



NSW RURAL FIRE SERVICE

Department of Planning and Environment (Sydney Offices)
GPO Box 39
Sydney NSW 2001

Your reference: (PP-2022-1725) Ref-1608
Our reference: SPI20220909000115

ATTENTION: Mark Parker

Date: Sunday 20 November 2022

Dear Sir/Madam,

Strategic Planning Instrument Rezoning – Planning Proposal

The intent of the Planning 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.

I refer to your correspondence dated 05/09/2022 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

After reviewing the supporting documents:

- *BUSH FIRE ASSESSMENT REPORT -Mrs Shearman- Proposed Land Rezoning - 259 Averys Lane Buchanan*, prepared by Peak Land Management, V5, dated 6 December 2021; and
- PLANNING PROPOSAL Amendment to the Cessnock Local Environmental Plan 2011 by rezoning a portion of Lot 10 DP 1085485 259 & 261 Averys Lane, Buchanan, prepared by Cessnock City Council, File No. 18/2020/4/1, V3, dated 5 September 2022.

There is no objection to the proposal subject to the future development being assessed under 100B of the *Rural Fires Act 1997* and be demonstrated to comply with Section 5 of *Planning for Bush Fire Protection 2019*.

For any queries regarding this correspondence, please contact Joshua Calandra on 1300 NSW RFS.

Yours sincerely,

Nika Fomin
**Manager Planning & Environment Services
Built & Natural Environment**

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

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5 October 2022

File No: NTH22/00593/01

Your Ref: PP-2022-1725, 18/2020/4/1

General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Attention: Jenny Mewing

AVERYS LANE: PP-2022-1725, SPOT REZONING (PART LOT) AND AMENDMENT TO THE LEP MINIMUM LOT SIZE MAP, LOT: 10 DP: 1085485, 259-261 AVERYS LANE BUCHANAN

I refer to the abovementioned Planning Proposal referred to Transport for NSW (TfNSW) on 5 September 2022 for agency consultation in accordance with Condition 3 of the Gateway determination (PP-2022-1725) under Section 3.34(2) of the *Environmental Planning and Assessment Act 1979*.

TfNSW key interests are the safety and efficiency of the transport network, the needs of our customers and the integration of land use and transport in accordance with Future Transport Strategy 2056.

The Hunter Expressway (HEX) will be declared a freeway at this location and Averys Lane is a local road. TfNSW is the roads authority for the HEX and Council is the roads authority for Averys Lane in accordance with Section 7 of the *Roads Act 1993*.

The current Planning Proposal indicates that amendments to the extent of SP2 Infrastructure zone identified on the subject site may be implemented subject to the outcomes of consultation with TfNSW.

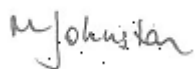
TfNSW suggests that a holistic approach to address potential mapping anomalies or land divestment (as opposed to a spot rezoning) is considered under a separate Planning Proposal so that the implications for the HEX corridor and national freight network can be adequately considered.

TfNSW raises no objection to the subject Planning Proposal in its current form.

It would be greatly appreciated if Council could notify TfNSW the outcome of the LEP amendment. Should you require further information please contact Holly Taylor, Development Services Case Officer, on 1300 207 783 or 0499 313 670 or by emailing development.north@transport.nsw.gov.au.

OFFICIAL

Yours faithfully



Marg Johnston

A/ Manager Development Services
North Region | Community & Place
Regional & Outer Metropolitan

OFFICIAL

6 Stewart Avenue (Locked Bag 2030) Newcastle West NSW 2302
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2 of 2

Jenny Mewing

From: Sarah Warner <sarah.warner@environment.nsw.gov.au>
Sent: Tuesday, 6 December 2022 1:15 PM
To: Jenny Mewing
Cc: Karen Thumm
Subject: RE: Response to Agency recommendations - Planning Proposal 259 Averys Lane
BUCHANAN - Biodiversity Conservation Division

Hi Jenny ,

Thank you for providing response to BCDs advice regarding the above Planning Proposal. Councils approach appears reasonable and is supported.

Best regards,

Sarah Warner
A/Senior Team Leader Planning
Biodiversity and Conservation Division
Department of Planning and Environment

T (02) 49042748 **M** 0447760203 **E** sarah.warner@environment.nsw.gov.au
dpie.nsw.gov.au

6 Stewart Avenue, Newcastle, NSW 2300
(Locked Bag 1002, DANGAR NSW 2309)



Department of Planning and Environment



I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Please consider the environment before printing this email.

From: Cassie Purvis <cassie.purvis@environment.nsw.gov.au>
Sent: Monday, 28 November 2022 3:12 PM
To: Sarah Warner Warner <sarah.warner@environment.nsw.gov.au>
Cc: OEH ROD Hunter Central Coast Mailbox <huntercentralcoast@environment.nsw.gov.au>; Cassie Purvis <cassie.purvis@environment.nsw.gov.au>



25 November 2022

Mr Steven Crick
Senior Team Leader Planning
Hunter Central Coast Branch
Biodiversity Conservation Division

Contact: Jenny Mewing
Our Ref: 18/2020/4/1; DOC2022/184716
PP-2022-1725
Your Ref: DOC22/791113-7

huntercentralcoast@environment.nsw.gov.au

Dear Mr Crick,

**Planning Proposal - 259 & 261 Averys Lane, Buchanan (PP-2022-1725)
Response to Biodiversity Conservation Division Advice**

Thank you for your letter of 24 October 2022 providing advice on behalf of the Biodiversity Conservation Division (BCD) in response to the abovementioned Planning Proposal. For reference purposes, this advice is enclosed.

Acknowledging that recommendations 1 and 4 relate to matters that have been satisfactorily addressed, the following provides Council's responses to recommendations 2 and 3.

Recommendation 2

Council has requested the Proponent to undertake additional assessment of the Regent Honeyeater as a potential Serious and Irreversible Impact (SII) candidate species.

This additional information has satisfied Council that the impacts of the proposal on the Regent Honeyeater are not likely to result in SII. The information previously supplied in relation to the Swift Parrot was sufficient in this regard.

Recommendation 4

Council proposes to extend the C2 Environmental Conservation zone boundary on the site (as enclosed). This extension encompasses additional vegetation mapped on the Biodiversity Values (BV) map, south of the land proposed to be rezoned R2 Low Density Residential.

The expanded 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 this recommendation. Further ecological assessment of the site will be triggered with any application for

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subdivision, including the requirement for the preparation of a Biodiversity Development Assessment Report (BDAR).

A reply to this information would be appreciated by **9 December 2022**. If you require any further information, please do not hesitate to contact me on telephone 02 4993 4248.

Yours faithfully

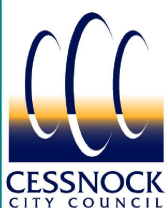
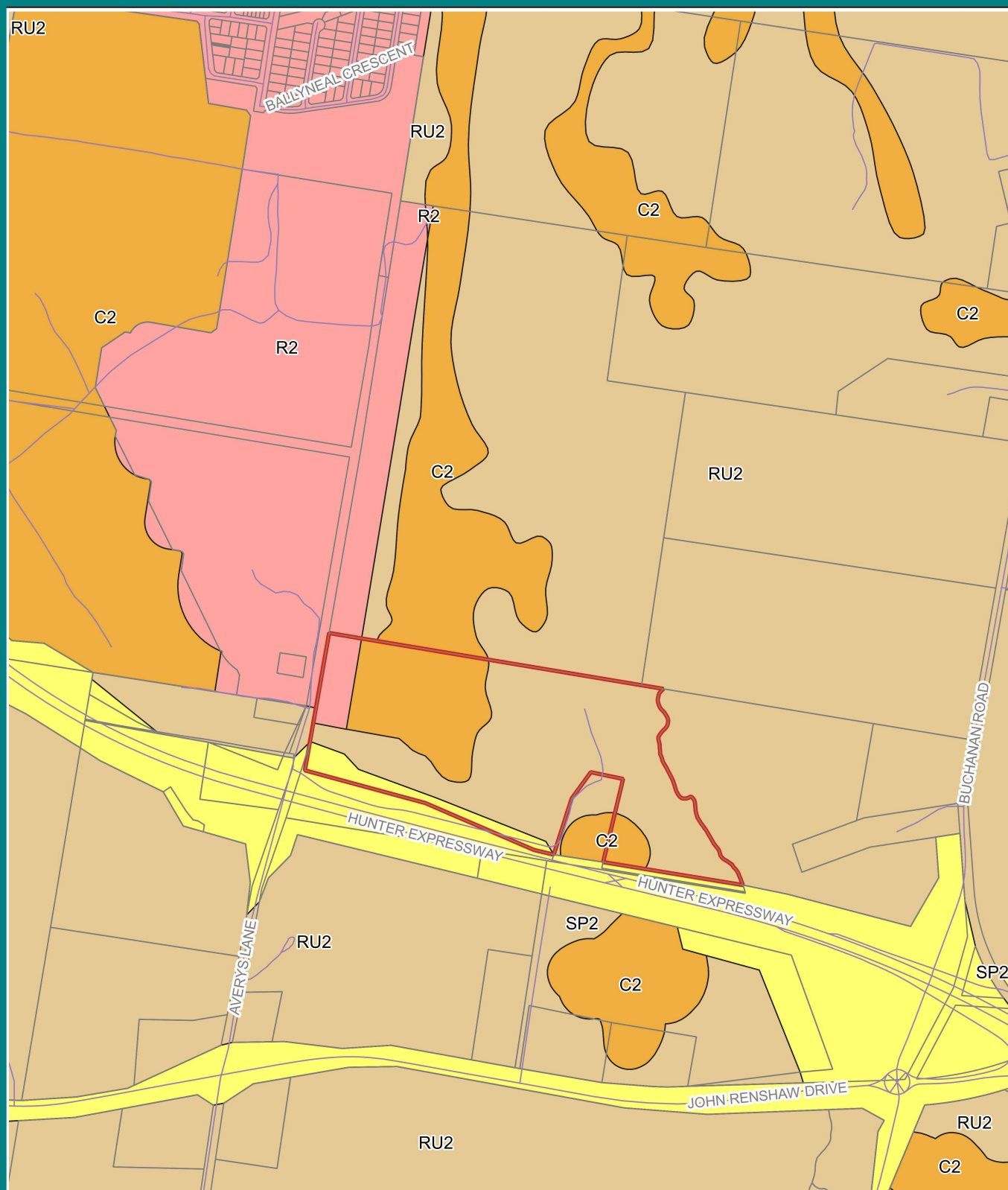
A handwritten signature in black ink, appearing to read 'Jenny Mewing', with a stylized, cursive script.

Jenny Mewing
Senior Strategic Planner

Enc.

1. Biodiversity Conservation Division Agency Response
2. Agency consultation zone extent
3. Revised zone extent post Agency Consultation

Proposed Zoning



Date Produced:
2022-08-22T11:28:07.335

Scale:
1:10000 @ A4

Reference :
18/2020/4/1

Coordinate System :
Map Grid of Australia (MGA)
Datum 94
Zone 56

Contact :
62-78 Vincent Street
(PO Box 152)
CESSNOCK NSW 2355
(02) 4993 4100
council@cessnock.nsw.gov.au

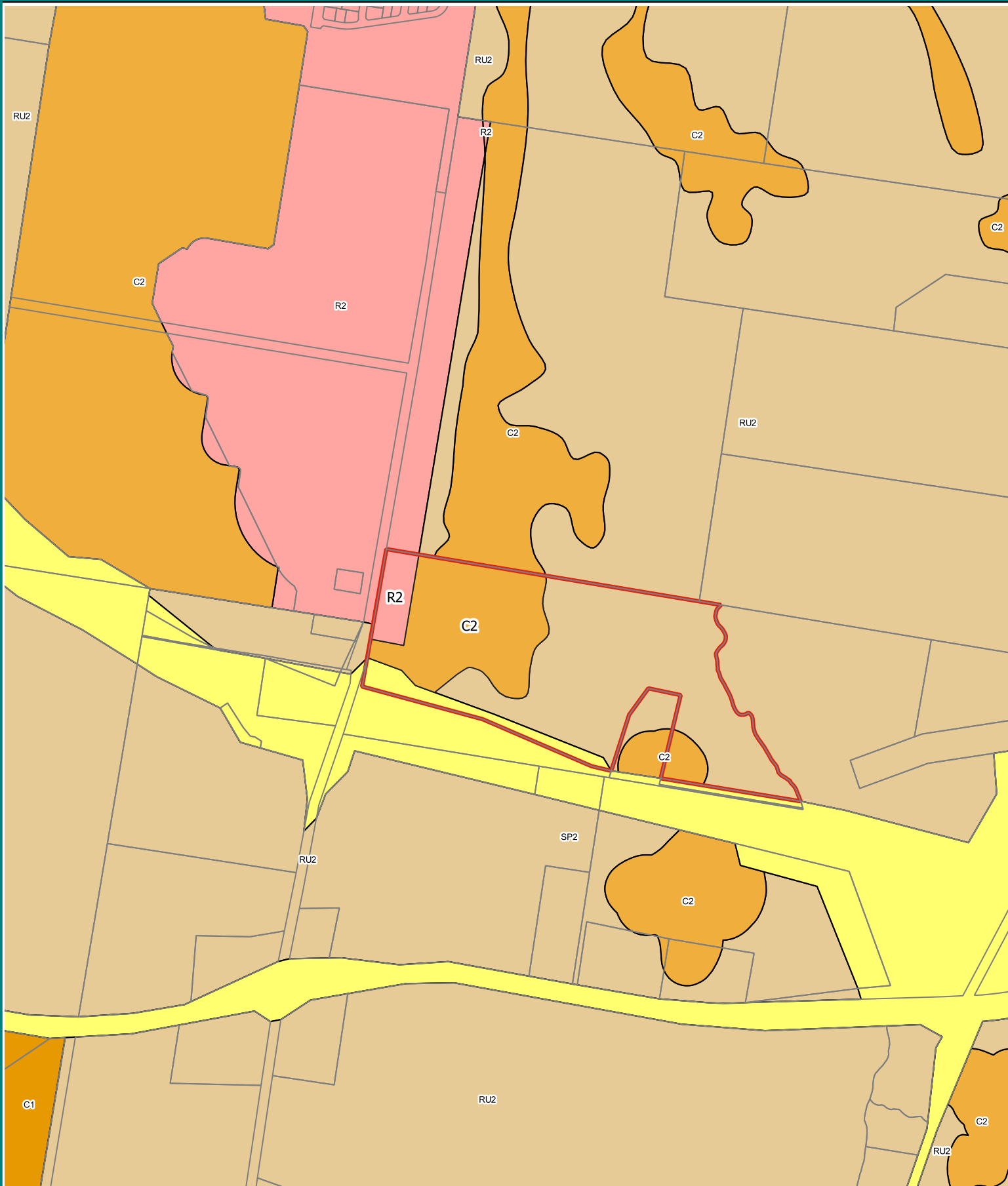
Legend:
Subject Land
Land Zoning:
RU2 Rural Landscape
R2 Low Density Residential
SP2 Infrastructure
C2 Environmental Conservation

Disclaimer:
This map has been produced to assist individuals in determining land details within the City of Cessnock. The information contained herein is supplied in good faith, on the basis that Council and its Staff are not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred, or may occur, in relation to that person taking or not taking (as the case may be) action in respect of any representation, statement or advice referred to above.

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Spatial Services (2021)
AUSIMAGE (2021)
Nearmap (2021)



Revised Zoning





Your ref: PP – 2022 - 1725

Our ref: DOC22/791113 - 7

Ms Jenny Mewing

Senior Strategic Planner
Cessnock City Council

Jenny.mewing@cessnock.nsw.gov.au

Dear Ms Mewing

Planning proposal – 259 & 261 Averys Lane Buchanan – PP – 2002-1725

I refer to your letter of the 5 September 2022 seeking our comments on a planning proposal at 259 and 261 Averys Lane Buchanan which will rezone land from an RU2 (Rural Landscape) zone to R2 (Low Density Residential) and C2 (Environmental Conservation), amend the minimum lot size map, and map the area proposed as R2 as an Urban Release Area. The Biodiversity Conservation Division (BCD) has reviewed the documents provided including a preliminary review of the Biodiversity Assessment Report (BAR), which was made available to BCD to inform the planning proposal. This advice, however, does not include a comprehensive review of the BAR.

BCD's recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**. If you require any further information regarding this matter, please contact Karen Thumm, Conservation Planning Officer, on 4927 3153 or via email at huntercentralcoast@environment.nsw.gov.au

Yours sincerely

STEVEN CRICK
Senior Team Leader Planning
Hunter Central Coast Branch
Biodiversity and Conservation Division
24 October 2022

Enclosure: Attachments A and B

BCD's recommendations

Planning proposal – 259 &261 Averys Lane Buchanan – PP-2002-1725

1. BCD is satisfied that the streamlined small area module of the Biodiversity Assessment Method is the correct process to support this planning proposal.
2. Further assessment should be undertaken on impacts to potential SAIL species if Council considers the development to be a SAIL.
3. In recognition of the high conservation values of the small patch of vegetation which will be cleared, it is recommended that the proponent discuss conservation measures to the east of the development with Council in order to achieve a no net loss for biodiversity at the site.
4. BCD considers further koala assessment to be unnecessary.

BCD's detailed comments

Planning proposal – 259 &261 Averys Lane Buchanan – PP-2002-1725

Biodiversity

1. BCD is satisfied that the streamlined small area module of the Biodiversity Assessment Method is the correct process to support this planning proposal

The proponent has provided a streamlined Biodiversity Assessment Report small area module to inform the planning proposal. As the area to be cleared is approximately 0.7 hectares, of which a portion is Category 1 land under the *Local Land Services Act 2013*, fauna surveys are only required for threatened species observed incidentally.

The assessor has addressed the impact assessment requirements set out in Subsection 9.1.1 for Threatened Ecological Communities and Subsection 9.1.2. for threatened species or populations that are at risk of a Serious and Irreversible Impact (SAIL) for the proposed development as required under this methodology.

Recommendation 1

BCD is satisfied that the streamlined small area module of the Biodiversity Assessment Method is the correct process to support this planning proposal.

2. More assessment may be required if Cessnock City Council considers the proposed clearing to be a Serious and Irreversible Impact

The consultant has prepared a SAIL assessment for the swift parrot and regent honeyeater. The impact assessment requirements set out in Subsection 9.1.2. for threatened species or populations that are at risk of an SAIL have been provided and the consultant has determined that SAIL impacts are unlikely. If, Council concurs with this view, species credit offsets will be required for the two potential SAIL species.

If Council forms the opinion that the proposed impact is likely to be serious and irreversible, these species should be assessed separately, and it may be necessary to recruit the assistance of a species expert for this task.

Recommendation 2

Further assessment should be undertaken on impacts to potential SAIL species if Council considers the development to be a SAIL.

3. Planning for conservation measures at this site

Although the area of clearing will be small, it is noted that the vegetation which is earmarked for clearing (0.7 hectares) is Hunter Lowland Redgum Forest endangered ecological community and that the site is covered by both the biodiversity values map and the important habitat mapping for swift parrots and regent honeyeaters (potential SAIL). It is also considered habitat suitable for koalas and grey-crowned babbler. The proponent has suggested that conservation areas could be provided to the east of the development site along the waterfront adjoining Wallis Creek to compensate for the impacts on biodiversity. It is recommended that the C2 (Environmental Conservation) zone is extended as presented in the Council's planning proposal and that some further mechanism is put in place to ensure management of the remnant vegetation in this area.

Recommendation 3

In recognition of the high conservation values of the small patch of vegetation which will be cleared, it is recommended that the proponent discuss conservation measures to the east of the development with Council in order to achieve a no net loss for biodiversity at the site.

4. BCD is satisfied that no further koala work is required

BCD is satisfied that no further koala assessment is required, as the consultant has provided information indicating that the area should not be considered core koala habitat, in spite of the predominance of *Eucalyptus tereticornis* on site. The area around the site is generally cleared, with little connectivity BCD agrees that the site is not core koala habitat.

Recommendation 4

BCD considers further koala assessment to be unnecessary.