

PLANNING PROPOSAL
Amendment to the
Cessnock Local Environment Plan 2011

Train Support Facility
Lot 1 DP1129191
8 Mansfield Street, Greta

Version 4.1
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PART 1: OBJECTIVES and BACKGROUND

Objective

The objective of the planning proposal is to:-

1. Enable the approved Train Support Facility to be permissible under the provisions of the Cessnock Local Environmental Plan 2011 and ensure the ongoing use of the site for a Train Support Facility that meets the demands of the Coal Chain; and
2. To provide greater ongoing protection and identification of those areas of the site identified as biodiversity offsets.

In addition, land of high biodiversity significance is proposed to be placed in a conservation zone. The ownership and management of this land is currently being negotiated between the Proponent and the Federal Department of Sustainability, Environment, Water, Population and Communities (DSEWPAC) and the State Office of Environment and Heritage (OEH). Approximately 20.39ha of intact vegetation will be set aside for biodiversity offsets. The transfer of this land to Council is not supported. While the ownership and management arrangements for the offset land are not in place at this time, it is considered acceptable to process the Planning Proposal as negotiations between the Proponent and the EPA are ongoing. The resolution of ownership and management issues can be undertaken in parallel to the processing of the Planning Proposal.

The Planning Proposal will provide clear delineation between conservation and infrastructure land uses on the site.

Background

Council has received a request to prepare a Planning Proposal to rezone Lot 1 DP 1129191 Greta to accommodate the recently approved (March 2011) Train Support Facility and to facilitate environmental conservation outcomes on the site.

The site, Lot 1 DP1129191, 8 Mansfield Street, Greta, is located south west of Greta and is an irregular shaped parcel bounded by the Great Northern Railway to the north-east (zoned SP2 - Infrastructure (Railway) and the Hunter Expressway to the west (zoned SP2 - Infrastructure (Classified Road)). The site has an area of approximately 46.57ha and extends north-west from near Greta Railway Station for a distance of approximately 2.4kms.

A Locality Plan is provided as Figure 1.



Figure 1: Locality Plan

The Train Support Facility was approved under Part 3A of the Environmental Planning and Assessment Act in March 2011 under Cessnock Local Environmental Plan 1989, where it was permissible in the 1(a) Rural (A) zone due to the Model Provisions. The rezoning will ensure that the Train Support Facility approved for the site is permissible under the current provisions of Cessnock Local Environmental Plan 2011.

Running concurrently with the Part 3A application was a request for Cessnock City Council to amend the site zoning under the (then) draft Cessnock Local Environmental Plan. It was requested that the site be zoned SP2 - Infrastructure (Railway) to reflect the future use of the site and to allow that use to continue on the site.

The rezoning was supported by Council and the Department of Planning and Infrastructure and the site was re-exhibited with the draft LEP to include the site as SP2 - Infrastructure (Railway). However, following the second exhibition, the NSW Office of Environment and Heritage objected to the rezoning of this site and as a result retained a rural zoning under Local Environmental Plan 2011.

The Department of Planning and Infrastructure subsequently required Council to prepare a separate Planning Proposal to rezone the land.

PART 2: EXPLANATION of PROVISIONS

The Planning Proposal seeks to amend Cessnock Comprehensive Local Environmental Plan by rezoning the subject land from RU2 - Rural Landscape Zone to:

- SP2 - Infrastructure (Railway); and
- E2 - Environmental Conservation.

In addition, it is proposed to remove the minimum lot size requirement of 40ha for the site which is associated with the RU2 zone.

The proposed changes to Cessnock Local Environmental Plan 2011 are as follows:-

- Amendment of Cessnock Local Environmental Plan 2011 Land Zoning Map in accordance with the proposed rezoning map attached as Appendix 2; and
- Amendment of Cessnock Local Environmental Plan 2011 Lot Size Map in accordance with the proposed lot size map attached as Appendix 3.

NOTE: The final proposed zoning boundaries will relate to the biobanking agreement for the site.

PART 3: JUSTIFICATION

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

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

Section A: Need for Proposal

1. Resulting from a Strategic Study or Report

The Planning Proposal is not the result of a strategic study or report. The proposal is the result of approval being issued for a recent development that was previously permissible within the prescribed zone however, under the provisions of the new LEP, the use is no longer permissible within the prescribed zone.

It should be noted that the original request to zone the site only allowed the continual use of the site for a permissible use and therefore was not changing the land use.

2. Planning Proposal as best way to achieve to objectives

The proposed rezoning will enable the approved Train Support Facility to be permissible development within that zone. Given that Pacific National moves approximately 85% of the coal from the Hunter to the Port, possible expansion or further amendments to the facility will be required in the future. Without the rezoning, it will become difficult to expand or modify the facility in the future.

In addition, the rezoning will ensure the areas identified for biodiversity offsets will be further protected under the E2 Environmental Conservation zone, which has limited permissible uses, rather than the existing RU2 Rural Landscape zoning.

It is considered that given the approved uses for the site, rezoning the subject areas to E2 Environmental Conservation and SP2 Infrastructure is the most appropriate method to achieve the objectives and intended outcomes.

3. Net Community Benefit

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

Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)?	The planning proposal does not affect current or future residential areas. The site is located in proximity to the Huntlee development and was deemed to have an acceptable impact based on the Part 3A assessment and discussions with Huntlee developers.
Is the LEP located in a regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?	No. While not specifically mentioned in the Lower Hunter Regional Strategy, the site directly adjoins the railway line.

Is the LEP likely to create a precedent or create or change the expectations of the landowners or other landholders?	No. The site is unique to the particular infrastructure and constraints of the locality. Due to the location between the railway line and Hunter Expressway, the cumulative effects of the rezoning are considered consistent with the surrounding sites
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	No. Due to the location between the railway line and Hunter Expressway, the cumulative effects of the rezoning are considered consistent with the surrounding sites.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Yes. The TSF will provide 40 permanent jobs on site and will support significant employment generated by the coal chain. The rezoning will not result in the loss of employment lands.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport available or is there infrastructure capacity to support future public transport?	The Part 3A assessment determined that the public infrastructure was capable of servicing the proposed site. While there is limited pedestrian and cycling access to the site, it is not considered appropriate for the SP2 - Infrastructure zoning. Public transport, however, is available via the adjacent railway
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	There has been significant Government investment in the rail upgrade to provide a third rail line. Without the TSF and subsequent rezoning, this upgrade may not be maximised to its potential.
Will the proposal impact in land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	Yes. The proposal will have a positive impact on land identified for its environmental values. The areas identified for biodiversity offsets as part of the Part 3A approval will be rezoned E2 - Environmental Conservation, which will provide greater protection and certainty for the environmental outcomes of these parts of the site.
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	Yes. The surrounding land use and zoning is predominately for infrastructure purposes, that is, the Hunter Expressway and the Great Northern Railway. Impacts on amenity were addressed as part of the Part 3A application.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The rezoning will provide certainty to the public that the end use of the site will be for rail infrastructure, as well as protecting the environment. The rezoning will allow for adaptation of the approved facility to meet coal chain demands.

Section B: Relationship to Strategic Planning Framework

4. Consistency with Objectives and Actions within Regional Strategies

Lower Hunter Regional Strategy

The LHRS recognises that the Hunter Region accounts for 14% of Australia's total exports and of those exports, coal being the significant majority. It also states that Newcastle is the world's largest coal exporting port, and that projected economic activity in the Lower Hunter is recognised as providing a significant number of new industries and work force that will substantially drive economic growth in New South Wales.

The LHRS recognises that emerging sectors such as health, education, financial and personal services as well as tourism, will generate new jobs for the region, however, it also recognises that traditional industrial land will remain important to the regional economy as the region capitalises on the opportunity presented by its geographical location, existing infrastructure and skills base.

Ensuring that ongoing capacity is provided for both new and traditional job opportunities for the growing population is an important focus of the regional strategy.

One of the economic challenges for the region as expressed in the objectives of the LHRS is to *"maximise the economic opportunities associated within the region's competitive advantages, in particular its economic infrastructure and specialised centres."* The Port of Newcastle is classed as a Special Purpose Centre. The delivery of coal to the Port of Newcastle is the main driver of expansion and jobs growth within this special centre. Therefore, the provision of infrastructure and services that feed the Port is critical to its ongoing operation. The approved TSF will help deliver coal to the Port of Newcastle.

Lower Hunter Regional Conservation Plan

The LHRCP details a 25 year program to direct and drive conservation planning and efforts in the Lower Hunter Valley. The LHRCP:-

- Analyses the impacts of the urban development scenarios in the LHRS.
- Presents a biodiversity investment guide that identifies areas that could be targeted for public or private land conservation or restoration.
- Identifies mechanisms for biodiversity conservation through investment in the Lower Hunter (at a landscape level).
- Provides a guide for local government authorities to plan for biodiversity protection, conservation and management, and local environmental planning instruments.

The LHRCP does not identify any specific conservation efforts for Greta or the subject site. The proposed rezoning, however, intends to rezone those areas of the site affected by a bio-banking agreement from RU2 Rural Landscape to E2 - Environmental Conservation to ensure greater protection of biodiversity on the site. Overall, the rezoning is consistent with the objectives of the LHRCP and will provide a positive outcome for environmental conservation efforts on the site.

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

City Wide Settlement Strategy (2010)

The Cessnock City Wide Settlement Strategy (2010) (CWSS) was prepared by Council, based on extensive community consultation and was endorsed in 2010.

The CWSS sets future direction for population growth throughout the Cessnock LGA, 'captures' land for closer residential settlement; provides the basis for new planning policy for rural tourism, and the foundation for sustainable planning policy which balances growth with the natural, scenic and cultural assets of the LGA.

One of Cessnock City Council's stated goals within the CWSS is to *"actively foster the creation of employment and sustainable development opportunities acceptable to community and environmental standards"*.

To consider the employment needs of Cessnock City Council within the context of the LHRs, the Council prepared the CWSS with a section devoted to employment lands. The CWSS deals mainly with existing employment lands zoned for industrial purposes within the LGA, however, it also recognises that there are a number of significant industrial developments located within the rural areas in Cessnock which make a significant contribution to employment within the LGA. The approved TSF provides an additional land use within this category.

The LHRs the CWSS also draws the distinction between the local service based industry and export industry. The CWSS recognises the need to provide opportunities for export markets to take advantage of existing infrastructure, such as railway lines, within the region. The approved TSF has met this objective and provides a facility adjacent to the Main Northern Railway and the proposed Hunter Expressway, which services the export markets associated with the Port of Newcastle.

The CWSS aims to recognise major infrastructure across the Cessnock LGA by zoning these sites SP2 Infrastructure. The approved TSF is considered to be major infrastructure and is consistent with the CWSS. The proposed rezoning will provide land suitable for employment purposes, directly through the TSF and indirectly through the broader context of supporting the Hunter coal chain, without impacting on the village centre characteristics of Greta. Therefore, it is considered that the proposed rezoning is consistent with the aims and objectives of the CWSS.

6. Consistency with State Environmental Planning Policies

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

Table 1: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 1 - Development Standards	The SEPP makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.	This SEPP does not apply to Cessnock Local Government Area following the gazettal of the Cessnock Local Environmental Plan 2011.
SEPP 4 - Development without Consent and Miscellaneous Complying	The SEPP allows relatively simple or minor changes of land or building use and certain types of development without the need for formal development applications. The types	Nothing in this planning proposal affects the aims and provisions of this SEPP

Development	of development covered in the policy are outlined in the policy.	
SEPP 6 - Number of Storeys in a Building	The SEPP clarifies the reference to storey, floors and levels.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 15 - Rural Land Sharing Communities	The SEPP provides for multiple occupancy development, with council consent, in rural and non-urban zones, subject to a list of criteria in the policy.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
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 22 - Shops and commercial premises	The SEPP provides for the change of use of commercial premises.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 30 - Intensive Agriculture	The SEPP provides considerations for consent for intensive agriculture.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 32 - Urban Consolidation (Redevelopment of Urban Land)	The SEPP makes provision for the re-development of urban land suitable for multi-unit housing and related development.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 33 - Hazardous & Offensive Development	The SEPP provides considerations for consent for hazardous & offensive development.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 36 - Manufactured Homes Estates	The SEPP makes provision to encourage manufactured homes estates through permitting this use where caravan parks are permitted and allowing subdivision.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 44 - Koala Habitat Protection	This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 50 - Canal Estates	The SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.	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	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 62 - Sustainable Aquaculture	The SEPP relates to development for aquaculture and to development arising from the rezoning of land and is of relevance for site specific rezoning proposals.	Nothing in this planning proposal affects the aims and provisions of this SEPP.

SEPP 64 - 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.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP Housing for Seniors or People with a Disability 2004	The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.	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 (JRPPs) 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.	Infrastructure should be zoned SP2 Infrastructure under the Standard Template. Under the current zoning, the Infrastructure SEPP is not triggered as the RU2 Rural Landscape zone is not listed as a prescribed zone under the Policy. As the SEPP guides the provision of infrastructure, the subject site should be zoned appropriately so that future development of the site may be carried out under the requirements of the Infrastructure SEPP.
SEPP Mining, Petroleum Production and Extractive Industries 2007	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.	Nothing in this planning proposal affects the aims and provisions of this SEPP.

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 Rural Lands 2008	The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts and provides development principles.	The rural planning principles contained within SEPP (Rural Lands) encourage the protection and promotion of opportunities for productive and sustainable economic activities in rural areas. The SEPP (Rural Lands) also identifies that in planning for rural lands, the social, economic and environmental interests of the community are to be balanced. The rezoning will result in the loss of 46.57ha of land zoned for rural purposes. However, the site has an approval for a TSF which is currently under construction and will no longer be suitable for rural purposes. In addition, the land is sited between two significant infrastructure corridors, being the main Northern Railway and the planned Hunter Expressway. As such, its application for rural use would be limited due to the proximity of these infrastructure corridors. Overall, it is considered that the rezoning would result in an outcome where by the social, economic and environmental interests are balanced. As such, the rezoning is appropriate for the site in which it is located, and does not raise any issues that conflict with SEPP Rural Lands.
SEPP Affordable Rental Housing 2009	The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.	Nothing in this planning proposal affects the aims and provisions of this SEPP.

SEPP State and Regional Development 2011	The SEPP aims to identify development and infrastructure that is State significant and confer functions on the Joint Regional Planning Panels (JRPPs) to determine development applications.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
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7. Consistency with s.117 Ministerial Directions for Local Plan Making

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

Table 2: Relevant s.117 Ministerial Directions

Ministerial Direction	Aim of Direction	Consistency and Implication
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	Encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	Planning Proposal not affected by this direction.
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	While it is required that Direction 1.2 is considered because the site is zoned for rural purposes, the planning proposal will rezone the site from RU2 Rural Landscape to SP2 - Infrastructure and E2 - Environmental Conservation. The proposed zones do not fall into the categories above, as such, Ministerial Direction 1.2 - Rural Zones does not apply to this planning proposal.
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.	Planning Proposal not affected by this direction.
1.5 Rural lands	The objective of this direction is to protect the agricultural production value of rural land and facilitate the economic development of rural lands for rural related purposes.	The planning proposal is not considered to be consistent with the Rural Planning Principles listed in the SEPP, however, the inconsistency is justified for the following reasons:- • The rezoning will result in the loss of 46.57ha of rural land that is for the most part adjacent to land zoned SP2 Infrastructure. The land is sited between two major infrastructure corridors, being the main Northern Railway and the Hunter

		Expressway. It appears the lot is residual from the subdivision to create the Expressway. As such, rural use of the site would be limited due to the proximity of these infrastructure corridors. Department of Planning and Infrastructure approved the Train Support Facility in March 2011 given that the site was highly suitable for rail infrastructure, and provided a balanced outcome for social, economic and environmental interests. For these reasons, it is considered the planning proposal is justified despite the inconsistency with Ministerial Direction 1.5 – Rural Lands.
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	The site comprises two areas identified for biodiversity offsets under the bio-banking agreement entered into as part of the Part 3A approval issued for the TSF. The planning proposal intends to rezone these areas from RU2 Rural Landscape to E2 Environmental Conservation to ensure greater protection for environmentally sensitive areas on site. As such, the planning proposal is considered consistent with Direction 2.1.
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.	Planning Proposal not affected by this direction.
2.4 Recreation Vehicle Areas	The draft LEP amendment does not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>).	Planning Proposal not affected by this direction.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to	Planning Proposal not affected by this direction.

	infrastructure and services, and minimise the impact of residential development on the environment and resource lands.	
3.2 Caravan parks and Manufactured Home Estates	The objective of this direction is to provide for a variety of housing types, and provide opportunities for caravan parks and manufactured home estates.	Planning Proposal not affected by this direction.
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Planning Proposal not affected by this direction.
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.	Planning Proposal not affected by this direction.
3.5 Development Near Licensed Aerodromes	The objectives of this direction to ensure the efficient and safe operation of aerodromes, ensure their operation is not compromised by incompatible future adjoining land uses	Planning Proposal not affected by this direction.
3.6 Shooting Ranges	The objective of this direction is to maintain appropriate levels of public safety and amenity, reduce land use conflict and identify issued that must be addressed when rezoning land adjacent to an existing shooting range.	Planning Proposal not affected by this direction.
4. HAZARD AND RISK		
4.1 Acid Sulphate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils	Planning Proposal not affected by this direction.
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	Planning Proposal not affected by this direction.
4.3 Flood Prone Land	The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , and that the provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.	Planning Proposal not affected by this direction.
4.4 Planning for Bushfire Protection	The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound	Planning Proposal not affected by this direction.

	management of bush fire prone areas.	
5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	Planning Proposal not affected by this direction.
6. LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Planning Proposal not affected by this direction.
6.2 Reserving Land for Public Purposes	The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Planning Proposal not affected by this direction.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Planning Proposal not affected by this direction.

Section C: Environmental, Social and Economic Impact

8. Impact on Threatened Species

The site is subject to an existing Part 3A approval for the TSF on site and works are currently being undertaken in accordance with this approval. The primary purpose of this planning proposal is to enable the approved TSF to operate as a permissible use on the site, rather than an existing use. A significant amount of assessment was carried out as part of the TSF Project application to determine the impact of development on the site. This included ecological assessment under S5A of the EP&A Act, Threatened Species Conservation Act 1995 and Environmental Protection and Biodiversity Conservation Act 1999.

Results from the field surveys carried out by SKM in 2010 for the TSF Part 3A application recorded the following habitats and threatened species, populations and ecological communities on the site:-

- Lower Hunter Spotted Gum – Ironbark Forest
- Hunter Lowlands Red Gum Forest
- Persoonia Pauciflora
- Acacia Bynoeana
- Squirrel Glider
- Grey-crowned Babbler
- Speckled Warbler
- Critical foraging habitat for Grey-headed Flying-Fox

In accordance with the Part 3A approval, areas have been set aside for environmental conservation to offset the ecological impacts of the TSF. These areas are affected by a formal bio-banking agreement between the Proponent and DSEWPAC. This Planning Proposal will rezone these portions of the site to E2 - Environmental Conservation which will provide further protection to the areas identified for their biodiversity values. Given this, the proposed rezoning is considered to have a positive effect on the environment as the E2 - Environmental Conservation zone will offer greater protection to the areas identified for biodiversity offsets than the existing RU2 - Rural Landscape Zone.

Council consulted with the Federal Department of Sustainability, Environment, Water, Population and Communities; and the NSW Office of Environment and Heritage (OEH) in accordance with the Gateway Determination, issued by the NSW Department of Planning and Infrastructure.

The Federal Department of Sustainability, Environment, Water, Population and Communities advised that an adjustment of 0.5ha to the northern boundary of the E2 - Environmental Conservation zone was required to accurately reflect the approved 'Offsets Package for the Pacific National' as exhibited with the Planning Proposal.

In consultation with the proponent, the Planning Proposal has been updated and a revised zoning plan included that describes the area for the E2 - Environmental Conservation zone as being 20.39 hectares rather than the 19.8 hectares as described in the exhibited Planning Proposal. The zoning plan now coincides with the agreed biodiversity offset strategy which has been supported by both the state and federal environmental agencies.

The Federal Department of Sustainability, Environment, Water, Population and Communities confirmed that the E2 zone corresponds to the BioBank area approved under the Environmental Protection and Biodiversity Conservation Act and that there were no additional requirements in respect of this Planning Proposal.

The NSW Office of Environment and Heritage also confirm the suitability of that part of the site to be zoned E2 - Environmental Conservation zone as the onsite biodiversity offset in accordance with the revised 'Biodiversity Offset Package', exhibited with the Planning Proposal.

Copy of the Federal Department of Sustainability, Environment Water, Population and Communities Biodiversity Offset Package and the NSW Office of Environment and Heritage Offset Package were exhibited with this Planning Proposal.

9. Environmental Impact

As stated above, the environmental effects of development on the site were addressed as part of the Part 3A Project Application for the TSF. The facility was subsequently approved by Department of Planning and Infrastructure under a number of conditions to ensure environmental impacts were either mitigated or managed appropriately. The proposed rezoning will not result in any additional significant environmental impacts than those already identified under the Part 3A assessment. The rezoning will ensure that those areas identified for biodiversity offsets on site will be appropriately zoned for conservation and protection.

10. Social and Economic Impacts

The impacts of development on the site were addressed through the Part 3A Project Application for the TSF in March 2011. Rezoning of the site will support the approved use of the site, and is not likely to have significant detrimental impacts in relation to social and economic matters.

The dominant industries of employment for Greta residents and the current profile of the Greta workers, suggest that the Train Support Facility is well situated and will employ the workers that already possess the skills required to construct and operate the support facilities. On a broader scale, the TSF supports the Hunter's coal chain by providing railway infrastructure.

The coal chain makes a very significant social and economic contribution to the Hunter region and State of New South Wales, particularly with respect to the continued efficiency and development of the Hunter Valley export coal supply chain. Employment opportunities will be generated not only during the construction phase but also through the operation of the TSF and supporting services. Rezoning of the site will allow for expansion of the TSF, where required, which in turn will generate further employment.

The rezoning will provide the community with certainty regarding the approved use of the site by rezoning the developable area SP2 - Infrastructure (Railway).

In addition, the rezoning will provide the community with confidence that those areas set aside for biodiversity offsets will be protected under the E2 - Environmental Conservation zone.

Given that there is an approved use for the site, being the TSF, and the rezoning is being carried out in retrospect, the social and economic effects of the rezoning itself are considered to be negligible.

Section D: State and Commonwealth Interests

11. Adequate Public Infrastructure

As an approval was issued for the TSF on site, it is assumed that there is adequate public infrastructure for the intended use of the site. As such, it is considered that there is adequate public infrastructure for the planning proposal.

12. Consultation with State and Commonwealth Authorities

Significant consultation was undertaken with both State and Commonwealth authorities through the Part 3A assessment. The matters raised by those authorities were addressed through this process, such as the provision of offsets and mine subsidence works. Further consultation was undertaken with the Federal Department of Sustainability, Environment, Water, Population and Communities and the State Office of Environment and Heritage regarding the proposal to inform them of the reduction in SP2 zone in favour of the E2 - Environmental Conservation zone.

PART 4: COMMUNITY CONSULTATION

The Planning Proposal was publicly exhibited for a period of 14 days (5 June 2013 to 19 June 2013) in accordance with the Gateway Determination issued by the Department of Planning and Infrastructure on 10 January 2013.

The exhibition material was available from the following locations:

- 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

No submissions were received from the community during this period.

Comments were also sought from the Federal Department of Sustainability, Environment, Water, Population and Communities and NSW Office of Environment and Heritage (OEH) on the suitability of the biodiversity arrangements and the onsite environmental footprint corresponding to the proposed E2 - Environmental Conservation zone.

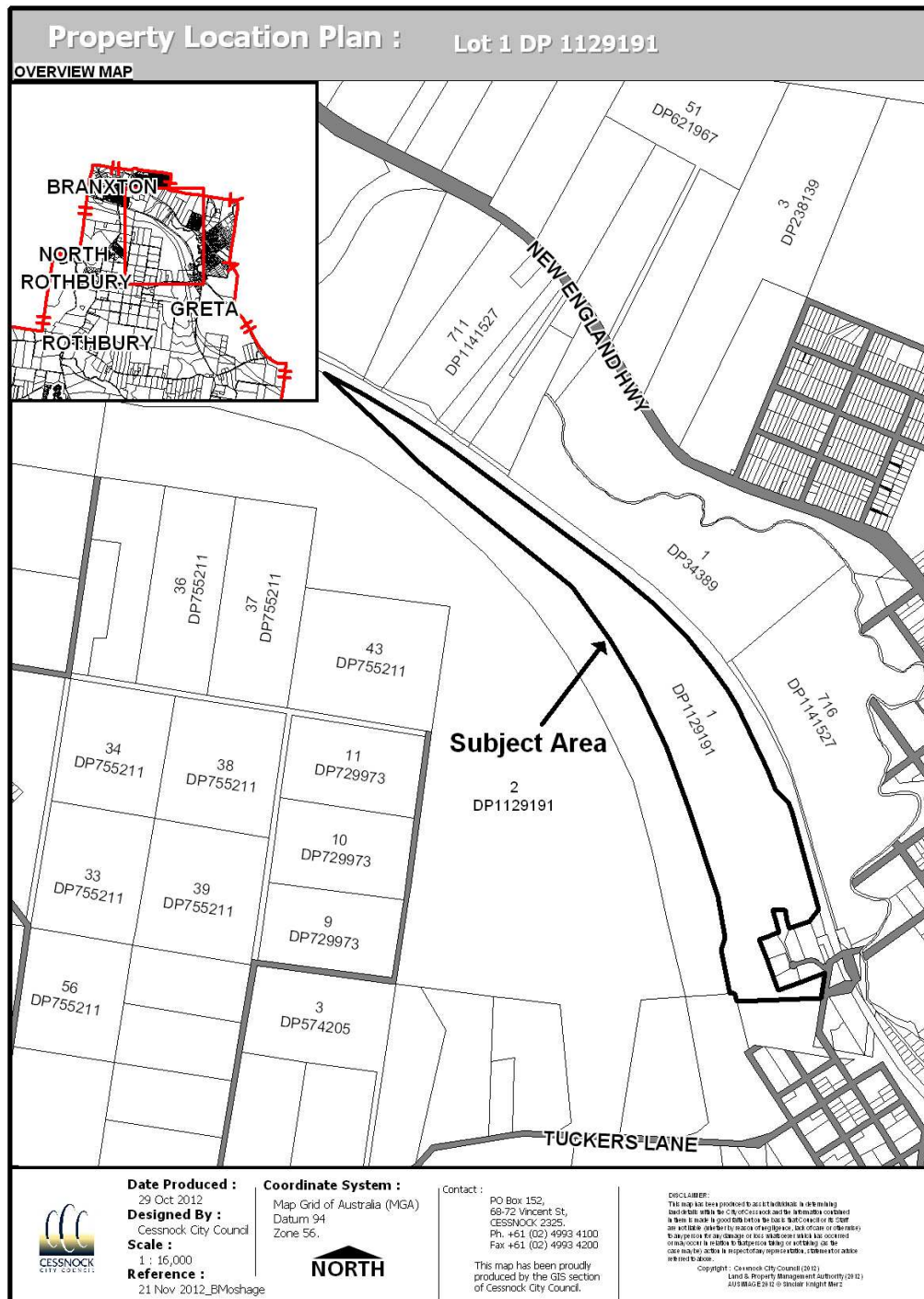
The Federal Department of Sustainability, Environment, Water, Population and Communities advised that an adjustment of 0.5ha to the northern boundary of the E2 - Environmental Conservation zone was required to accurately reflect the approved 'Offsets Package for the Pacific National' as exhibited with the Planning Proposal.

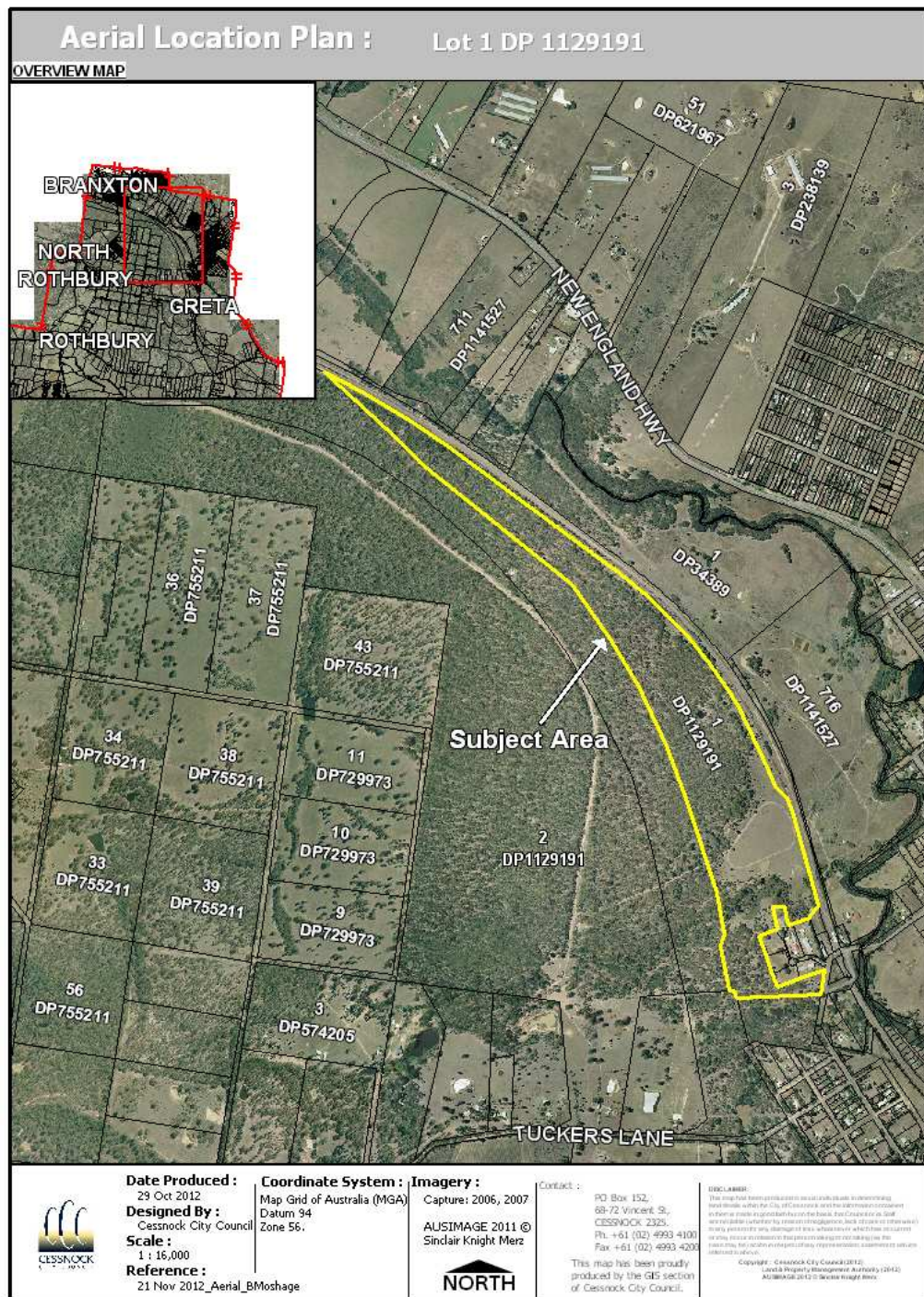
In consultation with the proponent, the Planning Proposal has been updated and a revised zoning plan included that describes the area for the E2 - Environmental Conservation zone as being 20.39 hectares rather than the 19.8 hectares as described in the exhibited Planning Proposal. The zoning plan now coincides with the agreed biodiversity offset strategy which has been supported by both the state and federal environmental agencies.

The Federal Department of Sustainability, Environment, Water, Population and Communities confirmed that the E2 zone corresponds to the BioBank area approved under the Environmental Protection and Biodiversity Conservation Act and that there were no additional requirements in respect of this Planning Proposal.

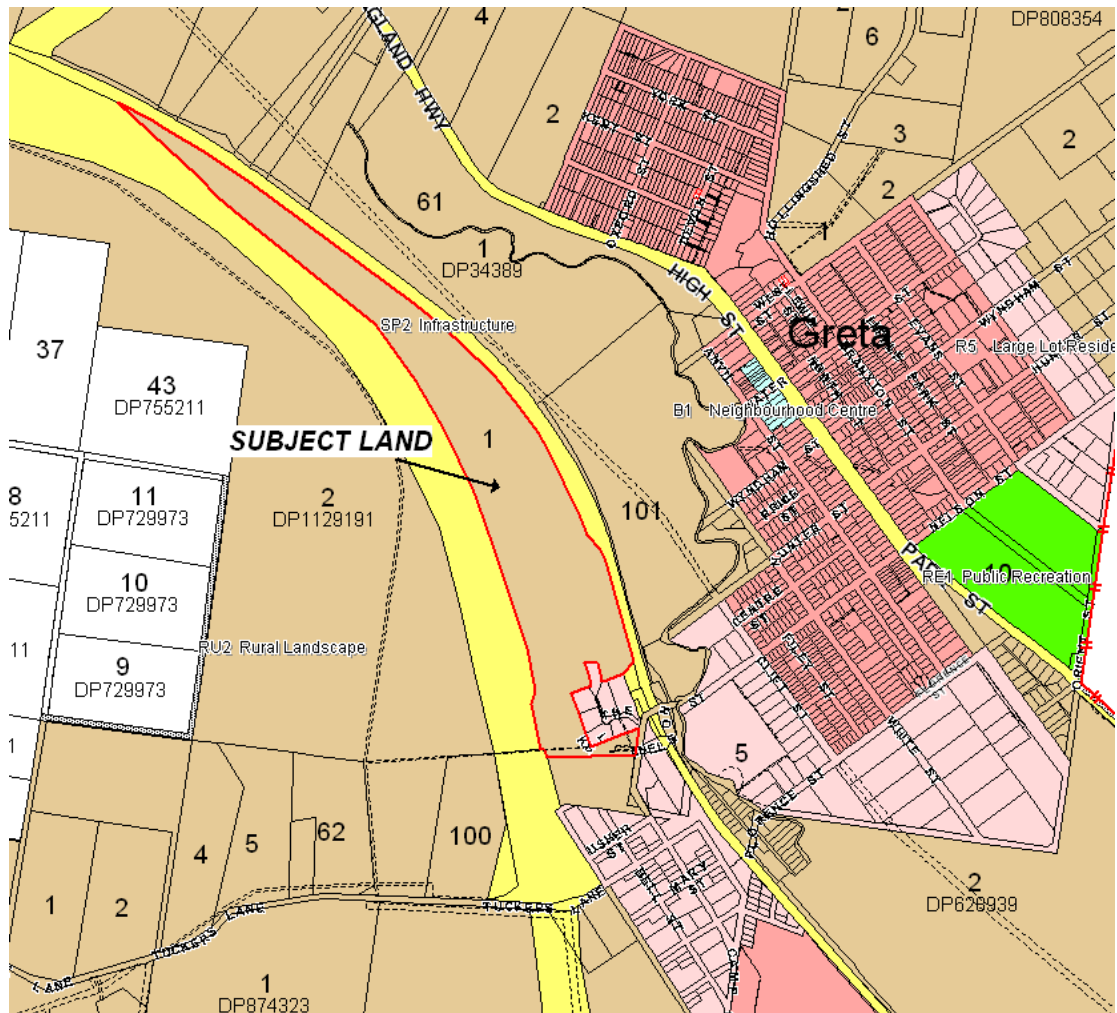
The NSW Office of Environment and Heritage also confirm the suitability of that part of the site to be zoned E2 - Environmental Conservation zone as the onsite biodiversity offset in accordance with the revised 'Biodiversity Offset Package', exhibited with the Planning Proposal.

Appendix 1: Location Plan

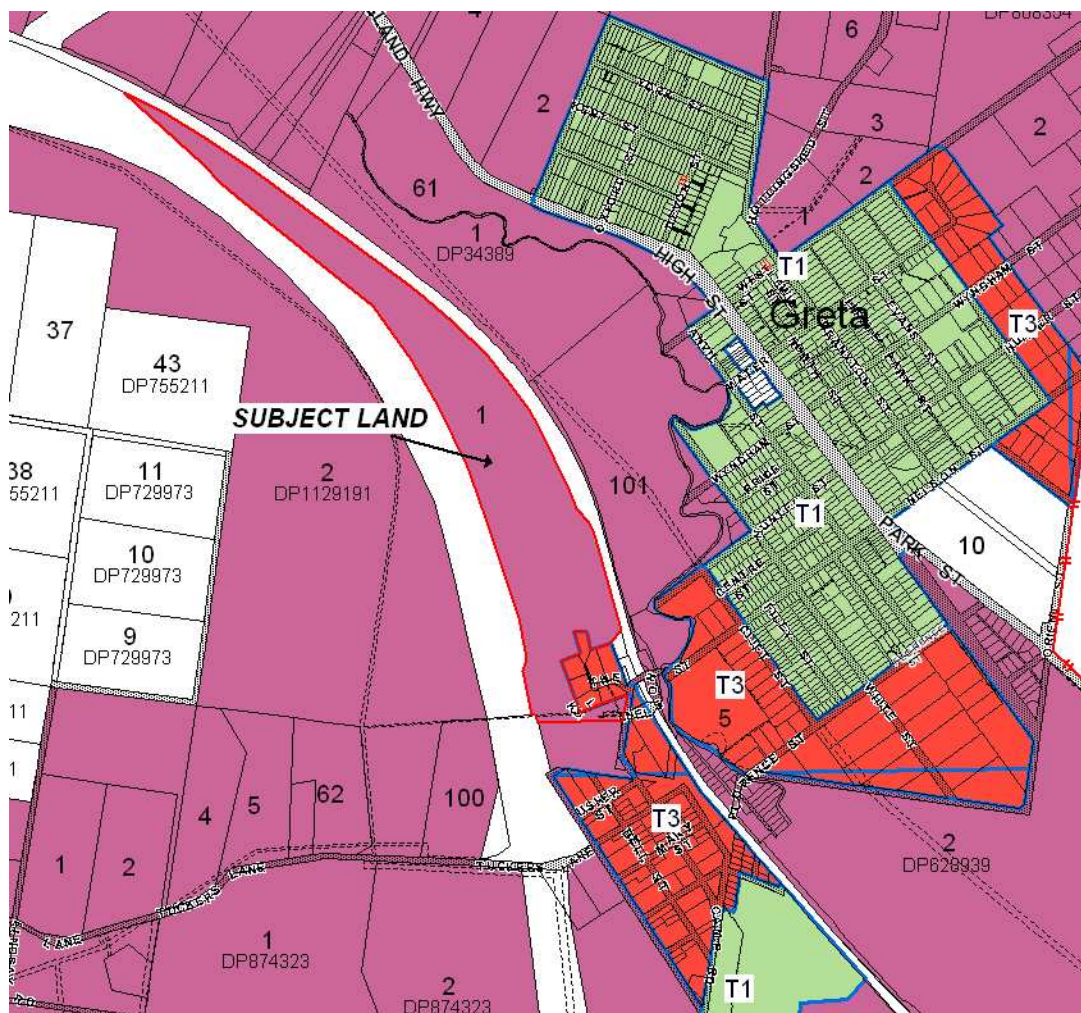




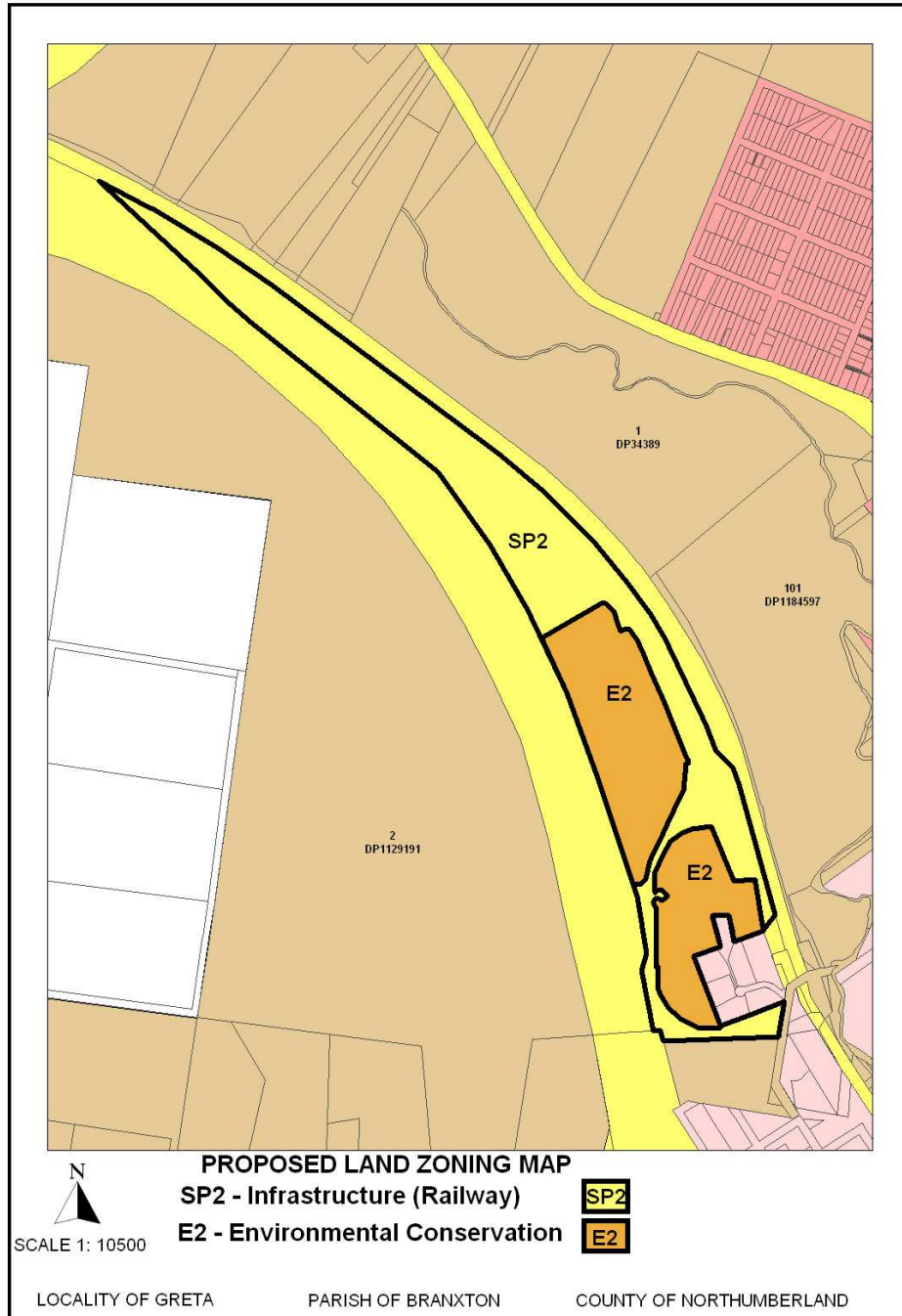
Appendix 2: Current Zoning Map



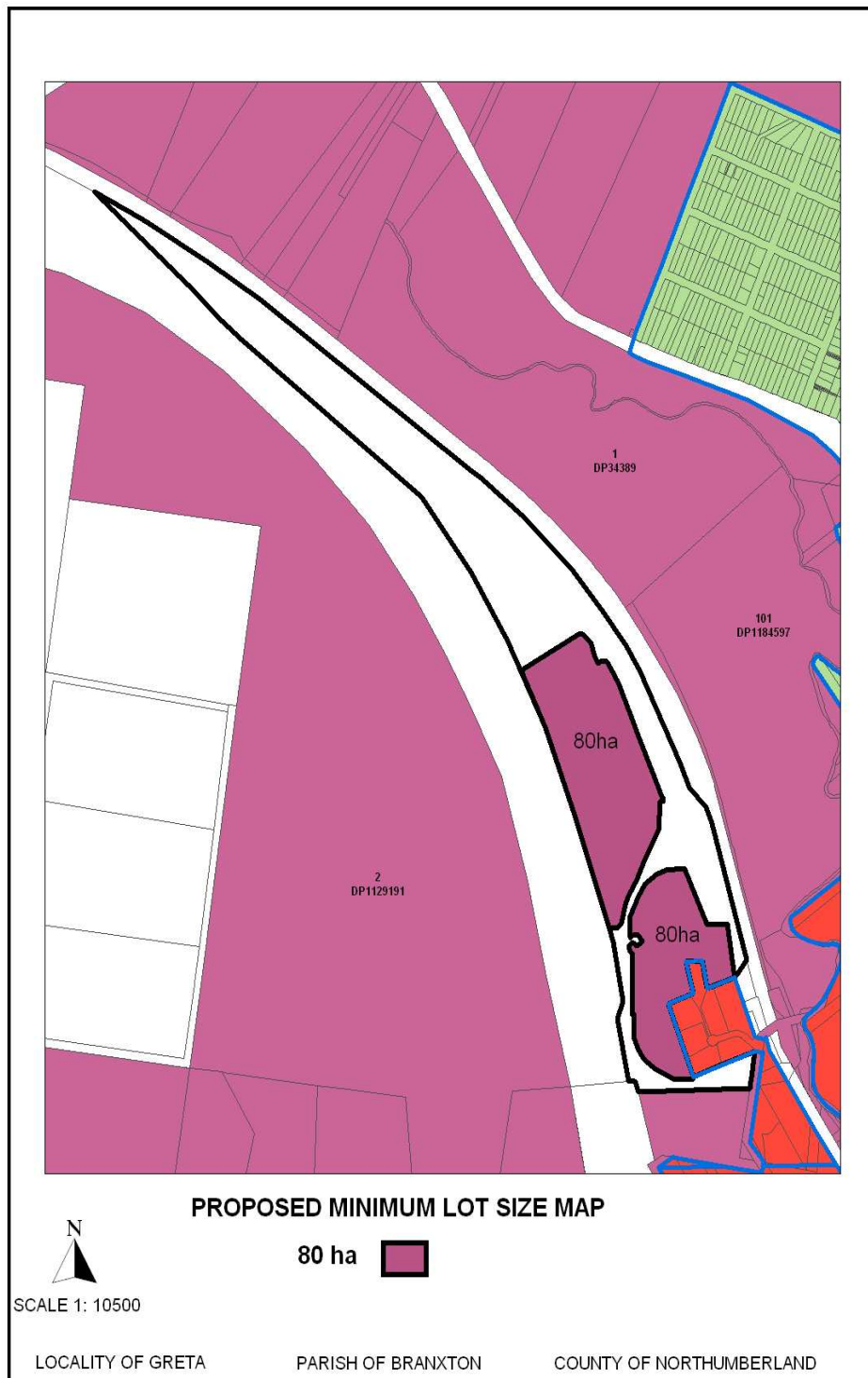
Appendix 3: Current Lot Size Map



Appendix 4: Proposed Zoning Map



Appendix 5: Proposed Minimum Lot Size Map



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