



PLANNING PROPOSAL
Amendment to the
Cessnock Local Environment Plan 2011

Vincent Street CESSNOCK
Rezoning of LOT: 101 DP: 1193184

Version 1

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PART 1: OBJECTIVES and OUTCOMES

The Planning Proposal relates to part of Lot 101 DP 1193184, located to the immediate east of James, O'Brien, Villis and Michael Streets in Cessnock. The objective of the Planning Proposal is to amend the *Cessnock Local Environmental Plan 2011* (LEP 2011) to rezone the subject land from RU2 Rural Landscape Zone to R3 Medium Density Residential Zone and amend the minimum lot size of the land from 40 hectares to 450m².

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PART 2: EXPLANATION of PROVISIONS

The objective of this Planning Proposal will be achieved by amending the LEP 2011 in the following manner:

1. Rezone part of Lot 101 DP 1193184 from RU2 Rural Landscape Zone to R3 Medium Density Residential Zone.
2. Amend the Minimum Lot Size Map for part of Lot 101 DP 1193184 from a minimum lot size of 40 hectares to a minimum lot size of 450m².

Future development within the site will be in accordance with Council's adopted Development Control Plan. The size of the site to be rezoned R3 Medium Density Residential Zone does not warrant a site specific DCP.

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PART 3: JUSTIFICATION

In accordance with the Department of Planning and Environment's "Guide to Preparing Planning Proposals", this section provides a response to the following issues:

- Section A: Need for Proposal;
- Section B: Relationship to Strategic Planning Framework;
- Section C: Environmental, Social and Economic Impact; and
- Section D: State and Commonwealth Interests

Section A: Need for Proposal

1 Resulting from a Strategic Study or Report

The subject site is identified in the Lower Hunter Regional Strategy (LHRS) and Council's City Wide Settlement Strategy (CCWSS) (2010) as a new urban area. The subject site is identified in Cessnock City Council's City Wide Settlement Strategy (2010) as having potential for increased development opportunities. The site forms part of the Cessnock Civic Precinct described in the LHRS and CCWSS.

2 Planning Proposal as best way to achieve to objectives

Under the existing zoning controls in the Cessnock LEP 2011, the proposed 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 City Wide Settlement Strategy and the Lower Hunter Regional Strategy. Placing land use and minimum lot size provisions in Council's Local Environmental Plan, in conjunction with the existing subdivision controls in Council's DCP, is considered to be the most appropriate method for managing subdivision and land use on the locality.

A Net Community Benefit test has been undertaken and is provided below.

3 Net Community Benefit

A Net Community Benefit test has been undertaken and is provided below.

Table 1: Net Community Benefit

Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Yes. The subject site is consistent with the settlement principles identified in the CWSS and is identified in the LHRS as a proposed urban area.
Will the LEP be consistent with agreed centres and sub-regional planning policy for development in the area?	Yes. Future urban development of the site is capable of meeting the requirements of the Lower Hunter Regional Strategy with regard to the provisions of community facilities and services and rezoning the land for urban purposes.
Is the LEP located in a regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Yes. The proposal is consistent with the Lower Hunter Regional Strategy, which identifies the James Street site as a new release area, forming a logical extension of the existing urban footprint.

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Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Yes. The proposed rezoning will provide for employment generating opportunities (through construction stages), and will underpin the local economy by building on the existing residential population and urban infrastructure. The rezoning will not result in the loss of employment lands.
Is the existing public infrastructure capable of servicing the proposed site?	Yes. The site has three existing formed roads at its boundaries. The site has existing services at its boundaries and has an existing sewer line along the sites eastern boundary.
Will the LEP facilitate the provision of public transport?	Yes. It is expected that the additional population will increase the demand for public transport, in turn increasing the demand for a more frequent service to the area.
Will the LEP implement studies and strategic work consistent with State and regional policies?	Yes. The proposal is consistent with the Lower Hunter Regional Strategy.

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Section B: Relationship to Strategic Planning Framework

4 Consistency with Objectives and Actions within Regional Strategies

Lower Hunter Regional Strategy 2006

The Lower Hunter Regional Strategy identifies Cessnock LGA as a location of substantial residential growth (21,700 dwellings).

The Planning Proposal will contribute to the implementation of the housing targets identified in the LHRS by providing additional housing opportunities through the proposed R3 Medium Density Residential zone.

5 Consistency with Council's Community Strategic Plan or other Local Strategic Plan

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

The Community Strategic Plan (Our People, Our Place, Our Future), was developed by Council following extensive local community consultation. The Plan establishes the following goals:

1. To promote and provide quality services and facilities which focus on the needs of the community;
2. To protect, enhance and promote our natural, developed and cultural environment;
3. To actively foster the creation of employment and sustainable development opportunities acceptable to community and environmental standards;
4. To be a professionally managed and customer focused organisation which provides leadership through partnerships with the community; and
5. To identify needs, share information and provide opportunities for active participation and community consultation.

This Planning Proposal is considered to make efficient use of existing recreational and community infrastructure. This Planning Proposal is not of a scale that will create significant adverse social or economic impacts.

City Wide Settlement Strategy (2010)

Following the release of the Lower Hunter Regional Strategy in 2006, the Cessnock City Wide Settlement Strategy 2003 was reviewed to coordinate with the Lower Hunter Regional Strategy forming what is now known as the Cessnock City Wide Settlement Strategy 2010.

The Cessnock City Wide Settlement Strategy identifies the subject site as having potential for increased development opportunities.

6 Consistency with State Environmental Planning Policies

There are no existing or draft State Environmental Planning Policies (SEPPs) that prohibit or restrict the proposed development as outlined in this Planning Proposal. An assessment of relevant SEPPs against the Planning Proposal is provided in the table below.

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Table 1: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 1 - Development Standards	The SEPP makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.	Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP 14 – Coastal Wetlands	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 15 - Rural Land Sharing Communities	The SEPP provides for multiple occupancy development, with council consent, in rural and non-urban zones, subject to a list of criteria in the policy.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 19 – Bushland in Urban Areas	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 21 - Caravan Parks	The SEPP provides for development for caravan parks.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 26 – Littoral Rainforests	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 29 – Western Sydney Recreation Area	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 30 - Intensive Agriculture	The SEPP provides considerations for consent for intensive agriculture.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 32 - Urban Consolidation (Redevelopment of Urban Land)	The SEPP makes provision for the re-development of urban land suitable for multi-unit housing and related development.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 33 - Hazardous & Offensive Development	The SEPP provides considerations for consent for hazardous & offensive development.	Nothing in this Planning Proposal affects the aims and provisions 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 affects the aims and provisions of this SEPP.
SEPP 39 – Spit Island Bird Habitat	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 44 - Koala Habitat Protection	This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to	While the site is considered to constitute 'Potential Koala Habitat' as defined by the SEPP, no evidence of Koala was found within the site and no individuals were observed following an ecological assessment. A review of the Atlas of NSW Wildlife also shows limited records of Koalas from the

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SEPP	Relevance	Consistency and Implications
	ensure permanent free-living populations will be maintained over their present range.	locality and given the largely cleared and fragmented nature of the Cessnock / Bellbird peri-urban area, it is considered unlikely that the species occurs on site. As a result, the ecological assessment concludes that site is not considered to constitute core Koala habitat under SEPP 44 and no further provisions of the SEPP 44 apply.
SEPP 47 – Moore Park Showground	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
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 affects the aims and provisions of this SEPP.
SEPP 52 – Farm Dams and Other works in Land and Water Management Plan Areas	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
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	The objective of this Policy is to provide a state wide approach to the remediation of contaminated land. Clause 6 of the policy is applicable to the consideration of contamination and remediation in relation to rezoning proposals. Council is required to consider whether there is the possibility that the land may be contaminated due to past land uses, and if so, whether the land is suitable for its proposed use in its current or remediate state. Previous Environmental Site Assessments undertaken for the wider Cessnock Civic precinct confirms that the site is suitable for residential development.
SEPP 59 – Central Western Sydney Regional Open Space and Residential	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 62 - Sustainable Aquaculture	The SEPP relates to development for aquaculture and to development arising from the rezoning of land and is of relevance for site specific rezoning proposals.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 64 -	The SEPP aims to ensure that	Nothing in this Planning Proposal

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SEPP	Relevance	Consistency and Implications
Advertising and Signage	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.	affects the aims and provisions of this SEPP.
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 affects the aims and provisions 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 affects the aims and provisions of this SEPP.
SEPP 71 – Coastal Protection	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
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	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.

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SEPP	Relevance	Consistency and Implications
	work, (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.	
SEPP Building Sustainability Index: BASIX 2004	The SEPP provides for the implementation of BASIX throughout the State.	The provisions of this SEPP will be considered in the assessment of any future residential development upon the site.
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 affects the aims and provisions 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.	The provisions of this SEPP will be considered in the assessment of any future residential development upon the site.
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 provisions of this SEPP require development applications for subdivisions creating greater than 200 lots to be referred to the Roads and Maritime Services (RMS) for comment. The size of the subject site will not trigger referral with RMS.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP (Kurnell Peninsula) 1989	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Major Development 2005	The SEPP defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.

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SEPP	Relevance	Consistency and Implications
	State significant sites. In addition, the SEPP identifies the council consent authority functions that may be carried out by Joint Regional Planning Panels (JRPPs) and classes of regional development to be determined by JRPPs.	
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 affects the aims and provisions 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 affects the aims and provisions of this SEPP.
SEPP Penrith Lakes Scheme 1989	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Rural Lands 2008	The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts and provides development principles.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 53 Transitional Provisions 2011	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP State and Regional	The SEPP aims to identify development and infrastructure	Nothing in this Planning Proposal affects the aims and provisions of

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SEPP	Relevance	Consistency and Implications
Development 2011	that is State significant and confer functions on the Joint Regional Planning Panels (JRPPs) to determine development applications.	this SEPP.
SEPP (Sydney Drinking Water Catchment 2011)	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Sydney Region Growth Centres 2006	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP (Three Ports 2013)	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP (Urban Renewal) 2010	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP (Western Sydney Employment Area) 2009	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP (Western Sydney Parklands) 2009	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>

7 Consistency with s.117 Ministerial Directions for Local Plan Making

An assessment of relevant s.117 Directions against the Planning Proposal is provided in the table below.

Table 2: Relevant s.117 Ministerial Directions

Ministerial Direction	Objective of Direction	Consistency and Implication
1 EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	This direction states (in part) that a draft Local Environmental Plan shall not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. The subject site is identified for future urban development in the Lower Hunter Regional Strategy and, as such, is considered to be

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Ministerial Direction	Objective of Direction	Consistency and Implication
		consistent with this direction.
1.3 Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
1.4 Oyster Aquaculture	<i>The objectives of this direction are:</i> (a) <i>to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal,</i> (b) <i>to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</i>	<i>Not Applicable to LGA</i>
1.5 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.	The Planning Proposal rezones land from RU2 to R3 and reduces the minimum lot size from 40 hectares to 450m2. However the land currently does not support agriculture and is highly unlikely to support viable agriculture in the future.
2 ENVIRONMENT AND HERITAGE		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	The Planning Proposal is considered to be consistent with this direction as the subject site is significantly denuded of vegetation.
2.2 Coastal Protection	<i>The objective of this direction is to implement the principles in the NSW Coastal Policy.</i>	<i>Not Applicable to LGA</i>
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	An archaeological assessment has been undertaken for the wider Cessnock Civic Precinct which concluded there were no items of significance on the subject site. Therefore the Planning Proposal is considered to be consistent with this

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Ministerial Direction	Objective of Direction	Consistency and Implication
		direction.
2.4 Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
3 HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 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.	This direction states that a Planning Proposal must: <i>contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it).</i> Utilities and Infrastructure The Planning Proposal proposes to be serviced by reticulated sewer and water, electricity & telecommunication. All of these services are located adjacent to or on the subject land. The Planning Proposal is considered to be consistent with this direction.
3.2 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.	The Planning Proposal does not seek to rezone land to provide for caravan parks or manufactured home estates, further there are no existing caravan parks within the study area. The Planning Proposal is considered to be consistent with this direction.
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Home occupations are permitted without consent in the proposed R3 Zone. The Planning Proposal is considered to be consistent with this direction.
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs,	The subject site has multiple connection points to the existing local road network. Given the size of the subject site minimal

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Ministerial Direction	Objective of Direction	Consistency and Implication
	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.	increases in traffic volumes are likely to occur with the sites development.
3.5 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.	Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
3.6 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	Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.

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Ministerial Direction	Objective of Direction	Consistency and Implication
	be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	
4 HAZARD AND RISK		
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils	Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	The Mine Subsidence Board has advised the subject land has never been undermined and the site has no restrictions to buildings with respect to mine subsidence.
4.3 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.	The flood impact assessment undertaken for the site indicated that the majority of the site is above the 1:100 year flood level. The building envelope for all proposed lots has the capacity to be located above the 1:100 year flood level.
4.4 Planning for Bushfire Protection	The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	The majority of the site is mapped as bushfire prone land. A bushfire assessment has been undertaken and concludes the site can be developed to meet the requirements of the <i>Planning for Bushfire Protection 2006</i> and comply with Planning for Bushfire Protection Guidelines and the <i>Rural Fires Act 1997</i> . This includes provision of asset protection zones; appropriate access standards for those involved in evacuation; adequate water supply and pressures; Emergency management arrangements and suitable landscaping, to limit fire spreading to a building.

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Ministerial Direction	Objective of Direction	Consistency and Implication
5 REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes, and actions contained in regional strategies.	The LHRS is relevant. It is considered the Planning Proposal is consistent with this direction.
5.2 Sydney Drinking Water Catchment	<i>The objective of this Direction is to protect water quality in the Sydney drinking water catchment.</i>	Not Applicable to LGA
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<i>The objectives of this direction are: (a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre, (b) to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and (c) to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.</i>	Not Applicable to LGA
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	<i>The objectives for managing commercial and retail development along the Pacific Highway are: (a) to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route; (b) to prevent inappropriate development fronting the highway (c) to protect public expenditure invested in the Pacific Highway, (d) to protect and improve highway safety and highway efficiency, (e) to provide for the food, vehicle service and rest needs of travellers on the highway, and (f) to reinforce the role of retail and commercial development in town centres,</i>	Not Applicable to LGA

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Ministerial Direction	Objective of Direction	Consistency and Implication
	<i>where they can best serve the populations of the towns.</i>	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	(Revoked 18 June 2010)	Not Applicable to LGA
5.6 Sydney to Canberra Corridor	(Revoked 10 July 2008. See amended Direction 5.1)	Not Applicable to LGA
5.7 Central Coast	(Revoked 10 July 2008. See amended Direction 5.1)	Not Applicable to LGA
5.8 Second Sydney Airport: Badgerys Creek	The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.	Not Applicable to LGA
5.9 North West Rail Link Corridor Strategy	The objectives of this direction are to: (a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL) (b) ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.	Not Applicable to LGA
6 LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
6.2 Reserving Land for Public Purposes	The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The Planning Proposal does not propose to allow a particular development to be carried out on the site.

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Ministerial Direction	Objective of Direction	Consistency and Implication
7 Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	<i>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i>	<i>Not Applicable to LGA</i>

8 LHRs: Sustainability Criteria

The Lower Hunter Regional Strategy identifies sustainability criteria for rezoning proposals outside of identified potential urban areas. It is considered that the proposal meets all criteria or that any inconsistency is minor and justified.

1.0 Sustainability Criteria Considerations	Comments
1.1 Infrastructure Provision	
1.1.1 Assessment of whether the Planning Proposal is consistent with any regional strategy, sub-regional strategy, State Infrastructure Strategy, or section 117 direction.	This proposal is consistent with the LHRs. It increases the supply of housing to provide for population growth. It provides for an extension to the existing R3 zoned land, is consistent with the CWSS 2010 and is either generally consistent with s117 directions or has non inconsequential inconsistencies with the directions.
1.1.2 Identification of whether the provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on Government methodology for determining infrastructure development contributions.	There is sufficient capacity in local reticulated water system to cater for the proposal. The capacity of telecommunication systems and the road system will be confirmed following the Gateway determination.
1.1.3 Assessment of the proponent's preparedness to enter into a developer agreement.	There have been no discussions regarding a developer agreement. It is unlikely that there will be any need to enter into a developer agreement in relation to the proposal.
1.2 Access	
1.2.1 Assessment of the accessibility of the area by public transport and/or appropriate road access in terms of: location & land use; network; and catchment.	The proposal is located approximately 700m from the nearest bus stop which includes school bus routes and the Cessnock to Newcastle bus route. There is appropriate road access connecting to the region.

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1.2.2 Identification of the potential negative impact on performance of the existing sub-regional road, bus, rail, ferry and freight network.	The proposal will not have any impact on subregional transport systems.
1.3 Housing Diversity	
1.3.1 Identification of whether the Planning Proposal contributes to the geographic market spread of housing supply, including targets established for aged, disability or affordable housing.	The proposal will contribute to achieving the housing supply target for Cessnock LGA specified in the LHRS. The R3 zone permits a wide range of dwelling types and provides for medium density close to the Cessnock CBD.
1.4 Employment Lands	
1.4.1 Identification of whether the Planning Proposal seeks to maintain or improve the existing level of subregional employment self-containment and also meets subregional employment projections (i.e. employment-related land is provided in appropriately zoned areas).	The Planning Proposal will provide for employment generating opportunities (through construction stages), and will underpin the local economy by building on the existing residential population and urban infrastructure. The rezoning will not result in the loss of employment lands.
1.5 Avoidance of Risk	
1.5.1 Identification of whether any residential development within the Planning Proposal is located within the 1:100 floodplain.	The flood impact assessment undertaken for the site indicated that the majority of the site is located outside of the adopted 1:100 year flood level. There are some lots (Lots 401, 402, 403, 404, 405, 425 and 426) which are affected by the flood planning layer to the rear of the block. It is expected that these impacts can be mitigated.
1.5.2 Identification of whether the Planning Proposal avoids physically constrained land.	The proposal is not located on physical constrained land.

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1.5.3 Assessment of the avoidance of land use conflicts with adjacent existing or future land use as planned under relevant sub-regional or regional strategy.	The proposal is highly unlikely to create land use conflicts.
1.5.4 Assessment of the provision of an available safe evacuation route (flood and bushfire).	Proposed road access to the site is via Michael and James Street. These roads will be subject to inundation in the 1:100 flood event. It is proposed that an additional access point be included at Villis Street.
1.6 Natural Resources	
1.6.1 Assessment of whether the demand for water within infrastructure capacity to supply water and whether it places unacceptable pressure on environmental flows	Existing Hunter Water Corporation (HWC) reticulation system is in the area. Water & Sewer services will be in accordance with standard HWC requirements. Water mains are located at the boundary of the site within the adjoining road reserves. Sewer mains traverse through the site. Hunter Water Corporation has advised that the proposed rezoning and indicative future subdivision of the land will generate an additional 25 Equivalent Tenements (ET) to Hunter Water's Wastewater System. The existing wastewater system has capacity to receive approximately 100 ET of additional load. Therefore, at present, there is sufficient capacity in Hunter Water's wastewater system to cater for residential development of the site.
1.6.2 Assessment of whether the Planning Proposal demonstrates the most efficient/ suitable use of land (e.g. avoids identified significant agricultural land; avoids productive resource lands)	The proposal to rezone RU2 land to R3 does not occupy or compromise the use of significant agriculture land. Council is not aware that the proposal will prevent the use of productive resource land. The NSW Department of Primary Industries - Minerals and Petroleum will be consulted following the Gateway Determination.
1.6.3 Assessment of whether the demand for energy places unacceptable pressure on capacity to supply energy-requires demonstration of efficient and sustainable supply solution	It is unlikely that the proposal will place any unacceptable pressure on the energy supply network. Ausgrid will be consulted following the Gateway Determination.
1.7 Environmental Protection	

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1.7.1 Assessment of whether the Planning Proposal is consistent with the Government-approved Regional Conservation Plan.	A preliminary desktop ecological assessment has been undertaken. The site affected by the Planning Proposal contains some areas of Lower Hunter Spotted Gum - Iron Bark Forest; Central Hunter Riparian Forest; and Hunter Lowland Redgum Forest. The Lower Hunter Regional Conservation Plan identifies the Lower Hunter Spotted Gum – Iron Bark forest and the Hunter Lowland Redgum Forest as an Endangered Ecological Community. It is expected that any potential loss of endangered ecological communities or threatened species habitats by proposed residential development would be likely to result in only minor impacts. It is therefore considered that biodiversity issues are unlikely to be a major constraint to the future residential development of the land. The proposal will be referred to the Office of Environment and Heritage as part of the Gateway process.
1.7.2 Identification of whether the Planning Proposal maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by OEH).	As part of the gateway determination the proposal will be referred to the Office of Environment and Heritage. It is not expected that the area affected by the proposal will have any impact on these areas.
1.7.3 Assessment of whether the Planning Proposal maintains or improves existing environmental conditions for air and water quality.	The proposal is minor in nature and will have a negligible impact on these conditions.
1.7.4 Identification of whether the Planning Proposal protects areas of Aboriginal cultural heritage value (as agreed by OEH).	A search of the Aboriginal Heritage Information Management System indicates that no Aboriginal sites are recorded or declared within 200m of the land. No indigenous heritage assessment has been undertaken. It is considered that this matter best be dealt with at the DA stage.
1.8 Quality & Equity in Services	
1.8.1 Assessment of whether the Planning Proposal ensures quality health, education, legal, recreational, cultural and community, development and other Government services are accessible.	The Planning Proposal will not have any adverse impact on quality health, education, legal, recreational, cultural and community, development or any other Government services.
2.0 Environmental Planning Criteria Considerations	Comments

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2.1 Assessment of the strategic planning justification and merit of the Planning Proposal, including compliance with all relevant statutory considerations such as s117 Directions and associated legislative requirements including State & Commonwealth threatened species legislation.	The proposal has strategic justification. It either complies with, or has a minor justifiable inconsistency with relevant statutory directions.
2.2 Assessment of site constraints and opportunities relevant to Planning Proposal.	The above material assessed site constraints and opportunities relevant to the Planning Proposal and concludes that it delivers a satisfactory planning outcome.
2.3 Assessment of physical & social infrastructure needs (onsite & offsite) sufficient to identify S.80 developer works and any s.94 contribution requirements.	The proposal will require extension to the adjacent sealed roads. Council's City Wide Section 94 Plan will apply to any increased social and recreational infrastructure which is expected form the development of an additional 24-25 lots.
2.4 Assessment of environmental & social impacts on existing environment and local communities.	The proposal will increase the viability of existing local services because additional residents will reside in Cessnock. Social and environmental impacts will be negligible.
2.5 Evidence of consultation undertaken (affected landowners, relevant public authorities, infrastructure providers and community).	Consultation will be undertaken with affected landholders. This will be done via letters and through the consultation period prescribed under the Gateway process.
2.6 Relevant comments from Council (e.g. asset engineers & natural resources).	Council officers have not raised any objections to the proposal.
2.7 Evidence of project viability (costs associated with infrastructure timing and delivery of services to the proposed community).	Infrastructure costs largely relate to the connection of services to the land and upgrade of adjacent road infrastructure and will be borne by the developer. The community costs of the proposal are negligible.
2.8 Whether sufficient information has been provided to prepare the Planning Proposal for Gateway determination.	Yes. The proposal and its impact has been documented in this report.
2.9 Identification of outstanding information required for pre and post Gateway referral with reasons why.	Relevant public agencies and infrastructure providers were consulted regarding the proposal. No further issues for consultation have been identified.

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Section C: Environmental, Social and Economic Impact

9 Impact on Threatened Species

Various flora and fauna assessments have been undertaken on the site for the subject Planning Proposal. The site is predominately cleared of native vegetation although some minor areas of remnant vegetation occur. No threatened species had been previously detected on the site. The reports concluded that biodiversity issues are unlikely to be a major constraint to the future residential development of the land.

10 Environmental Impact

A small section of the site is mapped as bushfire prone land. A bushfire assessment was undertaken on the site for the Planning Proposal. The assessment concluded the development of the site can comply with the requirements of Planning for Bushfire Protection (NSW RFS 2006).

The eastern boundary of the subject site is bounded by the 1:100 year flood level adopted by Council. The flood impact mapping of the 1:100 year flooding of the site indicated that the majority of the site is above the 1:100 year flood level. All proposed lots can have at a minimum the size of a standard residential lot for a building envelope located above the 1:100 year flood level.

11 Social and Economic Impacts

Social and economic benefits of the Planning Proposal include:

- Short term construction employment for construction of the development;
- Provision of additional housing stock to meet demand;
- Providing housing within close proximity to the CBD, schools and infrastructure.

The Planning Proposal is not of a scale that will create any significant adverse social impacts.

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Section D: State and Commonwealth Interests

12 Adequate Public Infrastructure

Provision of local infrastructure including contributions to local open space and community facilities for the benefit of the local and wider community will be implemented in accordance with Councils section 94 plans.

Traffic and Road Works

A previous traffic impact assessment was undertaken for the subject site for a 100 unit seniors living development. Peak hour traffic data was obtained at the critical intersections to assess current and future traffic flows. The report concluded the site was suitable for development based on traffic studies. The subject Planning Proposal site is smaller in footprint to the previous application and it is considered the site with its multiple points of access remains suitable for development with respect to traffic.

Servicing

Existing Hunter Water Corporation (HWC) reticulation system is in the area. Water & Sewer services will be in accordance with standard HWC requirements. Water mains are located at the boundary of the site within the adjoining road reserves. Sewer mains traverse through the site.

Hunter Water Corporation has advised that the proposed rezoning and indicative future subdivision of the land will generate an additional 25 Equivalent Tenements (ET) to Hunter Water's Wastewater System. The existing wastewater system has capacity to receive approximately 100 ET of additional load. Therefore, at present, there is sufficient capacity in Hunter Water's wastewater system to cater for residential development of the site.

Electricity supply will be via the existing 3 phase transmission lines located in the surrounding road network.

Telecommunication supply will be via the existing telecommunication network located in the surrounding road network.

13 Consultation with State and Commonwealth Authorities

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

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PART 4: MAPPING

The following maps are required to be amended to achieve the intent of the Planning Proposal:

Land Zone Map – amend Land Zoning Map Sheet 1720_COM_LZN_006CA_010_20150401 as it relates to part of Lot 101 DP 1193184; James, O'Brien, Villis and Michael Streets Cessnock to R3 Medium Density Residential.

Lot Size Map – amend Lot Size Map Sheet 1720_COM_LSZ_006CA_010_20140910 as it relates to part of Lot 101 DP 1193184; James, O'Brien, Villis and Michael Streets Cessnock to apply a minimum lot size of 450m².

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PART 5: COMMUNITY CONSULTATION

Community consultation will be undertaken in accordance with Council's guidelines, requiring a minimum of twenty eight (28) days exhibition, and any specific requirements made by the Department of Planning and Infrastructure during the Gateway Determination.

The proposed consultation strategy for this Planning Proposal includes:

- Notification in the Cessnock Advertiser, locally circulated newspaper;
- Hard copy display at Council's Administration Building (Help & Information Centre); and Cessnock Public Library; and
- Web based notification on Council's website at www.cessnock.nsw.gov.au

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PART 6: PROJECT TIMELINE

The Project Timeline will assist with tracking the progress of the Planning Proposal through the various stages of consultation and approval. It is estimated that the proposed amendment to the Cessnock Local Environmental Plan 2011 will be completed by September 2014.

PROJECT TIMELINE

	Nov 2015	Jan 2015	Mar 2016	Apr 2016	Jun 2016	Sep 2016	Nov 2016
STAGE 1 Submit to DoP&E – 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 DoP&E with request the amendment be made							

Appendix 1: Council Report and Minutes

To be added following Council's consideration

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