



PLANNING PROPOSAL

Amendment to the

Cessnock Local Environmental Plan 2011

by rezoning a portion of Lot 10 DP 1085485

259 & 261 Averys Lane, Buchanan

Version 4.0 (Public Exhibition)

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Part 1: Objectives and Outcomes

The objective of the Planning Proposal is to amend the Cessnock Local Environmental Plan 2011 (LEP 2011) to achieve the following outcomes:

- rezone part of Lot 10 DP 1085485 known as 259 & 261 Averys Lane Buchanan (“the subject land”), as identified in Figure 1, from RU2 Rural Landscape to R2 Low Density Residential and C2 Environmental Conservation;
- amend the minimum lot size map from 40 Ha to 450m² for that area of Lot 10 DP 1085485 zoned R2 Low Density Residential and amend the minimum lot size map from 40Ha to 80Ha for that area of Lot 10 DP 1085485 zoned C2 Environmental Conservation; and
- map that part of Lot 10 DP 1085485 zoned R2 Low Density Residential as an Urban Release Area (URA).

Part 2: Explanation of Provisions

The intent of the Planning Proposal is to rezone part of Lot 10 DP 1085485, known as 259 & 261 Averys Lane Buchanan (“the subject land”) as identified in **Figure 1**, from RU2 Rural Landscape Zone to R2 Low Density Residential Zone and C2 Environmental Conservation Zone. This will be supported by an amendment to the LEP minimum lot size map from 40 hectares to 450m² for that part of Lot 10 DP 1085485 zoned R2 Low Density Residential zone, and the nomination of the same area as a URA.

A C2 Environmental Conservation zone is proposed to be applied to that part of the subject site which adjoins Wallis Creek.

The current and proposed zoning is provided in **Figure 2** and **Figure 3** respectively. Further refinement of the C2/RU2 zone boundaries may occur through the implementation of Council’s Environmental Zoning Framework.

Initially, the proponent is seeking to excise the proposed residential zoned portion of land from the balance, zoned RU2 Rural Landscape Zone and C2 Environmental Conservation Zone, through a 1 into 2 lot subdivision. This equates to an area of approximately 1.38 hectares. However, given the proposed minimum lot size (450m²) further subdivision potential would be available. This Planning Proposal and supporting documentation assesses the overall subdivision potential and impacts on the subject land.

Based on the proposed subdivision plan provided by the proponent (**Figure 4**), a total of 14 lots has been identified. The corner allotments in the indicative subdivision concept are of a size which would support dual occupancy development. If developed for this purpose, this would bring the potential lot yield to 18 lots.

Lot 10 DP 1085485 is within the Buchanan Interchange Growth Area of the Draft Hunter Expressway Strategy, and the Draft Hunter Regional Plan 2041.

This land is immediately adjacent to land zoned R2 Low Density Residential to the north and west and is proximate to the Bellbird to Maitland urban ‘growth area’, identified in the GNMP 2036 and Local Strategic Planning Statement (LSPS). Whilst the site is located within the Buchanan Interchange Growth Area defined by the Hunter Regional Plan 2041 (HRP 2041), it has an existing Gateway Determination, thus is not subject to the principles related to this growth area.

Land to the north of the site has approval for a 170-lot residential subdivision and is identified as URA. The extension of the R2 Low Density Residential Zone to part of the subject allotment represents a logical and minor extension to the residential component of the Buchanan locality.

Future development of the existing residential zoned land to the north and west of the site will provide infrastructure that could be extended to service the subject land.

The proposal is considered to be consistent with the objectives of the HRP 2041, Greater Newcastle Metropolitan Plan (GNMP 2036) and the Cessnock Local Strategic Planning Statement (the LSPS), as the subject land is proximate to the Bellbird to Maitland urban ‘growth area’.



Figure 1: Subject Land

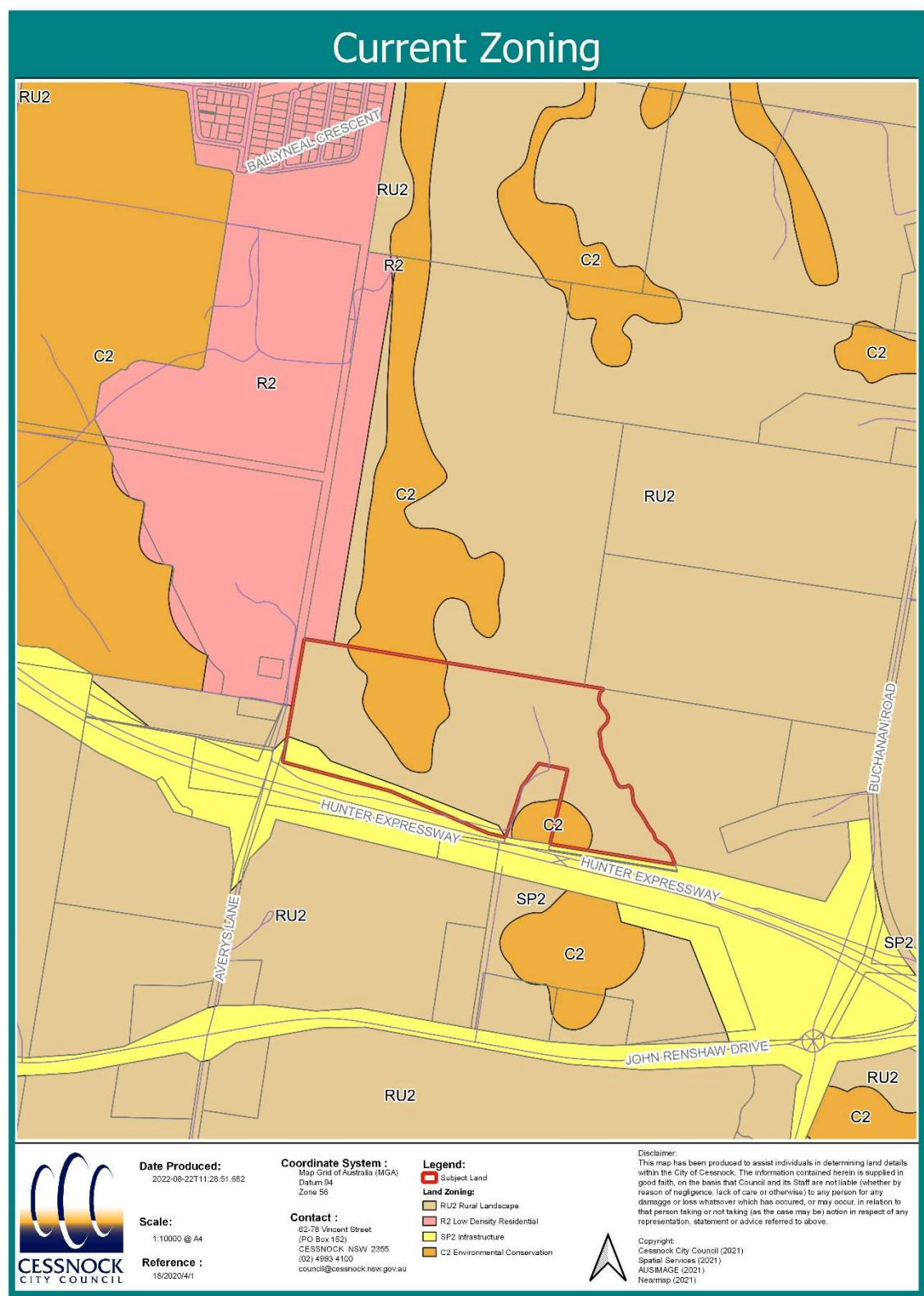


Figure 2: Current Zoning

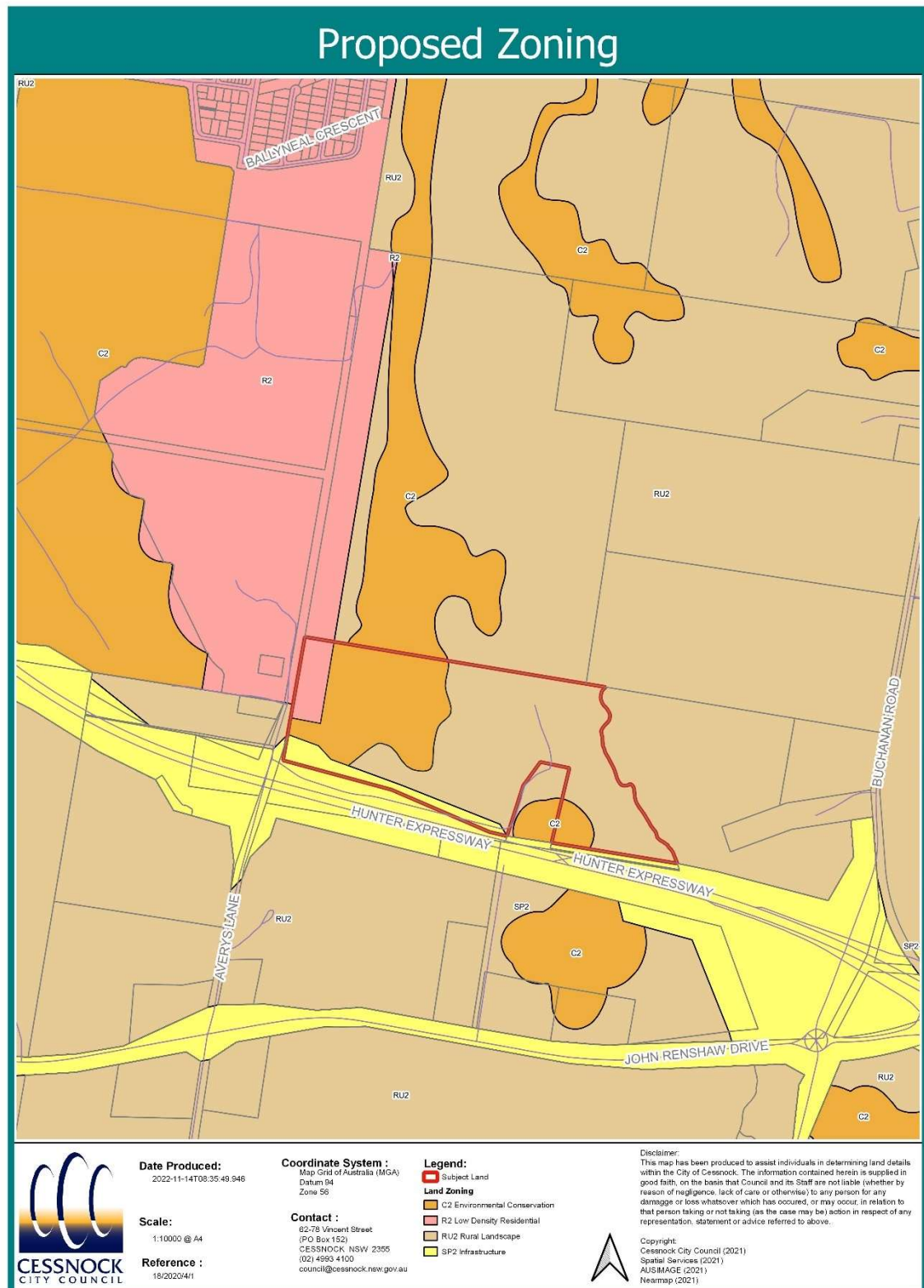


Figure 3: Proposed Zoning



Figure 4: Indicative Subdivision Concept Plan

(Source: Complete Planning Solutions, 2021)

Part 3: Justification

In accordance with the Department of Planning and Environment (DP&E) “Local Environmental Plan Making Guideline” December 2021, 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 Planning Proposal was requested by Complete Planning Solutions on behalf of the landowner. The purpose of the proposal is to rezone part of Lot 10 DP 1085485, known as 259 & 261 Averys Lane Buchanan, from RU2 Rural Landscape Zone to R2 Low Density Residential Zone and C2 Environmental Conservation Zone, amend the associated minimum lot size map from 40 hectares to 450m² for that land zoned R2 Low Density Residential, and identify the same area as a URA.

2 Planning Proposal as best way to achieve the objectives

The LEP 2011 controls prevent the subdivision of Lot 10 DP 1085485 to less than 40Ha. Therefore, to allow for urban housing on part of Lot 10, an amendment to LEP 2011 is required. Rezoning the subject land and amending the minimum lot size map is considered the best way to achieve the objectives of the proposal.

The Planning Proposal is supported on the basis that the subject allotment is immediately adjacent to land zoned R2 Low Density Residential to the north and west and is proximate to the Bellbird to Maitland urban ‘growth area’, identified in the GNMP 2036 and LSPS. Whilst the site is located within the Buchanan Interchange Growth Area (HRP 2041), it has an existing Gateway Determination, thus is not subject to the principles related to this growth area.

Land to the north of the site has approval for a 170-lot residential subdivision and is identified as a URA in the LEP. The extension of the R2 Low Density Residential Zone to part of the subject allotment represents a logical extension to the residential zone to the north and west. Development of the existing residential zoned land to the north and west of the site will provide infrastructure that could be extended to the subject land.

Section B: Relationship to Strategic Planning Framework

3 Consistency with Objectives and Actions within Regional Strategies

Hunter Regional Plan 2041

The Hunter Regional Plan 2041 (HRP 2041) provides the overarching strategic framework to guide development, investment and planning within the Hunter region to 2041.

The HRP 2041 seek to promote visions relating to housing choice, liveability and economic development within the Hunter Region:

“The leading regional economy in Australia, where people are connected and care for Country, with a vibrant metropolitan city at its heart and sustainable 15-minute neighbourhoods.”

This Planning Proposal is conducive with the objectives of the HRP 2041 in that it will deliver greater housing choice within an already thriving community of the Cessnock Local Government Area (LGA).

Greater Newcastle Metropolitan Plan (GNMP) 2036

The GNMP sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens, which together make up Greater Newcastle. The plan also helps to achieve the vision set in the Hunter Regional Plan 2036 – for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart.

The site is located at Buchanan which is in the metropolitan frame. The Plan contains four goals and 23 strategies. The following strategies are relevant to the proposal.

Strategy 16: Prioritise the delivery of infill housing opportunities within existing urban areas.

This strategy seeks to deliver housing in existing urban areas within strategic centres and along urban renewal corridors in the metro core. Buchanan is not a strategic centre or along an urban renewal corridor in the metro core. However, it could be argued that the proposal will delivery housing adjacent to an existing urban area.

4 Consistency with Council's Community Strategic Plan or other Local Strategic Plan

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

The Cessnock Community Strategic Plan 2036 (CSP) identifies the community's main priorities and expectations for the future and ways to achieve these goals. The vision of “the CSP is:

“Cessnock is a cohesive and welcoming community living in an attractive and sustainable rural environment. There is a diversity of business and employment opportunities supported by accessible infrastructure and services which effectively meet community needs”

A range of strategic directions are provided which relate to the social, environmental and economic health, sustainability and prosperity of the Cessnock LGA. The Planning Proposal is consistent with the themes of the CSP, noting that there are no themes within the CSP that relate directly to housing.

Cessnock Local Strategic Planning Statement 2036 (LSPS)

On 17 June 2020, Council adopted the Local Strategic Planning Statement 2036 (LSPS). The merit of the proposal is that it is located adjacent to the existing urban area of Buchanan and there are recent residential approvals occurring on sites immediately adjoining the proposed investigation area. Infrastructure expansion is expected as a component of that urban development.

The following priorities and principles are relevant to the proposal.

Planning Priority 5: Infrastructure and services meet the needs of the community and are appropriately funded.

The relevant planning principles are:

- Rezoning land for urban purposes will be prioritised in areas where existing infrastructure capacity exists.

The site is located immediately adjacent to Residential zoned land which has been approved for residential subdivision. The provision of infrastructure and services to this subdivision will facilitate future development of the proposed rezoned portion of land.

Planning Priority 7: Urban development is encouraged in areas with existing infrastructure.

The relevant planning principles are:

- Infill development is encouraged in established urban areas.
- Our urban areas are compact and well serviced.
- New growth is integrated with the existing residential areas and adequately serviced.

As above.

Planning Priority 22: The rural landscape of the area is retained and enhanced.

The relevant planning principle is:

- The rural character and amenity of the land is preserved and enhanced.

The site is zoned RU2 Rural Landscape; however, the area immediately surrounding the site is predominantly urban.

5 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
Planning Systems 2021	<p>Not Applicable.</p> <p>The proposal does not propose state significant development or infrastructure, nor regionally significant development.</p> <p>The proposal does not apply to Aboriginal Land mapped on the Land Application Map.</p>	Nothing in this Planning Proposal impacts on the operation of this SEPP
Primary Production 2021	<p>Applicable.</p> <p>This proposal seeks to rezone the land from RU2 Rural Landscape to R2 Low Density Residential and as such remove the opportunity for a range of agricultural land uses.</p>	<p><u>Primary Production</u></p> <p>Over the past several decades the land has not been used for an agriculture purpose. Further to this, the area to the west and north all contain land zoned R2 Low Density Residential. The potential for the site to be 'productive' in the future is considered limited due to its size and the proposed land uses surrounding the site.</p> <p>The SEPP would continue to apply to the parent site and would, subject to development consent, still allow for some agricultural uses.</p>
Resources and Energy 2021	<p>Applicable.</p> <p>The SEPP permits underground mining on any land, and mining and petroleum production on any land for which development for the purposes of agriculture may be carried out.</p> <p>This proposal seeks to rezone the land from RU2 Rural Landscape to R2 Low Density Residential and as such remove the opportunity for a range of agricultural land uses.</p>	<p><u>Mining, Petroleum Production and Extractive Industries</u></p> <p>Agricultural uses (in the form of oyster and tank-based aquaculture) are permitted within the R2 Low Density Residential zone.</p> <p>Nothing in this Planning Proposal impacts on the operation of this SEPP.</p>
Resilience and Hazards 2021	<p>Applicable.</p> <p>This proposal seeks to rezone the land from a rural zone (RU2 Rural Landscape) to a residential zone (R2 Low Density Residential).</p>	<p><u>Remediation of Land</u></p> <p>The subject land is currently zoned for rural purposes. Whilst not identified within the EPA contamination register nor on Council's records, the compatibility of past land uses or activities is not presently known,</p>

SEPP	Relevance	Consistency and Implications
		A Stage 1 Preliminary Site Investigation has been undertaken (Appendix 8). This has concluded that This has concluded that no indication of gross contamination has been identified which would constrain the development of the Site for its proposed land use as a residential development.
Industry and Employment 2021	Not Applicable. The proposal does not apply within the Western Sydney employment area, nor relates to advertising and signage.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
Housing 2021	Applicable. This proposal seeks to rezone the land from RU2 Rural Landscape to R2 Low Density Residential. As such, the range of permissible uses for residential accommodation will increase.	<u>Affordable Housing</u> Affordable housing (such as boarding houses) will become permissible with development consent on the subject land where zoned R2 Low Density Residential (but not under the provisions of the Housing SEPP). <u>Diverse Housing</u> Secondary dwellings, group homes and seniors housing will become permissible with development consent on the subject land where zoned R2 Low Density Residential. Nothing in this Planning Proposal impacts on the operation of this SEPP. <u>Short-term Rental Accommodation</u> Caravan Parks are not permitted within the RU2 Rural Landscape or R2 Low Density Residential zones. Nothing in this Planning Proposal impacts on the operation of this SEPP.
Transport and Infrastructure 2021	Applicable. This proposal seeks to rezone privately owned land from a rural zone (RU2 Rural Landscape) to a residential zone (R2 Low Density Residential).	<u>Infrastructure</u> The rezoning from RU2 to R2 may alter the ability for certain types of infrastructure prescribed by the SEPP to be undertaken on the subject land as it may no longer fall within the categorisation of a prescribed zone for that development purpose. It is considered however that these occurrences are minimal and better address land use conflicts which would

SEPP	Relevance	Consistency and Implications
		<p>arise from such development given the proximity of the site to extensive urban development.</p> <p><u>Education and Child Care Establishments</u></p> <p>Both the RU2 zone and R2 zones are prescribed zones for the purposes of enabling education and child care establishments under the SEPP.</p> <p>Nothing in the Planning Proposal impacts on the operation of this aspect of the SEPP.</p> <p><u>Major Infrastructure</u></p> <p>Nothing in the Planning Proposal impacts on the operation of this aspect of the SEPP.</p>
<p>Biodiversity and Conservation 2021</p>	<p>Applicable.</p> <p>This proposal seeks to rezone privately owned land from a rural zone (RU2 Rural Landscape) to a residential zone (R2 Low Density Residential).</p> <p>The site comprises vegetation consistent with the Hunter Lowland Redgum Forest Threatened Ecological Community (TEC), is mapped on the Biodiversity Values Map (under the <i>Biodiversity Conservation Act, 2016</i>), as Category 2 regulated land on the Native Vegetation Regulatory map (under the <i>Local Land Services Act, 2013</i>), and comprises vegetation which is suitable habitat for a range of threatened fauna (including koalas and a range of bird life)</p>	<p>Chapters 2, 3 and 4 relating to clearing in non-urban areas and koala habitat are relevant to this Planning Proposal.</p> <p>A Stage 1 Biodiversity Certification Assessment Report (BCAR) has been submitted.</p> <p>The outcomes of this assessment are detailed in Section 7. In summary however, this report concludes that rezoning the site carries minimal risk of a serious environmental impact.</p> <p>Advice from BCD indicates that the proposal could proceed. However, the determining authority would need to consider the proposed impact to candidate species, SAIL habitat and species listed under the <i>Environment Protection and Biodiversity Conservation Act, 1999</i> as part of future development of the site.</p> <p>Further assessment of the impact of the proposal on potential SAIL species has been undertaken. This has concluded that the impact will not be serious and irreversible.</p> <p>The proposed C2 zone extent, coupled with the relative isolation of the site (in terms of connectivity to other vegetation), and the additional protection this zone affords (as</p>

SEPP	Relevance	Consistency and Implications
		<p>compared with the land uses permissible within the current RU2 Rural Landscape zone) is considered a suitable response at the rezoning stage to address the recommendations of BCD.</p> <p>Further ecological assessment of the site will be triggered with any application for subdivision, including the requirement for the preparation of a Biodiversity Development Assessment Report (BDAR).</p> <p>The Planning Proposal is inconsistent with this Direction, however justified by a study prepared in support of the Planning Proposal. Chapters 5 – 12 are not relevant to the Planning Proposal.</p>
Precincts – Regional 2021	<p>Not Applicable.</p> <p>The proposal does not apply to a state significant or activation precinct, nor is located within the Kosciuszko National Park or alpine resort.</p>	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 65 - Design Quality of Residential Development	<p>Not Applicable.</p> <p>The proposed zone to be applied to the subject site is R2 Low density Residential. This zone does not permit development which is subject to this SEPP.</p>	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP Building Sustainability Index: BASIX 2004	<p>Applicable.</p> <p>The proposed zone to be applied to the subject site is R2 Low density Residential.</p> <p>Residential development permitted within the R2 zone is subject to the provisions of this SEPP.</p>	Nothing in this Planning Proposal impacts on the operation 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 impacts on the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
SEPP Sustainable Buildings 2022	The aim of this SEPP is to encourage the design and delivery of sustainable buildings and reduce greenhouse gas emissions and the consumption of water and energy.	Nothing in this Planning Proposal impacts on the operation of this SEPP.

6 Consistency with Section 9.1 Ministerial Directions for Local Plan Making

An assessment of relevant Section 9.1 Directions against the planning proposal is provided in the table below.

Table 2: Relevant Section 9.1 Ministerial Directions

Ministerial Direction	Objective of Direction	Consistency and Implication
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	Applicable. An assessment against the Hunter Regional Plan and Greater Newcastle Metropolitan Plan has been provided in Section B of this Planning Proposal. The Planning Proposal is consistent with this Direction.
1.2 Development of Aboriginal Land Council land	The objective of this direction is to provide for the consideration of development delivery plans prepared under chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.	Not applicable. The Planning Proposal does not apply to Aboriginal Land mapped on the Land Application Map of State Environmental Planning Policy (Planning Systems) 2021.
1.3 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Applicable. The Planning Proposal does not seek the inclusion of provisions requiring the concurrence, consultation or referral of development applications to a Minister or public authority. The Planning Proposal is consistent with this Direction.
1.4 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.	Applicable. The Planning Proposal does seek to incorporate any site-specific planning controls. The Planning Proposal is consistent with this Direction.
Focus Area 1: Planning Systems – Place Based		
1.5 – 1.18	These Directions apply to specific places within the Sydney Metro LGAs.	Not applicable. These Directions does not apply to the Cessnock LGA.
Focus Area 2: Design and Place		
There are currently no Directions specified under this Focus Area		

Ministerial Direction	Objective of Direction	Consistency and Implication
Focus Area 3: Biodiversity and Conservation		
3.1 Conservation Zones	The objective of this direction is to protect and conserve environmentally sensitive areas	<p>Applicable.</p> <p>Whilst not a conservation zone, the subject land comprises vegetation which is consistent with a TEC.</p> <p>A Stage 1 Biodiversity Certification Assessment Report (BCAR) has been submitted.</p> <p>The outcomes of this assessment are detailed in Section 7. In summary however, this report concludes that rezoning the site carries minimal risk of a serious environmental impact.</p> <p>Advice from BCD indicates that the proposal could proceed. However, the determining authority would need to consider the proposed impact to candidate species, SAIL habitat and species listed under the <i>Environment Protection and Biodiversity Conservation Act, 1999</i> as part of future development of the site.</p> <p>Further assessment of the impact of the proposal on potential SAIL species has been undertaken. This has concluded that the impact will not be serious and irreversible.</p> <p>The proposed C2 zone extent, coupled with the relative isolation of the site (in terms of connectivity to other vegetation), and the additional protection this zone affords (as compared with the land uses permissible within the current RU2 Rural Landscape zone) is considered a suitable response at the rezoning stage to address the recommendations of BCD.</p> <p>Further ecological assessment of the site will be triggered with any application for subdivision, including the requirement for the preparation of a BDAR.</p> <p>The Planning Proposal is inconsistent with this Direction, however justified by a study</p>

Ministerial Direction	Objective of Direction	Consistency and Implication
		prepared in support of the Planning Proposal.
3.2 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<p>Applicable.</p> <p>The subject land is mapped as having very high to high Aboriginal Heritage sensitivity.</p> <p>This level of sensitivity extends along the riparian corridor of Wallis Creek to the south and north of the subject land, including land which is currently being developed for residential housing along Averys Lane.</p> <p>A search of the AHIMS database identifies six Aboriginal sites are recorded in or near the site (within a 50m buffer if the subject land).</p> <p>The subject land is highly modified and embellished with dwellings and ancillary development. Vegetation on site is also modified with most understory vegetation removed, and regularly mown/maintained ground cover. As such, surface artefacts are unlikely to be present.</p> <p>Any future development of the subject land will be managed through standard conditions of consent which include mechanisms for the preservation of artefacts if located during works.</p> <p>The Planning Proposal inconsistency with this Direction is of minor significance. This inconsistency is justified and no further approval is required (as per Gateway Determination Letter dated 2 August 2022).</p>
3.3 Sydney Drinking Water Catchments	The objective of this direction is to protect water quality in the Sydney drinking water catchment.	<p>Not applicable.</p> <p>This Direction does not apply to the Cessnock LGA.</p>
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	The objective of this direction is to ensure that a balanced and consistent approach is taken when applying conservation zones and overlays to land on the NSW Far North Coast.	<p>Not applicable.</p> <p>This Direction does not apply to the Cessnock LGA.</p>
3.5 Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or	Applicable.

Ministerial Direction	Objective of Direction	Consistency and Implication
	land with significant conservation values from adverse impacts from recreation vehicles.	The Planning Proposal does not seek to enable the subject land to be developed for the purposes of a recreation vehicle area. The Planning Proposal is consistent with this Direction.
3.6 Strategic Conservation Planning	The objective of this direction is to protect, conserve or enhance areas with high biodiversity value.	Not applicable. The Planning Proposal does not apply to “avoided land” nor a “strategic conservation area” as identified by <i>SEPP (Biodiversity and Conservation) 2022</i> .
Focus Area 4: Resilience and Hazards		
4.1 Flooding	The objectives of this direction are to: (a) ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.	Applicable. The central portion of the subject land is within the Flood Planning Area and Probable Maximum Flood. However, the area of land proposed for rezoning to enable residential development is free from flooding constraints. Flood free access/egress will be available to/from Heddon Greta when the Averys Lane local road connection is complete. The Planning Proposal is consistent with this Direction
4.2 Coastal Management	This direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 – comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.	Not applicable. The subject land is not within the Coastal Zone.
4.3 Planning for Bushfire Protection	The objectives of this direction are to: (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of	Applicable. The subject land comprises Category 3 bushfire prone vegetation and buffer areas.

Ministerial Direction	Objective of Direction	Consistency and Implication
	incompatible land uses in bush fire prone areas, and (b) encourage sound management of bush fire prone areas.	The Planning Proposal is supported by a bushfire risk assessment, which identifies that development of the subject land can comply with the provisions of Planning for Bushfire Protection 2019. The Planning Proposal is consistent with this Direction.
4.4 Remediation of Contaminated Land	The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	Applicable. The proposal seeks to rezone the subject land from a Rural zone (RU2 Rural Landscape) to a residential zone (R2 Low Density Residential) to enable residential development. Whilst not identified within the EPA contamination register nor on Council's records, the compatibility of past land uses or activities with is not presently known, A Stage 1 Preliminary Site Investigation has been undertaken. This has concluded that no indication of gross contamination has been identified which would constrain the development of the Site for its proposed land use as a residential development. The Planning Proposal is consistent with this Direction.
4.5 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 sulfate soils.	Applicable. The subject land is identified as comprising Class 4 Acid Sulfate Soils. This occurs within the central portion of the lot. However, the land proposed for rezoning to enable residential development is not identified as comprising acid sulfate soils. The Planning Proposal is consistent with this Direction.
4.6 Mine Subsidence and Unstable Lands	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.	Not applicable. The subject land is not within a declared mine subsidence district.

Ministerial Direction	Objective of Direction	Consistency and Implication
Focus Area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. 	<p>Applicable.</p> <p>The Planning Proposal seeks to rezone land for residential purposes.</p> <p>The subject land is immediately adjacent to land zoned R2 Low Density Residential to the north and west and is proximate to the Bellbird to Maitland urban 'growth area', identified in the GNMP 2036 and LSPS. Whilst the site is located within the Buchanan Interchange Growth Area (HRP 2041), it has an existing Gateway Determination, thus is not subject to the principles related to this growth area.</p> <p>The extension of Averys Lane will be supported by a shared pathway which will provide opportunities for alternate transport to travel to Heddon Greta and Main Road 195 which supports a number of bus stops which are connection points for bus travel to both Maitland and Cessnock.</p> <p>The Planning Proposal is consistent with this Direction.</p>
5.2 Reserving Land for Public Purposes	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) facilitate the provision of public services and facilities by reserving land for public purposes, and (b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. 	<p>Applicable.</p> <p>The Planning Proposal does not seek to create, alter or zone land for public purposes.</p> <p>The Planning Proposal is consistent with this Direction.</p>
5.3 Development Near Regulated Airports and Defence Airfields	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) ensure the effective and safe operation of regulated airports and defence airfields; (b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to 	<p>Not applicable.</p> <p>The Planning Proposal does not apply to land near a regulated airport or defence airfield.</p>

Ministerial Direction	Objective of Direction	Consistency and Implication
	<p>aircraft flying in the vicinity; and</p> <p>(c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p>	
5.4 Shooting Ranges	<p>The objectives are to:</p> <p>(a) maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</p> <p>(b) reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,</p> <p>(c) identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p>	<p>Not applicable.</p> <p>The Planning Proposal does not apply to land adjacent to or adjoining an existing shooting range.</p>
Focus Area 6: Housing		
6.1 Residential Zones	<p>The objectives of this direction are to:</p> <p>(a) encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) minimise the impact of residential development on the environment and resource lands.</p>	<p>Applicable.</p> <p>The subject land adjoins existing urban zoned lands which are the subject of an approved housing development consisting of 170 lots. The construction of this housing development will necessarily involve the installation of water and sewerage infrastructure which can be extended to the subject site.</p> <p>The Planning Proposal is consistent with this Direction.</p>
6.2 Caravan Parks and Manufactured Home Estates	<p>The objectives of this direction are to:</p> <p>(a) provide for a variety of housing types, and</p> <p>(b) provide opportunities for caravan parks and manufactured home estates</p>	<p>Applicable.</p> <p>The Planning Proposal applies to land current zoned RU2 Rural Landscape and proposes rezoning part of the land to R2 Low Density Residential.</p> <p>Caravan Parks (or Manufactured Home Estates) are not currently permitted within either zone under Cessnock LEP 2011. The Planning</p>

Ministerial Direction	Objective of Direction	Consistency and Implication
		<p>Proposal does not seek to alter this permissibility.</p> <p>The Planning Proposal is consistent with this Direction.</p>
Focus Area 7: Industry and Employments		
7.1 Business and Industrial Zones	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified centres. 	<p>Not applicable.</p> <p>The Planning Proposal does not seek to apply or alter proposed or existing business or industrial zonings</p>
7.2 Reduction in non-hosted short-term rental accommodation	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation period are to be reduced, and (b) ensure the impacts of short-term rental accommodation and views of the community are considered. 	<p>Not applicable.</p> <p>This Direction does not apply to the Cessnock LGA.</p>
7.3 Commercial and Retail Development along the Pacific Highway North Coast	<p>The objectives for managing commercial and retail development along the Pacific Highway are to:</p> <ul style="list-style-type: none"> (a) protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route, (b) prevent inappropriate development fronting the highway, (c) protect public expenditure invested in the Pacific Highway, (d) protect and improve highway safety and highway efficiency, (e) provide for the food, vehicle service and rest needs of travellers on the highway, and (f) reinforce the role of retail and commercial development in town centres, where they can 	<p>Not applicable.</p> <p>This Direction does not apply to the Cessnock LGA.</p>

Ministerial Direction	Objective of Direction	Consistency and Implication
	best serve the populations of the towns.	
Focus Area 8: Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	<p>Not applicable.</p> <p>The Planning Proposal does not seek to prohibit nor restrict existing permissibilities in relation to these land uses.</p>
Focus Area 9: Primary Production		
9.1 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	<p>Direction (1)(a) is applicable.</p> <p>The Planning Proposal seeks to rezone part of the subject land from a rural zone (RU2 Rural Landscape) to a residential zone (R2 Low Density Residential).</p> <p>The portion to the north-west of the subject site which is to be rezoned to residential land is located upon a rock outcrop and does not positively contribute to the agricultural production value of the land. This portion of the site has been used primarily as a rural residential property.</p> <p>The Planning Proposal inconsistency with this Direction is of minor significance. This inconsistency is justified and no further approval is required (as per Gateway Determination Letter dated 2 August 2022)</p>
9.2 Rural Lands	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes, (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State, 	<p>Applicable.</p> <p>The Planning Proposal seeks to rezone part of the subject land from a rural zone (RU2 Rural Landscape) to a residential zone (R2 Low Density Residential).</p> <p>The portion to the north-west of the subject site which is to be rezoned to residential land is located upon a rock outcrop and does not positively contribute to the agricultural production value of the land. This portion of the site has been used primarily as a rural residential property.</p>

Ministerial Direction	Objective of Direction	Consistency and Implication
	<ul style="list-style-type: none"> (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses, (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land, (f) support the delivery of the actions outlined in the NSW Right to Farm Policy. 	<p>An assessment against the Hunter Regional Plan and Greater Newcastle Metropolitan Plan has been provided in Section B of this Planning Proposal.</p> <p>The Planning Proposal inconsistency with this Direction is of minor significance. This inconsistency is justified and no further approval is required (as per Gateway Determination Letter dated 2 August 2022).</p>
9.3 Oyster Aquaculture	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and (b) protect 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers 	<p>Not applicable.</p> <p>There are no Priority Oyster Aquaculture Areas within the Cessnock LGA.</p>
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) ensure that the best agricultural land will be available for current and future generations to grow food and fibre, (b) provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and (c) reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas. 	<p>Not applicable.</p> <p>This Direction does not apply to the Cessnock LGA.</p>

Section C: Environmental, Social and Economic Impact

7 Impact on Threatened Species

Vegetation on the subject land comprises Plant Community Type (PCT) 1598 – Forest Red Gum grassy open forest on floodplains of the lower hunter is consistent with the Hunter Lowland Redgum Forest Threatened Ecological Community (TEC). Further, areas of the subject land are mapped on the Biodiversity Values (BV) map.

A Stage 1 Biodiversity Certification Assessment Report (BCAR) (Appendix 3) has been prepared by Peak Land Management. This report assesses the condition of the existing vegetation and potential or actual presence of fauna species, any Serious and Irreversible Impact (SII) candidate species which may be present, avoidance, minimisation and mitigation measures for impacts to native vegetation and the quantum of offsets required to offset any impacts.

The assessment identified that:

- 113 flora species (comprising 59 native and 54 weed species including six priority weed species) are present;
- No individual threatened flora species were present on the subject site;
- There is suitable habitat for some threatened fauna for foraging, breeding and habitat, including for the Swift Parrot and Regent Honeyeater (candidate SII species);
- There is suitable habitat for Koalas and Squirrel Gliders;
- Threatened bird fauna including the Rufous Fantail (nationally listed), Grey Crowned Babbler and White Breasted (bellied) Sea Eagle (state listed) were surveyed on/adjoining the subject land
- The site is slashed and grazed regularly, but retains part native tree overstorey & understorey;
- Some tree planting of exotic, and non-endemic and endemic native species has occurred around the existing dwelling;
- There is a high weed presence;
- The site has no hollow bearing habitat trees and no hollow fallen logs, and a small rock outcrop/escarpment bordering the Wallis Creek floodplain;
- Future development is not anticipated to affect wildlife corridor connectivity over the study area with retention of most of the vegetation outside of the development.

This assessment concludes that:

- Development of the site will result in impacts to 1 hectare (ha) of land, 0.7ha of which comprises PCT 1598 - the integrity is such that offsetting will be required if developed, in addition to 0.3ha of Category 2 land (as per the *Local Land Services Act, 2013*);
- The potential impact for SII candidate species was found to be very low;
- Notwithstanding suitable koala feed trees, the site is not considered suitable breeding habitat, and evidence of occupation has not been evidenced through survey sightings or secondary indicators (e.g. scats, tree markings);
- There is no potential breeding habitat present for the White-bellied sea eagle, given the absence of stick nests and limited height of existing trees;

- The habitat for squirrel gliders is marginal, given the absence of hollow bearing trees and diminished understorey.
- The establishment of a C2 Environmental Conservation zone east of the development site adjacent to Wallis Creek may provide for some potential offsets for retirement of ecosystem and/or species credits as required by a future development application; and
- Rezoning the site carries minimal risk of a serious environmental impact.

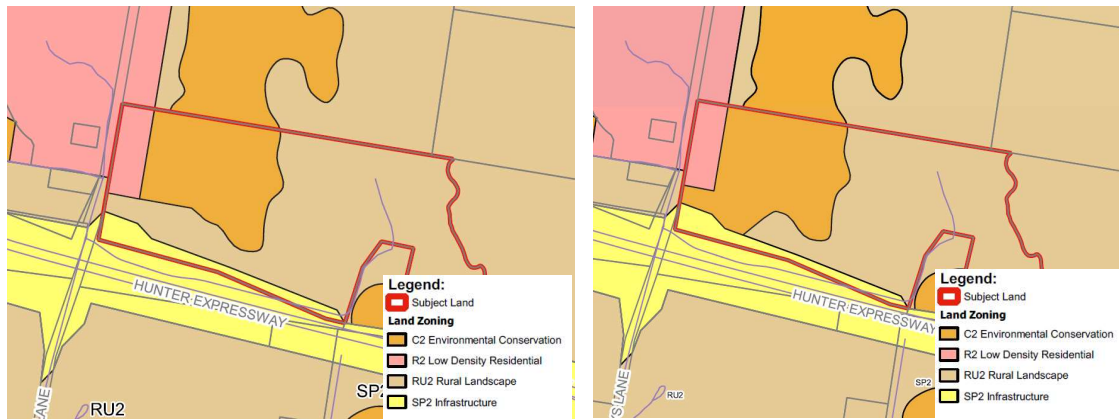
The draft BCAR was initially requested and has been subsequently reviewed by the Biodiversity Conservation Division (BCD) of DP&E (Appendix 4).

Advice from BCD indicates that the proposal could proceed. However, the determining authority would need to consider the proposed impact to candidate species, SAIL habitat and species listed under the *Environment Protection and Biodiversity Conservation Act, 1999* as part of future development of the site.

Further assessment of the impact of the proposal on potential SAIL species has been undertaken. This has concluded that the impact will not be serious and irreversible.

As a result of agency consultation, the proposed extent of the C2 Environmental Conservation zone has been expanded from that initially proposed (Figures 5 and 6). The proposed C2 zone extent, coupled with the relative isolation of the site (in terms of connectivity to other vegetation), and the additional protection this zone affords (as compared with the land uses permissible within the current RU2 Rural Landscape zone) is considered a suitable response at the rezoning stage to address the recommendations of BCD. This approach has been supported by BCD.

Further ecological assessment of the site will be triggered with any application for subdivision, including the requirement for the preparation of a BDAR.



Figures 5 & 6: Initial and revised C2 Environmental Conservation Zone

8 *Environmental Impact*

Flooding

The current flood information adopted by Council for this property includes the Wallis and Swamp Fishery Flood Study 2019 (WMAwater).

The site has been identified as having areas subject to flooding. The flood map indicates the central and western portions of the subject land as being affected by the 1:100-year Average Recurrence Interval (ARI) flood event. The Probable Maximum Flood (PMF) has a similar extent.

The proposed rezoning applies to land within the north western portion of the allotment that is clear of any flooding affectation as shown in Figure 7 below. A flood certificate has been obtained from Council and is provided in support of the proposal (see Appendix 5).

Flood free access from the subject land to Heddon Greta will be available via Averys Lane, with the indicated flood contained either within the roadway drainage system and/or detention basins.

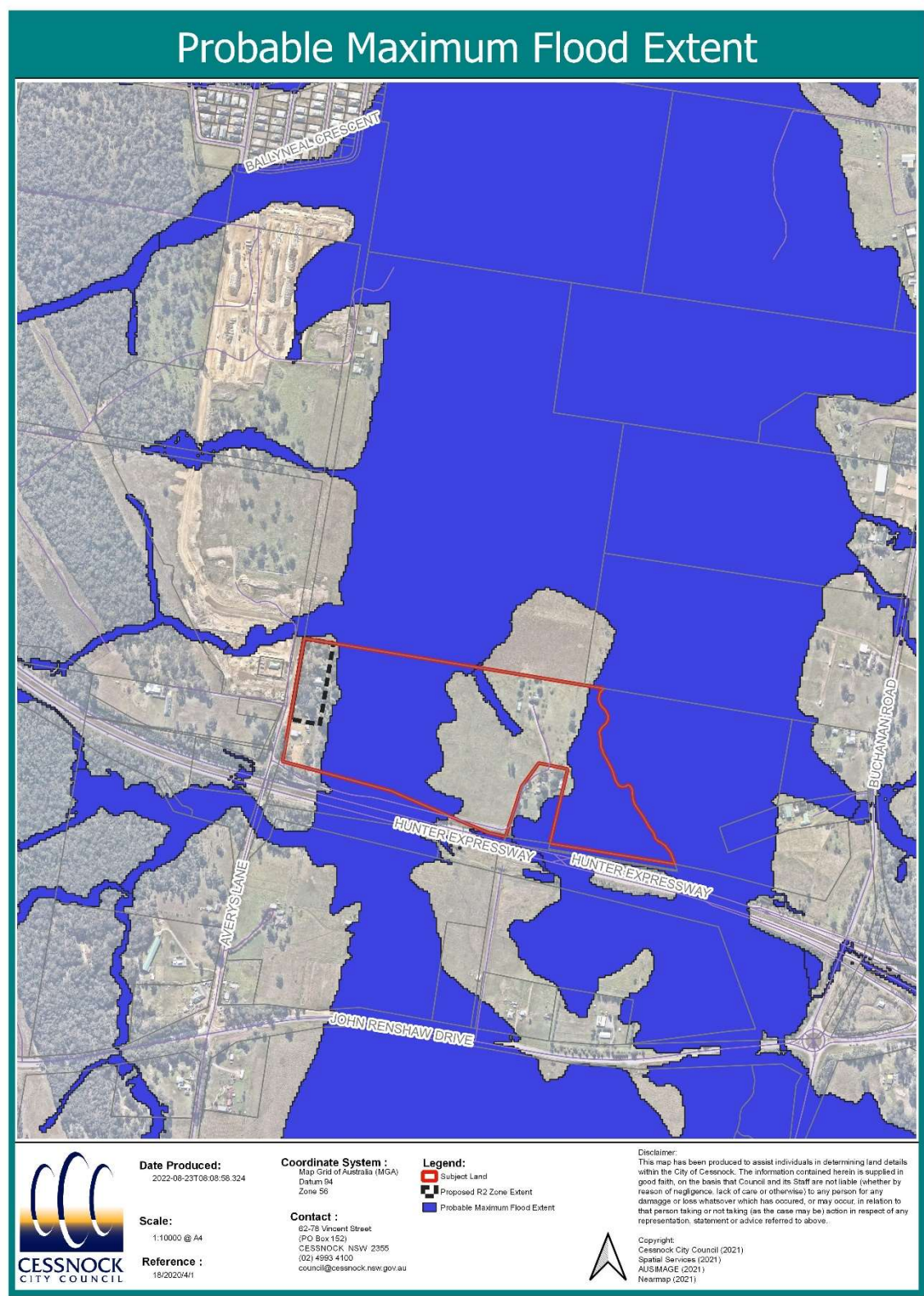


Figure 7: Extent of Probable Maximum Flood

Bushfire

The property is identified as being Bushfire Prone Land, affected by Bushfire Vegetation Category 3 and Buffer zone. Any future residential development on the site will therefore be subject to considerations under Section 100B of the Rural Fires Act and the Planning for Bushfire Protection (PBP) 2019, or the equivalent provisions at the time of lodgement of the development application/s.

A Bushfire Threat Assessment accompanies the planning proposal and identifies the bushfire hazards associated with the site and examines the ability of the future subdivision to accommodate bushfire protection measures in accordance with PBP (see Appendix 6).

The following recommendations are made for the compliance of the proposal with the relevant legislative requirements:

- Design and Construction: - The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions are recommended:
 - Existing dwellings shall be upgraded to provide ember screening in accordance with PBP, 2019.
 - New proposed dwellings assessed at time of subdivision DA submission. All would comply with BAL 29 or lower as per PBP 2019.
- Asset Protection Zone: - An Asset Protection Zone (APZ) should be provided/maintained over proposed Lots. The APZ should be managed as an Inner Protection Area APZ (as defined in PBP 2019).
An Asset Protection Zone (APZ) is provided over the proposed subdivision as shown in Figure 8 in compliance with PBP, 2019.
- Access: - The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:
 - A perimeter road is provided in compliance with 'Planning for Bush Fire Protection 2019'.
 - The existing roads generally comply with property access road requirements.
- Landscaping: - All new fencing if within 6m of any proposed dwelling shall be non-combustible. The bush fire risk is considered to be adequately managed through the recommendations made above, and in conjunction with any recommendations/approval conditions from the NSW Rural Fire Service/ Council.

The indicative subdivision plan (figure 4) proposes an 18m perimeter road which will assist in meeting APZ requirements.

Heritage

The subject land is identified as having very high to high Aboriginal Heritage sensitivity.

This level of sensitivity extends along the riparian corridor of Wallis Creek to the south and north of the subject land, including land which is currently being developed for residential housing along Averys Lane.

A search of the AHIMS database identifies six Aboriginal sites are recorded in or near the site (within a 50m buffer of the subject land).

The subject land is highly modified and embellished with dwellings and ancillary development. Vegetation on site is also modified with most understory vegetation removed, and regularly mown/maintained ground cover. As such, surface artefacts are unlikely to be present.

Any future development of the subject land will be managed through standard conditions of consent which include mechanisms for the preservation of artefacts if located during works.

Acid Sulfate Soils

Part of the subject land is identified as comprising Class 4 Acid Sulfate Soils.

The extent of this classification is the central portion of the land, which is not proposed for rezoning by this Planning Proposal.

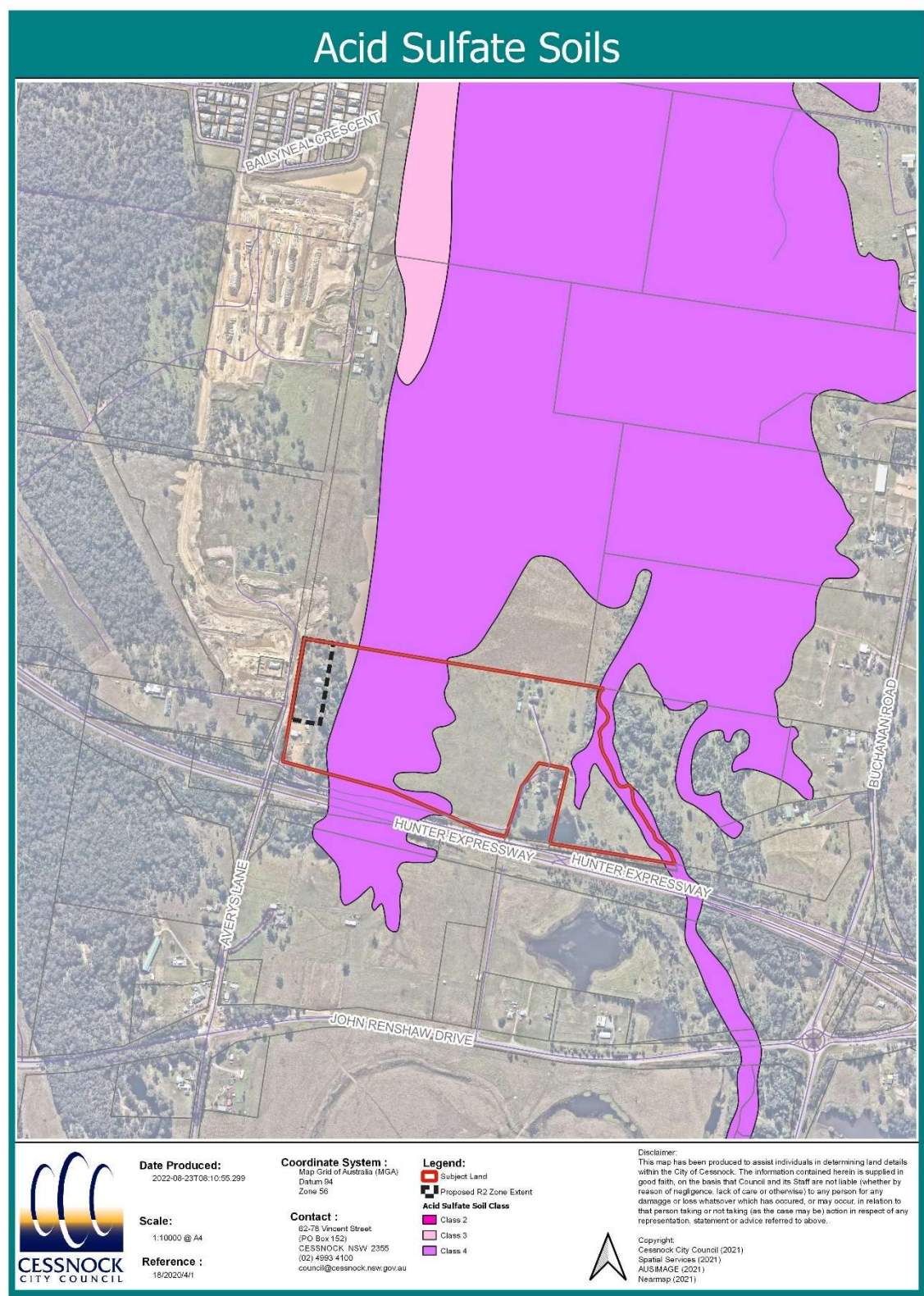


Figure 8: Acid Sulfate Soils map

Noise

The subject land is situated approximately 150m north of the Hunter Expressway (HEX). An acoustic impact assessment (Appendix 7) has been prepared to assess the operational impacts of the HEX on the subject land.

The assessment concludes that at this point, developments beyond 150m of the HEX should not require any additional noise amelioration. However, in light of conditions applied to development within the Averys Rise development, it is likely that similar construction standards will be relevant to development on the subject land.

It is considered that this matter be further investigated through a future amendment to Cessnock Development Control Plan 2010 (CDCP 2010) and/or notations on title.

Contaminated Land

The site is not subject to a notice on the NSW Environment Protection Authority (EPA) Contaminated Land register nor in a list of known sites within Council's register.

Notwithstanding, as the subject land is proposed to be rezoned to the R2 Low Density Residential zone which will permit a range of sensitive land uses, a Stage 1 Preliminary Site Investigation (in accordance with the EPA Contaminated Land Guidelines, May 2020) has been undertaken (Appendix 8).

This has concluded that no indication of gross contamination has been identified which would constrain the development of the Site for its proposed land use as a residential development.

General

Subsequent development applications will be required to address in detail a range of environmental considerations considered relevant to the proposed application.

9 Social and Economic Impacts

The Planning Proposal is not supported by a social or an economic impact assessment, however it is unlikely to result in adverse social or economic impacts.

It is considered that should the Applicant wish to further subdivide the R2 portion of the land in the future the proposal will have a positive economic benefit to the community as it will facilitate the release of additional lands for residential purposes within a village environment and accessible to a large regional centre. The Planning Proposal will enable demand for housing variety to be met by enabling the facilitation of residential development in a semi-rural village setting, considered to be suitable and appropriate for the locality of Buchanan.

Further, positive economic impacts are anticipated as a result of increased building activity in the locality and the subsequent stimulus into the local economy should further subdivision take place.

The objectives of Council's Social Impact Assessment and Crime Prevention Guidelines will be considered in future development applications.

Section D: State and Commonwealth Interests

10 Adequate Public Infrastructure

The subject lands are generally serviced by road, electricity and telecommunications infrastructure. The existing dwelling on the subject land is serviced by rainwater supply and a private on-site wastewater management system.

A servicing strategy, which identifies the subject site's maximum potential yield of has been prepared (Appendix 9) supported by advice from Hunter Water and Ausgrid.

Water and Sewer

Hunter Water has identified that there should be capacity within the existing water and sewer provision/treatment network to cater for the development of the subject site (subject to extension/augmentation).

Electricity

Ausgrid has advised electricity supply is available, subject to augmentation of existing and provision of new infrastructure.

Traffic

An assessment of the traffic generating impacts of the development of the subject site has been undertaken (see Appendix 10). This assessment has been based on an expected lot yield of 14 lots.

Access to the subject land is currently via the southern end of Averys Lane from John Renshaw Drive which is an all-weather access road. Averys Lane is currently being extended to connect to the northern section of Averys Lane in Heddon Greta. This will provide a link from the subject land to Main Road 195 (MR195).

The traffic impact assessment has concluded that there will be available capacity within the upgraded road network to cater for the additional traffic generated by development of the subject land.

Open Space

The potential lot yield (18 lots) is not of a size which would trigger the need for any local open space (as per the provision standards within Council's Recreation and Open Space Strategic Plan).

Contributions would be payable towards the costs of district and regional open space and facilities under Council's Section 7.11 City Wide Infrastructure Contribution Plan.

11 Consultation with State and Commonwealth Authorities

The consultant preparing the planning proposal has contacted various agencies and service providers, including Hunter Water.

Initial consultation with the BCD of the DP&E was been undertaken in relation to assessment of biodiversity. This advice has recommended additional investigations into biodiversity matters which has been undertaken (see Section 7), and the application of a C2 Environmental Conservation zone to land adjoining Wallis Creek (east of the development area). This investigation has been completed.

The Gateway Determination (Appendix 2) required consultation with the following agencies:

- TfNSW;
- NSW Rural Fires Service (NSW RFS); and
- BCD.

The above agencies were provided a period of 40 days from 5 September 2022 to provide comment on the Planning Proposal in order to comply with requirements of section 3.25, and applicable directions of the Minister under section 9, of the *Environmental Planning and Assessment (EP&A) Act, 1979*.

The responses received are summarised below, with the correspondence in full provided in the Appendices (Appendix 11). The amendments made to the Planning Proposal to respond to agency submissions is outlined in Table 3.

Transport for NSW

Amendments to the extent of the SP2 zone and acquisition mapping were identified as matters for potential inclusion within the Planning Proposal, subject to the outcomes of consultation with TfNSW.

TfNSW have advised that such amendments would be better considered holistically and not on a site by site basis within individual Planning Proposals.

As such, amendments to the extent of the SP2 and acquisition will not be included within this Planning Proposal.

Moreover, TfNSW did not raise objections to the progression of the Planning Proposal.

NSW Rural Fire Service

The NSW Rural Fire Service does not object to the proposal. Future development will be integrated development and require referral and concurrence with this agency.

Biodiversity Conservation Division

BCD were satisfied that the streamlined small area module of the Biodiversity Assessment Method (BAM) is the correct process to support this planning proposal. BCD further advised that further koala assessment is unnecessary.

Notwithstanding, BCD recommended further assessment should be undertaken on impacts to potential Serious and Irreversible (SAIL) species if Council considers the development to be a SAIL.

An SAIL assessment undertaken within the Biodiversity Certification Assessment Report (BCAR) at Appendix 3 (as updated) concluded that the proposal would not result in SAIL for the candidate SAIL species, in particular the swift parrot and regent honeyeater.

BCD made further recommendations to ensure that the proposal achieve a no net less biodiversity outcome. To address this requirement, the extent of the proposed C2 Environmental Conservation zone has been expanded to the south to incorporate additional vegetation on the site.

The proposed C2 zone extent, coupled with the relative isolation of the site (in terms of connectivity to other vegetation), and the additional protection this zone affords (as compared with the land uses permissible within the current RU2 Rural Landscape zone) is considered a suitable response at the rezoning stage to address the recommendations of BCD. This approach has been supported by BCD

Further ecological assessment of the site will be triggered with any application for subdivision, including the requirement for the preparation of a BDAR.

The Planning Proposal has been amended to reflect the outcomes of agency consultation as outlined below.

Table 3: Amendments to Planning Proposal to respond to agency comments

Original Proposal	Revised Proposal
Potential amendments to the Land Reservation Acquisition map (LRA_009A) to reflect redundant or additional acquisition requirements for road reserves, particularly the Hunter Expressway	Amendment to the LRA_009A is no longer proposed as part of this Planning Proposal.
Potential amendments to the Land Zoning map (LAN_009A) to reflect redundant or additional acquisitions for road reserves, particularly the Hunter Expressway.	Amendment to the LZN_009A to amend the extent of SP2 zoning is no longer proposed as part of this Planning Proposal.
Extent of land zoned C2 Environmental Conservation.	The extent of land proposed to be zoned C2 Environmental Conservation proposed has been expanded.

Part 4: Mapping

The Planning Proposal will require amendment to the Minimum Lot Size, Land Zoning and Urban Release Area maps of CLEP 2011.

Current mapping and proposed mapping changes are provided below. These changes affect the following map sheets of CLEP 2011:

- LSZ_009A
- LZN_009A
- URA_009A

As a result of agency consultation, the extent of land proposed to be zone to C2 Environmental Conservation has been expanded on the subject site.

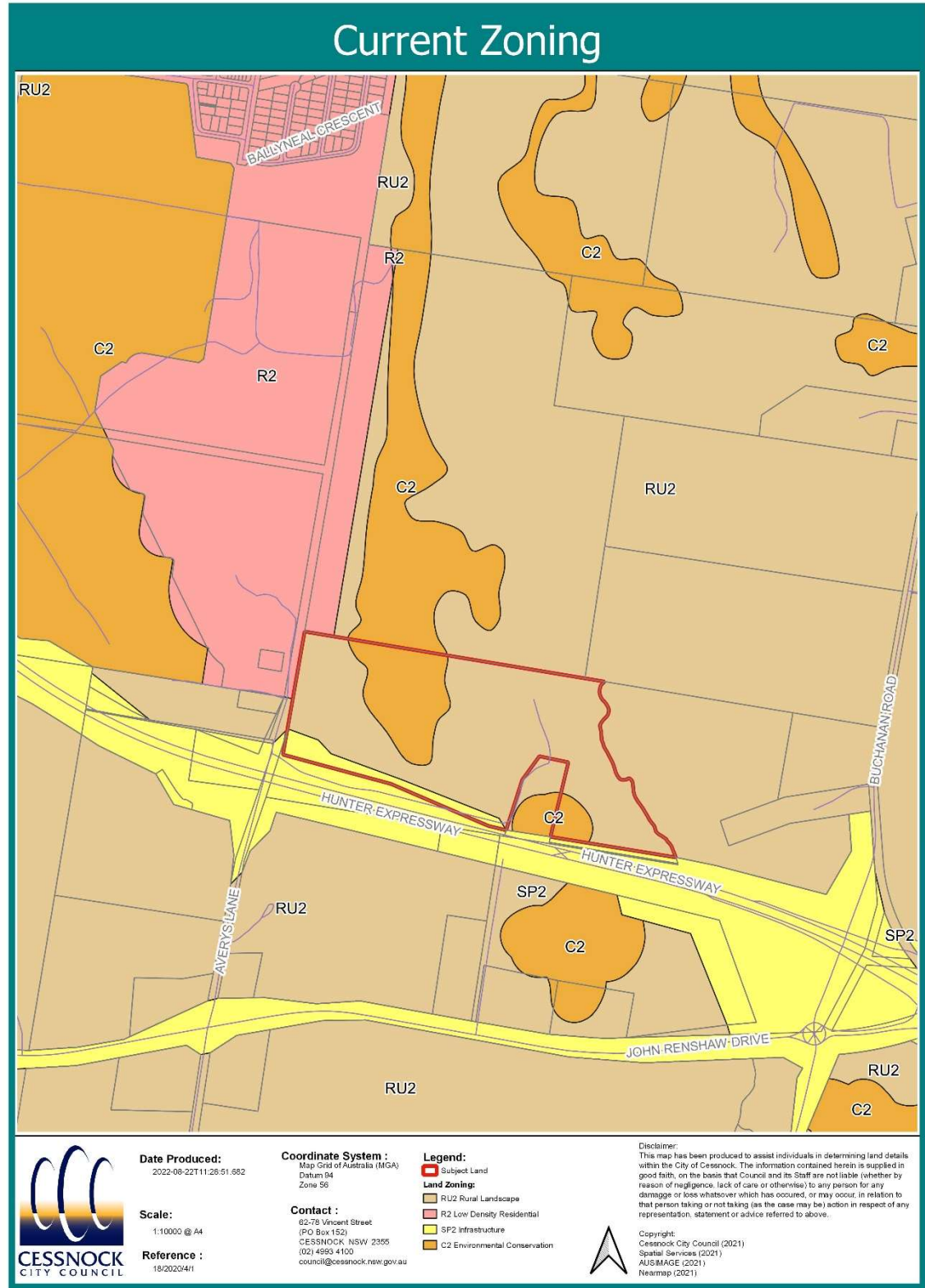


Figure 9: Current Land Zoning Map

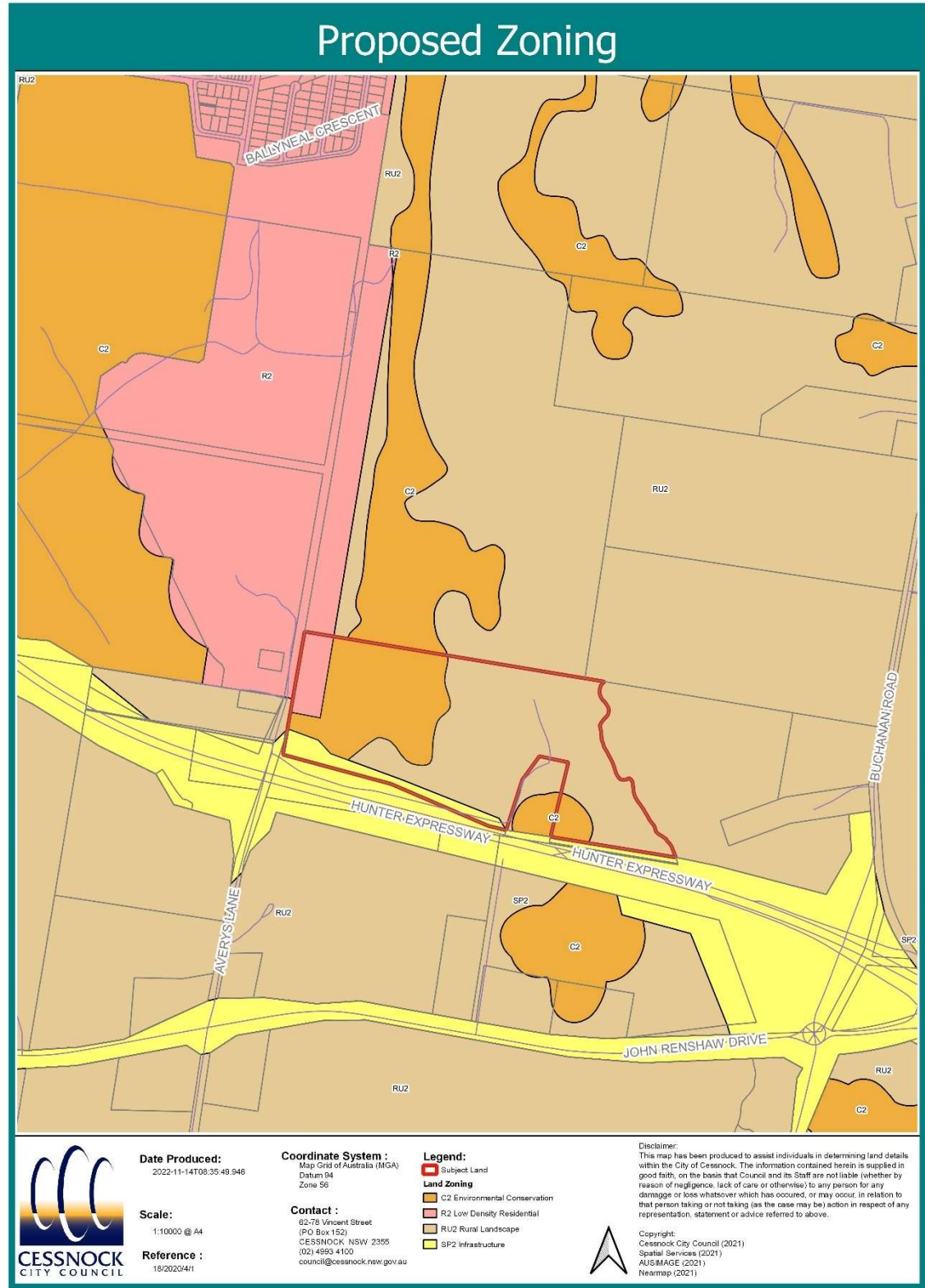


Figure 10: Proposed Zoning

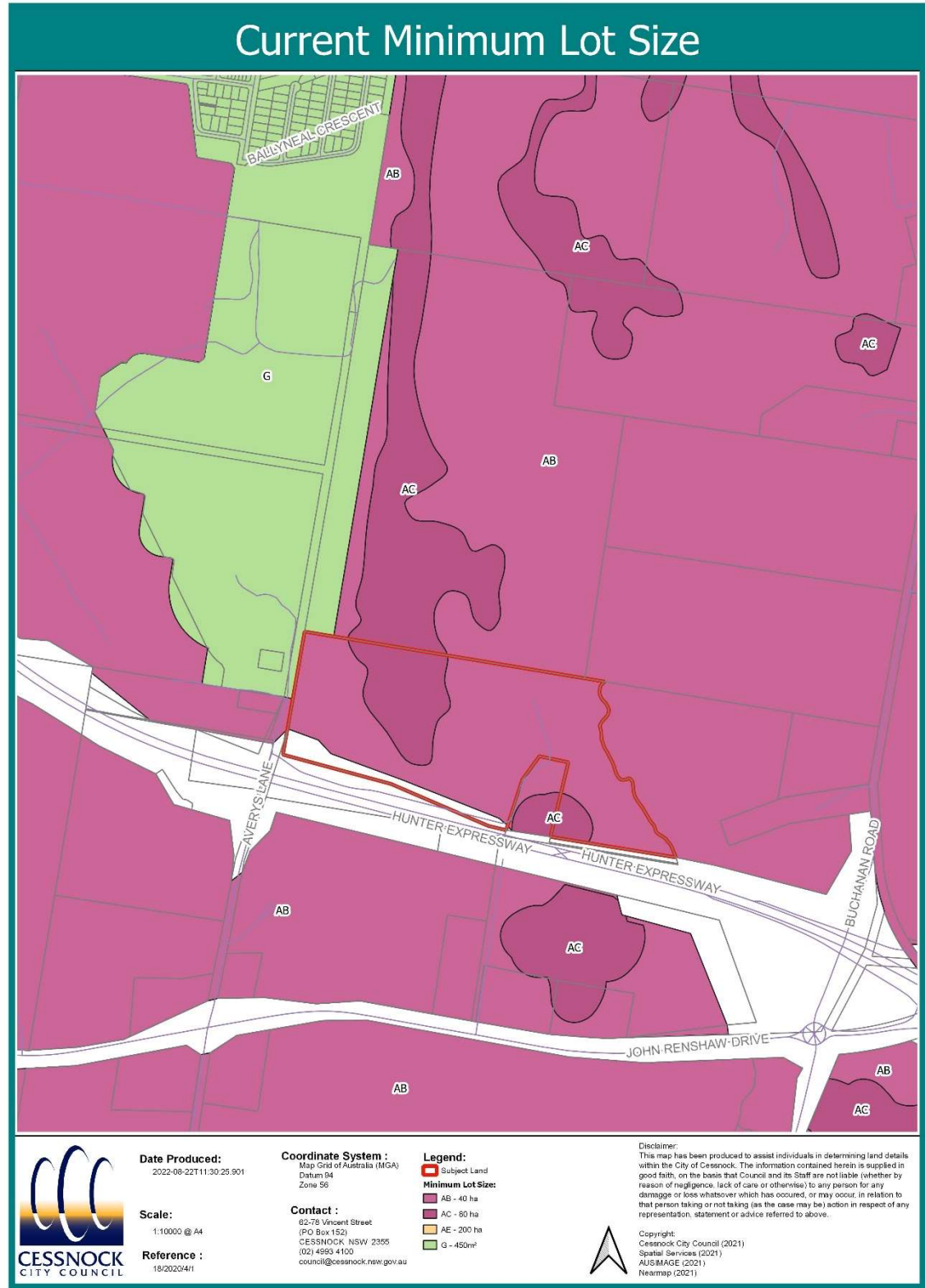


Figure 11: Current Minimum Lot Size

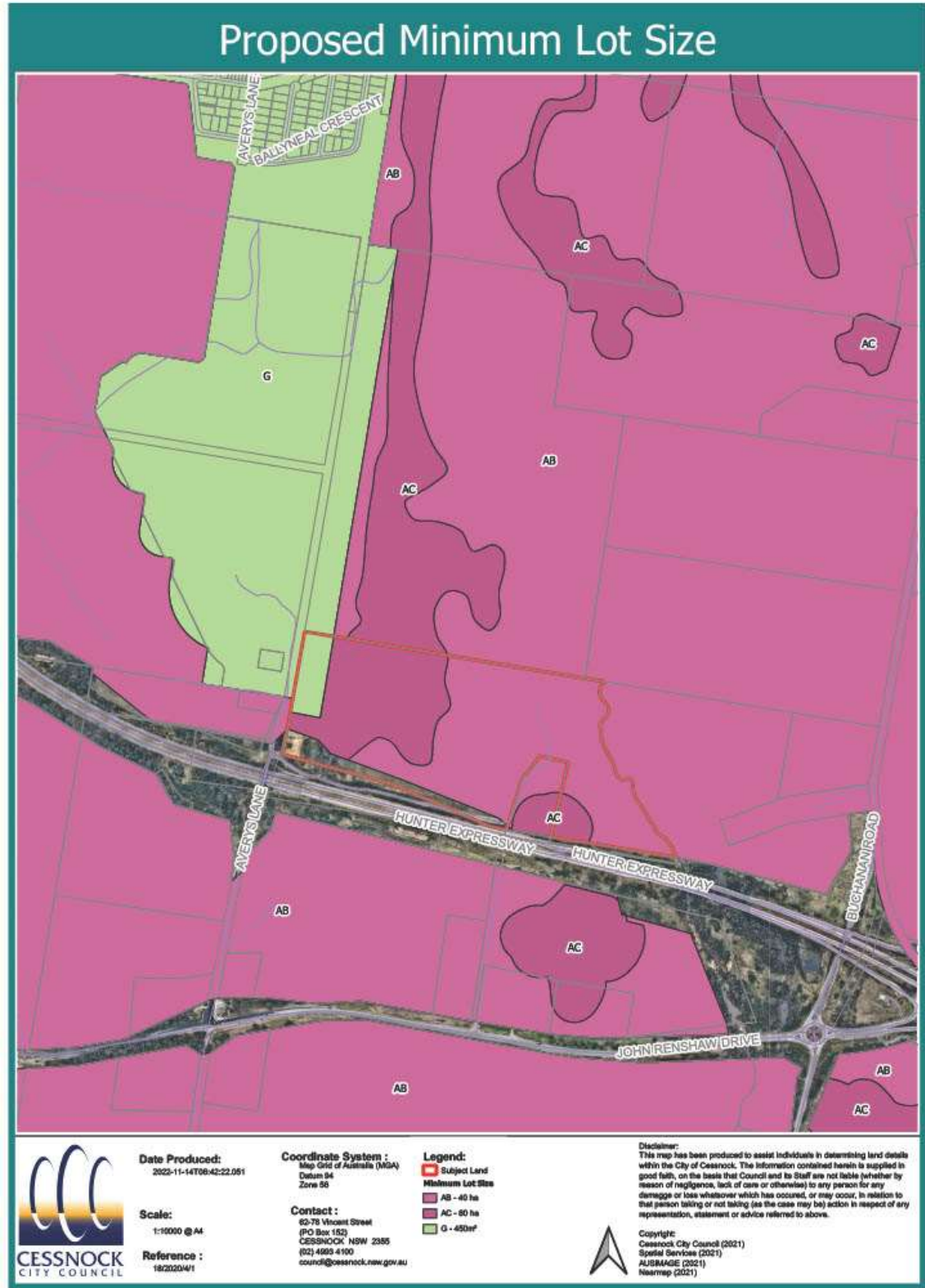


Figure 12: Proposed Minimum Lot Size

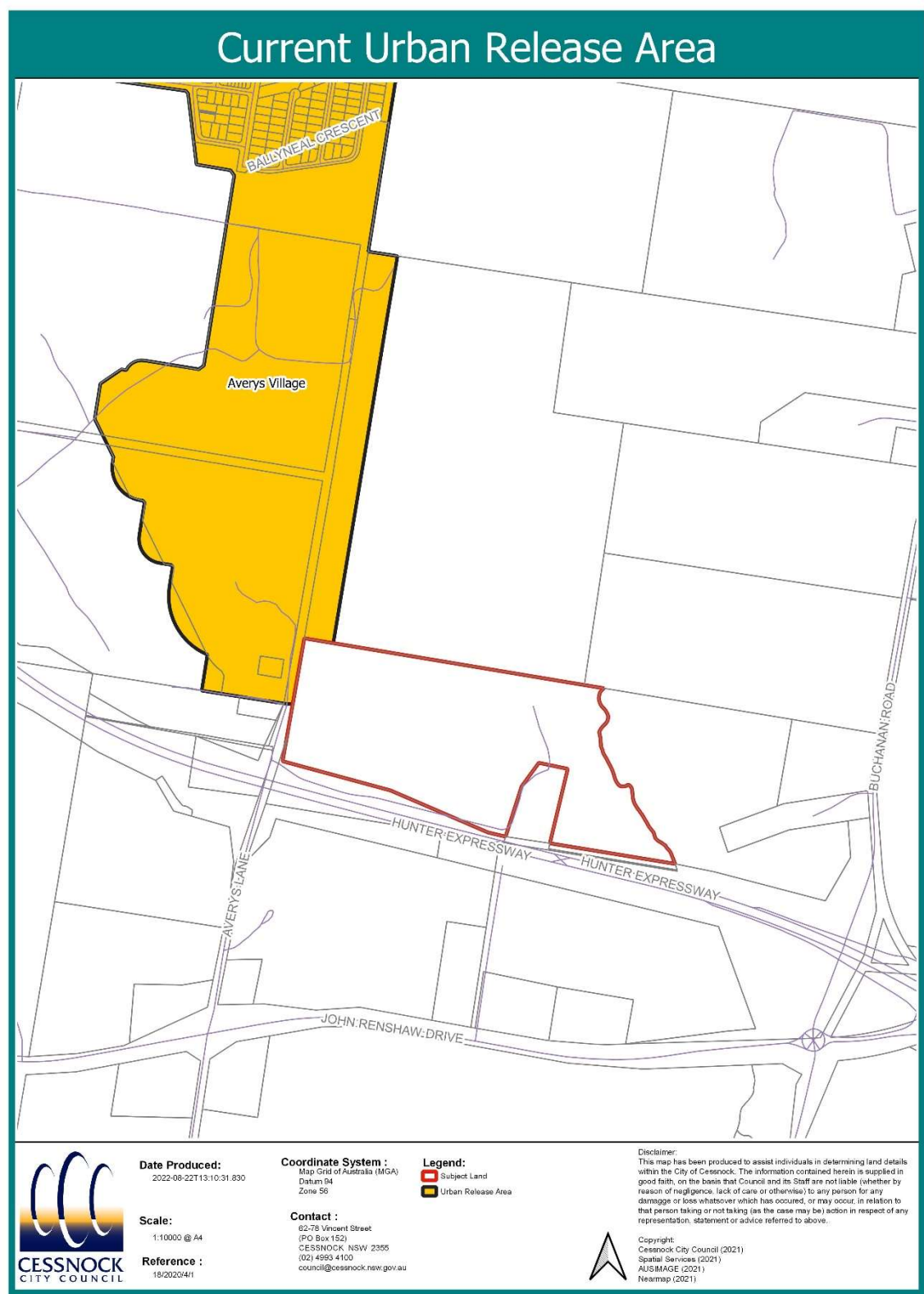


Figure 13: Current Urban Release Areas

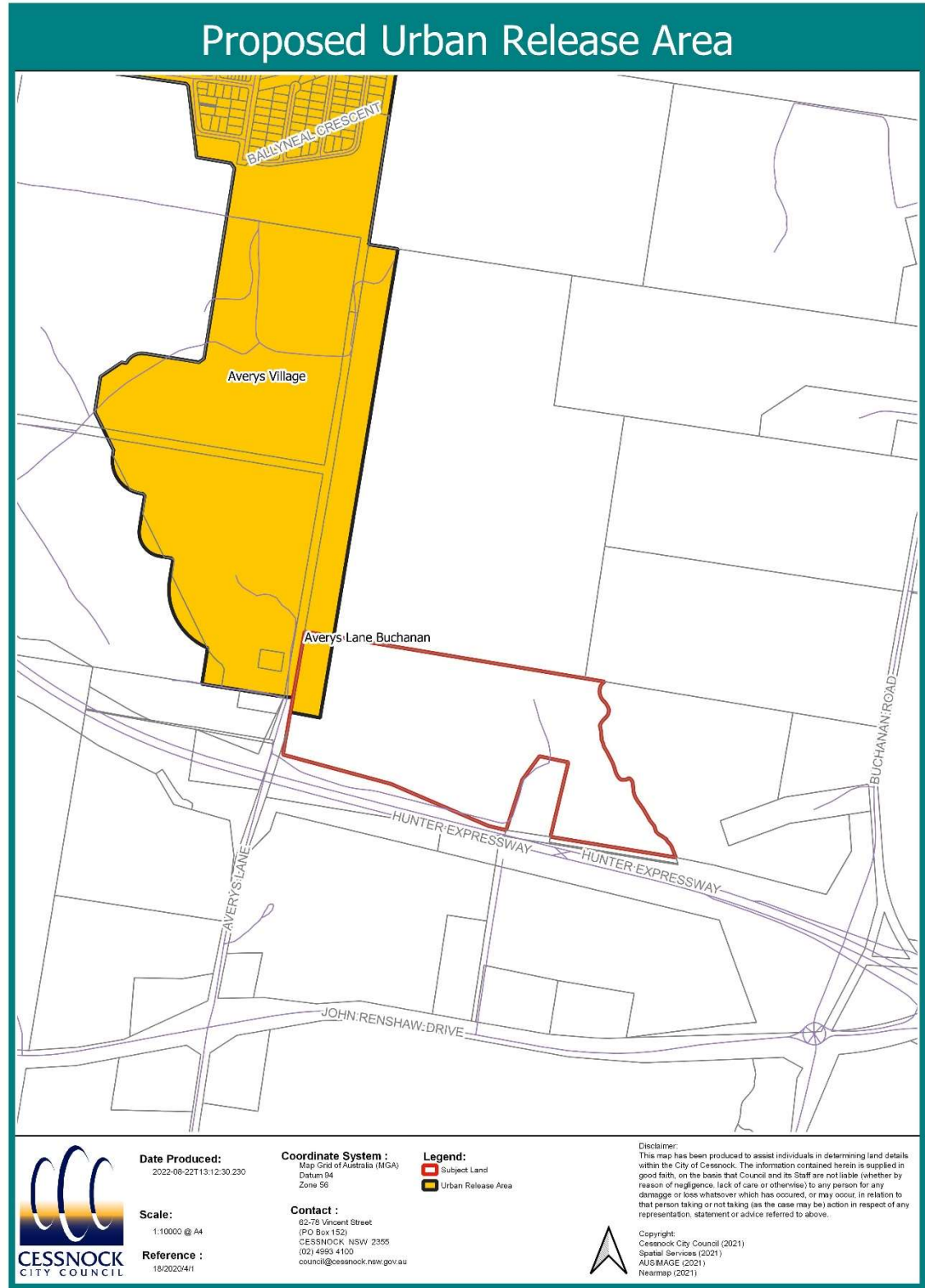


Figure 14: Proposed Urban Release Areas

Part 5: Community Consultation

The Gateway Determination (Appendix 2) requires Community Consultation to be undertaken for a minimum period of 28 days and to be commenced on or before 7 November 2022.

Amendments to the planning proposal required to address agency responses did not enable this milestone to be achieved. A Gateway Alteration was requested and granted to amend this condition, with exhibition now required to commence prior to 1 February 2023.

The Planning Proposal and supporting documentation is being exhibited between 21 December 2022 and 10 February 2023. It is noted that the period between 20 December 2022 and 10 January 2023 is excluded from the calculation of exhibition days.

Consultation is being undertaken in accordance with Council's Community Participation Plan (CPP), and the DP&E "Local Environmental Plan Making Guidelines", September 2022.

Advice of the consultation commencement has been provided to immediately adjacent land owners, a notice placed in the Cessnock Advertiser and on Council's website.

The Planning Proposal and supporting documentation is available from Council's website (together.cessnock.nsw.gov.au/planning-proposal-averys-lane), the NSW Planning Portal, Council's Administration Building (Customer Services Section), and Kurri Kurri Library.

Part 6: Project Timeline

The Gateway Determination (Appendix 2) requires finalisation of the Planning Proposal by 13 May 2023.

Table 4: Project Timeline

	December 2020	May 2022	June 2022	July 2022	August 2022	September 2022	October 2022	November 2022	December 2022	January 2023	February 2023	March 2023	April 2023	May 2023
STAGE 1: Council endorsement to seek Gateway determination														
STAGE 2: Respond to “Resubmit” Gateway matters														
STAGE 3: Request Gateway Determination														
STAGE 3: Receive Gateway Determination														
STAGE 4: Additional investigations and Agency Consultation														
STAGE 5: Public Exhibition & Assessment														
STAGE 6: Finalisation report to Council and plan making)														

Appendix 1:

Council Report and Minutes

Report to Ordinary Meeting of Council 9 December 2020 – PE46/2020

Minutes of Ordinary Meeting of Council 9 December 2020 – PE46/2020

All Council reports and minutes are accessible from Council's website:

<https://www.cessnock.nsw.gov.au/Council/Council-meetings/Minutes-and-agendas>

Appendix 2:

Gateway Determination & Alteration

Appendix 3:

Stage 1 Biodiversity Certification Assessment Report

Appendix 4:

Preliminary Biodiversity Conservation Division Advice

Appendix 5:

Cessnock City Council Flood Certificate

Appendix 6:

Bushfire Risk Assessment

Appendix 7:

Acoustic Assessment

Appendix 8:

Contamination Investigation

Appendix 9:

Servicing Assessment

Appendix 10:

Traffic Impact Assessment

Appendix 11:

Agency Responses
