

**PLANNING PROPOSAL**

**Amendment to the**

***Cessnock Local Environmental Plan 2011***

**Comprehensive LEP Review**

Amending Environmental Zone Land Uses and Local Objectives

**Contact: Ms D Gambotto**

**Telephone:** 02 4993 4342

**Email: daniela.gambotto@cessnock.nsw.gov.au**

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**Background**

The *Cessnock Local Environmental Plan 2011* (the ‘LEP 2011’) and Cessnock Development Control Plan 2010 (the ‘DCP 2010’) contain provisions that guide development on environmental zoned land. The provisions are substantially dated and need to be comprehensively reviewed to ensure consistency with the relevant priorities and principals for environmental land contained in the Cessnock Local Strategic Planning Statement (LSPS) 2036 and other relevant local and regional plans and strategies.

HELP NOTES:

To update Table of Contents: Right Click within the Table of Contents and select “Update Field”, then select “Update Entire Table”. This will update page numbers and any updates to heading names etc that have been made within the document.

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# Part 1: Objectives and Outcomes

The objective of the Planning Proposal is to amend the LEP 2011 to achieve the following outcomes:

* Amend the E2 Environmental Conservation Zone Objectives to:
* include an additional zone objective to protect, manage and restore Aboriginal cultural heritage, threatened ecological communities, key threatened species habitat, biodiversity corridors and important ecosystems, and, encourage activities that meet the conservation objective of the zone;
* Amend the E2 Environmental Conservation Zone Land Use table to:

- remove the following land use as permitted without consent: Home Occupations;

- remove the following land uses as permitted with consent: Extensive Agriculture, Home based childcare, Recreation areas, Secondary Dwellings, Tourist and Visitor Accommodation.

- include the following land uses as permitted with consent: Bed and breakfast accommodation, Building identification sign, Business identification sign, Community facilities, Eco-tourist facilities, Emergency services facilities, Flood mitigation works, Home businesses, Home Occupations.

* Amend the E3 Environmental Management Zone Objectives to:
* include additional zone objectives to protect, manage and restore Aboriginal cultural heritage, water quality, riparian and estuarine vegetation, biodiversity corridors and important ecosystems, recognise lands with environmental hazards in order to protect community and environmental health, and provide for low impact agricultural land uses on land with productive value.
* Amend the E3 Environmental Management Zone Land Use table to:
* remove the following land use as permitted without consent: Environmental Protection Works.
* remove the following land use as permitted with consent: Recreation areas.
* include the following land uses as permitted with consent: Bed and breakfast accommodation, Building identification sign, Business identification sign, Camping grounds, Community facilities, Eco-tourist facilities, Emergency services facilities, Environmental protection works, Extensive agriculture, Farm buildings, Farm stay accommodation, Home businesses, Roadside stalls, Tourist and Visitor Accommodation.
* include the following land uses as prohibited: Backpackers’ accommodation, Hotel or motel accommodation, Serviced apartments.
* Amend the E4 Environmental Living Zone Objectives to:
* include additional zone objectives to protect, manage and restore biodiversity corridors and facilitate species movement.
* Amend the E4 Environmental Living Zone Land Use table to:
* remove the following land use as permitted without consent in the E4 Zone: Environmental Protection Works, Home based child care.
* remove the following land use as permitted with consent in the E4 Zone: Agriculture; Animal boarding or training establishments, Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Emergency services facilities; Environmental facilities; Farm buildings; Information and education facilities; Landscaping material supplies; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Recreation areas; Research stations; Respite day care centres; Secondary dwellings; Water reticulation systems.
* include the following land uses as permitted with consent in the E4 Zone: Bee Keeping, Eco Tourist Facilities, Environmental Protection Works.
* remove the following land uses as prohibited in the E4 Zone: Intensive Livestock agriculture.

**Request for authorisation to act as Local Plan-Making Authority**

Council requests authorisation under Section 3.31 of the *Environmental Planning and Assessment Act 1979* to act as the local plan-making authority to make the Local Environmental Plan.

Part 1 of the planning proposal should be a concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be understood by the layperson.

# Part 2: Explanation of Provisions

This Planning Proposal has been prepared to enable the following amendments to be made to the *Cessnock Local Environmental Plan 2011* (the LEP) instrument and maps.

**Item 1 – Additional E2 Environmental Conservation Zone Objective**

The Standard Instrument Local Environmental Plan (SILEP) lists the following mandated objectives for the E2 Environmental Conservation Zone.

* To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
* To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

Additional local E2 Zone objectives are proposed for the LEP:

* To protect, manage and restore Aboriginal cultural heritage, threatened ecological communities, key threatened species habitat, biodiversity corridors and important ecosystems.
* To encourage activities that meet the conservation objective of the zone.

Reason:

The additional local objectives will clarify that the Cessnock E2 Zone will protect important cultural and environmental values and support activities that are consistent with the zone objectives.

**Item 2 – Amendment to the E2 Environmental Conservation Zone Land Use Tables**

The E2 Zone land use table lists the various forms of development that are considered to be compatible with the objectives of the zone and therefore permitted with or without consent. The E2 Zone land use table also lists development that is not compatible with the objectives of the zones as prohibited development.

The SILEP mandates certain land uses as permissible or prohibited in each zone. Additional land uses may be included if, in Council’s opinion, the mandated uses do not satisfactorily address the local intent of the zone.

Proposed amendments to the E2 Environmental Conservation Zone Land Use Table

The existing Cessnock E2 Zone Land Use Table is provided below with the mandated land uses ***bolded and italicised***.

|  |
| --- |
| ***2 – Permitted without consent***  Home occupations |
| ***3 – Permitted with consent***  Dwelling houses; Environmental facilities***; Environmental protection works***; Extensive agriculture; Home-based child care; ***Oyster aquaculture***; Recreation areas; Roads; Secondary dwellings; Tourist and visitor accommodation |
| ***4 – Prohibited***  ***Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3*** |

It is proposed to remove the following land use as permitted without consent in the E2 Zone: Home Occupations.

It is proposed to remove the following land use as permitted with consent in the E2 Zone: Extensive Agriculture, Home based childcare, Recreation areas, Secondary Dwellings, Tourist and Visitor Accommodation.

It is proposed to include the following land uses as permitted with consent in the E2 Zone: Bed and breakfast accommodation, Building identification sign, Business identification sign, Community facilities, Eco-tourist facilities, Emergency services facilities, Flood mitigation works, Home businesses, Home Occupations.

**Item 3 – Additional E3 Environmental Management Zone Objective**

The Standard Instrument Local Environmental Plan (SILEP) lists the following mandated objectives for the E3 Environmental Management Zone.

* To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
* To provide for a limited range of development that does not have an adverse effect on those values.

Additional local E3 Zone objectives are proposed for the LEP:

* To protect, manage and restore Aboriginal cultural heritage, water quality, riparian and estuarine vegetation, biodiversity corridors and important ecosystems.
* To recognise lands with environmental hazards in order to protect community and environmental health
* To provide for low impact agricultural land uses on land with productive value.

Reason:

The additional local objectives will clarify that the Cessnock E3 Zone will protect important cultural and environmental values, recognise lands impacted by environmental hazards as a means of reducing risks to the community and environment, and, support low impact use of productive lands.

**Item 4 – Amendment to the E3 Environmental Management Zone Land Use Tables**

The E3 Zone land use table lists the various forms of development that are considered to be compatible with the objectives of the zone and therefore permitted with or without consent. The E3 Zone land use table also lists development that is not compatible with the objectives of the zones as prohibited development.

The SILEP mandates certain land uses as permissible or prohibited in each zone. Additional land uses may be included if, in Council’s opinion, the mandated uses do not satisfactorily address the local intent of the zone.

Proposed amendments to the E3 Environmental Management Zone Land Use Table

The existing Cessnock E3 Zone Land Use Table is provided below with the mandated land uses ***bolded and italicised***.

|  |
| --- |
| ***2 – Permitted without consent***  ***Environmental protection works***, Home occupations |
| ***3 – Permitted with consent***  ***Dwelling houses***; Environmental facilities; Flood mitigation works; Home industries; Information and education facilities; Kiosks; ***Oyster aquaculture; Pond-based aquaculture***; Recreation areas; ***Roads***; ***Tank-based aquaculture*** |
| ***4 – Prohibited***  ***Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3*** |

It is proposed to remove the following land use as permitted without consent in the E3 Zone: Environmental Protection Works.

It is proposed to remove the following land use as permitted with consent in the E3 Zone: Recreation areas.

It is proposed to include the following land uses as permitted with consent in the E3 Zone: Bed and breakfast accommodation, Building identification sign, Business identification sign, Camping grounds, Community facilities, Eco-tourist facilities, Emergency services facilities, Environmental protection works, Extensive agriculture, Farm buildings, Farm stay accommodation, Home businesses, Roadside stalls, Tourist and Visitor Accommodation

It is proposed to include the following land uses as prohibited in the E3 Zone: Backpackers’ accommodation, Hotel or motel accommodation, Serviced apartments.

**Item 5 – Additional E4 Environmental Living Zone Objective**

The Standard Instrument Local Environmental Plan (SILEP) lists the following mandated objectives for the E4 Environmental Living Zone.

* To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
* To ensure that residential development does not have an adverse effect on those values.

Additional local E4 Zone objectives are proposed for the LEP:

* To protect, manage and restore biodiversity corridors and facilitate species movement.

Reason:

The additional local objective will clarify that the Cessnock E4 Zone will enhance opportunities for reinstating and protecting biodiversity corridors.

**Item 6 – Amendment to the E4 Environmental Living Zone Land Use Tables**

The E4 Zone land use table lists the various forms of development that are considered to be compatible with the objectives of the zone and therefore permitted with or without consent. The E4 Zone land use table also lists development that is not compatible with the objectives of the zones as prohibited development.

The SILEP mandates certain land uses as permissible or prohibited in each zone. Additional land uses may be included if, in Council’s opinion, the mandated uses do not satisfactorily address the local intent of the zone.

Proposed amendments to the E4 Environmental Living Zone Land Use Table

The existing Cessnock E4 Zone Land Use Table is provided below with the mandated land uses ***bolded and italicised***.

|  |
| --- |
| ***2 – Permitted without consent***  ***Environmental protection works***, Home-based child care; Home occupations |
| ***3 – Permitted with consent***  Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; ***Dwelling houses***; Emergency services facilities; Environmental facilities; Farm buildings; Flood mitigation works; Home businesses; Home industries; Information and education facilities; Landscaping material supplies; Neighbourhood shops; ***Oyster aquaculture***; Passenger transport facilities; Plant nurseries; ***Pond-based aquaculture***; Recreation areas; Research stations; Respite day care centres; ***Roads***; Roadside stalls; Secondary dwellings; ***Tank-based aquacultur***e; Water reticulation systems |
| ***4 – Prohibited***  ***Industries***; Intensive livestock agriculture***; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3*** |

It is proposed to remove the following land use as permitted without consent in the E4 Zone: Environmental Protection Works, Home based child care.

It is proposed to remove the following land use as permitted with consent in the E4 Zone: Agriculture; Animal boarding or training establishments, Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Emergency services facilities; Environmental facilities; Farm buildings; Information and education facilities; Landscaping material supplies; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Recreation areas; Research stations; Respite day care centres; Secondary dwellings; Water reticulation systems.

It is proposed to include the following land uses as permitted with consent in the E4 Zone: Bee Keeping, Eco Tourist Facilities, Environmental Protection Works.

It is proposed to remove the following land uses as prohibited in the E4 Zone: Intensive Livestock agriculture.

The explanation of provisions are an explicit statement of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed via an LEP.

# Part 3: Justification

The justification sets out the case for changing the zones and/or development controls on the land affected by the proposed LEP. Within the justification there are a number of specific questions that must be discussed with reasons explained.

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

### Resulting from a Strategic Study or Report

The Planning Proposal is required to address Action 22 of the Cessnock Local Strategic Planning Statement 2036 (the LSPS) which identifies the need to undertake an Environmental Lands Study. Further, Action 5 of the Cessnock LSPS outlines the need to review the LEP 2011 to bring about the following outcomes in relation to Environmental Zoned Lands:

* To review the land-uses in the E4 Environmental Living zone.
* To investigate the use of environmental zones.
* To ensure the land-uses permissible in each of the environmental zones are consistent with the objectives of the zone.
* To investigate the introduction of planning controls to reduce land-use conflict for lands of high environmental value
* To ensure significant riparian corridors and water bodies are zoned to an appropriate environmental zone.
* To ensure that the zoning and land-uses for land that is significantly affected by natural hazards (e.g. flooding and bushfire) reflect the risk.

The Planning Proposal will also address irregularities in the historical application of the environmental land use zones in the Cessnock LGA.

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

The objective of the Planning Proposal is to amend the LEP 2011 E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living zone objectives and land use tables. A planning proposal is the only way for Council to achieve these objectives.

## Section B: Relationship to Strategic Planning Framework

### Consistency with Objectives and Actions within Regional Strategies

#### Hunter Regional Plan 2036

The Planning Proposal seeks to make amendments to the Cessnock LEP to add zone objectives and amend land use tables for the E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living zones which will facilitate a biodiversity rich natural environment consistent with the Hunter Regional Plan. In particular the amendments are consistent with the following Directions in the Regional Plan:

* Direction 14 - Protect and connect natural areas;
* Direction 15 - Sustain water quality and security;
* Direction 16 - Increase resilience to hazards and climate change.

#### Greater Newcastle Metropolitan Plan 2036

The Planning Proposal is consistent with the following strategies in the Greater Newcastle Metropolitan Plan:

* Strategy 12 – Enhance the Blue and Green Grid and the urban tree canopy
* Strategy 14 – Improve resilience to natural hazards
* Strategy 18 – Deliver well-planned rural residential housing area

### Consistency with Council’s Community Strategic Plan or other Local Strategic Plan

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

The Planning Proposal seeks to make amendments to the Cessnock LEP 2011, these amendments are not inconsistent with the Council’s Community Strategic Plan.

#### Local Strategic Planning Statement (LSPS)

The Cessnock Local Strategic Planning Statement 2036 (LSPS) sets out the 20-year vision for land use in the local area. It establishes the special character and values of the LGA that are to be preserved and how change will be managed into the future.

The planning proposal is consistent with the planning priorities and principles of the endorsed LSPS, notably:

* Planning Priority 6: Rural residential, large lot residential development and environmental living are considered in limited and appropriate locations.
* Planning Priority 17: Our lands of environmental value are protected and enhanced.
* Planning Priority 18: Our areas of biodiversity and biodiversity corridors are enhanced and protected.
* Planning Priority 19: Our waterways are healthy, and water quality and water security are improved.

### 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** |
| --- | --- | --- |
| **SEPP 21 - Caravan Parks** | The SEPP provides for development for caravan parks. | Nothing in this Planning Proposal impacts on the operation of this SEPP. |
| **SEPP 33 - Hazardous & Offensive Development** | The SEPP provides considerations for consent for hazardous & offensive development. | Nothing in this Planning Proposal impacts on the operation of this SEPP. |
| **SEPP 36 - Manufactured Homes Estates** | The SEPP makes provision to encourage manufactured homes estates through permitting this use where caravan parks are permitted and allowing subdivision. | Nothing in this Planning Proposal impacts on the operation of this SEPP. |
| **SEPP 50 - Canal Estate Development** | The SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments. | Nothing in this Planning Proposal impacts on the operation of this SEPP. |
| **SEPP 55 - Remediation of Land** | 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 | Nothing in this Planning Proposal impacts on the operation of this SEPP. |
| **SEPP 64 - Advertising and Signage** | 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. | The land uses ‘building identification signage’ and ‘business identification signage’ are proposed to be included as permitted with consent in the Cessnock E2 Environmental Conservation and E3 Environmental Management Zones. Future applications for signage in the E2 and E3 Zones will be subject to a development application and will be assessed under the provisions of the Cessnock Development Control Plan 2010, which is considered appropriate. |
| **SEPP 65 - Design Quality of Residential Development** | The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development. | Nothing in this Planning Proposal impacts on the operation of this SEPP. |
| **SEPP 70 – Affordable Rental Housing (Revised Schemes)** | The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW. | Nothing in this Planning Proposal impacts on the operation of this SEPP. |
| **SEPP Affordable Rental Housing 2009** | 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 d is advantaged people who may require support services, including group homes and supportive accommodation. | Nothing in this Planning Proposal impacts on the operation of this SEPP. |
| **SEPP Building Sustainability Index: BASIX 2004** | The SEPP provides for the implementation of BASIX throughout the State. | Nothing in this Planning Proposal impacts on the operation of this SEPP. |
| **SEPP (Coastal**  **Management) 2018** | The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by—  (a) managing development in the coastal zone and protecting the environmental assets of the coast, and  (b) establishing a framework for land use planning to guide decision making in the coastal zone, and  (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016. | Nothing in this Planning Proposal impacts on the operation of this SEPP. |
| **SEPP (Concurrences**  **and Consents) 2018** |  | Nothing in this Planning Proposal impacts on the operation of this SEPP. |
| **SEPP (Educational Establishments and Child Care Facilities) 2017** | The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by:  (a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and  (b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and  (c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and  (d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and  (e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and  (f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and  (g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and  (h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design. | The land use ‘home-based child care’ is proposed to be removed from the permitted use with consent column in the E2 Environmental Conservation and the permitted use without consent in the E4 Environmental Living Zones. The land use ‘centre- based child care’ is proposed to be removed from the permitted with consent column of the E4 Environmental Living zone.  Home based child-care must meet strict requirements in relation to addressing risk from natural hazards, which may result in excessive clearing. It is considered that these land uses are inconsistent with the objectives of the E2 and E4 zones.  Sufficient provisions exist elsewhere in the LEP to enable the provisions of this SEPP to apply. |
| **SEPP Exempt and Complying Development Codes 2008** | 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. | Nothing in this Planning Proposal impacts on the operation of this SEPP. |
| **SEPP Housing for Seniors or People with a Disability 2004** | The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards. | Nothing in this Planning Proposal impacts on the operation of this SEPP. |
| **SEPP Infrastructure 2007** | 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. | The Planning Proposal seeks to prohibit the land use ‘water reticulation systems’ in the E4 zone. However, the provisions of the SEPP will still apply to this land use in the E4 zone. |
| **SEPP (Koala Habitat**  **Protection) 2019** | This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. | Nothing in this Planning Proposal impacts on the operation of this SEPP. |
| **SEPP Mining, Petroleum Production and Extractive Industries 2007** | The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD. | Nothing in this Planning Proposal impacts on the operation of this SEPP. |
| **SEPP Miscellaneous Consent Provisions 2007** | 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. | Nothing in this Planning Proposal impacts on the operation of this SEPP. |
| **SEPP (Primary Production and Rural Land) 2019** | The aims of this Policy are as follows:  (a) to facilitate the orderly economic use and development of lands for primary production,  (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,  (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,  (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,  (e) to encourage sustainable agriculture, including sustainable aquaculture,  (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,  (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors. | The land use ‘extensive agriculture’ is proposed to be included as permitted with consent in the Cessnock E3 Environmental Management Zone.  Future applications for extensive agriculture in the E3 Zone will be subject to a development application and will be assessed under the provisions of the Cessnock Development Control Plan 2010, which is considered appropriate.  The proposed amendments will still enable the provisions of this SEPP to apply. |
| **SEPP State and Regional Development 2011** | 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. | Nothing in this Planning Proposal impacts on the operation of this SEPP. |
| **SEPP (State Significant Precincts) 2005** | The aims of this Policy are as follows:  (a), (b) (Repealed)  (c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State,  (d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.  (e), (f) (Repealed) | Nothing in this Planning Proposal impacts on the operation of this SEPP. |

### Consistency with Section 9.1 Ministerial Directions for Local Plan Making

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

Table 2: Relevant Section 9.1 Ministerial Directions

| **Ministerial Direction** | **Objective of Direction** | **Consistency and Implication** |
| --- | --- | --- |
| 1. Employment and Resources | | |
| * 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. | N/A |
| * 1. Rural Zones | The objective of this direction is to protect the agricultural production value of rural land. | N/A |
| * 1. 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. | N/A |
| * 1. Rural Lands | The objectives of this direction are to:  (a) protect the agricultural production value of rural land,  (b) facilitate the orderly and economic development of rural lands for rural and related purposes. | N/A |
| 1. The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. Environment and Heritage | | |
| * 1. Environmental Protection Zones | The objective of this direction is to protect and conserve environmentally sensitive areas. | Consistent. The Planning Proposal seeks to ensure that land uses in environmental zone minimise impacts on environmentally sensitive lands. |
| * 1. Coastal Protection | The objective of this direction is to protect and manage coastal areas of NSW. | Not applicable to LGA |
| * 1. Heritage Conservation | The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. | Consistent. |
| * 1. 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. | Consistent. |
| 1. Housing, Infrastructure and Urban Development | | |
| * 1. Residential Zones | The objectives of this direction are:  (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,  (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and  (c) to minimise the impact of residential development on the environment and resource lands. | Consistent. The Planning Proposal will not hinder the achievement of the objectives of this direction. |
| * 1. Caravan Parks and Manufactured Home Estates | The objectives of this direction are:  (a) to provide for a variety of housing types, and  (b) to provide opportunities for caravan parks and manufactured home estates. | Consistent. No changes to the permissibility of caravan parks is proposed by this Planning Proposal. |
| * 1. Home Occupations | The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses. | Consistent. The LEP currently permits the land use ‘home occupations’ in the E2 Environmental Conservation zone without consent. The Planning Proposal seeks to change the land use table to permit home occupations with consent in the E2 zone. This is to ensure proposed home occupations are consistent with the objectives of the E2 zone. |
| * 1. Integrating Land Use and Transport | 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:  (a) improving access to housing, jobs and services by walking, cycling and public transport, and  (b) increasing the choice of available transport and reducing dependence on cars, and  (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and  (d) supporting the efficient and viable operation of public transport services, and  (e) providing for the efficient movement of freight. | N/A |
| * 1. Development Near Licensed Aerodromes | The objectives of this direction are:  (a) to ensure the effective and safe operation of aerodromes, and  (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  (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. | N/A |
| * 1. Shooting Ranges | The objectives are:  (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,  (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,  (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. | Consistent. |
| 1. Hazard and Risk | | |
| * 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 sulfate soils. | N/A |
| * 1. 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. | Consistent. |
| * 1. Flood Prone Land | The objectives of this direction are:  (a) to ensure that development of flood prone land is 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. | Consistent |
| * 1. 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. | Consistent. The Planning Proposal seeks to ensure land uses within the E3 Environmental Management zone are compatible with the risk associated with bush fire prone lands. |
| 1. Regional Planning | | |
| * 1. Implementation of Regional Plans | The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. | Consistent. |
| 1. Local Plan Making | | |
| * 1. Approval and Referral Requirements | The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. | N/A |
| * 1. Reserving Land for Public Purpose | 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. | Consistent. |
| * 1. Site Specific Provision | The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. | N/A |

## Section C: Environmental, Social and Economic Impact

How has the planning proposal adequately addressed any social and economic effects?

### Impact on Threatened Species

The Planning Proposal will have no impact on threatened species or endangered ecological communities (EEC). The Planning Proposal seeks to prevent negative impacts on threatened species and EEC through the application of appropriate land use zones.

### Environmental Impact

The Planning Proposal will have no impact on environmentally sensitive land or endangered ecological communities (EEC). The Planning Proposal seeks to prevent negative impacts on threatened species and EEC by applying an appropriate environmental land use zone to that land.

### Social and Economic Impacts

The planning proposal is unlikely to have any significant adverse social or economic impacts. The Planning Proposal will not generate demand for additional public infrastructure.

## 

## Section D: State and Commonwealth Interests

### Adequate Public Infrastructure

The Planning Proposal will have no impact on public infrastructure.

### Consultation with State and Commonwealth Authorities

Council has already undertaken considerable consultation with the local community on the background study that supports this planning proposal. This has included the establishment of a Community Reference Group and community values surveys. The following groups have also been heavily consulted through targeted stakeholder engagement:

• Mindaribba Local Aboriginal Land Council

• Council’s Development Consultation Forum

• Council’s Aboriginal and Torres Strait Island Committee

• Council staff - including workshops with the Development Services Team and Strategic Planning Team

• Councillors

• Department of Planning, Industry and Environment, and,

• Local Land Services

Council will undertake further consultation with public authorities and the community as required by the Gateway determination. The following government agencies are likely to have an interest in the planning proposal:

* The Biodiversity Conservation Division (BCD) of DPIE
* Hunter Water Corporation (HWC)
* Subsidence Advisory (SA)

The abovementioned stakeholders will also continue to be engaged as the project progresses.

# Part 4: Mapping

No changes to LEP Maps are proposed through the extent of this planning proposal.

# Part 5: Community Consultation

Community consultation will be undertaken in accordance with a Gateway determination. This part of the planning proposal should outline the community consultation that is to be undertaken in respect of the proposal, having regard the requirements set out in the guide.

# Part 6: Project Timeline

It is estimated that the proposed amendment to the LEP will be completed by August 2022, following receipt of a Gateway determination from the Department of Planning, Industry and Environment. Additional time has been added to the timeline taking into consideration the Christmas period and scheduling of Council meetings.

Technical studies have not been identified as a component of the Planning Proposal. If the DPIE Gateway determination makes prescriptions relating to technical studies, this may impact the estimated completion date.

**Project Timeline**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Plan Making Stage** | **Nov 2021** | **Dec 2021** | **Jan 2021** | **Feb 2022** | **Mar 2022** | **Apr 2022** | **May 2022** | **June 2022** | **July 2022** | **August 2022** |
| **STAGE 1** Submit to DPIE – Gateway Panel consider Planning Proposal |  |  |  |  |  |  |  |  |  |  |
| **STAGE 2** Receive Gateway Determination |  |  |  |  |  |  |  |  |  |  |
| **STAGE 3** Preparation of documentation for Public Exhibition |  |  |  |  |  |  |  |  |  |  |
| **STAGE 4** Public Exhibition |  |  |  |  |  |  |  |  |  |  |
| **STAGE 5** Review/consideration of submission received |  |  |  |  |  |  |  |  |  |  |
| **STAGE 6** Report to Council |  |  |  |  |  |  |  |  |  |  |
| **STAGE 7** Forward Planning Proposal to DPIE with request the amendment be made |  |  |  |  |  |  |  |  |  |  |

# Part 7: E2, E3 and E4 Zone Land Use Table Amendments

The project timeline is to assist with tracking the progress of the Planning Proposal through the various stages of the consultation and approval process. A completion date is to be added.

All SILEP defined land uses are listed in the table below and were reviewed for their compatibility with the E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living Zone objectives. Land uses outlined RED in the table below are recommended changes to the land use matrix.

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Based on the Cessnock Local Environmental Plan 2011** | | | | | | | | | |  |
| **Legend** | | | | **Environmental Conservation (Existing)** | **Environmental Conservation (Proposed)** | **Environmental Management (Existing)** | **Environmental Management (Proposed)** | **Environmental Living (Existing)** | **Environmental Living (Proposed)** |
| **o** | | permitted without consent | |
| **c** | | permitted with consent | |
| **x** | | prohibited | |
| **A** | | permitted under SEPP (Affordable Rental Housing) 2009 | |
| I | | permitted under SEPP (Infrastructure) 2007 | |
| **E** | | permitted under SEPP (Educational Establishments & Child Care Facilities) 2017 | |
|  | |  | |
|  | | mandated under the Standard Instrument (SI) | |
|  | | public infrastructure permitted under a SEPP. | |
| **\*** Denotes a proposed change | | | | **E2** | **E2** | **E3** | **E3** | **E4** | **E4** |
| **Is the zone used? (please select Y/N for each zone)** | | | | | **Y** | **Y** | **Y** | **Y** | **Y** | **Y** |
| (LAND USE terms WITHIN agriculture group term) | | | | |  |  |  |  |  |  |
|  | **agriculture** | | | | **x** | **x** | **x** | **x** | **c** | **x\*** |
|  |  | aquaculture | | | **x** | **x** | **x** | **x** | **c** | **x\*** |
|  |  |  | | Oyster aquaculture | **c** | **c** | **c** | **c** | **c** | **c** |
|  |  |  | | Pond-based aquaculture | **x** | **x** | **c** | **c** | **c** | **c** |
|  |  |  | | Tank-based aquaculture | **x** | **x** | **c** | **c** | **c** | **c** |
|  |  | extensive agriculture [eg. grazing of livestocks, etc.] | | | **c** | **x\*** | **x** | **c\*** | **c** | **x\*** |
|  |  |  | | bee keeping | **c** | **x\*** | **x** | **c\*** | **c** | **c\*** |
|  |  |  | | dairy (pasture-based) | **c** | **x\*** | **x** | **c\*** | **c** | **x\*** |
|  |  | intensive livestock agriculture | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  |  | | feedlots | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  |  | | dairies (restricted) | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  |  | | pig farm | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  |  | | poultry farm | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | intensive plant agriculture [eg. cultivation of irrigated crops] | | | **x** | **X** | **x** | **x** | **c** | **x\*** |
|  |  |  | | horticulture | **x** | **X** | **x** | **x** | **c** | **x\*** |
|  |  |  | | turf farming | **x** | **X** | **x** | **x** | **c** | **x\*** |
|  |  |  | | viticulture | **x** | **X** | **x** | **x** | **c** | **x\*** |
| (LAND USE terms OUTSIDE agriculture group term) | | | | |  |  |  |  |  |  |
|  | animal boarding or training establishments | | | | **x** | **X** | **x** | **x** | **c** | **x\*** |
|  | farm buildings | | | | **x** | **X** | **x** | **c\*** | **c** | **x\*** |
|  | forestry | | | | **x** | **X** | **x** | **x** | **x** | **x** |
| (LAND USE terms WITHIN residential accommodation group term) | | | | |  |  |  |  |  |  |
|  | **residential accommodation** | | | |  |  |  |  |  |  |
|  |  | attached dwellings | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | boarding houses | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | dual occupancies | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  |  | | dual occupancies (attached) | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  |  | | dual occupancies (detached) | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | dwelling houses | | | **c** | **C** | **c** | **c** | **c** | **c** |
|  |  | group homes | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  |  | | group homes (permanent) | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  |  | | group homes (transitional) | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | hostels | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | multi dwelling housing | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | residential flat buildings | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | rural worker's dwellings | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | secondary dwellings | | | **c** | **x\*** | **x** | **x** | **c** | **x\*** |
|  |  | semi-detached dwellings | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | seniors housing | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  |  | | residential care facilities | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | shop top housing | | | **x** | **X** | **x** | **x** | **x** | **x** |
| (LAND USE terms OUTSIDE residential accommodation group term) | | | | |  |  |  |  |  |  |
|  | home business | | | | **x** | **c\*** | **x** | **c\*** | **c** | **c** |
|  | home occupations | | | | **o** | **c\*** | **o** | **o** | **o** | **o** |
|  | home occupation (sex services) | | | | **x** | **X** | **x** | **x** | **x** | **x** |
| (LAND USE terms WITHIN tourist and visitor accommodation group term) | | | | |  |  |  |  |  |  |
|  | **tourist and visitor accommodation** | | | | **c** | **x\*** | **x** | **c\*** | **x** | **x** |
|  |  | backpackers' accommodation | | | **c** | **x\*** | **x** | **X** | **x** | **x** |
|  |  | bed & breakfast accommodation | | | **c** | **c\*** | **x** | **c\*** | **c** | **c** |
|  |  | farm stay accommodation | | | **c** | **x\*** | **x** | **c\*** | **x** | **x** |
|  |  | hotel or motel accommodation | | | **x** | **X** | **x** | **X** | **x** | **x** |
|  |  | serviced apartments | | | **c** | **x\*** | **x** | **X** | **x** | **x** |
| (LAND USE terms OUTSIDE tourist and visitor accommodation group term) | | | | |  |  |  |  |  |  |
|  | camping grounds | | | | **x** | **X** | **x** | **c\*** | **c** | **x\*** |
|  | caravan parks | | | | **x** | **X** | **x** | **x** | **c** | **x\*** |
|  | eco-tourist facilities | | | | **x** | **c\*** | **x** | **c\*** | **x** | **c\*** |
| (LAND USE terms WITHIN commercial premises group term) | | | | |  |  |  |  |  |  |
| **commercial premises** | | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  | **business premises** [eg. banks, post offices, hairdressers, etc.] | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | funeral homes | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  | **office premises** | | | | **x** | **X** | **x** | **X** | **x** | **x** |
|  | **retail premises** | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | cellar door premises | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | food & drink premises | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  |  | | pubs | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  |  | | restaurants or cafes | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  |  | | take-away food & drink premises | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  |  | | small bars | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | garden centres | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | hardware & building supplies | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | kiosks | | | **x** | **X** | **c** | **c** | **x** | **x** |
|  |  | landscaping material supplies | | | **x** | **X** | **x** | **x** | **c** | **x\*** |
|  |  | markets | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | plant nurseries | | | **x** | **X** | **x** | **x** | **c** | **x\*** |
|  |  | roadside stalls | | | **x** | **X** | **x** | **c\*** | **c** | **x\*** |
|  |  | rural supplies | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | shops | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  |  | | neighbourhood shops | **x** | **X** | **x** | **x** | **c** | **x\*** |
|  |  |  | | neighbourhood supermarkets | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | specialised retail premises | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | timber yards | | | **x** | **X** | **x** | **X** | **x** | **x** |
|  |  | vehicle sales or hire premises | | | **x** | **X** | **x** | **x** | **x** | **x** |
| (LAND USE terms OUTSIDE commercial premises group term) | | | | |  |  |  |  |  |  |
|  | amusement centres | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  | entertainment facilities | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  | function centres | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  | highway service centres | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  | industrial retail outlets | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  | registered clubs | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  | restricted premises | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  | service stations | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  | sex services premises | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  | veterinary hospitals | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  | wholesale supplies | | | | **x** | **X** | **x** | **x** | **x** | **x** |
| (LAND USE terms WITHIN rural industry group term) | | | | |  |  |  |  |  |  |
|  | **rural industries** [eg. use of composting facilities and works] | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | agricultural produce industries | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | livestock processing industries | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | sawmill or log processing industries | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | stock & sale yards | | | **x** | **X** | **x** | **x** | **x** | **x** |
| (LAND USE terms WITHIN industry group term) | | | | |  |  |  |  |  |  |
|  | **Industries** | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | heavy industries | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  |  | | hazardous industry | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  |  | | offensive industry | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | light industries | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  |  | | artisan food and drink industry | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  |  | | high technology industries | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  |  | | home industry | **x** | **X** | **c** | **c** | **c** | **c** |
|  |  | general industries | | | **x** | **X** | **x** | **x** | **x** | **x** |
| (LAND USE terms OUTSIDE industry group term) | | | | |  |  |  |  |  |  |
|  | boat building and repair facilities | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  | vehicle body repair workshops | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  | vehicle repair stations | | | | **x** | **X** | **x** | **x** | **x** | **x** |
| (LAND USE terms WITHIN heavy industrial storage establishment group term) | | | | |  |  |  |  |  |  |
|  | **heavy industrial storage establishments** | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | hazardous storage establishments | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | liquid fuel depots | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | offensive storage establishments | | | **x** | **X** | **x** | **x** | **x** | **x** |
| (LAND USE terms WITHIN storage premises group term) | | | | |  |  |  |  |  |  |
|  | **storage premises** | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | self storage units | | | **x** | **X** | **x** | **x** | **x** | **x** |
| (LAND USE terms OUTSIDE storage premises group term) | | | | |  |  |  |  |  |  |
|  | depots | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  | **warehouse or distribution centres** | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | Local distribution premises | | | **x** | **X** | **x** | **x** | **x** | **x** |
| (LAND USE terms WITHIN sewerage system group term) | | | | |  |  |  |  |  |  |
|  | **sewerage systems** | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | biosolids treatment facilities | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | sewage reticulation systems | | | **I** | **I** | **I** | **I** | **I** | **I** |
|  |  | sewage treatment plants | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | water recycling facilities | | | **x** | **X** | **x** | **x** | **x** | **x** |
| (LAND USE terms WITHIN waste or resource management facility group term) | | | | |  |  |  |  |  |  |
|  | **waste or resource management facilities** | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | resource recovery facilities | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | waste disposal facilities | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | waste or resource transfer stations | | | **x** | **X** | **x** | **x** | **x** | **x** |
| (LAND USE terms WITHIN water supply system group term) | | | | |  |  |  |  |  |  |
|  | **water supply systems** | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | water reticulation systems | | | **x** | **X** | **x** | **x** | **c** | **x\*** |
|  |  | water storage facilities | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | water treatment facilities | | | **x** | **X** | **x** | **x** | **x** | **x** |
| (LAND USE terms WITHIN air transport facility group term) | | | | |  |  |  |  |  |  |
|  | **air transport facilities** | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | airport | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  |  | heliport | | | **x** | **X** | **x** | **x** | **x** | **x** |
| (LAND USE terms OUTSIDE air transport facility group term) | | | | |  |  |  |  |  |  |
|  | airstrip | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  | helipad | | | | **x** | **X** | **x** | **x** | **x** | **x** |
| (Other LAND USE terms relating to infrastructure) | | | | |  |  |  |  |  |  |
|  | car parks | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  | electricity generating works | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  | freight transport facilities | | | | **x** | **X** | **x** | **x** | **x** | **x** |
|  | passenger transport facilities | | | | **x** | **X** | **x** | **x** | **c** | **x\*** |
|  | port facilities | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | roads | | | | **c** | **c** | **c** | **c** | **c** | **c** |
|  | transport depots | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | truck depots | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | wharf or boating facilities | | | | **x** | **x** | **x** | **x** | **x** | **x** |
| (LAND USE terms WITHIN educational establishment group term) | | | | |  |  |  |  |  |  |
|  | **educational establishments** [eg. TAFE establishment, etc.] | | | | **x** | **x** | **x** | **x** | **E** | **E** |
|  |  | schools | | | **x** | **x** | **x** | **x** | **E** | **E** |
| (LAND USE terms WITHIN health services facility group term) | | | | |  |  |  |  |  |  |
|  | **health services facilities** | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  |  | hospitals | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  |  | medical centres | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  |  | health consulting rooms | | | **x** | **x** | **x** | **x** | **x** | **x** |
| (Other LAND USE terms relating to community infrastructure) | | | | |  |  |  |  |  |  |
|  | **early education & care facilities** [eg TAFE establishment etc.] | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  |  | centre-based child care facilities | | | **x** | **x** | **x** | **x** | **c** | **x\*** |
|  |  | home-based child care | | | **c** | **x\*** | **x** | **x** | **o** | **x\*** |
|  |  | school-based child care | | | **x** | **x** | **x** | **x** | **E** | **E** |
|  | community facilities | | | | **x** | **c\*** | **x** | **c\*** | **c** | **x\*** |
|  | correctional centres | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | emergency services facilities | | | | **x** | **c\*** | **x** | **c\*** | **c** | **x\*** |
|  | industrial training facilities | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | information and education facilities | | | | **x** | **x** | **c** | **c** | **c** | **x\*** |
|  | places of public worship | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | public administration building | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | research stations | | | | **x** | **x** | **x** | **x** | **c** | **x\*** |
|  | respite day care centres | | | | **x** | **x** | **x** | **x** | **c** | **x\*** |
| (LAND USE terms WITHIN signage group term) | | | | |  |  |  |  |  |  |
|  | **signage** | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  |  | advertising structure | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  |  | building identification sign | | | **x** | **c\*** | **x** | **c\*** | **c** | **c** |
|  |  | business identification sign | | | **x** | **c\*** | **x** | **c\*** | **c** | **c** |
|  |  |  | | |  |  |  |  |  |  |
| (LAND USE terms relating to recreation) | | | | |  |  |  |  |  |  |
|  | boat launching ramps | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | boat sheds | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | charter & tourism boating facilities | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | environmental facilities | | | | **c** | **c** | **c** | **c** | **c** | **x\*** |
|  | jetties | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | marinas | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | mooring | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | mooring pens | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | recreation areas | | | | **c** | **x\*** | **c** | **x\*** | **c** | **x\*** |
|  | recreation facilities (indoor) | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | recreation facilities (major) | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | recreation facilities (outdoor) | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | water recreation structures | | | | **x** | **x** | **x** | **x** | **x** | **x** |
| (Other miscellaneous LAND USE terms) | | | | |  |  |  |  |  |  |
|  | cemetery | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | crematorium | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | environmental protection works | | | | **c** | **c** | **o** | **c\*** | **o** | **c\*** |
|  | exhibition homes | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | exhibition villages | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | extractive industries | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | flood mitigation works | | | | **x** | **c\*** | **c** | **c** | **c** | **c** |
|  | mortuaries | | | | **x** | **x** | **x** | **x** | **x** | **x** |
|  | open cut mining | | | | **x** | **x** | **x** | **x** | **x** | **x** |
| (OTHER LAND USES) | | | | |  |  |  |  |  |  |
|  | development which cannot be characterised into any land uses defined in the SI | | | | **x** | **x** | **x** | **x** | **x** | **x** |
| **Note 1.**  Zone B8 Metropolitan Centre is not included in the matrix given this zone may only be used in two nominated LGAs.  Zone E1 National Parks and Nature Reserves is not included given there is no need to add any additional uses to the zone.  Zones SP1 Special Activities and SP2 Infrastructure are not included given the primary uses in these zones should be annotated on the Land Zoning Map. **Note 2.**  A type of development referred to in the matrix is a reference to that type of development only to the extent it is not regulated by an applicable State Environmental Planning Policy (SEPP).  The following SEPPs in particular may be relevant to development on land covered by this Plan:   SEPP (Housing for Seniors or People with a Disability) 2004   SEPP (Infrastructure) 2007   SEPP (Mining, Petroleum Production and Extractive Industries) 2007   SEPP (Rural Lands) 2008   SEPP (Affordable Rental Housing) 2009   SEPP No 33—Hazardous and Offensive Development   SEPP No 50—Canal Estate Development   SEPP No 62—Sustainable Aquaculture   SEPP No 64—Advertising and Signage | | | | | | | | | | |  |
| **Important note** This information does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary.  **Disclaimer:** While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document. | | | | | | | | | | |  |

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| Appendix 1:  Council Report and Minutes (dates) |

Add a list of the dates of reports and minutes. Eg.

Report to Ordinary Meeting of Council – 26 June 2017

Minutes of Ordinary Meeting of Council – 26 June 2017

Report to Ordinary Meeting of Council – 16 June 2021

Minutes of Ordinary Meeting of Council – 16 June 2021

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

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| Appendix 2: Environmental Zoning Framework |

To be used for supporting information

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| Appendix 3: Summary of External Submissions |

To be used for supporting information