamble Shire Council (R/R)	1
Cootamundra Shire Council (R/R)	1
Corowa Shire Council (R/R)	2
Cowra Shire Council (R/R)	2
Deniliquin Council (R/R)	1
Dubbo City Council (R/R)	3
Dungog Shire Council (R/R)	1
Eurobodalla Shire Council (R/R)	3
Fairfield City Council (M/U)	10
Forbes Shire Council (R/R)	1
Gilgandra Shire Council (R/R)	1
Glen Innes Severn Council (R/R)	1
Gloucester Shire Council (R/R)	1
Gosford City Council (R/R)	7
Goulburn Mulwaree Council (R/R)	3
Great Lakes Council (R/R)	3
Greater Hume Shire Council (R/R)	2
Greater Taree City Council (R/R)	3
Griffith City Council (R/R)	3
Gundagai Shire Council (R/R)	1
Gunnedah Shire Council (R/R)	2
Guyra Shire Council (R/R)	1
Gwydir Shire Council (R/R)	1
Harden Shire Council (R/R)	1
Hawkesbury City Council (M/U)	5
Hay Shire Council (R/R)	1
Holroyd City Council (M/U)	7
The Council of the Shire of Hornsby (M/U)	9
The Council of the Municipality of Hunters Hill (M/U)	2
Hurstville City Council (R/R)	5
Inverell Shire Council (R/R)	2
Jerilderie Shire Council (R/R)	1
Junee Shire Council (R/R)	1
Kempsey Shire Council (R/R)	3
The Council of the Municipality of Kiama (R/R)	3
Kogarah City Council (M/U)	5
Ku-ring-gai Council (M/U)	7
Kyogle Council (R/R)	1
Lachlan Shire Council (R/R)	1

Ordinary member	Number of voters for voting in the election of Board of Directors
Lake Macquarie City Council (R/R)	7
Lane Cove Municipal Council (M/U)	3
Leeton Shire Council (R/R)	2
Leichhardt Municipal Council (M/U)	5
Lismore City Council (R/R)	3
City of Lithgow Council (R/R)	3
Liverpool City Council (M/U)	10
Liverpool Plains Shire Council (R/R)	1
Lockhart Shire Council (R/R)	1
Maitland City Council (R/R)	4
Manly Council (M/U)	4
Marrickville Council (M/U)	5
Mid-Western Regional Council (R/R)	3
Moree Plains Shire Council (R/R)	2
Mosman Municipal Council (M/U)	3
Murray Shire Council (R/R)	1
Murrumbidgee Shire Council (R/R)	1
Muswellbrook Shire Council (R/R)	2
Nambucca Shire Council (R/R)	2
Narrabri Shire Council (R/R)	2
Narrandera Shire Council (R/R)	1
Narromine Shire Council (R/R)	1
Newcastle City Council (R/R)	7
North Sydney Council (M/U)	5
Oberon Council (R/R)	1
Orange City Council (R/R)	3
Palerang Council (R/R)	2
Parkes Shire Council (R/R)	2
Parramatta City Council (M/U)	10
Penrith City Council (M/U)	10
Pittwater Council (M/U)	5
Port Macquarie-Hastings Council (R/R)	4
Port Stephens Council (R/R)	4
Queanbeyan City Council (R/R)	3
Randwick City Council (M/U)	7
Richmond Valley Council (R/R)	3
Rockdale City Council (M/U)	7
Ryde City Council (M/U)	7
Shellharbour City Council (R/R)	4
Shoalhaven City Council (R/R)	4
Singleton Council (R/R)	3

Ordinary member	Number of voters for voting in the election of Board of Directors
Snowy River Shire Council (R/R)	1
Strathfield Municipal Council (M/U)	4
Sutherland Shire Council (M/U)	10
Council of the City of Sydney (M/U)	10
Tamworth Regional Council (R/R)	4
Temora Shire Council (R/R)	1
Tenterfield Shire Council (R/R)	1
The Hills Shire Council (M/U)	10
Tumbarumba Shire Council (R/R)	1
Tumut Shire Council	2
Tweed Shire Council (R/R)	4
Upper Hunter Shire Council (R/R)	2
Upper Lachlan Shire Council (R/R)	1
Uralla Shire Council (R/R)	1
Urana Shire Council (R/R)	1
Wagga Wagga City Council (R/R)	4
The Council of the Shire of Wakool (R/R)	1
Walcha Council (R/R)	1
Walgett Shire Council (R/R)	1
Warren Shire Council (R/R)	1
Warringham Council (M/U)	9
Warrumbungle Shire Council (R/R)	1
Waverley Council (M/U)	5
Weddin Shire Council (R/R)	1
Wellington Council (R/R)	1
Wentworth Shire Council (R/R)	1
Willoughby City Council (M/U)	5
Wingecarribee Shire Council (R/R)	3
Wollondilly Shire Council (R/R)	3
Wollongong City Council (R/R)	7
Woollahra Municipal Council (M/U)	5
Wyong Shire Council (R/R)	7
Yass Valley Council (R/R)	2
Young Shire Council (R/R)	2

## Notes:

(R/R) – Rural / Regional

(M/U) – Metropolitan / Urban

\*\* – Council is under administration

# Placeholder for Enclosure 1

Works and Infrastructure No. WI23/2016.DOC

Draft Pedestrian Access and Mobility Plan (PAMP) -  
Provided under Separate Cover