

SUBJECT: ***CESSNOCK LOCAL ENVIRONMENTAL PLAN 2011 -
PLANNING PROPOSAL TO REZONE LAND AT 71
BRANXTON STREET, GRETA FROM RU2 RURAL
LANDSCAPE TO R2 LOW DENSITY RESIDENTIAL AND TO
REDUCE THE MINIMUM LOT SIZE FROM 40HA TO 450M2.***

RESPONSIBLE OFFICER: *Strategic Planner - Robert Corken*

APPLICATION NUMBER:	18/2017/6/1
PROPOSAL:	Planning Proposal – 71 Branxton Street, Greta
PROPERTY DESCRIPTION:	Lot 1 DP873220
PROPERTY ADDRESS:	71 Branxton Street, Greta
ZONE: (CURRENT)	RU2 Rural Landscape
ZONE: (PROPOSED)	R2 Low Density Residential
OWNER:	Mr K H Waeger
PROPONENT:	HDB Town Planning and Design

SUMMARY

Council has received a planning proposal to rezone land at 71 Branxton Street, Greta from RU2 Rural Landscape to R2 Low Density Residential and to reduce the minimum lot size from 40ha to 450m².

Council's existing strategic policy framework does not support the proposal. However, the proposal does have merit in that it is located close to Greta township, it has access to utilities and other services available, it has limited potential for rural activities, it is accessible from the newly constructed extension to West Street and it is opposite Victoria Park.

Council is currently undertaking a comprehensive review of the Cessnock City Wide Settlement Strategy. As there is adequate land available in the immediate area to satisfy residential development needs in the medium-long term, it is recommended that the area bounded by Branxton and Water Streets and Leconfield Road be considered for inclusion as an investigation area in the new city wide planning strategy. Consideration of this larger area will encourage a more holistic and integrated land use outcome.

RECOMMENDATION

1. That Council include the area bounded by Branxton and Water Streets and Leconfield Road, Greta as an area for investigation within the new Cessnock City Wide Planning Strategy.
2. That Council, subject to the inclusion of the site in the new draft Cessnock City Wide Planning Strategy, sends the draft Planning Proposal to the Department of Planning and Environment requesting a Gateway determination.

BACKGROUND

The site at 71 Branxton Street, Greta is zoned RU2 Rural Landscape with a minimum lot size of 40Ha. The draft Planning Proposal submitted by HDB Town Planning and Design seeks to amend Cessnock Local Environmental Plan 2011 (CLEP 2011) to rezone the site to R2 Low Density Residential and reduce the minimum lot size to 450m². The proposal is supported by an indicative subdivision plan that illustrates a yield of around 40 residential lots.

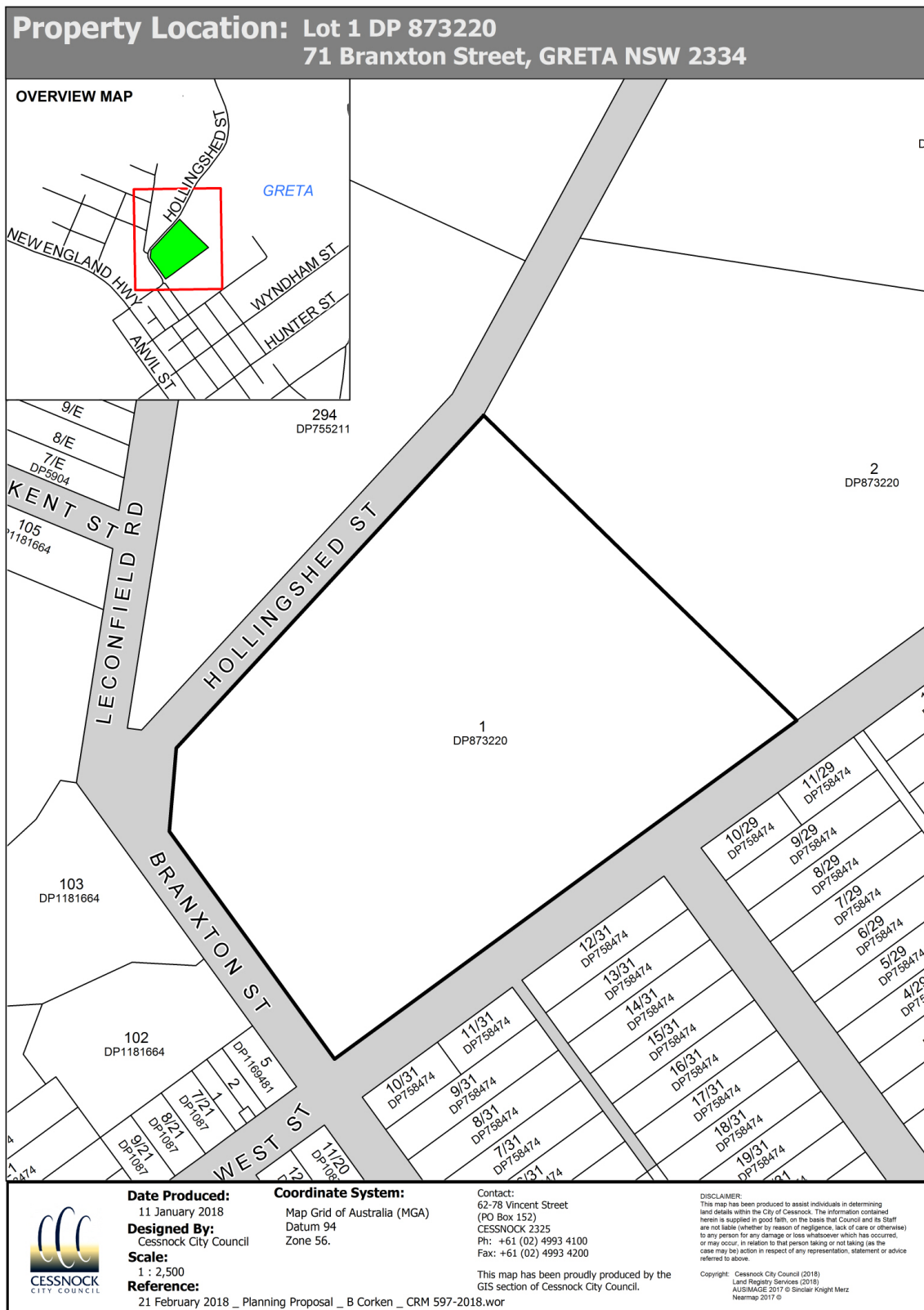
In November 2014, Council received a preliminary planning proposal to rezone the land. At that time, the applicant was advised that the Hunter Regional Plan 2036 and the Cessnock Settlement Strategy did not support the rezoning of the land and therefore there was no strategic justification or priority for Council to support an amendment to the CLEP 2011 for the site.

Since that time, Council has adopted the Branxton Subregion Land Use Strategy and Structure Plan 2016. The plan provides long-term direction for the sub-region's settlement pattern including residential lands. However, the site is not identified in the Strategy as a growth area and it does not meet the policy parameters to be considered as infill development.

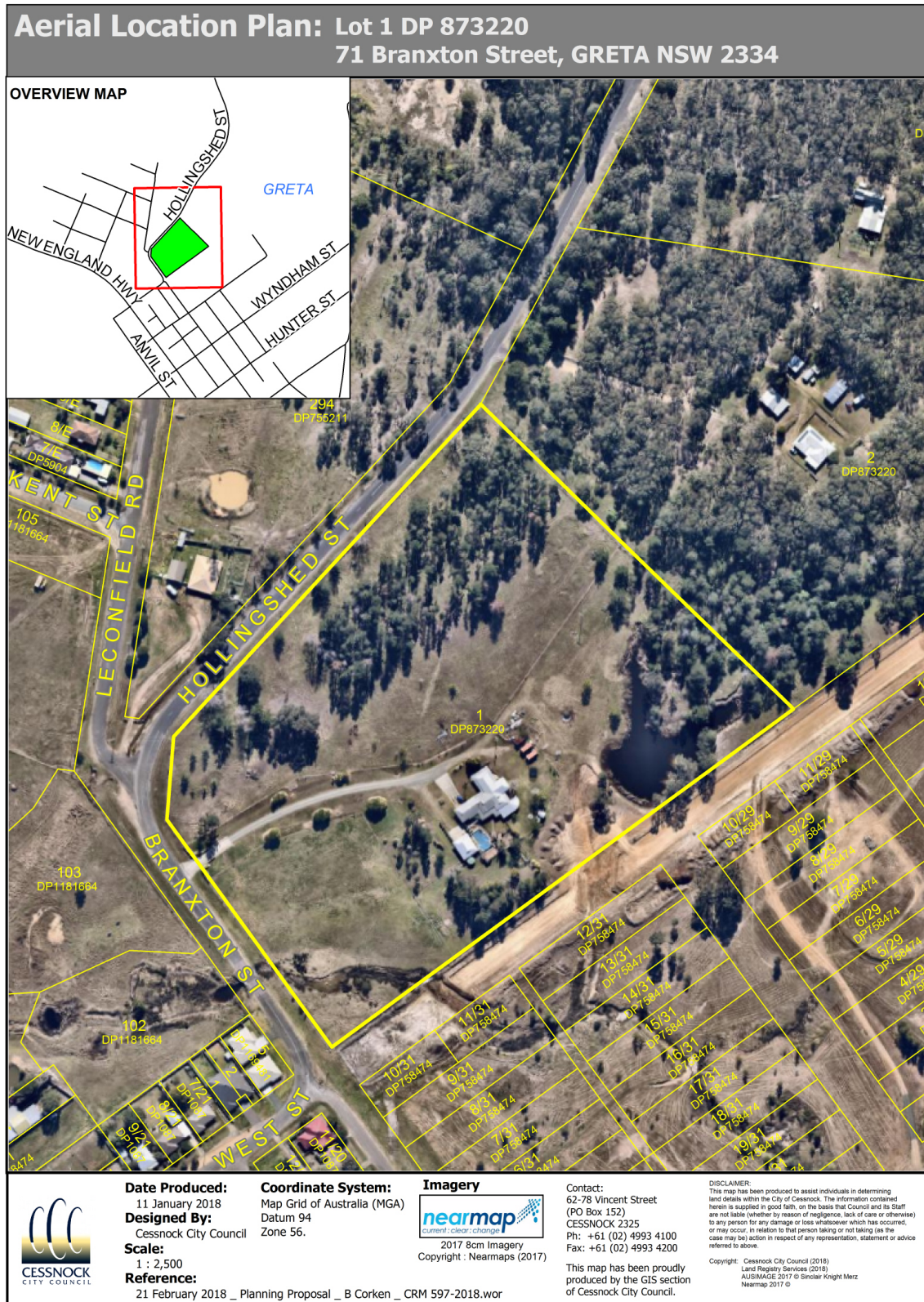
Council is currently preparing a comprehensive land use strategy for the entire local government area. The strategy will provide a revised policy context to inform decisions about the future growth across the local government area.

Date	Task
17 June 2014	Council advised HDB Town Planning and Design that there is no strategic basis to consider an amendment to the Cessnock Local Environmental Plan 2011 for the site.
7 November 2014	Council received planning proposal request to rezone the site.
22 January 2015	Council advised HDB Town Planning and Design that a city wide strategic land use study was being prepared to provide direction for the review of the Cessnock City Wide Settlement Strategy.
7 October 2015	Council calls for expressions of interest for sites to be considered as future development sites in the City Planning Strategy Project.
24 March 2016	Council acknowledges an expression of interest from HDB Town Planning and Design and advises of the timeframe (> 2 years).
24 November 2017	Council received planning proposal from HDB Town Planning and Design.
10 January 2018	Council acknowledges receipt of planning proposal.

Location map



Aerial map



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REPORT/PROPOSAL

The draft planning proposal seeks to amend the CLEP 2011 to achieve approximately 40 lots. The proposed changes include rezoning the land from RU2 Rural Landscape to R2 Low Density Residential and reducing the minimum lot size to 450m².

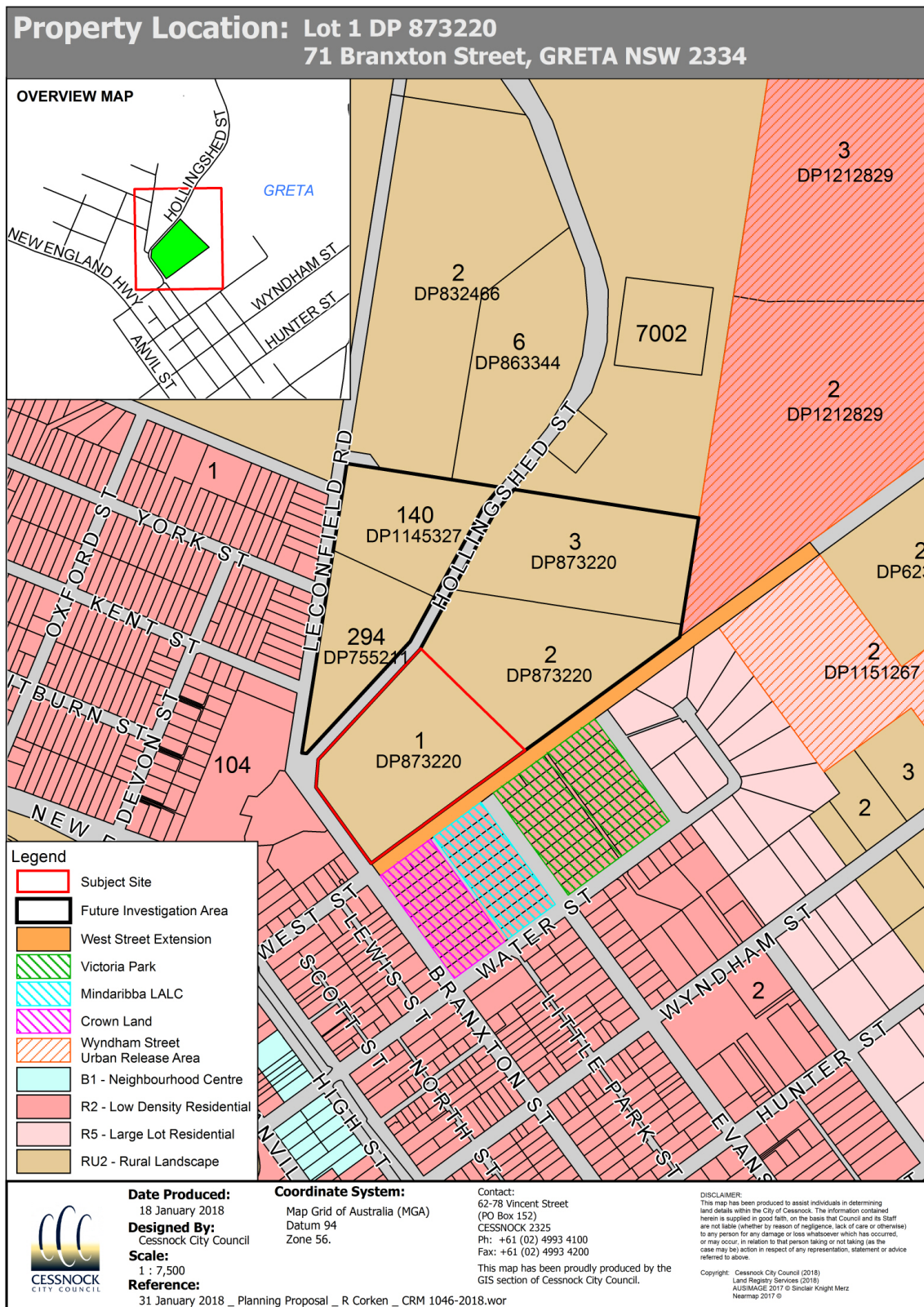
The existing strategic policy framework provided by the Hunter Regional Plan 2036, City Wide Settlement Strategy 2010, the Branxton Subregion Land Use Strategy and Structure Plan 2016 does not support this proposal. Despite this, the proposal does have merit as the site:

- is located generally within the existing town extents of Greta;
- is close to the Greta Town Centre;
- has frontage to the newly constructed West Street that services the Wyndham Road development;
- is close to open space, i.e. Victoria Park; and
- has limited potential to support rural activities.

There are a number of other sites in the immediate vicinity of the subject site that may also be suitable for consideration for future development and/or rezoning. For example:

- Victoria Park is currently zoned RU2 Rural Landscape and could be rezoned to reflect its recreation purpose.
- There is a two hectare area of Crown land and an equal area of land owned by the Mindaribba Aboriginal Land Council opposite the site that is zoned RU2 Rural Landscape.
- There are undeveloped Crown road reserves that may be suitable for rationalisation.
- There are undeveloped areas to the north-west and west of the site.

Surrounding development and proposed investigation area



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Given the number of sites that may be suitable for development and/or rezoning, the area would benefit from a strategic, rather than a site specific investigation to encourage a holistic and integrated approach to development in the area. Therefore, it is proposed that the area be considered as an area for investigation in the future Cessnock City Wide Planning Strategy.

OPTIONS

Council has the following options:

1. To not proceed with the proposal at this time to rezone the land and to consider the area bounded by Branxton and Water Streets and Leconfield Road, Greta as an investigation area in the new City Wide Planning Strategy. This would allow Council to consider rezoning the area at an appropriate future stage. This is the preferred option
2. To support the draft Planning Proposal and seek a Gateway determination from the Department of Planning and Environment to proceed with rezoning the site.

CONSULTATION

An officer of the Department of Planning and Environment was contacted to discuss the proposal and to gauge the level of support for the draft Planning Proposal. The officer advised that if there was no strategic policy basis for consideration of the draft planning proposal then it was unlikely that the Department would support it. However, the officer acknowledged that the site had merit and could be considered in the review of the Cessnock City Wide Settlement Strategy.

STRATEGIC LINKS

a. Delivery Program

The Draft Planning Proposal aligns with the following objectives of the Cessnock 2027 Community Strategic Plan:

A sustainable and Healthy Environment:

- Objective 3.1, Protecting and Enhancing the Natural Environment and the Rural Character of the Area.

b. Other Plans

City Wide Settlement Strategy 2010 (CWSS)

The CWSS is Councils primary strategic planning policy. The CWSS directs growth across the local government area and informs any changes to the Cessnock Local Environmental Plan.

Part 5 of the CWSS refers to the provision of residential land. Section 5.3 and 5.4 identify specific areas of infill residential development. The site is not identified as an infill or a development site.

Part 6 of the CWSS provides direction for the growth of villages including Greta. Section 6.2 specifically excludes additional development in any villages other than Ellalong, Paxton,

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Millfield and Kitchener. However, this is on the basis that access to a fully reticulated sewer system was not available when the CWSS was drafted.

Branxton Sub-regional Land Use Strategy and Structure Plan 2016

The Council adopted the Branxton Sub-regional Land Use Strategy and Structure Plan in June 2016. That Strategy covers the areas in and around Greta including the subject site. The Strategy identifies two specific investigation sites in Greta.

1. Greta Growth Area – this area is expected to provide around 250 new dwellings and around 70 new rural residential dwellings to 2041.
2. Greta Migrant Camp – this area has an ultimate capacity to provide around 1,350 residential dwellings to 2041.

The subject site is not identified as an investigation site in Branxton Sub-regional Land Use Strategy and Structure Plan.

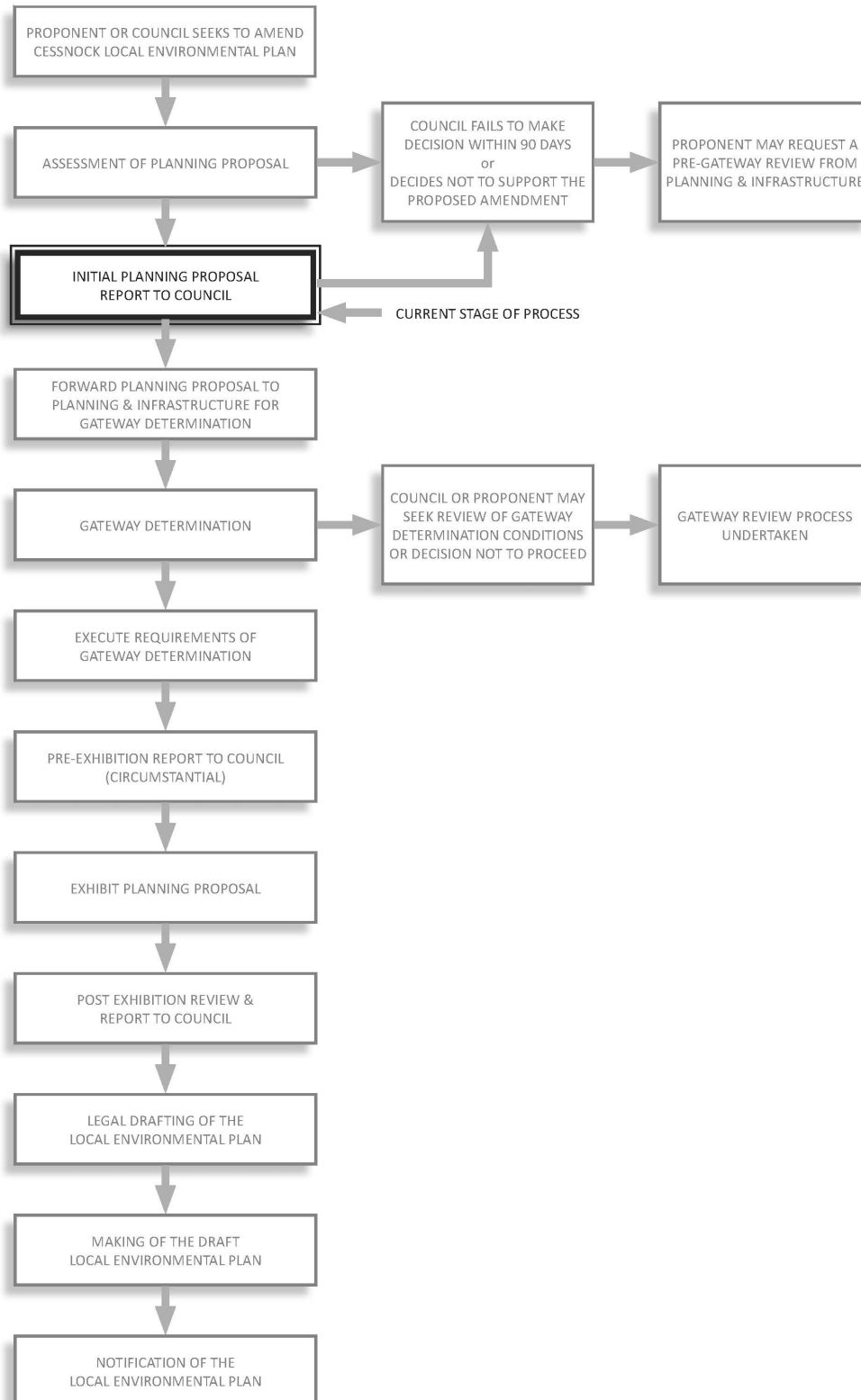
The Strategy seeks to facilitate infill residential development to encourage greater housing choice such as shop top housing; seniors housing within 400m walking radius of the village centre or by intensifying residential uses on lands currently zoned for large lot residential where the land can be adequately serviced. However, the proposal does not meet these criteria.

IMPLICATIONS

a. Policy and Procedural Implications

The status of the planning proposal is identified in the following process flow chart.

PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



b. Financial Implications

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There are no financial implications if Council does not proceed with the Planning Proposal, as per the recommendation of the Report.

If Council resolves to proceed with the draft Planning Proposal the proponent will be charged fees in accordance with Council's adopted Fees and Charges.

c. Legislative Implications

NIL

d. Risk Implications

Allowing this planning proposal to advance without a supportive strategic policy framework may undermine the rigour of Council's strategic planning framework.

There is also a high risk that the Department of Planning and Environment will not support the draft Planning Proposal

e. Environmental Implications

There are a number of environmental constraints on the site and design considerations that would need to be resolved before advancing any planning proposal to rezone the site.

Hunter Lowerlands Redgum Forest Ecologically Endangered Community

There is a small area of Hunter Lowerlands Redgum Forest Ecologically Endangered Community (EEC) on the site. The value of this EEC needs to be understood and if required, actions to protect the EEC taken.

Riparian corridor

A second order stream traverses the site. The zoning of the site will need to ensure the value of the corridor is protected.

Flooding

The site is partly affected by flooding in a 1% Annual Exceedance Probability (AEP) event. The zoning of the land must reflect the flooding constraint unless it is determined to be of minor significance.

Stormwater management

Stormwater management and specifically the design, location and management of the proposed detention basin would have to be considered by Council.

f. Other Implications

NIL

CONCLUSION

The rezoning of the site for residential purposes has merit. However, Council's existing strategic land use policy framework does not support the proposal. Council is undertaking a comprehensive review of its current Settlement Strategy due for completion 2018/2019.

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There are a number of sites around the subject site that could be considered for rezoning for residential and other purposes. An investigation of the larger area would encourage an integrated development outcome. To achieve this, it is proposed to consider the area bounded by Branxton and Water Streets and Leconfield Road as an area for investigation in the new settlement strategy.

ENCLOSURES

There are no enclosures for this report