



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

West and Wyndham Streets, Greta

**Rezoning of Lot 2 DP 808354 & Lot 2 DP 1151267
Wyndham Street, Greta**

**Version 4.0
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PART 1: OBJECTIVES

Objective

The objective of the Planning Proposal is to enable an expansion of the settlement of Greta by rezoning additional land for residential and large lot residential use. This land is adjacent to the existing residential areas and is generally to the north and north-west of the existing settlement.

In addition, land of high biodiversity significance is proposed to be placed in a conservation zone. A Voluntary Planning Agreement for the conservation and management of the proposed 7.9ha on-site biodiversity off-set land and 297ha off-site dedication within the Wollombi National Park is currently being finalised between Council, the proponent and the Office of Environmental and Heritage (OEH).

While the 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 Council, the proponent and the OEH are ongoing.

Similarly, a VPA for local infrastructure requirements is also being progressed and will be finalised in parallel to the processing of the Planning Proposal.

Background

On 16 June 2013 the Gateway Determination for the Wyndham Street Planning Proposal (now known as West and Wyndham Streets) was issued by the Department of Planning and Infrastructure (DoP&I). The determination required a public exhibition for 14 days and consultation with Rural Fire Service (RFS); Office of Environment and Heritage (OEH) Department of Primary Industries (Agriculture).

The previous version of the Wyndham Street, Greta Planning Proposal was placed on public exhibition from 21 November 2012 to 19 December 2012. Nine (9) community and four (4) statutory agency submissions were received.

Two (2) community forums were held at the Greta Multi-purpose Centre. Thirteen (13) people attended the 'submission makes' forum on 15 March 2013 and thirty-two (32) people attended the open community forum on the evening of 28 May 2013.

The major points raised in the previous submissions and the community forum were:

- The residents of Greta are not against any form of development. They would rather like to see the right sort of development that will allow Greta to prosper.
- Clarification required if Lot 1 DP 1151267 (68 Wyndham Street, Greta) has been included in the Planning Proposal.
- Inappropriate Location for R2 - Low Density Residential
- Lack of suitable Infrastructure
- Affordable Housing
- Flooding
- Increased Traffic / Traffic Lights required at intersection with New England Highway.

Changes to the Planning Proposal

Following a review of the zone boundaries, minimum lot sizes and consideration of surrounding and future land uses following the public exhibition, the Proponent, on 16

July 2013, revised the zoning delineations and submitted an amended Planning Proposal for Council's consideration.

Part of the West and Wyndham Streets Precinct was originally identified in the City Wide Settlement Strategy (CWSS) as suitable for Rural Residential development. However, under the (then) draft Cessnock Comprehensive Local Environmental Plan, the land as identified in the Lower Hunter Regional Strategy (LHRS) was shown as having a capacity of 316 residential lots. A greater yield than envisaged under Council's City Wide Settlement Strategy.

The issue of appropriate lot yield and the apparent conflict between the LHRS and the CWSS as well as issues raised in public submissions relating to housing density have been addressed by the Proponent.

Accordingly, the amended Wyndham Street, Greta Planning Proposal was placed on public exhibition from 27 November 2013 to 8 January 2014. Forty-four (44) community submissions were received, with thirty-four (34) supporting the proposal and ten (10) opposing the proposal.

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.

The key features of the modified rezoning proposal are discussed below.

Zones, Yield and Minimum Lot Sizes

The anticipated lot yield for the site as detailed in the LHRS is 319. The previous planning proposal exhibited for the site provided a lot yield of 193. This planning proposal has increased the yield from 193 allotments to approximately 230 allotments and is made up of the following:

- **R2 - Low Density Residential zone**
 - 201 (600m² to > 2,000m²) allotments;
- **R5 - Large Lot Residential zone**
 - 33 (2,000m²+) allotments.
- **E2 - Environmental** - Containing an existing residence remains unchanged.
 - 1 (7.9ha) allotment.

The yield proposed for the R5 zone has been reduced from 118 allotments to 33 allotments and is not to be located north east of Water Street. The number and location of the proposed R5 Large Lot Residential zone acknowledges the comments raised by the community in relation to allotment size in the area north east of Water Street, minimising the impact of development on the neighbouring properties.

The yield proposed for the R2 zone has been increased from 74 allotments to approximately 201 allotments and is now only found north west of West Street. The proponent argues that the use of the proposed R2 Low Density Residential zone achieves the outcomes of the Lower Hunter Regional Strategy for this precinct and

creates a development with a variety of lot sizes and market choice that can be serviced to the requirements of the relevant authorities.

The construction and dedication of West Street to the New England Highway to support the R2 zoned area is also proposed. The proposed West Street works will include a dedicated cycleway linking the subject site to the existing township of Greta.

Future and surrounding land uses

Consideration of surrounding and future land uses includes land to the south east of the West and Wyndham Streets Planning Proposal. Figure 1, below, provides an extract from LEP 2011 showing the West and Wyndham Streets Precinct (Red) outline and the (former) “AC4” Precinct (Black) outline. The “AC4” Precinct area will be the subject of further consideration with the review of the City Wide Settlement Strategy (2010).

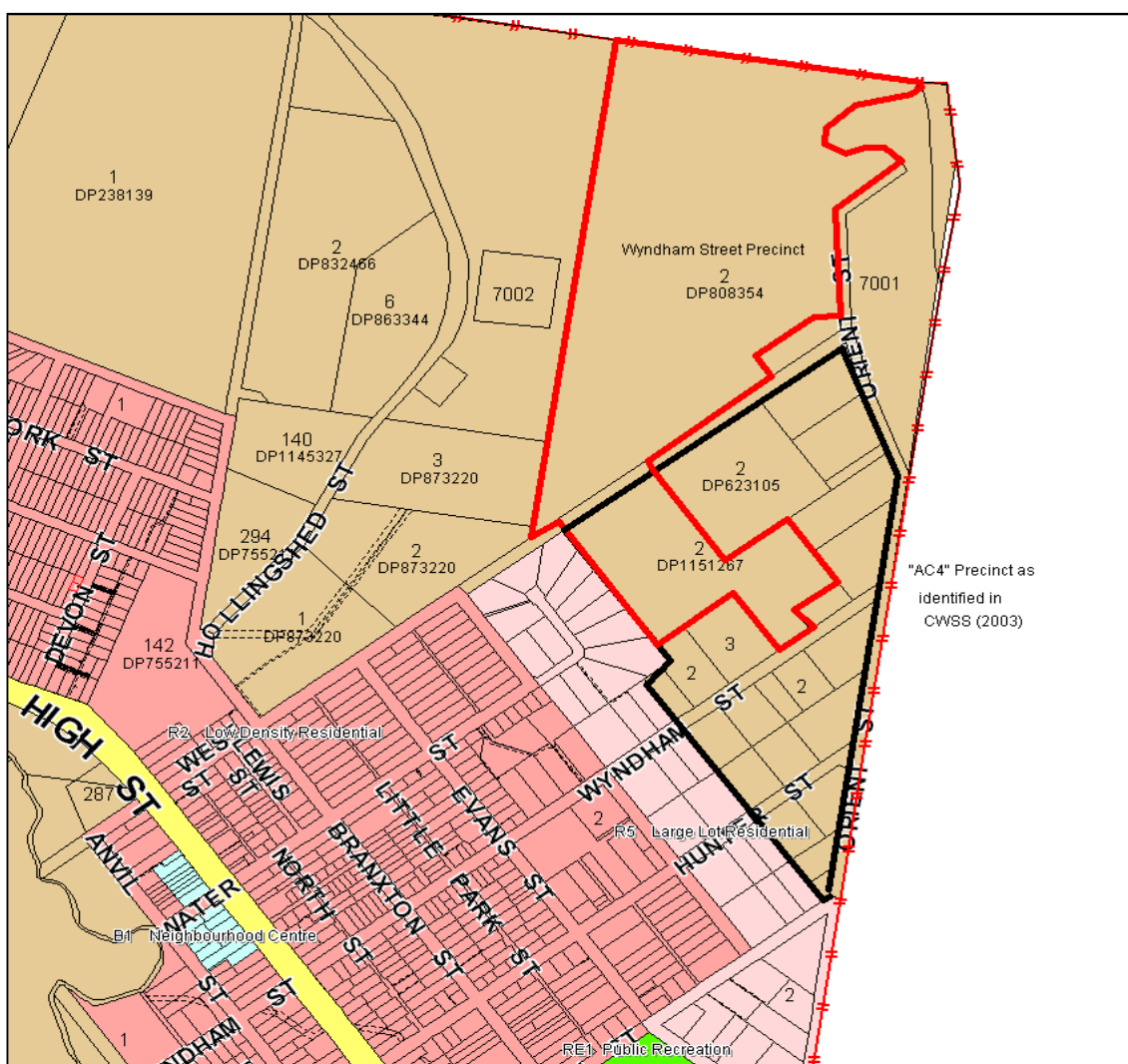


Figure 1: Future land uses in the Greta Area

It should be noted that the lands in and around the “AC4” Precinct are primarily constrained with vegetation which will need to be resolved as part of any future Planning Proposal. City Wide Settlement Strategy (2010) identified this land as suitable for R5 - Large Lot Residential Development opportunities.

Notwithstanding, where appropriate, the current Planning Proposal provides for road and services to be extended to adjoining boundaries to allow for future connection points. The draft DCP will have provisions relating to such matters.

PART 2: EXPLANATION of PROVISIONS

Cessnock Local Environmental Plan 2011

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

Land Zoning Map

Rezoning the subject land from RU2 - Rural Landscape Zone to:

- R2 - Low Density Residential;
- R5 - Large Lot Residential; and
- E2 - Environmental Conservation.

Minimum Lot Size Map

Corresponding amendment of Lot Size Map will also need to be made. It is anticipated that a minimum lots size ranging from 600m² to 2000m² for R2 - Low Density Residential, 2000m² for the R5 - Large Lot Residential and 40ha for the E2 - Environmental conservation zones will be proposed.

Urban Release Areas Map

The Urban Release Areas Map that supports the Cessnock Local Environmental Plan (2011) has also been amended to show the area corresponding to the 'West & Wyndham Streets' Precinct as an Urban Release Area.

The subject land is shown in the locality plan as Map1.

An indicative zoning and minimum lot size map are shown as Map 2 and Map 3 respectively.

Cessnock DCP 2010

A site specific DCP is to be prepared following public exhibition of the Planning Proposal.

The site specific development controls will be incorporated into Cessnock DCP – Part F Urban Release Areas. The purpose of the site specific DCP is to give detailed guidance to people wishing to develop land identified as an Urban Release area. The chapters within this Part give more detailed provisions than that contained in the Cessnock LEP 2011, and indicate certain objectives, requirements and standards for the various areas, not otherwise included in the broader Cessnock Development Control Plan.

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 Precinct is identified in the Lower Hunter Regional Strategy and Council's City Wide Settlement Strategy (2010) as a future urban area with an anticipated yield of 316. However, the yield for the West and Wyndham Streets Precinct has been revised down to approximately 230.

The change in lot size provisions is considered to be appropriate in this regard following a review of on-site constraints, which included consideration of the maintenance of the character and role of the existing Greta village area. Increases in potential yields from other candidate areas with improved servicing availability which will help to off-set the reduction lot yield from this site.

2. Planning Proposal as best way to achieve objectives

Under the existing zoning controls in the Cessnock LEP 2011, the proposed increased residential densities are not achievable. Therefore, a change to the zoning and minimum lot sizes is required to enable additional residential subdivision of the subject land and to implement the directions of the City Wide Settlement Strategy and the Lower Hunter Regional Strategy.

Placing land use and minimum lot size provisions in Council's Local Environmental Plan, in conjunction with the existing subdivision controls in Council's DCP, is considered to be the most appropriate method for managing subdivision and land use on the locality.

3. Net Community Benefit

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

Net Community Benefit

Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)?	Yes. The land identified as the West and Wyndham Streets Precinct is consistent with the settlement principles identified in the CWSS and is identified in the LHRS as a 'proposed urban area'.
Will the LEP be consistent with agreed centres and sub-regional planning policy for development in the area?	Yes. Future urban development of the site is capable of meeting the requirements of the LHRS with regard to the provisions of community facilities and services and the rezoning land for urban purposes.

Is the LEP located in a regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?	Yes. The proposal is consistent with the Lower Hunter Regional Strategy, which identifies the West and Wyndham Streets Precinct as a new release area, forming an extension to the existing urban footprint.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Yes. The proposed rezoning will provide for employment generating opportunities (through construction stages), and will underpin the local economy of Greta and Branxton by building on the existing residential population and urban infrastructure. The rezoning will not result in the loss of employment lands.
Is the existing public infrastructure capable of servicing the proposed site?	Yes. Council is currently reviewing the preliminary Voluntary Planning Agreement lodged by the Proponent on 24 August 2011. It is anticipated that the final Local Infrastructure Voluntary Planning Agreement will include contributions for Council's community assets, roads, drainage and traffic infrastructure, in addition to monetary contributions towards Greta Central Park and Hunter River Reserve. Such contributions would address additional sporting facilities, parks and gardens, playgrounds and cycle ways. Ongoing discussions with the Proponent will be required prior to this matter being reported, considered and endorsed by Council. Satisfactory arrangements through the Standard Instrument have been made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land.
Will the LEP facilitate the provision of public transport?	Yes. Existing bus services in the vicinity of the site are minimal. However, it is expected that the additional population will underpin an extension of existing services.
Will the LEP implement studies and strategic work consistent with State and regional policies?	Yes. The proposal is consistent with the Lower Hunter Regional Strategy.

Section B: Relationship to Strategic Planning Framework

4. Consistency with Objectives and Actions within Regional Strategies

Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy identifies Cessnock LGA as a location of substantial residential growth (21700 dwellings), of which a high proportion (19,700) are projected in new release locations, such as at West and Wyndham Streets, Greta.

The Planning Proposal will contribute to the implementation of the housing targets identified in this Strategy by providing additional housing opportunities at Greta.

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

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

Goal: Protect, enhance and promote the natural, developed and cultural environment.

Objectives: Continue to develop residential development controls.

Outcome: Council's assessment and consideration of the subject Planning Proposal addresses the aims of Council's Community Strategic Plan.

City Wide Settlement Strategy

In order to implement Ministerial Direction No. 5.1 – Implementation of Regional Strategies, the West and Wyndham Streets Precinct is identified in the City Wide Settlement Strategy (2010) as a future urban area with an anticipated yield of 316. However, following a review of on-site constraints, and in order to maintain the character and role of the existing Greta village area, the yield for West and Wyndham Streets Precinct has been revised down to 230.

6. Consistency with State Environmental Planning Policies

There are no existing or draft SEPPs that prohibit or restrict the proposed development as outlined in this planning proposal. An assessment of relevant SEPPs against the planning proposal is provided in the table below.

Table 1: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 6 – Number of Storeys in a Building	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.	The site contains one tree species listed in Schedule 2 of SEPP 44, being <i>Eucalyptus punctata</i> (Grey Gum). <i>Eucalyptus punctata</i> occurs as a scattered species predominantly on Lot 2 of the site. This species does not occur at a density greater than 15%. As such, the site as a whole does not constitute “Potential Koala Habitat” as defines in the SEPP. 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	A Phase 2 Contamination Report confirms that the site is suitable for residential development.
SEPP 62 – Sustainable Aquaculture	The SEPP relates to development for aquaculture and to development arising from rezoning of land and is of relevance for the site specific rezoning proposals.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 64 – Advertising and Signage	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.	Clause 104 of the SEPP requires developments of a certain size identified within Schedule 3 to be referred to the RMS. Council has undertaken consultation with the RMS who advised that they will rely on the provisions of the LEP which facilitate the satisfactory arrangements for the provision of State public infrastructure are made prior to the subdivision of land in an urban release area.
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 protect public safety & 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.	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 (JRPPs) to determine development applications.	Nothing in this planning proposal affects the aims and provisions of this SEPP.

7. **Consistency with s.117 Ministerial Directions for Local Plan Making**

There are no s.117 Ministerial Direction that the planning proposal is inconsistent with. 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.	The land zoned RU2 - Rural Landscape but is of limited agricultural potential. The West and Wyndham Streets, Greta Precinct is also identified for future urban development in the Lower Hunter Regional Strategy and is therefore considered to be

		consistent with this Direction. The Planning Proposal is not inconsistent with this Direction.
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.	Nothing in this planning proposal affects the aims and provisions of 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 inconsistent with clause 3(a) of this direction. DPI (agriculture) acknowledges the strategic planning context of the proposed rezoning and previous consultation in regard to the proposed future development of such lands. The Planning Proposal will create residential lots within 1,200m of an operating poultry farm to the west (Liberi's egg laying), as well as a nearby meat chicken farm that is likely to have cumulative odour impacts. The DPI recognises that whilst it is incumbent on the poultry farm to ensure compliance with best management practices in order to avoid offensive odour impacts, there are currently few feasible options to reduce odour levels should this prove to be an issue. DPI recommends consultation with the owners of the nearby poultry farms as part of the Planning Proposal. Recommend that a level 1 odour assessment in accord with the "EPA Technical Framework - Assessment and Management of Odour from Stationary Sources in NSW" be completed before the final number of lots and their arrangement is approved.
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	The Planning Proposal will include provisions to facilitate the protection and conservation of identified environmentally sensitive areas in a manner

		consistent with a property Vegetation Plan or a Voluntary Planning Agreement. The Planning Proposal is not inconsistent with this Direction.
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.	Nothing in this planning proposal affects the aims and provisions of 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>).	Nothing in this planning proposal affects the aims and provisions of 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 infrastructure and services, and minimise the impact of residential development on the environment and resource lands.	Provisions in the LEP 2011 facilitate the arrangements for the provision of State infrastructure and public utility infrastructure before the subdivision of land in an urban release area to satisfy the needs that arise from development of the land. The Planning Proposal is not inconsistent with this Direction.
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.	The Planning Proposal does not seek to rezone land to provide for caravan parks or manufactured home estates, further there are no existing caravan parks within the study area. It is considered that the Planning Proposal is consistent with 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.	Home occupations are permitted without consent in the proposed R2 and R5 Zones. The Planning Proposal is consistent with 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.	The RMS has advised 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.
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 issues 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 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 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.	The planning proposal does not seek to rezone flood prone land for residential purposes. It is considered that the Planning Proposal is consistent with 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 management of bush fire prone areas.	The Planning Proposal applies to land identified as containing bushfire prone vegetation. Assessment conducted by Firebird Ecosultants P/L concluded that appropriate outcomes can be achieved provided the final design submitted at the DA stage accords with the Planning for Bushfire Protection Guidelines, 2006. The draft DCP will have provisions relating to such

		matters It is considered that adoption of the above measures will ensure that the Planning Proposal will be consistent with this Direction.
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.	The LHRS is relevant. The planning proposal will enable a constrained site within an existing centre to be consolidated with adjoining land and utilized for its intended commercial purpose. This will assist in the achievement of the LHRS objectives by maximizing economic opportunities and job growth within the existing centre. It is considered that the Planning Proposal is consistent with 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.	The Planning Proposal does not propose amendments which require concurrence, consultation or referral of development applications to the Minister. The Planning Proposal does not identify any development as designated development. It is considered that the Planning Proposal is consistent with 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.	The Planning Proposal does not propose to allow a particular development to be carried out on site.

Section C: Environmental, Social and Economic Impact

8. Impact on Threatened Species

A flora and fauna assessment was undertaken on the site in November 2006 by Harper Somers O'Sullivan where it was established that:

- The site contains three (3) vegetation communities, namely:
- Central Hunter Ironbark – Spotted Gum – Grey Box Forest (CHISGGBF)
- Managed / Regenerating Vegetation
- Disturbed Lands

The CHISGGBF is not listed as an Endangered Ecological Community (EEC) in the Threatened Species Conservation Act, 1995.

The site contains four (4) threatened species as listed in the TSC Act, 1995, being:

- Pomatostomus temporalis (Grey-crowned Babbler)
- Petaurus norfolcensis (Squirrel Glider)
- Miniopterus australis (Little Bent-wing Bat)
- Miniopterus schreibersii (Large Bent-wing Bat)

The previous flora and fauna assessment is being updated by the proponent to reflect the amended Planning Proposal. In particular, the updated assessment should have regard for potential ecological impacts associated with the proposed extension of West Street which will involve clearing of vegetation and 3 creek crossings. A biodiversity offset proposal has been agreed in principle with the Office of Environment and Heritage (OEH) involving the protection of the proposed E2 zoned land on-site, and the off-site dedication of Lots 9, 102, and 207 DP753817 for integration into the Wollemi National Park in the Singleton Local Government Area.

The on-site offset land of approximately 7.9 ha of originally vegetated land will need to be managed to maintain the biodiversity values in perpetuity. The management arrangements to achieve this outcome are still to be finalised but are likely to include a Property Vegetation Plan (PVP) under the *Native Vegetation Act 2003* (not being a plan that proposes broad scale clearing of native vegetation within the meaning of that Act). The OEH advise that the use of a PVP is listed as a potential conservation measure under clause 126L(1)(n) of the *Threatened Species Conservation Act 1995*.

9. Environmental Impact

The Planning Proposal will have a positive environmental impact by conserving land of biodiversity significance in an E2 - Environmental Conservation zone.

Most of the land of biodiversity significance is proposed to be zoned E2 - Environmental Conservation and not developed in order to protect an endangered ecological community and to provide part of the biodiversity offset for vegetation removal within the proposed urban development area.

A Property Vegetation Plan is required prior to subdivision involving the land proposed to be zoned E2 - Environmental Conservation.

It is highly likely that most residents will rely on private motor vehicles for commuting because of the dispersed nature of employment opportunities. This will result in an adverse environmental impact.

10. Social and Economic Impacts

A social and economic impact assessment was undertaken for the Planning Proposal. The investigation indicates a positive balance of impacts, however the study acknowledges that there are negative impacts associated with increased residential densities such as increased noise and amenity issues. It is considered that area improvements will result from the development through the preparation/implementation of a Local Infrastructure Voluntary Planning Agreement.

The Archaeological Assessment undertaken for the site concludes that there are no Aboriginal objects found within the study area.

There are no items of European heritage significance located within the Precinct.

Section D: State and Commonwealth Interests

11. Adequate Public Infrastructure

Council infrastructure costs resulting from the development will be addressed by conditions of development consent and a Voluntary Planning Agreement, as appropriate.

It is anticipated that the Voluntary Planning Agreement for the West and Wyndham Streets Planning Proposal will include contributions for Council's community assets, roads, drainage and traffic infrastructure, in addition to monetary contributions towards Victoria Park, Greta Central Park, Miler Park and the Hunter River Reserve. Such contributions would address additional sporting facilities, parks and gardens, playgrounds and cycle ways.

The final content of the (draft) VPA will be considered to Council under a separate report, and following a period of public notification, endorsement by Council prior to any development occurring on site.

Stormwater and Flooding Considerations

A comprehensive Stormwater Management Plan will be considered in the preparation of a detailed subdivision design when the lot layout is finalised, including the location of stormwater capture and treatment works and the like,

There are no groundwater issues associated with the site.

Traffic and Road Works

The preparation of a Voluntary Planning Agreement will be undertaken to ensure the adequate provision of local infrastructure (including the impacts of additional traffic on the local road network generated by future residential development, contributions to local open space and community facilities and drainage works).

Ongoing discussions with the Proponent will be required prior to this matter being reported, considered and endorsed by Council.

Satisfactory arrangements through the Standard Instrument have been made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

Reticulated Water and Reticulated Waste Water Servicing Strategies

Hunter Water Corporation (HWC) advised that there were some deficiencies in the system to cater for the proposed development. However, augmentation work can be undertaken to ensure the proposal can be adequately serviced.

Water Supply: The development is located in the Coalfields Water Supply System. The site fronts a 100mm water main on Wyndham and Orient Streets, however there is insufficient capacity for fire fighting services. Alternatively, lots below RL90 can connect to the 375mm water main on High Street/New England Highway, which has sufficient capacity. The Proponent will be required to construct an extension to the site.

HWC has plans for regional augmentations in the area, including 905m of 250mm water main between Nelson Street and West Street along the New England Highway.

The Proponent will be required to prepare a servicing strategy, outlining the augmentation requirements for servicing lots above RL90. If the development exceeds 100ET, security of supply will also need to be supplied. The development may be required to connect to HWCs new main to meet minimum pressure requirements and security of supply will need to be satisfied when development commences.

Wastewater Transportation: The development site drains to Branxton No.3 WWPS. Sections of the downstream gravity system have recently been upgraded and can subsequently handle theoretical loads. However, there is currently insufficient emergency storage at the pump station. The Proponent will be required to fund upgrades to the network prior to connections being made.

Wastewater Treatment: The proposed development is located within the Branxton WWTW catchment which has sufficient capacity to service the proposed development. However, the capacity is limited and a more accurate assessment will be undertaken at the DA stage.

Gas: Natural gas is available in the vicinity and could be extended to supply the site. It is Alinta's policy to extend gas mains to all developments where possible, depending upon economic viability.

Electricity: Energy Australia advises that while there are no works proposed for this site, there are no major constraints to providing the required infrastructure.

Telephone: Telstra advise Council that they have an obligation to provide services to developments and are generally able to provide the services given enough lead time to plan, design and construct the network.

12. Consultation with State and Commonwealth Authorities

Council has conferred with the following statutory authorities and agencies:

- Rural Fire Service (RFS);
- Office of Environment and Heritage (OEH);
- Hunter Water Corporation (HWC);
- Crown Lands;
- Department of Resources and Energy; and
- Roads and Maritime Services (RMS).

Ongoing consultation with the Office of Environment and Heritage is occurring to negotiate the VPA and biodiversity offsets.

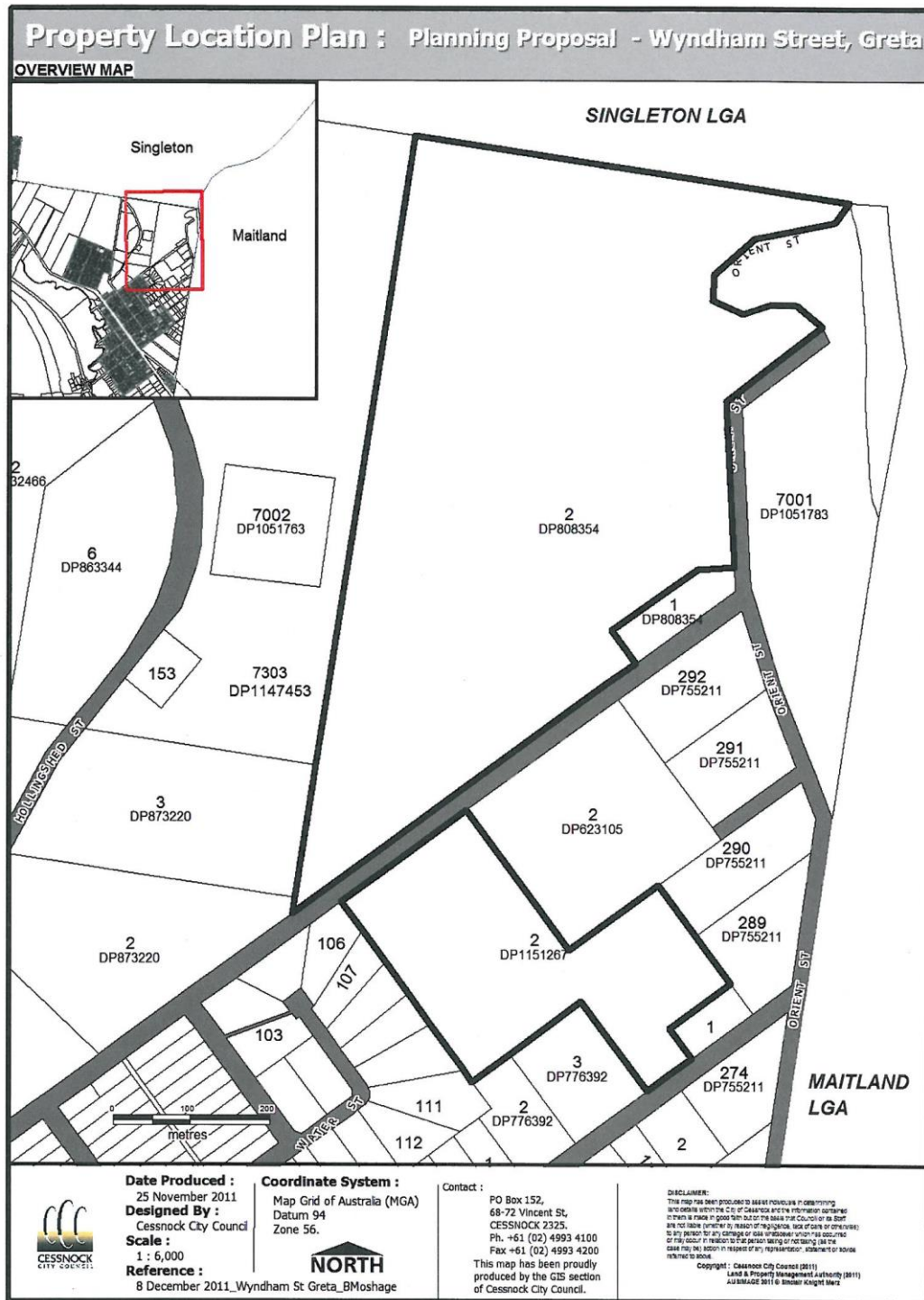
PART 4: MAPPING

The Planning Proposal seeks to amend the Cessnock Local Environmental Plan 2011 as follows:-

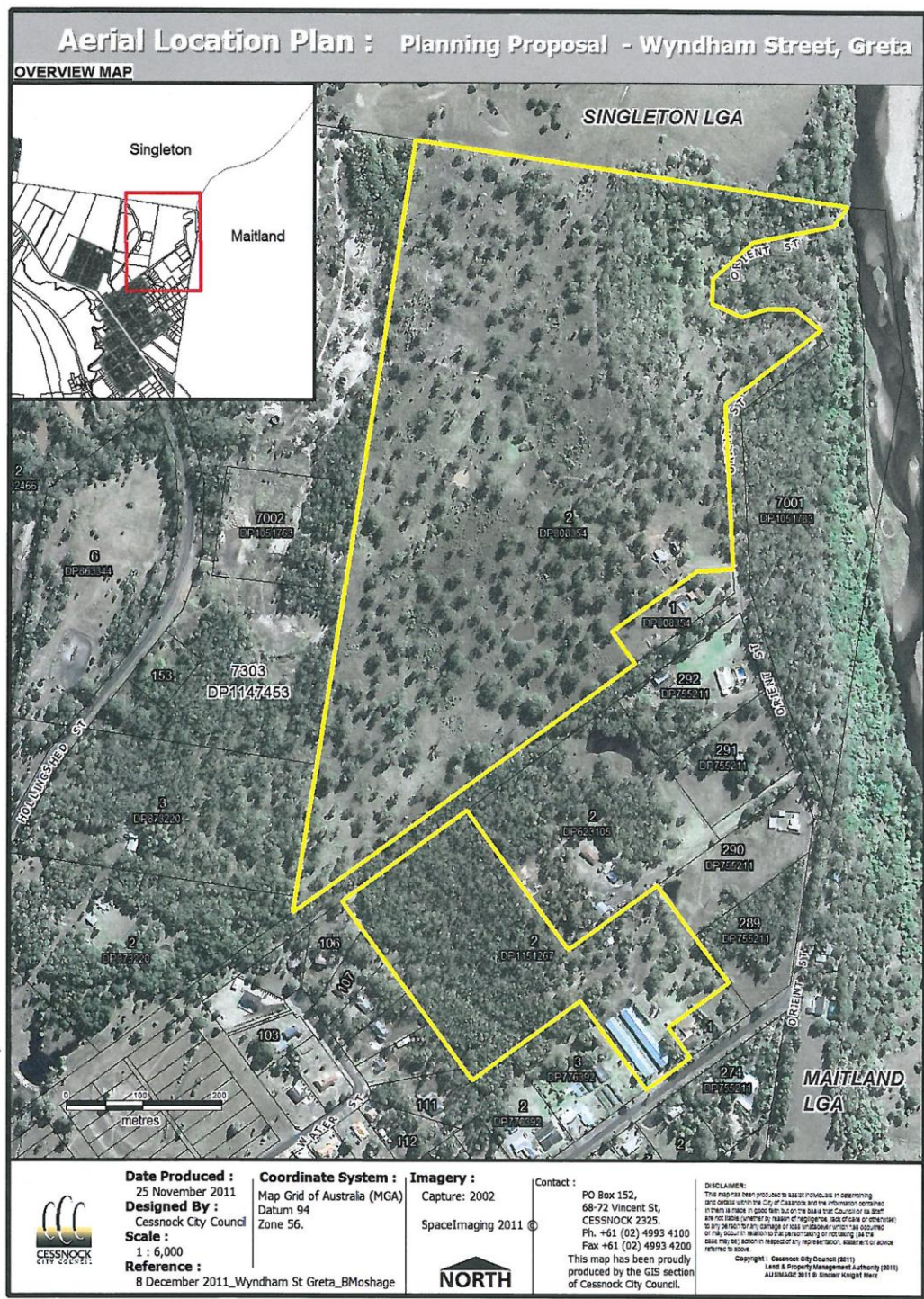
- Land Zoning Map - in accordance with the proposed rezoning map attached as **Map 3**, rezoning the subject land from RU2 - Rural Landscape Zone to:
 - R2 - Low Density Residential;
 - R5 - Large Lot Residential; and
 - E2 - Environmental Conservation.
- Corresponding amendment of Lot Size Map will also need to be made. It is anticipated that a minimum lots size ranging from 600m² to 2000m² for R2 Low Density Residential, 2000m² for the R5 Large Lot Residential and 40ha for the E2 Environmental conservation zones will be proposed attached as **Map 4**.

The Urban Release Areas Map that supports the Cessnock Local Environmental Plan (2011) will also be amended to show the area corresponding to the “West and Wyndham Streets” Precinct as an Urban Release Area, shown attached as **Map 5**.

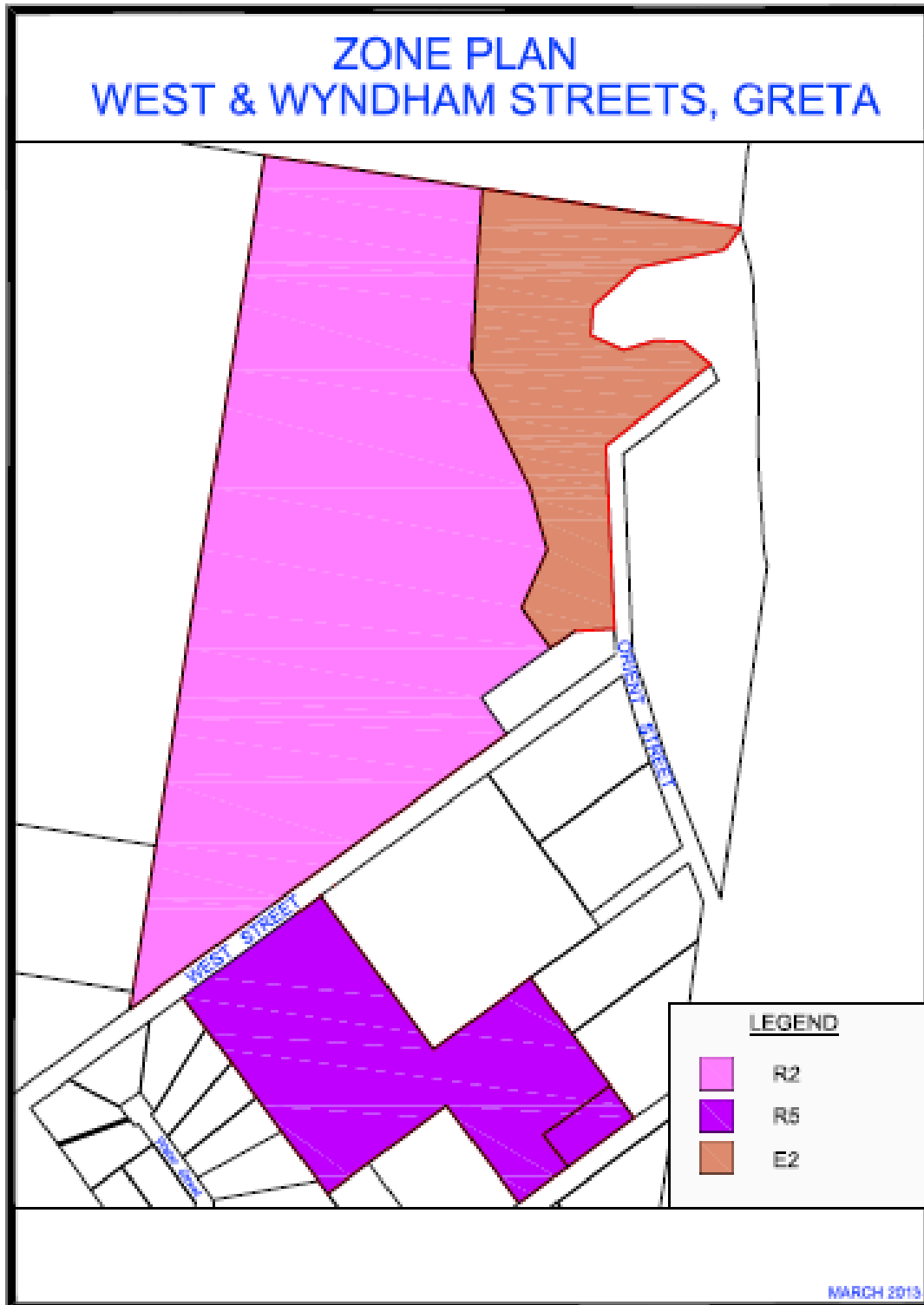
Map 1: Location Plan



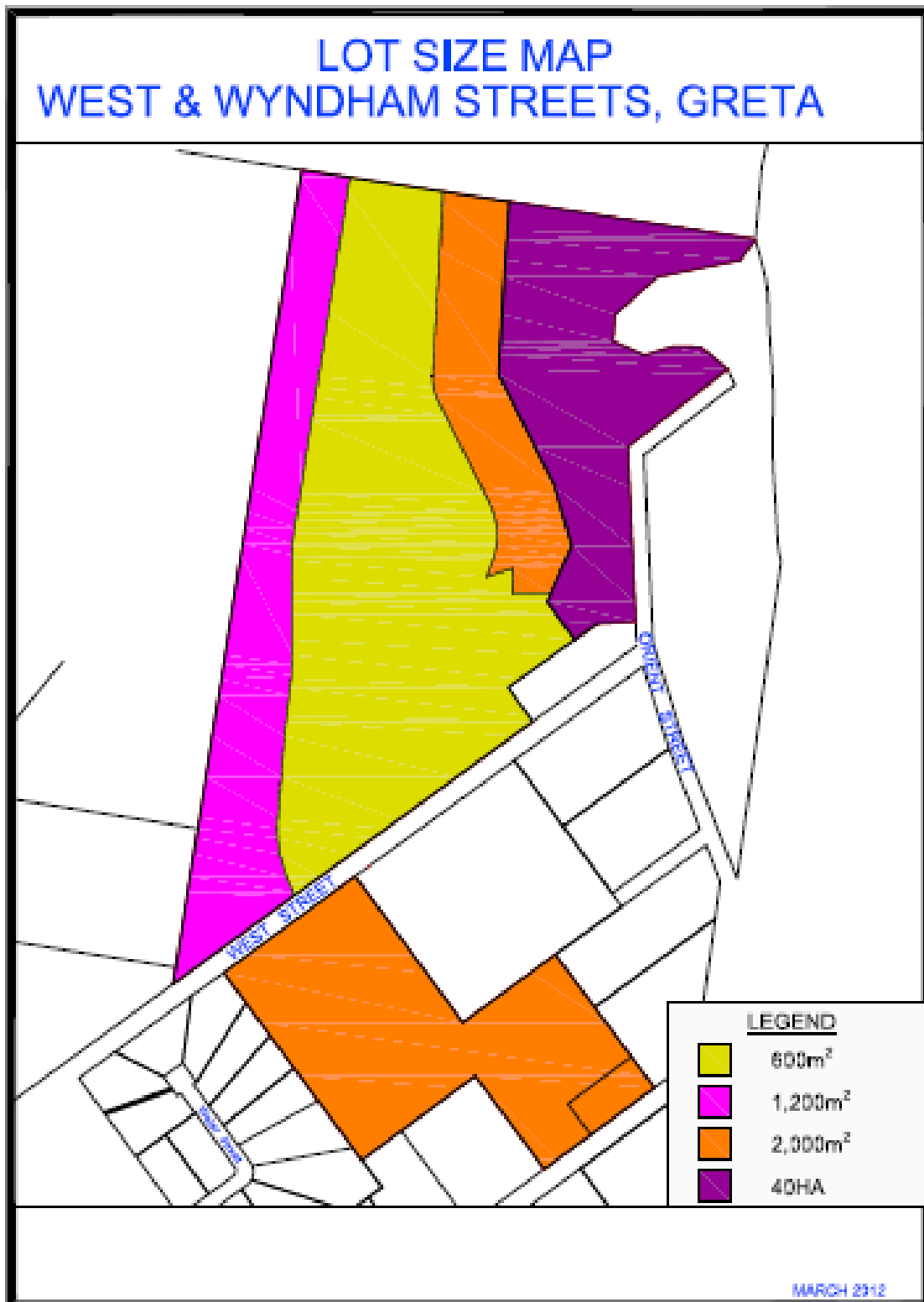
Map 2: Aerial Location Plan



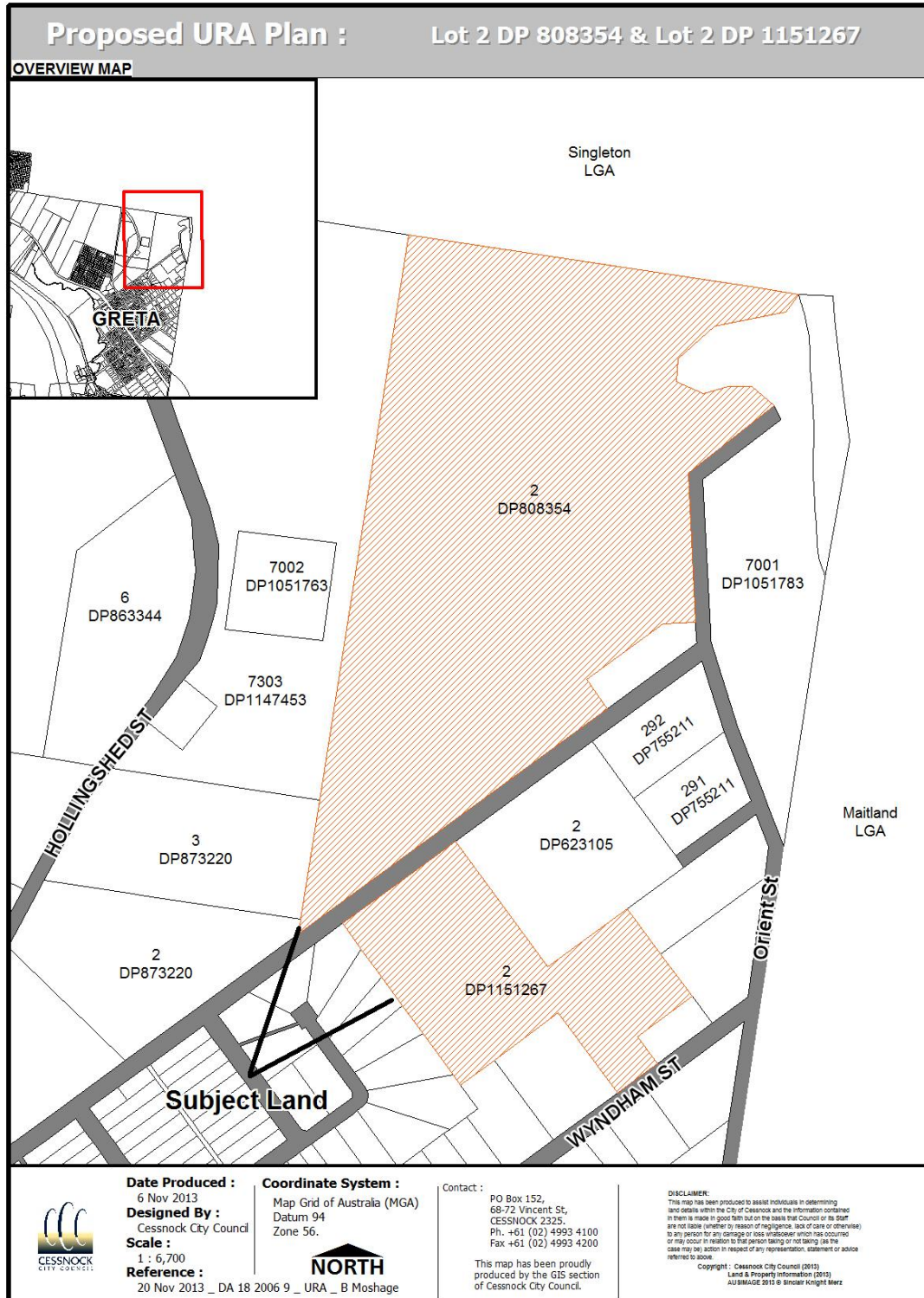
Map 3: Proposed Zoning Layout



Map 4: Proposed Minimum Lot Size



Map 5: Proposed Urban Release Area



PART 5: COMMUNITY CONSULTATION

The Planning Proposal was 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.

A full review of the issues and response is provided in **Appendix 1**.

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 23 March 2014.

PROJECT TIMELINE

	July 2012	Aug 2012	Sept 2013	Oct 2013	Nov 2013	Dec 2013	Jan 2014	Feb 2014	Mar 2014
STAGE 1 Revised Planning Proposal									
STAGE 2 Council Report / Council Briefing									
STAGE 3 Agency Consultation									
STAGE 4 Preparation of documentation for Public Exhibition									
STAGE 5 Public Exhibition									
STAGE 6 Review/consideration of submission received									
STAGE 7 Report to Council									
STAGE 8 Forward PP to DoP&I with request amendment be made									

Appendix 1: Council Report and Minutes
