



PLANNING PROPOSAL

Amendment to the

Cessnock Local Environmental Plan 2011

by rezoning a portion of Lot 10 DP 1085485

259 & 261 Averys Lane, Buchanan

Version 1.0

26 February 2021

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Part 1: Objectives and Outcomes

The objective of the Planning Proposal is to amend the Cessnock Local Environmental Plan 2011 (the LEP 2011) to achieve the following outcomes:

- Rezone part of Lot 10 DP 1085485 known as 259 & 261 Averys Lane Buchanan (“the subject land”), as identified in Figure 1, from RU2 Rural Landscape to R2 Low Density Residential and amend the LEP 2011 minimum lot size map from 40 Ha to 450m².

Part 2: Explanation of Provisions

The intent of the Planning Proposal is to rezone part of Lot 10 DP 1085485, known as 259 & 261 Averys Lane Buchanan (“the subject land”) as identified in **Figure 1**, from RU2 Rural Landscape Zone to R2 Low Density Residential Zone and amend the LEP minimum lot size map from 40 hectares to 450m². The proposal is considered to be consistent with the objectives of the Hunter Regional Plan 2036 (HRP 2036), Greater Newcastle Metropolitan Plan (GNMP 2036) and the Cessnock Local Strategic Planning Statement (the LSPS), as the subject land is proximate to the Bellbird to Maitland urban ‘growth area’.

Initially, the proponent is seeking to excise the proposed residential zoned portion of land from the balance, zoned RU2 Rural Landscape Zone and E2 Environmental Conservation Zone (see **Figure 2**), through a 1 into 2 lot subdivision. The excised portion of land to be rezoned totals approximately 1.38 hectares in area. This will enable the potential future subdivision of that residential zoned land to a maximum 30 lots, consistent with regional and local strategies applicable to the area.

It is noted that Lot 10 DP 1085485 has been identified as being located within the Buchanan Interchange Growth Area of the recently released Draft Hunter Expressway Strategy. Council has lodged a submission to the Department of Planning, Industry and Environment requesting that the portion of land to be excised from the parent lot be excluded from the Buchanan Interchange Growth Area (see Appendix 2).

This land is immediately adjacent to land zoned R2 Low Density Residential to the north and west and is proximate to the Bellbird to Maitland urban ‘growth area’, identified in the HRP 2036, GNMP 2036 and LSPS. Land to the north of the site has approval for a 170 lot residential subdivision and is identified as an Urban Release Area in the LEP (forming part of Averys Rise URA). The extension of the R2 Low Density Residential Zone to part of the subject allotment represents a logical and minor extension to the residential component of the Buchanan locality.

Future development of the existing residential zoned land to the north and west of the site will provide infrastructure that could be extended to the subject land with minimal cost. The inclusion of the subject land within the Buchanan Interchange area does not align with the three principles of the Hunter Expressway Strategy and should therefore be excluded.

The subject land is identified in **Figures 1 & 2**, over page.

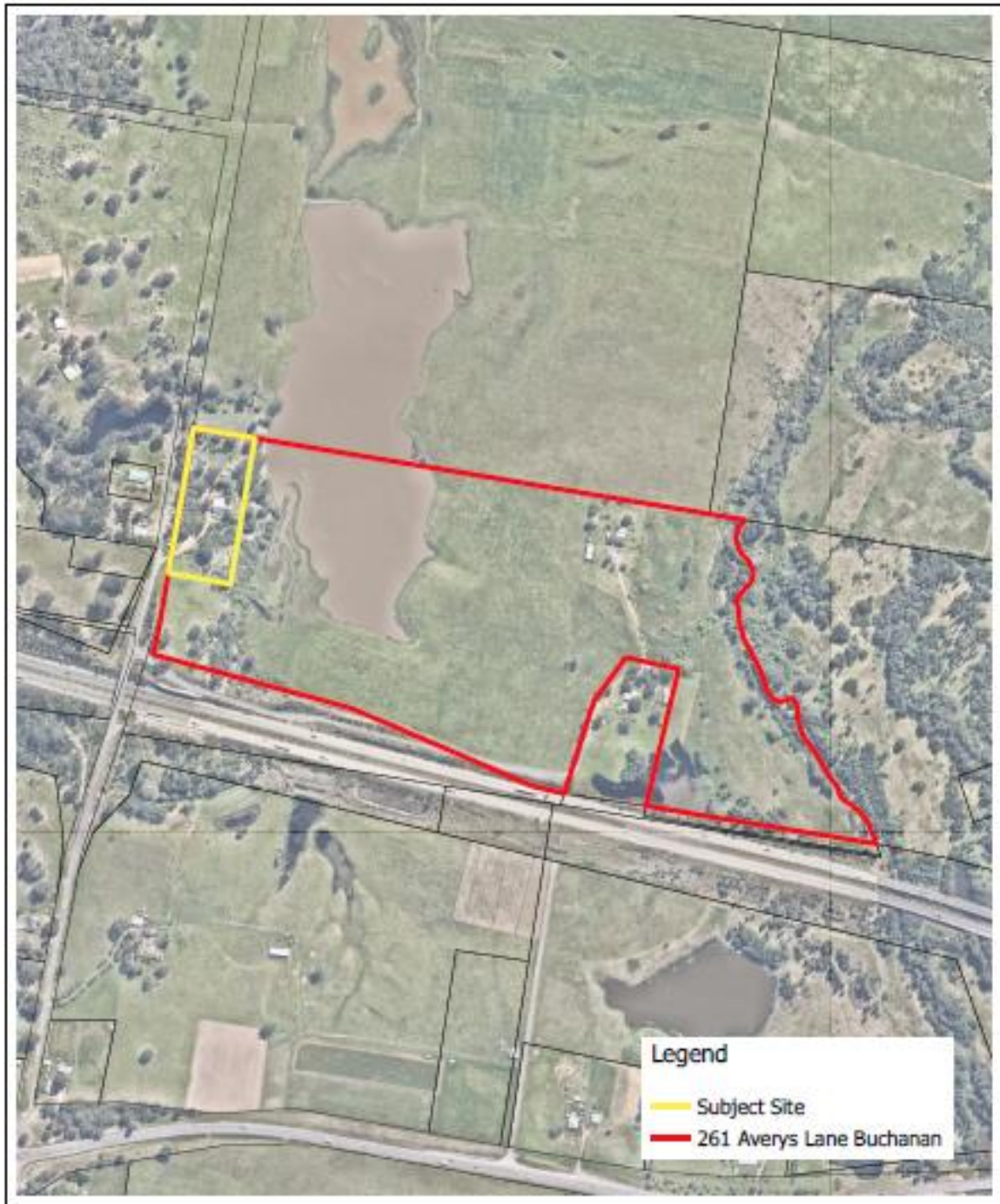


Figure 1: Subject Land



Figure 2: Part of 259 & 261 Averys Lane, Buchanan to be excised from the balance

Part 3: Justification

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

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

Section A: Need for Proposal

1 Resulting from a Strategic Study or Report

The Planning Proposal is not the result of a strategic study or report. The Planning Proposal was requested by Complete Planning Solutions on behalf of the landowner. The purpose of the proposal is to rezone part of Lot 10 DP 1085485, known as 259 & 261 Averys Lane Buchanan, from RU2 Rural Landscape Zone to R2 Low Density Residential Zone and amend the associated minimum lot size map from 40 hectares to 450m2.

2 Planning Proposal as best way to achieve the objectives

The LEP controls prevent the subdivision of Lot 10 DP 1085485 to less than 40Ha. Therefore, to allow for urban housing on part of Lot 10, an amendment to the LEP is required. Rezoning the subject land and amending the minimum lot size map is considered the best way to achieve the objectives of the proposal.

The Planning Proposal is supported on the basis that the subject allotment is immediately adjacent to land zoned R2 Low Density Residential to the north and west and is proximate to the Bellbird to Maitland urban 'growth area', identified in the HRP 2036, GNMP 2036 and LSPS.

Land to the north of the site has approval for a 170 lot residential subdivision and is identified as an Urban Release Area in the LEP. The extension of the R2 Low Density Residential Zone to part of the subject allotment represents a logical extension to the residential component of the Buchanan locality. Furthermore, future development of the existing residential zoned land to the north and west of the site will provide infrastructure that could be extended to the subject land with minimal cost.

Section B: Relationship to Strategic Planning Framework

3 Consistency with Objectives and Actions within Regional Strategies

Hunter Regional Plan 2036

The Hunter Regional Plan (HRP) provides the overarching strategic framework to guide development, investment and planning within the Hunter region to 2036. The extract of the NSW Governments vision directly applicable to this Planning Proposal is:

Greater housing choice is available in existing and new communities, close to jobs and services and well supported by public transport and walking and cycling options. More housing has reduced the upward pressure on house prices.

In order to achieve the vision, the HRP set the following regionally focused goals:

- The leading regional economy in Australia
- A biodiversity-rich natural environment
- Thriving communities
- Greater housing choice and jobs

This Planning Proposal is conducive with the objectives of the HRP in that it will deliver greater housing choice within an already thriving community of the Cessnock LGA.

Greater Newcastle Metropolitan Plan (GNMP) 2036

The GNMP sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens, which together make up Greater Newcastle. The plan also helps to achieve the vision set in the Hunter Regional Plan 2036 – for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart.

The site is located at Buchanan which is in the metropolitan frame. The Plan contains four goals and 23 strategies. The following strategies are relevant to the proposal.

Strategy 16: Prioritise the delivery of infill housing opportunities within existing urban areas.

This strategy seeks to deliver housing in existing urban areas within strategic centres and along urban renewal corridors in the metro core. Buchanan is not a strategic centre or along an urban renewal corridor in the metro core. However, it could be argued that the proposal will delivery housing adjacent to an existing urban area.

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

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

The Cessnock Community Strategic Plan 2027 (CSP) was prepared in 2013 and identifies the community's main priorities and expectations for the future and ways to achieve these goals. The vision of the CSP is:

Cessnock will be a cohesive and welcoming community living in an attractive and sustainable rural environment with a diversity of business and employment opportunities supported by accessible infrastructure and services which effectively meet community needs.

A range of strategic directions are provided which relate to the social, environmental and economic health, sustainability and prosperity of the Cessnock LGA. The objectives and associated strategic directions relevant to the Planning Proposal relate to

The Planning Proposal is consistent with the themes of the CSP, noting that there are no themes within the CSP that relate directly to housing.

Cessnock Local Strategic Planning Statement 2036 (LSPS)

On 17 June 2020, Council adopted the Local Strategic Planning Statement 2036 (LSPS). The merit of the proposal is that it is located adjacent to the existing urban area of Buchanan and there are recent residential approvals occurring on sites immediately adjoining the proposed investigation area. Infrastructure expansion is expected as a component of that urban development.

The following priorities and principles are relevant to the proposal.

Planning Priority 5: Infrastructure and services meet the needs of the community and are appropriately funded.

The relevant planning principles are:

- Rezoning land for urban purposes will be prioritised in areas where existing infrastructure capacity exists.

The site is located immediately adjacent to Residential zoned land which has been approved for residential subdivision. The provision of infrastructure and services to this subdivision will facilitate future development of the proposed rezoned portion of land.

Planning Priority 7: Urban development is encouraged in areas with existing infrastructure.

The relevant planning principles are:

- Infill development is encouraged in established urban areas.
- Our urban areas are compact and well serviced.
- New growth is integrated with the existing residential areas and adequately serviced.

As above.

Planning Priority 22: The rural landscape of the area is retained and enhanced.

The relevant planning principle is:

- The rural character and amenity of the land is preserved and enhanced.

The site is zoned RU2 Rural Landscape; however the area immediately surrounding the site is predominantly urban.

5 Consistency with State Environmental Planning Policies

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

Table 1: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP (Aboriginal Land) 2019	Not applicable to LGA	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (Activation Precincts) 2020	Not applicable to LGA	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 19 – Bushland in Urban Areas	Not applicable to LGA	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 21 - Caravan Parks	The SEPP provides for development for caravan parks.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 33 - Hazardous & Offensive Development	The SEPP provides considerations for consent for hazardous & offensive development.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 36 - Manufactured Homes Estates	The SEPP makes provision to encourage manufactured homes estates through permitting this use where caravan parks are permitted and allowing subdivision.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 50 - Canal Estate Development	The SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 55 - Remediation of Land	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 64 - Advertising and Signage	The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 65 - Design Quality of	The SEPP relates to residential flat development across the state through the application of a series of	Nothing in this Planning Proposal impacts on the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
Residential Development	design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	
SEPP 70 – Affordable Rental Housing (Revised Schemes)	The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP Affordable Rental Housing 2009	The aims of this Policy are as follows: (a) to provide a consistent planning regime for the provision of affordable rental housing, (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards, (c) to facilitate the retention and mitigate the loss of existing affordable rental housing, (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing, (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing, (f) to support local business centres by providing affordable rental housing for workers close to places of work, (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP Building Sustainability Index: BASIX 2004	The SEPP provides for the implementation of BASIX throughout the State.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (Coastal Management) 2018	The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the <i>Coastal Management Act 2016</i> , including the management objectives for each coastal management area, by— (a) managing development in the coastal zone and protecting the	Nothing in this Planning Proposal impacts on the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
	<p>environmental assets of the coast, and</p> <p>(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and</p> <p>(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the <i>Coastal Management Act 2016</i>.</p>	
SEPP (Concurrences and Consents) 2018		Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	<p>The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by:</p> <p>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</p> <p>(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and</p> <p>(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and</p> <p>(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</p> <p>(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</p> <p>(f) aligning the NSW planning framework with the National Quality Framework that</p>	Nothing in this Planning Proposal impacts on the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
	<p>regulates early education and care services, and</p> <p>(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</p> <p>(h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</p>	
SEPP Exempt and Complying Development Codes 2008	<p>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.</p>	<p>Nothing in this Planning Proposal impacts on the operation of this SEPP.</p>
SEPP Housing for Seniors or People with a Disability 2004	<p>The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.</p>	<p>Nothing in this Planning Proposal impacts on the operation of this SEPP.</p>
SEPP Infrastructure 2007	<p>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.</p>	<p>Consistent. The SEPP is the primary planning instrument addressing the provision and operation of infrastructure across the State.</p> <p>Referral to the NSW Roads and Maritime Services (RMS) will be required for traffic generating development.</p> <p>A Traffic Assessment Report has been prepared in support of this application (see Appendix 4).</p>
SEPP (Koala Habitat Protection) 2019	<p>This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse</p>	<p>Four species of tree listed in Schedule 2 of the SEPP as a 'Koala Feed Tree Species' occurs on the Study Area, being <i>Casuarina glauca</i> (Swamp Oak), <i>Corymbia maculata</i> (Spotted Gum);</p>

SEPP	Relevance	Consistency and Implications
	the current trend of koala population decline.	<p>Eucalyptus siderophloia (Grey Ironbark) and Eucalyptus tereticornis (Forest Red Gum). Only a small number of individuals of this species were found widely scattered over pasture, and nowhere on site does it persist in densities of >15% of a woodland and as such would not constitute 'Potential Koala Habitat' as defined under the SEPP.</p> <p>At no point were Koala feed trees observed on Site at >15% or more of the total tree cover.</p> <p>Additionally, investigations did not detect Koalas or signs of Koalas within the Site. Therefore, the vegetation on the site does not constitute Potential or Core Koala Habitat (refer to Appendix 5 of this report).</p>
SEPP Mining, Petroleum Production and Extractive Industries 2007	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (Primary Production and Rural Land) 2019	<p>The aims of this Policy are as follows:</p> <ul style="list-style-type: none"> (a) to facilitate the orderly economic use and development of lands for primary production, (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources, (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations, (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts, (e) to encourage sustainable agriculture, including sustainable aquaculture, (f) to require consideration of the effects of all proposed 	<p>This proposal seeks to rezone the land from RU2 to R2 and as such remove the opportunity for a range of agricultural land uses.</p> <p>It is noted that the SEPP would continue to apply to the parent site and would, subject to development consent, still allow for some agricultural uses but not all.</p> <p>Over the past several decades the land has not been used for an agriculture purpose. Further to this, the area to the west and north all contain land zoned R2 Low Density Residential. The potential for the site to be 'productive' in the future is considered limited due to its size and the proposed land uses surrounding the site.</p>

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SEPP	Relevance	Consistency and Implications
	development in the State on oyster aquaculture, (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.	
SEPP State and Regional Development 2011	The SEPP aims to identify development and infrastructure that is State significant and confer functions on the Joint Regional Planning Panels (JRPPs) to determine development applications.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (State Significant Precincts) 2005	The aims of this Policy are as follows: (a), (b) (Repealed) (c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State, (d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes. (e), (f) (Repealed)	Nothing in this Planning Proposal impacts on the operation of this SEPP.

6 Consistency with Section 9.1 Ministerial Directions for Local Plan Making

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

Table 2: Relevant Section 9.1 Ministerial Directions

Ministerial Direction	Objective of Direction	Consistency and Implication
1. Employment and Resources		
1.1. Business and Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and	Consistent. The Planning Proposal does not relate to business and industrial zones.

Ministerial Direction	Objective of Direction	Consistency and Implication
	(c) support the viability of identified strategic centres.	
1.2. Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	<p>Clause 4(a) states that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. The site adjoins lands immediately to the west and north that are zoned residential.</p> <p>The portion to the north-west of the subject site which is to be rezoned to residential land is located upon a rock outcrop and does not positively contribute to the agricultural production value of the land. This portion of the site has been used primarily as a rural residential property.</p>
1.3. Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Not Applicable to LGA
1.4. Oyster Aquaculture	<p><i>The objectives of this direction are:</i></p> <p><i>(a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal,</i></p> <p><i>(b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</i></p>	Not Applicable to LGA
1.5. Rural Lands	<p>The objectives of this direction are to:</p> <p>(a) protect the agricultural production value of rural land,</p> <p>(b) facilitate the orderly and economic development of rural lands for rural and related purposes.</p>	<p>Clause 4(a) states that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. The site adjoins an urban area and the area immediately to the west and north is zoned residential.</p> <p>The portion to the north-west of the subject site which is to be rezoned to residential land is located upon a rock outcrop and does not positively contribute to the agricultural production value of the land. This portion of the site has been used primarily as a rural residential property.</p>

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Ministerial Direction		Objective of Direction	Consistency and Implication
2.		The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls. Environment and Heritage	
2.1	Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	The proposal seeks to rezone a portion of the site for the purpose of residential development. This area is clear of the E2 zoned portion of the allotment. This will ensure the protection and conservation of environmentally sensitive areas located immediately to the east of the land proposed to be rezoned.
2.2	Coastal Protection	The objective of this direction is to protect and manage coastal areas of NSW.	Not Applicable to the LGA.
2.3	Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The site does not contain, nor is it located in the vicinity of, any items of heritage significance. The proponent undertook a search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) that has indicated that there are no aboriginal sites, or places, recorded on the subject property
2.4	Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	Not Applicable to LGA
2.6	Remediation of Contaminated Land	The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	Not Applicable to LGA
3.		Housing, Infrastructure and Urban Development	
3.1	Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	The site adjoins existing urban zoned lands which are the subject of an approved housing development consisting of 170 lots. The construction of this housing development will necessarily involve the installation of water and sewerage infrastructure which can be extended to the subject site. A servicing strategy will be required at that time.
3.2	Caravan Parks and Manufactured Home Estates	The objectives of this direction are: (a) to provide for a variety of housing types, and	Not Applicable.

Ministerial Direction	Objective of Direction	Consistency and Implication
	(b) to provide opportunities for caravan parks and manufactured home estates.	
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Not Applicable.
3.4 Integrating Land Use and Transport	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. 	The proposal adjoins an area approved for future urban expansion. It has excellent access to the Kurri Kurri town centre, the Heddon Greta Village Centre and the Hunter Expressway. The site is 10.7km from the Victoria Street Train Station.
3.5 Development Near Licensed Aerodromes	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> (a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. 	Not applicable.
3.6 Shooting Ranges	<p>The objectives are:</p> <ul style="list-style-type: none"> (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, 	Not applicable.

Ministerial Direction	Objective of Direction	Consistency and Implication
	<p>(b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,</p> <p>(c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p>	
4 Hazard and Risk		
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	The central portion of the allotment is noted as being affected by Acid Sulfate Soils (Class 4). The north western portion of the lot that the proposal applies to is not impacted by Acid Sulfate Soils.
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	Not applicable
4.3 Flood Prone Land	<p>The objectives of this direction are:</p> <p>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>	The site has been identified as having areas subject to flooding. The flood mapping has indicated the central portion of the allotment are affected by the 1:100 year Average Recurrence Interval (ARI) flood event. The portion of the subject land that is proposed to be rezoned is not flood affected (see Figure 2).
4.4 Planning for Bushfire Protection	<p>The objectives of this direction are:</p> <p>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) to encourage sound management of bush fire prone areas.</p>	<p>The Council's bushfire mapping identifies areas of category 3 bushfire vegetation and bushfire buffer areas on the site. The assessment demonstrates that the proposed rezoning is able to satisfy the performance criteria for bushfire management as stipulated in PBP and AS 3959-2009. It is therefore considered that having regard to the Bushfire Threat Assessment, the subject site is suitable for rezoning.</p> <p>The Bushfire Threat Assessment makes certain recommendations for the compliance of the proposal with the relevant legislative requirements (see Appendix 6).</p>
5 Regional Planning		

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Ministerial Direction	Objective of Direction	Consistency and Implication
5.10 Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	An assessment against the Hunter Regional Plan and Greater Newcastle Metropolitan Plan has been provided in Section B of this report.
6. Local Plan Making		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Nothing in the Planning Proposal is contrary to the objectives of the Ministerial Direction.
6.2 Reserving Land for Public Purpose	The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	No public land is anticipated to be reserved for public purposes.
6.3 Site Specific Provision	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	No site specific provisions are proposed.

Section C: Environmental, Social and Economic Impact

7 Impact on Threatened Species

The Biodiversity Values Map identifies two areas of land within the north western portion of the site as containing native vegetation.

Peak Land Management was engaged by the applicant to prepare a Biodiversity Assessment Report including a 5 part test assessment of significance for a 1 into 2 lot subdivision at 259 & 261 Averys Lane Buchanan. The Report is attached as Appendix 5.

Based on a comprehensive desktop review of threatened species databases and vegetation mapping coupled with a field validation survey, the report found the following

- 74 flora species were recorded on the site, comprising 43 native flora species, no threatened species, and 31 weed species including 7 declared priority weeds.
- The site has low flora biodiversity, with one native state listed EEC (Hunter Lowland Red Gum Forest). No impact over this EEC is proposed.

The ecological investigations and assessment of impact have found that there is no significant impact on any threatened species, Endangered Ecological Community, critical habitat or endangered populations by the proposed works on any NSW or nationally listed species under the EPBC Act 1999 or the Biodiversity Conservation Act 2016.

The site is also mapped on the Koala Development Application Map of State Environmental Planning Policy (Koala Habitat Protection) 2019. Feed trees as listed under this SEPP do occur over the development site being:

- *Casuarina glauca*, Swamp Oak;
- *Corymbia maculata*, Spotted Gum;
- *Eucalyptus siderophloia*, Grey Ironbark;
- *Eucalyptus tereticornis*, Forest Red Gum;

These trees are >15% density and no trees are proposed for removal. There are no Bionet records of Koala in this locality, with the closest being over 4kms to the south.

No scats, tree use marks or visual sightings of koalas were seen on or around any part of the site.

Core koala habitat as defined under the SEPP is therefore not present, as although >15% density of feed trees present, no Bionet records exist within the last 18 years within 2.5 kilometres of the site, and no feed trees impacted.

The proposed works conform to this SEPP, and no further koala studies are considered required under this SEPP.

8 ***Environmental Impact***

Flooding

The site has been identified as having areas subject to flooding. The flood map indicates the central portion of the allotment as being affected by the 1:100 year Average Recurrence Interval (ARI) flood event. The current flood information adopted by Council for this property includes the Wallis and Swamp Fishery Flood Study 2019 (WMAwater).

The proposed rezoning applies to land within the north western portion of the allotment that is clear of any flooding affectation as shown in Figure 2 below. A flood certificate has been obtained from Council and is provided in support of the proposal (see Appendix 7).

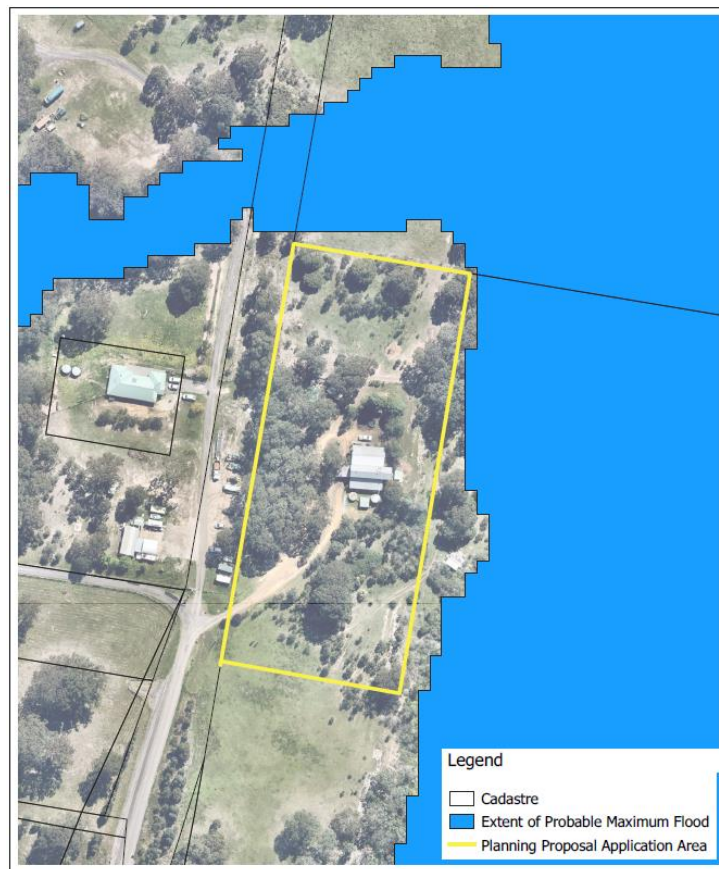


Figure 3 – Planning Proposal application area and extent of probable maximum flood

Bushfire

The property is identified as being Bushfire Prone Land, affected by Bushfire Vegetation Category 3 and Buffer zone. Any future residential development on the site will therefore be subject to considerations under Section 100B of the Rural Fires Act and the Planning for Bushfire Protection 2019, or the equivalent provisions at the time of lodgement of the development application/s.

A Bushfire Threat Assessment accompanies the planning proposal and identifies the bushfire hazards associated with the site and examines the ability of the future subdivision to accommodate bushfire protection measures in accordance with Planning for Bushfire Protection 2019 (see Appendix 6)

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The following recommendations are made for the compliance of the proposal with the relevant legislative requirements:

- Existing dwellings shall be upgraded to provide ember screening in accordance with PBP, 2019;
- A 20-25m wide Asset Protection Zone should be provided/maintained over proposed Lots 10A & Lot 10B existing dwellings. The APZ should be managed as an Inner Protection Area Asset Protection Zone (as defined in PBP 2019, Appendix 4)
- Property access roads shall comply with Table 7.4a & Appendix 3 Property Access Roads of 'Planning for Bush Fire Protection 2019'. This includes:
 - minimum 4m carriageway width;
 - a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
 - property access must provide a suitable turning area (or three point tuning head) in accordance with Appendix 3 (note this is provided already around both dwellings);
 - curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
 - the minimum distance between inner and outer curves is 6m;
 - the crossfall is not more than 10 degrees;
 - maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.
- All new fencing if within 6m of any proposed dwelling shall be non-combustible. The Asset Protection Zone around proposed Lot 10A shall be maintained to provide an Asset Protection Zone in accordance with Appendix 4, PBP 2019.

The bush fire risk is considered to be adequately managed through the recommendations made above, and in conjunction with any recommendations/approval conditions from the NSW Rural Fire Service/ Council.

Heritage

There are no known items of Aboriginal or archaeological significance on the subject site.

General

Subsequent development applications will be required to address in detail a range of environmental considerations considered relevant to the proposed application.

9 Social and Economic Impacts

The Planning Proposal is not supported by a social or an economic impact assessment, however it is unlikely to result in adverse social or economic impacts.

The capacity for the provision of one new lot and no intended construction of any new dwellings in this location is considered appropriate. Further, the site is considered to be consistent with adjacent residential zoned land and residential subdivision approved under DA 8/2015/277/1 "Proposed subdivision to provide 170 residential lots and two (2) drainage reserves for (No. 242) Averys Lane Buchanan."

It is considered that should the Applicants wish to further subdivide the R2 portion of the land in the future the proposal will have a positive economic benefit to the community as

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it will facilitate the release of additional lands for residential purposes within a village environment and accessible to a large regional centre. The Planning Proposal will enable demand for housing variety to be met by enabling the facilitation of residential development in a semi-rural village setting, considered to be suitable and appropriate for the locality of Buchanan. Further, positive economic impacts are anticipated as a result of increased building activity in the locality and the subsequent stimulus into the local economy should further subdivision take place.

The objectives of Council's Social Impact Assessment and Crime Prevention Guidelines will be considered in future development applications.

Section D: State and Commonwealth Interests

10 Adequate Public Infrastructure

The subject lands are generally serviced by road, electricity and telecommunications infrastructure. Hunter Water has advised that town water and town sewer are not connect to the subject site.

Preliminary investigations indicate that there will be adequate public infrastructure to service the proposed residential subdivision (being the one (1) into two (2) lots). The subject site will be serviced by electricity, storm water, water, telecommunications and septic services. The site also possesses an all-weather access road.

A servicing strategy, which identifies the subject site's potential of 18-21 lots is to be prepared once the Planning Proposal has be approved.

11 Consultation with State and Commonwealth Authorities

The consultant preparing the planning proposal contacted various agencies and service providers although no formal responses were included in the report. Formal engagement will be required in accordance with the gateway determination.

Part 4: Mapping

The following maps from the CLEP 2011 are required to be amended to achieve the intent of the Planning Proposal:

Lot Size Map

- LSZ_009A

Land Zoning Map

- LZN_009A

Part 5: Community Consultation

Community consultation will be undertaken per the conditions of the Gateway determination. The proposed consultation strategy for this Planning Proposal includes:

- Notification in the Cessnock Advertiser;
- Web based notification via Council's website and application tracker.

Part 6: Project Timeline

It is estimated that the proposed amendment to the LEP will be completed by August 2021, following receipt of a Gateway determination from the Department of Planning, Industry and Environment. This is based on the assumption Gateway will be granted and that it will specify a 12-month timeframe.

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

PROJECT TIMELINE

	Dec 2020	Dec 2020	March 2021	April 2021	April 2021	May 2021	June 2021	July 2021
STAGE 1: Report to Council requesting endorsement to seek Gateway determination								
STAGE 1 Submit to DPIE – Gateway Panel consider Planning Proposal.								
STAGE 2 Receive Gateway Determination.								
STAGE 3 Preparation of documentation for Public Exhibition and undertake Agency Consultation (if any stipulated).								
STAGE 4 Public Exhibition								
STAGE 5 Review/consideration of submissions received								
STAGE 6 Report to Council								
STAGE 7 Forward Planning Proposal to DOPE with request the amendment be made								

Appendix 1:

Council Report and Minutes (dates)

Report to Ordinary Meeting of Council – PE46/2020

Minutes of Ordinary Meeting of Council – PE46/2020

All Council reports and minutes are accessible from Council's website:
<https://www.cessnock.nsw.gov.au/Council/Council-meetings/Minutes-agendas>

Planning and Environment

Report No. PE46/2020

Planning and Environment



SUBJECT: *18 2020 4 - PLANNING PROPOSAL TO REZONE PART OF LOT 10 DP 1085485, KNOWN AS 261 AVERYS LANE BUCHANAN*

RESPONSIBLE OFFICER: *Strategic Planner - Daniela Gambotto
Acting Strategic Planning Manager - Iain Rush*

SUMMARY

The purpose of this report is to seek Council's endorsement to forward a Planning Proposal, which seeks to rezone part of Lot 10 DP 1085485, from RU2 Rural Landscape Zone to R2 Low Density Residential Zone and amend the minimum lot size, to the NSW Department of Planning, Industry and Environment (DPIE) for Gateway determination.

Application Number	18/2020/4
Proposal	Rezone part of Lot 10 DP 1085485 from RU2 Rural Landscape Zone to R2 Low Density Residential Zone and amend the minimum lot size map from 40 Ha to 450m ² .
Property Description	Lot 10 DP 1085485
Property Address	261 Averys Lane, Buchanan NSW 2323
Zone (Current)	RU2 Rural Landscape E2 Environmental Conservation
Zone (Proposed)	R2 Low Density Residential RU2 Rural Landscape E2 Environmental Conservation
Owner	Mrs C D Shearman
Proponent	Complete Planning Solutions

RECOMMENDATION

1. That Council requests a Gateway determination for the Planning Proposal to rezone part of Lot 10 DP 1085485, from RU2 Rural Landscape Zone to R2 Low Density Residential Zone and amend the minimum lot size, to the NSW Department of Planning, Industry and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
2. That Council requests authorisation under Section 3.31 of the *Environmental Planning and Assessment Act 1979* to act as the local plan-making authority to make the Local Environmental Plan.
3. That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.
4. That Council receives a report back on the Planning Proposal if unresolved written objections are received during consultation with the community, otherwise, forwards the Planning Proposal to the Department of Planning, Industry and Environment requesting that the Plan be made.

BACKGROUND

On 30 September 2020, Council received a Planning Proposal to rezone part of Lot 10 DP 1085485, known as 261 Averys Lane Buchanan, from RU2 Rural Landscape Zone to R2 Low Density Residential Zone and amend the associated minimum lot size map from 40 hectares to 450m². The proposal is considered to be consistent with the objectives of the Hunter Regional Plan 2036 (HRP 2036), Greater Newcastle Metropolitan Plan (GNMP 2036) and the Cessnock Local Strategic Planning Statement (the LSPS), as the subject land is proximate to the Kurri Kurri to Maitland urban 'growth corridor, and immediately adjacent to the Averys Rise Urban Release Area (URA)'.

Initially, the proponent is seeking to excise the proposed residential zoned portion of land from the balance, zoned RU2 Rural Landscape Zone and E2 Environmental Conservation Zone. This will enable the potential future subdivision of the residential zoned land consistent with regional and local strategies applicable to the area.

The portion of Lot 10 DP 1085485 that is subject to the planning proposal is identified in **Figure 1**, and is outlined in orange.



Figure 1: Approximate Land Application Area of Planning Proposal

REPORT/PROPOSAL

The objective of the Planning Proposal is to amend the *Cessnock Local Environmental Plan 2011* (the LEP) to achieve the following outcome:

- Rezone part of Lot 10 DP 1085485, known as 261 Averys Lane Buchanan, from RU2 Rural Landscape to R2 Low Density Residential and amend the associated minimum lot size map from 40 Ha to 450m².

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The LEP controls prevent the subdivision of Lot 10 DP 1085485 to less than 40Ha. Therefore, to allow for urban housing on part of Lot 10, an amendment to the LEP is required.

The Planning Proposal is supported on the basis that the subject allotment is immediately adjacent to land zoned R2 Low Density Residential to the north and west and is proximate to the Bellbird to Maitland urban 'growth area', identified in the HRP 2036, GNMP 2036 and LSPS. Land to the north of the site has approval for a 170 lot residential subdivision and is identified as an Urban Release Area in the LEP (forming part of Averys Rise URA). The extension of the R2 Low Density Residential Zone to part of the subject allotment represents a logical extension to the residential component of the Buchanan locality. Furthermore, future development of the existing residential zoned land to the north and west of the site will provide infrastructure that could be extended to the subject land with minimal cost.

OPTIONS

Council has the following options:

1. Endorse the recommendation of this report and forward the Planning Proposal to the Department of Planning, Industry and Environment for Gateway determination. *This is the preferred option.*
2. Not endorse the recommendations of this report. This would mean that the Planning Proposal will not progress.

CONSULTATION

Formal consultation regarding the Planning Proposal will be carried out in accordance with Gateway determination, should Council resolve to endorse the recommendation of this report.

STRATEGIC LINKS

a. Delivery Program

The Draft Planning Proposal generally aligns with the themes and objectives of the Cessnock 2027 Community Strategic Plan (CSP).

b. Other Plans

Hunter Regional Plan 2036

The HRP 2036 provides the overarching strategic framework to guide development, investment and planning within the Hunter Region to 2036. This Planning Proposal is consistent with the objectives of the HRP 2036 in that it will deliver greater housing choice within an identified urban 'growth area'.

Greater Newcastle Metropolitan Plan 2036

The subject site is located within the application area of the GNMP 2036. The GNMP 2036 sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle. The Planning Proposal is consistent with the desired outcomes of the GNMP in that it delivers housing close to jobs and services.

Cessnock Local Strategic Planning Statement 2036

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

It is considered that the proposed rezoning will have minimal impact on the area as the site adjoins the Averys Rise URA which is zoned R2 Low Density Residential and the portion of the site to be rezoned already has a dwelling constructed on it. The dwelling was approved under development consent '8/2005/955/1 - Replacement of Existing Dwelling (Previously Approved Managers Residence to be Demolished to Allow for F3 Freeway Extension)' and under the provisions of the *Cessnock Local Environmental Plan 1989*.

The Planning Proposal is generally consistent with the provisions of the LSPS. The Planning Priorities of the LSPS that are relevant to the proposal type and location are:

- Planning Priority 5: Infrastructure and services meet the needs of our community and are appropriately funded.

The relevant Planning Principles are:

4. Rezoning land for urban purposes will be prioritised in areas where existing infrastructure capacity exists.
- Planning Priority 7: Urban development is encouraged in areas with existing infrastructure.

The relevant Planning Principles are:

2. Our urban areas are compact and well serviced.
 3. Residential development is supported in unconstrained areas of the Cessnock to Maitland Growth Corridor.
 4. New growth is integrated with the existing residential areas and adequately serviced.
- Planning Priority 22: Our rural landscape is retained and enhanced

The relevant Planning Principles are:

2. The rural character and amenity of the land is preserved and enhanced.
4. Dwellings located in rural areas and areas of high environmental value are sited and designed to minimise the visual impact.
6. The interface between urban areas and rural land or environmental land is managed to minimise visual impacts.

IMPLICATIONS

a. Policy and Procedural Implications

The status of the Planning Proposal is identified in the following process flow chart.

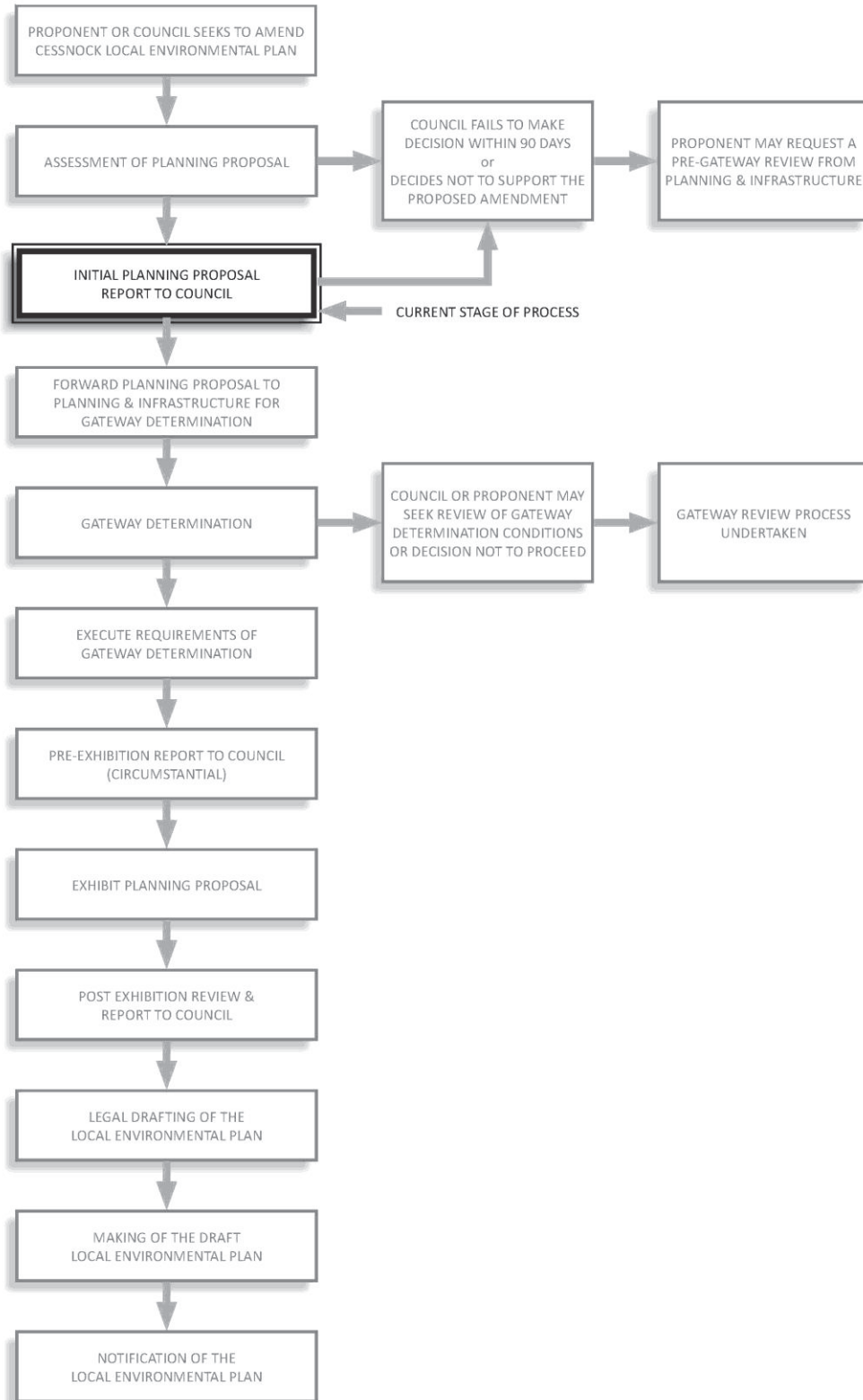
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PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



b. Financial Implications

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Planning Proposals require payment of fees as outlined in Council's Fees and Charges 2020/21. The Planning Proposal is considered Category B in accordance with the Fees and Charges. The next phase will be invoiced should Council endorse the Planning Proposal.

There are no financial implications to Council should it not proceed with the Planning Proposal.

c. Legislative Implications

The Planning Proposal has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the Department of Planning Industry and Environment's Guide to Preparing a Planning Proposal.

d. Risk Implications

DPIE has provided verbal advice that approval of the proposal will result in the allotment being designated as an Urban Release Area (URA) under Part 6 of the LEP. In the instance that the proponent seeks consent to then subdivide the residential portion of the allotment from the remainder of the allotment, the designation as a URA may require the payment of a Special Infrastructure Contributions levy and the preparation of a site specific DCP. This is likely to delay the land owner's intention to subdivide the land.

In addition, the planning proposal, if endorsed, will result in the creation of a split zoned portion of land. Should the proponent seek to subdivide the parent allotment, the provisions of Clause 4.1B of the LEP will apply. At subdivision, this clause requires one of the final allotments to contain:

- at least 450m² of the proposed residential land; and
- the balance of the land, zoned RU2 Rural Landscape and E2 Environmental Conservation.

The proponent has been made aware of these additional affectations that will apply at subdivision stage.

e. Environmental Implications

Bushfire

The majority of the site is identified as bushfire prone, referral to the NSW Rural Fire Service is likely to be a condition of the Gateway determination, should it be issued by DPIE.

Flooding

Part of Lot 10 DP 1085485 is significantly flood prone. However, the area of the proposed rezoning is outside the flood affected portion of the site. Referral to the Biodiversity and Conservation Division of DPIE may be a condition of the Gateway determination, should it be issued by DPIE.

Acid Sulfate Soils

A portion of the site is mapped as Class 4 Acid Sulfate Soils. The area of the proposed rezoning is outside the portion of the site affected by Acid Sulfate Soils.

Energy Resource Audit

The site is identified as being within a 'medium confidence' potential energy resource area, subsequent referral may be required by DPIE should Gateway be issued.

Aboriginal Heritage Sensitivity

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There are no aboriginal sites or places recorded on the subject property.

Biodiversity Values Map

The site is identified on the biodiversity values map as land with high biodiversity value that is sensitive to impacts from development and clearing. This triggers the requirement for determining whether the Biodiversity Offset Scheme (BOS) is applied to the proposed development.

A Biodiversity Assessment Report has been submitted with the Planning Proposal which found that there is no significant impact on any threatened species, Endangered Ecological Community, critical habitat or endangered populations by the proposed works on any NSW or nationally listed species under the *Environment Protection and Biodiversity Conservation Act 1999*, the *Biodiversity Conservation Act 2016* or *State Environmental Planning Policy (Koala Habitat Protection) 2019*.

However, given the significance of biodiversity within the site, subsequent referral may be required by DPIE should Gateway be issued.

f. Other Implications

The proposal will allow the landowners to subdivide the property, subject to the requirements of clause 4.1B and (likely) Part 6 of the LEP. Further intensification of the proposed R2 Low Density Residential zoned portion of the site would be possible and would need to be compliant with the 450m² minimum lot size proposed by this planning proposal. The maximum yield of that allotment would be 18-21 allotments.

CONCLUSION

The Planning Proposal, being a request to rezone a portion of the site from RU2 Rural Landscape to R2 Low Density Residential and amendment to the minimum lot size map from 40 Ha to 450m², is considered to have merit. For this reason, it is recommended that Council submit the Planning Proposal to DPIE for a Gateway determination.

ENCLOSURES

- 1 Planning Proposal to Rezone Part of Lot 10 DP 1085485 from RU2 Rural Landscape Zone to R2 Low Density Residential - Zone - Provided Under Separate Cover

Appendix 2:

Cessnock City Council Submission on Draft HEX Strategy



25 February 2021

Dept. Planning, Industry & Environment
PO Box 1226
NEWCASTLE NSW 2300

Contact: Iain Rush
Our Ref: DOC2021/016921
Your Ref: Draft Hunter Expressway Strategy

By email: hunter@planning.nsw.gov.au

Dear Sir/Madam

Submission, Draft Hunter Expressway Strategy

Thank you for the opportunity to provide comment on the Department of Planning, Industry and Environment's (DPIE) Draft Hunter Expressway Strategy (the strategy). Council welcomes the strategy to coordinate land-use and planning in the vicinity of the Hunter Expressway (HEX), protect the operation of the infrastructure and enable local economic growth and employment.

While we are generally supportive of the strategy, we recommend further consideration of the following matters in the final document.

Impact on land presently zoned, or under consideration, for urban or employment purposes

Further guidance should be provided regarding the relevance of the strategy to land within interchange growth areas that is presently zoned, or under consideration, for future urban or employment purposes. That is to say, is this land exempt from the requirements of the strategy? If so, this should be clearly stated.

Cost of developing local interchange growth area strategies

While council-led interchange planning is supported in principle, we note that councils may not immediately have the budget to carry out the specialist studies or reports to inform them, e.g. traffic and biodiversity studies. We assume that, if this information is not available, DPIE and Transport for NSW (TfNSW) will be less likely to 'agree' to the local interchange strategies.

The burden of cost and level of detail required for the interchange growth area strategies needs to be further considered in the strategy, noting that Council will be seeking support from DPIE and TfNSW to carry out the background studies.

Agency agreement to local interchange strategies

Historically it has been difficult to obtain data, requirements and agreement from TfNSW at the local strategy and planning proposal stage. In the past, this has led to considerable

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delays in the planning process. The strategy should clarify how obtaining 'agreement' to the local interchange strategies will be facilitated by DPIE to ensure bottlenecks in the planning process can be addressed in a timely manner.

In addition, we note that agency agreement will also be useful from other relevant state government agencies, e.g. the Biodiversity Conservation Division of DPIE (ecology and flooding), NSW Rural Fire Service and Subsidence Advisory, etc.

Inclusion of a vision for each interchange growth area

The inclusion of a vision for each of the interchange growth areas is strongly recommended. The vision could take the form of a narrative and/or guiding principles to clarify the desired future land-uses and important environmental characteristics to be retained at each interchange. The vision may also provide an indication as to the possible timing for consideration of future development in the vicinity of each interchange, if at all.

Interrelationship between interchange growth areas

It is not immediately clear why some properties have been excluded from their nearest and most logical interchange growth area and included in another, e.g. Lot 10 DP 1085485, known as 261 Averys Lane Buchanan (discussed further below). This will lead to confusion, with some property owners believing their property is not impacted by the strategy. To address this, we recommend Figure 4 (Page 8) is updated to show the high level interrelationship between interchange growth areas.

In addition to our general comments above, the following specific comments are provided regarding each interchange growth area.

Branxton Interchange (Page 9)

We note that the Branxton Interchange Growth Area encompasses land between the settlements of Branxton and Greta. The Cessnock Local Strategic Planning Statement (LSPS) outlines as a priority (No.29), the importance of managing development within the 'green breaks' between our settlements so there remains a sense of arrival and departure from each settlement. Each village in Cessnock is unique in terms of its historic beginnings, its character and opportunities for future development. The importance of preserving Cessnock's 'beads of villages' needs to be reflected in the Strategy.

We reiterate our recommendation for the inclusion of a vision for each of the interchange growth areas. The vision for the Branxton Interchange should clarify that the interchange may be considered for employment land in the longer term and that the important environmental characteristics of the surrounding environment must be retained.

Kurri Kurri and Loxford Interchanges (pages 11 and 12)

The dialogue relating to the Kurri Kurri and Loxford interchanges is merged in the strategy. There is a question here as to whether a separate vision and/or guiding principles is required for each interchange, or whether the interchanges should be addressed collectively. This is important, as Council is currently preparing an Urban Growth Management Plan that identifies an 'investigation area' at Sawyers Gully, which is near the Loxford Interchange.

The dialogue on Page 11 of the strategy identifies both Cessnock and Maitland as a Strategic Centre, but does not recognise Kurri Kurri as a Strategic Centre. We note that the

Hunter Regional Plan 2036 and Greater Newcastle Metropolitan Plan 2036 identify all three settlements as strategic centres. We request this is clarified in the final strategy.

We recommend deleting the following text on Page 11 of the strategy:

‘Consideration will be given to the provision of a highway service centre at this location. This has the potential to cater for passing passenger and freight vehicles and an interchange opportunity for public transport and/or park and ride facilities’.

It is considered that this statement pre-empts that the Kurri Kurri Interchange is suitable for this land-use when, in reality, further economic and traffic investigation will be required to determine whether this outcome is true.

We recommend relocating the final paragraph on Page 11, relating to the Newcastle Interchange, to the Newcastle Interchange dialogue on Page 10 of the HEX strategy.

For consistency purposes, we recommend the reference to ‘B1 - Neighbourhood Centre’ in the Legend on Page 12 of the strategy be amended to read, ‘Proposed Neighbourhood Centre’.

We recommend expanding the Kurri Kurri and Loxford Interchange Growth Area (Page 12) to include the vegetated Crown land, located to the south of the Kurri Kurri Interchange.

Land zoned R5 Large Lot Residential to the south of Gingers Lane is mapped as Residential zone (undeveloped). We note that this land is developed.

Allandale Interchange (pages 13)

The strategy should also acknowledge the Allandale Interchange as a gateway to the Cessnock Vineyard’s District (through Lovedale Road) and that any intensification of urban or employment land-use in this area has the potential to significantly alter the existing rural character of the area.

The Cessnock LSPS outlines as a priority (No.23), the need to preserve the scenic and rural landscape of the Vineyard’s District, as it underpins the attraction of the area for tourists. While the Strategy outlines that the interchange ‘is not proposed to change further in the long term’, we feel this language should be strengthened to reiterate the importance of the area as a gateway to the Cessnock Vineyard’s District and that the rural setting of the interchange needs to be preserved.

Buchanan Interchange (Page 14)

The vision for the Buchanan Interchange Growth Area should clarify that it will only be considered for employment land in the longer term and that the important environmental characteristics of the surrounding environment should be retained.

We note that the western side of the interchange is flood affected and that land on the eastern side of George Booth Drive contains Threatened Ecological Communities (Lower Hunter Spotted Gum Ironbark) and is environmentally significant. We recommend the flooding and environmental constraints are mapped and referenced in the strategy.

Finally, we draw your attention to the planning proposal for 261 Averys Lane Buchanan, see **Figure 1**. The proposal was lodged with Council prior to DPIE’s preparation of the HEX

strategy, but it now appears to be inconsistent with the principles of the strategy relating to interchange growth areas.

Figure 1: Approximate Land Application Area of Planning Proposal (Orange Outlined Area)



Council objects to the inclusion of that part of 261 Averys Lane Buchanan that is the subject of the planning proposal in the Buchanan Interchange Growth Area. The Planning Proposal for Lot 10 DP 1085485 has been supported by Council on the basis the land is immediately adjacent to land zoned R2 Low Density Residential to the north and west and is proximate to the Bellbird to Maitland urban 'growth area', identified in the HRP 2036, GNMP 2036 and LSPS.

In addition, land to the north of the site has approval for a 170 lot residential subdivision and is identified as an Urban Release Area in the LEP (forming part of Averys Rise URA). The extension of the R2 Low Density Residential Zone to part of the subject allotment represents a logical and minor extension to the residential component of the Buchanan locality. Furthermore, future development of the existing residential zoned land to the north and west of the site will provide infrastructure that could be extended to the subject land with minimal cost. For these reasons we are of the opinion that the north eastern portion of Lot 10 DP 1085485 should be excluded from the Buchanan Interchange Area.

If you require any further information, please do not hesitate to contact Council's Senior Strategic Planner, Mr Iain Rush, on telephone 02 4993 4155.

Yours faithfully

Keren Brown

Keren Brown
Principal Strategic Planner

Appendix 3:

Proponents Planning Proposal

PLANNING PROPOSAL

Amendment to the Cessnock Local Environmental Plan 2011

(No. 259) Averys Lane
BUCHANAN

Rezoning of Lot 10 DP 1085485

Contact: Karen Jurd

Telephone: 4936 4025

Email: admin@completeplanningsolutions.com.au

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QA Status

PREPARED	ISSUED
Karen Jurd B Dev Stud	November 2020

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Introduction:

This report has been prepared on behalf of Ms Amie Shearman (Applicant) by Complete Planning Solutions Pty Ltd in support of a request to amend *Cessnock Local Environmental Plan 2011* (CLEP 2011) by rezoning approximately 1.38 hectares of rural land at Buchanan in Cessnock Local Government Area (LGA).

Cessnock City Council's *Local Strategic Planning Statement 2036* (LSPS) supports a residential zone to be applied to the north-west portion of the site.

The land proposed to be rezoned is a single parcel known as Lot 10 DP 1085485 (No. 259) Averys Lane Buchanan and is referred to as the "subject site" in this Planning Report. The location of the subject site is depicted in Figure 1.

The majority of the land has been cleared over the years for agriculture pursuits. Two dwellings have been constructed upon the site. Surrounding properties are occupied by rural residential developments. Land to the west of the subject site has recently be rezoned to R2 Low Density Residential and is expected to developed in the near future.

The site is located within the Cessnock City Council Local Government Area (LGA). The LEP amendment pertains to one (1) land parcel. The land parcel is currently zoned RU2 Rural Landscape, E2 Environmental Conservation and SP2 Infrastructure under the current CLEP 2011 with a minimum lot size requirement of 40ha (98.84 acres) for the RU2 zoning. In accordance with this proposal, it is intended to amend the CLEP 2011 to rezone a portion of the subject sites to R2 Low Density Residential.

The proposed rezoning would allow the reduction of lot size to a minimum lot size requirement to 450m². If this Planning Proposal is approved the Applicant will be seeking a one (1) into two (2) Torrens Title Subdivision. The proposed one (1) into two (2) Torrens Title Subdivision will result in proposed lot 10A having a lot size of 1.38 hectares and proposed lot 10B 22.35 hectares. Proposed lot 10A is to be rezoned R2 Low Density Residential. Proposed lot 10B existing zoning of RU2 Rural Landscape, E2 Environmental Conservation and SP2 Infrastructure will not be altered as a result of the rezoning. Refer to Subdivision Plan for further information.

The Applicant acknowledges that once a rezoning is issued that the 1.38 hectares to be zoned as R2 low density residential with a minimum lot size of 450m² could result in an additional 18 to 21 lots, depending on layout and infrastructure requirements. Initially the Applicant will seek Council approval for a one (1) into two (2) lot subdivision. The relevant Consultant's report will be prepared for this subdivision.

Future subdivision of the 1.38 hectares (from the initial one (1) into two (2) lots) would require the preparation of appropriate reports, documentation and justification appropriate to the larger subdivision of 18-21 lots. Should the Planning Proposal be approved a servicing strategy would be prepared to ensure that services could be provided to 18-21 residential lots. The existing acoustic mound which was constructed as a result of the Hunter Express Way will be able to be utilised for any future subdivision.

The justify the Applicant's position on not wanting to further subdivide the proposed 1.38 hectares in the future Amie Shearman has provided the following statement:

"Mum and Dad purchased the property in April 1991as their family home.

In 2006 I built my home for my partner and son.

My sons name is Reid Butler he is 23yrs old and has multiple disability's both intellectual and physical they are as follows:

Septo optic dysplasia, uncontrolled epilepsy, stroke affecting the right side of entire body. Heart condition call Wolf Parkinson White syndrome. diabetes insipidus, congenital hypopituitarism. Reid's body does not produce hormones due to pituitary gland not forming in utero, moderate intellectual disability, horseshoe kidney. bradycardia, hyponatraemia.. legally blind and sensory process disorder.

Our home was specifically built to support Reid's needs as he grew into a man; he will live in this home till the day he dies.

The house is open plan to suit his wheelchair, with all doorways widened and bathroom modification to enable wheelchair access and for the use of his hoist. The home is flat outside with carport entry directly to house. We have just got Reid a powered chair to be able to use the yard for the first time in his life. Due to Reid's

sensory issues loud noises like bikes, trucks or vehicles can cause him great distress that's why living out here away from suburbia was the best option as he just can't cope well around too many people or loud noises.

When my dad first purchased this property all those years ago, he fell in love with the dam and trees and the connection to country. It was away that we as proud Wanarua people could actually have a connection to our Land. It was ours and no one could take it away. We have held many spiritual ceremonies on our land. My grandfather's ashes lay down amongst the trees and water's edge as do my fathers as now he has passed over too. I held my father's funeral here on our country to honour his love of this place and so he as an aboriginal man could be laid to rest on his country and he would always be with me. It's a very sacred place this land we call home, my connection to this land is strong and I'm terrified that once again our beloved country will not stay in my family, to teach and pass down our culture to my sons. Attached is a picture my dad had painted of him standing proud on our Wanarua land. This is his and my grandfather's resting Place. Refer to Appendix 6 for drawing.

My intention for this land is to leave it the way it is. We are only changing the zoning because it's the only way I can subdivide and separate it from my mums' block into 2. I wished it wasn't zoned to R2. It will never ever be cut up into small blocks while My sons and I are alive... My 9 years old connection to this land is as important as mine. We have lost so much of our aboriginal heritage it's so very important for us to continue to have our connection to country our land. I know every tree every rock waterway as if it were the back of my hand, we look after this land. I grow native species to replant and plan to fill this entire land with trees and native flora and to ensure that its ecosystem continues to flourish.

I have lived on this land for over 20 years we lost a lot of our sacred places to the freeway, I accepted that but to lose more land that is unusable to anyone else is something I can't understand. We have lived here for 13years I beg of you to not take it away from us.

There may be homes built around us but they will not be built on this land, it means more than money to us."

Precinct Analysis

The subject lot is currently occupied by two dwellings, sheds, associated structures, natural watercourses and dams. The land has varying topography incorporating rocky outcrop, flat pastures and watercourses. The area to the north-west corner of the lot is considered to have biodiversity values. The area to be subdivided is located upon the top of the rocky outcrop, with ecological and biodiversity sensitive vegetation areas and overlooks pastures and watercourses. The proposed subdivision boundary has been suggested to ensure that the environmental values of the land are not negatively impacted upon as a result of the proposed rezoning.

Part 1: Objectives and Outcomes

The objective of this Planning Proposal is to amend the Cessnock Local Environmental Plan 2011 (CLEP 2011) by rezoning the north-west portion of Lot 10 DP 1085485 from RU2 Rural Landscape zoning to R2 Low Density Residential zoning. It is proposed that a development application (DA) for a one (1) into two (2) lot subdivision be submitted to Council for consideration once the Planning Proposal has been approved.

The Applicant is aware that the minimum lot size (MLS) for R2 Low Density Residential zone is usually 450m² and the proposed R2 Low Density Residential area has the potential for creating 18-21 additional residential lots for the Cessnock LGA.

Preliminary discussions with Cessnock City Council have indicated that Council is generally supportive of the rezoning. Furthermore, the proposed rezoning has been identified by Council within the LSPS 2036.

Part 2: Explanation of Provisions

The subject precinct is currently zoned RU2 Rural Landscape zone pursuant to Cessnock Local Environmental Plan 2011. It is proposed to rezone a 1.38 hectare portion of the land to R2 Low Density Residential. As a result of the rezoning MLS for the residential rezoning will be reduced from the current 40Ha MLS to 450m² for the residential portion of the land.

The Planning Proposal would result in the following changes to the Cessnock LEP 2011:

Amendment Applies To	Explanation of the Provision
CLEP 2011 – Minimum Lot Size Map – Sheet LSZ_009A – Refer to Figure 2	Minimum lot size for the subject site would correspond to zoning as follows: R2 Low Density Residential – 450m ²
CLEP 2011 – Zoning Map – Sheet LSZ_009A – Refer to Figure 3	Zoning for the lots would correspond to zoning as follows: R2 Low Density Residential

Part 3: Justification

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

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

Section A: Need for Proposal

1 *Resulting from a Strategic Study or Report*

The Planning Proposal is supported by *Local Strategic Planning Statement 2036*, which identifies the land as "Residential zone applied to north west portion of site". Averys Lane has been identified as a potential growth area primarily due to increased availability of R2 Low Density Residential land to the west of the subject site.

The existing zoning pertaining to subject site inhibits residential subdivision of the subject land. The subject site is located within the existing village boundaries and accessed by an all-weather road. The current minimum lot size would appear to constrain the Applicant's objectives by prohibiting subdivision for parcels smaller than 40ha, despite the subject sites appearing geographically contained within close proximity of land recently rezoned to R2 Low Density Residential.

Site Analysis

The subject site is located within the boundaries of the rural village of Buchanan. The subject land is centrally located within the village and is geographically contained within the village boundaries. The site is surrounded by established rural housing development and newly rezoned residential (R2 Low Density Residential) subdivision to the west of the subject site. The subject site would appear suitable for the proposed residential subdivision.

Land Capability Assessment

The subject site is currently serviced by electricity and telecommunications. The precinct is accessible by an all-weather access roads. The access roads do not feature kerbing and guttering (K & G), however, it should be noted that K & G is not commonly utilised in the surrounding infrastructure of the village. The land contained in subject site is predominantly flat with a high portion of land being located to the north-west of the property. It is considered that the subject site is suitable for urban development and capable of supporting such development with minimal impact on public infrastructure.

Constraints Analysis

Residential development of the subject precinct is currently constrained by the lack of reticulated sewer and water to the sites. However, Hunter Water has confirmed that the subject site is not serviced by town water or town sewer.

The subject site is currently serviced with a septic system and as no further development (at this stage) is proposed the existing system is deemed to be adequate and no upgrades are necessary.

The precinct is not constrained by any landforms or infrastructure constraints other than those previously described.

Traffic and Transport assessment

This proposal is to subdivide Lot 10 DP 1085485 into 2 lots to allow each of the two single dwellings that already exist to be contained in their own individual lot. Proposed Lot 10 A (1.38 hectares) contains an existing dwelling, associated building, electricity and phone services, septic tank and transpiration area, acoustic mound and has access off the northern end of Averys Lane and proposed Lot 10B (22.11Ha) contains an existing dwelling and associated buildings and is accessed off that section of Averys Lane adjacent to the Hunter Expressway.

A Traffic Report has been prepared by David Pavey of Pavey Consulting and is attached to the Report as APPENDIX 2. The Conclusions of the Traffic Report are:

“Based on the findings of this report, Pavey Consulting Services is of the opinion there are no traffic engineering related matters that should preclude approval of this development application.”

Infrastructure Assessment (plans of current and planned servicing)

The subject site is currently serviced by overhead power and telecommunications. Sewer and water servicing will remain as existing. No further development of the subject site is proposed.

Indigenous Heritage

Due to the cleared nature of the land, history of disturbance and the absence of significant remnant bushland with low ground disturbance it is considered unlikely that any artefacts of significance would remain on the site.

Flora and Fauna

A Biodiversity Assessment Report including 5 Part Test relevant to the proposed subdivided portion of the subject was conducted in July 2020. The Assessment was prepared by Ted Smith of Peak Land Management and is attached to this Report as APPENDIX 3. The Conclusion and Recommendations of the Biodiversity Assessment Report is as follows:

The ecological investigations and assessment of impact have found that there is no significant impact on any threatened species, Endangered Ecological Community, critical habitat, or endangered populations by the proposed works on any NSW or nationally listed species under the EP&BC Act 1999, or BC Act 2016.

The following recommendations (in no order of importance) if adopted will improve the biodiversity outcomes for this proposal:

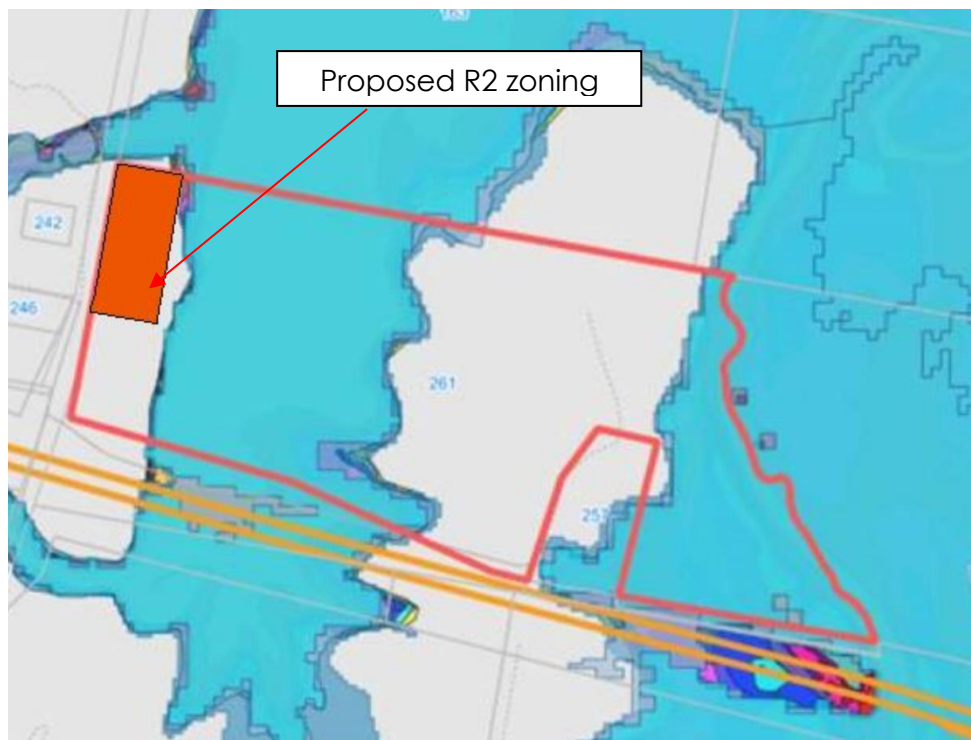
- *Where not affected by the proposal all native vegetation (especially trees over the site) outside of the nominated development site be retained in natural condition, and not slashed, grazed, or destroyed in anyway.*
- *Ensure tool box education to all fence builders constructing the development so that no impact occurs off the development site.*
- *Fence line located adjacent to Wallis Creek, above the normal water level. Non barb wire/no fence line at all recommended to reduce any impacts over water birds and other wildlife.*

It is the consultant's opinion that this application does not need referring to the Federal Department of Environment and Energy, or NSW DPIE.

Flooding and Stormwater Management

The subject site is prone to flooding, according to Cessnock City Council's flood mapping. However, the area to be rezoned as R2 Low Density Residential is outside of any flood affected land. The area to be rezoned is located upon a rocky outcrop and is some distance from the flood affected land below. Cessnock City Council have prepared a Flood Certificate and it is attached to this Report as APPENDIX 5. Stormwater management

is expected to be addressed in accordance with engineering design and specifications should the planning proposal proceed, and subdivision be approved.



Flood Map

Bushfire Risk Assessment

The subject sites contain scattered native and non-native tree species. The subject site is surrounded by part managed land, roads, a creek, a large dam/water course and dwelling further off site. The subject site is located in a rural area, accessed from a sealed public no through road.

A comprehensive bushfire assessment has been prepared by Ted Smith of Peak Land Management and is attached as APPENDIX 4.

Land Contamination

The precinct is not known to be contaminated. Preliminary assessment indicates that the site may have been used, historically, for grazing and/or other agricultural purposes. However, there is no indication that previous uses have contributed to any potential contamination.

Social and Economic Assessment

According to Australian Bureau of Statistics (ABS) Census data the Buchanan population in 2016 was 197. Earlier Buchanan population numbers were not found on the ABS Cesnsus data. It is not possible to gauge if there has been an increase or decrease in the population in the past years. However, with the recently approved Averys Village, to the west of the subject site, population numbers for Buchanan are expected to grow within the next 10-20 years.

The proposed one (1) into two (2) lot Torrens Title subdivision is not expect to attract any social or economic benefit as no future development of the subject site is proposed.

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

The planning proposal is considered the best means of achieving the objectives Document Reference SD2017/003088 of the LSDS and intended outcomes in relation to providing future additional residential land.

The existing minimum lot size requirement applying to the subject land constrains the efficient use of land suitable for residential subdivision. An amendment to the zoning and associated minimum lot size requirement is the only viable option to facilitate the proposed development of the land. This site is currently adjacent to low density and rural zoned land and is in keeping with the settlement hierarchy of the village. The Planning Proposal gives effect to Council's adoption of the LSDS 2036.

3.A.3 Net Community Benefit

The Planning Proposal will enable a range of community aspirations to be met, such as housing variety and increased availability of residential lots in a rural-village areas. However, the Applicants do not propose to reduce the subject site's lot size of 1.38 hectares anytime in the near future.

Section B: Relationship to Strategic Planning Framework

3 Consistency with Objectives and Actions within Regional Strategies

Hunter Regional Plan 2036

The Hunter Regional Plan 2036 will guide the NSW Government's land use planning priorities and decisions over the next 20 years. It is not intended to be a step-by step approach to all land use planning. The Plan predicts population growth from 732,400 in 2016 to 862,250 in 2036. 25% of the population is expected to be over 65.

The Plan promotes the retention of biodiversity corridors. The Plan states *"A holistic approach across both public and private lands will protect and manage natural ecosystems and ensure connectivity between habitats. Planning and management tools can identify and establish corridors."*

Response

The planning proposal is considered to be consistent with the broad objectives and actions contained in the *Hunter Regional Plan 2036*. The Strategy was produced for the purpose of ensuring that adequate land is available and appropriately located to sustainably accommodate the projected housing and employment needs of the Region's population over the next 25 years. The strategy refers to the current and projected growth of the Hunter Valley region, incorporating the Cessnock LGA; in particular the anticipated sustained growth and the impact this will have on local housing stocks. The impact of this economic growth on the settlement patterns within the region are expected to be significant and it is anticipated that much of the demand for new housing will be facilitated by developers.

The proposed rezoning of 1.38 hectares of land will provided additional residential land within the Cessnock LGA. The subject site is located within 30 minutes of a number of strategic centres being Kurri Kurri, Cessnock and even Newcastle.

The subject site contains mapped biodiversity land. The proposed Plan will not create a negative impact on the biodiversity values of the land.

Greater Newcastle Metropolitan Plan 2036

The Plan sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle.

The Plan also helps to achieve the vision set in the Hunter Regional Plan 2036 – for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart.

Response

Kurri Kurri is recognised in the Plan to provide local housing and job opportunities. Given the subject sites close proximity to Kurri Kurri the proposed rezoning of 1.38 hectares to R2 Low Density Residential will assist with the provision of local housing stock. The proposed planning proposal allows a vibrant mix of land uses and opportunities that will benefit the entire metropolitan area.

Lower Hunter Regional Strategy 2006-31

The Lower Hunter Regional Strategy 2006 was produced in order to provide a strategic framework for the identification of land for future housing and economic development needs. The sustainable development of existing development lands was also a key consideration in the report involving extensive discussion of urban reinforcement, infill development and compact settlements.

Response

While the village of Buchanan is not specifically identified in the strategy the report does refer to the need for new development in villages throughout the region to be adequately serviced in order to restrict low density fringe development which is expensive and places undue pressure on public infrastructure delivery. The proposed development is contained within the village of Buchanan, therefore it is not considered to be 'fringe development'. Furthermore, the proposed lot sizes are in keeping with the existing settlement pattern of Averys Lane and will add to the mix of available housing options in this area.

The Lower Hunter over the next 20 years: A Discussion Paper

A Discussion Paper pertaining to the proposed renewed version of the Lower Hunter Regional Strategy provides new estimates in relation to population and economic growth in the region as a consequence of new information from the 2016 Census and patterns of development that have occurred subsequent to the report's release in 2011. The discussion paper states that new projections for regional population growth indicate increases of between 650,000 and 670,000 over the next 20 years, depending on economic and demographic changes. Consequently, the paper identifies that an additional 75,000 new dwellings may be required throughout the region over this period.

Furthermore, the paper identifies that urban development in recent years has intensified with an under-supply of appropriate greenfield sites leading to intensification of development in established areas. The paper goes on to recommend several pathways for resolving blockages in housing supply one of which includes reviewing potential opportunities on landowner nominated sites.

Response

The proposed rezoning of rural land to residential land will assist in providing additional greenfield sites within the Cessnock LGA.

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

Community Strategic Plan Cessnock 2027 - Our People, Our Place, Our Future

The purpose of the plan is to identify the community's main priorities and aspirations for the future and to identify strategies for achieving these goals. At 2009 Workshop participants commented that "more affordable housing estates" would be needed in the Cessnock LGA of the future.

Objective 3.1 of the Plan identifies the need to protect and enhance the natural environment and the rural character of the area.

Response

The proposed rezoning will provide more affordable housing as well as protecting and enhancing the natural environment. It is proposed that the rezoning of the 1.38 hectares be zoned R2 Low Density Residential.

Cessnock Local Strategic Planning Statement (LSPS) 2036

The LSPS is part of a hierarchy of strategic planning documents and is a mandated requirement of NSW State Government under section 3.9 of the EP&A Act. The LSPS seeks to implement the actions of the HRP and GNMP that are relevant to this, and the Council's own priorities as set out in the Community Strategic Plan and other adopted strategies and actions. The LSPS outlines how Council will implement its planning functions. As such it has a direct influence on the following planning documents:

- Local Environmental Plan

- Development Control Plan
- Local Contributions Plan/s
- Community Participation Plan
- Strategies
- Policies

The actions identified by the LSPS will be implemented through these planning documents.

The majority of the population within the Cessnock LGA is located within a thin urban belt between Kurri Kurri and Cessnock.

A priority of the LSPS is to achieve compact urban areas, additional low-density residential urban release areas. The land to the west of the subject site is zoned R2. The rezoning of the 1.38Ha of land to R2 complies the LSPS objective as outlined above.

Response

A village is described as having over 30 households. While Buchanan does not provide services and a focus for a sub-regional catchment the subject site is approximately 2.5 kilometres from services such as school, post office, police station, churches, hotel, community hall or centre, sub-district or local sports complex, small business centre, health services and community services.

Once the Planning Proposal is approved the Applicant will submit a Development Application (DA) for a one (1) into two (2) lot Torrens Tittle subdivision. The proposed 1.38 hectares area to be rezoned will form one lot. This 1.38 hectare area is to be zoned R2 Low Density Residential. The remainder of the existing Lot 10 will form the second lot. The remaining portion of Lot 10 will remain unchanged as RU2 Rural Landscape, SP2 Infrastructure and E2 Environmental Conservation.

The subject site is currently occupied by two (2) dwellings. The proposed subdivision will result in one dwelling being located on each newly created lot. Both existing dwellings do not have access to town water and sewer services. As the future DA will not involve any further subdivision or construction of dwellings access to full reticulated systems is not deemed necessary at this stage. Once the planning proposal has been approved then a servicing strategy would be undertaken to ensure that a full reticulated system can be achieved for the potential subdivision of 18-21 lots.

The residential zoning will provide for the housing needs of the community within a low density residential environment and enable other land uses that provide facilities or services to meet the day to day needs of residents.

5 Consistency with State Environmental Planning Policies

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

Table 1: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
Primary Production and Rural Development	The SEPP provides a framework to further support primary production and rural development.	The subject site's limited agricultural capability and geographical location adjacent to the Hunter Express Way and the Kurri Kurri township presents a limited range of possible land uses for the subject site. The site is not prime agricultural land
SEPP 21 -Caravan Parks	The SEPP provides for development for caravan parks.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 33 - Hazardous & Offensive Development	The SEPP provides considerations for consent for hazardous & offensive development.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 36 - Manufactured Homes Estates	The SEPP makes provision to encourage manufactured homes estates through permitting this use where caravan parks are permitted and allowing subdivision.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 50 - Canal Estates	The SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments	Nothing in this Planning Proposal affects the aims and provisions of this SEPP
SEPP 55 – Remediation of Land	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination	The planning proposal has no implications in terms of the application of the provisions of SEPP 55. The subject land is not known to be contaminated and is not listed on the Office of Environment and Heritage's register of contaminated sites.
SEPP 64 - Advertising and Signage	The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 65 - Design Quality of Residential Development	The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Building Sustainability Index: BASIX 2004	The SEPP provides for the implementation of BASIX throughout the State.	The planning proposal has no implications in terms of the applications of this SEPP. Future dwellings constructed on the land will be constructed in accordance with the BASIX Regulations 2004.

SEPP Housing for Seniors or People with a Disability 2004	The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Major Development 2005	The SEPP defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition, the SEPP identifies the council consent authority functions that may be carried out by Joint Regional Planning Panels and classes of regional development to be determined by JRPPs.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Infrastructure 2007	The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	The planning proposal has no implications in terms of the application of the Infrastructure SEPP. The land is targeted for sewer servicing by Hunter Water in addition to the existing utilities servicing.
SEPP Mining, Petroleum Production and Extractive Industries 2007	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.	The Planning Proposal does not propose to change zoning that would affect the permissibility of mining on the subject lands.
SEPP Temporary Structures 2007	The SEPP provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Exempt and Complying Development Codes 2008	The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Affordable Rental Housing 2009	The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.

SEPP State and Regional Development 2011	The SEPP aims to identify development and infrastructure that is State significant and confer functions on the Joint Regional Planning Panels to determine DAs.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Concurrences and Consents 2018	The SEPP authorises the Planning Secretary to exercise powers as required by the EP&A Act.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Koala Habitat Protection 2019	The SEPP aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.	There are no known koala habitats present within or in the immediate vicinity of the subject land. The subject site does not contain sufficient suitable feed trees considered capable of supporting a koala population. Refer to the Biodiversity Assessment Report attached to this Planning Proposal.
SEPP Vegetation in Non-Rural Areas 2017	The SEPP aims to: (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	The Planning Proposal is for the rezoning of rural lands to residential lands. A portion of the land which is to be residential contains trees and other vegetations which will be protected as the proposed DA for subdivision will be a one (1) into two (2) lot Torrens title subdivision. Should the land be subdivided after this initial subdivision then vegetation will be preserved through the DA process for the second subdivision.

6 Consistency with Section 9.1 Ministerial Directions for Local Plan Making

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

Table 2: Relevant Section 9.1 Ministerial Directions

Ministerial Direction	Objective of Direction	Consistency and Implication
1. Employment and Resources		
1.1. Business and Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	The Planning Proposal does not relate to business or industrial zones.
1.2. Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	Most of Lot 10 has been cleared over the years for agricultural pursuits. The portion to the north-west of the subject site which is to be subdivided and rezoned to residential/environmental conservation land is located upon a rock outcrop and does not positively contribute to the agricultural production value of the land.

Ministerial Direction	Objective of Direction	Consistency and Implication
		A Biodiversity Assessment Report has been prepared by Ted Smith, Peak Land Management and is attached as APPENDIX 3 of this Report.
1.3. Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	The Planning Proposal does not relate to mining, petroleum production and extractive industries.
1.5. Rural Lands	The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes.	The portion to the north-west of the subject site which is to be subdivided and rezoned to residential/environmental conservation land is located upon a rock outcrop and does not positively contribute to the agricultural production value of the land. The Planning Proposal will not create a negative impact upon the economic development or rural lands and related purposes.
2. The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. Environment and Heritage		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Following approval of the Planning Proposal the Applicant wishes to submit a DA for a one (1) into two (2) lot Torrens Title subdivision. There are no plans to further subdivide the block in the near future. There are no plans to construct and additional buildings on the land once it is subdivided. This will ensure the protection and conservation of environmentally sensitive areas which are located upon the subject site.
2.2 Coastal Protection	The objective of this direction is to protect and manage coastal areas of NSW.	The subject site is not within a Coastal Protection area.
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The subject site has not been identified as having heritage significant items, areas, objects or place of environmental heritage significance and indigenous heritage significance.
2.4 Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	The proposed 1.38 hectares to be subdivided is boarded by a rocky outcrop and is not suitable for recreation vehicle use.
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to	The rezoning of the north-west portion of the property will provide a variety of housing types.

Ministerial Direction	Objective of Direction	Consistency and Implication
	<p>provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p>	
3.2 Caravan Parks and Manufactured Home Estates	<p>The objectives of this direction are:</p> <p>(a) to provide for a variety of housing types, and</p> <p>(b) to provide opportunities for caravan parks and manufactured home estates.</p>	<p>The Planning Proposal does not involve the establishment of a caravan park or manufactured home estate.</p>
3.3 Home Occupations	<p>The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.</p>	<p>Home occupations are permissible on land zoned R2 Low Density. The Applicants may wish to pursue the option of having a home occupation in the future.</p>
3.4 Integrating Land Use and Transport	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	<p>The Planning Proposal is to rezone a 1.38 hectares portion of the subject site. Once the Planning Proposal has been approved then the Applicant will submit a DA to Council for a one (1) into two (2) lot Torrens Title Subdivision.</p> <p>There are currently two (2) dwelling located upon the subject site. The subdivision will result in a dwelling be located on each newly created lots. It is not proposed to construct any further dwellings. There will be no need to upgrade the existing infrastructure to accommodate the planned subdivision.</p>
3.5 Development Near Licensed Aerodromes	<p>The objectives of this direction are:</p> <p>(a) to ensure the effective and safe operation of aerodromes, and</p>	<p>The subject site is not located near licensed aerodromes.</p>

Ministerial Direction	Objective of Direction	Consistency and Implication
	<p>(b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and</p> <p>(c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p>	
3.6 Shooting Ranges	<p>The objectives are:</p> <p>(a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</p> <p>(b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,</p> <p>(c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p>	The subject site is not located near shooting ranges.
4. Hazard and Risk		
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	The subject site is within an acid sulfate soils area class 4. An Acid Sulfate Management Plan should accompany any DA submission.
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	The subject site is not within a mine subsidence area and is not considered to contain unstable land.
4.3 Flood Prone Land	<p>The objectives of this direction are:</p> <p>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain</p>	The majority of the subject site is classified as flood prone land. However the portion to the north-west which is to be rezoned as residential is outside of the flood prone area. Refer to flood certificate received from Cessnock City Council for further advice. The flood certificate is attached to the Report as APPENDIX 5.

Ministerial Direction	Objective of Direction	Consistency and Implication
	Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	
4.4 Planning for Bushfire Protection	The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	The subject site is classified as being within a bush fire prone area. A Bush Fire Risk Assessment has been prepared and is attached to this Report as APPENDIX 4.
5. Regional Planning		
5.10 Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	The Planning Proposal meets the objectives contained in Regional Plans. Refer to Section B of the Report for further information.
6. Local Plan Making		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The Planning Proposal meets the objectives the approval and referral requirements.
6.2 Reserving Land for Public Purpose	The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	The Planning Proposal does not involve the reserving of land for public purpose.
6.3 Site Specific Provision	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The Planning Proposal does not require any site specific planning controls.

Section C: Environmental, Social and Economic Impact

7 *Impact on Threatened Species*

Most of former Lot 10 has been cleared over the years for agriculture pursuits. The subject site is mapped on the Biodiversity Values. A Biodiversity Assessment Report including 5 Part Test has been prepared by Ted Smith, Peak Land Management for the area to be subdivided. The Report is attached as APPENDIX 3

The proposal is unlikely to adversely affect critical habitat, threatened species or ecological communities, or their habitats.

8 *Environmental Impact*

The planning proposal is unlikely to result in adverse environmental effects. Environmental management programs will be produced in the event that environmental impacts are identified during the preparation and construction phases of the development.

Council will consider the lodgement of future development applications for future subdivision and dwelling houses to be constructed on site that has regard to a number of matters including:

- Siting / orientation of dwelling house;
- Relationship with adjoining / adjacent development;
- Natural environment; and
- Bushfire Protection.

9 *Social and Economic Impacts*

The Planning Proposal is considered unlikely to result in adverse social or economic impacts. It is intended that community consultation will be undertaken as part of the public exhibition process.

The provision of one new lot and no intended construction of any new dwellings in this location is considered appropriate. Further, the site is considered to be consistent with adjacent residential development which incorporates new single dwelling development on large blocks as well as the proposed residential subdivision approved under DA 8/2015/277/1 Proposed subdivision to provide 170 residential lots and two (2) drainage reserves for (No. 242) Averys Lane Buchanan.

It is considered that should the Applicants wish to further subdivide the R2 portion of the land in the future the proposal will have a positive economic benefit to the community as it will facilitate the release of additional lands for residential purposes within a village environment and accessible to a large regional centre. The Planning Proposal will enable demand for housing variety to be met by enabling the facilitation of residential development in a semi-rural village setting, considered to be suitable and appropriate for the village of Buchanan. Further, positive economic impacts are anticipated as a result of increased building activity in the village and the subsequent stimulus into the local economy should further subdivision take place.

The objectives of Council's *Social Impact Assessment and Crime Prevention Guidelines* will be considered in future development applications.

Section D: State and Commonwealth Interests

10 Adequate Public Infrastructure

The subject lands are generally serviced by road, electricity and telecommunications infrastructure. Hunter Water has advised that town water and town sewer are not connect to the subject site.

Preliminary investigations indicate that there will be adequate public infrastructure to service the proposed residential subdivision (being the one (1) into two (2) lots). The subject site will be serviced by electricity, storm water, water, telecommunications and septic services. The site also possesses an all-weather access road.

A servicing strategy, which identifies the subject site's potential of 18-21 lots is to be prepared once the Planning Proposal has be approved.

11 Consultation with State and Commonwealth Authorities

When considering future development, Council will seek to consult with the following statutory authorities and agencies:

- Department of Planning and Infrastructure
- Rural Fire Service
- Office of Environment and Heritage
- Hunter Water Corporation
- Roads and Maritime Services

Part 4: Mapping

The planning proposal seeks to amend:

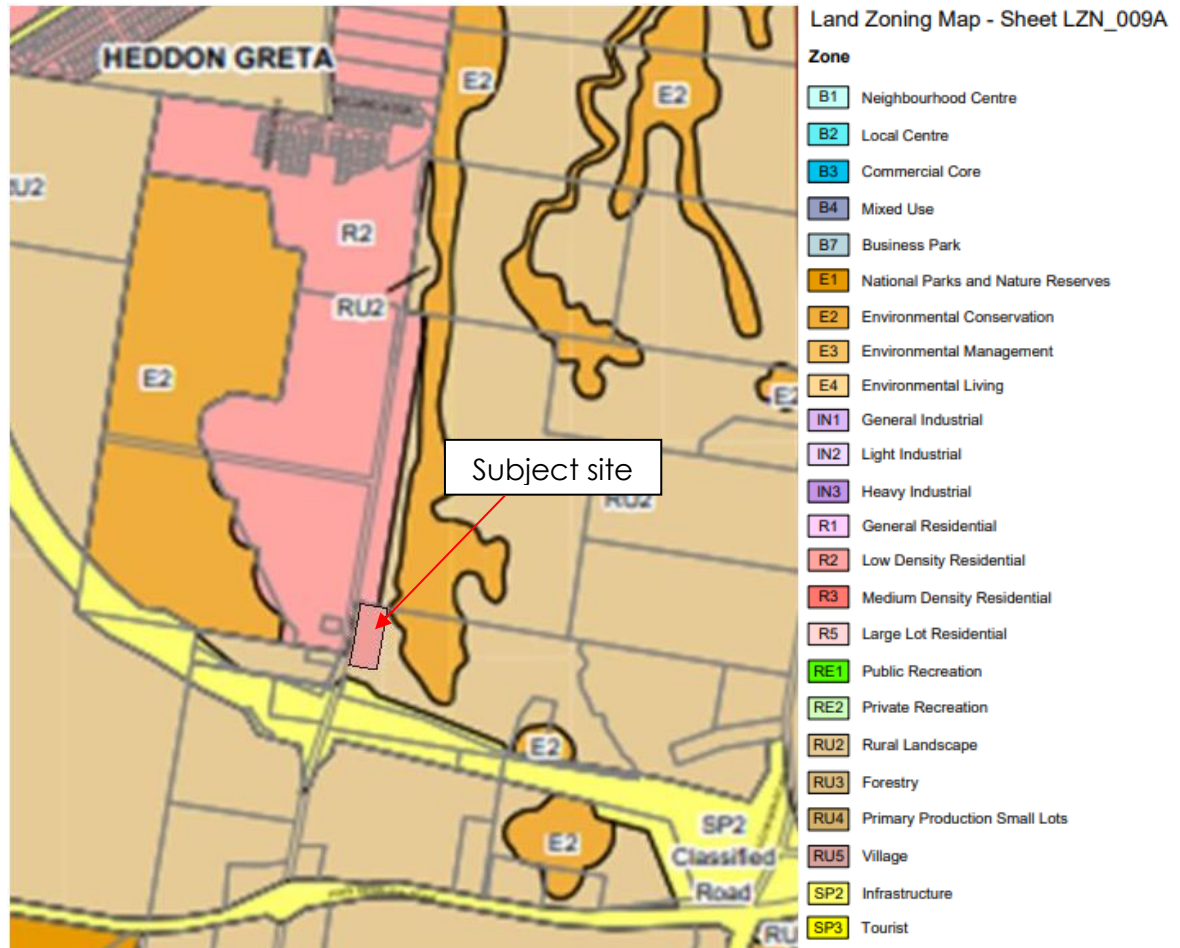
- Land Zone Map – 1720_COM_LZN_009A_040_20190611 as shown on **Map 2**.
- Minimum Lot Size Map – 1720_COM_LZN_009A_040_20190611 as shown on **Map 3**.

Map 1: Location Plan



Map 1: Locality Plan

Map 2: Land Zone Map



Map 1: Zoning Map

Map 3: Minimum Lot Size Map

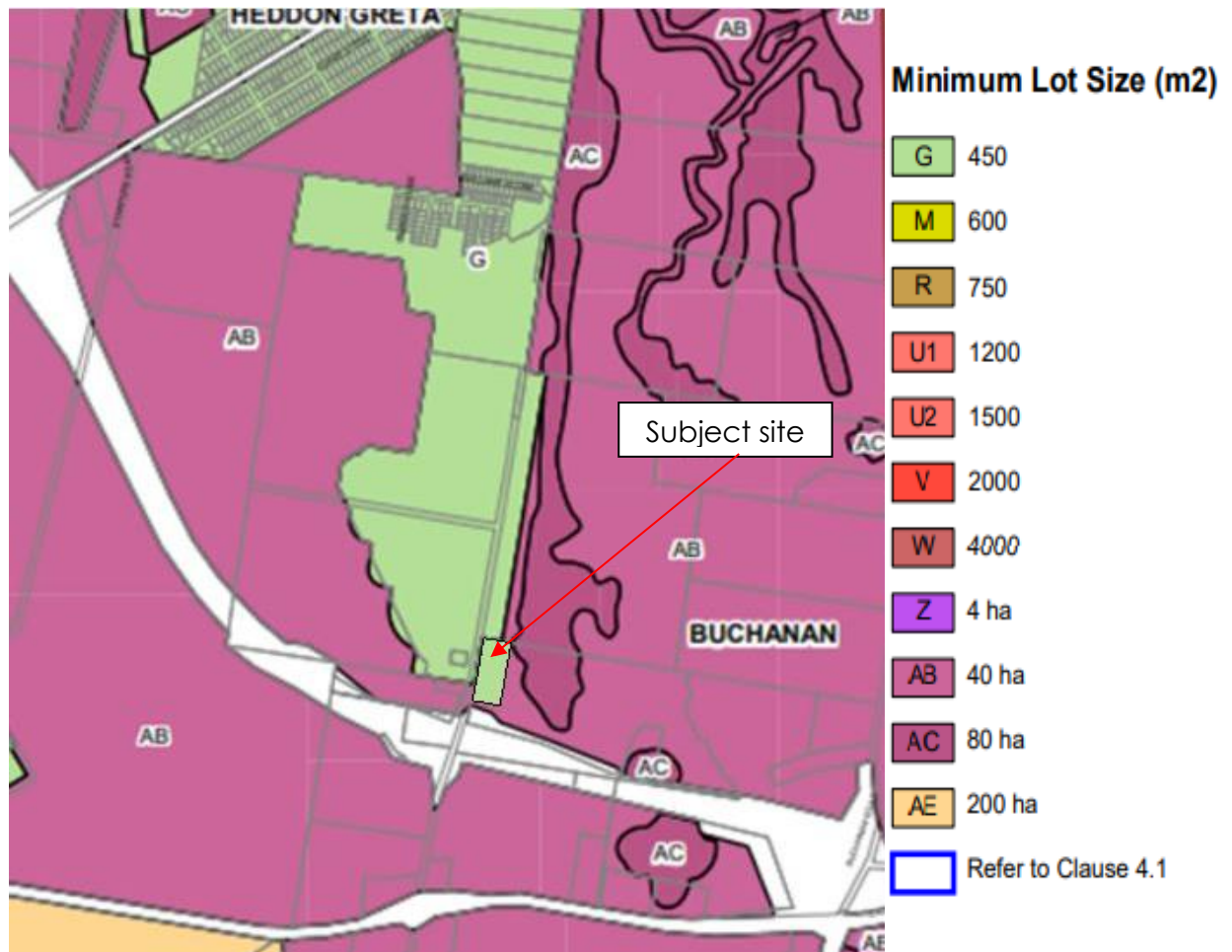


Figure 2: Minimum Lot Size Map

Part 5: Community Consultation

The Planning Proposal is being publicly exhibited for a period of 14 days in accordance with the Gateway Determination issued by the Department of Planning and Infrastructure.

In accordance with the prevailing Departmental Guidelines and the provisions of the EP&A Act the Planning Proposal will also be publicly notified for the prescribed period via:

- Council's Administration Building (Help and Information Counter);
- Cessnock Public Library;
- Kurri Kurri Public Library; and
- Council's website at www.cessnock.nsw.gov.au

Any person may make a written submission in relation to the Planning Proposal. Any views expressed in written submissions will be considered by Council before a final decision is made and the draft plan is sent to the Minister requesting that the plan be made.

In order to be considered by Council, submissions must be received by the close of the exhibition period (5:00pm on xxxxxx) and should quote "Planning Proposal (No. 259) Averys Lane Buchanan". Where a submission is made by way of objection, the grounds for objection shall be clearly specified.

Part 6: Project Timeline

The Project Timeline will assist with tracking the progress of the Planning Proposal through the various stages of consultation and approval. It is estimated that this amendment to the Cessnock Local Environmental Plan 2011 will be completed by July 2021. Technical Studies have not been identified as a component of the Planning Proposal. The Department of Planning and Infrastructure Gateway Determination may make prescriptions relating to technical studies and this may impact on the estimated completion date.

Proposed timeline for delivery of the planning proposal is as follows:

Table 3. Project Timeline

	Aug 2020	Sept 2020	Oct 2020	Dec 2020	Jan 2021	Feb 2021	Mar 2021	Apr 2021	May 2021	June 2021	July 2021
STAGE 1 Submit to DoP&I – Gateway Panel consider Planning Proposal											
STAGE 2 Receive Gateway Determination											
Stage 3 - Preparation of documentation for public exhibition											
Stage 4 - Public exhibition											
Stage 5 - Council to review submissions											
Stage 6a – Council/Briefing											
Stage 6b – Report To Council											
Stage 7 – Forward Planning Proposal to DoP&I with request amendment is made											

Appendix 4:

Traffic Impact Assessment

David Pavey Pty Ltd trading as
Pavey Consulting Services

Traffic Studies and Transportation Planning
Road Safety Reviews
Project Management and Contract Administration
Mediation and Government Relations
Water Management

2 Lot Subdivision
259 Averys Lane Buchanan

Traffic Impact Assessment

22 July 2020 Rev 2

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Restrictions on Use

This report has been prepared specifically for Mrs S Shearman as the client. No part of this report may be referred to or quoted in any way without the express written approval of David Pavey Pty Ltd. No party other than owners of 259 Averys Lane Buchanan and Complete Planning Solutions Pty Ltd may rely upon any representation in this report for any purpose whatsoever, and David Pavey Pty Ltd accepts no liability for any such party relying upon this report.

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1. Introduction

Pavey Consulting Services has been commissioned to assess the proposed traffic arrangements associated the subdivision of Lot 10 DP 1085485 at 259 Averys Lane Buchanan and to provide an opinion on any effect the proposed development may have on the surrounding area.

This report includes an assessment of the physical layout of the site, including consideration of the following traffic elements:

- Traffic generation and effect (if any) on the adjacent road network, and
- Vehicular Access,

The results of the above analyses are outlined in the following sections.

2. Limits if Report

This report takes into account the particular instructions and requirements of our client. Pavey Consulting has taken care in the preparation of this report, however it neither accepts liability nor responsibility whatsoever in respect of:

- Any use of this report by any third party;
- Any third party whose interests may be affected by any decision made regarding the contents of this report; and/or
- Any conclusion drawn resulting from omission or lack of full disclosure by the client, or the clients' consultants.

3. Site Location

This proposal is located 259 Averys Lane Buchanan.

4. Proposal

This proposal is to subdivide Lot 10 DP 1085485 into 2 lots to allow each of the two individual dwellings that already exist to be contained in their own individual lot.

Proposed Lot 10 A (2.57 ha) contains an existing dwelling and associated building and has access off the northern end of Averys Lane and proposed Lot 10B (22.62Ha) contains an existing dwelling and associated buildings and is accessed of that section of Averys Lane adjacent to the Hunter Expressway.

The proposed development application drawings are included in **Appendix A**.

5. Traffic Generation and effect on adjacent Roadway

This Traffic Impact Assessment has utilized peak hour and daily traffic generation rates from – RMS Guide to Traffic Generating Developments 2002 and its 2013 Supplement.

The current improvements on Lot 10 are serviced by Averys Lane which is a sealed local road controlled by Cessnock City Council. Averys Lane joins the greater road network at its intersection on John Renshaw Drive to the south.

Lot 10 currently contains two separate residential building as and associated facilities such as garages, barns and storage sheds.

The proposed two lot subdivision doesn't propose for any additional dwellings to be constructed at this time, although there is potential that Lot 10B could be the subject of a further subdivision at a time in the future. The proposed Lot 10B has the potential to include approximately 18-21 residential lots (depending on layout and requirements of any future subdivision) and any traffic implications of this potential would be addressed at that time when the size and scope of any future development are assessed.

Both existing dwellings have their own access onto Averys Lane

No current driveway has physical controls (i.e. medians) to prevent turning movements.

It is therefore considered that as no additional dwellings are proposed that there will be no additional vehicles generated by this development and as such will not affect the operation of the adjacent local road (Averys Lane) or its intersection with John Renshaw Drive.

6. Vehicle Access

As mentioned above each of the existing dwellings are serviced by separate access points. (see below) The proposed subdivision retains both these driveway access in their current state.



Existing Access to Proposed Lot 10B



Existing Access to proposed Lot 10A

The location of these existing vehicle crossings has adequate sight distance.

7. Conclusions

Based on the findings of this report, Pavey Consulting Services is of the opinion there are no traffic engineering related matters that should preclude approval of this development application.

Appendix 1

Appendix 5:

Biodiversity Assessment Report

BIODIVERSITY ASSESSMENT REPORT

-incl 5 Part Test Assessment of Significance-

**-Mrs Shearman-
1 into 2 lot subdivision
259 Averys Lane
Buchanan**



PREPARED BY:



OCTOBER 2020

PEAK LAND MANAGEMENT

Land management consulting services:

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-Ecological-

-Environmental-

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Cover Photo: View of the subject site.

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Document History

Document Id.	Prep. Date	Version	Submitted to:
Biodiversity Assessment Report	15.07.20	1	Complete Planning
Biodiversity Assessment Report	23.07.20	2	Complete Planning
Biodiversity Assessment Report	28.10.20	3	Complete Planning

AUTHOR DETAILS

PEAK LAND MANAGEMENT is an independent company specialising in providing quality consulting services in natural resource/land management including bush fire assessment. The company is a consultant member of the NSW Ecological Association, and accredited BAM Assessor and abides by both the NSW Ecological Association & NSW DPIE professional code of conduct and ethics. PEAK LAND MANAGEMENT is licenced with DPIE for survey and collection of threatened flora (SL 100640).

Some examples of the type of work PEAK LAND MANAGEMENT PTY LTD undertakes includes Review of Environmental Factors, Flora & Fauna Surveys/ Ecological Assessments, Bushland/Vegetation Management Plans, and Bush Fire Assessment Reports.

Mr Ted Smith is the Director of **PEAK LAND MANAGEMENT PTY LTD**. Ted has a Bachelor of Science Degree with Honours majoring in Physical Geography from the University of New South Wales, and a Graduate Diploma in Design for Bushfire Prone Areas from the University of Western Sydney. He is a qualified & experienced Ecologist being a Certified Practising Ecological Consultant Ecologist (under the NSW Ecological Association -006); Certified Bushfire Practitioner (FPA Aust-17671), and accredited Biodiversity Assessment Method (BAM) Assessor with DPIE (BAAS 17076).

Ted Smith was the author of this work, and conducted all fieldwork.



TERMS AND ABBREVIATIONS

Abbreviation	Meaning
APZ	Asset Protection Zone
AS3959-2018	Australian Standard – Construction of Buildings in Bush Fire Prone Areas
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BAR	Biodiversity Assessment Report incld 5 Part Test. Prepared when under the clearing threshold, not on BV Map (or incorrectly mapped), no significant impact on any threatened species or Endangered Ecological Community or over a declared Outstanding Biodiversity Area, or a Part 5 activity where authority chooses not to opt in to BOS scheme.
BCAR	Biodiversity Conservation Assessment Report
BDAR	Biodiversity Development Assessment Report
BSSAR	Biodiversity Stewardship Site Assessment Report
BTA	Bushfire Threat Assessment
CEEC	Critically Endangered Ecological Community
Defendable Space	An area within the asset protection zone that provides an environment in which a person can undertake property protection after the passage of a bush fire with some level of safety.
Development site	The area of native vegetation impact from the proposed development footprint.
DPIE	NSW Department of Planning, Industry and Environment
Ecological community	An assemblage of species occupying a particular area.
Ecosystem credit species	A measurement of the value of vegetation communities, EECs, CEECs and threatened species habitat for species that can be reliably predicted to occur with a PCT. Ecosystem credits measure the loss in biodiversity values at a development.
EEC	Endangered Ecological Community
EP&A Act	<i>NSW Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>
FDI	Fire Danger Index
Ha	Hectare
HBT	Hollow bearing habitat tree
Habitat	(a) an area periodically or occasionally occupied by a species or ecological community, and (b) the biotic and abiotic components of an area.
IPA	Inner Protection Area
Key threatening process	A threatening process listed in Schedule 4 of the <i>Biodiversity Conservation Act 2016</i> .
LEP	Local Environment Plan
LGA	Local Government Area
LLS Act	<i>Local Land Services Amendment Act 2016</i>
Native Vegetation	Native vegetation means any of the following types of plants native to New South Wales: (a) trees (including any sapling or shrub or any scrub), (b) understorey plants,

	c) groundcover (being any type of herbaceous vegetation), (d) plants occurring in a wetland.
Native Vegetation clearing	Clearing native vegetation means any one or more of the following: (a) cutting down, felling, uprooting, thinning or otherwise removing native vegetation, (b) killing, destroying, poisoning, ringbarking or burning native vegetation.
Native vegetation regulatory map	A native vegetation regulatory map prepared and published under Division 2 of the LLS Act 2016.
NRAR	Natural Resources Access Regulator (NSW Water)
OPA	Outer Protection Area
PBP 2006	Planning for Bushfire Protection 2006
PCT	Plant Community Type
Preferred Koala Feed Trees	Tree species used preferentially as forage for Koalas. In the context of SEPP (Koala Habitat Protection) around 65 tree species are listed regionally including Swamp Mahogany (<i>Eucalyptus robusta</i>), <i>Eucalyptus punctata</i> (Grey Gum), Parramatta Red Gum (<i>Eucalyptus parramattensis</i>), Scribbly Gum (<i>E.haemastoma</i>), Tallowood (<i>E. microcorys</i>), Forest Red Gum (<i>Eucalyptus tereticornis</i>), Narrow leafed Ironbark (<i>Eucalyptus crebra</i>) and Spotted Gum (<i>Corymbia maculata</i>).
Protected Animal	Any of the following that are native to Australia or that periodically or occasionally migrate to Australia (including their eggs and young): amphibians—frogs or other members of the class amphibia. Birds—birds of any species. Mammals—mammals of any species (including aquatic or amphibious mammals but not including dingoes). Reptiles—snakes, lizards, crocodiles, tortoises, turtles or other members of the class reptilia.
Protected plant	(a) a plant that is of a threatened species, or (b) a plant that is part of a threatened ecological community, or (c) a protected plant (as listed in Schedule 6 of the BCA 2016).
RoTAP	Rare or Threatened Australian Plant
RF Act	<i>Rural Fires Act 1997</i>
RF Regulation	Rural Fires Regulation
Species/candidate credit species	Threatened species or components of species habitat that are identified in the Threatened Species Data Collection as requiring assessment for credit species. These species cannot be reliably predicted to use an area of land based on habitat surrogates.
Study area	The locality including the subject land/development site and surrounding areas.
Subject site/land	The entire extent of the land holdings associated with the development. Includes vegetation and land that is not being developed, but may have indirect impacts upon it.
Threatening process	A process that threatens, or that may threaten, the survival or evolutionary development of species or ecological communities
VIS	NSW Vegetation Information System
VMP	Vegetation Management Plan

1.0 INTRODUCTION AND BACKGROUND

PEAK LAND MANAGEMENT has been engaged by Complete Planning Solutions on behalf of Mrs Shearman to prepare a Biodiversity Assessment Report (BAR) for a proposed 1 into 2 lot subdivision over land located at Lot 10 DP 1085485/ 259 Averys Lane, Buchanan.

Lot 10 is referred to as “subject site”, and proposed Asset Protection Zone and roads over the lot where clearing is proposed is termed “development site.”

The subject site is zoned RU2 Rural Landscape, and E2 Environmental Conservation, under Cessnock LEP 2011.

Figures 1-5 show the proposal including site plan, and subject site aerial photos and topographic map.

The report has been prepared in accordance with the *Biodiversity Conservation Act 2016* (BC Act), which is applicable for Cessnock LGA.

This report includes all ecological assessments required under the provisions of the *Environmental Planning and Assessment Act 1979*, *EP&BC Act 1999*, and *BC Act 2016*. Please note this BAR includes a 5 Part Test, and meets all requirements under the BC Act, and can be assessed by Council. It is not a Biodiversity Development Assessment Report as it is not triggered in this instance (STCA) and not required under the *BC Act 2016*, nor is any referral with NSW DPIE required.

1.1 SCOPE OF WORKS

Complete Planning advise:

The subject site is zoned RU2 Rural Landscape. It is proposed to rezone a portion of the land to R2 Low Density Residential zone. The Proponents have advised that they are only interested in a one (1) into two (2) lot subdivision at this stage and that no additional dwellings will be constructed. However, it is acknowledged that the proposed R2 area has the potential to create 18-21 residential lots (depending on layout and requirements of any future subdivision) with a minimum lot size of 450m2. Any ecology/biodiversity implication of future subdivision (other than the one (1) into two (2) lot proposed) would be addressed at that time when the size and scope of any future development are assessed.

The proposal is for:

- A proposed 1 into 2 lot subdivision.
- Construction of a subdivision boundary fence line.
- The maximum area of clearing to provide for all these proposed activities is 0.018Ha.
- All area measurements have been made using Geographic Information System (GIS), from georeferenced Nearmap images, and the site ground truthed, and reference made to SIX maps.

In this case the area of impact proposed for native vegetation removal is 0.018Ha. The proposed subdivision boundary is located over mostly cleared land, with some understorey present over the southern fence line only. No trees with hollows affected. The total impact area is therefore under the 0.5Ha threshold (see Section 2.2 re: determination) for the minimum lot size, and site is located within an area mapped on the Biodiversity Values Map (but will not affect it see below), and has no significant impact on threatened species or Endangered Ecological Communities. The development does not trigger the BOS, and does not require a BDAR.

The proposed subdivision proposal has been sited to reduce clearing (Fig 3), by being located over an existing part cleared area, reducing & avoiding impact over Biodiversity Values mapped areas, where feasible in conformation with the BC Act.

A Bushfire Report has also been prepared by PEAK LAND MANAGEMENT, dated July, 2020 which recommends dwelling ember screening upgrading only, and no clearing.

2.0 PLANNING INSTRUMENTS

2.1 FEDERAL

Environment Protection and Biodiversity Conservation Act 1999

This Act is related to actions which may have a detrimental impact on matters of National Environmental Significance (NES). This includes:

- Nationally Threatened Species (including koala) and Ecological Communities,
- Listed Migratory Species which may be relevant to this site
- Declared world heritage sites
- Ramsar Wetlands
- Nuclear actions
- Actions in a Commonwealth marine area.

For the purposes of this Act this report should be used by Council to allow an Assessment of whether the site requires approval from Department of Environment. It is an offence to carry out an action that will or is likely to have a significant impact on one of the above NES matters without first obtaining an approval from the Commonwealth Environment Minister except where an exemption in the EPBC Act applies. A BioNet database search which includes listed locally recorded federal threatened species has been produced (Appendix 3).

The site is not a Declared World Heritage Site, Ramsar Wetland, has no Federal listed Endangered Ecological Communities present, and Nuclear Actions/Actions in a Commonwealth marine area are not relevant. There is habitat present for some listed EPBC threatened species, which are addressed within the 5 Part Test where applicable. The proposal in the consultant's opinion conforms to the *EP&BC Act 1999* and does not need referring to Federal Department of Environment.

2.2 STATE

Environmental Planning and Assessment Act 1979

Austlii state:-

"This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment".

Note. Those Acts contain additional requirements with respect to assessments, consents and approvals under this Act".

The *BC Act 2016* has been addressed within this report, and therefore the relevant biodiversity sections of the *EP& A Act 1979* have been addressed also.

Figure 1: Aerial photo showing subject site and surrounds (imagery from Lands Department). North to top of all figures unless otherwise shown.



Figure 2: Aerial photo showing proposed lot 10A and surrounds



Figure 3: Aerial photo showing proposed subdivision – Lot 10A.



Figure 4: Topographic map showing subject site (imagery from SIX maps, Lands Department)

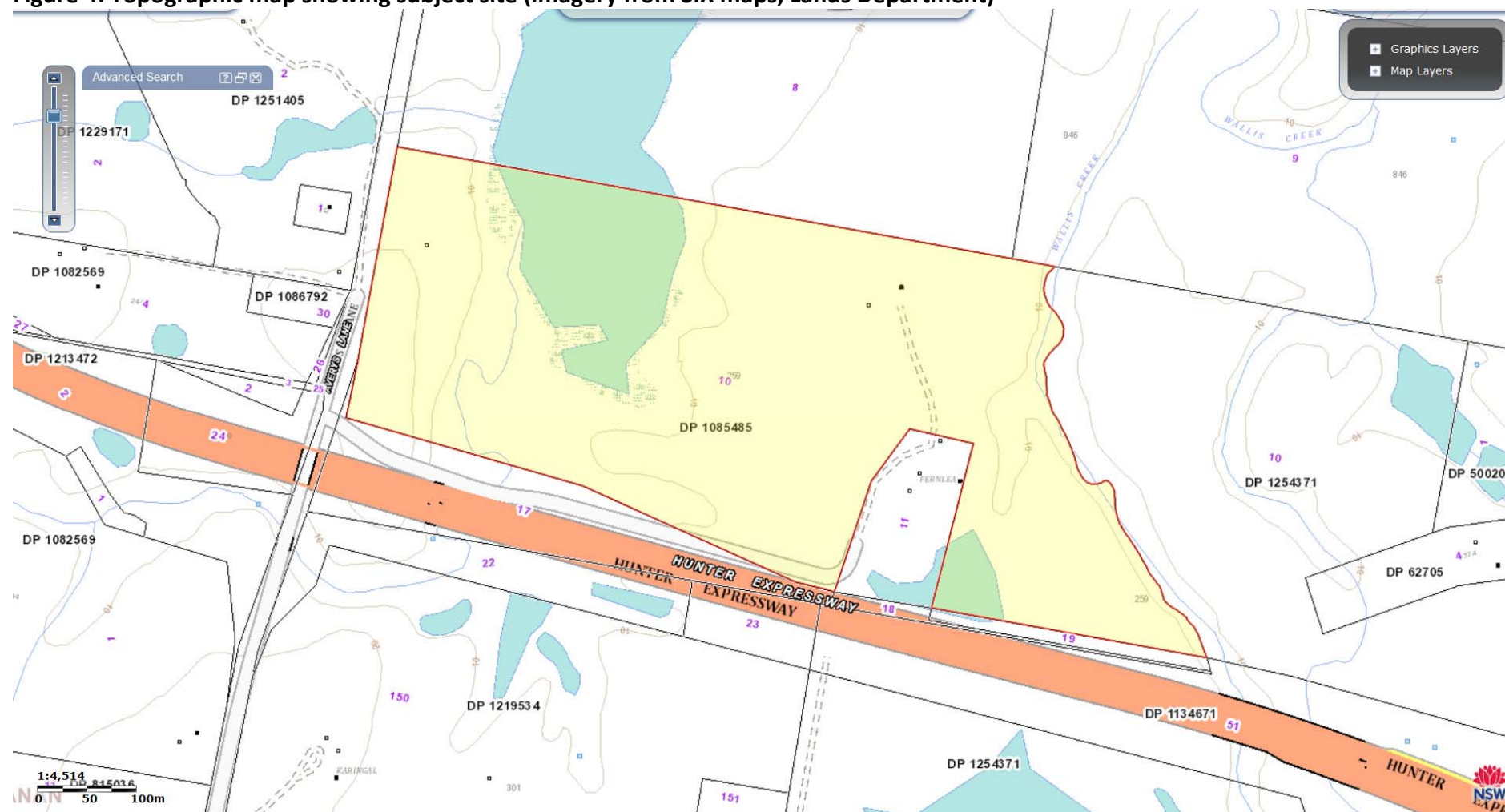


Figure 5: Site plan (Complete Planning Solutions, dated 21.07.20)

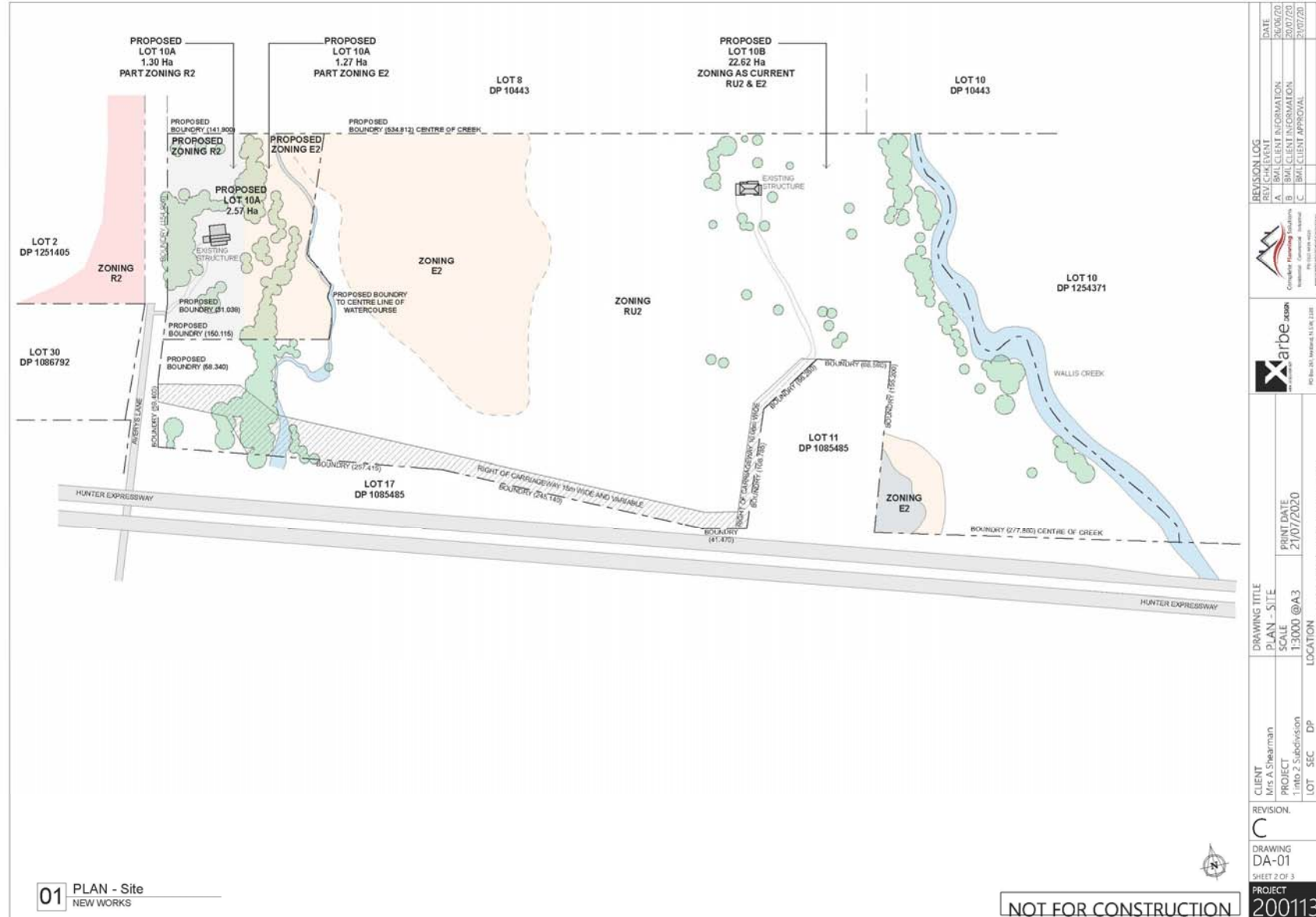


Figure 6: LHCCREMS 2003 vegetation mapping of subject site

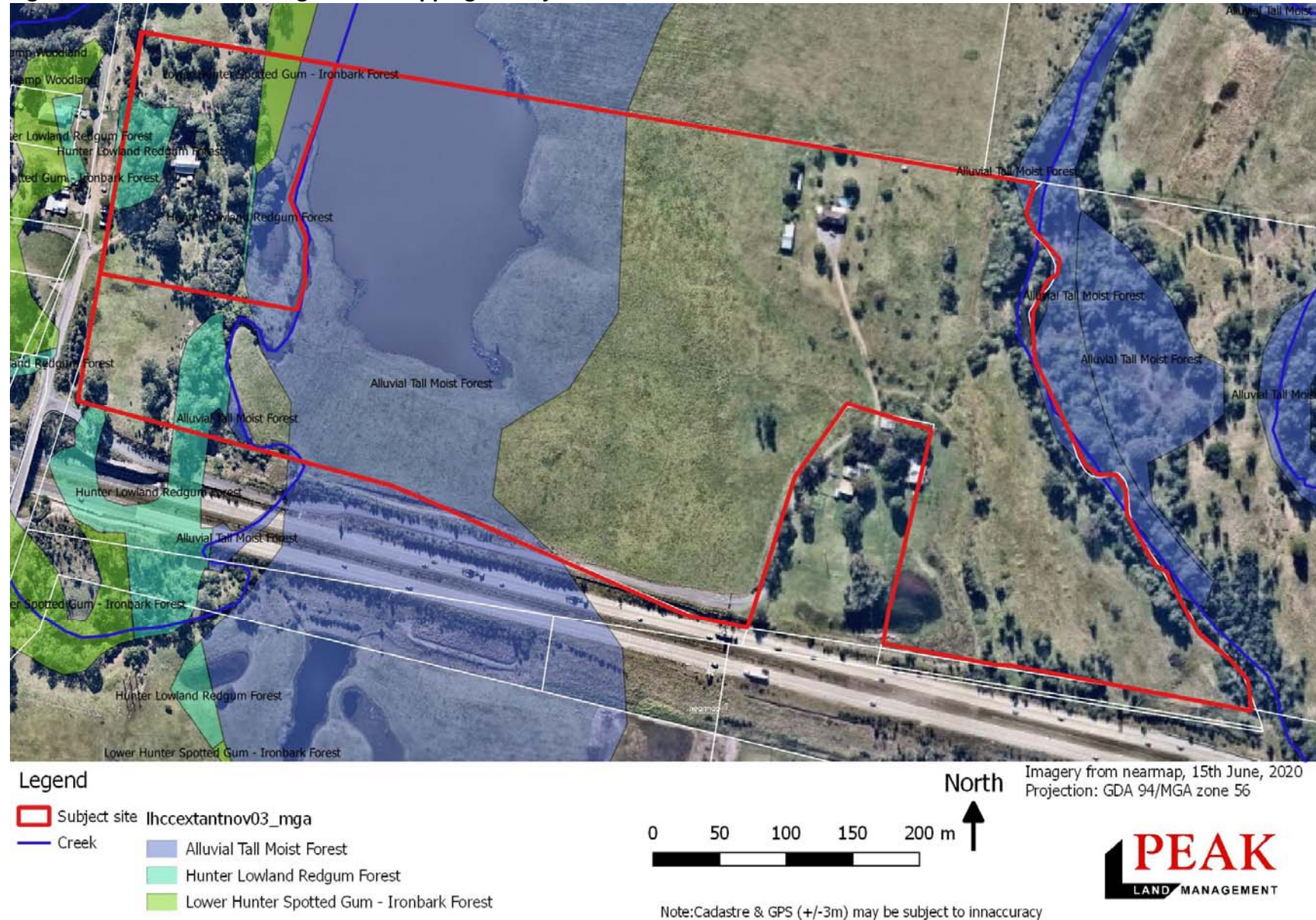


Figure 6a: LHCCREMS 2003 vegetation mapping in detail of subject site

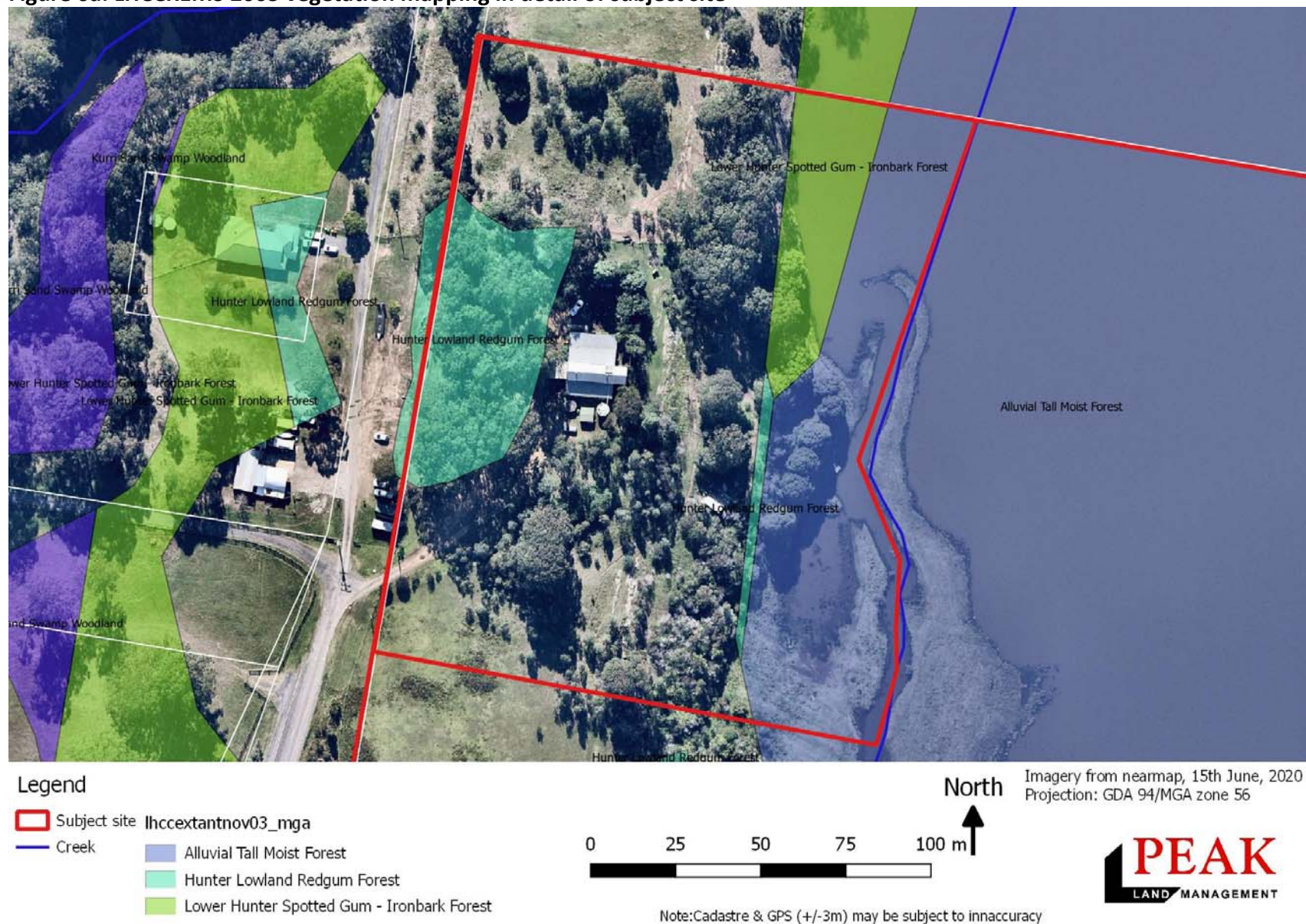


Figure 7: More accurate mapping of vegetation communities over the subject site (by PEAK LAND MANAGEMENT)

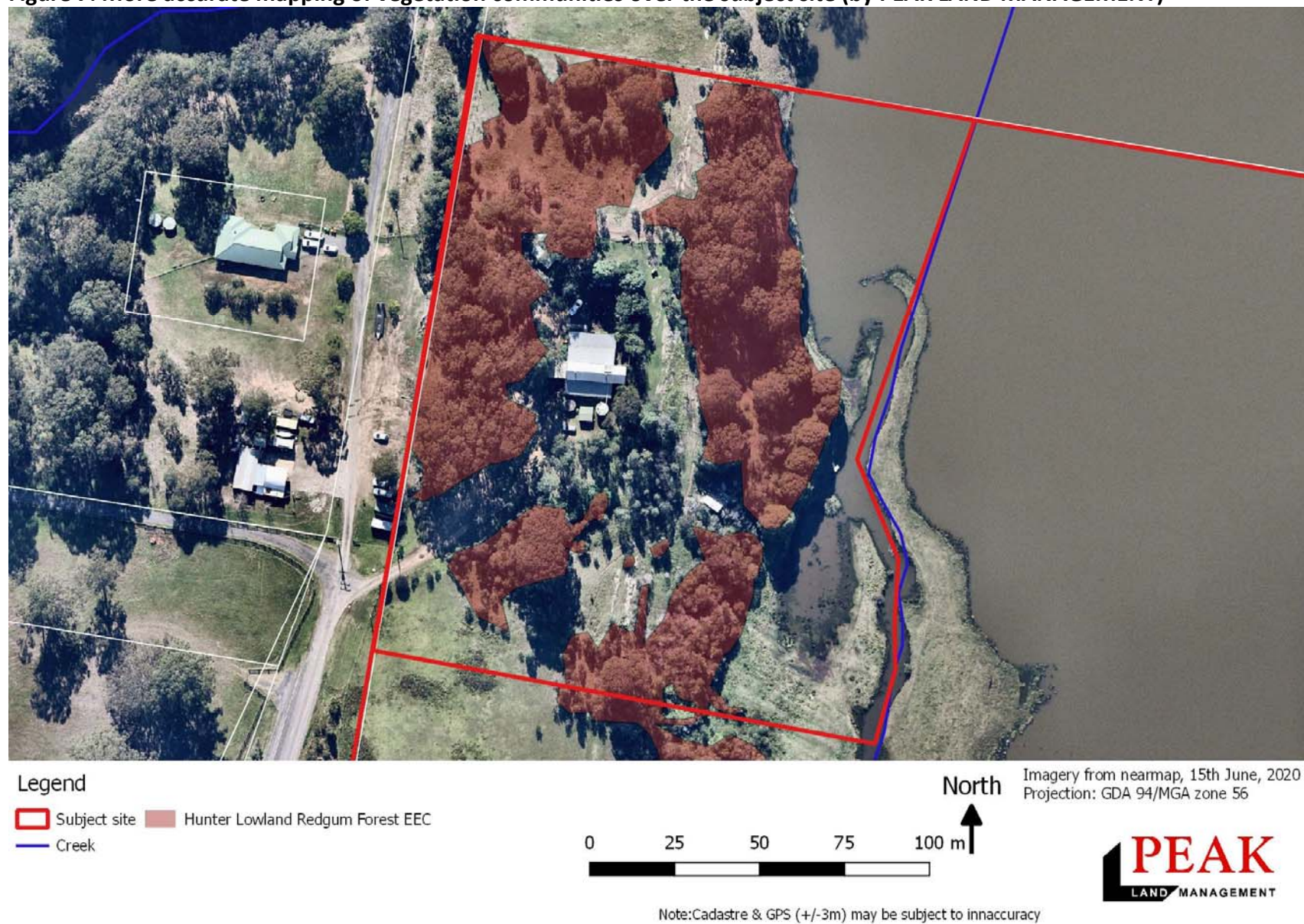


Figure 8: Proposed development impact area

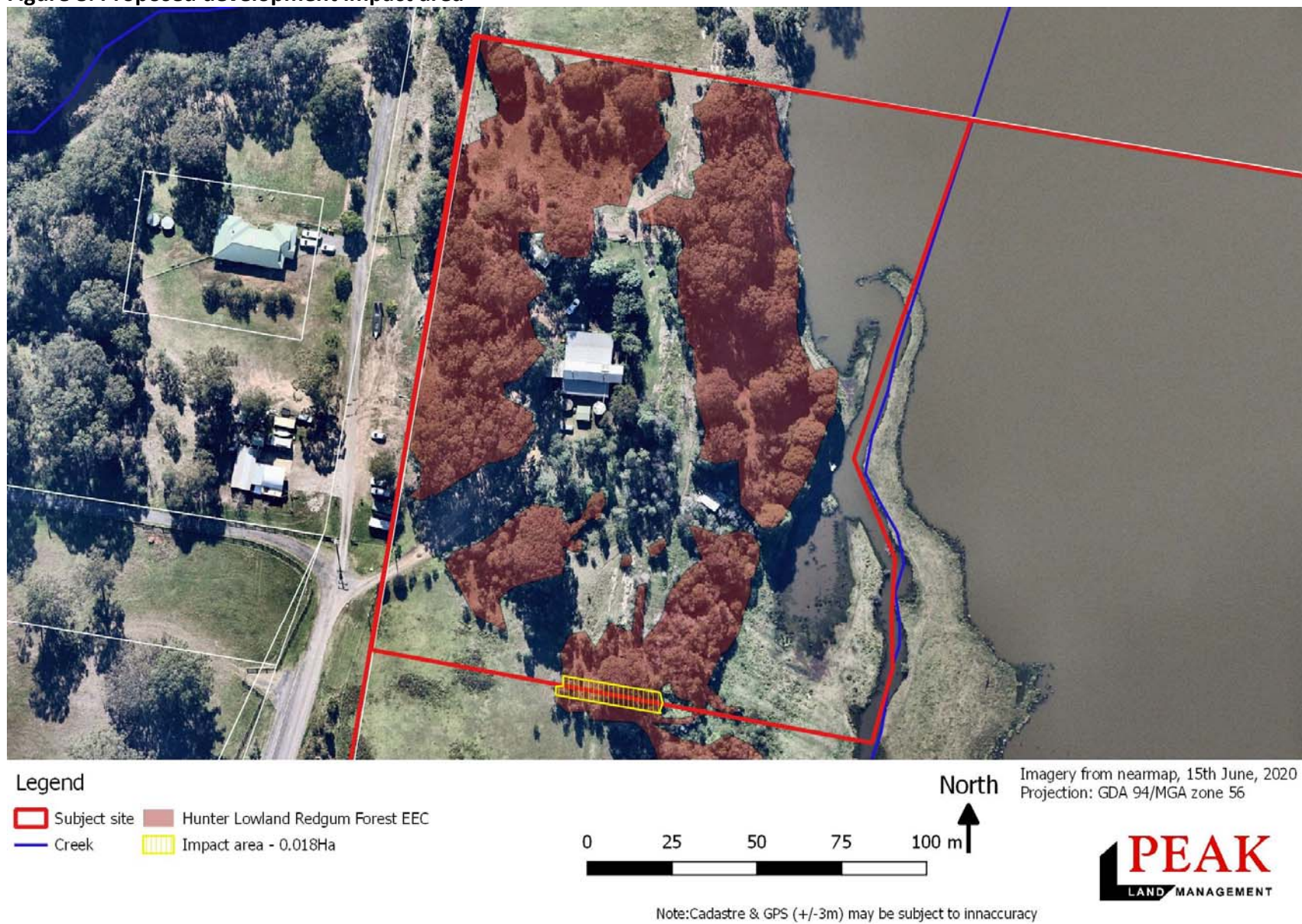
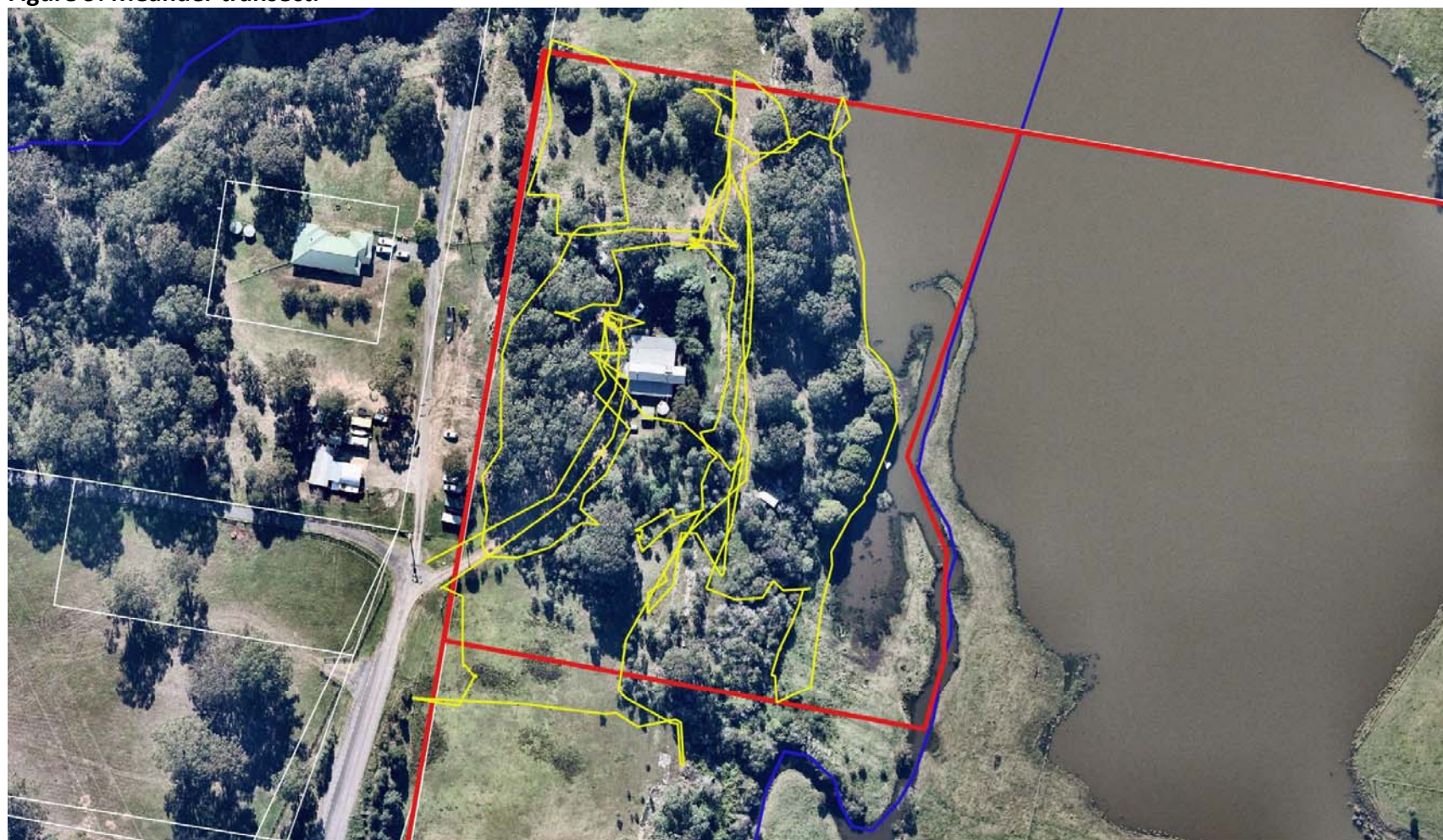


Figure 9: Meander transect.



Legend

- ▬ Subject site ▬ 29th June 2020 transect
▬ Creek

0 25 50 75 100 m

North

Imagery from nearmap, 15th June, 2020
Projection: GDA 94/MGA zone 56

PEAK
LAND MANAGEMENT

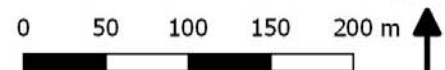
Note: Cadastre & GPS (+/-3m) may be subject to inaccuracy

Figure 10: Biodiversity Values Map of site



Legend

- Subject site
- BVMMap_V101_SEED Biodiversity/ValuesMap MultiPolygonZM
- Creek

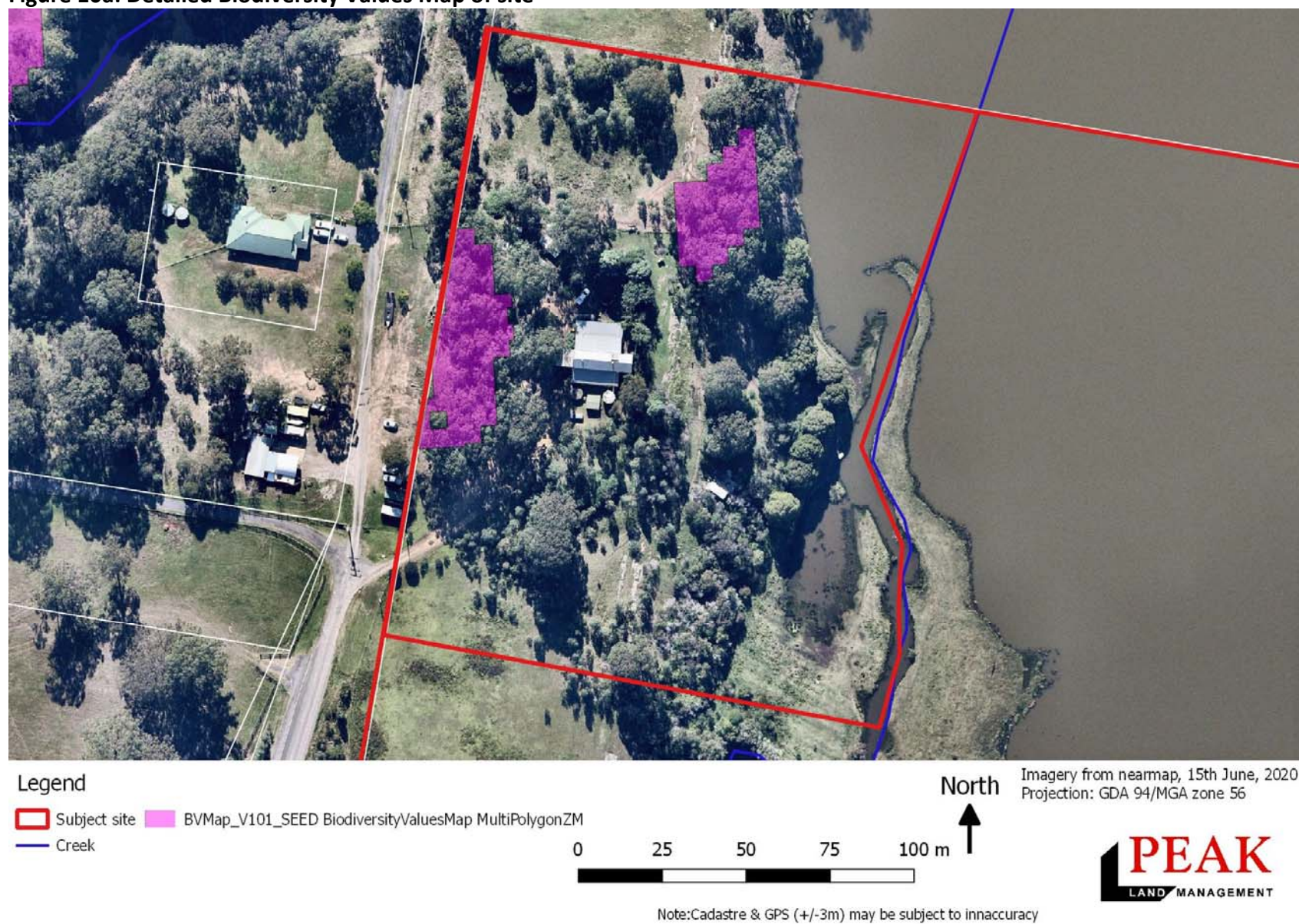


Imagery from nearmap, 15th June, 2020
Projection: GDA 94/MGA zone 56



Note: Cadastre & GPS (+/-3m) may be subject to innaccuracy

Figure 10a: Detailed Biodiversity Values Map of site



Biodiversity Conservation Act 2016.

The BC Act 2016 (enacted 25th Aug, 2017) repeals the *Threatened Species Conservation Act 1995 (NSW)*, the *Native Vegetation Conservation Act*, *Nature Conservation Trust Act 2001 (NSW)* and parts of the *National Parks and Wildlife Act 1974 (NSW)*.

The BC Act establishes a new regulatory framework for assessing and offsetting biodiversity impacts on proposed developments. Where development consent is granted, the authority may impose as a condition of consent an obligation to retire a number and type of biodiversity credits determined under the new Biodiversity Assessment Method (BAM).

The purpose of the Act (from Austlii, Aug, 2017) relevant to this Biodiversity Assessment Report is:

The purpose of this Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

OEH state: - *“The test of significance detailed in section 7.3 of the Biodiversity Conservation Act 2016 must be used to determine whether a local development is likely to significantly affect threatened species.*

Proponents will need to supply evidence relating to the triggers for the Biodiversity Offsets Scheme (BOS) Threshold and the test of significance when submitting their application to the consent authority.

Area clearing threshold

The area threshold varies depending on the minimum lot size (shown in the Lot Size Maps made under the relevant Local Environmental Plan (LEP)), or actual lot size (where there is no minimum lot size provided for the relevant land under the LEP).

The area threshold applies to all proposed native vegetation clearing associated with a development proposal – for example in the case of a subdivision; all future clearing across the lots subject to the subdivision, must be considered”. Table 1 shows the proposed clearing amount, and other details.

Table 1: Area clearing thresholds (from BC Act 2016)

Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply
Less than 1 ha	0.25 ha or more
1 ha to less than 40 ha	0.5 ha or more
40 ha to less than 1000 ha	1 ha or more
1000 ha or more	2 ha or more

Biodiversity Values Map (BV Map)

OEH 2018 (www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap) state: - *“The Biodiversity Values Map (BV Map) identifies land with high biodiversity value, as defined by the Biodiversity Conservation Regulation 2017. The Biodiversity Offsets Scheme applies to all local developments, major projects or the clearing of native vegetation where the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 applies. Any of these will require entry into the Biodiversity Offsets Scheme if they occur on land mapped on the Biodiversity Values Map. Exempt and complying development or private native forestry are not subject to the Biodiversity Offsets Scheme”.*

The subject site is mapped on the Biodiversity Values Map (Fig. 10). In this case the Biodiversity Conservation Regulation 2017 states:

Areas on the biodiversity values map where the proposal does not involve clearing native vegetation or threatened species habitat

If development within areas on the BV Map does not involve clearing native vegetation (including groundcover, trees and understorey plants) or a prescribed impact (as set out in clause 6.1 of the Biodiversity Conservation Regulation 2017) within the mapped area, the BOS is not applied based on the BV Map. Development applications need to show evidence to support this.

However, the proponent must also consider other criteria for the BOS:

- whether the area of native vegetation clearing in areas not on the BV Map exceeds the clearing area thresholds as specified in clause 7.2 of the Biodiversity Conservation Regulation 2017*
- whether the proposed development or activity is likely to significantly affect threatened species, or ecological communities or their habitats based on the test of significance in section 7.3 of the BC Act.*

In this case, the site survey has determined that native vegetation does occur over the BV mapped part of the site, however this is unaffected by the proposal as the subdivision avoids any BV mapped land.

An assessment of prescribed and indirect impacts is undertaken within Section 9 of this report which found no prescribed or indirect impacts are applicable.

Therefore this proposal does not trigger the BC Act full BDAR assessment requirements (Table 2) under this criteria.

5 Part Test

Under the *Biodiversity Conservation Act 2016 (Sect 7.3)*, a 5 Part Test is undertaken to determine whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.

Under the *Biodiversity Conservation Act 2016* Part 4 development work will require a 5 Part Test for any clearing of native vegetation, impacts over threatened flora/fauna species and Endangered Ecological Communities.

The “Five Part Test of Significance” was required in this instance as this proposed development is Part 4 under the Act, and proposes vegetation clearing, which also provides habitat for some threatened species & is an Endangered Ecological Community.

It found there was no significant impact over any threatened species (subject to Council approval), Endangered Ecological Communities or Endangered Populations (see Section 6).

This report has also addressed other relevant ecological factors over the site such as threatened species observations, Endangered Ecological Communities, hollow bearing habitat trees, other habitat features such as caves, hollow logs, connectivity, water bodies/creeks, and details amount of native vegetation clearing proposed for the development.

Table 2: Summary of BC Act triggers applicable to the subject site

Land zone & Development type (under EP& A Act) & land type under LLS Act	Trigger to enter BC Act	Minimum lot size associated with the property	Applicable threshold for clearing, above which the BAM and offsets scheme apply	Biodiversity Values mapped over site?	Proposed clearing (Ha)	5 Part Test Assessment of significance required?	Full BDAR required
RU2 & E2 – Part 4 development	Cat 2 land	40 ha	1 Ha	Yes	0.018Ha	Yes	No*

*See 5 Part Test results, no significant impact on any threatened species, Endangered Ecological Community or critical habitat was found.

NSW DPIE state: When a lot covers more than one zone and has different minimum lot sizes, the smallest minimum lot size is used to calculate whether the area clearing threshold has been triggered.

Planning data obtained from www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/lot, and Native Vegetation Regulatory map, June 2020.

Local Land Services Act - Land Management Code (from <https://www.lls.nsw.gov.au>)

A development approval is not required if the proposed activity is on rural zoned land (under the local council's Local Environment Plan) and you are proposing to undertake agricultural activities.

Note: Rural land is defined as land zoned as RU1, RU2, RU3, RU4, RU6 and deferred matters. RU5 is considered not to be rural land.

If your proposed activity is on an area zoned as non-rural (e.g. urban, peri-urban, environmental zones) under a local council's Local Environmental Plan) then the Biodiversity Conservation Act will need addressing.

Options for managing native vegetation on your property are determined by the category of your land. Rural land in NSW is categorised into:

- *Exempt land (Category 1)*
- *Regulated land (Category 2)*
- *Excluded land (Category 3).*

If your land is Rural, and an agricultural activity proposed, and classed as 'exempt' (Category 1), and therefore unregulated, you can remove native vegetation so long as you do not knowingly harm an animal or damage the habitat of an animal that is a threatened species or part of a threatened ecological community (i.e. do not need to address BC Act).

In this case the site is unmapped, and is zoned Rural Landscape (being RU2) over the proposed subdivision Lot 10A, which is classed as rural land under the LLS Act.

The land category where not mapped on the Native Vegetation regulatory map is determined on site by the consultant/Council. Part of the site is mapped as E2, which is considered excluded land under the LLS Act and is not affected by the proposed subdivision. The unmapped part of the site has trees which predate 1990, therefore these vegetated parts of the site meet the criteria of Category 2 land. Therefore the BC Act will need addressing.

Water Management Act, 2000 – Riparian Management Water Management (General) Regulation 2018

This Act is administered by the Natural Resources Regulator (NRAR) and controls works along rivers and foreshore areas of streams or drainage lines, termed waterfront land where within 40m of a mapped (as shown on a topographic map) lake or creek.

The proposed subdivision boundary between Lots 10A & 10B is over the middle of Wallis Creek. Therefore the proposal has a direct impact over the creeks, by way of proposed fence line to be erected. It was not known at time of writing if this fence line is proposed to be barb wire. There will also be minor vegetation clearing proposed over the riparian zone for the subdivision southern boundary. This is over previously cleared land which now has some native shrub & lantana regrowth. However the subdivision proposed fence line is within 40m of a water body/waterfront land, which is a fourth order stream with 40m riparian zone applicable (Wallis Creek).

It is Councils prerogative whether the proposal should be referred to NRAR.

Appropriate erosion and sedimentation control principles, should be followed nevertheless for any works to prevent sedimentation/water quality runoff & indirect impacts on local creeks.

State Environmental Planning Policy (Koala Habitat Protection) 2019.

Austlii state:

“This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline:

- (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and*
- (b) by encouraging the identification of areas of core koala habitat, and*
- (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.*

In this Policy:

“core koala habitat” means:

- (a) an area of land where koalas are present, or*
- (b) an area of land -*
 - (i) which has been assessed by a suitably qualified and experienced person in accordance with the Guideline as being highly suitable koala habitat, and*
 - (ii) where koalas have been recorded as being present in the previous 18 years.*

Koala habitat means koala habitat however described in a plan of management under this Policy or State Environmental Planning Policy No 44—Koala Habitat Protection, and includes core koala habitat.

Highly suitable koala habitat - Where 15% or greater of the total number of trees within any PCT are the regionally relevant species of those listed in Schedule 2 (see Appendix A), the site meets the definition of highly suitable koala habitat.

If highly suitable koala habitat has been established (via the above survey), the presence or past records of koalas must also be established.

In addition to site surveys, there must also be a consideration of existing records spanning the previous 18 years (3 koala generations). The site area is considered to contain habitat that meets the definition of core koala habitat, provided the site contains highly suitable koala habitat (identified via the above survey) and where a record or records exist within the last 18 years, within the following maximum distances from the site:

- *2.5 kilometres of the site (for North Coast, Central Coast, Central Southern Tablelands, South Coast KMAs)*

A council is not prevented from granting consent to a development application for consent to carry out development on land if—

(a) the land—

(i) is not identified on the Koala Development Application Map, or

(ii) does not have an approved koala plan of management applying to the land, or

(b) the council is satisfied that the land is not core koala habitat.

The Koala Development Application Map identifies areas that have highly suitable koala habitat and that are likely to be occupied by koalas. Landholdings captured by the map (whether the whole lot or only a portion is covered) need to consider the impact of their development on koalas or need to undertake a survey if they believe the map has been incorrectly applied to their land (in accordance with Appendix C). The Koala Development Application Map applies where there is no approved Koala Plan of Management for the land and identifies which areas trigger the development assessment requirements for core koala habitat.

The Site Investigation Area Map for Koala Plans of Management identifies areas that are likely to have koala use trees and excludes areas with a low probability of koala habitat. This map identifies areas councils should investigate when identifying core koala habitat in Koala Plans of Management and the extent to which core koala habitat can be identified.

The development control provisions of the SEPP apply to development applications relating to land within a council area listed below and:

- *Where there is an approved Koala Plan of Management for the land the development application must be consistent with the approved koala plan of management that applies to the land.*
- *Where there is no approved Koala Plan of Management for the land, if the land*
 - *is identified on the Koala Development Application Map, and*
 - *has an area of more than 1 hectare, or*
 - *has, together with any adjoining land in the same ownership, an area of more than 1 hectare, whether or not the development application applies to the whole, or only part, of the land.*

This SEPP applies across NSW to Council LGA areas listed in Schedule 1 (excludes some Sydney Councils) land, and is not a National Park or Forestry Reserve. Therefore this SEPP applies, and will be addressed here.

The site is mapped on the *Koala Development Application Map* (Fig 11), that is affected by the proposal with no tree clearing proposed in that area.

Feed trees as listed under this SEPP do occur over the development site being:

- *Casuarina glauca*, Swamp Oak;
- *Corymbia maculata*, Spotted Gum;
- *Eucalyptus siderophloia*, Grey Ironbark;
- *Eucalyptus tereticornis*, Forest Red Gum;

These trees are >15% density and no trees are proposed for removal. There are no Bionet records of Koala in this locality, with the closest being over 4kms to the south (Fig 12).

No scats, tree use marks or visual sightings of koalas were seen on or around any part of the site.

Core koala habitat as defined under the SEPP is therefore not present, as although >15% density of feed trees present, no Bionet records exist within the last 18 years within 2.5 kilometres of the site, and no feed trees impacted.

The proposed works conform to this SEPP, and no further koala studies are considered required under this SEPP.

NSW Rural Fire Service 10/50 Vegetation Clearing Code of Practice for NSW.

NSW Rural Fire Service state:

“The 10/50 Vegetation Clearing Scheme was introduced following the devastating 2013 bush fires in which more than 200 properties were destroyed. If you live in an area close to the bush, you need to prepare your home. The 10/50 Vegetation Clearing Scheme gives people living near the bush an additional way of being better prepared for bush fires.

The scheme allows people in a designated area to:

- *Clear trees on their property within 10 metres of a home, without seeking approval; and*
- *Clear underlying vegetation such as shrubs (but not trees) on their property within 50 metres of a home, without seeking approval.*

You can now find out if your property is in a 10/50 Vegetation Clearing Entitlement Area using our online tool”. This site is within a designated 10/50 Vegetation Clearing Entitlement Area as it is mapped as Bush Fire Prone Land. This Code of Practice has been taken into account, with survey extending 50m from existing dwelling.

2.3 LOCAL

The relevant local government is Cessnock City Council. The land is zoned RU2, E2 and SP2. Environmental reporting is required on land where any development, and particularly any native vegetation removal, is proposed, which this report addresses.

2.3.1 DRAFT LOCAL ENVIRONMENTAL PLANNING INSTRUMENTS

No other draft planning instruments have been identified.

Figure 11: SEPP Koala Application Map, 2020

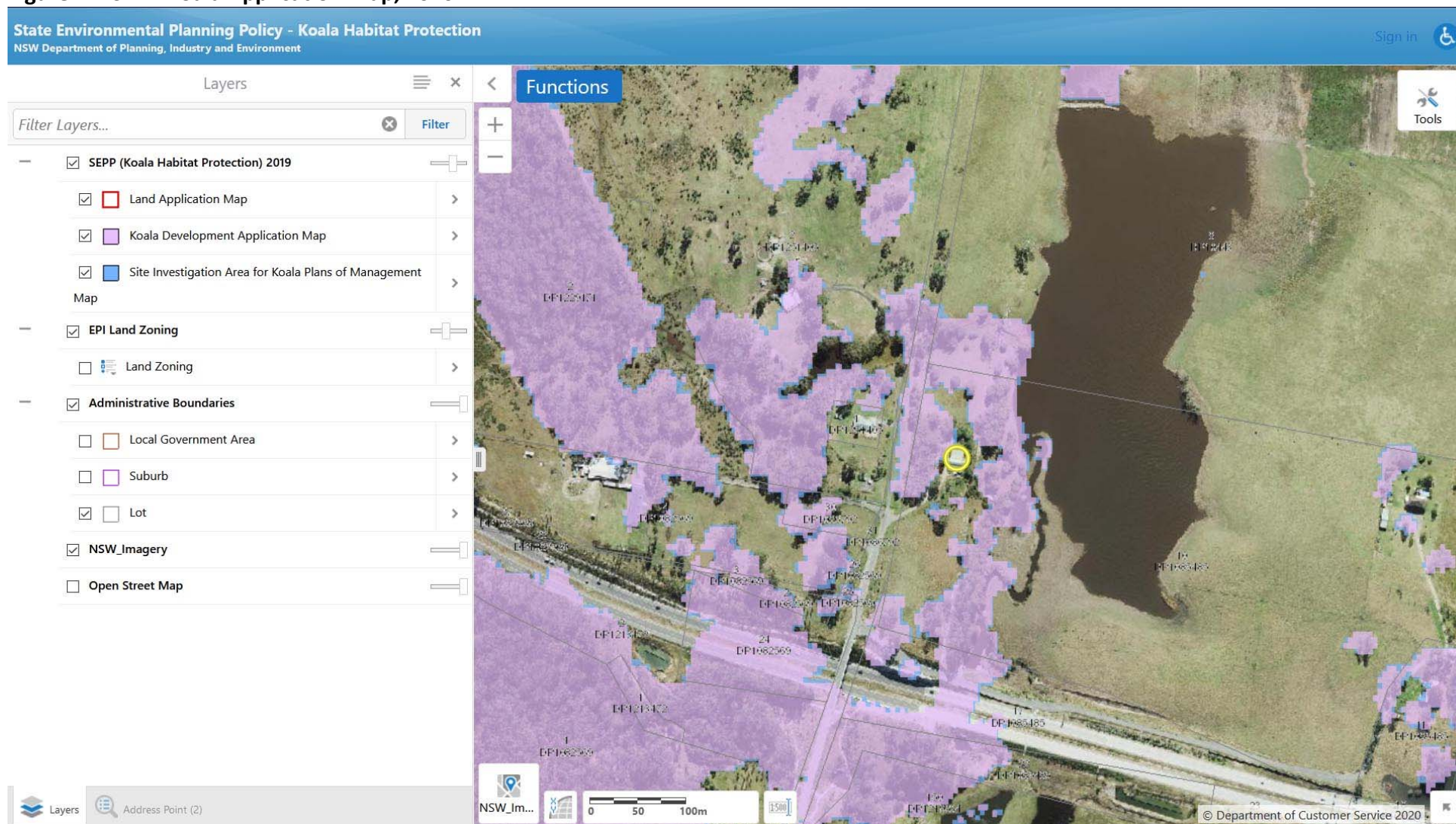
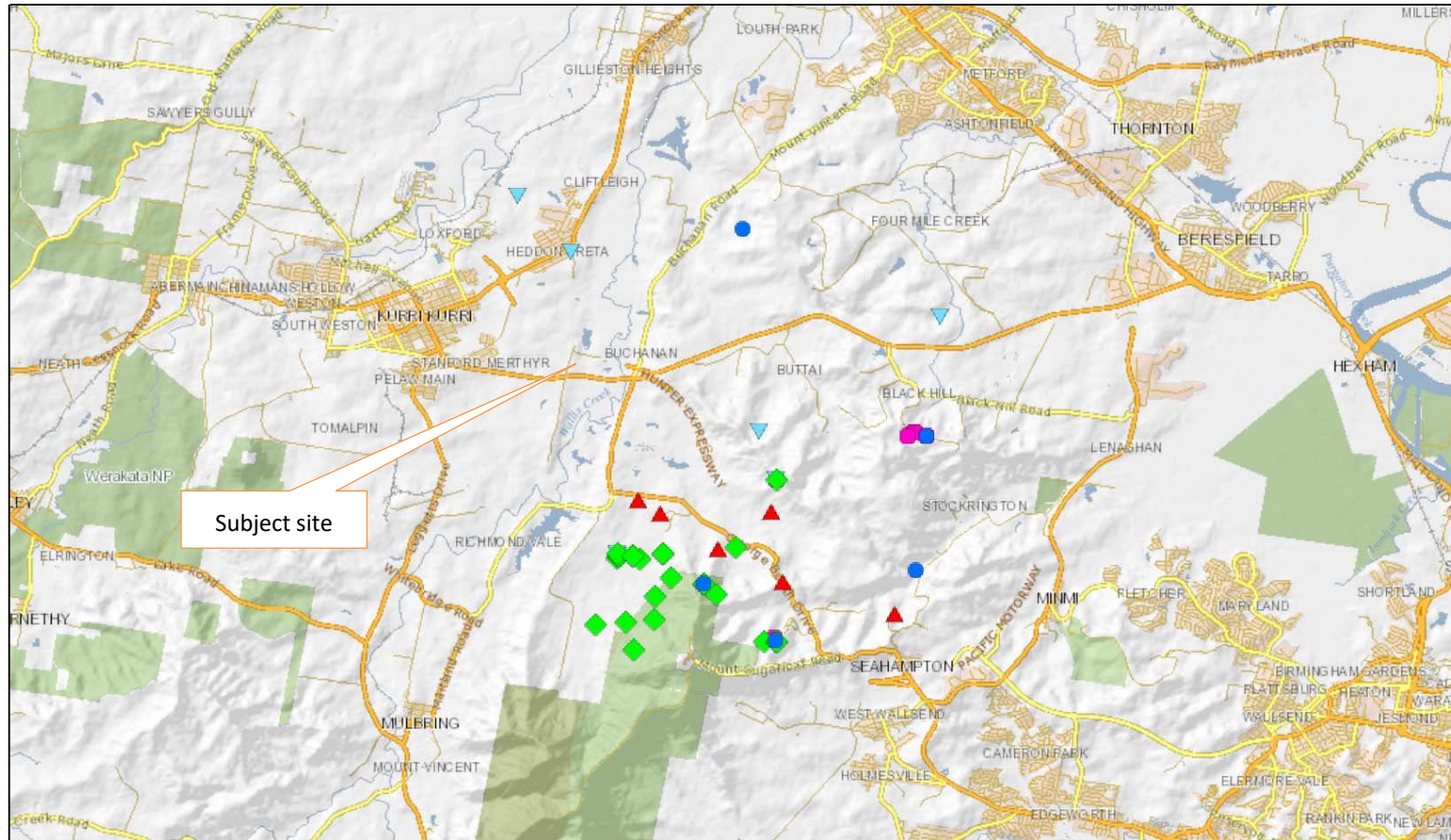


Figure 12: BioNet records of Koala, Swift Parrot and Gliders within 10km of site.

259 Averys Lane Buchanan



July 14, 2020

drawGraphics_poly

Override 1

▲ Swift Parrot (*Lathamus discolor*)

● Koala (*Phascolarctos cinereus*)

◆ Yellow-bellied Glider (*Petaurus australis*)

▲ Squirrel Glider (*Petaurus norfolcensis*)

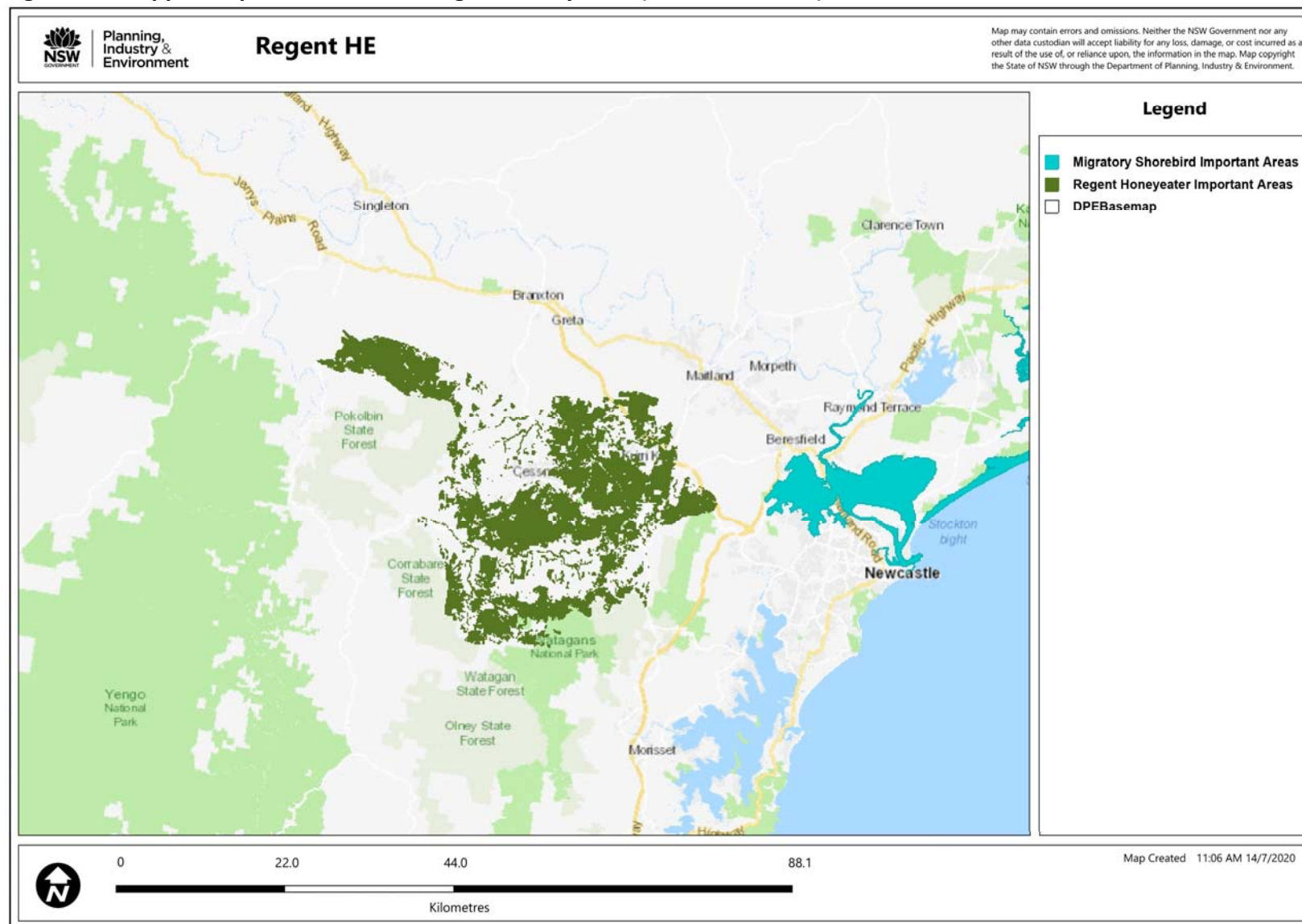
◆ Greater Glider (*Petauroides volans*)

1:125,000

0 1 2 4 mi
0 1.75 3.5 7 km

Copyright 2017

Figure 13: Mapped important areas for Regent Honeyeater (from OEH, 2020)



3.0 SITE ASSESSMENT

3.1 DISTURBANCE HISTORY

The development site has a variety of disturbance processes occurring including:

- Past clearing of understorey and selected trees over most of the subject site, including for existing dwelling, access road, dwelling surrounds, floodplain,
- Ongoing slashing, cattle & horse grazing over the entire site;
- Weeds present over site;
- Existing fence through Wallis Creek;
- Feral animals– domestic dogs, foxes, rats/mice & cats.

3.2 CONNECTIVITY

Native vegetation occurs over part of the site and surrounds, but is limited to predominantly tree cover with most understorey removed/grazed. There is some understorey along parts of a steep bank adjoining Wallis Creek floodplain. There are patches of remnant vegetation over the subject site, including off site to the south (but freeway stops all connectivity further south), and north, and west. Connectivity is fragmented to these remnants, with grazed cleared areas and roads/dwellings/dogs present.

The proposal is not anticipated to affect terrestrial wildlife corridor connectivity.

3.3 WATER COURSES

Wallis Creek flows through the property. The proposal subdivision boundary is located over the middle of Wallis Creek, and may affect the creek directly. Recommendations are made to avoid any impacts.

3.4 SOILS, GEOLOGY AND TOPOGRAPHY

Soils occur on the property as a result of parent material, geology, slope, landscape position, land use, aspect, time, and to a lesser degree vegetation and climate. The soil landscapes have been derived for this area by Kovac and Lawrie, 1985. Soil landscapes are mapped using a combination of slope, soil type, and terrain to give a broad picture of major soil groups occurring over the landscape. The soil landscape over the site is considered to be equivalent to:

- Wc (Wallis Creek). Landscape- narrow (<500m) to moderately broad (1000m), level to gently undulating floodplains on Quaternary alluvium. Local relief is up to 2m, slopes are 0-3%, elevation to 20m. Cleared tall open forest. Soils- deep (>200cm), well to imperfectly drained Alluvial Soils (Um1.23) and Siliceous Sands (Uc1.23) on floodplains with some imperfectly to poorly drained, deep (>200cm) Alluvial Soils (Dy2.12, Um1.23) on back swamps and ox-bows. Limitations- flooding, permanently high water tables, high run-on, high stream bank erosion hazard, ground water pollution hazard, non-cohesive soils of low fertility.

- Hg (Heddon Greta). Gently undulating rises on shallow windblown sand deposits which blanket Permian sediments. Moderately deep Yellow & Red Podzolics with some deep sands. Strongly acid, low fertility soils.

4.0 FAUNA AND HABITAT SURVEY

4.1: METHODOLOGY LIMITATIONS

A fauna survey was conducted for birds (voice- recorded where necessary for identification, and visual by binoculars), amphibians (voice, recorded where necessary for identification), mammals (visual, scats, tree scratch marks, burrows, footprints), and reptiles (visual) on the day of survey.

No trapping, hair sampling, pit fall traps, owl or anabat call detection, aquatic survey, or spotlighting occurred. Hollow bearing habitat trees were not recorded over the development site.

This reduced fauna survey effort was considered satisfactory given relatively small area of clearing, and no requirements to do so under the BC Act as under clearing threshold.

In addition to on site fauna survey, habitat assessment, and research using BioNet records, and other records where available have been used to determine possible occurrence of threatened species. If suitable habitat is present, and Wildlife Atlas- BioNet records occur in the local area, an assumption has been made that potential threatened fauna species listed in Appendix 3 BioNet search may occur.

Several factors limit the ability of surveys such as this ecological investigation to fully determine the occurrence of all species of fauna which may utilise the subject site. Surveys undertaken over a short time period are unlikely to document the full inventory of fauna species which may occur in the study area.

In the case of highly mobile fauna such as birds and bats, many species may utilise the site only temporarily as a component of their larger foraging range, or may occur in the study area or locality during particular periods of the year, such as their seasonal migratory path.

Table 3: Flora & fauna survey effort

Type of survey	Survey dates	Weather conditions	Survey outline	Survey Effort
Flora transect	27 th July, 2020 3pm-5pm	20°C, clear low wind.	Systematic flora survey and targeted threatened species surveys over site including parallel 5m wide transects, and meander transect over surrounds.	2hrs
Diurnal birds, searches	27 th July, 2020 3pm-5pm	20°C, clear low wind.	Targeted surveys using binoculars, auditory surveys, scats/owl pellets, and searches for feathers and nests	2hrs
Diurnal fauna searches	27 th July, 2020 3pm-5pm	20°C, clear low wind.	Opportunistic and targeted searches for fauna, including searches for scat, tracks, hollows and nests.	2hrs

4.2: SURVEY RESULTS

Survey was undertaken on the 27th July 2020. Weather for the survey was fine and dry, being around 20°C, with low winds. The survey was conducted during the hours of 3:00pm- 5:00pm. Transect location is shown in Figure 9.

A limited number of birds were recorded over or near the subject site (Appendix 2). The survey covered lands over the subject site.

In summary:

- The subdivision site proposed clearing/ habitat loss is limited to 0.018Ha, which comprises native shrubs, weeds, and predominantly slashed and grazed grass understorey with no trees proposed for removal, and no hollow bearing habitat trees affected by the proposal. All trees to remain.
- No threatened fauna species recorded.
- The proposal is not anticipated to affect wildlife corridor connectivity over the study area with retention of most of the vegetation outside of the development.
- No impact over any creek riparian zones by proposed development, apart from a fence.
- SEPP Koala Habitat Protection feed trees present, in densities >15%, however no Koala scat was recorded, and no local Bionet records within 3km of site.
- The site offers suitable foraging & shelter habitat for a selected number of threatened species in Appendix 3 including microbats, mammals (Squirrel Glider), reptiles and amphibians with a waterbody nearby.
- The site has no hollow bearing habitat trees recorded during the survey, no hollow fallen logs, and a small rock outcrop/escarpment (no caves seen).

From this assessment and Wildlife Atlas records there is potential habitat over the subject site for:

- Bats :-Suitable foraging habitat present. Bats can exist quite well in scattered paddock trees/remnant patches of bushland with flyways present through the forest, and microbats such as Eastern Cave Bat, Little Bent Wing Bat, Grey Head Flying Fox, East-coastal Free tailed Bat, Large-eared Pied Bat and Large Bent-winged Bat are all likely to occur.

The proposed development will have a very low impact on bats due to no impact over any hollow bearing trees or caves and they are tested further within the 5 Part Test.

- Birds, including owls: - Suitable foraging habitat over the site. No impact on native trees, including winter flowering gums such as Spotted Gum, no hollows present for nesting/roosting for birds recorded.

Due to bird's mobility and large home ranges, and surrounding large expanses of suitable habitat, impact is expected to be low with no hollows/ potential owl roost sites affected. Negligible impact on birds.

- Reptiles/amphibians:-

There is habitat present for amphibians & reptiles within the proposed development site, however no threatened reptiles or amphibians have been recorded on Bionet, and a very low direct impact (fence line) anticipated, and they are not further tested.

- Mammals:-

Habitat is considered suitable for mammal species including Squirrel Glider, Greater Glider, Koala with very low direct impact from minor native vegetation removal and no loss of any HBT's. They are therefore tested within the 5 Part Test.

5.0 FLORA SURVEY RESULTS

5.1: METHODOLOGY AND LIMITATIONS

Vegetation was assessed on site by a transect (after Cropper 1993) over the development site and surrounds. All transects, and any hollow bearing trees or threatened species were recorded by a Garmin handheld GPS 60CSx unit, generally accurate to within 3m depending on canopy cover (reading +/- 3m accuracy at time of survey). A transect was undertaken. Figure 9 shows the results. Special attention was paid to any potential threatened species. This has enabled identification and assessment of most species on the development site immediate surrounds. The survey is limited by:

- Non flowering of cryptic orchid/grass/other species at time of survey as described above making identification impossible/problematic. No threatened orchids or other cryptic threatened species within this area and therefore flora survey is adequate at this time of year.

To help overcome these limitations surveys are carried out where feasible during known flowering seasons, and if this cannot occur and habitat requirements are suitable for a species to be present then an additional targeted survey will be recommended if impact is expected. Any plants that were not readily identifiable in the field were sampled and analysed in the office. Potential threatened species are sent to NSW Herbarium for identification /ratification, and NSW DPIE informed of locations for recording on the NSW BioNet database as per NPWS scientific licence requirements. This was not required in this instance.

5.2: RESULTS

In summary:-

- 74 flora species were recorded on the site (Appendix 1), comprising 43 native flora species, no threatened species, and 31 weed species including 7 declared priority weeds.
- The site has low flora biodiversity, with one native state listed EEC (*Hunter Lowland Red Gum Forest*). No impact over this EEC is proposed.
- Site is slashed and grazed regularly, but retains part native tree overstorey & understorey where mapped in Fig 7.
- Some tree planting of exotic, and non-endemic and endemic native species has occurred around the house.
- High weed presence.

The LHCCREMS map (Fig 6) is considered somewhat inaccurate in this case, and a more accurate map has been prepared by PEAK LAND MANAGEMENT (Fig. 7).

Hunter Lowland Red Gum Forest

This community occurs only over vegetated remnants of the subject site where native tree cover present. Understorey is predominantly derived couch grassland, however some native species present and some regrowth occurring. It is heavily infested with Lantana in most areas. Trees are up to 20m in height, being *Eucalyptus tereticornis*. All trees over the site are to be retained. Some slashing of understorey had occurred pre site inspection.

6.0 ASSESSMENT OF SIGNIFICANCE

A consideration of threatened species potentially occurring on this site which have been gazetted within the *BC Act 2016* was conducted by a search of the NSW DPIE BioNet Wildlife Atlas (100km² or greater area surrounding subject site) which is shown in Appendix 1. Each species/ population/ ecological community is considered for its potential to occur upon the site (Table 4) and the likely level of impact as a result of the proposal. Table 4 shows likely impact for each fauna and flora species having potential to be impacted, or recorded over site. All species regarded as having potential to be impacted upon in any more than a very low way have been subject to a 5 Part Test of Significance. Species which would obviously not occur on the site due to incorrect habitat requirements, or be impacted negligibly by any works, have not been listed below, or tested (as outlined in Table 4 & Section 4 & 5 of this report).

Additionally a literature review of potentially occurring threatened species was conducted. Once each species particular habitat requirements were identified a field inspection occurred of the site to verify the likely impact. This was done by direct species observation during traverses around the site, assessment of likely habitat, and the suitability of the site for threatened species identified. It should be noted however that no trapping, hair sampling, owl /bat call playback/recording, spotlighting/night surveys occurred and therefore if suitable habitat is present, and Wildlife Atlas- BioNet records occur in the local area, an assumption has been made that they may occur, and a 5 Part Test completed if relevant.

Note: all recorded locations of threatened species are sourced from NSW DPIE BioNet database. Please note that often flora & fauna records and research are not complete, and therefore these are subjective ratings only and may change over time. They are put here as guide only for regulatory authorities, and the proponent to consider.

In this case due to proposed vegetation removal, and impact over threatened species habitat as described in Section 4.2 species with habitat affinity are tested within Table 4 & the Five Part Test.

Indirect impacts such as increased human disturbance from noise, light spill, dogs, pollution, etc is possible and taken into account within the 5 Part Test.

Table 4: Threatened flora/fauna and Endangered Ecological Community assessment of potential impact

As a negligible-very low impact from 0.018Ha of understorey shrubs only proposed for removal for fence line, species have been grouped where relevant.

Species	Comments	Likely level of impact *	NSW status	Federal status
Raptors	Threatened birds of prey such as Little Eagle and White- bellied Sea Eagle have large foraging ranges (thousands of kilometres for some species) and can migrate in search of food resources, and would be affected in only a very minor way by this proposal due to no removal of foraging resources. No raptor nests were observed in any tree, however there are raptor records within the Bionet search area.	Very Low	V, P	
Birds (including owls)	Suitable foraging habitat is present for some bird species, such as Grey Crowned Babbler, Swift Parrot, Regent Honeyeater), but no hollows are present. Some threatened bird species may occur on site from time to time and would be affected in only a very minor indirect way by this proposal due to 0.018Ha removal of foraging or roosting resources, limited to understorey shrubs (Leptospermum) only which are not suitable foraging resources for Swift Parrot, and Regent Honeyeater.	Very Low	V, P	White-throated Needletail- V, C, J, K Swift Parrot- CE
Bats and microbats	Foraging habitat is present as there are flowering gums and other native flora they would occur from time to time. No roosting habitats (tree hollows, caves, rocky outcrops, culverts) or Flying Fox camps are present. A very low impact anticipated from no modification of foraging habitat.	Very Low	V, P	V
Koala (Phascolarctos cinerus)	Koalas are found in Eucalypt forests throughout eastern Australia. They occur where appropriate feed trees occur. Primary feed tree species did occur on site. The site is considered potential habitat. No scats were seen, or any koalas sighted in survey traverses. The development site has koala habitat with some Spotted Gum & Forest Redgum present, however, none are to be removed. A very low impact anticipated.	Very Low	V, P	V

<p>Squirrel glider (<i>Petaurus norfolcensis</i>)</p>	<p>Department of Environment, Climate Change and Water 2010 state: <i>"The species is widely though sparsely distributed in eastern Australia, from northern Queensland to western Victoria. Inhabits Blackbutt-Bloodwood forest with heath understorey in coastal areas. Prefers mixed species stands with a shrub or Acacia midstorey. Live in family groups of a single adult male one or more adult females and offspring. Require abundant tree hollows for refuge and nest sites. Diet varies seasonally and consists of Acacia gum, eucalypt sap, nectar, honeydew and manna, with invertebrates and pollen providing protein"</i>.</p> <p>Note: Research from Lake Macquarie City Council Squirrel Glider Guidelines 2015 stated that:</p> <p><i>The minimum habitat patch size that will be occupied by squirrel gliders is strongly influenced by habitat quality. Squirrel gliders occupy very small patches if habitat quality is high, and much larger habitat patch sizes in lower quality habitat.</i></p> <p><i>However, the probability of a patch being occupied by squirrel gliders decreases with remnant size. Modelling predicts that density and occurrence begins to decline when patch size falls below 100 ha depending on time since isolation, remnant shape, and distance to nearby habitat. In Wyong, the largest known remnant of suitable habitat without squirrel gliders is 30 ha. Habitat patches of less than 4 ha are considered unsuitable for permanent occupancy. Small habitat patches of 4 ha to 30ha, are considered at high risk of local extinction. Minor habitat patches of 30 ha to 100 ha, are considered at moderate to low risk in the short-term, and high risk in the long-term; and major habitat patches, 100 ha to 1,000 ha are considered at no risk in the short-term, (50 yrs. to 100 yrs.), and low to moderate risk in the long term (Smith 2002).</i></p> <p><i>A decline in squirrel glider population near roads with high traffic volumes has been observed, although they occupy habitat near roads (McCall et al. 2010).</i></p> <p>Habitat is present over the impact area, however no hollows are present, no trees affected, and connectivity present but fragmented. They have been recorded locally, and</p>	<p>Very Low</p>	<p>V, P</p>	
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		may occasional forage through this site. Impact expected to be very low due to no removal of foraging resources.			
Yellow-bellied Glider (<i>Petaurus australis</i>)		<p>Office of Environment and Heritage 2017 state:</p> <ul style="list-style-type: none"> • <i>Occur in tall mature eucalypt forest generally in areas with high rainfall and nutrient rich soils.</i> • <i>Forest type preferences vary with latitude and elevation; mixed coastal forests to dry escarpment forests in the north; moist coastal gullies and creek flats to tall montane forests in the south.</i> • <i>Feed primarily on plant and insect exudates, including nectar, sap, honeydew and manna with pollen and insects providing protein.</i> • <i>Extract sap by incising (or biting into) the trunks and branches of favoured food trees, often leaving a distinctive 'V'-shaped scar.</i> • <i>Live in small family groups of two - six individuals and are nocturnal.</i> • <i>Den, often in family groups, in hollows of large trees.</i> • <i>Very mobile and occupy large home ranges between 20 to 85 ha to encompass dispersed and seasonally variable food resources.</i> <p>The habitat is generally unsuited, no Grey Gums present, fragmented vegetation, no hollows present, and marginal connection to other remnants. Unlikely to be present. Impact expected to be very low if present due to no removal of foraging resources.</p>	Very Low	V, P	
New Holland Mouse (<i>Pseudomys novaehollandiae</i>)		Office of Environment and Heritage state: <i>The New Holland Mouse has a fragmented distribution across Tasmania, Victoria, New South Wales and Queensland. Genetic evidence indicates that the New Holland Mouse once formed a single continuous population on mainland Australia and the distribution of recent subfossils further suggest that the species has undergone a large range contraction since European settlement. Total population size of mature individuals is now estimated to be less than 10,000 individuals although, given the number of sites from which the species is known to have disappeared between 1999 and 2009, it is likely that the species' distribution is actually smaller than current estimates.</i>	Very Low	P	V

	<ul style="list-style-type: none"> • Known to inhabit open heathlands, woodlands and forests with a heathland understorey and vegetated sand dunes • It is a social animal, living predominantly in burrows shared with other individuals • Distribution is patchy in time and space, with peaks in abundance during early to mid-stages of vegetation succession typically induced by fire <p>Habitat is not suitable over this site with no heath understorey present. It is very unlikely to be present. Impact expected to be very low due to no removal of foraging resources.</p>			
Greater Glider (<i>Petauroides volans</i>)	<p>The EPBC Threatened Species Committee 2016 state: - <i>Greater Glider is an arboreal nocturnal marsupial, largely restricted to eucalypt forests and woodlands. It is primarily folivorous, with a diet mostly comprising eucalypt leaves, and occasionally flowers. It is typically found in highest abundance in taller, montane, moist eucalypt forests with relatively old trees and abundant hollows. The distribution may be patchy even in suitable habitat. The Greater Glider favours forests with a diversity of eucalypt species, due to seasonal variation in its preferred tree species. During the day it shelters in tree hollows, with a particular selection for large hollows in large, old trees. Home ranges are typically relatively small (1–4 ha), but are larger in lower productivity forests and more open woodlands (up to 16 ha). Modelling suggests that they require native forest patches of at least 160 km² to maintain viable Petauroides volans (greater glider) populations</i></p> <p><i>Kavanagh & Webb (1989) found no significant movement of greater gliders into unlogged reserves from surrounding logged areas. Threats to the greater glider include cumulative effects of clearing and logging activities, current burning regimes and the impacts of climate change are a major threat to large hollow-bearing trees on which the species relies.</i></p> <p><i>The greater glider forms a significant part of the powerful owl's diet.</i></p> <p>Habitat generally unsuitable, and not likely to be present. Lack of diversity of tree species, no tree hollows, small fragmented patches only remaining with fragmented connectivity, few older trees. No incisions were noted on any trees on the site. Impacts are anticipated to be very low from no loss of foraging habitat.</p>	Very Low	P	V

No threatened flora species were recorded	Despite an intensive search for threatened flora species no species were recorded. There are BioNet records of <i>Rutidosia heterogama</i> , <i>Tetratheca juncea</i> , <i>Acacia bynoeana</i> , <i>Callistemon linearifolius</i> , <i>Eucalyptus glaucina</i> , <i>Eucalyptus parramattensis subsp. Decadens</i> , <i>Rhodamnia rubescens</i> , <i>Syzygium paniculatum</i> , <i>Cymbidium canaliculatum</i> and <i>Grevillea parviflora subsp. Parviflora</i> . They are not considered present and were not recorded. No other listed threatened flora species were recorded over the site, or are likely to occur, including any orchid species, over this site.	Nil	V	
Endangered ecological communities/populations	Hunter Lowland Red Gum Forest EEC 0.018Ha proposed for clearing for fence line.	Very Low.	Endangered	
Threatening Processes (under both EPBC Act and TSC Act)	Yes - see Tables below and 5 Part Test			

Table 5: Listed relevant Key Threatening Processes (as listed under EPBC Act)

Listed Key Threatening Process	Effective
Aggressive exclusion of birds from potential woodland and forest habitat by over-abundant noisy miners (<i>Manorina melanocephala</i>)	09-May-2014
Competition and land degradation by rabbits	16-Jul-2000
Competition and land degradation by unmanaged goats	16-Jul-2000
Dieback caused by the root-rot fungus (<i>Phytophthora cinnamomi</i>)	16-Jul-2000
Incidental catch (bycatch) of Sea Turtle during coastal otter-trawling operations within Australian waters north of 28 degrees South	04-Apr-2001
Incidental catch (or bycatch) of seabirds during oceanic longline fishing operations	16-Jul-2000
Infection of amphibians with chytrid fungus resulting in chytridiomycosis	23-Jul-2002
Injury and fatality to vertebrate marine life caused by ingestion of, or entanglement in, harmful marine debris	13-Aug-2003
Invasion of northern Australia by Gamba Grass and other introduced grasses	16-Sep-2009
Land clearance	04-Apr-2001
Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants	08-Jan-2010
Loss of biodiversity and ecosystem integrity following invasion by the Yellow Crazy Ant (<i>Anoplolepis gracilipes</i>) on Christmas Island, Indian Ocean	12-Apr-2005
Loss of climatic habitat caused by anthropogenic emissions of greenhouse gases	04-Apr-2001
Novel biota and their impact on biodiversity	26-Feb-2013
Predation by European red fox	16-Jul-2000
Predation by exotic rats on Australian offshore islands of less than 1000 km ² (100,000 ha)	29-Mar-2006
Predation by feral cats	16-Jul-2000
Predation, Habitat Degradation, Competition and Disease Transmission by Feral Pigs	06-Aug-2001
Psittacine Circoviral (beak and feather) Disease affecting endangered psittacine species	04-Apr-2001
The biological effects, including lethal toxic ingestion, caused by Cane Toads (<i>Bufo marinus</i>)	12-Apr-2005
The reduction in the biodiversity of Australian native fauna and flora due to the red imported fire ant, <i>Solenopsis invicta</i> (fire ant)	02-Apr-2003

Page last updated 11th Aug, 2019**Table 6: Key relevant threatening processes in NSW under the BC Act 2016.**

Key threatening process	Type of threat
Alteration to the natural flow regimes of rivers, streams, floodplains & wetlands.	Habitat Loss/Change
Bush rock Removal	Habitat Loss/Change
Clearing of native vegetation	Habitat Loss/Change
Aggressive exclusion of birds from woodland and forest habitat by abundant Noisy Miners <i>Manorina melanocephala</i> .	Pest Animal
Alteration of habitat following subsidence due to longwall mining	Habitat Loss/Change
Competition and grazing by the feral European rabbit	Pest Animal
Competition and habitat degradation by Feral Goats, <i>Capra hircus</i> Linnaeus 1758	Pest Animal

Competition from feral honeybees	Pest Animal
Death or injury to marine species following capture in shark control programs on ocean beaches	Other Threat
Ecological consequences of high frequency fires	Habitat Loss/Change
Entanglement in, or ingestion of anthropogenic debris in marine and estuarine environments	Other Threat
Forest eucalypt dieback associated with over-abundant psyllids and Bell Miners	Other Threat
Habitat degradation and loss by Feral Horses (brumbies, wild horses), <i>Equus caballus</i>	Pest Animal
Herbivory and environmental degradation caused by feral deer	Pest Animal
Human-caused Climate Change	Habitat Loss/Change
Importation of red imported fire ants into NSW	Pest Animal
Infection by Psittacine circoviral (beak and feather) disease affecting endangered psittacine species	Disease
Infection of frogs by amphibian chytrid causing the disease chytridiomycosis	Disease
Infection of native plants by <i>Phytophthora cinnamomi</i>	Disease
Introduction and establishment of Exotic Rust Fungi of the order <i>Pucciniales</i> pathogenic on plants of the family <i>Myrtaceae</i>	Disease
Introduction of the large earth bumblebee (<i>Bombus terrestris</i>)	Pest Animal
Invasion and establishment of exotic vines and scramblers	Weed
Invasion and establishment of Scotch Broom (<i>Cytisus scoparius</i>)	Weed
Invasion and establishment of the Cane Toad	Pest Animal
Invasion of native plant communities by exotic perennial grasses	Weed
Invasion of native plant communities by Bitou Bush & Boneseed	Weed
Invasion of native plant communities by African Olive <i>Olea europaea</i> subsp. <i>cuspidata</i> (Wall. ex G. Don) Cif.	Weed
Invasion of the Yellow Crazy Ant (<i>Anoplolepis gracilipes</i>) into NSW	Pest Animal
Invasion, establishment and spread of Lantana (<i>Lantana camara</i> L. sens. lat)	Weed
Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants	Weed
Loss and/or degradation of sites used for hill-topping by butterflies	Habitat Loss/Change
Loss of Hollow-bearing Trees	Habitat Loss/Change
Predation and hybridisation by Feral Dogs, <i>Canis lupus familiaris</i>	Pest Animal
Predation by feral cats	Pest Animal
Predation by the European Red Fox	Pest Animal
Predation by the Plague Minnow (<i>Gambusia holbrooki</i>)	Pest Animal
Predation by the Ship Rat (<i>Rattus rattus</i>) on Lord Howe Island	Pest Animal
Predation, habitat degradation, competition and disease transmission by Feral Pigs (<i>Sus scrofa</i>)	Pest Animal
Removal of dead wood and dead trees	Habitat Loss/Change

Table 7: Legal status key

Key - ** Legal status (from NSW Department of Environment and Conservation, 2008):	
V	Vulnerable (Threatened Species Conservation Act, 1995)
E1	Endangered (Threatened Species Conservation Act, 1995)
E2	Endangered (Threatened Species Conservation Act, 1995)
E4	Presumed Extinct (Threatened Species Conservation Act, 1995)
P	Protected (National Parks and Wildlife Act, 1974)
P13	Protected Plants (National Parks and Wildlife Act, 1974)
U	Unprotected

Table 8: Likely level of impact key used by PEAK LAND MANAGEMENT

Key - Likely level of impact
This is a subjective qualitative measure used by the consultant. It is determined by the relative impact on a species (i.e. whether a species will be put in danger of extinction, numbers of individuals likely to be affected directly or indirectly, current status of species) and takes into account factors such as amount of clearing proposed, and surrounding amount of suitable habitat for that species.
Ratings:
Nil (plant only): Not present as site conditions (i.e. soil/geology, climate, elevation, etc) and on-site survey verify it was not present and could never be naturally present.
Negligible: No impact can be discerned, but is included as there is a minor chance of that species possibly using the site (using the precautionary principle). In some cases there may also be positive impacts such as more foraging feed available from clearing some understorey and promoting native grass growth, or establishment of more vegetation.
Very Low: Individuals unlikely to be affected directly, but could be affected indirectly, and if they are in a very minor way with no major effect likely on any individual.
Low: Recognises that individuals may be present on site (either permanently or infrequently) and affected in a small way such as loss of habitat, including foraging or nesting/denning resources. Suitable surrounding habitat is available to offset direct impact, but it is acknowledged that this may place an individual under more stress, and lead to possible death of individual(s).
Moderate: Individuals will be affected, with impact likely to cause stress and possible death to a local individual or group of individuals. Loss of habitat may lead to the significant impact on a small local population, with its possible demise. Possible significant impact.
High: Will cause the death directly of local individuals, and lead to the loss of habitat for that species to re-establish permanently. Will also lead to the death of a local population/family group, and increase the chance of extinction of the species. Significant impact.

6.1 FIVE PART TEST UNDER SECT 7.3 OF THE BC ACT 2016

Under the *Biodiversity Conservation Act 2016 (Sect 7.3)*, a 5 Part Test is undertaken to determine whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.

A five part test is presented below for all species possibly affected as listed in Table 4:

a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.

As removal of remnant vegetation is limited to around 0.018 Ha, with understorey grazed and/or slashed over almost the entire site, minimal mid or shrub storey remaining over proposed fence line (apart from a small area over southern proposed fence line), and a mainly derived Couch grassland understorey present, and no loss proposed of any hollow bearing habitat trees present over the entire site, and little effect on connectivity through the site, a negligible- very low impact is anticipated on any threatened species.

Foraging habitat is considered present for Squirrel Glider and Koala. Microbat foraging habitat is present, and no roosting hollows present, and they are likely to occur over the site from time to time foraging. There is no scheduled removal of this habitat, and therefore, it will have a very low impact. There are patches of remnant vegetation further east and west, and further away. The presence of habitat elsewhere in this landscape will offset impact somewhat and is not considered to have a significant impact on a local population.

As shown in Table 4 there is anticipated to be a very low impact upon those threatened fauna species listed in Appendix 3. No viable local population of a species will be placed at risk of extinction.

Most threatened fauna species in this area occur over larger home ranges (birds/bats/owls/mammals) and although they would forage from time to time over this site it represents a small percentage of their home range. Possible indirect effects such as human disturbance, wastewater runoff, pets, light spill, human disturbance, noise, etc may occur.

To reduce these indirect impacts, it is recommended that all trees are retained outside of the building footprint.

(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

Approximately 0.018Ha of Hunter Lowland Red Gum Forest is expected to be modified in order for a new fence line to be constructed on the southern subdivision boundary.

This is considered minor. Office of Environment and Heritage website state “much of the remaining community is disturbed and fragmented” and “less than 500 hectares of this community remains”.

The proposal is not expected to adversely affect the community’s extent such that its local occurrence is at risk of local extinction.

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

(ii) The proposal is not expected to adversely affect either community’s composition, or place either community at risk of extinction locally.

c) in relation to the habitat of a threatened species or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and

(i) The site proposed clearing / habitat loss is limited to 0.01Ha in total, with much of this land exotic vegetation or already cleared of remnant vegetation.

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and

(ii) No. The proposal will not fragment or isolate other areas of habitat .

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,

(iii) Due to removal of 0.018Ha of a remnant patch of Forest/Endangered Ecological Community habitat, and no hollow bearing trees present, the proposal is expected to impact to a very low degree on threatened species in this locality, mitigated a little if recommendations are adopted.

(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),

Not applicable.

(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

Key threatening processes are listed on Schedule 3 of the TSC Act 1995, and the federal EPBC schedule shown in Tables 5 & 6. The following KTP’s are operating or proposed to occur over the subject site:

- Clearing of native vegetation/ land clearance;
- Ecological consequences of high (and low) frequency fires;

- Predation, habitat degradation and competition by fox, feral cats, honeybees, pigs, rabbits, plague minnow;
- Anthropogenic climate change;
- Loss and degradation of native plant and animal habitat by invasion of escaped garden plants (including lantana);

7.0 ASSESSMENT OF SERIOUS AND IRREVERSIBLE IMPACTS

Under the BC Act 2016, a determination of whether an impact is serious and irreversible (SAIL) must be made in accordance with the principles prescribed in section 6.7 of the BC Regulation.

The “*Guidance to assist a decision maker to determine a serious and irreversible impact*, 2017, sets out those potential SAIL species and ecological communities (known as “potential SAIL entities”).

The principles for determining serious and irreversible impacts in the Biodiversity Conservation Regulation, 2017 are:

- *will cause a further decline of a species or ecological community that is currently observed, estimated, inferred or reasonably suspected to be in a rapid rate of decline, or*
- *will further reduce the population of a species or ecological community that is currently observed, estimated, inferred, or reasonably suspected to have a very small population size, or*
- *are impacts on the habitat of a species or area of ecological community that is currently observed, estimated, inferred or reasonably suspected to have a very limited geographic distribution, or*
- *are impacts on a species or ecological community is unlikely to respond to measures to improve habitat and vegetation integrity and is therefore irreplaceable.*

7.1: Potential SAIL entities

In this case all potential SAIL entities are derived from Appendix 2 of the Guide and are within the BioNet search area as shown in Appendix 3 of this report. An Impact evaluation is shown in Table 9.

Table 9: SAIL impact evaluation

Potential SAIL entities	Impact evaluation	Impact thresholds	Serious and irreversible impact?
Regent Honeyeater	Habitat present, and associated with this vegetation type (from OEH threatened species profile database), or over a key mapped threshold area. Very low impact anticipated.	Not within an OEH mapped threshold area.	No
Swift Parrot	Marginal habitat present, associated with this vegetation type (from OEH threatened species profile database), or understood to be over a key mapped threshold area. No impact anticipated.	Not understood to be within an OEH mapped threshold area/no impact to any trees.	No
Large eared Pied Bat (<i>Chalinolobus dwyeri</i>)	Roosts in caves (near their entrances), crevices in cliffs, old mine workings and in the disused, bottle-shaped mud nests of the Fairy Martin, frequenting low to mid-elevation dry open forest and woodland close to these features.	Species roosting or breeding habitat is not present within	No

	Females have been recorded raising young in maternity roosts (c. 20-40 females) from November through to January in roof domes in sandstone caves and overhangs. They remain loyal to the same cave over many years. Found in well-timbered areas containing gullies.	the development site.	
Eastern Cave Bat (<i>Vespadelus troughtoni</i>)	A cave-roosting species that is usually found in dry open forest and woodland, near cliffs or rocky overhangs; has been recorded roosting in disused mine workings, occasionally in colonies of up to 500 individuals.	Species roosting or breeding habitat is not present within the development site.	No
<i>Miniopterus australis</i> Little Bentwing-bat (Breeding)	Moist eucalypt forest, rainforest, vine thicket, wet and dry sclerophyll forest, Melaleuca swamps, dense coastal forests and banksia scrub. Generally found in well-timbered areas. Little Bentwing-bats roost in caves, tunnels, tree hollows, abandoned mines, stormwater drains, culverts, bridges and sometimes buildings during the day, and at night forage for small insects beneath the canopy of densely vegetated habitats.	Species roosting or breeding habitat is not present within the development site (no hollow bearing trees affected).	No

8.0 ASSESSMENT OF PRESCRIBED AND INDIRECT IMPACTS

Table 10: Assessment of indirect impacts

Indirect Impact	Assessment / likelihood of occurrence
Inadvertent impacts on adjacent habitat or vegetation including trampling & impacts over Endangered Ecological Community.	The proposed development may result in increased weeds, but is not likely to disturb/or cause inadvertent impacts on adjacent retained habitat or vegetation. The following measures will assist in mitigating these impacts: <ul style="list-style-type: none"> • Tool Box all workers to ensure no encroachment to adjacent vegetation and habitat by fencing contractors.
Reduced viability of adjacent habitat due to edge effects.	The proposed development is not anticipated to result in an increase in edge effects impacting upon the retained vegetation. The majority of the site has been historically cleared and grazed as such edge effects have been an ongoing impact to the vegetation that is to be retained within the study area.
Reduced viability of adjacent habitat due to noise, dust or light spill.	Mitigation measures outlined above will ensure potential impacts are minimised. Very limited dust, noise or light spill anticipated, and not over any remnant vegetation.
Transport of weeds and pathogens from the site to adjacent vegetation.	Mitigation measures outlined above will ensure potential impacts are minimised over any remnant vegetation, and to minimize the risk of weed introduction and spread.
Loss of breeding habitats.	The proposed development will not remove any hollow-bearing trees or breeding habitats such as caves.
Rubbish dumping.	The builders plan will clearly set out waste management areas and procedures during construction of the subdivision. Tool box talks to the builder during the operational phase will include measures to monitor and respond to rubbish dumping within the subject land and interface with adjacent vegetation.
Wood collection.	The proponent will not allow illegal wood collection within the subject land.
Increase in predatory & pest fauna species populations.	Waste management measures implemented as part of the builders CEMP will mitigate the potential increase in predator species populations.
Change in fire regime of native vegetation and associated habitats	The construction and operation of the site is unlikely to lead to a substantial change in the fire regime of adjacent vegetation and habitats.
Disturbance to specialist breeding and foraging habitat.	No specialist breeding or foraging habitat occurs within the study area.
Fragmentation of movement corridors.	Limited vegetation to be removed within the subject land, with a minor clearing of mainly Lantana for a fence line to south. Very low impact on a wildlife movement corridor connectivity, no tree removal, and no connectivity off site due to Freeway. Other corridors present off site.

Prescribed impacts

Assessment of prescribed biodiversity impacts are outlined and addressed in Table 11 below.

Table 11: Assessment of prescribed impacts

Prescribed Impact	Assessment / likelihood of occurrence
Impacts of development on the habitat of threatened species or ecological communities associated with karst, caves, crevices, cliffs and other features of geological significance.	No karst, caves, crevices, cliffs and other features of geological significance will be impacted by the proposed works and no threatened species associated with these features were recorded during the assessment. There is a rock slope, however no caves observed.
Impacts of development on the habitat of threatened species or ecological communities associated with rocks.	No bush rock will be impacted by the proposed works and no threatened species associated with this habitat feature were recorded during the assessment. Fence will go over rock escarpment/slope, and not impact it.
Impacts of development on the habitat of threatened species or ecological communities associated with human made structures.	No human made structures will be impacted by the proposed works (ie culverts, dams, etc) and no threatened species associated with this habitat feature were recorded during the assessment.
Impacts of development on the habitat of threatened species or ecological communities associated with non-native vegetation.	Mobile threatened species including threatened microbats, birds & Squirrel Glider may forage in the trees, but these are to be retained. Resulting in a very low impact to threatened species & EEC.
Impacts of development on the connectivity of different areas of habitat of threatened species that facilitates the movement of those species across their range.	No direct impact over movement corridors are proposed. The proposed development will not sever the connectivity present in the broader locality and as such, impacts to species using the corridor is considered negligible.
Impacts of the development on movement of threatened species that maintains their life cycle	The proposed development is not considered to impact on the movement of threatened species that maintains their survival. Species considered likely to utilize the subject land are highly mobile and connectivity will be maintained within remnant vegetation off site.
Impacts of development on water quality, water bodies and hydrological processes that sustain threatened species and threatened ecological communities (including subsidence or upsidence resulting from underground mining or other development)	The subject land includes no mapped SEPP 14 Coastal Wetland (now Coastal Management SEPP), and does have a direct impact on Wallis Creek. It does propose a fence line through the middle of the Creek. It is not anticipated to affect water quality or wildlife. Non barb wire/no fence line at all recommended however.
Impacts of wind turbine strikes on protected animals	The proposed development does not include operation of wind turbines.
Impacts of vehicle strikes on threatened species of animals or on animals that are part of a TEC	Native vegetation adjacent to the subject land supports foraging and dispersal of some limited threatened species such as microbats, woodland birds, and possibly Squirrel Glider.

	<p>The proposed development will not increase vehicle movements, existing over a driveway at low speed, with no appreciable vehicle strikes likely to occur.</p> <p>It will result in an overall negligible increase in risk to any threatened species in this rea. Bats & birds are very mobile and adept at avoiding vehicle strike.</p>
--	--

It is therefore concluded that whilst there are minor indirect impacts there are no apparent serious or significant prescribed or indirect impacts, as defined under the BAM, 2017.

9.0 CONCLUSION AND RECOMMENDATIONS

The ecological investigations and assessment of impact have found that there is no significant impact on any threatened species, Endangered Ecological Community, critical habitat, or endangered populations by the proposed works on any NSW or nationally listed species under the *EP&BC Act 1999*, or *BC Act 2016*.

The following recommendations (in no order of importance) if adopted will improve the biodiversity outcomes for this proposal:

- Where not affected by the proposal all native vegetation (especially trees over the site) outside of the nominated development site be retained in natural condition, and not slashed, grazed, or destroyed in anyway.
- Ensure tool box education to all fence builders constructing the development so that no impact occurs off the development site.
- Fence line located through Wallis Creek. Non barb wire/no fence line at all recommended to reduce any impacts over water birds and other wildlife.

It is the consultant's opinion that this application does not need referring to the Federal Department of Environment and Energy, or NSW DPIE.

Report prepared by:



Ted Smith BSc (Hons), Grad Dip, BAM Accredited Assessor, Certified Practicing Ecologist
PEAK LAND MANAGEMENT

DISCLAIMER: Whilst every effort is made to present clear and factual information based on current scientific data, on site field survey, and council guidelines, no guarantee is made that all species have been identified on the site, or that all information is presented to councils satisfaction, or that the development will be approved as this is in the hands of the approving statutory authority. No warranty or guarantee, whether expressed or implied, is made with respect to the observations, information, findings and inclusions expressed within this report. No liability is accepted for losses, expenses or damages occurring as a result of information presented in this document.

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Environment Protection and Biodiversity Conservation Act 1999

Biodiversity Conservation Act 2016

Biodiversity Conservation Act Regulations 2017

National Parks and Wildlife Act 1974

Environmental Planning and Assessment Act (1979)

Water Management Act, 2000

Water Management Regulations Act, 2019

State Environmental Planning Policies- Koala, Coastal Management, Vegetation in Non-Rural Areas

Other Websites

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<http://plantnet.rbgsyd.nsw.gov.au/search/simple.htm>

<http://imagery.maps.nsw.gov.au/>

Nearmap

<http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/profile.aspx?id=10604>

<http://www.bionet.nsw.gov.au/>

www.deh.gov.au

<http://www.environment.gov.au/epbc/pmst/index.html>- & Protected Matters Search

<http://www.frogsaustralia.net.au/frogs/>

<http://www.dpi.nsw.gov.au/agriculture/pests-weeds/weeds/noxweed/noxious>

http://www.ehp.qld.gov.au/wildlife/koalas/koala-ecology.html#claws_for_climbing

<http://www.environment.nsw.gov.au/determinations>

<http://www.environment.nsw.gov.au/animals/Glidingpossums.htm>

<http://weeds.dpi.nsw.gov.au/WeedDeclarations/Results>

<http://www.environment.gov.au/biodiversity/threatened/species/pubs/254-conservation-advice>

<https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap>

<https://www.landmanagement.nsw.gov.au/biodiversity-offsets-scheme/>

<https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap>

<http://www.olg.nsw.gov.au/biodiversity-assessment-and-approvals-navigator>

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APPENDIX 1: FLORA SURVEY RESULTS

These species found over the development site and immediate surrounds.

Scientific Name	Common Name	Transect
Trees:		
<i>Casuarina glauca</i>	Swamp Oak	x
<i>Corymbia maculata</i>	Spotted Gum	x
^ <i>Eucalyptus crebra</i>	Narrow leafed Ironbark	x
<i>Eucalyptus fergusonii</i>	An Ironbark	x
^ <i>Eucalyptus punctata</i>	Grey Gum	x
^ <i>Eucalyptus siderophloia</i>	Grey Ironbark	x
<i>Eucalyptus tereticornis</i>	Forest Red Gum	x
Midstorey:		
<i>Melaleuca linariifolia</i>	Flax-leaved Paperbark	x
<i>Melaleuca styphelioides</i>	Prickly-leaved Tea Tree	x
Midstorey, shrubs and understorey:		
^ <i>Acacia fimbriata</i>	Fringed Wattle	x
^ <i>Acacia parramattensis</i>	Parramatta wattle	x
<i>Breynia oblongifolia</i>	Coffee Bush	x
^ <i>Callistemon viminalis</i>	Weeping Bottlebrush	x
<i>Crassula sieberiana</i>	Australian Stonecrop	x
<i>Cotula australis</i>	Carrot Weed	x
<i>Denhamia silvestris</i>	Narrow-leaved Orange bark,	x
<i>Dichondra repens</i>	Kidney weed	x
<i>Einadia nutans</i>	Climbing Saltbush	x
<i>Leptospermum morrisonii</i>	A Lemon scented tea tree	x
<i>Leucopogon appressus</i>		x
<i>Lomandra filiformis subsp filiformis</i>	A Mat Rush	x
<i>Lomandra multiflora subsp multiflora</i>	Mat Rush	x
<i>Melichrus procumbens</i>	Jam Tarts	x
<i>Melaleuca nodosa</i>	Ball paperbark	x
<i>Ozothamnus diosmifolius</i>	Pill flower	x
<i>Persoonia linearis</i>	Narrow leafed Geebung	x
<i>Pratia purpurascens</i>	Pratia, White Root	x
<i>Solanum prinophyllum</i>	Forest Nightshade	x
<i>Wahlenbergia gracilis</i>	Australian Bluebell	x
Grasses		
<i>Aristida vagans</i>	Three Awn Grass	x
<i>Cymbopogon refractus</i>	Barb Wire Grass	x
<i>Cynodon dactyldon</i>	Couch	x
<i>Eragrostis brownii</i>	Love grass	x
<i>Eragrostis leptostachya</i>	Paddock Lovegrass	x
<i>Imperata cylindrica</i>	Blady Grass	x

<i>Microlaena stipoides</i>	Weeping grass	x
<i>Panicum effusum</i>	Hairy Panic	x
<i>Themeda australis</i>	Kangaroo grass	x
Ferns:		
<i>Chielanthes sieberi</i>	Poison rock fern	x
Sedges and water plants:		
<i>Carex appressa</i>	A Sedge	x
<i>Juncus ustitatus</i>	Common reed	x
<i>Typha orientalis</i>	Cumbungi	x
Vines and scramblers:		
<i>Glycine clandestina</i>	Purple twining Pea	x
Orchids/epiphytes:	Nil	
Weeds		
<i>Anagallis arvensis</i>	Scarlet pimpernel	x
<i>Araujia sericifera</i>	Moth Vine, Milk Vine	x
(P) <i>Cirsium vulgare</i>	Spear thistle	x
<i>Conyza bonariensis</i>	Flax leaved fleabane	x
<i>Cotoneaster spp</i>	Cotoneaster	x
<i>Cyclospermum leptophyllum</i>	Slender Celery	x
<i>Ehrharta erecta</i>	Panic Veldt grass	x
<i>Facelis retusa</i>	Annual Trampweed	x
<i>Gnaphalium sphaericum</i>	Common cudweed	x
<i>Hypochoeris radicata</i>	Flatweed	x
(P) <i>Lantana camara</i>	Lantana	x
<i>Malva parviflora</i>	Small-flowered Mallow	x
<i>Melinis repens</i>	Red Natal Grass	x
<i>Modiola caroliniana</i>	Red Flowered Mallow	x
(P) <i>Olea europaea subsp. cuspidata</i>	African Olive	x
(P) <i>Opuntia stricta</i>	Prickly Pear	x
(P) <i>Opuntia aurantiaca</i>	Tiger Pear	x
<i>Paspalum dilatatum</i>	Paspalum	x
<i>Plantago lanceolata</i>	Lambs tongue	x
<i>Poa annua</i>	Winter Grass	x
(P) <i>Rubus anglocandicans</i>	Blackberry	x
<i>Richardia humistrata</i>		x
(P) <i>Senecio madagascariensis</i>	Fireweed	x
<i>Sida rhombifolia</i>	Paddy's lucerne	x
<i>Sonchus oleraceus</i>	Common sowthistle	x
<i>Solanum mauritianum</i>	Tobacco Bush	x
<i>Sporobolus africanus</i>	Parramatta Grass	x
<i>Stellaria media</i>	Chickweed	x
<i>Tagetes minor</i>	Stinking Roger	x
<i>Taraxacum officinale</i>	Dandelion	x

<i>Trifolium repens</i>	White clover	x
Native species total:	43	
Weed species total:	31	
TOTAL PLANTS:	74	
# Threatened species	0	
R ROTAP - Rare plant	0	
(P) Priority weed	7	
^ Planted Non endemic native		

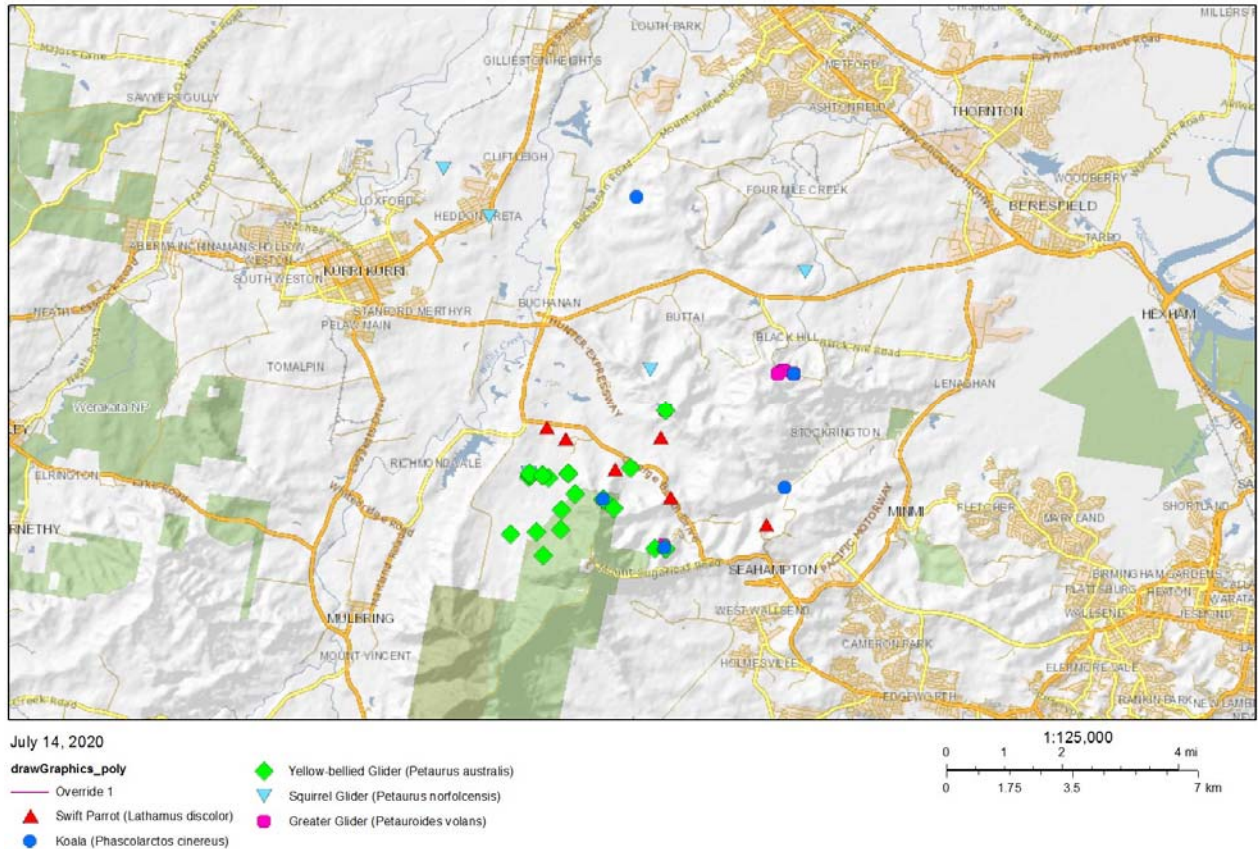
APPENDIX 2: FAUNA SURVEY RESULTS

COMMON NAME	
The following birds were observed, or heard either on or near the subject site, including flying overhead (common bird names from Pizzey & Knight, 1997):	
Kookaburra	Masked Lapwing
Willie Wagtail	Yellow-faced Honeyeater
Black Cormorant	Superb Fairy Wren
Rainbow Lorikeet	Eastern Yellow Robin
Other fauna observed, or heard from calls/scats/footprints/scratch marks were:	
*Horses	*Domesticated cat
*Domesticated dogs	*Chickens
+ Threatened spps listed under EPBC Act	
# Threatened spps listed under BC Act	
* Exotic species	
^ Native non endemic species	

APPENDIX 3: THREATENED FLORA & FAUNA SPECIES SEARCH RESULT (Over a 100 square kilometre area – NSW & National EPBC Species – from BioNet).

Note: this does not mean these species are found on the site. Search area and some key local species records:

259 Averys Lane Buchanan



Data from the BioNet Atlas website, which holds records from a number of custodians. The data are only indicative and cannot be considered a comprehensive inventory, and may contain errors and omissions. Species listed under the Sensitive Species Data Policy may have their locations denatured. Copyright the State of NSW through the Department of Planning, Industry and Environment. Search criteria : Licensed Report of all Valid Records of Threatened (listed on BC Act 2016) or Commonwealth listed Entities in selected area [North: -32.79 West: 151.50 East: 151.60 South: -32.89] recorded since 14 Jul 1990 until 14 Jul 2020 returned a total of 948 records of 48 species. Report generated on 14/07/2020 10:27 AM

Kingdom	Class	Family	Species Code	Scientific Name	Common Name	NSW status	Comm. status	Records
Animalia	Aves	Cacatuidae	0265	<i>Calyptrorhynchus lathamii</i>	Glossy Black-Cockatoo	V,P,2		1
Plantae	Flora	Orchidaceae	6399	<i>Cymbidium canaliculatum</i>	Cymbidium canaliculatum population in the Hunter Catchment	E2,P,2		1
Plantae	Flora	Fabaceae (Mimosoideae)	3728	<i>Acacia bynoeana</i>	Bynoe's Wattle	E1	V	24
Animalia	Aves	Artamidae	8519	<i>Artamus cyanopterus cyanopterus</i>	Dusky Woodswallow	V,P		9
Plantae	Flora	Myrtaceae	4007	<i>Callistemon linearifolius</i>	Netted Bottle Brush	V,3		5
Animalia	Aves	Cacatuidae	0268	<i>Callocephalon fimbriatum</i>	Gang-gang Cockatoo	V,P,3		5
Animalia	Mammalia	Vespertilionidae	1353	<i>Chalinolobus dwyeri</i>	Large-eared Pied Bat	V,P	V	7
Animalia	Aves	Acanthizidae	0504	<i>Chthonicola sagittata</i>	Speckled Warbler	V,P		4
Animalia	Aves	Accipitridae	0218	<i>Circus assimilis</i>	Spotted Harrier	V,P		1
Animalia	Aves	Climacteridae	8127	<i>Climacteris picumnus victoriae</i>	Brown Treecreeper (eastern subspecies)	V,P		33
Animalia	Aves	Neosittidae	0549	<i>Daphoenositta chrysoptera</i>	Varied Sittella	V,P		13
Animalia	Aves	Ciconiidae	0183	<i>Ephippiorhynchus asiaticus</i>	Black-necked Stork	E1,P		2
Plantae	Flora	Myrtaceae	4096	<i>Eucalyptus glaucina</i>	Slaty Red Gum	V	V	1
Plantae	Flora	Myrtaceae	9163	<i>Eucalyptus parramattensis subsp. decadens</i>		V	V	200
Animalia	Mammalia	Vespertilionidae	1372	<i>Falsistrellus tasmaniensis</i>	Eastern False Pipistrelle	V,P		14
Animalia	Aves	Psittacidae	0260	<i>Glossopsitta pusilla</i>	Little Lorikeet	V,P		59
Plantae	Flora	Proteaceae	10009	<i>Grevillea parviflora subsp. parviflora</i>	Small-flower Grevillea	V	V	72
Animalia	Aves	Accipitridae	0226	<i>Haliaeetus leucogaster</i>	White-bellied Sea-Eagle	V,P		8

Animalia	Aves	Accipitridae	0225	<i>Hieraaetus morphnoides</i>	Little Eagle	V,P		1
Animalia	Aves	Apodidae	0334	<i>Hirundapus caudacutus</i>	White-throated Needletail	P	V,C,J,K	8
Animalia	Aves	Jacanidae	0171	<i>Irediparra gallinacea</i>	Comb-crested Jacana	V,P		14
Animalia	Aves	Ardeidae	0196	<i>Ixobrychus flavicollis</i>	Black Bittern	V,P		1
Animalia	Aves	Psittacidae	0309	<i>Lathamus discolor</i>	Swift Parrot	E1,P,3	CE	6
Animalia	Aves	Meliphagidae	8303	<i>Melithreptus gularis gularis</i>	Black-chinned Honeyeater (eastern subspecies)	V,P		12
Animalia	Mammalia	Molossidae	1329	<i>Micronomus norfolkensis</i>	Eastern Coastal Free-tailed Bat	V,P		34
Animalia	Mammalia	Miniopteridae	1346	<i>Miniopterus australis</i>	Little Bent-winged Bat	V,P		105
Animalia	Mammalia	Miniopteridae	3330	<i>Miniopterus orianae oceanensis</i>	Large Bent-winged Bat	V,P		33
Animalia	Mammalia	Vespertilionidae	1357	<i>Myotis macropus</i>	Southern Myotis	V,P		23
Animalia	Aves	Strigidae	0246	<i>Ninox connivens</i>	Barking Owl	V,P,3		1
Animalia	Aves	Strigidae	0248	<i>Ninox strenua</i>	Powerful Owl	V,P,3		18
Animalia	Aves	Anatidae	0216	<i>Oxyura australis</i>	Blue-billed Duck	V,P		1
Animalia	Mammalia	Pseudocheiridae	1133	<i>Petauroides volans</i>	Greater Glider	P	V	7
Animalia	Mammalia	Petauridae	1136	<i>Petaurus australis</i>	Yellow-bellied Glider	V,P		23
Animalia	Mammalia	Petauridae	1137	<i>Petaurus norfolcensis</i>	Squirrel Glider	V,P		7
Animalia	Aves	Petroicidae	0380	<i>Petroica boodang</i>	Scarlet Robin	V,P		4
Animalia	Mammalia	Phascolarctidae	1162	<i>Phascolarctos cinereus</i>	Koala	V,P	V	5
Animalia	Aves	Pomatostomidae	8388	<i>Pomatostomus temporalis temporalis</i>	Grey-crowned Babbler (eastern subspecies)	V,P		15
Animalia	Mammalia	Muridae	1455	<i>Pseudomys novaehollandiae</i>	New Holland Mouse	P	V	5
Animalia	Mammalia	Pteropodidae	1280	<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	V,P	V	21
Plantae	Flora	Myrtaceae	4283	<i>Rhodamnia rubescens</i>	Scrub Turpentine	E4A		7
Plantae	Flora	Asteraceae	1643	<i>Rutidosis heterogama</i>	Heath Wrinklewort	V	V	21
Animalia	Mammalia	Emballonuridae	1321	<i>Saccolaimus flaviventris</i>	Yellow-bellied Sheath-tail- bat	V,P		2
Animalia	Mammalia	Vespertilionidae	1361	<i>Scoteanax rueppellii</i>	Greater Broad-nosed Bat	V,P		14
Plantae	Flora	Myrtaceae	4293	<i>Syzygium paniculatum</i>	Magenta Lilly Pilly	E1	V	2
Plantae	Flora	Elaeocarpaceae	6206	<i>Tetratheca juncea</i>	Black-eyed Susan	V	V	64
Animalia	Aves	Tytonidae	0250	<i>Tyto novaehollandiae</i>	Masked Owl	V,P,3		11
Animalia	Aves	Tytonidae	9924	<i>Tyto tenebricosa</i>	Sooty Owl	V,P,3		7

Animalia	Mammalia	Vespertilionidae	1025	<i>Vespadelus troughtoni</i>	Eastern Cave Bat	V,P	17
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APPENDIX 4: SELECTED PHOTOS OF SITE

Property access driveway looking south. Hunter Lowland Redgum Forest Endangered Ecological Community to right of frame mapped on BV map area (western side of proposed Lot 10A, unaffected by proposal).



Existing dwelling looking east



Looking north over proposed lot 10A.



Looking east from north of existing dwelling over proposed lot 10A.



Looking north along proposed subdivision boundary (to right of frame) over existing watercourse.



Looking south along proposed subdivision boundary (to left of frame) over existing watercourse.



Looking north from corner of proposed southern subdivision boundary.



Looking west over proposed southern subdivision boundary.



Looking south showing mapped Biodiversity Values area (Hunter Lowland Redgum Forest Endangered Ecological Community).



Lantana understorey over much of the BV mapped Hunter Lowland Redgum Forest Endangered Ecological Community



Looking west showing mapped Biodiversity Values area (Hunter Lowland Redgum Forest Endangered Ecological Community).



Looking south over proposed subdivision boundary.



Looking east over proposed subdivision boundary.



Appendix 6:

Bushfire Risk Assessment

BUSH FIRE ASSESSMENT REPORT

**-Mrs Shearman-
1 into 2 lot subdivision
259 Averys Lane
Buchanan**



PREPARED BY:



OCTOBER 2020



PEAK LAND MANAGEMENT

Land management consulting services:

-Bush Fire-

-Ecological-

-Environmental-

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Cover Photo: View of subject site.



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Document History

Document Id.	Prep. Date	Version	Submitted to:
Bush Fire Assessment Report	15.07.20	1	Complete Planning
Bush Fire Assessment Report	24.07.20	2	Complete Planning
Bush Fire Assessment Report	28.10.20	3	Complete Planning

AUTHOR DETAILS

Ted Smith is the director of PEAK LAND MANAGEMENT. He is a qualified Land Management Consultant with a Bachelor of Science Honours Degree in Physical Geography. He has over 25 years' experience commercially consulting with PEAK LAND MANAGEMENT PTY LTD and working within state government.

Ted has completed a Graduate Diploma in Design for Bush Fire Prone Areas from the University of Western Sydney and is a member of the Fire Protection Association of Australia (FPA of Australia), being a BPAD Accredited Bush Fire Practitioner Level 3.

CERTIFICATION

Ted Smith of PEAK LAND MANAGEMENT has carried out a Bush Fire Assessment including a site inspection on the subject property. A detailed Bush Fire Assessment Report is attached which includes the submission requirements set out in *Planning for Bush Fire Protection 2019* together with recommendations as to how the relevant specifications and requirements are to be achieved.

I hereby certify, in accordance with Section 4.14 of the *Environmental Planning and Assessment Act 1979 No 203*:

1. That I am a person recognised by the *NSW Rural Fire Service* as a qualified consultant in Bush Fire Risk Assessment; and
2. That subject to the recommendations contained in the attached Bush Fire Assessment Report the proposed development conforms to the **relevant specifications and requirements** being the document entitled *Planning for Bush Fire Protection* prepared by the NSW Rural Fire Service in co-operation with the Department of Planning and any other document as prescribed by Section 4.14 of the *Environmental Planning and Assessment Act 1979 No 203*.



28th October, 2020

Signature

Date



1.0 INTRODUCTION

PEAK LAND MANAGEMENT has been engaged by Complete Planning Solutions on behalf of Mr & Mrs Shearman to prepare a Bush Fire Assessment Report for a proposed residential 1 into 2 lot subdivision over land located at Lot 10 DP 1085485/ 259 Averys Lane, Buchanan. (referred to hereafter as “subject site”).

Figures 1-5 show the subject site location, topographic map, and proposed development site plans, and Appendix 1 shows photos of the subject site.

Under the *Environmental Planning and Assessment Act, 1979* (and its regulations), and the *Rural Fires Act 1997* (and its regulations), councils are required to assess and control new developments in Bush Fire prone areas. This land has been assessed as being part of a Bush Fire Prone Area as mapped by Council (Figure 4).

This subdivision development falls under Section 100B of the *Rural Fires Act 1997* (and its regulations) for the subdivision which requires integrated development approval/ Bush Fire Safety Authority from the Rural Fire Service. PBP 2019 states that a residential subdivision falls under Section 100B of the Rural Fires Act. It should have required Asset Protection Zones, adequate access, water, and services as stated under the Act.

This report has been prepared in accordance with “*Planning for Bush Fire Protection (PBP) 2019*” guidelines. Clause 46 of the *Rural Fires Regulation 2002* sets out these requirements, which are addressed in this report. A Bush Fire Assessment Report is required showing the current situation and recommending how the risk may be ameliorated, so consideration may be shown by Council and Rural Fire Service regarding the approval of the proposed subdivision.

Complete Planning state:

The subject site is zoned RU2 Rural Landscape. It is proposed to rezone a portion of the land to R2 Low Density Residential zone. The Proponents have advised that they are only interested in a one (1) into two (2) lot subdivision at this stage and that no additional dwellings will be constructed. However, it is acknowledged that the proposed R2 area has the potential to create 18-21 residential lots (depending on layout and requirements of any future subdivision) with a minimum lot size of 450m². Any bushfire implication of future subdivision (other than the one (1) into two (2) lot proposed) would be addressed at that time when the size and scope of any future development are accessed.

This aerial photograph shows a large green field, likely a paddock, outlined in red. The field is labeled DP 1085485. To the left of the field is a road labeled AVONDA LANE. Below the field is the HUNTER EXPRESSWAY. Various other land parcels are visible, each labeled with a DP number, including DP 1251405, DP 1082569, DP 1086792, DP 1213472, DP 1082569, DP 1219534, DP 1134671, DP 1254371, DP 62705, and DP 500205. A scale bar at the bottom left indicates a distance of 0 to 100m. A legend at the top left shows a scale from 1:4,514 to 1:10,000.

Figure 2: Aerial photo showing subject site, Asset Protection Zone and vegetation types (imagery from Lands Department).

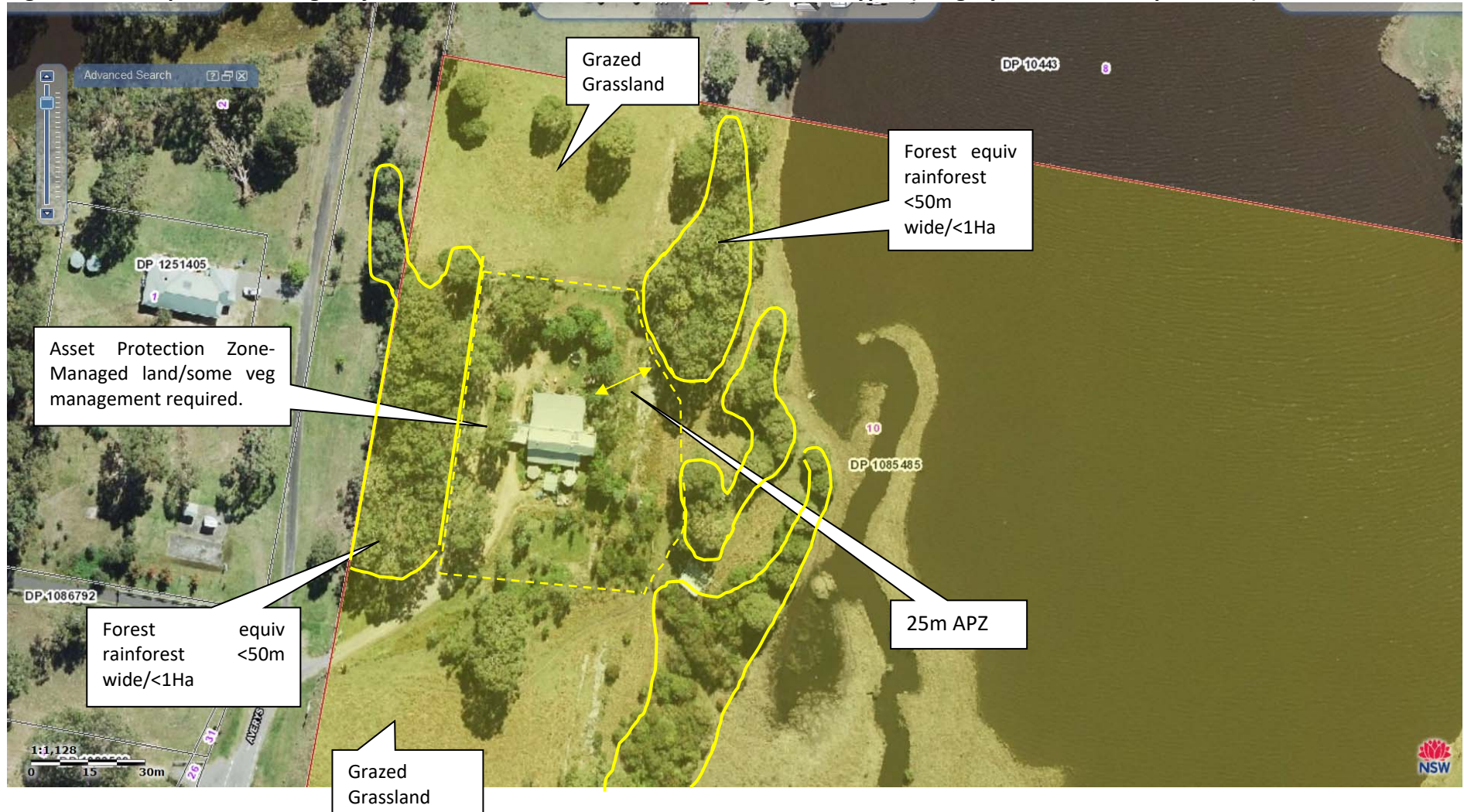


Figure 3: Topographic map showing subject site (imagery from Lands Department)

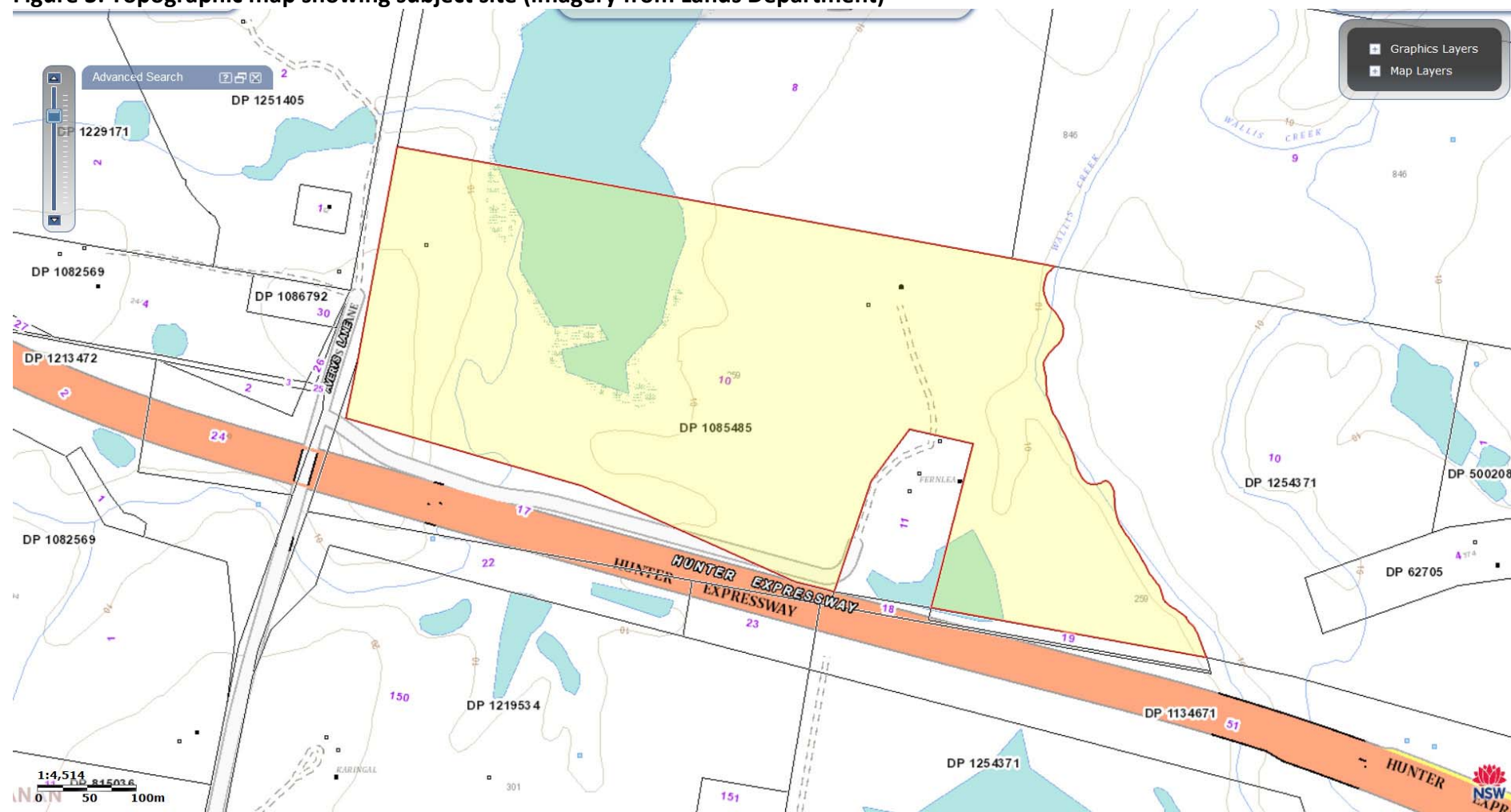


Figure 4: Bush Fire Prone Land Map (from ePlanning, 2020)

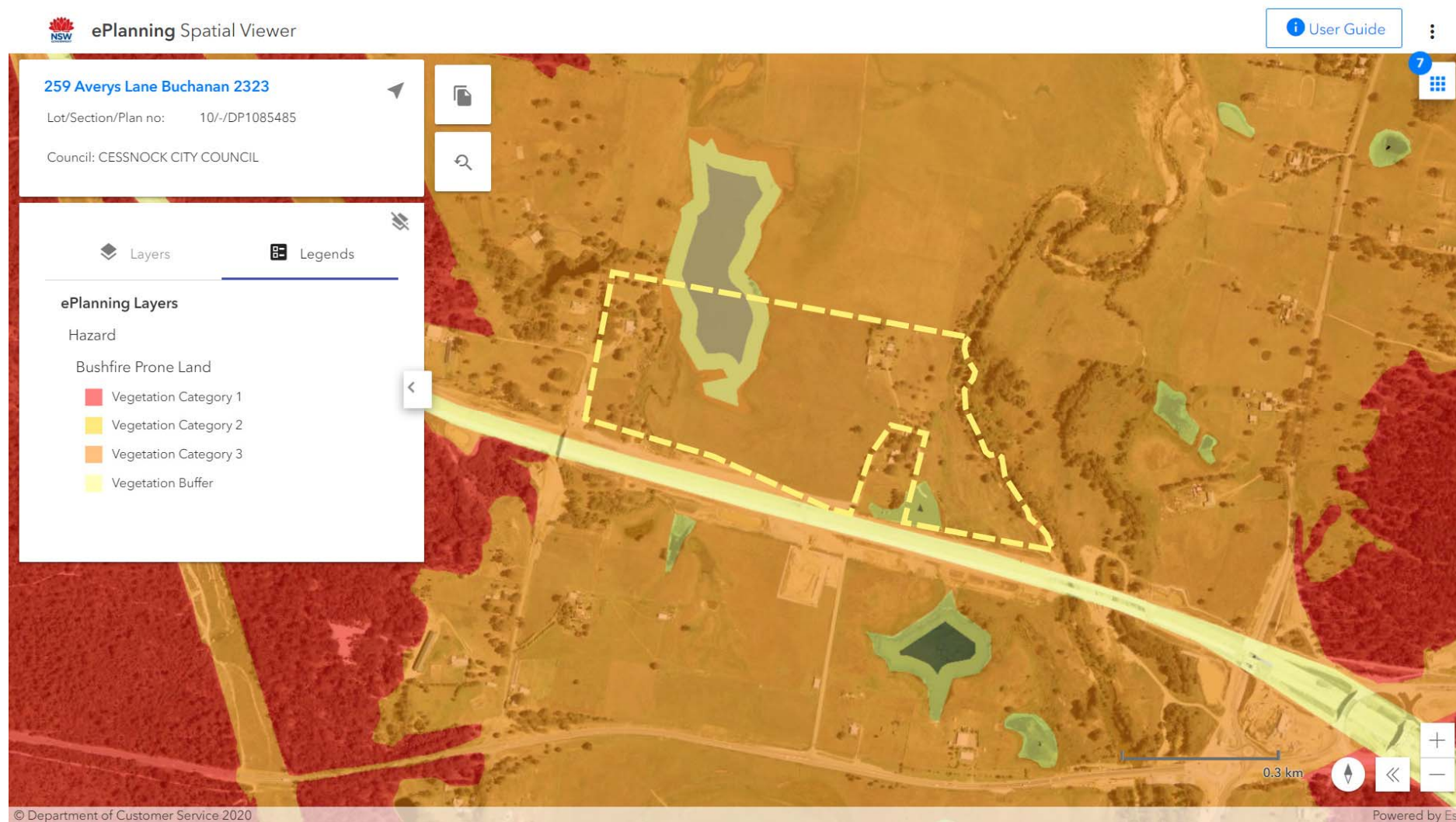


Figure 5: Site plan (from Complete Planning Solutions, dated 21.07.20)

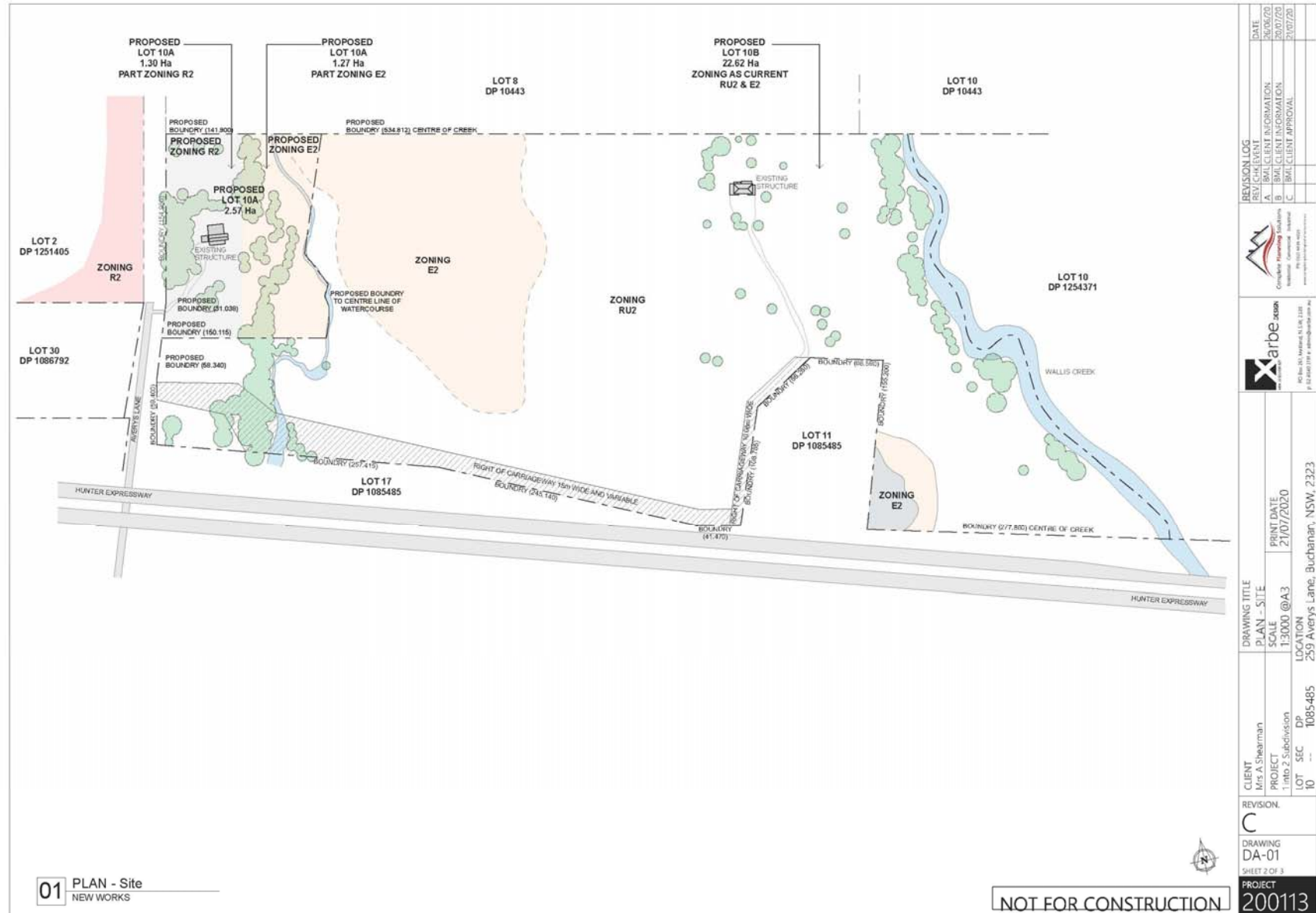
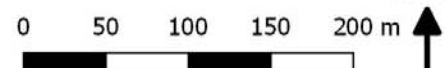


Figure 6: Biodiversity Values Map of site



Legend

- Subject site
- BVMMap_V101_SEED Biodiversity/ValuesMap MultiPolygonZM
- Creek



North



Imagery from nearmap, 15th June, 2020
Projection: GDA 94/MGA zone 56



Note: Cadastre & GPS (+/-3m) may be subject to innaccuracy

2.0 SITE DESCRIPTION AND SURROUNDING LANDUSE

The Applicant seeks to develop the allotment into a 1 into 2 lot rural subdivision. Plans are shown in Figure 5. There is an existing dwelling over proposed Lot 10A which will be retained, and another dwelling over the western side of the site (proposed lot 10B0 which is also to be retained.

The subject site is located in a rural area, accessed from a sealed public no through road.

The subject site is surrounded by part managed land, roads, a creek, a large dam/water course and dwellings further off site.

Managed land surrounds the existing dwelling to the north and south, and west (see below), with some remnants of native vegetation present to the east, which are predominantly underscrubbed and grazed/slashed.

3.0 VEGETATION & ENVIRONMENTAL FEATURES

The predominant vegetation type within 140m is Forest equivalent to Rainforest (<50m wide/ <1 ha), assessed as per PBP 2019 (Figure 1 & 2, Appendix 1 - photos).

Remnants <1Ha are located to the east & west of the existing dwelling over proposed Lot 10A. The western remnant has no understorey, being cleared and slashed, and is fragmented and isolated from other vegetation.

Trees are to 25m in height with a mostly managed understorey over the property, with a weedy lantana understorey over the eastern remnant, and over some patches to the south. It is Hunter Lowland Redgum Forest Endangered Ecological Community, and also mapped on the Biodiversity Vales map (Fig 6), so no clearing allowed over this area allowed without a full BDAR being required for the DA, which is being avoided in this case by placing subdivision boundaries outside of the BV mapped area. There is sufficient cleared, grazed land between the dwelling and eastern remnant to provide an Asset Protection Zone.

Some vegetation management recommended over proposed Asset Protection Zone, being mainly thinning and understorey management of planted exotic trees and shrubs, and some planted natives to conform to an Asset Protection Zone standard.

A sufficient managed garden area is already provided around the dwelling over proposed Lot 10B, of at least 20m width, with surrounding grazed Grassland present.

The subdivision boundary over the watercourse is likely to be assessed by NRAR.

4.0 SLOPE

Slope assessment has been carried out around the subject site under hazardous vegetation out to 100 metres as specified under the Guidelines Assessment Procedure. The angles have been measured in the field by an inclinometer.

PBP, 2019 states: - *“The effective slope is considered to be the slope under the vegetation which will most significantly influence the bush fire behaviour for each aspect. This is usually the steepest slope. In situations where this is not the case, the proposed approach must be fully justified. Vegetation located closest to an asset may not necessarily be located on the effective slope”*.

5.0 ABORIGINAL FEATURES

An Aboriginal archeological survey/or AHIMS search has not been undertaken to the authors knowledge, nor is believed to be required by Council, being existing rural lots.

6.0 BUSH FIRE ASSESSMENT

The legislation as it relates to this site calls for the provision of adequate access, design staging and citing of the development and provision of appropriate water supply for bush fire fighting purposes.

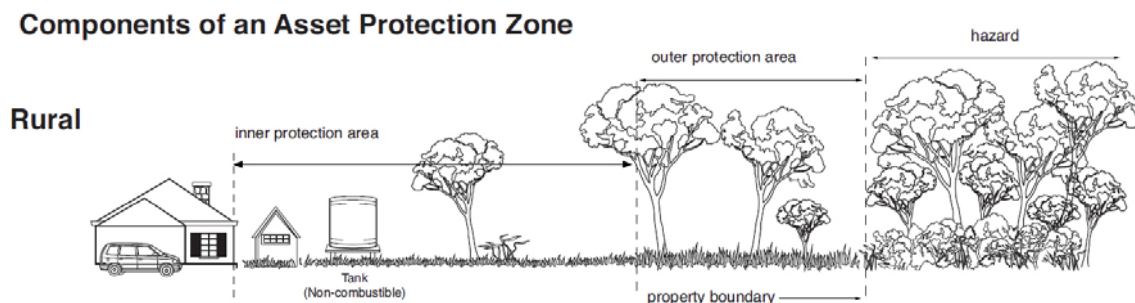
6.1 Setbacks including asset protection zones

An Asset Protection Zone is provided where shown in Figure 2 of 20-25m around the dwelling over proposed lot 10A. An Asset Protection Zone is not required over the subject land under PBP 2019, as the dwellings are existing and no proposed new dwellings or building envelopes are proposed.

A sufficient managed garden area is already provided around the dwelling over proposed Lot 10B, of at least 20m width, with surrounding grazed Grassland present.

The recommended Asset Protection Zone will provide protection for the existing residential dwellings. An example of how it should be managed is shown in Figure 7.

Figure 7: Asset Protection Zone standard (from PBP, 2006)



6.2 Water supplies and utilities

The subject site is serviced by static water tank supplies, and above ground electricity transmission wires. There is a large dam/water course present to the east of the site with pump to upper tanks present as well as a creek line. The existing dwelling over Lot 10A has:

- Two static water tanks present, one concrete, one plastic, total 44 000 litres;
- Water pump & pipe from watercourse to east to top up water tanks (at least 10MGL).

The existing dwelling over proposed Lot 10B has:

- Two underground concrete static water tanks present, total at least 50 000 litres;
- Swimming pool- 40 000litres.

6.3 Access

The proposed subdivision will be accessed from Averys Lane, a sealed two way no through public road. The existing dwelling over proposed Lot 10A has an internal property access road/driveway being 4m wide and <70m in length. It conforms to PBP, 2019. A turning circle is provided around the western side of the dwelling (see photos).

The existing dwelling over proposed Lot 10B has an internal property access road/driveway being 4m wide, unsealed, and around 200m in length. It has a right of way through Lot 11. It joins a sealed public road adjoining the Hunter Freeway and Averys Lane, which is two way, 6m wide, sealed and good condition road.

6.4.1 Construction standards

The existing dwellings shall be upgraded to provide ember screening in accordance with PBP, 2019. Both are older dwellings with no existing ember screening.

6.5 Other fire protection measures

Recommendations are made below to address further non-compulsory bush fire protection measures.

7.0 BUSH FIRE RECOMMENDATIONS

The development complies with PBP, 2019:

- ❑ Serviced by tank water supplies- complies with PBP.
- ❑ Serviced by above ground electricity power- complies with PBP.
- ❑ Serviced by public road, and internal property access road - complies with PBP.
- ❑ Asset Protection Zone - An Asset Protection Zone is provided over the subject site and complies with PBP.
- ❑ Landscaping- to comply with PBP.

The following recommendations are made:

- ❑ **Design and Construction:** - The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions are recommended:
 - Existing dwellings shall be upgraded to provide ember screening in accordance with PBP, 2019.
- ❑ **Asset Protection Zone:** - A 20-25m wide Asset Protection Zone should be provided/maintained over proposed Lots 10A & Lot 10B existing dwellings as shown in Figure 2. The APZ should be managed as an Inner Protection Area Asset Protection Zone (as defined in PBP 2019, Appendix 4). Note: - this is not compulsory under PBP, 2019.

PBP 2019 states the APZ *“should consist of mown grass, concrete, pavers, pebbles, small clumps of vegetation, isolated trees, etc. Lawns and garden should be maintained so that they do not become overgrown, vegetation does not grow over or touch the dwelling, and canopy of trees do not touch or become continuous with the surrounding bushland (at least 2-5 metres between tree canopies).”*

- ❑ **Access:** - The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:
 - Property access roads shall comply with Table 7.4a & Appendix 3 Property Access Roads of 'Planning for Bush Fire Protection 2019'. This includes:
 - minimum 4m carriageway width;
 - a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
 - property access must provide a suitable turning area (or three point tuning head) in accordance with Appendix 3 (note this is provided already around both dwellings);
 - curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
 - the minimum distance between inner and outer curves is 6m;
 - the crossfall is not more than 10 degrees;
 - maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

The existing roads generally comply with these standards, except some tree branch trimming may be required over proposed Lot 10A.

- ❑ **Landscaping:** - All new fencing if within 6m of any proposed dwelling shall be non-combustible. The Asset Protection Zone around proposed Lot 10A shall be maintained to provide an Asset Protection Zone in accordance with Appendix 4, PBP 2019.

The bush fire risk is considered to be adequately managed through the recommendations made above, and in conjunction with any recommendations/approval conditions from the NSW Rural Fire Service/ Council.

Report prepared by:



Ted Smith BSc(Hons) BPAD-A Certified Bush Fire Practitioner -17671
PEAK LAND MANAGEMENT PTY LTD



DISCLAIMER: Whilst every effort is made to present clear and factual information based on fieldwork and current legislation no guarantee is made that the development or its occupants are safe from bush fire, or development will be approved, or to stated BAL, as this is in the hands of the approving statutory authorities/certifier. No warranty or guarantee, whether expressed or implied, is made with respect to the observations, information, findings and inclusions expressed within this report. No liability is accepted for losses, expenses or damages occurring as a result of information presented in this document.

8.0 REFERENCES

Auld, BA & Medd, RW 1987, *Weeds*. Inkata Press.

Brooker, MIH and Kleineg, DA. 2019. *Field Guide to Eucalypts – South Eastern Australia, Volume 1*. Blooming Books.

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Fairley, A and Moore, P. 2000. *Native Plants of the Sydney District*. Kangaroo Press

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NSW Rural Fire Service, 2019. *Planning for Bush Fire Protection Guidelines*.

Robinson, L. 2003 (3rd ed). *Field guide to the Plants of Sydney*. Kangaroo Press.

Standards Australia AS 3959-2018. *Construction of buildings in Bush Fire prone area*.

Websites

www.rfs.nsw.gov.au

Lands Department- SIX Maps

Cessnock City Council

APPENDIX 1: PHOTOS OF SITE AND SURROUNDS

Property access driveway looking south. Hunter Lowland Redgum Forest Endangered Ecological Community to right of frame mapped on BV map area (western side of proposed Lot 10A, unaffected by proposal).



Existing dwelling proposed Lot 10A looking east – note turning circle/loop road



Looking north over proposed lot 10A.



Looking east from proposed lot 10A.



Looking north along proposed subdivision boundary (to right of frame over existing watercourse).



Looking south along proposed subdivision boundary (to left of frame) over existing watercourse.



Pump to water tanks adjoining existing proposed 10A dwelling



Looking south showing mapped Forest to left of frame, and Asset Protection Zone/setback to east.



Lantana understorey over much of the BV mapped Hunter Lowland Redgum Forest Endangered Ecological Community to east



Looking east over proposed subdivision boundary to south of existing dwelling over proposed Lot 10A.



Looking east over proposed subdivision boundary.



Water tanks over existng dwelling- proposed Lot 10A



APZ- some vegetation maintence required in this area (south of exisiting dwelling)



Access road to proposed Lot 10B existing dwelling



Access road to proposed Lot 10B existing dwelling



Appendix 7:

Cessnock City Council Flood Certificate



Cessnock City Council Flood Certificate

15/07/2020

CRM: 13303/2020

Rec: 2882904

Complete Planning Solutions

Property:	LOT 10 : SEC : DP 1085485
Address:	261 Averys LANE BUCHANAN

The information supplied in this certificate represents the most current flooding information held by Council at the time the certificate was created.

The current flood information adopted by Council for this property includes the Wallis and Swamp Fishery Flood Study 2019 (WMAwater).

The following flood information relates to this property:

	20 Year ARI Flood	100 Year ARI Flood
Max. Water Level (m AHD)	10.98	11.39
Min. Water Level (m AHD)	5.97	9.73
Max. Water Depth (m)	5.02	5.96
Min. Water Depth (m)	0.00	0.0
Max. Velocity (m/s)	3.42	3.53
Min. Velocity (m/s)	0.00	0.00
Max. Hazard (H1 to H6)	H6	H6
Min. Hazard (H1 to H6)	H1	H1

Data produced using WaterRIDE Version 1.0.0.1005

ARI = average return interval (a 100yr ARI flood has a 1% chance of occurring in any given year)

Level = elevation of the flood surface above Australian Height Datum (AHD)

Depth is based on 2013 LiDAR aerial survey data

Velocity = speed of the flowing flood water

Hazard is defined in Figure 6.7.9 Book 6 Chapter 7 of Australian Rainfall and Runoff 2019

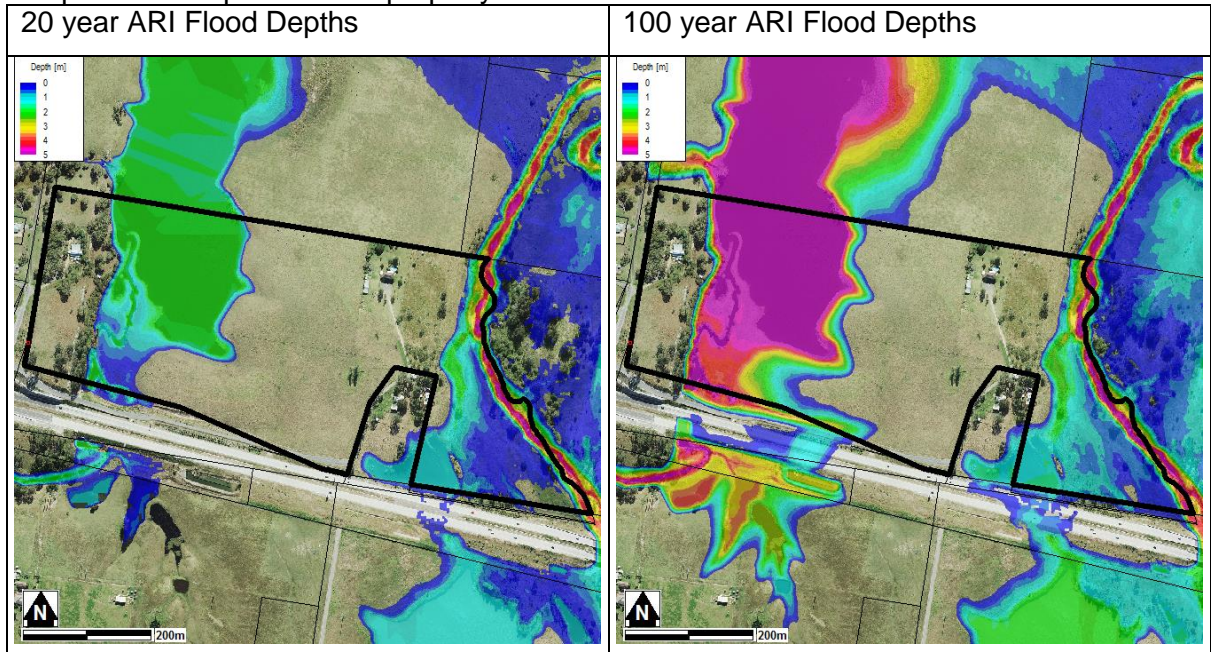
The maximums relate to the highest value within the model grid on the property parcel.

The general requirements for new development in flood-affected land are outlined in Section 3.2 of Part C Chapter 9 of the Cessnock Development Control Plan 2010.

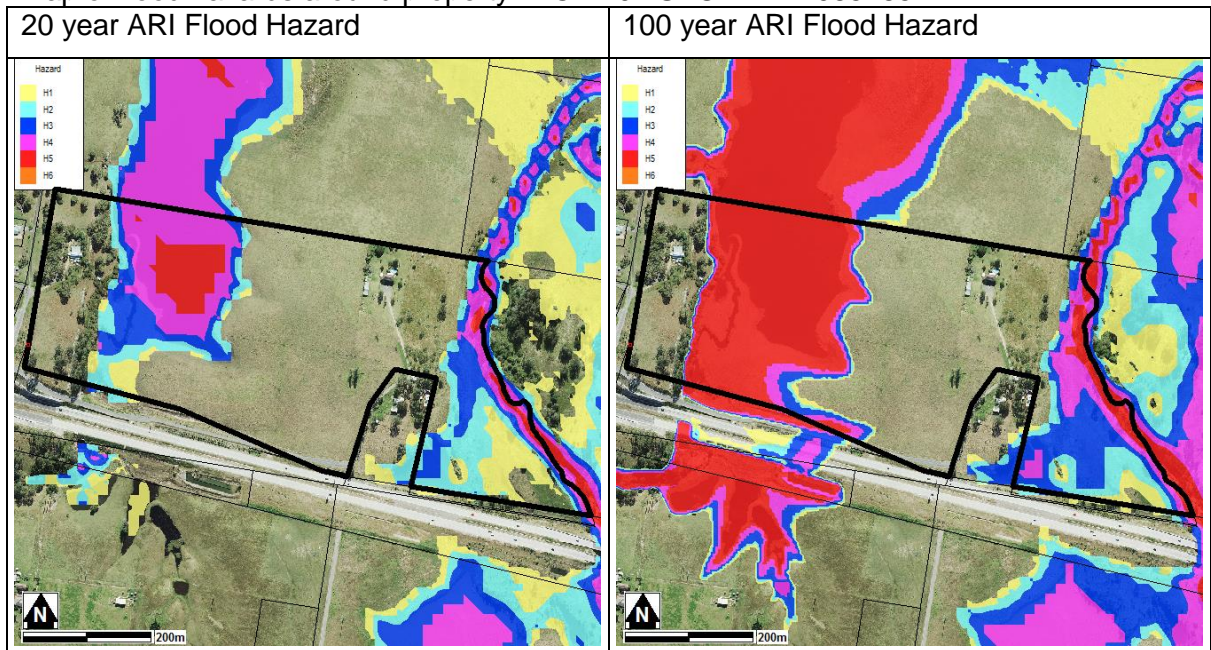
Council does not hold detailed survey information on this property and it will be necessary for you to engage a Registered Surveyor to determine the actual natural surface levels to AHD on the site to determine the extent of inundation.

Clause 7.3 of Cessnock Local Environmental Plan (CLEP) 2011 prescribes objectives and controls for the development of flood prone land. Cessnock LEP 2011 can be downloaded from Council's website. Any enquiries in relation to the development of flood prone land should be discussed with Council's Duty Planner, who is available between 9am-5pm, Monday to Friday, on 02 4993 4100, or in person at Council's Administration Office.

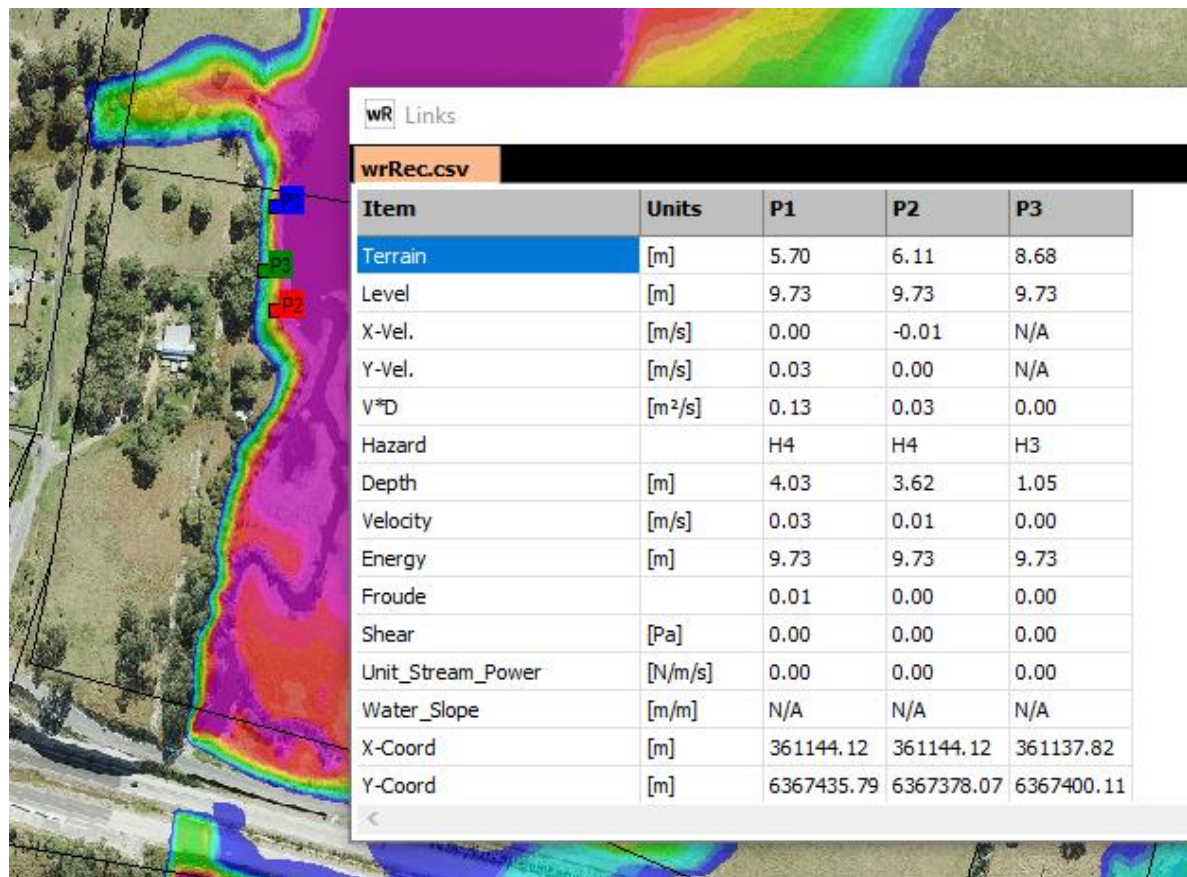
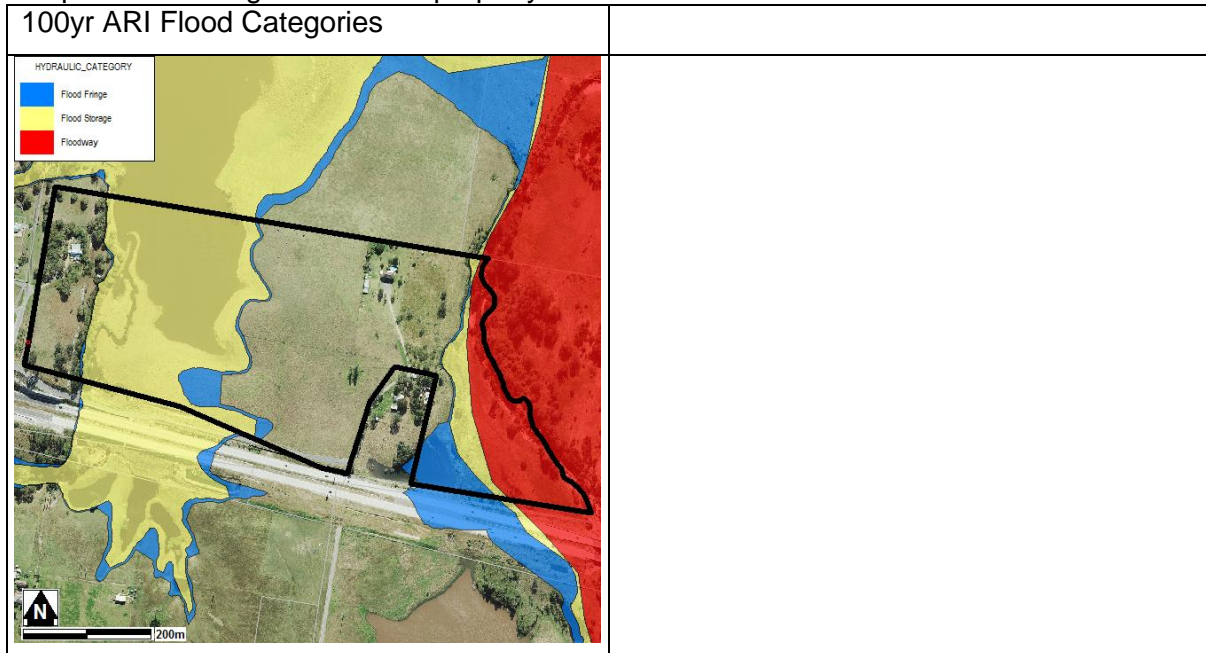
Map of flood depths around property : LOT 10 : SEC : DP 1085485



Map of flood hazards around property : LOT 10 : SEC : DP 1085485



Map of flood categories around property : LOT 10 : SEC : DP 1085485



100 year ARI Flood Spot Data – Flood level is 9.73m AHD

If you require any further information, please do not hesitate to contact Council's Customer Service on 4993 4100, or by email to council@cessnock.nsw.gov.au.

Martin Conner
Principal Engineer – Environmental Infrastructure