

**PLANNING PROPOSAL
for
GINGERS LANE PRECINCT, SAWYERS GULLY**

PART 1 – OBJECTIVES & INTENDED OUTCOMES

Objective

To enable an extension of the existing village at Weston of an area of approximately 94 hectares by allowing urban development of up to 900 residential allotments and to implement environmental outcomes by zoning land with high conservation values to an environmental protection zone.

PART 2 – EXPLANATION OF PROVISIONS OF PROPOSED LEP:

The land is currently zoned 1(a) Rural "A" Zone and 1(c2) Rural (Small Holdings) Zone under the Cessnock Local Environmental Plan 1989. However, this Planning Proposal will amend the comprehensive Cessnock Local Environmental Plan 2010 (once gazetted) by rezoning the site to Zones consistent with the comprehensive Cessnock LEP 2010 for a range of urban purposes and conservation outcomes.

For the purposes of this planning proposal, it is proposed that the following zones under the Standard Template be utilised:

- R2 Low Density Residential Zone;
- R3 Medium Density Residential Zone;
- R5 Large Lot Residential Zone;
- E2 Environmental Conservation Zone; and,
- RE1 Public Recreation Zone.

Attachment 1 contains a Locality Plan of the Gingers Lane Precinct.

PART 3 – JUSTIFICATION

Section A: Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The rezoning proposal was lodged with Council in October 2006 and was prepared following investigations into the suitability of the land for residential development and contains a number of site specific studies.

The CWSS (2003) recommended that the area identified as the "Ginger's Lane" Precinct as suitable for larger lot residential development with lot sizes ranging from 2000 to 4000 square metres. The strategy identified an area of approximately 40.6ha as a future "Residential Lifestyle Zone" with lot sizes averaging 2,000m² in size.

The Stage1 rezoning submission contained an indicative structure plan proposing a yield of 561 lots, open space, development areas of potentially higher density and an indicative collector road pattern. No indicative lot layout was provided.

However, the site was subsequently identified in the Lower Hunter Regional Strategy as a 'Proposed Urban Area' and it was therefore considered appropriate to investigate higher densities on the site.

The Department of Planning advised on 14 March 2007 that proposed amendments consistent with the endorsed CWSS were covered by the original s54 Notification and therefore able to proceed.

A Stage 2 rezoning submission was lodged with specialist reports in April 2008, including;

- Urban Structure/ master plan;
- Social Impact Assessment;
- Economic Impact Assessment;
- Residential Land Supply Audit;;
- Flooding and Stormwater Assessment;
- Aboriginal Heritage Assessment;
- Ecological Assessment;
- Bushfire Threat Assessment;
- Traffic Impact Assessment;
- Air Quality and Odour Assessment;
- Preliminary Contamination Assessment;
- Geotechnical Assessment;
- Visual Impact Assessment; and
- Acoustic Report.

A copy of the background studies can be found in **Attachment 2**.

The amended structure plan for the precinct contains the following elements for the 94.4ha area:

- Environmental Protection & Pocket Parks approx 16.25ha;
- Community uses/Mixed uses approx 2,000m²;
- Dwellings:
 - Low Density Residential 698 lots (@ 600 m²);
 - Medium Density Residential 197 lots (@300 m²);
 - Large Lot Residential 12 lots(@ 1,500 m²); and
 - Total Dwellings (Approx): 907.

The Planning Proposal has evolved following a comprehensive process of consultation between government agencies, Council and the proponent. Specialist studies were received in April 2008 to enable a proper assessment of the Gingers Lane Precinct. Council has reviewed the proposed planning proposal which is considered to be generally consistent with the CWSS 2010 and identified in the LHRS, however, it has been identified that further clarification and/or submission of additional information is required in relation to the following matters:

- Structure plan;
- Ecological report;
- Bushfire assessment;
- Aboriginal heritage assessment;
- Contamination report;

- Flooding and stormwater assessment; and
- Geotechnical assessment.

No new information has been received from the proponent. The matters above are considered to be required for the progression of the planning proposal.

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

Under the existing zoning controls, the increased residential densities are not achievable. Therefore, a change to the zoning and minimum lot sizes is required to enable additional residential subdivision of the subject land and to implement the directions of the Lower Hunter Regional Strategy.

3. Is there a net community benefit?

The development is generally considered to have a net community benefit in respect to the environment through the implementation of controls and the provision of offsets. The provision of infrastructure to service the development will lead to improvements locally and district wide with either a Section 94 contributions Plan or planning agreement required. However, an increase in population is likely to require an upgrading of State infrastructure that will require ongoing consultation with relevant State providers such as, the RTA, DET and NSW Health. A population increase in the Sawyers Gully/Weston area is considered likely to encourage local businesses and facilitate growth in the local economy.

Section B: Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies?)

The Planning Proposal is consistent with the Lower Hunter Regional Strategy as it is identified as a 'proposed urban area'.

The proposal will implement the housing targets identified in the LHRS by providing additional housing opportunities through mixed residential densities at Sawyers Gully. The rezoning is consistent with the LHRS.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

In order to implement Ministerial Direction No. 5.1 – Implementation of Regional Strategies, the subject site is identified in the City Wide Settlement Strategy 2010. The proposal will contribute to 'a whole of city outcome' through the provision of residential land consistent with this strategy. It provides for the orderly expansion of the existing development patterns in the East Sector (Kurri Kurri) and seeks to reinforce and strengthen the Cessnock town centre by providing housing opportunities near existing employment, schools, services and public transport.

6. Is the planning proposal consistent with applicable state environmental planning policies?

NO.	SEPP Title	Consistency of Planning Proposal
55	Remediation of land	A preliminary contamination investigation concluded that past and present land use activities associated with agricultural and rural residential activities could have lead to partial contamination of the site, but that any contamination on the site is likely to be minor and will not significantly constrain residential potential of the site. The report recommends that a preliminary Stage 2 contamination sampling program be undertaken. In addition, that demolition of buildings in the investigation area should be subject to additional testing for asbestos and the preparation of management plans in accordance with the relevant standards. More detailed analysis of the site will be required prior to LEP gazettal to determine the extent and location of contamination, including a preliminary Stage 2 contamination sampling program has been undertaken at this stage. An asbestos survey is recommended by an asbestos consultant.
60	Exempt and Complying Development	Consistent.
64	Advertising and Signage	Consistent
	SEPP (Housing for Seniors or People with a Disability) 2004	The provisions of this SEPP will be considered in assessment of any future residential development upon part of the subject site.
	BASIX (Building Sustainability Index: BASIX) 2004	The provisions of this SEPP will be considered in assessment of any future residential development upon part of the subject site.
	Infrastructure 2007	Clause 104 of the SEPP requires developments of a certain size identified within Schedule 3 to be referred to the RTA. Draft LEP (Gingers Lane Precinct at Sawyers Gully) lodged for the subject site was referred to the RTA for comment. The RTA indicated that it would maintain an objection subject to the provision of a broader area traffic and transport study; State infrastructure issues relevant to the precinct being resolved; and, a Deed Containing Agreement (DCA) to be prepared and be in place prior to any approval being granted. Provision 6.1 <i>Arrangements for designated State public infrastructure</i> in the draft LEP 2010 satisfies RTA concerns of adequate provision for infrastructure being made for the urban release

		area. A traffic impact assessment report has been lodged, anticipated to be referred to the RTA prior to LEP gazettal.
--	--	---

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Review of consistency of the Planning Proposal with the relevant Ministerial Directions for LEPs under s. 117 of the Environmental Planning & Assessment Act 1979:

1. Employment and Resources

No.	Title	Comment
1.2	Rural Zones	The Planning Proposal seeks to rezone rural land – currently zoned 1(a) Rural “A” Zone and 1(c2) Rural (Small Holdings) Zone to accommodate residential development. The Gingers Lane Precinct is identified for future urban development in the Lower Hunter Regional Strategy and for this reason is considered to be consistent with this Direction.

2. Environment and Heritage

No.	Title	Comment
2.1	Environmental Protection Zones	The Planning Proposal seeks to zone approximately 16.5 hectares of land for environmental protection and ‘Pocket Parks’. The E2 Environmental Conservation zoning is considered an appropriate zoning for the areas within the site containing high conservation values. A review of the ecological assessment identified report deficiencies due to it only assessing part of the site, inconsistencies with the structure plan and further information required in relation to clearing and the Kurri Sand Swamp Woodland Recovery Plan. It is anticipated that the Department of Environment, Climate Change and Water will be consulted further during the rezoning process. The Planning Proposal is inconsistent with this Direction.

2.3	Heritage Conservation	Six (6) Aboriginal sites, comprising 2 camp sites and 4 isolated finds, and an area of low-moderate 'potential archaeological deposit' (PAD) were identified in an AHIA undertaken on part of the land within the precinct. A review of the AHIA has identified deficiencies to be addressed as follows. The AHIA was undertaken on part of the site only and it is unclear whether consultation was carried out in accordance with DEC's <i>Interim Community Consultation Requirements for Applicants</i>. No items of European heritage significance are located within the Precinct. The Planning Proposal is considered inconsistent with this Direction.
-----	-----------------------	--

3. Housing, Infrastructure and Urban Development

No.	Title	Comment
3.1	Residential Zones	The proposed residential development is capable of being serviced by all services, including water, sewer, electricity, gas and telecommunications. Reticulated water supply and reticulated sewer system servicing strategies will be required at the development stage. Further consultation with service providers will be undertaken throughout the planning process to coordinate installation of infrastructure and upgrade requirements. Provisions in Part 6 of the draft LEP 2010 provide for the satisfactory arrangement of the provision of designated State public infrastructure and public utility infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land. The Planning Proposal is considered to be consistent with this Direction.
3.3	Home Occupations	Home occupations are permitted without consent in the R2, R3, R5 and E2 zones. The Planning Proposal is considered to be consistent with this Direction.

3.4	Integrating Land Use and Transport	Clause 6.1 of the LEP 2010 ensures that satisfactory arrangements for the provision of State public infrastructure are made prior to the subdivision of land in an urban release area. The site is identified in the LHRS for future urban development. The Planning Proposal is considered to be consistent with this Direction.
-----	------------------------------------	--

4. Hazard and Risk

No.	Title	Comment
4.3	Flood Prone Land	Two (2) intermittent waterways and several flow paths traverse the site, including several stock dams. A flooding and stormwater assessment undertaken indicates that the site is suitable for future residential development with regard to stormwater runoff and flooding, provided appropriate stormwater and flood management strategies are implemented. Modelling undertaken for the Probable Maximum Flood (PMF) suggests that the majority of the site will be unaffected by flooding during this extreme event. A preliminary review of the flooding and stormwater assessment has indicated that figures referenced in the report were not included to permit a full review of the report. The Planning Proposal is considered to be inconsistent with this Direction.
4.4	Planning for Bushfire Protection	This Direction requires consultation with the NSW Rural Fire Service if a draft LEP affects land mapped as bushfire prone land. The subject land is mapped as Bushfire Prone Land and contains Vegetation Category 1, Vegetation Category 2 and Vegetation Buffer Zone. A Bushfire Threat Assessment was prepared for the site. The report indicates that APZ's can be contained within the precinct and recommends dwelling construction compliance with AS 3959-1999 and vegetation maintenance. A preliminary review of the report has indicated that Appendices referenced were not included to permit a full review of the report.

		The Planning Proposal is considered to be inconsistent with this Direction.
--	--	---

5. Regional Planning

No.	Title	Comment
5.1	Implementation of Regional Strategies	The proposal implements directions contained within the Lower Hunter Regional Strategy, which identifies the Precinct as a 'proposed urban area'. The Planning Proposal is considered to be consistent with this Direction.

6. Local Plan Making

No.	Title	Comment
6.1	Approval and Referral Requirements	The Planning Proposal does not include concurrence, consultation or referral provisions and does not identify any development as designated development. The Planning Proposal is considered to be consistent with this Direction.

Section C: Environmental, social and economic impact

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

An ecological assessment by Insite Planning Services Pty Ltd (December 2007), established that the site contained:

- Two (2) Endangered Ecological Communities:
 - Lower Hunter Spotted Gum Ironbark Forest; and
 - Kurri Kurri Sand Swamp Woodland.
- One (1) Threatened Flora Species:
 - *Eucalyptus parramattensis subsp. decadens*
- Two (2) Threatened Fauna Species:
 - *Pomatostomus temporalis temporalis* (Grey-crowned Babbler); and
 - *Cthonicola sagittata* (Speckled Warbler).
- Two (2) Vulnerable Fauna Species:
 - *Chalinolobus dwyeri* (Large-eared Pied Bat);
 - *Miniopterus australia* (Little Bentwing Bat);
 - *Miniopterus schreibersii oceanensis* (Eastern Bent-wing Bat); and
 - *Petaurus norfolcensis* (Squirrel Glider).

Eight (8) matters of national significance were identified as listed pursuant to the Environment Protection and Biodiversity Conservation Act 1999 as follows, *Eucalyptus parramattensis subsp. decadens*; *Chalinolobus dwyeri* (Large-eared Pied Bat); *Anas superciliosa* (Black Duck); *Chenonetta jubata* (Maned Duck); *Egretta alba* (Great Egret); *Vanellus miles* (Masked Lapwing); *Falco cenchroides* (Australian Kestrel); *Lophoictinia isura* (Square-tailed Kite).

The indicative structure plan identifies open space listed as 'Pocket Parks' as a conservation zone to be utilised to minimise the impact on significant vegetation and for wildlife corridor creation through the site. The ecological value of 'Pocket Parks' is not demonstrated and further information will be required to be provided for consideration as well as an offset package to be negotiated with the Department of Environment, Climate Change and Water prior to LEP gazettal.

A review of the ecological assessment identified report deficiencies to be addressed in order to progress the planning proposal, including, its partial application over the precinct, inconsistencies with the structure plan and further information to be provided in relation to the draft Kurri Sand Swamp Woodland Recovery Plan and clearing.

Development controls are proposed to be included in a draft development control plan for the precinct.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

DCP: A draft Development Control Plan is proposed to confirm the development standards applicable to the Gingers Lane precinct.

Flooding and Drainage: Final subdivision design will need to take into consideration the intermittent waterways that traverse the site and appropriate stormwater controls will need to be determined prior to LEP gazettal in consultation with Council's Infrastructure and Services Department. Details on the required works and associated costs are to be set out in either a VPA / S94 Plan.

Geotechnical and Contamination: A geotechnical report and contamination report will be required to be submitted at the subdivision stage to address potential issues identified in preliminary reports.

Odour and Air Quality: An odour and air quality impact assessment (31 January 2008) lodged by the proponent in relation to adjoining poultry farms has recommended the following matters for the management of odour and air quality impacts:

- Investigating the option of purchasing the nearby poultry operation and closure of operations;
- Reviewing advice in the Cessnock DCP in relation to Poultry Farms – Neighbouring Land Uses; and
- Staging of the Gingers Lane investigation area development.

Further investigation is required to be undertaken in relation to odour and air quality impacts from adjoining poultry farms and any potential impacts from urban development on the operations of poultry farms in the locality in order to progress the planning proposal. Primarily, the proponent should indicate the preferred option in order to progress the planning proposal.

Visual Impacts: A visual impact assessment identified opportunities and constraints that can be factored into plans at the development stage. Additional screening on the Sawyers Gully Road frontage and vegetation retention within the precinct is recommended. Details on the measures proposed in the report are to be confirmed prior to LEP gazettal.

Acoustic: Acoustic controls including a landscaped acoustic mound on the eastern boundary of the investigation area are recommended in the precinct to address traffic noise from Sawyers Gully Road and the Hunter Expressway. Details on the measures proposed in the report are to be confirmed prior to LEP gazettal.

VPA/S94 Plan: The preparation of a Voluntary Planning Agreement or Section 94 Contributions Plan for local infrastructure considerations (including the impacts of additional traffic on the local road network generated by future residential development, contributions to local open space and community facilities and drainage works) will be undertaken during the assessment of the proposal.

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

A social and economic impact assessment was undertaken for the Planning Proposal in December 2007.

The social impact assessment assessed available community facilities and services and identified opportunities for upgrading locally and district wide, including the use of natural features for improved access with connectivity to Chinaman's Hollow Regional Park. Potential risks and constraints identified were considered able to be mitigated by either upgrading or monetary contributions for land and buildings (Section 94 contributions/planning agreement and regional infrastructure levies), recurrent funding for services and programs (developer contributions, State and Commonwealth funding programs) and ongoing management streams for the management and maintenance of resources.

To ensure the adequate provision of community facilities and other local infrastructure requirements for the proposed development, Council intends to prepare either a Section 94 Contributions Plan or Voluntary Planning Agreement for the Gingers Lane Precinct. Council's preference for this site is a VPA.

Additional investigations and consultation with Council's Infrastructure and Services Department and the Corporate and Community Department will be required to determine future needs arising from the development.

The economic impact assessment identified key opportunities associated with the Gingers Lane Precinct. The new population was considered likely to promote the vitality and vibrancy of the Cessnock LGA and make efficient use of existing retail, commercial and industrial lands. An opportunity was also considered to exist in obtaining critical mass that would enhance the viability of new services and facilities, including retail and commercial services, and public transport.

Section D: State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

The provisions of Clause 6.1 and Clause 6.2 of the draft LEP 2010 will apply to the Precinct. These clauses require that satisfactory arrangements are made for the provision of designated State public infrastructure and public utility infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land.

Stormwater and Flooding Considerations

Further engineering assessment will be required in consultation with Council's Infrastructure and Services Department to determine the preferred works to enable integration of the site into existing infrastructure and to minimise impacts on adjoining land. The report by Northrop Consulting Engineers (December 2007) has indicated that the site can be developed for residential purposes subject to the management of stormwater runoff and flooding and outlines design options. This is likely to require consultation with the DECCW in order to satisfy issues raised during the Section 62 consultation. In addition, the funding of these works will be required to be funded by either a Voluntary Planning Agreement or a Section 94 Contributions Plan.

Traffic and Road Works

A traffic impact assessment report by Insite Engineering Services Pty Ltd (December 2007) has made recommendations based on an assessment made of existing road infrastructure that require consultation with Council's Infrastructure and Services Department. The Mitchell Avenue/Sawyers Gully Road/Government Road intersection, the Frame Drive/Sawyers Gully Road intersection and the Orange Street/Cessnock Road intersection have been identified as having insufficient existing capacity and will require upgrading for the development to proceed. Recommendations have been made in relation to pedestrian and cycle access that will be reviewed in line with Council's Draft Cycleway Plan. The report has noted that bus services, including school services are likely to require upgraded services.

The funding of required works can be undertaken through either a Voluntary Planning Agreement/Section 94 Contributions Plan with Council.

State infrastructure requirements will be required to be negotiated by the developer with the RTA prior to LEP gazettal.

Reticulated Water Supply and Reticulated Waste Water Servicing Strategies

Servicing strategies for a reticulated water supply and reticulated wastewater supply systems will be required to be prepared in consultation with the Hunter Water Corporation prior to development proceeding.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Section 62 Consultation with relevant Government Agencies was undertaken from 9 March 2007. A summary of the responses and comments are provided below.

DECC&W (former DEC)

DEC indicated on 19 April 2007 that the Flora and Fauna report and the Aboriginal Cultural Heritage report was incomplete with only part assessment undertaken of the precinct. DECC recommended that the proponent avoid impacts on areas of high biodiversity value containing matters of national significance and referral to the Department of Environment and Heritage or offsets for any losses will be required.

DEC indicated that the Aboriginal Heritage Impact Assessment required consultation with the Aboriginal community in accordance with DEC guidelines. Further negotiations were required with the Local Aboriginal Land Council in order to progress the rezoning submission.

DECC recommend that prior to finalising the LEP, Council be satisfied that:

Issue - Any potential land use conflicts associated with air, noise and odour impacts are adequately addressed, particularly in relation to premises scheduled under the Protection of the Environment Operations Act, 1997.

Comment: the proposed rezoning is unlikely to result in conflicts with water with the implementation of suitable flooding and stormwater management strategies in the precinct.

The issue of air and odour impacts from adjoining poultry farms are considered to require further resolution. An air and odour assessment undertaken by Heggies determined that issues existed that could be resolved in three (3) ways, however, a decision has not been made in relation to the preferred course of action. It is considered that further investigation is required in relation to this matter in order to progress the planning proposal.

Issue - The proposed LEP shall not impact areas of native vegetation, with special reference to threatened or regionally significant flora and fauna species, populations and ecological communities and adequately considers the relevant threatened species provisions of the Environmental Planning and Assessment Act, 1979, SEPP 44 – Koala Habitat Protection and the Native Vegetation Act 2003.

Comment: Council has assessed the revised ecological report provided in April 2008 and identified that the report is incomplete, only partly applying to the precinct. In addition, the Kurri Sand Swamp Woodland Endangered Ecological Community Recovery Plan is relevant to the site and required to be addressed. Insufficient information has been provided in relation to clearing and inconsistencies were identified in relation to the structure plan. Council recommends that additional land located between the creek traversing Lot 275 and remnant vegetation on Lot 274 be retained for conservation purposes.

Issue - In preparing the LEP, an appropriate level of Aboriginal cultural heritage assessment has been undertaken, and that the proposed LEP is not likely to impact on areas of cultural significance to the Aboriginal community. Also, it is important that the views of the Aboriginal community groups be sought and fully considered in regard to the preparation of the LEP.

Comment: The AHIA provided is incomplete as it relates to only part of the site with the report being also unclear on whether consultation has been undertaken in accordance with DECCW's (former DEC) draft *Interim Community Consultation Requirements for Applicants*. A response from the Mindaribba LALC was noted and will need to be addressed satisfactorily by the proponent prior to the rezoning proceeding.

Issue - Potential direct and indirect impacts on DECC estate, wilderness areas, wild rivers and recognised areas of high conservation value have been adequately considered and avoided, ameliorated or compensated as appropriate;

Comment: the proposal is unlikely to have impacts on the land listed above.

Issue - On site contamination to be identified and managed.

Comment: A contamination assessment concluded that past and present land use activities could have lead to partial contamination of the site, but that any contamination on the site is likely to be minor and will not significantly constrain residential potential of the site. SEPP No. 55 - Remediation of Land applies to the subject land and the report recommends a preliminary Stage 2 contamination sampling regime which has not been undertaken at this stage.

Issue - Stormwater emanating from the area must be managed in a sustainable manner to prevent any impacts on the adjacent rivers, wetlands or estuaries.

Comment: A flooding and stormwater assessment has recommended that management strategies be put in place that will not result in adverse impact on the environment.

Hunter – Central Rivers Catchment Management Authority (CMA)

The CMA objects to the rezoning but advised that it might review its objection if the development design was revised to avoid any clearing of EEC's and other clearing could be offset to a degree to meet the "improve or maintain" principle. The CMA has also indicated that it is unclear if native vegetation or the Lower Hunter Spotted Gum – Ironbark Forest (LHSGIF) is to be cleared or whether the clearing would comply with the Native Vegetation Act.

Comment: A review of documentation provided from the proponent on April 2008 has indicated that the original structure plan has altered and Council has identified that a revised structure plan is required for consideration. A revised structure plan will clarify the areas to be developed and conserved and provide an opportunity to revisit the CMA objection.

Department of Natural Resources (DNR)

The Department of Natural Resources (DNR) has indicated:-

- Any works involving excavation on 'protected lands' will require a permit under the RIFIA.
- Support for the retention of corridors along the minor streams and recommends that any remediation/revegetation of the streams be based management objectives by Land and Water Australia;
- Development will result in both direct and indirect losses of high conservation value vegetation and habitat. Supports the retention of 40-60m wide buffers along the minor streams. DNR recommends that the width of the buffer on the north western arm as shown on the precinct plan is increased to 100m, based on the quality of the remnant vegetation;
- May be subject to localised flooding and suggests flood study may be required. Further investigations are required to ensure compliance with Direction No. 15 – Flood Prone Land. A floodplain risk management plan is required.
- Development must demonstrate consistency with the NSW State Groundwater Policy Framework Document, its Quality Protection Policy and the Dependent Ecosystems Policy.
- Farm dams have been identified and the legal status and intended use of these dams need to be determined.

Comment: A flooding and stormwater assessment provided in April 2008 has been reviewed, however, it is considered incomplete due to the Figures not being provided. It is considered that a revised document is required in order to determine compliance with the requirements of DNR.

Hunter Water Corporation (HWC)

Water Supply: The reticulated water supply system is limited in capacity and major trunk drain augmentation will be required. A developer funded water strategy will be required to be prepared in consultation with the HWC.

Wastewater Transportation: Kurri Kurri No. 1 WWPS has no spare capacity and upgrading is required. Upgrades are expected to be completed in 2011/12. A new WWPS will be required connecting to the current system at access chamber H446. A developer funded sewer strategy will be required to be prepared in consultation with the HWC.

General: A Section 50 "Notice of Requirements" shall be applied for at the development stage.

NSW Roads & Traffic Authority (RTA)

The NSW Roads and Traffic Authority (RTA) has maintained its objection until the following matters are addressed to the satisfaction of the RTA prior to LEP gazettal.

- Completion of a broader area traffic and transport study to the satisfaction of the RTA and Council;
- Appropriate clauses in the draft LEP to be inserted to ensure that road, traffic and transport infrastructure works required as part of the precinct are included;
- That a Section 94 Contributions plan or a Deed Containing Agreement (DCA) be entered into to cover the costs of infrastructure associated with the development;
- Council consider the LHRS and SEPP No. 11 – Traffic Generating Developments (repealed and replaced by the Infrastructure SEPP) in the rezoning; and
- The developer shall take into account the DoP's Integrating Land Use and Transport Planning Policy and draft SEPP 66 - Integration of Land Use and Transport.

Comment: A traffic impact assessment has been submitted from the proponent which requires referral to the RTA and assessment by Council's Engineer.

A Deed Containing Agreement (DCA) will be required to be negotiated between the developer and the RTA prior to LEP gazettal...

Clause 6.1 in the draft LEP 2010 confirms the arrangements to be made for designated State Infrastructure continuing current requirements under the LEP 1989.

NSW Rural Fire Service (RFS)

The NSW Rural Fire Service (RFS) provided comments in relation to the Preliminary Ecological and Bushfire Report prepared by Harper Somers O'Sullivan (2006) in the Stage 1 rezoning submission.

The RFS have indicated that APZ's are to comply with Table A2.4 of Planning for Bushfire Protection 2006 at the development stage. Evidence is also to be provided at the development stage in the form of photos to confirm that the majority of the land to the south is cleared of vegetation.

Comment: Council notes that future residential and potential Special Fire Protection Purpose developments will be required to comply with Section 79BA of the EP&A Act and Section 100B of the Rural Fires Act 1997. Submission of future development applications post LEP gazettal will be required to address bushfire risk prior to consent.

Department of Education and Training (DET)

The Department of Education and Training did not respond. However, initial comments from the Department in endorsed CWSS 2010 indicate that there is sufficient capacity in the existing school infrastructure.

Alinta Asset Management Pty Ltd (Gas)

Alinta Asset Management Pty Ltd (Gas) advised that natural gas is available in the vicinity of the site and could be extended to supply this subdivision if economically viable.

Energy Australia

Energy Australia advised that there are no major constraints impacting the ability of Energy Australia to provide electricity to the subject land.

Part 4 – COMMUNITY CONSULTATION

The Gingers Lane proposal is yet to be publically exhibited. Due to the size of the proposal, and in accordance with Council's Public Notification Policy, it is anticipated that this Planning Proposal will be exhibited for a period of twenty eight (28) days.

CONCLUSION

There are a number of outstanding investigations that are required in order to determine how the site should be developed. The following table provides an overview of these outstanding matters, a recommended course of action and the proposed action to be undertaken to proceed with the proposal.

OUTSTANDING MATTER	RECOMMENDATION	ACTION
Structure Plan	An amended structure plan shall be provided consistent with specialist studies provided April 2008. Further information to be provided on conservation zoning and the 'Pocket Parks'.	Request an amended structure plan which will be reviewed on delivery from the proponent.
Ecological	An amended ecological assessment shall be provided addressing reporting and survey deficiencies as identified in the planning proposal, including having regard to the Kurri Sand Swamp Woodland Recovery Plan. An offset package will be required to be negotiated with the Department of Environment, Climate Change and Water (DECCW) prior to LEP gazettal.	Request an amended ecological assessment which will be reviewed on delivery from the proponent. Facilitate the negotiation of an offset package between the proponent and the DECCW.
Contamination	More detailed analysis of the site will be required prior to LEP gazettal to determine the extent and location of contamination,	Council request additional sampling and an asbestos survey to be provided in order to satisfy the requirements of

	including a preliminary Stage 2 contamination sampling program has been undertaken at this stage. An asbestos survey should be carried out by an asbestos consultant.	SEPP 55.
Traffic	Additional consultation to be undertaken with RTA. Undertake investigations for road network improvements to be included in the VPA / S94 Plan for the site.	Consult the RTA regarding State infrastructure requirements and Council's Engineer regarding local infrastructure requirements. Prepare a VPA / S94 Plan for the site in consultation with Council's Infrastructure department. Include provisions in the VPA for local road network improvements.
Aboriginal Heritage	A revised AHIA is required to be provided covering the entire precinct and providing evidence of compliance with DECCW's community consultation requirements.	Request the proponent to undertake the additional investigations. Review a revised AHIA on delivery from the proponent. It is anticipated that the DECCW will be also consulted further during the rezoning process.
Flooding and Drainage	Figures referenced in the flooding and stormwater assessment but not provided are to be requested from the proponent.	Prepare a VPA / S94 Plan for the site in consultation with Council's Infrastructure department.
Visual Impacts	Details on the measures proposed in the report are to be confirmed prior to LEP gazettal.	Agreed measures will be included in a draft DCP for the site.
Acoustic Impacts	Details on the measures proposed in the report are to be confirmed prior to LEP gazettal.	Agreed measures will be included in a draft DCP for the site.
Development Control Plan	Prepare a DCP to guide development in the Gingers Lane Precinct which will address all of the relevant issues affecting the precinct.	DCP to be commenced on completion of further investigations into the planning proposal.
Section 94 Contributions	Prepare a VPA / S94 Plan to provide for infrastructure	Determine type of contributions plan for the site, in discussion

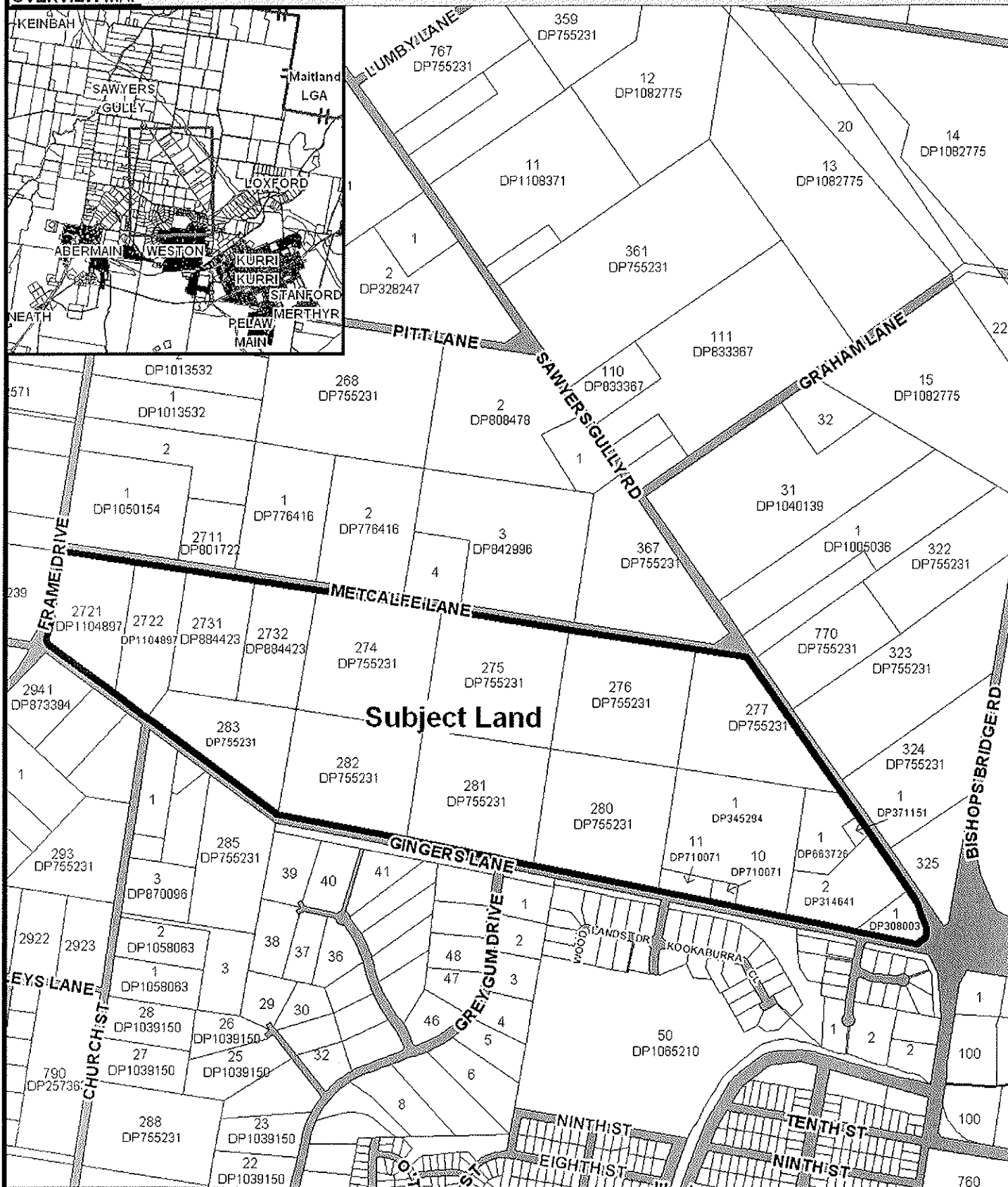
Plan/Voluntary Planning Agreement	considerations for the site. These considerations include the impacts of additional traffic on the local and regional road network generated by future residential development, contributions to local open space and community facilities.	with the proponent. Commence preparation of a VPA / S94 Plan in consultation with Council's Community and Infrastructure Departments on receipt of revised information from the proponent.
-----------------------------------	---	--

ATTACHMENTS:

ATTACHMENT 1: Locality Plan.

ATTACHMENT 2 BACKGROUND REPORT and STUDIES.

OVERVIEW MAP



Copyright : Cassock City Council (2019)
Land & Property Information (2019)
AUSIMAGE2019 © Sandra Knight MH

