

## SECTION 59 PLANNING REPORT

### **Planning proposal details:**

PP\_2013\_CESSN\_004\_00

### **Planning proposal summary:**

To enable up to 100 residential lots on the subject land comprising a minimum lot size of 4,000m<sup>2</sup>, connecting the large lot residential precinct of Paxton with the large lot residential precinct of Millfield.

### **Date of Gateway determination:**

16 July 2013

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## **1.0 SUMMARY**

The Planning Proposal provides for up to 100 large residential lots comprising a minimum lot size of 4,000m<sup>2</sup> between the existing large lot residential precincts of Paxton and Millfield.

The subject land forms part of a previous rezoning proposal known as 'Sanctuary Villages', considered as a State Significant Site and Part 3A Major Project under the Environmental Planning and Assessment Act which was recommended for approval by the Planning Assessment Commission in October 2009. The Part 3A application was, however, discontinued following legal opinion from the Department of Planning in December 2009 that the Minister for Planning has no power to determine the application as a result of a decision in the Land and Environment Court (Gwandalan Summerland Point Action Group Inc. v Minister for Planning 2009).

In accordance with the Gateway Determination, the Planning Proposal was publicly exhibited for a period of 29 days from 13 November 2013 to 11 December 2013. Seven (7) community submissions were received, six (6) objecting to the Planning Proposal. Further details regarding the concerns raised in the submissions are provided in Section 3.0 of this report.

Council resolved on the 21 May 2014 to endorse the Planning Proposal and place on public exhibition the Draft Rose Hill Development Control Plan, and notify the Draft Planning Agreement.

Following exhibition of the Rose Hill Planning Proposal and the subsequent report to Council, the proponent lodged a boundary re-alignment for the subject land. Consequently, the extent of the planning proposal has been amended to reflect the boundary re-alignment. The amendment considers the existing E2 zoned land adjacent to the Planning Proposal providing a practical boundary alignment for subdivision. The changes are minor and consistent with the intent of the planning proposal therefore do not require re-exhibition or reporting to Council.

## **2.0 GATEWAY DETERMINATION**

A Gateway Determination was issued by the then Department of Planning and Infrastructure on 16 July 2013, allowing 12 months to complete the amendment.

A request to amend the Cessnock Local Environmental Plan 2011 was made to Parliamentary Counsel on 3 June 2014. Parliamentary Counsel Opinion was received on 23 June 2014.

All conditions of the Gateway Determination have been complied with.

### 3.0 COMMUNITY CONSULTATION

The Planning Proposal was publicly exhibited for a period of 29 days from 13th November 2013 to 11 December 2013 in accordance with the Gateway Determination. During the exhibition period, seven (7) public submissions were received including 6 objections.

A summary of the community issues raised and responses to those issues are provided below:

| ISSUES RAISED                                                                                                                                       | RESPONSE / COMMENT                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>GENERAL</b>                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                          |
| There is sufficient housing supply within the Millfield area in the form of large lots and within the village.                                      | The site is identified in the LHRS and CCWSS as an urban release area to assist with meeting population and housing demands.                                                                                                                                                                                                                                             |
| The proposal does not address affordable housing or aging population issues.                                                                        | The subdivision will increase the supply of housing in the LGA, which in turn will have the potential to make housing more affordable. In relation to aging population, the houses would be able to be designed to be adaptable. In addition secondary dwellings would be permissible with consent which would provide for the aged or for an affordable housing option. |
| The proposal is capped at a limit of 100 lots. This limit prevents triggering the requirement for additional Council and developer funded upgrades. | Noted.<br>Adequate services have been provided for the proposed 100 lots.<br>The current Planning Proposal is consistent with the Hunter Water Corporations alternative sewer system requirements.<br>Further, a draft Planning Agreement has been prepared for monetary contributions towards infrastructure.                                                           |

| ISSUES RAISED                                                                                                                                                                                                                                                             | RESPONSE / COMMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The reports in the Planning Proposal do not adequately address the potential for a future subdivision of the site into 560 lots.</p>                                                                                                                                   | <p>The site is identified in the LHRS and CCWSS as an urban release area, with a targeted density yield of 12 dwellings per hectare.</p> <p>This Planning Proposal seeks to amend the Cessnock Local Environmental Plan as a transitional arrangement to achieving the longer term objective of the Lower Hunter Regional Strategy. It is noted that the objectives of the proposed R5 Large Lot Residential zoning include requirements to ensure the large residential lots do not hinder the proper and orderly development of urban areas in the future.</p> <p>Further detailed investigations will be required to be undertaken at an appropriate stage if the future subdivision of the site is proposed.</p> |
| <b>AMENITY &amp; CHARACTER</b>                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>The proposal will significantly reduce the area between Millfield and Paxton and create urban sprawl. The proposal is inconsistent with the Cessnock Community Strategic Plan Objective 3.1 which aims to “maintain the village and rural atmosphere of the area”.</p> | <p>As a large lot residential proposal, the proposed development is considered to be more rural residential than urban connecting the large lot residential precinct of Paxton with the large lot residential precinct of Millfield. It is considered that the village character of the area will remain intact. The proposal is consistent with the CCWSS, which is referred to in the Community Strategic Plan.</p>                                                                                                                                                                                                                                                                                                |
| <p>The proposal will result in a loss of the rural lands and atmosphere, including the rural views and vistas.</p>                                                                                                                                                        | <p>The subject site is identified for future urban development in the Lower Hunter Regional Strategy. The proposal for larger allotments will retain the rural character of the area, whilst providing housing opportunities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>TRAFFIC</b>                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>The proposal will result in a significant increase in traffic around the whole area and impact on the quality of existing road networks.</p>                                                                                                                           | <p>A draft Planning Agreement has been drafted and includes monetary contributions towards road infrastructure. A development specific traffic study will be required at the DA stage.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>The extension of Eleventh Avenue is within a flood prone area and may result in the pooling of flood waters.</p>                                                                                                                                                       | <p>Further detailed analysis and assessment of flooding constraints, will be required before final designs at the development application stage. The initial flood studies have shown that the site is suitable for development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>SEWERAGE</b>                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>The low pressure sewerage system proposed will inhibit further subdivision of the site. Further, low pressure systems are more costly to run. Alternative connections to pump directly to the PWTW are viable. A full pressure service should be installed.</p>        | <p>The Planning Proposal is consistent with the Hunter Water Corporations alternative sewer system requirements.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| ISSUES RAISED                                                                                                         | RESPONSE / COMMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>EMPLOYMENT LANDS</b>                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| The proposal will not generate permanent employment.                                                                  | It is considered that the development will generate employment opportunities for local tradespeople at the subdivision and dwelling construction stages. Although these are not permanent, the construction will occur over a number of years and the flow on effect to the local economy of the additional population will be permanent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| The proposal should include employment lands and contribute to the provision of employment lands to support the area. | The planning proposal will create short term construction jobs. The site is identified in the LHRS and CCWSS as an urban release area to assist with meeting population and housing demands. Other lands have been identified for employment purposes in the LHRS. Neighbourhood shops are a permitted land use within the R5 Large Lot Residential zoning.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>PUBLIC TRANSPORT</b>                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| There are insufficient public transport provisions to service the additional population.                              | Bus stops, cycleways and pedestrian paths will service the precinct with details provided in the draft DCP and draft Planning Agreement to ensure their inclusion.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>SOCIAL INFRASTRUCTURE</b>                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| There is currently insufficient infrastructure within the village to support a growing population.                    | A draft Planning Agreement has been prepared for the site detailing monetary contributions to include upgrading of social infrastructure.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>ENVIRONMENT</b>                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Runoff from the proposal will adversely impact the health of the Congewai Creek and adjacent wetlands.                | It is anticipated that future development of the site would increase the impervious area by only 15%. The majority of potential surface runoff pollutants will be generated by road areas, however there are readily available options to manage minor impacts. In the long term. It is considered that large lot residential land use will have less impact on the Congewai Creek than grazing. Due to the relatively minor increase in impervious area, the proposed development will have no adverse impact on the flow rates naturally occurring within Congewai Creek during rainfall periods over the upstream wider catchment. Standard Council storm water management principles will be implemented on-site to manage downstream receiving waters. In addition a vegetation management plan (VMP) is required to be submitted with the first development application. It is considered that the outcomes resulting from the VMP will improve the health of the creek and wetland area. |
| The proposal will not preserve the traversing Congewai Creek.                                                         | The site specific DCP will prevent construction within the zone of influence and requires the preparation of a VMP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| ISSUES RAISED                                                                                   | RESPONSE / COMMENT                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The proposal will impact the health of the forest between Millfield and Paxton.                 | There is no indication that the Planning Proposal will have a negative impact on the adjacent forest.                                                                                                                                                                                                                                                                                                                                  |
| <b>FIRE &amp; FLOOD MANAGEMENT</b>                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| The 20m APZ buffer around the forest is insufficient. The fire buffer zone should be increased. | The future subdivision and development must comply with <i>Planning for Bush Fire Protection 2006</i> and any other provisions required by the rural fire service.<br>Any development on bush fire prone lots will be required to:<br>- Include an Asset Protection Zone and take into consideration the threat of grass fires; and<br>- Comply with either Section 79BA of EP&A Act 1979 or Section 100B of the Rural Fires Act 1997. |
| Lots within the proposal are flood affected.                                                    | Future development will be required to comply with the controls for subdivision in flood affected areas in accordance with the Cessnock DCP 2010.                                                                                                                                                                                                                                                                                      |

Consultation requirements stipulated by the Gateway Determination were complied with.

#### 4.0 VIEWS OF PUBLIC AUTHORITIES

In accordance with the Gateway Determination, the following agencies were consulted with a minimum of 21 days to comment on the proposal:

- NSW Rural Fire Service (RFS);
- Hunter Water Corporation (HWC);
- Department of Primary Industries - Agriculture;
- Department of Primary Industries - Office of Water;
- NSW Aboriginal Land Council;
- Office of Environment and Heritage; and
- NSW Trade and investment - Mineral Resources.

During the exhibition period, four (4) agency submissions were received from the Department of Primary Industries - Agriculture, Department of Primary Industries – Office of Water, Department of Trade & Investment – Office of Resources & Energy and the Rural Fire Service. One of the agency submissions objected to the Planning Proposal with the other agencies providing relating to development guidelines.

Comments received from the Government agencies included the following:

- Design should consider erosion and water quality, development should be controlled within the flood plain and the area should maintain a minimum lot size of 4000m<sup>2</sup>;
- Prior to development the proponent must determine whether approval under the *Water Act 1912* or the *Water Management Act 2000* is required; and
- Future development should consider *Planning for Bush Fire Protection 2006*, development in bushfire prone areas should comply with Section 79BA of *EP&A Act 1979* or Section 100B of the *Rural Fires Act 1997* and provide

Asset Protection Zones. Consideration should be given to fire threats posed by the grasslands.

These concerns have been considered and, where appropriate, have been addressed within the development guidelines provided by the draft Development Control Plan. All future development on the site must comply with these provisions.

Initially the Department of Trade & Investment – Mineral Resource Branch objected to the proposal due to the potential for underground coal resources. However, after discussion with Council the Branch undertook a more detailed investigation of the site. The investigation revealed that mining on the site is significantly hindered and the Mineral Resource Branch consequently withdrew their original objection to the Planning Proposal.

Hunter Water Corporation will be consulted as part of development application/s under Part 4 of the Environmental Assessment Act to resolve any concerns surrounding alternate reticulated sewer systems in accordance with Hunter Water Corporation's Water and Sewer Design Manual.

## **5.0 CONSISTENCY WITH S.117 DIRECTIONS AND OTHER STRATEGIC PLANNING DOCUMENTS**

An assessment of relevant Section 117 Directions is provided in the attached Planning Proposal.

## **6.0 PARLIAMENTARY COUNSEL OPINION**

Council sought an opinion of Parliamentary Counsel on 3 June 2014.

Parliamentary Counsel's Opinion was given on 23 June 2014.

## **7.0 OTHER RELEVANT MATTERS**

There are no additional matters that are relevant considerations for the making of the plan.

## **8.0 MAPPING**

Please find relevant Maps and Map Cover Sheet attached.

## **9.0 RECOMMENDATION**

Council recommends Cessnock Local Environmental Plan (Amendment 12) be made as per the attached Parliamentary Counsel Opinion and associated Maps.

### **Attachments:**

- Planning Proposal – *Rose Hill, Millfield – Rezoning of Part of Lot 12 DP 1181682*
- Gateway Determination - PP\_2013\_CESSN\_004\_00;

- Parliamentary Counsel Opinion – *Proposed Cessnock Local Environmental Plan 2011 (Amendment 12)*;
- Maps associated with Cessnock Local Environmental Plan 2011 (Amendment 12);
- Letter dated 4 December 2013 from NSW Department of Primary Industries – Office of Water;
- Letter dated 16 December 2013 from NSW Department of Primary Industries – Agriculture;
- Letter dated 13 December 2013 from NSW Department of Trade and Investment – Resources and Energy;
- Letter dated 7 January 2014 from NSW Rural Fire Service; and
- Letter dated 11 March 2014 from NSW Department of Trade and Investment – Resources and Energy.



**PLANNING PROPOSAL**  
*Amendment to the*  
***Cessnock Local Environment Plan 2011***

**ROSE HILL, MILLFIELD**

**Rezoning of Part of Lot 12 DP 1181682**

**Version 2.0**  
**May 2014**

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## **PART 1: BACKGROUND and OBJECTIVES**

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### **Background**

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The subject site is part of a previous rezoning proposal known as Sanctuary Villages. In January 2006, a request to the Minister for Planning requested that the Sanctuary Villages planning proposal be considered as a State Significant Site and Part 3A Major Project under the Environmental Planning and Assessment Act.

Consideration of the planning proposal was deferred pending review and finalisation of the Lower Hunter Regional Strategy (October 2006) and discussions with the Department of Planning (now known as the Department of Planning and Infrastructure) and the Department of Environment and Conservation (now known as Office of Environment and Heritage) regarding a suitable environmental offset scheme on 22 December 2006.

On 18 June 2007, the Minister for Planning agreed to consider land adjacent to "Sanctuary Villages" as a State Significant Site for listing in Schedule 3 of the State Environmental Planning Policy (Major Projects 2005) and was placed on exhibition from 3 September 2008 until 6 October 2008.

In October 2009 the Planning Assessment Commission of New South Wales recommended approval based on a merit assessment of a Concept Plan and Stage 1 Project Plan for the "Sanctuary Villages" development. Subsequent legal opinion and advice from the Department of Planning in December 2009 advised that the Minister for Planning had no power to determine the application as a result of the decision in the Land and Environment Court (Gwandalan Summerland Point Action Group Inc v Minister for Planning 2009).

The Part 3A application was subsequently discontinued.

Council resolved at its Ordinary Meeting held 5 June 2013 to publicly exhibit the Planning Proposal. The Planning Proposal was publicly exhibited from 13 November 2013 to 11 December 2013.

Details of the community consultation and government agency consultation are included in Part 5 and Part 3, point 12 of this Planning Proposal respectively.

### **Objectives**

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The objective of the Planning Proposal is to enable large residential lots on the subject land, connecting the large lot residential precinct of Paxton with the large lot residential precinct of Millfield, by amending the Cessnock Local Environmental Plan 2011 to allow for up to 100 residential allotments with a minimum lot size of 4,000m<sup>2</sup>.

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## **PART 2: EXPLANATION of PROVISIONS**

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The objective of this Planning Proposal will be achieved by amending the Cessnock Local Environmental Plan 2011 and introducing a site specific chapter to the Cessnock Development Control Plan 2010.

### **Cessnock Local Environmental Plan 2011**

The Cessnock Local Environmental Plan 2011 is proposed to be amended in the following ways:

1. Rezone part of Lot 12 DP 1181682 from RU2 Rural Landscape to R5 Large Lot Residential by amending the Land Zoning Map.
2. Amend the Minimum Lot Size Map for part of Lot 12 DP 1181682 from a minimum lot size of 40 hectares to a minimum lot size of 4,000m<sup>2</sup>.
3. Amend the Urban Release Area Map by inserting part of Lot 12 DP 1181682.

Refer to maps in Appendix 1 for details.

### **Cessnock Development Control Plan 2010**

Supporting studies to the Planning Proposal illustrate that more than 100 lots require additional traffic and sewer infrastructure. The proposed amendment to the minimum lot size provisions in the Cessnock Local Environmental Plan 2011 enables the subdivision of up to 128 lots, dependant of the resultant subdivision pattern.

An amendment to Cessnock DCP (2010) will limit the proposed development to a maximum of 100 lots. This plan will be prepared in consultation with all relevant public authorities and following the completion of the required supporting studies.

### **Local Infrastructure Plan**

Supporting studies to the Planning Proposal identify the need to upgrade existing infrastructure to support the proposed development. A section 94 contributions plan and / or development of a Voluntary Planning Agreement for local infrastructure will be required to support the proposed development. The section 94 plan or planning agreement will be prepared in consultation with all relevant public authorities and following the completion of the required supporting studies.

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## PART 3: JUSTIFICATION

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In accordance with the Department of Planning'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 Rose Hill Precinct is identified in the Lower Hunter Regional Strategy and Council's City Wide Settlement Strategy (2010) as a new urban area.

The inclusion of the subject site as a New Urban Area in the Lower Hunter Regional Strategy was predicated on the Part 3A application described in the background section of this Planning Proposal as "Sanctuary Villages" accommodating 700 dwellings at Paxton and Millfield. New Urban Areas, as defined in the Lower Hunter Regional Strategy, are required to meet a targeted density yield of 12 dwellings per hectare and comply with the requirements of the Neighbourhood Planning Principles stipulated by the strategy. This Planning Proposal seeks to amend the Cessnock Local Environmental Plan as a transitional arrangement to achieving the longer term objective of the Lower Hunter Regional Strategy. It is noted that the objectives of the proposed R5 Large Lot Residential zoning include requirements to ensure the large residential lots do not hinder the proper and orderly development of urban areas in the future.

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

The most effective way to achieve the objectives of this Planning Proposal is to amend the zoning, minimum lot size provisions and urban release map within the Cessnock Local Environmental Plan 2011, and provide additional controls in the form of a site specific chapter within the Cessnock Development Control Plan to limit the maximum number of lots to 100.

An alternative to providing a site specific chapter to the Development Control Plan would be to introduce an additional minimum lot size provision to the Cessnock Local Environmental Plan 2011. This option is considered to impose a regulatory burden on the Local Environmental Plan as the minimum lots size provision would require only a minor variation to current provisions available and would not be expected to be used in instances outside the confines of the subject site.

The combination of the Local Environmental Plan amendment and the site specific chapter to the Development Control Plan are considered to be the most efficient and effective way of achieving the objectives of the Planning Proposal within the provisions offered by the current planning system.

### 3. **Net Community Benefit**

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

**Table 1: Net Community Benefit**

|                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)? | <b>Yes.</b> The land is identified as a New Urban Area in both the Lower Hunter Regional Strategy and the Cessnock City Wide Settlement Strategy. The proposal provides a transitional arrangement to the strategic objectives for the land.                                                                                |
| Will the LEP be consistent with agreed centres and sub-regional planning policy for development in the area?                                                                                 | <b>Yes.</b> 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/sub-regional strategy?                                      | <b>Yes.</b> The proposal is consistent with the Lower Hunter Regional Strategy, which identifies the Rose Hill site as a new release area, forming an extension to the adjacent urban footprint.                                                                                                                            |
| Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?                                                                                  | <b>Yes.</b> 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.<br><br>The rezoning will not result in the loss of employment lands.                 |
| Is the existing public infrastructure capable of servicing the proposed site?                                                                                                                | <b>Yes.</b> It is anticipated that a site specific Contributions Plan and / or Voluntary Planning Agreement will include contributions for Council's community assets, roads, drainage and traffic infrastructure. Such contributions would address required upgrades of community facilities and transport infrastructure. |
| Will the LEP facilitate the provision of public transport?                                                                                                                                   | <b>Yes.</b> 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?                                                                                               | <b>Yes.</b> The proposal provides a transitional arrangement consistent with the Lower Hunter Regional Strategy.                                                                                                                                                                                                            |

## **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, currently under review by the Department of Planning and Infrastructure, identifies the subject land as a proposed urban area and specifies that New Release Areas are to be based on Neighbourhood Planning Principles accommodating a lot yield of approximately 12 dwellings per hectare.

This Planning Proposal is inconsistent with the targeted density yield of 12 dwellings per hectare and objectives of the Neighbourhood Planning Principles. However, it is considered that inconsistencies of the planning proposal with the Lower Hunter Regional Strategy are justified in terms that the proposal is a logical connection of the large lot residential precinct of Paxton with the large lot residential precinct of Millfield; the objectives of the proposed R5 Large Lot Residential zoning include requirements that ensure the large residential lots do not hinder the proper and orderly development of urban areas in the future; and the planning proposal contributes to the character, economy and social fabric of the area.

Additional to the large lot residential development adjacent to the subject site is low density residential development. It is considered that extending the existing low density residential development pattern across the subject site would place exceeding demand on existing infrastructure and services, however extending the large lot residential development pattern across the subject site, with minor infrastructure upgrades, is considered by the supporting studies to be able to be accommodated by existing infrastructure and services.

This planning proposal provides a transitional arrangement for the longer term vision of urban density housing proposed by the Lower Hunter Regional Strategy, making efficient use of the existing infrastructure available to the area, and maintaining the future potential of the subject site to meet housing targets identified in the Lower Hunter Regional Strategy.

### **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. However, the cumulative impact of the planning proposal and nearby urban release areas in the Millfield precinct will require the need to upgrade existing recreational and community facilities servicing Millfield to meet current standards. Therefore, it is recommended that a social impact assessment be undertaken following gateway determination. It is expected that any requirements to upgrade or embellish existing community or recreational infrastructure identified in the social impact assessment will be funded through the Voluntary Planning Agreement.

### **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 land referred to as Sanctuary Villages as a New Release Area having potential for increased development opportunities. Rezoning of Sanctuary Villages is required by the City Wide Settlement Strategy to have site specific studies supporting the rezoning process. This planning proposal encompasses land that forms part of the Sanctuary Villages land and provides studies supporting the rezoning process.

### **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 Table 2 below.

**Table 2: Relevant State Environmental Planning Policies**

| <b>SEPP</b>                                     | <b>Relevance</b>                                                                                                                                                                                             | <b>Consistency and Implications</b>                                                                                              |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| <b>SEPP 1 - Development Standards</b>           | The SEPP makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary. | This SEPP does not apply to Cessnock Local Government Area following the gazettal of the Cessnock Local Environmental Plan 2011. |
| <b>SEPP 15 - Rural Land Sharing Communities</b> | The SEPP provides for multiple occupancy development, with council consent, in rural and non-urban zones, subject to a list of criteria in the policy.                                                       | <i>Not Applicable</i>                                                                                                            |
| <b>SEPP 21 -Caravan Parks</b>                   | The SEPP provides for development for caravan parks.                                                                                                                                                         | <i>Not Applicable</i>                                                                                                            |
| <b>SEPP 30 - Intensive Agriculture</b>          | The SEPP provides considerations for consent for intensive agriculture.                                                                                                                                      | <i>Not Applicable</i>                                                                                                            |
| <b>SEPP 32 - Urban Consolidation</b>            | The SEPP makes provision for the re-development of urban land suitable for multi-unit housing and related                                                                                                    | <i>Not Applicable</i>                                                                                                            |

| SEPP                                                   | Relevance                                                                                                                                                                                                                                                                                                                    | Consistency and Implications                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (Redevelopment of Urban Land)                          | development.                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>SEPP 33 - Hazardous &amp; Offensive Development</b> | The SEPP provides considerations for consent for hazardous & offensive development.                                                                                                                                                                                                                                          | <i>Not Applicable</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>SEPP 36 - Manufactured Homes Estates</b>            | The SEPP makes provision to encourage manufactured homes estates through permitting this use where caravan parks are permitted and allowing subdivision.                                                                                                                                                                     | <i>Not Applicable</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>SEPP 44 - Koala Habitat Protection</b>              | 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. | <p>SEPP 44 encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure the permanent free-living populations will be maintained over their present range. Under SEPP 44, potential koala habitat is defined as areas of native vegetation where the trees listed in Schedule 2 of the SEPP constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.</p> <p>An ecological assessment was prepared for the wider study area of the "Sanctuary Villages" project. The area subject to this proposal has no endangered species, given its predominantly cleared nature and current use as grazing land. The area contains only a small patch of remnant trees.</p> <p>Consequently the site as a whole does not constitute 'Potential Koala Habitat'.</p> <p>As such no further provisions of the policy would apply to the site.</p> |
| <b>SEPP 50 - Canal Estates</b>                         | 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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>SEPP 55 - Remediation of Land</b>                   | This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination                                                                                                                                                                              | 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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| SEPP                                                             | Relevance                                                                                                                                                                                                                                                                                                                                                                                          | Consistency and Implications                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                    | <p>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.</p> <p>A preliminary environmental assessment indicates that the majority of the site would not contain contamination likely to impact on potential future residential usage. No further assessment is considered to be required prior to rezoning the land for large lot residential purposes.</p> |
| <b>SEPP 62 - Sustainable Aquaculture</b>                         | The SEPP relates to development for aquaculture and to development arising from the rezoning of land and is of relevance for site specific rezoning proposals.                                                                                                                                                                                                                                     | <i>Not Applicable</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>SEPP 64 - Advertising and Signage</b>                         | The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.                                                                                                                                                                          | Nothing in this planning proposal affects the aims and provisions of this SEPP.                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>SEPP 65 - Design Quality of Residential Development</b>       | The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.                                                                                                                  | <i>Not Applicable</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>SEPP Building Sustainability Index: BASIX 2004</b>            | 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.                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>SEPP Housing for Seniors or People with a Disability 2004</b> | The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.                                                                                                                                                                                                                                                       | The provisions of this SEPP will be considered in the assessment of any future residential development upon the site.                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>SEPP Major Development 2005</b>                               | The SEPP defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition, the SEPP identifies the council consent authority functions that may be carried out by Joint Regional Planning Panels | <i>Not Applicable</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| SEPP                                                                    | Relevance                                                                                                                                                                                                                                                                                                                                                                                                                        | Consistency and Implications                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                         | (JRPPs) and classes of regional development to be determined by JRPPs.                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                      |
| <b>SEPP Infrastructure 2007</b>                                         | The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.                                                                                                                                                                                                                                 | 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. This proposal is for up to 100 lots, therefore does not trigger referral with RMS. |
| <b>SEPP Mining, Petroleum Production and Extractive Industries 2007</b> | The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.                                                                                                                                                                                                                                                                                                                      | <i>Not Applicable</i>                                                                                                                                                                                                                                                |
| <b>SEPP Temporary Structures 2007</b>                                   | 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>                                                                                                                                                                                                                                                |
| <b>SEPP Exempt and Complying Development Codes 2008</b>                 | The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate. | Nothing in this planning proposal affects the aims and provisions of this SEPP.                                                                                                                                                                                      |
| <b>SEPP Rural Lands 2008</b>                                            | The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts and provides development principles.                                                                                                                                                                                                                                                                                          | <i>Not Applicable</i>                                                                                                                                                                                                                                                |
| <b>SEPP Affordable Rental Housing 2009</b>                              | 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.                                                                                                                                                                                      |
| <b>SEPP State and Regional Development 2011</b>                         | The SEPP aims to identify development and infrastructure that is State significant and confer functions on the Joint Regional Planning Panels (JRPPs) to determine development applications.                                                                                                                                                                                                                                     | <i>Not Applicable</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 3: Relevant s.117 Ministerial Directions**

| <b>Ministerial Direction</b>                                      | <b>Aim of Direction</b>                                                                                                                                                                                                                             | <b>Consistency and Implication</b>                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. EMPLOYMENT AND RESOURCES</b>                                |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                    |
| <b>1.1 Business and Industrial Zones</b>                          | Encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.                                                                             | <i>Not Applicable</i>                                                                                                                                                                                                                                                                                                                              |
| <b>1.2 Rural Zones</b>                                            | 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 consistent with this direction. |
| <b>1.3 Mining, Petroleum Production and Extractive Industries</b> | 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>                                                                                                                                                                                                                                                                                                                              |
| <b>1.5 Rural lands</b>                                            | 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>                                                                                                                                                                                                                                                                                                                              |
| <b>2. ENVIRONMENT AND HERITAGE</b>                                |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                    |
| <b>2.1 Environmental Protection Zones</b>                         | 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.                                                                                                                                                                                                               |
| <b>2.3 Heritage Conservation</b>                                  | The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.                                                                                        | An Aboriginal scar tree is located on the subject site. The scar tree is registered on the certificate of title via a positive covenant and will remain protected. Therefore the planning proposal is considered to be consistent with this direction.                                                                                             |
| <b>2.4 Recreation Vehicle Areas</b>                               | 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>                                                                                                                                                                                                                                                                                                                              |
| <b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>           |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                    |
| <b>3.1 Residential Zones</b>                                      | 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 | This direction states that a planning proposal must:<br><i>contain a requirement that residential development is not permitted until land is adequately serviced (or</i>                                                                                                                                                                           |

| Ministerial Direction                                         | Aim of Direction                                                                                                                                                | Consistency and Implication                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                               | <p>minimise the impact of residential development on the environment and resource lands.</p>                                                                    | <p><i>arrangements satisfactory to the council, or other appropriate authority, have been made to service it).</i></p> <p><b>Utilities and Infrastructure</b><br/> The planning proposal proposes to be serviced by reticulated water, electricity, telecommunication and reticulated sewer via a pressure sewer system.</p> <p>Details pertaining to the pressure sewer system are proposed to be resolved through the planning proposal process in consultation with Council and Hunter Water. It is acknowledged that the planning proposal complies with Hunter Water's requirements under the <i>Water &amp; Sewer Design Manual – Section 6 – Alternative Sewer Systems</i> as a development suitable for investigation.</p> <p><b>Recreational Infrastructure</b><br/> The subject site is currently serviced by an existing local playing field. It is considered that with further embellishment, the planning proposal would make efficient and effective use of this infrastructure.</p> <p>Recreational infrastructure upgrades will be accommodated through developer contributions in the form of the Voluntary Planning Agreement.</p> <p>The planning proposal is considered to be consistent with this direction.</p> |
| <p><b>3.2 Caravan parks and Manufactured Home Estates</b></p> | <p>The objective of this direction is to provide for a variety of housing types, and provide opportunities for caravan parks and manufactured home estates.</p> | <p>The planning proposal seeks to zone the land from RU2 Rural Landscape to R5 Large Lot Residential. Caravan Parks are a permitted land use in the RU2 zoning and prohibited in the R5 zoning.</p> <p>It is considered that the proposed change in land use is inconsistent with the direction.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

| Ministerial Direction                           | Aim of Direction                                                                                                                                                                                                               | Consistency and Implication                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                 |                                                                                                                                                                                                                                | However, the inconsistency is justified by the identification of the subject site in the Lower Hunter Regional Strategy as a future urban release area for residential development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>3.3 Home Occupations</b>                     | 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 R5 Large Lot Residential Zone.<br><br>The planning proposal is considered to be consistent with this direction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>3.4 Integrating Land Use and Transport</b>   | 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.                       | A Traffic Assessment was undertaken for the site by Parsons Brinckerhoff for the wider "Sanctuary Villages" development. The assessment concluded that Millfield's surrounding roads will continue to operate at satisfactory levels up to and including 100 lots.<br><br>The traffic assessment was undertaken in May 2008 and does not take into account the cumulative affect of two urban release areas located within 1 kilometre of the subject site and identified in the Cessnock Local Environmental Plan 2011.<br><br>A new Traffic Assessment will need to be undertaken that is specific to the development proposal and considers the cumulative effect of nearby urban release areas. |
| <b>3.5 Development Near Licensed Aerodromes</b> | 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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>3.6 Shooting Ranges</b>                      | The objective of this direction is to maintain appropriate levels of public safety and amenity, reduce land use conflict and identify issued that must be addressed when rezoning land adjacent to an existing shooting range. | <i>Not Applicable</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>4. HAZARD AND RISK</b>                       |                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>4.1 Acid Sulfate Soils</b>                   | 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                                                            | The area is characterized by undulating hills with elevations ranging from 110m – 140m AHD. The soil types present on the site, the mapped soil pH levels (5.5 – 5.6) and the depth                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| Ministerial Direction                            | Aim of Direction                                                                                                                                                                                                                                                                                                                                                                                              | Consistency and Implication                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                  |                                                                                                                                                                                                                                                                                                                                                                                                               | of the water table suggests that acid sulphate soils are unlikely to develop as a result of the development.                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>4.2 Mine Subsidence and Unstable Land</b>     | 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 area is not located within a Mine Subsidence District, and there are currently no known plans to dedicate this area as a district.                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>4.3 Flood Prone Land</b>                      | 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. | Flood modelling by Parsons Brinckerhoff indicates that the majority of the proposed development site is free of the 1% Annual Exceedance Probability, except for minor drainage lines within the site.<br><br>Further detailed analysis and assessment of constraints, including the placement of any fill, will be required before final designs at the development application stage.                                                                                                                                                           |
| <b>4.4 Planning for Bushfire Protection</b>      | 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.                                                                                                                                                      | The majority of the site is not mapped as bush fire prone land. A bush fire assessment has been undertaken and concludes the site can be developed to meet requirements of the <i>Planning for Bushfire Protection 2006</i> .<br><br>The proposal will need to comply with the provisions of <i>Planning for Bushfire Protection Guidelines</i> and the <i>Rural Fires Act 1997</i> .                                                                                                                                                             |
| <b>5. REGIONAL PLANNING</b>                      |                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>5.1 Implementation of Regional Strategies</b> | 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 planning proposal is inconsistent with the Neighbourhood Planning Principles and dwelling density requirements of the Lower Hunter Regional Strategy.<br><br>Deviation of the planning proposal from the Lower Hunter Regional Strategy is justified in terms that the proposal is a logical connection of the large lot residential precinct of Paxton with the large lot residential precinct of Millfield; and the planning proposal contributes to the character, economy and social fabric of the area.<br><br>Furthermore, the planning |

| Ministerial Direction                         | Aim of Direction                                                                                                                                                                                                                                                       | Consistency and Implication                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                               |                                                                                                                                                                                                                                                                        | proposal provides a transitional arrangement for the longer term vision of urban density housing proposed by the Lower Hunter Regional Strategy, and makes efficient use of existing infrastructure available to the area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>6. LOCAL PLAN MAKING</b>                   |                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>6.1 Approval and Referral Requirements</b> | The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.                                                                                                                                    | <p>The planning proposal does not include concurrence, consultation or referral provisions and does not identify any development as designated development.</p> <p>The planning proposal is considered to be consistent with this direction.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>6.2 Reserving Land for Public Purposes</b> | 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. | <i>Not Applicable</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>6.3 Site Specific Provisions</b>           | The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.                                                                                                                                                            | <p>The planning proposal is to enable urban development of up to 100 large lot residential allotments, however the proposal of a 4,000m<sup>2</sup> minimum lot size enables up to 128 lots. Furthermore, the planning proposal is not consistent with the density yield of 12 dwellings per hectare intended by the Lower Hunter Regional Strategy.</p> <p>It is considered that site specific planning controls are required to:</p> <ul style="list-style-type: none"> <li>a) Restrict development to a maximum of 100 lots in order to be consistent with the planning proposal; and</li> <li>b) Encourage a subdivision pattern that will not jeopardise the intended purpose of the Lower Hunter Regional Strategy in achieving a density yield of 12 dwellings per hectare on the subject site at future time</li> </ul> <p>A site specific chapter in</p> |

| Ministerial Direction | Aim of Direction | Consistency and Implication                                                                                                                                                                                                                  |
|-----------------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       |                  | <p>Council's Development Control Plan will need to be prepared to support the amendment to the Cessnock Local Environmental Plan 2011.</p> <p>The site specific provisions are considered necessary in supporting the planning proposal.</p> |

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

### **8. Impact on Threatened Species**

The subject land is predominantly denuded of vegetation containing only a small patch of remnant trees and is currently used as grazing land. An ecological assessment entitled "Ecological Inventory" completed by Harper Somers O'Sullivan and dated July 2005 was prepared for the wider Sanctuary Villages project encompassing the subject land, which identified that there are no endangered ecological communities or endangered species within the subject area of this planning proposal.

The Ecological Inventory is required to be updated and made specific to the planning proposal following gateway determination.

### **9. Environmental Impact**

A small portion of the subject site is affected by bushfire prone land mapping. A bushfire risk assessment will be required at the development application stage to address requirements under the *Environmental Planning and Assessment Act 1979* and *Rural Fires Act 1997*.

A majority of the subject site perimeter is affected by the 1% Annual Exceedance Probability (AEP) flood level, however the large majority of the subject site is predominantly higher than the 1% AEP flood level. Surface runoff quality and flow rates will be adequately managed in conjunction with Council's development standards during the development application process.

An alternate reticulated sewer system is proposed to service effluent disposal. Consultation with Hunter Water Corporation is required to determine the capacity and feasibility of this system following gateway determination.

### **10. Social and Economic Impacts**

This Planning Proposal is considered to make efficient use of existing recreational and community infrastructure, and provide employment during the various construction stages of development. However, there are two urban release areas within the suburb of Millfield that have not been considered in the assessment of impacts associated with this planning proposal. It is recommended that a social impact assessment be undertaken following gateway determination to determine any requirements to upgrade or embellish existing community or recreational infrastructure. Any required infrastructure upgrades or embellishments identified will be funded through the establishment of either a Section 94 Contribution Plan or Voluntary Planning Agreement.

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

### **11. Adequate Public Infrastructure**

The Traffic and Accessibility Assessment prepared by Parsons Brinckerhoff dated May 2008 covered the broader Sanctuary Villages area. The assessment refers to the Rose Hill (Millfield Precinct) area specifically and states that up to 100 lots can be accommodated by the current intersection arrangements at the northern end of Millfield Road.

The assessment continues to recommend that:

- *Road works and/or intersection upgrades may be required when more than 100 lots are developed in the Millfield Precinct. Additional analysis should be undertaken at the time of future project applications for the future stages of development.*

The Traffic and Accessibility Assessment dated May 2008 is considered to be outdated and is provided in isolation from two Urban Release Areas identified in the Cessnock Local Environmental Plan 2011. Referred to as Mount View Road and Millfield CC5, the two urban release areas are located within 1km of the subject site and are expected to accommodate an additional 405 lots. The cumulative impact on infrastructure produced by the proposal in combination with the two urban release areas has not been considered in the planning proposal.

A new Traffic and Accessibility Assessment will need to be undertaken that is specific to the proposed development and considers the cumulative effect of the Mount View Road and CC5 urban release areas identified in the Cessnock Local Environmental Plan 2011.

Furthermore, it is expected that upgrades to existing recreational and community infrastructure will be required to bring the facilities up to current standards and accommodate the accumulation of population those facilities will provide for.

The preparation of a Voluntary Planning Agreement is being undertaken to accommodate adequate provision of local infrastructure.

### **12. Consultation with State and Commonwealth Authorities**

Council consulted with the following statutory authorities and agencies in relation to the Planning Proposal:

- Department of Planning and Infrastructure (DoP&I);
- Rural Fire Service (RFS);
- Hunter Water Corporation (HWC);
- Department of Primary Industries - Agriculture;
- Department of Primary Industries - Office of Water;
- NSW Aboriginal Land Council;
- Office of Environment and Heritage; and
- NSW Trade and investment - Mineral Resources.

Comments received from the Government agencies related to the guidelines for development, including:

- Design should consider erosion and water quality, development should be controlled within the flood plain and the area should maintain a minimum lot size of 4000m<sup>2</sup>;
- Prior to development the proponent must determine whether approval under the *Water Act 1912* or the *Water Management Act 2000* is required; and
- Future development should consider *Planning for Bush Fire Protection 2006*, development in bushfire prone areas should comply with Section 79BA of *EP&A Act 1979* or Section 100B of the *Rural Fires Act 1997* and provide Asset Protection Zones. Consideration should be given to fire threats posed by the grasslands.

These concerns have been considered and, where appropriate, have been addressed within the development guidelines provided by the draft Development Control Plan. All future development on the site must comply with these provisions.

Initially the Department of Trade & Investment – Mineral Resource Branch objected to the proposal due to the potential for underground coal resources. However, after discussion with Council the Branch undertook a more detailed investigation of the site. The investigation revealed that mining on the site is significantly hindered, consequently the Mineral Resource Branch withdrew their original objection to the Planning Proposal.

Hunter Water Corporation will be consulted as part of development application/s on the site to resolve any concerns surrounding alternate reticulated sewer systems in accordance with Hunter Water Corporation's Water and Sewer Design Manual.

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## PART 4: MAPPING

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

**Land Zone Map** – Rezone the subject area from RU2 – Rural Landscape to R5 – Large Lot Residential

|               |          |                                |
|---------------|----------|--------------------------------|
| Land Zone Map | LZN_006B | 1720_COM_LZN_006B_040_20111214 |
| Land Zone Map | LZN_006D | 1720_COM_LZN_006D_040_20111214 |

**Minimum Lot Size Map** – Amend the minimum lot size map in relation to the subject site from a minimum lot size of 40 hectares to a minimum lot size of 4,000m<sup>2</sup>.

|               |          |                                |
|---------------|----------|--------------------------------|
| Land Size Map | LZN_006B | 1720_COM_LSZ_006B_040_20111215 |
| Land Size Map | LZN_006D | 1720_COM_LSZ_006D_040_20111220 |

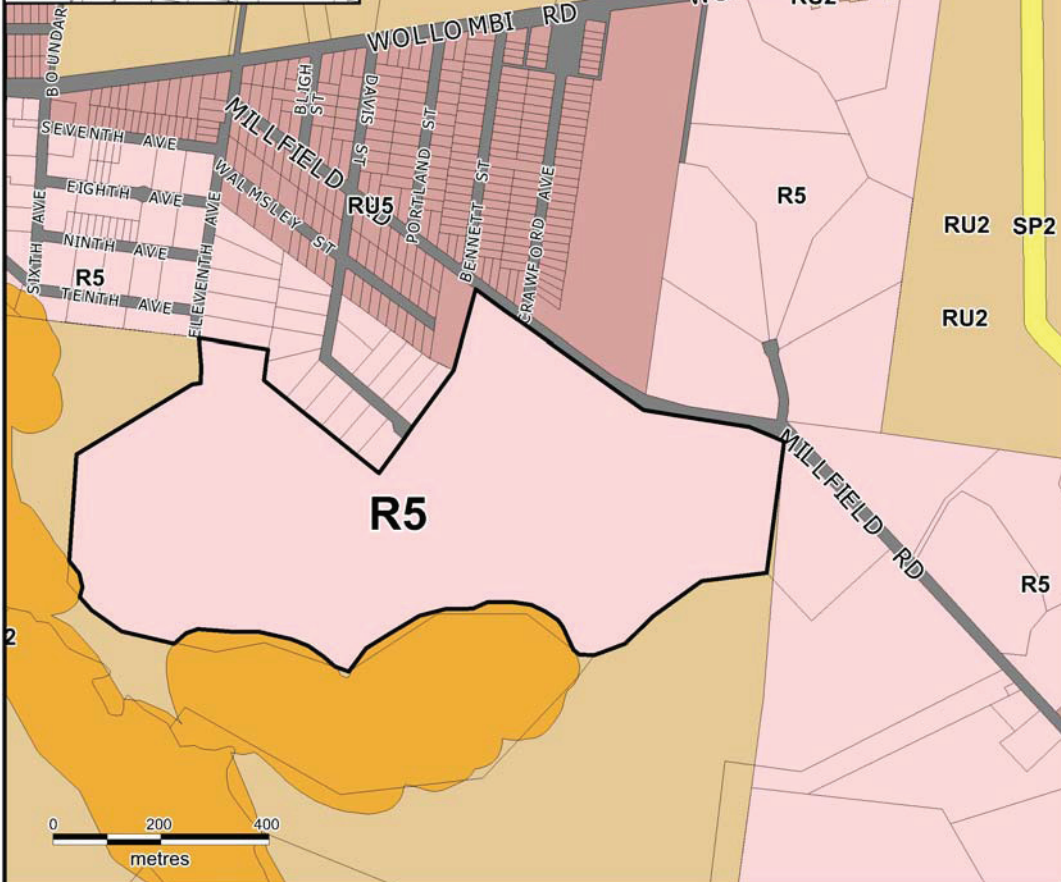
**Urban Release Area Map** - Include the subject area on the mapping as an Urban Release Area.

|                        |          |                                |
|------------------------|----------|--------------------------------|
| Urban Release Area Map | URA_006B | 1720_COM_URA_006B_040_20111202 |
| Urban Release Area Map | URA_006D | 1720_COM_URA_006D_040_20111202 |

Illustrations of the amendments are provided following:

# Proposed Zoning Plan :

## OVERVIEW MAP



**Date Produced :**  
May 2014  
**Designed By :**  
Cessnock City Council  
**Scale :**  
1 : 10,000  
**Reference :**  
Planning Proposal Mapping \_ Millfield - Rose Hill

**Coordinate System :**  
Map Grid of Australia (MGA)  
Datum 94  
Zone 56.



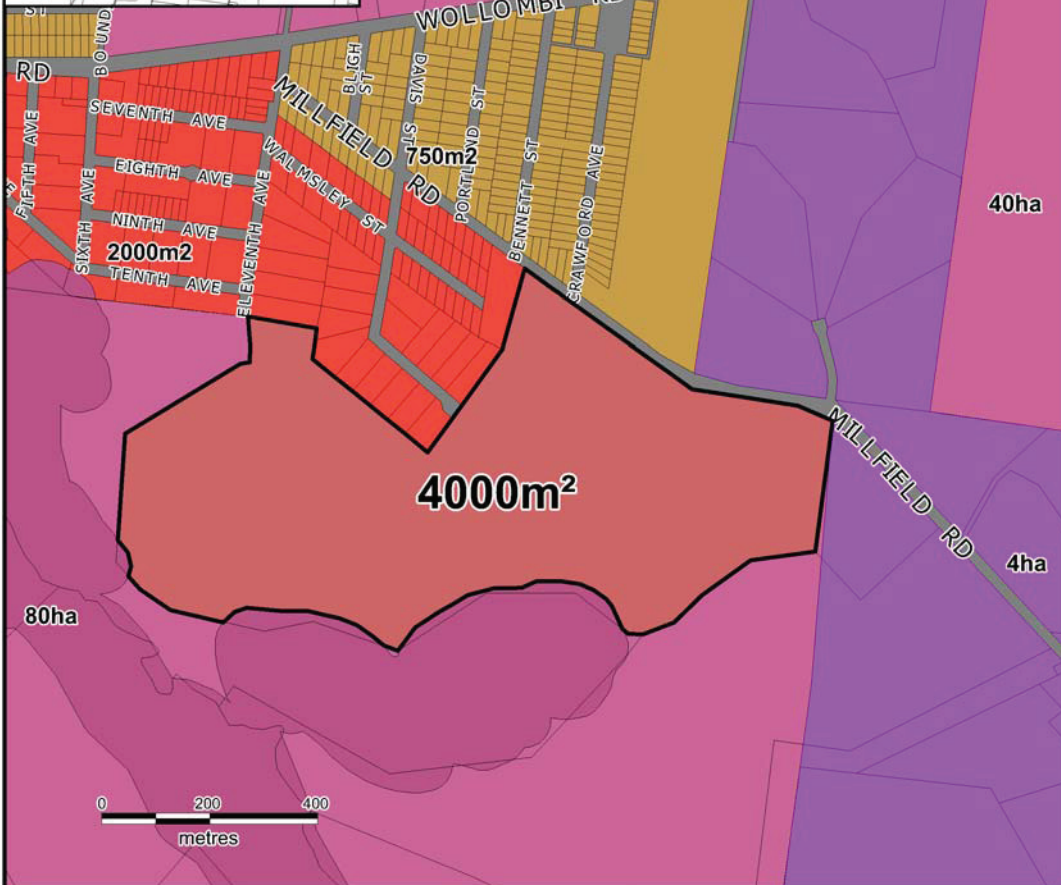
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## Proposed Minimum Lot Size Plan :

### OVERVIEW MAP



**Date Produced :**

May 2014

**Designed By :**

Cessnock City Council

**Scale :**

1 : 10,000

**Reference :**

Planning Proposal Mapping \_ Millfield - Rose Hill

**Coordinate System :**

Map Grid of Australia (MGA)

Datum 94

Zone 56.



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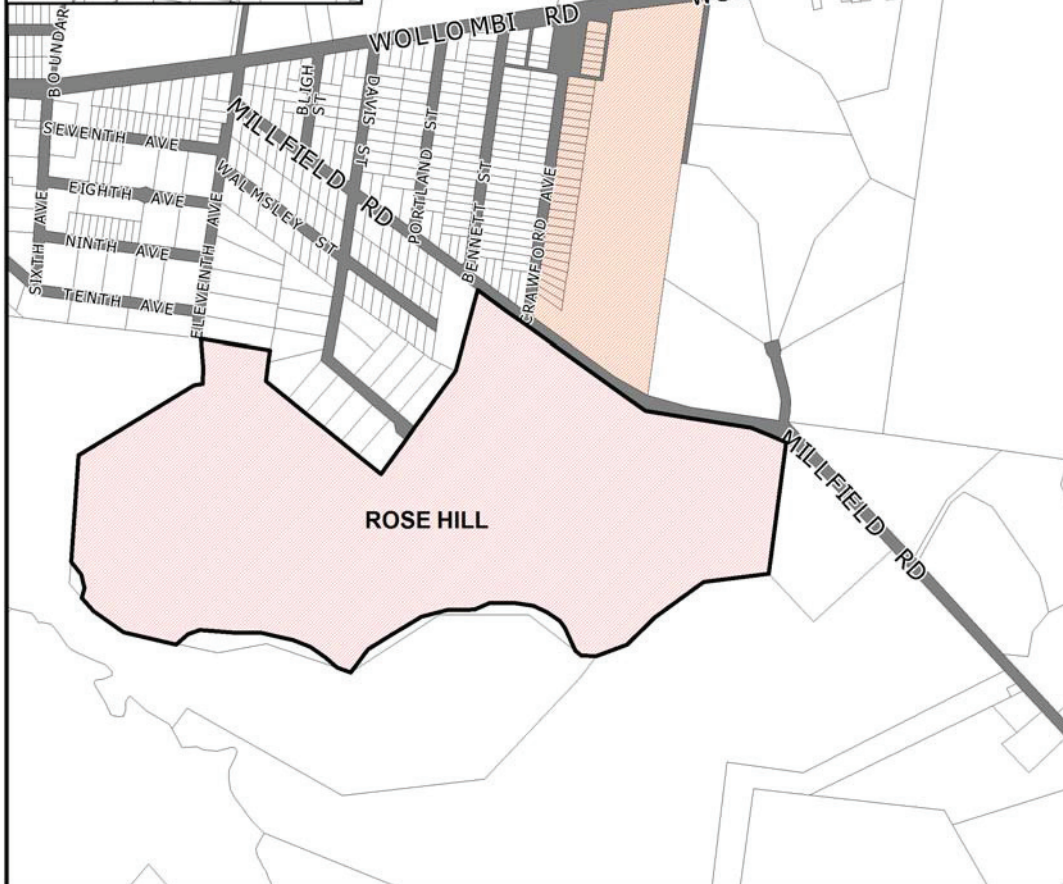
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## OVERVIEW MAP



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Spring - Millfield - Rose Hill



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## **PART 5: COMMUNITY CONSULTATION**

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Council resolve at its Ordinary Meeting held 5 June 2013 to exhibit the Planning Proposal. The exhibition period commenced on the 13 November 2013 and finished on 11 December 2013.

Seven community submissions were received, six of which objected to the Planning Proposal. The main concerns detailed in the public submissions related to:

- Reduced amenity through urban sprawl, a reduction of rural lands and loss of views;
- Significant increase in traffic on existing roads, congestion and localised flooding due to road extensions;
- The proposed low scale sewerage system inhibits further development;
- Insufficient employment within the local area;
- Insufficient social infrastructure to support the proposed population; and
- Environmental impacts on Congewai Creek and adjacent wetlands.

These issues were considered and addressed in the assessments prepared to support the planning proposal. The reports considered environmental impacts, infrastructure, feasibility, traffic congestion etc.

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## **PART 6: PROJECT TIMELINE**

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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 made by June 2014. Refer to detailed timeline below.

## PROJECT TIMELINE

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | June 2013 | July 2013 | Aug 2013 | Sept 2013 | Oct 2013 | Nov 2013 | Dec 2013 | Jan 2014 | Feb 2014 | March 2014 | April 2014 | May 2014 | June 2014 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|----------|-----------|----------|----------|----------|----------|----------|------------|------------|----------|-----------|
| <b>STAGE 1</b> Submit Planning Proposal to Department of Planning & Infrastructure                                                                                                                                                                                                                                                                                                                                                                                                                             |           |           |          |           |          |          |          |          |          |            |            |          |           |
| <b>STAGE 2</b> Anticipated commencement date (Gateway Determination)                                                                                                                                                                                                                                                                                                                                                                                                                                           |           |           |          |           |          |          |          |          |          |            |            |          |           |
| <b>STAGE 3</b> Anticipated timeframe for the completion of required technical studies:<br><ul style="list-style-type: none"> <li>- Social Impact Assessment</li> <li>- Ecological Study</li> <li>- Flora and Fauna Assessment</li> <li>- Archaeological Survey and Constraints Study</li> <li>- Traffic and Accessibility Assessment</li> <li>- Environmental Site Assessment</li> <li>- Flooding Drainage and Stormwater Management</li> <li>- Preliminary Geotechnical and Hydro-geological Study</li> </ul> |           |           |          |           |          |          |          |          |          |            |            |          |           |
| Preparation (Draft) Development Control Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |           |          |           |          |          |          |          |          |            |            |          |           |
| Preparation (Draft) Voluntary Planning Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           |           |          |           |          |          |          |          |          |            |            |          |           |
| <b>STAGE 4</b> Public Exhibition Period                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |           |           |          |           |          |          |          |          |          |            |            |          |           |
| <b>STAGE 5</b> Reviewal / consideration of submissions to public exhibition                                                                                                                                                                                                                                                                                                                                                                                                                                    |           |           |          |           |          |          |          |          |          |            |            |          |           |
| <b>STAGE 6</b> Report to Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           |           |          |           |          |          |          |          |          |            |            |          |           |
| <b>STAGE 7</b> Forward Planning Proposal to Department of Planning & Infrastructure to finalise the Local Environmental Plan                                                                                                                                                                                                                                                                                                                                                                                   |           |           |          |           |          |          |          |          |          |            |            |          |           |