



PLANNING PROPOSAL
Amendment to the
Cessnock Local Environment Plan 2011

**Former Cessnock City Bowling Club Site
Aberdare Road, Aberdare
Lot 3 Sect 50 DP 758002**

**Version 1.0
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PART 1: OBJECTIVES and OUTCOMES

The objective of the Planning Proposal is to amend the Cessnock Local Environmental Plan 2011 by rezoning 49B Aberdare Road, Cessnock (otherwise known as the former Cessnock City Bowling Club site) from RE2 - Private Recreation to B2 - Local Centre to facilitate a proposed service station and food and drink premise development

PART 2: EXPLANATION of PROVISIONS

The objective of the Planning Proposal will be achieved by amending the Cessnock Local Environmental Plan 2011 by:

Amendment proposed to Cessnock	Provision
Land Use Zone Map	Rezone Lot 3 Sect 50 DP 758002 from RE2 - Private Recreation to B2 - Local Centre

Zone B2 - Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Service stations; Sewage reticulation systems; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Resource recovery facilities; Roadside stalls; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Wharf or boating facilities; Wholesale supplies

Food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Note. Food and drink premises are a type of retail premises.

Service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

PART 3: JUSTIFICATION

In accordance with Planning and Infrastructure'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 Planning Proposal is not the result of a strategic study or report. The Planning Proposal reflects the land owners wish to redevelop the former Cessnock City Bowling Club site into three separate business entities including a service station, KFC store and Hungry Jacks Restaurant.

Notwithstanding this, the proposal is not inconsistent with the objectives of the Regional Strategy because the primary business to be located on the land is would constitute infill development within an identified Regional centre, which has all necessary urban services for connection.

The Planning Proposal is also consistent with Council's commercial hierarchy and supports the role of the Cessnock Town Centre by expanding the retail offer provided in Cessnock to include drive-through fast food outlets and a service station in appropriate locations on major transport corridors on the fringe of the CBD.

2. Planning Proposal as best way to achieve to objectives

The proposed land uses are currently prohibited in the RE2 - Private Recreation zone. This zoning is no longer required because the use for private recreation is surplus to needs and the land has now been sold to a commercial retailer. There is no other way of enabling the proposed uses other than a Planning Proposal. Cessnock Council completed their principal LEP in 2011 and as such the best means of enabling the proposed uses is via a rezoning proposal.

Section B: Relationship to Strategic Planning Framework

3. Consistency with Objectives and Actions within Regional Strategies

Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy establishes a hierarchy and network of urban centres and identifies Cessnock LGA as a location of substantial residential growth (21,700 dwellings).

It also requires these centres play a greater role in providing jobs and housing and reduce sprawl. However, given the relatively small size of the site, the Regional Strategy does not specifically identify it as a future location for employment.

Notwithstanding this, the proposal is not inconsistent with the objectives of the Regional Strategy because the primary business to be located on the land is would constitute infill development within an identified Regional centre, which has all necessary urban services for connection.

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

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

Objective 2.1 - Diversifying local business options:

- Our local government area is attractive and supportive of business
- We have a diversity of business and industries across the local government area.
- Our planning controls provide for adequate industrial and commercial land.

Objective 2.2 - Achieving more sustainable employment opportunities:

- We have learning opportunities for people of all ages.
- We have employment opportunities in the local government area

Objective 2.3 - Increasing tourism opportunities and visitation in the area:

- We have a range of diverse visitor experience across the entire local government area.
- Our local government area is attractive to visitors.

Objective 3.1 - Protecting & enhancing the natural environment & the rural character of the area:

- Our area's rural character and heritage is protected.
- Our community is aware of the value of natural resources and biodiversity.
- Our environmental amenity is protected and enhanced.
- Our waterways and catchments are maintained and enhanced.

City Wide Settlement Strategy (2010)

Council's City Wide Settlement Strategy acknowledges that emerging retail trends such as bulky good outlets, 'big box' formats, warehouses, factory outlets, markets and service stations and fast food outlets are relatively absent in Cessnock and that demand for these newer retailing formats is likely to occur as residential development expands. Since 2014, these large format stores and convenience based uses are being established in Cessnock.

The Planning Proposal is consistent with Council's commercial hierarchy and supports the role of the Cessnock Town Centre by expanding the retail offer provided in Cessnock to include drive-through fast food outlets and a service station in appropriate locations on major transport corridors on the fringe of the CBD.

As part of the ongoing consideration and prior to the exhibition of the Planning Proposal, a comprehensive social and economic impact assessment will need to be undertaken, and include consideration of the impact of an additional service station and the introduction of a Hungry Jacks Restaurant to the Cessnock town core.

5. Consistency with State Environmental Planning Policies

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

Table 1: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
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.	This SEPP does not apply to Cessnock Local Government Area following the gazettal of the Cessnock Local Environmental Plan 2011.
SEPP 4 - Development without Consent and Miscellaneous Complying Development	The SEPP allows relatively simple or minor changes of land or building use and certain types of development without the need for formal development applications. The types of development covered in the policy are outlined in the policy.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 6 - Number of Storeys in a Building	The SEPP clarifies the reference to storey, floors and levels.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
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.	<i>Not Applicable.</i>
SEPP 21 - Caravan Parks	The SEPP provides for development for caravan parks.	<i>Not Applicable.</i>
SEPP 22 - Shops and commercial premises	The SEPP provides for the change of use of commercial premises.	<i>Not Applicable.</i>
SEPP 30 - Intensive Agriculture	The SEPP provides considerations for consent for intensive agriculture.	<i>Not Applicable.</i>
SEPP 32 - Urban	The SEPP makes provision for the re-	<i>Not Applicable.</i>

Consolidation (Redevelopment of Urban Land)	development of urban land suitable for multi-unit housing and related development.	
SEPP 33 - Hazardous & Offensive Development	The SEPP provides considerations for consent for hazardous & offensive development.	<i>Not Applicable.</i>
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.	<i>Not Applicable.</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 ensure permanent free-living populations will be maintained over their present range.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 50 - Canal Estates	The SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.	<i>Not Applicable.</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	A Stage 1 Environmental Site Assessment was undertaken for the proponent in November 2014. The assessment identified five Areas of Environmental Concern (all of which were of medium to low likelihood): • Potential asbestos (construction materials), pesticides (termite control) and heavy metals (paints, pest control) in the existing buildings • Potential contamination from localised fill for the bowling greens • Several drums and containers of unknown content • A stockpile which could contain asbestos • Herbicides, pesticides and heavy metals from bowling green operations across the site. The assessment recommended that an intrusive soil sampling regime is required to assess which, if any, remediation is required to render the site fit for proposed mixed use.
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	<i>Not Applicable.</i>

	rezoning proposals.	
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.	Nothing in this planning proposal 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.	<i>Not Applicable.</i>
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 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 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 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.	<i>Not Applicable.</i>
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 proposed development will be connected to the existing reticulated water and sewer supply. Nothing in this Planning Proposal affects the aims and provisions 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.	<i>Not Applicable.</i>
SEPP Temporary Structures 2007	The SEPP provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity.	<i>Not Applicable.</i>
SEPP Exempt and Complying	The SEPP provides exempt and complying development codes that	Nothing in this planning proposal affects the aims and

Development Codes 2008	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.	provisions of this SEPP.
SEPP Rural Lands 2008	The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts and provides development principles.	<i>Not Applicable.</i>
SEPP Affordable Rental Housing 2009	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 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.	<i>Not Applicable.</i>

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

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

Table 2: Relevant s.117 Ministerial Directions

Ministerial Direction	Aim of Direction	Consistency and Implication
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	Encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	To ensure that the Planning Proposal is consistent with Clause 1(c) of this direction, a comprehensive social and economic impact assessment will be undertaken, and include consideration of the impact of an additional service station and the introduction of a Hungry Jacks Restaurant to the Cessnock town core.
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	<i>Not Applicable.</i>
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 of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	<i>Not Applicable.</i>
1.5 Rural Lands	The objective of this direction is to protect the agricultural production value of rural land and facilitate the economic development of rural lands for rural related purposes.	<i>Not Applicable.</i>
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	<i>Not Applicable.</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.	The site does not contain, nor is adjacent to land or heritage items. Cessnock High School located approximately 300m to the east along Aberdare Road and is identified as an item of Local Heritage Significance
2.4 Recreation Vehicle Areas	The draft LEP amendment does not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>).	<i>Not Applicable.</i>
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential	The proposed B2 - Local Centre zone permits a variety of housing types on the land although no housing is envisaged for this land by the owner. Reticulated water and sewerage services, telecommunications and

	development on the environment and resource lands.	electricity are available. The HWC will be consulted following the Gateway Determination for water and sewer connection services.
3.2 Caravan Parks and Manufactured Home Estates	The objective of this direction is to provide for a variety of housing types, and provide opportunities for caravan parks and manufactured home estates.	Caravan parks and MHEs are permissible in the existing RE2 zone. The proposal would render caravan parks and MHEs prohibited in the proposed B2 zone. The proposal would not result in an existing caravan park or MHE being prohibited in the zone and would have minor significance in the retention of caravan parks and MHEs in Cessnock because the site is not currently occupied by one of these uses. There are suitable zones located throughout the LGA where these uses remain permissible with consent.
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 B2 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 subdivision and street layouts achieve the sustainable transport objectives.	The site has frontage to Aberdare Road (arterial road from the south-east). The proposal is designed to cater to road users and through-traffic which is already on the road with the provision of a service station and food & drink premises containing drive-through facilities. The land is however serviced by bus services and is connected to the existing Town Centre pedestrian network. The proposal will increase traffic movements in and the proposed concept plan provides for carparking on site. Traffic and parking impacts will be further assessed as part of this Planning Proposal and would be required to be addressed in any future development application. As the proposal seeks to provide access onto a classified road (Aberdare Road), Council will seek to consult with the RMS.

3.5 Development Near Licensed Aerodromes	The objectives of this direction to ensure the efficient and safe operation of aerodromes, ensure their operation is not compromised by incompatible future adjoining land uses.	<i>Not Applicable.</i>
3.6 Shooting Ranges	The objective of this direction is to maintain appropriate levels of public safety and amenity, reduce land use conflict and identify issues that must be addressed when rezoning land adjacent to an existing shooting range.	<i>Not Applicable.</i>
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	Planning proposal is not affected by this 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 land does not appear to be within a Mine Subsidence District. Consultation regarding subsidence hazard will be undertaken with the Mine Subsidence Board of NSW and Trade and Investment following the Gateway determination
4.3 Flood Prone Land	The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , and that the provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.	There does not appear to be a level of flood hazard that would prevent development of the site. Any flood hazards due to local catchment flooding will be assessed and addressed at a development application stage.
4.4 Planning for Bushfire Protection 2	The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.	<i>Not Applicable..</i>
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.
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	The Planning Proposal does not propose amendments which require concurrence, consultation or referral of

	development.	development applications to the Minister. The Planning Proposal does not identify any development as designated development. It is considered that the Planning Proposal is consistent with this Direction.
6.2 Reserving Land for Public Purposes	The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	The site is located on the former Cessnock City Bowling Club where operations were transferred to the East Cessnock Bowling Club. The land was subsequently sold as it was identified as surplus to recreational bowling needs of the community. Nothing in this planning proposal affects the aims and provisions of this 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.

Section C: Environmental, Social and Economic Impact

7. Impact on Threatened Species

The land is currently vacant and has been significantly modified and managed for the development of a bowling green since before 1951. There are trees located on the land (only landscaping adjoining the frontage on the street verge). The rezoning proposal would not result in the isolation, fragmentation or removal of any areas of habitat for significant or threatened species.

8. Environmental Impact

The land is not affected by any environmental hazards which would need to be managed. The effect of the proposed rezoning which would permit a variety of new uses on the land would likely result in the following environmental impacts:

- Heritage;
- Minor on site contamination;
- Stormwater;
- Traffic & parking impacts; and
- Noise impacts.

To a large extent these are most appropriately dealt with at the development application stage when the details of the proposed development can be assessment and mitigation measures put in place. However, the proposed rezoning does give rise to effects which are dealt with as follows.

Aboriginal & European Heritage

A search of the Aboriginal Heritage Information Management System (AHIMS) database indicates that no Aboriginal sites are recorded in or within 200m of the land and that no Aboriginal places have been declared in or within 200m of the land. No indigenous heritage assessment has been undertaken. Given the heavily disturbed nature of the site and the extent of fill it is considered that this matter will be dealt with at the development application stage.

The site is not listed as an item of local or state heritage significance nor is it located within a Heritage Conservation Area pursuant to Cessnock LEP 2011. Cessnock Primary School (specifically the double storey weatherboard functional style classroom building, infant's school building and functional style classroom building) and Cessnock High School located approximately 300m to the east along Aberdare Road are listed as a local heritage item. There are provisions contained in Cessnock LEP 2011 to deal with heritage impacts at the development application stage.

The Planning Proposal is therefore unlikely to result in any adverse impacts on Aboriginal or European heritage.

Traffic & parking impacts

A Preliminary Traffic Assessment has been prepared which confirms that Aberdare Road is a sub-arterial road under the care of RMS. The assessment investigated the likely traffic generation and the capacity of the local road network concluding that Aberdare Road has sufficient capacity up to 2024 to accommodate commercial development of the subject site without the need for upgrade works. It is determined at this stage that the proposed access can be accommodated and while some on-street

parking will be impacted by the proposal there should not be any adverse impact on the availability of on-street parking as there is ample supply.

An initial parking assessment has also been undertaken in accordance with RMS guidelines. It is determined that at least 65 carparking spaces provided would represent sufficient supply. The Masterplan for the site currently accommodates up to 72 vehicles and therefore the proposed rezoning is considered acceptable as sufficient carparking associated with the proposed uses can be accommodated on the land.

Finally the preliminary traffic assessment reviewed the public transport, pedestrian and cycle routes available in the vicinity of the site. There are limited public transport opportunities from the site although the single bus linkage is provided to the CBD where bus services access the broader region. Excellent pedestrian linkages are provided to and from the site to the CBD, bus stops and surrounding residential areas. Cyclists are required to utilise existing parking lanes or share the travel lanes on the local road network, which is considered appropriate for the level of demand generated by the proposal.

The assessment identified that detailed traffic and parking assessments and modelling would be required at the final traffic impact assessment stage however the report concludes that the planning proposal can be supported as it would not adversely impact on the local road network and could meet all the requirements of Cessnock City Council, RMS and Australian Standards.

As the proposal seeks to provide access onto a classified road (Aberdare Road), Council will seek to consult with the RMS.

Noise impacts

For the purposes of this Planning Proposal the sensitive receivers in the vicinity of the site have been identified to ensure that there aren't any significant adverse impacts resulting from the proposed rezoning or significant constraints to the proposed rezoning. A detailed noise impact report would need to be prepared at the development application stage.

The closest sensitive receivers are the residential properties on the corner of Aberdare Road and Brandis Street (known as 48, 50 and 52 Aberdare Road and 1 Brandis Street) diagonally opposite the subject site. The front boundaries of these properties are between 35 and 65m from the site and separated by a sub-arterial road.

Approximately 150m to the north east of the site on the opposite side of Aberdare Road is located the Goodstart Early Learning Centre. The children play areas are located to the rear of this building which is setback over 20m from the road.

Other sensitive receivers to the north are the school buildings of Cessnock Primary School opposite the site, which are located over 70m from the site boundary.

To a lesser extent, some 30m to the west of the site is the tennis court Club House and over 70m to the east is the Cessnock Youth Centre.

These sensitive receivers all currently exist within a relatively high noise environment, which consists of:

- road noise from Aberdare Road (sub-arterial road)
- Cessnock High School
- Cessnock Primary School
- Recreational use of Turner Park (tennis courts and sporting fields)

The proposal seeks to introduce noises associated with commercial premises including:

- Vehicle traffic
- Operation of a petrol station
- Noise from mechanical plant from food and drink premises
- Noise from drive through facilities

The potential noise from future commercial development of the site is unlikely to be offensive or intrusive, and is unlikely to adversely impact on the existing noise environment. There are separation distances between the proposal and the sensitive receivers to ensure mitigation measures can be effective if required at development application stage.

Stormwater impacts

The proposed rezoning (and subsequent development application for development) would trigger the need for on-site detention and an easement through the adjoining Council owned land known as Turner Park. The supporting Stormwater drainage report confirms that stormwater can be piped from the site to a legal point of discharge and that Onsite Stormwater Detention (OSD) provided to reduce post development flows to pre development flow rates. The design of the OSD would be provided at development application stage.

9. Social and Economic Impacts

The Planning Proposal would result in the land being zoned for a purpose to which the land is both capable for use and suitable for use. It is currently zoned RE2 - Private Recreation and contains a disused and deteriorated bowling green. There has been no other recreational use identified as being suitable for this site. The most efficient use of the land given its location and size is for a commercial purpose which is what the Planning Proposal proposes, a B2 - Local Centre zone.

As part of the ongoing consideration and prior to the exhibition of the Planning Proposal, a comprehensive social and economic impact assessment will be undertaken, and include consideration of the impact of an additional service station and the introduction of a Hungry Jacks Restaurant to the Cessnock town core.

Below is the proponent's preliminary review of social and economic impacts associated with the Planning Proposal that concludes that the planning proposal can be supported.

Economic Impacts

Capital Investment

The development will result in the following estimated Capital Investment (CI):

- Site costs, stormwater, carparking and site access/intersection - \$1.8m
- KFC Store - \$2.4m
- Hungry Jacks - \$1.8m
- Service Station - \$2.2m
- TOTAL - \$8.2M

Job Creation

Construction Jobs - Based on the Australian National Accounts Input - Output Tables (ABS, Cat. No. 5209.0) one direct job year is created in the construction industry per

\$160,000 of construction investment. So, for each \$1 million of construction investment the development has the potential to create approximately 6.25 job years over the construction period. In addition to direct employment ABS National Accounts Data indicates that a multiplier of 2.6 applies to direct construction employment.

The estimated CI for the project is \$8.2M. Therefore the potentially job years created during construction would be 51.25. An additional 133.25 job years could potentially be created through the wider community as a result of the multiplier effect.

Ongoing Employment - The current KFC Store located on Wollombi Road at Cessnock has a current workforce of 75 persons. Based on similar sized stores and forecast employment for the operations of the new KFC Store at the new Aberdare Road Cessnock site the new premises will directly employ 82 persons. This is a net increase of 7 jobs being created.

In terms of the proposed Hungry Jacks store and the Service Station and based again on similar sized stores and forecast employment for their respective operations it is estimated that the job creation would be:

- Hungry Jack – 52 jobs
- Service Station 12 jobs

This would result in a total employment on site of 146 jobs and a nett gain of some 71 jobs.

It is the applicant's intention to sell the existing KFC store on Wollombi Road once the site on Aberdare Road has been rezoned, DA approved and constructed and ready for operation. The sale would be conditional on the site not being used for any other form of fast food operation. Any future use would expect to be retail based. The current site would permit approximately 322m² of retail space with associate carparking and servicing.

Based on the Australian National Accounts Input - Output Tables (ABS, Cat. No. 5212.0) an employment rate of one job per 30m² and assuming the total combined potential retail area is 322m² for this site, the job creation potential is 11 jobs.

It can be anticipated that further flow on effects on employment are created in the broader economy as a result of the potential income and employment generated (known as the multiplier effect). Using a conservative employment multiplier of 1.9 (as recommended by the Australian National Accounts guidelines), there could be the potential flow on effect of 155.8 additional ongoing jobs throughout the local economy.

Summary Job Creation

Construction jobs – based on an estimated CI of \$8.2m:

- 51.25 job years would be created directly
- 133.25 job years indirectly throughout the broader economy.
- Total of 184.5 job years created.

Ongoing Employment:

- total employment on site of 146 jobs
- Nett gain of 71 jobs (taking into account relocation of KFC)
- 11 jobs on the redeveloped KFC site on Wollombi Road
- Total Direct Jobs Nett created - 82
- Total Jobs indirectly created - 155.8
- Total Ongoing jobs created - 237.8

Social Impacts

In order to fully assess the social impact of the rezoning, analysis was undertaken against a range of criteria. The criteria is used to assist identify the impacts (both positive and negative) that will, or are likely to arise from the proposal.

The areas explored will specifically relate to:

1. Changes to the population and characteristics of the area.
2. Economic costs and benefits.
3. The community structure, its character or beliefs.
4. Impact on existing services.
5. An assessment of safety as it relates to crime, anti-social and nuisance behaviour.
6. Cost of living, including housing affordability.
7. Accessibility.
8. Sense of Place and community.

Changes to the population and characteristics of the area – The proposal will not result in any net changes to Cessnock's total population or its characteristics. The development will not result in any increase or decrease in the total numbers of the population, gender distribution, or other characteristics of the area.

Economic costs and benefits – There will be a positive economic impact associated with the proposal in regards to:

- An estimated CI of \$8.2m in the site;
- 184.5 job years created directly and indirectly through the project construction phase;
- 146 ongoing jobs on site and overall a nett increase of 82 jobs (taking into account the redevelopment of the existing KFC store on Wollombi Road);
- 155.8 indirect jobs via the multiplier effect through the broader community
- TOTAL of 237.8 ongoing jobs created.

Income provides an indication of the socio economic status of a community. It is found that generally Cessnock has lower income levels than that of the LGA. Again the overall income characteristic will not be affected but the income levels of a number of individuals will be improved via the creation of local employment opportunities.

Impact on Community Structure Its Character or Beliefs - The community structure, character and beliefs relate to the impacts the development may bring about on relationships between people due to their customs, beliefs, attitudes and even religious beliefs.

The proposed development is relatively isolated and therefore in this context it will not affect the broader characteristics of the community.

With regards to the local area, its characteristics will be modified. At present the site is part of an open space area that has almost nil intensity in terms of traffic generation and human movement. This will change significantly as a result of the rezoning. However it should be noted that the surrounding sporting facilities have peak intensity periods when activities are occurring at the respective facilities on Turner Park.

The site in its current state presents a negative visual impact on the character of the local area given its unused and dilapidated nature which therefore impacts negatively on the local area.

On balance it is considered that a new development in this area will improve the visual appeal and provide additional services to local residence will outweigh the impact of the intensity of the development on the amenity of the area.

Impact on existing services is important to establish if service thresholds can cater for any increased demand. In the context of this development there is no identified impact on any community service infrastructure such as hospitals, schools or the like. There are no identified impacts on existing services arising from this proposal.

Assessment of safety as it relates to crime, anti-social and nuisance behaviour -

The operation of the KFC and Hungry Jacks stores and the service station will allow for active surveillance across the site. Given the locality of the development, there is a potential for changes in the way people may interact with this area (meaning that people will stop in this area, which would not normally do so).

There would be concerns raised that the facilities would become a venue where people congregate and there is a risk that this could lead to anti-social behaviour. However, only in a few stores, which are located in a major CBD, near numerous late night trading licenced premises are there concerns regarding loitering and anti-social behaviour which require active monitoring. Given the location of this site is on the fringe of the CBD, the site is not within the proximity of numerous licenced premises, issues regarding nuisance and anti-social behaviour are therefore unlikely.

Furthermore, any risks are mitigated by KFC's and Hungry Jacks standard operating practices of:

- A regular 'walk through' be undertaken as a means of providing ongoing monitoring and a quick response to any issues that may arise.
- Refuse service to anyone who is intoxicated (note a KFC and Hungry Jacks trade as family restaurants).
- A zero tolerance approach to anti-social behaviour.
- Matters of graffiti or the like are addressed immediately.
- There is a manager on shift at all times.

Cost of living, including housing affordability - The impact on cost of living explores if the development will bring about changes to the locality which is being developed. For example, will housing and land prices increase as a result of the development, will the cost of living be affected (ie an increase in say supermarket groceries), will there be impacts on employment etc.

The development of this site as proposed is not expected to bring about changes to the level of income across the community, nor will it impact on the cost of day to day living. Many services (retail and commercial) are not affected by the operation of the proposed uses on this site and consequently its development will not impact in this area.

Residential dwelling and unit prices have increased steadily since 1998. The highest capital growth for residential dwellings was toward the end of 2004 with the highest growth period during 2002. Capital growth has declined since 2006 but overall the market in this area is stable.

The proposed redevelopment will not have an impact on housing and land prices generally in this area. An example of a development that would have a more generalized negative impact would be an offensive industry, such as a timber mill, where the effect of noise, dust and odour was wide spread.

Accessibility - Accessibility is an assessment of whether certain groups will be excluded from the development by its design, or by what is offered at the site. This can relate to a direct impact on accessibility such as people within the site or whether people will be prevented from accessing other services or facilities.

The proposed development will be compliant with relevant disability standards. Those who choose to use the facilities on this site will be free to do so if they wish and given the location it would not act as a barrier to other services or facilities. These issues will be dealt with in detail at the DA stage.

Sense of Place and Community - Sense of place and community relates primarily with the aesthetics of the surrounding neighbourhood / residential character. The key area of analysis here is whether it complements the existing character, is the design in keeping with its surrounds etc.

The surrounding neighbourhood in respect to this site has a mixed use character which features educational establishments, active sporting facilities, residential development and a sub arterial road which acts as a main access point into the town. Approximately 250m east of the site along Aberdare Road, there is an existing service station on the northern side of the road and then further east again there is a hotel and another service station and general store. Consequently given the mixed use nature of development along this section of road, the proposed rezoning would not be out of character with the mixed use nature of the existing development.

Section D: State and Commonwealth Interests

10. Adequate Public Infrastructure

The site is currently connected to all urban services including reticulated water and sewer, telecommunications and electricity.

Road infrastructure to serve the proposal is good. Access would be obtained from Aberdare Road, which is a classified road. Advice would be sought from Roads & Maritime Services (RMS) to ensure that road infrastructure and access into the site would meet the needs of the development.

11. Consultation with State and Commonwealth Authorities

The following public authorities would need to be consulted following the Gateway determination:

- The Road & Maritime Services as the proposal seeks to provide access onto a classified road (Aberdare Road);
- Mine Subsidence Board as the land has the potential to have been undermined in the past;
- Hunter Water Corporation for water and sewer connection services; and
- Any other authorities specified in the determination.

PART 4: MAPPING

The Planning Proposal seeks to amend the mapping of the Cessnock Local Environmental Plan 2011 as follows:-

Land Zoning Map

The amendment of Land Zoning Map (1720_COM_LZN_006CA_010_20140327) by removing the RE2 - Private Recreation zone from Lot 3 Sec 50, DP 758002 and replacement with a new zone B2 - Local Centre.

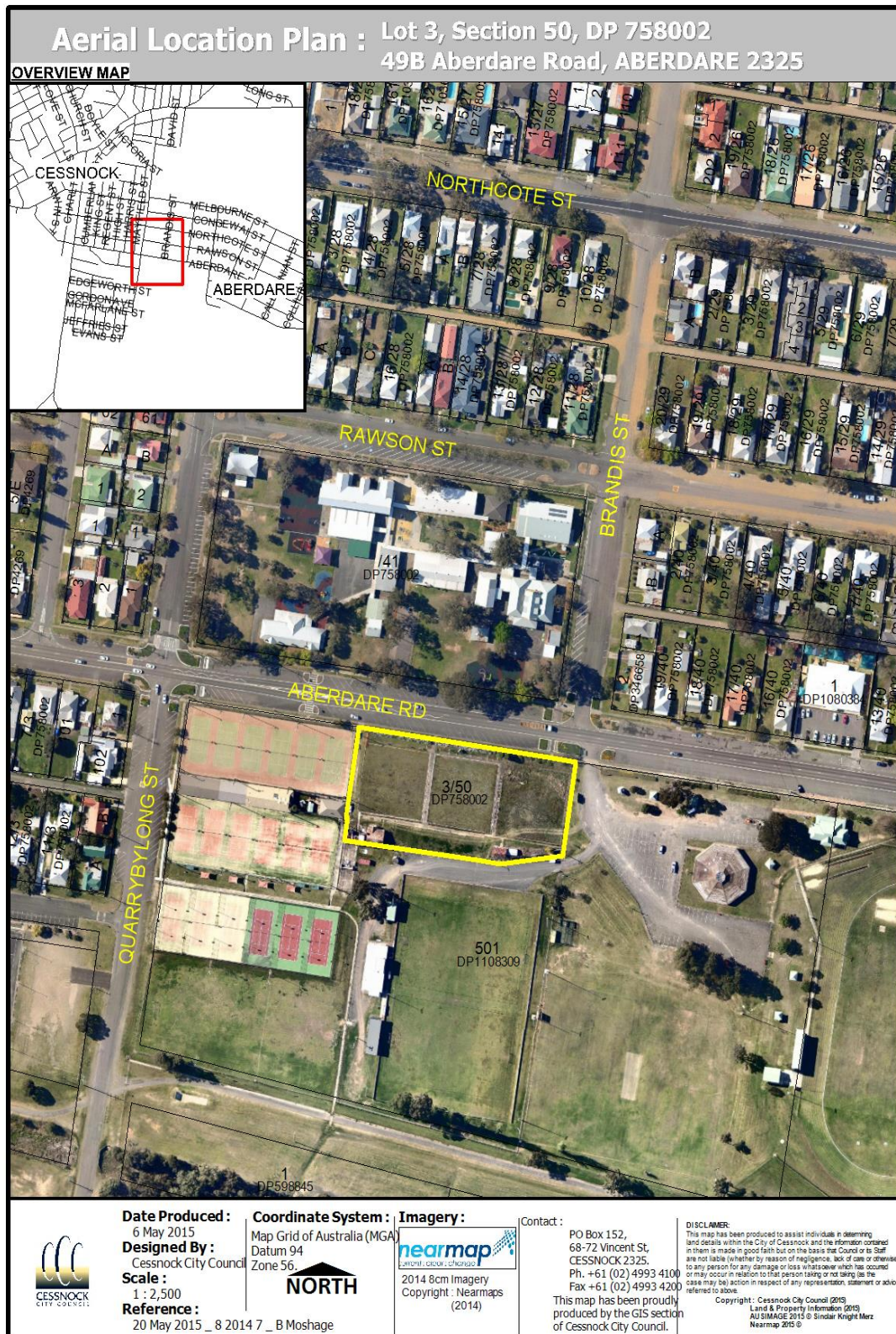
The subject land is shown in the locality plan as Map1.

An indicative zoning map is shown as Map 4.

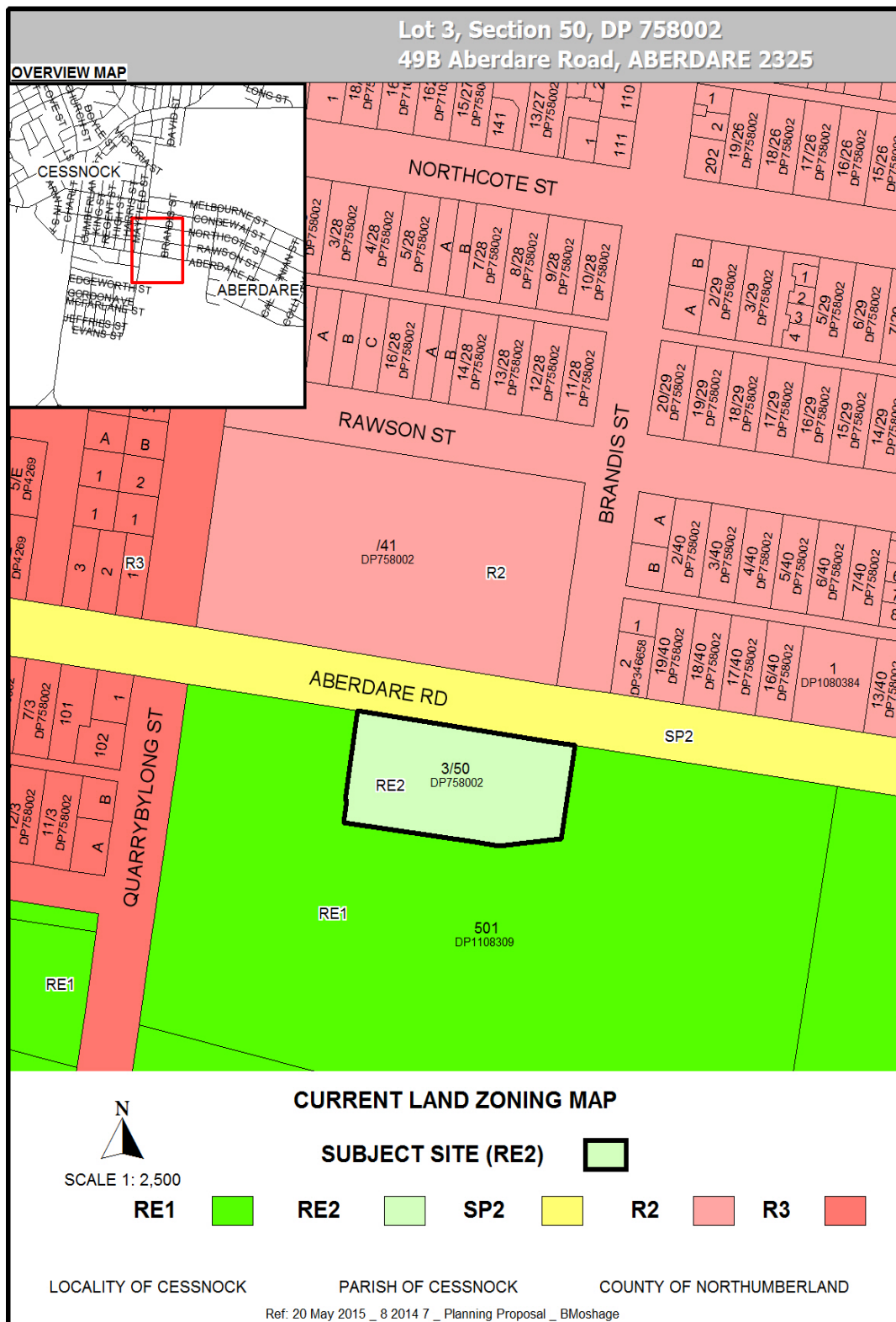
Map 1: Location Map



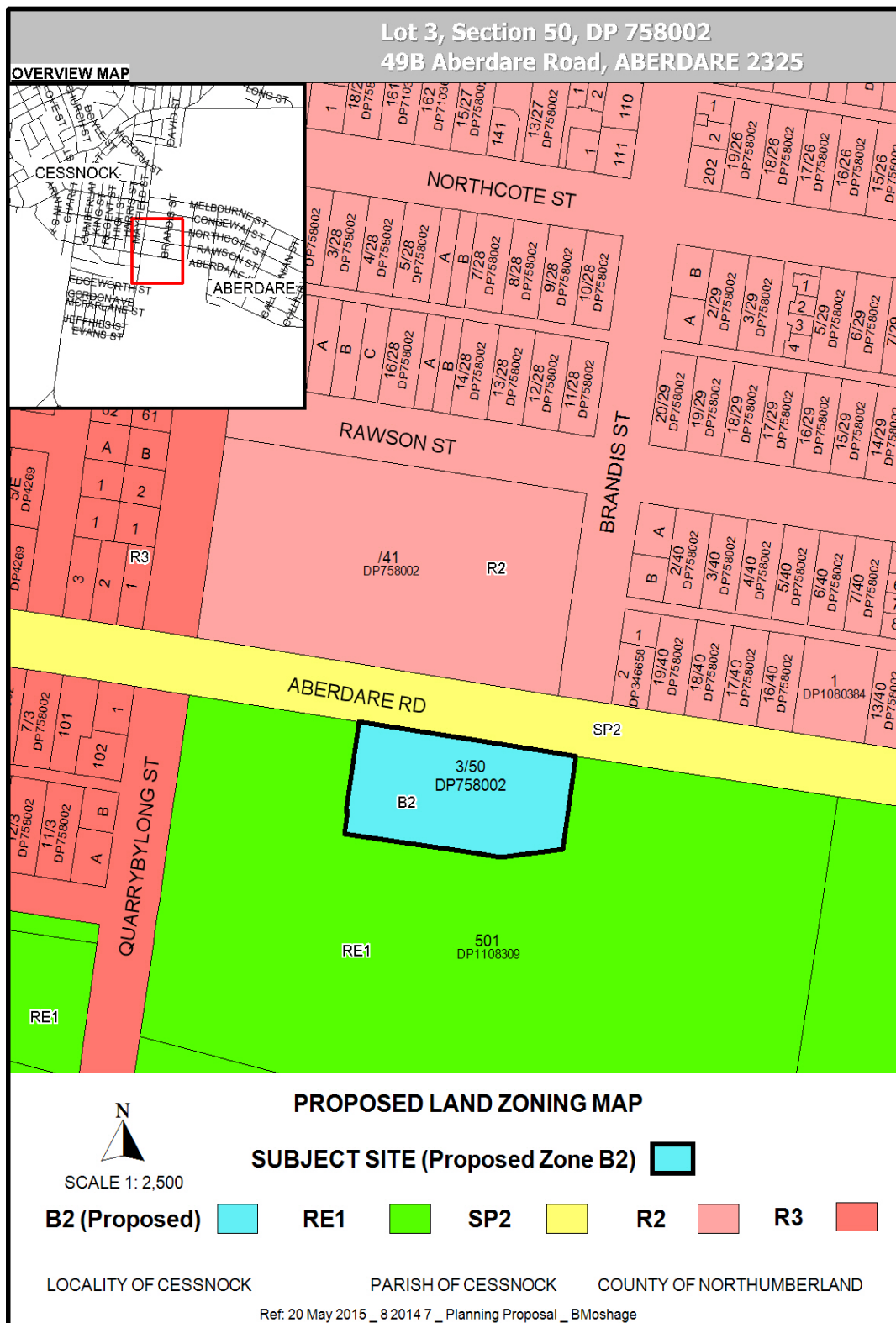
Map 2: Aerial Location Map



Map 3: Existing Zoning Layout



Map 4: Proposed Zoning Layout



PART 5: COMMUNITY CONSULTATION

Council proposes to undertake community consultation in accordance with Council's guidelines, in the following manner:

- Advertise the Planning Proposal in the local newspaper and on Council's website at the start of the exhibition period.
- Exhibit the Planning Proposal for a period of twenty eight (28) days for the date it appears in the local newspaper and on Council's website.
- Notify the owners of the exhibition of the Planning Proposal.

During the exhibition period, the Planning Proposal, gateway determination and other relevant documentation will be available in Council's website and hard copies will be available at Council's administration building and public libraries.

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 this amendment to the Cessnock Local Environmental Plan 2011 will be completed by May 2016.

	June 2015	July 2015	Oct 2015	Nov 2015	Dec 2015	Feb 2016	April 2015	June 2016
STAGE 1 Submit Planning Proposal to Planning & Infrastructure								
STAGE 2 Anticipated commencement date (Gateway Determination)								
STAGE 3 Proponent finalise documentation supporting the Planning Proposal								
STAGE 4 Agency Consultation / Public Exhibition Period								
STAGE 5 Review / consideration of submissions								
STAGE 6 Report to Council								
STAGE 7 Forward s59 report to Planning and Environment to notify the Local Environmental Plan								

Appendix 1: Council Report and Minutes



Acrobat Document

Council Report



Acrobat Document

Council Minute