



Our ref: SF22/52740

Your ref: 18/2020/3/1

Iain Rush
Senior Strategic Planner
Cessnock City Council
62-78 Vincent Street
Cessnock NSW 2325

Dear Mr Rush

Subject: Request for comment – Planning Proposal – Recreational Land Use Zones - Cessnock LGA

Thank you for your email 5 April 2022 seeking comment on the Planning Proposal for Recreation Land Use Zones within the Cessnock local government area (LGA).

The Biodiversity Conservation Division (BCD) considers that the proposal could proceed however several matters are recommended for further consideration. These are provided in **Attachment A** and detailed comments provided in **Attachment B**. If you require any further information regarding this matter, please contact Sarah Warner, Senior Conservation Planning Officer, on 4904 2748 or via email at huntercentralcoast@environment.nsw.gov.au

Yours sincerely

STEVEN CRICK
Senior Team Leader Planning
Hunter Central Coast Branch
Biodiversity and Conservation Division

2 May 2022

Enclosure: Attachments A and B

BCD's recommendations

Planning Proposal – Recreational Land Use Zones – Cessnock LGA

1. It is recommended that proposed amendments to the land use table be replaced with a clause under the LEPs Schedule 1 Additional Permitted Uses.
2. It is recommended that parcels of biodiversity value be zoned C2 Environmental Conservation.

BCD's detailed comments

Planning Proposal – Recreational Land Use Zones – Cessnock LGA

Biodiversity

1. Proposed amendments to the land use table should be replaced with a clause under the LEPs Schedule 1 additional permitted uses

Typically, permissible land uses for RE1 and RE2 parcels are of a relatively small scale and low impact. The proposed additional land uses could intensify the use of RE1 and RE2 land across the Local Environmental Plan (LEP) area. Information regarding biodiversity that may occur on RE1 and RE2 parcels and that may be affected by the proposal have not been provided for all areas (with exception of that provided in Tables 4 and 5 of the Planning Proposal). Given this there is potential for the proposed additional land uses to impact areas of high environmental value (HEV).

Potential impact to areas of HEV could be avoided by limiting the proposed additional land use to specific RE1 / RE2 parcels and these could be identified under Schedule 1 of the LEP (Additional Permitted Uses). This approach would avoid intensifying land uses across all RE1 / RE2 parcels within the LGA and the associated potentially impact to areas of HEV.

If the land use table is not to be replaced with a new clause in the LEPs Schedule 1, then potential impact to areas of HEV should be avoided by:

- completing a biodiversity constraints assessment for vegetated RE1 / RE2 parcels within the LGA (i.e., that may be affected by proposed additional land use amendments); and
- zoning RE1 / RE2 parcels identified as being of HEV C2 Environmental Conservation.

Recommendation 1

It is recommended that proposed amendments to the land use table be replaced with a clause under the LEPs Schedule 1 - Additional Permitted Uses.

If the above preferred approach were not adopted, then it is recommended that:

- a biodiversity constraints assessment be completed for all vegetated RE1 / RE2 parcels within the LGA; and
- parcels identified as being of HEV in the constraints assessment be zoned C2 Environmental Conservation.

2. It is recommended that parcels of biodiversity value be zoned C2 Environmental Conservation

There are a few parcels that have been included in the proposed LEP map amendments that are considered to also warrant a C2 Environmental Conservation zone. Some of these parcels have high environmental value such as mapped Serious and Irreversible Impact (SAIL) habitat for the

regent honeyeater and / or swift parrot. Parcels that warrant further consideration for C2 Environmental Conservation zone include:

- No 8 – 30 Cessnock Street Kitchener that are proposed to be zoned RE1;
- No 9 – Bailey Park, Abermain that are proposed to be zoned RE1;
- No 30 – Various R2 / RE1 parcels at Cessnock / Bellbird that are proposed to be zoned C3;
- No 36 – Kendall, Cambage and Sparke Street Bellbird that are proposed to be zoned C3;
- No 45 – Mitchell Avenue Kurri Kurri that are proposed to be zoned C3; and
- No 63 – Quorrobolong Road Kitchener that are proposed to be zoned RU2 and SP2.

Recommendation 2

It is recommended that parcels of biodiversity value be zoned C2 Environmental Conservation.