

Amendment to Cessnock LEP 2011 - Wyndham Street Greta

Proposal Title : **Amendment to Cessnock LEP 2011 - Wyndham Street Greta**

Proposal Summary : **To rezone approximately 40 hectares of land from RU2 Rural Landscape to R2 Low Density Residential, R5 Large Lot Residential and E2 Environmental Conservation, to facilitate residential development of up to 230 lots and the protection of environmentally significant land.**

PP Number : **PP_2011_CESSN_001_00** Dop File No : **10/23548**

Proposal Details

Date Proposal Lodged with DOP : **14-May-2012** Date Proposal Uploaded to Public Website : **04-Mar-2011**

Proposal Assessment

Is Public Hearing Required by PAC? **No**

Agencies Requested to Consult : **Office of Environment and Heritage
NSW Department of Primary Industries
- Agriculture
NSW Rural Fire Service**

Gateway Determination

Decision Date : **22-Dec-2010** Gateway Determination : **Passed with Conditions**
Due Date of LEP : **29-Dec-2014**

Implementation

Implementation Start Date : **29-Dec-2010** Exhibition Duration : **43**

Agency consultation consistent with recommendation : **Yes**

If No, comment : **Council consulted the following public authorities in accordance with the Gateway determination dated 16 June 2012:-**

- ☐ **NSW Rural Fire Service**
- ☐ **Office of Environment and Heritage**
- ☐ **Department of Primary Industries (Agriculture)**

Agency Objections : **No**

If Yes, comment : **NSW Rural Fire Service
The Rural Fire Service advises that it accepts the consultant's bushfire assessment recommendations that it will be possible to comply with the Planning for Bushfire Protection guidelines 2006.**

**Office of Environment and Heritage
An environmental biodiversity offset package has been negotiated with the Office of Environment and Heritage to achieve an 'improve or maintain' outcome. The environmental biodiversity offset package includes rezoning 7.9ha of the subject land with high biodiversity significance to E2 Environmental Conservation and the offsite land dedication of 297ha to be included in the Wollombi National Park.**

Department of Primary Industries (Agriculture)

The Department of Primary Industries advises that there is a potential odour impact from two nearby poultry farms. It recommended that a level 1 odour assessment is prepared in accordance with the EPA Technical Framework - Assessment and Management of Odour from Stationary Sources in NSW at the development application stage. The Gateway determination did not require the preparation of an odour assessment and the Department notes that it can be done at the development application stage. The Department of Primary Industries also commented that the reduction in lot yield from 316 lots should also assist in maintaining the reasonable separation distances.

It was noted that pre-existing poultry sheds on part of the site will be removed as part of the proposal. The Department of Primary Industries recognises that continued operation of those sheds was constrained by their proximity to existing urban development and urban zoned lands. No objection was raised about loss of productive agricultural land.

Documentation consistent
with Gateway :

Yes

If No, comment :

Gateway Determination

Council has complied with all relevant conversion LEP and gateway determination requirements.

Rezoning Chronology

2009 - A draft Local Environmental Plan to rezone the site RU5 Village zone and create up to 316 allotments was exhibited as part of the first exhibition of the draft Cessnock LEP 2010 between 27 July 2009 and 11 December 2009. 386 submissions were received objecting to the proposal and it was subsequently deferred from the LEP process pending resolution of the matters raised.

2010 - The draft Local Environmental Plan was transitioned into the new Part 3 arrangements on 22 December 2010. Council was advised to resubmit the planning proposal after addressing a number of outstanding matters and determining potential zone boundaries. It also suggested that Council should consider the development potential of the broader area.

2012 - Council resubmitted its planning proposal to rezone the site part R2 Residential and part R5 Large Lot Residential to create up to 193 allotments. The Department issued the Gateway determination on 16 June 2012.

2013 - Council submitted a revised planning proposal which adjusted the residential and large lot residential zone boundaries and increased the potential dwelling yield to approximately 230, consisting of 200 residential and 30 large lot residential allotments. The Department supported Council's decision to re-exhibit the planning proposal and granted a 9 month timeframe extension.

2014 - Council resolved to support the planning proposal and requested that it be made on 21 February 2014. The planning proposal requires an environmental biodiversity offset package that achieves an "improve or maintain" outcome to satisfy the Department of Office and Environment requirements. The Department granted a 9 month timeframe extension to provide sufficient time to finalise the voluntary Planning Agreement for the environmental biodiversity offset package. The planning proposal is due to be completed before 23 December 2014.

Lower Hunter Regional Strategy(LHRS)-Cessnock City Wide Settlement Strategy

The Lower Hunter Regional Strategy identifies the subject land as a potential Urban Release Area. The large lot residential component of the planning proposal is consistent with the Lower Hunter Regional Strategy because this locality was identified by the endorsed Cessnock City Wide Settlement Strategy 2003 as a potential rural residential area. Council's revised City Wide Settlement Strategy

2010 identifies the subject land as a future urban area with an anticipated yield of 316. This version of the Strategy has not been endorsed but is consistent with the Lower Hunter Regional Strategy.

The revised planning proposal identifies a potential yield of approximately 230, consisting of 200 residential and 30 large lot residential allotments. The dwelling yield reduction responds to the site constraints and maintains the character and role of the existing Greta village.

Environmental biodiversity offset package

An environmental biodiversity offset package has been negotiated with the Office of Environment and Heritage to achieve an 'improve or maintain' outcome. The planning proposal rezones 7.9ha of the subject land with high biodiversity significance to E2 Environmental Conservation. The Voluntary Planning Agreement covers the conservation and management of this land zoned E2 Environmental Conservation and the land dedication of 297ha to be included in the Wollombi National Park. The Voluntary Planning Agreement has been submitted to the Minister for the Environment for endorsement. The Office of Environment and Heritage advise that it is now acceptable for the Department to finalise its assessment and to proceed to notification.

Subdivision provisions

Land zoned R2 Low Density Residential will have a minimum lot size of 600 square to 2000 square metres in accordance with the lot size map, land zoned R5 Large Lot Residential will have a minimum lot size of 2000 square metres and land zoned E2 Environmental Conservation will have a minimum lot size of 40ha. Cessnock Local Environmental Plan 2011 contains a local provision which allows the subdivision of split zoned land including E2 to less than 40ha, provided all of the land zoned E2 is contained in one of the resulting lots.

Urban Release Area

The subject land has been mapped as an urban release area. An urban release area has special requirements that must be met before the land can be developed for urban purposes. These include satisfactory arrangements for contributions towards the provision of State Government infrastructure, a requirement for basic utility services to be available, and for a comprehensive development control plan to apply to development on the land.

It is understood that Council is finalising a Voluntary Planning Agreement to address local infrastructure requirements.

Community Consultation

The revised Planning Proposal was publicly exhibited over an extended period from 27 November 2013 to 8 January 2014. During the exhibition period, forty four (44) submissions were received, thirty four (34) in favour, ten (10) against.

A community forum was also held on 10 December 2013 from 6pm to 8:30pm at the Greta Workers Club. Forty-three (43) people attended the forum.

The major points raised in the submissions were:

- ☐ Traffic impacts along West Street and the intersections with Branxton Street and New England Highway;
- ☐ Concerns with density and lot size;
- ☐ Biodiversity impacts associated with land clearing; and
- ☐ Inadequacy of services and infrastructure to cater for increased population.

Council has adequately considered and responded to the issues raised in the submissions. In summary, the developer will be required to contribute towards

the provision of State government infrastructure, local infrastructure and pay a \$94 contribution towards the provision of community services and facilities. An environmental biodiversity offset package has been negotiated with the Office of Environment and Heritage to achieve an 'improve or maintain' outcome and a comprehensive development control plan needs to be prepared to address staging, provision of infrastructure and urban design requirements.

Section 117 Directions

1.2 Rural Zones

As part of the Gateway determination issued on 16 June 2012, the Executive Director, as delegate of the Director General determined that the proposal's inconsistency with s117 direction 1.2 Rural Lands was justified under clause 5c due to its identification within the Lower Hunter Regional Strategy.

1.5 Rural Lands

The draft LEP is inconsistent with this direction because it rezones rural land. The planning proposal's inconsistencies with S117 Direction 1.5 Rural Lands is justified by the Lower Hunter Regional Strategy, which identifies the subject land as a potential urban release area.

2.1 Environment Protection Zones

The Planning Proposal is considered consistent with this Direction by zoning environmental sensitive lands, E2 Environmental Conservation and providing an offsite environmental offset. The Voluntary Planning Agreement covers the conservation and management of the land zoned E2 Environmental Conservation and the offsite land dedication of 297ha to be included in the Wollombi National Park

3.4 Integrating Land Use and Transport

The Planning Proposal is consistent with this Direction by the development being serviced by existing infrastructure. The Roads and Maritime Services advises that they will rely on the provisions of the LEP which facilitate the satisfactory arrangements for the provision of State public infrastructure is made prior to the subdivision of land in an urban release area. Local infrastructure requirements will be facilitated through a Voluntary Planning Agreement.

4.4 Planning for Bushfire Protection

The NSW Rural Fire Service advises that it accepts the consultant's bushfire assessment recommendations that it will be possible to comply with the Planning for Bushfire Protection guidelines 2006.

Planning Reform Funding

The planning proposal does not consider the development potential of the broader area. However, Cessnock City Council and Singleton Council recently received planning reform funding to prepare the Branxton sub-regional land use strategy, which aims to investigate the potential impacts and opportunities within the area of Branxton (including the township of Greta) initiated by the opening of the Hunter Expressway and the development of Huntlee New Town. The land use strategy should assist in determining the development potential for this locality.

Lobbyist Code of Conduct

To date, all dealings with this Planning Proposal have adhered to the Lobbyist Code of Conduct. To the best of the knowledge of the regional team there have been no meetings with registered lobbyists.

Make the Plan

A PC Opinion was issued on 26 August 2014. Council was consulted in accordance with s59(1) and accepted the drafting of the instrument.

Amendment to Cessnock LEP 2011 - Wyndham Street Greta

LEP Assessment

Date Received from RPA : **21-Feb-2014**

LEP Determination

DatePublishNotification

Date sent to Parliamentary Council to Draft LEP : **25-Aug-2014**

Determination Date :

Determination Decision :

Notification Date :