



PLANNING PROPOSAL

AMENDMENT TO THE CESSNOCK LOCAL ENVIRONMENTAL PLAN 2011

Olivia Lewis-Curnoe

49C Aberdare Road Aberdare LOT: 32 DP: 1288606

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Revision History

Revision	Description	Date
1	Version for Lodgement in Portal	13/03/2024
2	Updated with Gateway Determination	08/05/2024

Application No.: 18/2023/8/1

Proposal: Amendment to Clause 7.11B of the Cessnock Local Environmental Plan 2011

Parcel: 516960

Ext Ref: PP-2023-2054

Proponent: Wills Hill Holdings Pty Limited

PART 1: OBJECTIVES AND OUTCOMES

To remove Clause 7.11B of Cessnock Local Environment Plan 2011 from 49C Aberdare Road, Aberdare, which will remove the limit on floor space for food and drink premises on the site.

- The CLEP clause in questions provides as follows:

7.11B Food and drink premises at Aberdare Road, Aberdare

(1) This clause applies to Lot 3, Sec 50, DP 758002, being land at 49B Aberdare Road, Aberdare.

(2) Development consent must not be granted for development for the purposes of food and drink premises on the land to which this clause applies unless the consent authority is satisfied that the gross floor area of each of the individual food and drink premises on that land will not exceed 150 square metres.

Since the Clause was introduced, there has been a subdivision of the site into two (2) lots which are 49B and 49C Aberdare Road, Aberdare with legal property descriptions being Lots 31 and 32 DP1288606. Therefore, the current Lot and DP and address in the LEP does not accurately state the whole site covered by the Clause.

This Planning Proposal is requesting the removal of this clause from 49C Aberdare Road, being Lot 31 DP 1288606. The Clause will therefore only apply to 49B Aberdare Road.

The outcome of the Planning Proposal is an amendment to Clause 7.11B of the CLEP 2011 so that it only applies to 49B Aberdare Road, Aberdare being Lot 31 DP 1288606, and not Lot 32. The implication of this proposed amendment is that Clause 7.11B will apply to what is now 49B Aberdare Road only, and not include 49C Aberdare Road.

This means that a food and drink premises with a gross floor area (GFA) greater than 150m² could be developed on 49C Aberdare Road, subject to Council approval. The maximum GFA of 150m² for a food and drink premises would still apply to 49B Aberdare Road, Aberdare. If the Clause is removed the proponent has indicated the intend to lodge a Development Application with Council for a food and drink premises on 49C Aberdare Road with a floor area between 250m² and 290m².

PART 2: EXPLANATION OF PROVISIONS

Site Background and Description

The site is located on the southern side of Aberdare Road, Cessnock approximately 200 metres east of Quarrybylong Street adjacent to the Aberdare Road / Brandis Street intersection. The site is titled Lot 32 DP 1288606, is addressed as 49C Aberdare Road, Aberdare and has an area of approximately 1,780 m². The site currently contains an abandoned and overgrown bowling green from the former Cessnock City Bowling Club facility that occupied this and the adjoining property, 49B Aberdare Road.



Figure 1 Zoning of site and surrounding area



Figure 2 Site area outlined in red.

A Planning Proposal was lodged with Council in mid-2015 to rezone the site from the previous RE2 Private Recreation zone to the B1 Neighbourhood Centre zoning. Due to the negative response from stakeholders and the community, Clause 7.11B was added to the CLEP 2011 to limit the floor area of any food and drink premises to 150m². At the time a Hungry Jacks, KFC and a Service Station were proposed to be developed on the site, if the Clause was not introduced.

The amendment was gazetted on the 22nd June 2018 as amendment no. 26 to the CLEP.

Since the gazettal the owner has been successful in gaining approval for a subdivision of the site into two (2) lots which are 49B and 49C Aberdare Road, Aberdare with legal property descriptions being Lots 31 and 32 DP1288606. As both sites are no longer owned by the applicant of this Planning Proposal the clause will still remain on 49B to address previous community concerns.

49B Aberdare Road Aberdare was sold and a Development Application (DA) which includes a service station, convenience store, mechanical carwash with vacuum cleaning facilities and three retail premises has been approved via DA 8/2021/22267/1 on 5 September 2022 for 49B Aberdare Road, Aberdare. This property is also subject to the provisions of Clause 7.11B of the CLEP 2011.

The land owner operates a food and beverage store in Cessnock that is now 'over trading' meaning it is not effectively and efficiently meeting consumer demand, and this is leading to on-site operational problems including congestion which is impacting on Wollombi Road during peak trading times. Specifically, cars bank back out of the que lanes, which are relatively long, out onto Wollombi Road. Consequently, this Planning Proposal seeks to amend Clause 7.11B so as to enable Council to consider a development application for a food and drink premises at 49C Aberdare Road that would ultimately take pressure off the Wollombi Road store.

Surrounding development to the site is as follows:

- East – Access and carpark for Turner Park (zoned RE1 Public Recreation) including amenities facility. Further east is the Cessnock Athletics field, Cessnock Youth Centre and Outreach Service and further east again is Cessnock High School.
- South – A cricket field that is used by the lower grades of the Piranha's Cricket Club, and the Cessnock Hornets soccer ground (zoned RE1 Public Recreation).
- West – Is the Cessnock tennis courts (zoned RE1 Public Recreation).
- North – Aberdare Road, Cessnock Public School, and residential properties to the east of Brandis Street (zoned R2 Low Density Residential).

Cessnock LEP 2011

The Cessnock LEP 2011 (CLEP 2011) is the local environmental planning instrument that applies to the site. The relevant provisions are as follows:

Zoning – The site is zoned 'E1 Local Centre' under the provisions of Cessnock Local Environmental Plan 2011 (CLEP 2011) under which food and drink premises are a permissible use with development consent.

Clause 7.11B Food and drink premises at Aberdare Road, Aberdare – The site is also subject to these provisions which limit the Gross Floor Area (GFA) of any food and drink premises on the site to a maximum of 150m². It is this provision that is proposed to be amended as part of this Planning Proposal.

Note: This clause does not limit the number of food and drink premises being located on the site and it is possible that the site could accommodate up to four (4) food and drink premises each with a GFA of 150m² totalling 600m² of GFA for food and drink premises on the site.

Explanation of Provisions

The Planning Proposal seeks to amend Clause 7.11B of the CLEP 2011 so that it no longer applies to 49C Aberdare Road, Aberdare. This is proposed to be achieved by replacing the historic legal property description of 49B Aberdare Road, Aberdare with the current legal property description of this property being Lot 31 DP1288606. Clause 7.11B would therefore be amended as follows:

7.11B Food and drink premises at Aberdare Road, Aberdare

(1) This clause applies to Lot 3, Sec 50, DP 758002 Lot 31 DP1288606, being land at 49B Aberdare Road, Aberdare.

(2) Development consent must not be granted for development for the purposes of food and drink premises on the land to which this clause applies unless the consent authority is satisfied that the gross floor area of each of the individual food and drink premises on that land will not exceed 150 square metres.

PART 3: JUSTIFICATION

In accordance with the Department of Planning and Environment's "Guide to Preparing Planning Proposals", this section provides a response to the following issues:

- Section A: Need for Proposal;
- Section B: Relationship to Strategic Planning Framework;
- Section C: Environmental, Social and Economic Impact; and
- Section D: State and Commonwealth Interests

Section A: Need for the Planning Proposal

1 Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The Planning Proposal is not the result of a strategic study or report.

The Planning Proposal is proponent initiated and represents an opportunity to ensure appropriate development on the site consistent with the sites zoning and the *Cessnock Local Strategic Planning Statement's* aim to consolidate retail and business development in or near existing centres ensuring a more compact urban centre.

2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, a Planning Proposal is the only way to make the change to Cessnock LEP as the project does not fit the criteria of a section 3.22.

Section B: Relationship to Strategic Planning Framework

3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Hunter Regional Plan 2041

The Hunter Regional Plan (HRP) provides the overarching strategic framework to guide development, investment and planning within the Hunter region to 2041. The HRP sets the following regionally focused goals:

- The leading regional economy in Australia
- A biodiversity-rich natural environment
- Thriving communities
- Greater housing choice and jobs
- Infrastructure-first and place-based delivery framework

The Planning Proposal is consistent with the following directions and/or actions of the HRP:

OBJECTIVE 3 - Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive, and vibrant communities. The objective looks to patterns of urban settlement that optimize the utilization of existing infrastructure while minimizing reliance on private cars for transportation. In this case the site is within an existing local centre zone and supports a 15-minute neighbourhood, as the site is located within 800 metres of Vincent Street in the main town centre.

The Planning Proposal supports this objective as it will allow the efficient development of the site for a food and drink premises consistent with the commercial zone applying to the land. It will also enable people who live in the adjoining residential area of Aberdare to walk and cycle to a food and drink premises, and for people who live on the southern side of Cessnock a shorter journey to access a food and drink business.

Greater Newcastle Metropolitan Plan

The Greater Newcastle Metropolitan Plan (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 Planning Proposal is consistent with the following strategies and/or actions of the Greater Newcastle Metropolitan Plan:

- Support the role of smaller centres in providing food (Strategy 8)
- Provide jobs closer to people's homes (Strategy 9)
- Enable a commercial site that is flood and bushfire prone free land to be developed to its full zoning potential (Strategy 14)
- Reduce car dependent travel to food and drink premises within Cessnock urban area (Strategy 15)

4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Cessnock Local Strategic Planning Statement 2036 (LSPS)

The Cessnock Local Strategic Planning Statement 2036 (LSPS) establishes a 20-year vision for land use planning in the Cessnock LGA. The LSPS sets out the important character and values, which are to be preserved and establishes planning principles to manage land use planning in the future.

The following planning priorities and principles are relevant to the proposal.

Cessnock Local Strategic Planning Statement 2036 Planning Priority	Comment
Planning Priority 1: Our urban areas are compact. <i>Relevant Planning Principles:</i> 5. Our urban areas are compact and fully serviced.	The site is located on a main road adjacent to a site with an approved service station and other retail premises so it is in a well-suited location for a food and drink premises
Planning Priority 5: Infrastructure and services meet the needs of our community and are appropriately funded. <i>Planning Principles</i> 2. Infill development within our established urban areas is encouraged. 4. Rezoning land for urban purposes will be prioritised in areas where existing infrastructure capacity exists.	The site is within an existing commercial zoned precinct. The Planning Proposal seeks to amend Clause 7.11B so it will encourage and facilitate infill development. There is existing infrastructure capacity in the form of stormwater, water and sewer, electricity, and road network to support development of the site.
Planning Priority 7: Urban development is encouraged in areas with existing infrastructure. <i>Relevant Planning Principles</i> 1. Infill development is encouraged in established urban areas. 2. Our urban areas are compact and well serviced.	Removal of Clause 7.11B from the site will provide a more compact urban form, and ensure existing infrastructure which has capacity to service the site and any future development is maximised
Planning Priority 11: Our City has a defined hierarchy of commercial centres. <i>Relevant Planning Principles</i> 1. Our centres exist in a logical hierarchy that reflects the catchment that they serve. 2. Our centres meet local retail and service needs, without reducing the viability of other centres nearby. 4. Development is consistent with the objectives of the land-use zone and consistent with the commercial centre hierarchy. 5. Tourism and visitor related proposals are encouraged in all centres.	The land is zoned for commercial development and will service nearby residential areas and in the context of a compact urban form and planning principles that support a 15-minute neighbourhood. The restriction that is proposed to be removed from applying to the site is counterproductive to these strategic objectives. The Planning Proposal supports the centres hierarchy by enabling a food and drink premises to be located on a commercially zoned parcel of land where it is permissible, and in proximity to adjoining residential areas which it will serve. The Planning Proposal will enable a food and drink premises which will meet local retail needs for these services and won't

<p>Planning Priority 12: Our town centres are the focus of local commerce.</p>	<p>impact on the viability of other centres nearby. The Planning Proposal will facilitate a food and drink premises on the site, which is a permissible land use in the E1 Local Centre zone applying to the land. The Planning Proposal will enable additional floor space for a food and drink premises essentially enabling the location of a standard sized Quick Service Food Premises (QSF) store to be located on the site. This will not compromise the focus of town centres being the focus of commerce as it is a minor increase in floor area for a retail facility typically found in fringe town centre locations such as the Aberdare Road site.</p>
<p>Planning Priority 20: Our community adapts to climate change and builds climate resilience.</p>	<p>The site is not flood prone nor bushfire prone land and is therefore resilient to the effects of climate change.</p>

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 will be a cohesive and welcoming community living in an attractive and sustainable rural environment with 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 following themes of the CSP:

- Theme 2: A sustainable and prosperous economy Achieving long term economic security through a mix of diverse business and employment options.
Removing the Clause will allow more opportunity for economic development on the site. As noted in the Social Impact Assessment, it is well known that a large proportion of casual staff positions associated with Food and Drink Premises are generally occupied by younger employees. In addition to providing employment opportunities for younger residents, employment within the QSF industry provides training and career development opportunities for individuals who may wish to enter the hospitality industry, an industry well established in the Cessnock Wine Region. It is estimated that 200 new jobs associated with the operation of the new commercial facilities would result from this planning proposal.

5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?

A 20-year Economic Vision for Regional NSW

The Economic Vision for Regional NSW seeks to drive sustainable, long term economic growth in regional NSW

The planning proposal is consistent with the principles of this strategy, notably:

- The Planning Proposal aligns with the 20-year Economic Vision for Regional NSW as the Hunter Region is identified as a “Metro Satellite” town and aligns with the vision for growth in the food and services industry.

Future Transport Strategy 2056

The Future Transport Strategy 2056 acknowledges the vital role transport plays in land use, tourism and economic development of towns and cities. With a focus on issue specific and place-based supporting plans that shift the focus away from individual modes of transport, towards integrated solutions.

The site is located within close proximity to the city centre and there is foot paths and a main road to allow people to use active transport modes.

State Emergency Management Plan (EMPLAN)

The State Emergency Management Plan (EMPLAN) provides a coordinated and comprehensive approach to emergency management in NSW. The Plan identifies the importance of land use planning in prevention of impacts of hazards on the community.

The site is located in an area that is not bushfire or flood prone and there is easy access to the site as it is located on a main road.

6 Is the planning proposal consistent with applicable SEPPs?

An assessment of relevant SEPPs against the planning proposal is provided in the table below.

Table 1: Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
State Environmental Planning Policy (Biodiversity and Conservation) 2021	The Site is not identified as a strategic conservation area or land to be avoided. The removal of the GFA restriction applying to the site will have no implications in terms of this SEPP.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not Applicable.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	The Planning Proposal does not impact the functioning of this SEPP.
State Environmental Planning Policy (Housing) 2021	Not Applicable.
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	Not Applicable.

SEPP	Consistency and Implications
State Environmental Planning Policy (Planning Systems) 2021	Not Applicable.
State Environmental Planning Policy (Primary Production) 2021	Not Applicable.
State Environmental Planning Policy (Resilience and Hazards) 2021	<p>Chapter 4 of the SEPP requires that, as part of any future development on the site, consideration will need to be given as to whether the land is contaminated and if so, whether it is suitable for development. This is particularly so where there is a change of use.</p> <p>The Planning Proposal does not seek to change the existing employment lands use, but simply to remove GFA restrictions applying to the site.</p> <p>A Stage 1 Environmental Site Assessment was undertaken over the site in November 2014. The assessment identified five Areas of Environmental Concern (all of which were of medium to low likelihood):</p> <ul style="list-style-type: none"> • Potential contamination from localised fill for the bowling greens • Herbicides, pesticides, and heavy metals from bowling green operations across the site. <p>The removal of the GFA restrictions in the LEP are of no consequence for these minor contamination issues which will be otherwise dealt with through the DA process.</p>
State Environmental Planning Policy (Resources and Energy) 2021	Not Applicable.
State Environmental Planning Policy (Transport and Infrastructure) 2021	The only Division of the SEPP relevant to this Planning Proposal is Division 17 Roads and Traffic. The Planning Proposal could result in traffic generation but, the issues related to traffic will be dealt with at the DA stage when it is referred to TfNSW.

7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

An assessment of relevant Section 117 Directions against the planning proposal is provided in the table below.

Table 2: Relevant Section 117 Ministerial Directions

Ministerial Direction		Consistency and Implications
Planning Systems		
1.1	Implementation of Regional Plans	Consistent
1.3	Approval and Referral Requirements	Consistent
1.4	Site Specific Provisions	The objective of this Planning Proposal is to remove the maximum GFA restriction applying to food and drink premises at 49C Aberdare

		<p>Road, Aberdare. It will not allow a particular development to be carried out as food and drink premises are already permitted, it will enable a food and drink premises to be carried out with a larger floor GFA.</p> <p>Therefore, this direction is not triggered.</p>
Planning Systems – Place-based		
Design and Place		
Biodiversity and Conservation		
3.1	Conservation Zones	Not Applicable
3.2	Heritage Conservation	Not Applicable
3.5	Recreation Vehicle Areas	Not Applicable
Resilience And Hazards		
4.1	Flooding	Not Applicable
4.2	Coastal Management	Not Applicable
4.3	Planning for Bushfire Protection	Not Applicable
4.4	Remediation of Contaminated Land	Not Applicable
4.5	Acid Sulfate Soils	Not Applicable
4.6	Mine Subsidence and Unstable Land	Consistent
Transport and Infrastructure		
5.1	Integrating Land Use and Transport	Consistent
5.2	Reserving Land for Public Purposes	Consistent
5.3	Development Near Regulated Airports and Defence Airfields	Not Applicable
5.4	Shooting Ranges	Not Applicable
Housing		
6.1	Residential Zones	Not Applicable
6.2	Caravan Parks and Manufactured Home Estates	Not Applicable
Industry and Employment		
7.1	Business and Industrial Zones	Consistent
Resources and Energy		
8.1	Mining, Petroleum Production and Extractive Industries	Not Applicable
Primary Production		
9.1	Rural Zones	Consistent
9.2	Rural Lands	Not Applicable
9.3	Oyster Aquaculture	Not Applicable

Section C: Environmental, Social and Economic Impact

8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

Nil – the site is an old lawn bowls club site and is currently in an abandoned state.

9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The environmental effects will be very low due to the site having extremely low environmental value. Removing the clause and assuming the application for a food and drink premises is approved there is a risk of noise, smell and other related impacts affecting the surrounding neighbours, school and recreation facilities.

10 Has the planning proposal adequately addressed any social and economic effects?

Economic impact

The Planning Proposal is supported from an economic perspective. Internal economic comments support the site being developed and the potential increase in jobs if the DA is lodged/approved. If a Development Application is lodged for a food and drink premises with an area between 250-290m² the following could be estimated as a result, as seen in the social impact assessment.

Based then on an estimated capital cost for the development of \$4.5m:

- 28.125 job years would be directly created during construction.
- An additional 73.125 job years could potentially be created through the wider community.

In summary, the consequence of the Planning Proposal is a future development of the site that could result in the following employment opportunities (Based on an estimated capital cost for the development of \$4.5m):

- 28 job years would be directly created during construction.
- An additional ~70 job years would be created through the wider community from construction activity on site.
- The development of the site would generate an est.70 direct new jobs.
- These new 70 jobs would have a multiplier effect with a further ~130 jobs being created in the broader community.
- In total the proposal will generate ~100 job years through construction activities on site and ~200 new jobs associated with the operation of the new commercial facilities.

The site is currently zoned for employment but is currently in an abandoned state. Therefore, it would serve benefit from an economic perspective to remove the clause to allow the full potential of the land to be met.

A potential negative economic impact is that the development of a food premise may take business away from other local businesses, such as the 'Kiosk' and the canteens at Turner Park and school canteens. These businesses may also see competition from the approved petrol station and retail premises in addition to the Quick Service Food Premises.

It is important to note that this planning proposal is not a development application for a food and drink premises.

Social Impact

There have been conflicting comments on the social impact of removing the Clause. Internal comments from Council's Community Planning Team and Recreation Planning found that the proposal is not socially suitable to the surrounding land uses. As opposed to the social impact assessment which concluded it will have a positive social impact. A Social and Economic Assessment was prepared by the Applicant and can be seen as a supporting attachment to this Planning Proposal.

Positive Social Impacts include:

- Employment opportunities: food and drink premises often provide jobs, including entry level and part-time jobs that can be especially beneficial to young people and those seeking entry into the workforce. The Cessnock – Kearsley – Nulkaba Statistical Area SEIFA Index of Disadvantage in 2021 was 6.8%, compared to the state average in 2021 of 4.9%.
- Convenience: The over trading of other food and drink premises in the Cessnock Town Centre shows there is a strong demand for this type of service in the LGA. By removing the Clause, it allows the demands of the community to be met in a more convenient location for many local residents.
- Community Gathering Space: Some food and drink establishments offer a place for people to gather, socialise and dine together. This can foster a sense of community and provide a meeting place for friends and families.
- More jobs possible per m2 with a food and drink premises compared to other E1 developments.
- A food and drink premises is compatible with the other approved uses on neighbouring site.

Negative Social Impacts:

- Health Concerns/Childhood Obesity: Quick service food can heavily contribute to health problems, including obesity, diabetes and heart disease. Consuming high-calorie, low-nutrient fast food regularly can lead to these issues. These issues will also be exacerbated by the location of the site allowing easy access to children. QSF advertising often targets children and adolescents, which can influence their eating habits and contribute to the childhood obesity epidemic. This can have long-term health and social consequences.
- A Quick Service Food premises, is not compatible with the use of the site context as a regional sportsground. There is a discernible conflict between the proposal and its locality.
- It is foreseeable that a development of this type could result in negative social and health impacts on local residents and users of Turner Park, including but not limited to: health, environmental, safety and crime impacts.
- It is noted the proposed development could have a negative impact on existing food-related trading in the immediate area, notably sporting kiosks during sports and school carnival times, as well as the food and drink service within the adjacent tennis club. Part 3 of the Social Impact Statement provides that "the Planning Proposal is not expected to have any impact on any existing or future potential businesses in the vicinity of the site." This is believed to be erroneous in its thinking due to the activation of 'The Kiosk' at the Tennis Club and the use of the canteen facilities during times of use of the Park as a sportsground.
- The requirements and potential recommendations from a community planning perspective would be that it create added impacts to neighbouring properties including traffic movements, noise and lighting impact as a result of these, and provide the potential for people to loiter around the premises without sound planning to counteract this.

The adequacy of the Social Impact Assessment:

- The Social Impact Statement notes itself that whilst the proposal is to remove restrictions on establishing a food and drink premises, with the intent being to lodge a DA for a Food and Drink Premises store with a floor area of between 250m2 and 290m2 on the site, "no specific

design plans, nor impact assessments can be carried out – as the precise future use of the land is not known or certain.” This can also make it difficult to determine the full extent of the social and economic impact.

If the Planning proposal did not proceed and the clause remains in the LEP this would mean no new negative social impacts will be created and this could allow a different form of development to be built on the site, such as a Vet or Childcare centre etc.

Section D: Infrastructure (Local, State and Commonwealth)

11 Is there adequate public infrastructure for the planning proposal?

Removing the Clause may cause an increase in traffic on Aberdare Road, if a DA is lodged for a food and drink premises. Removing the Clause will not directly have an impact on infrastructure. The impact on infrastructure will vary depending on what is lodged as part of a development application. This will be assessed at the DA stage.

As it is located in the vicinity of the town centre there is adequate infrastructure surrounding the site.

Section E: State and Commonwealth Interests

12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

At the pre-planning proposal stage comments were provided by the Department of Planning and Environment, Subsidence Advisor and TfNSW and their comments have been used in the development of this Planning Proposal. The planning proposal will be forwarded to relevant agencies as required by the Gateway determination.

As per the Gateway Determination the Planning Proposal has been referred to Transport for New South Wales (TfNSW) and Subsidence Advisory for 30 working days. TfNSW comments were received on 01/05/2024 and can be seen below. As of 08/05/2024 Council is waiting on Subsidence Advisory comments.

TfNSW Comments:

Aberdare Road (MR220): PP-2023-2054, Removal of Clause 7.11B to allow food and drink premises greater than 150 square meters, Lot 32 DP1288606, 49C Aberdare Road Aberdare

I refer to the abovementioned Planning Proposal referred to Transport for NSW (TfNSW) on 26 April 2024 for agency consultation.

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 the *Future Transport Strategy*.

Aberdare Road (MR220) is a classified State road. Council is the roads authority for this road and all other public roads in the area, in accordance with Section 7 of the *Roads Act 1993*.

It is understood that the planning proposal seeks to amend Clause 7.11B from the *Cessnock Local Environmental Plan 2021* so as to enable Council to consider a development application for a food and drink premises at 49C Aberdare Road. This Clause currently restricts 'food and drink premises' to less than 150m² on Lot 3, Sec 50, DP 758002, known as 49B Aberdare Road. It is noted that the identified Lot has since been subdivided and is currently known as Lot 31 DP1288606 (49B Aberdare Road) and Lot 32 DP1288606 (49C Aberdare Road).

TfNSW has reviewed the information provided and does not object to the planning proposal on the basis that any future development application proposed on the land will require:

1. A Traffic Impact Assessment, prepared in accordance with Austroads Guide to Traffic Management Part 12 and the Guide to Traffic Generating Developments 2002.
2. A strategic design for any proposed road works, demonstrating scope, estimated cost and constructability of works required to mitigate the impact of the development on road safety, traffic efficiency and the integrity of transport infrastructure.

PART 4: MAPS

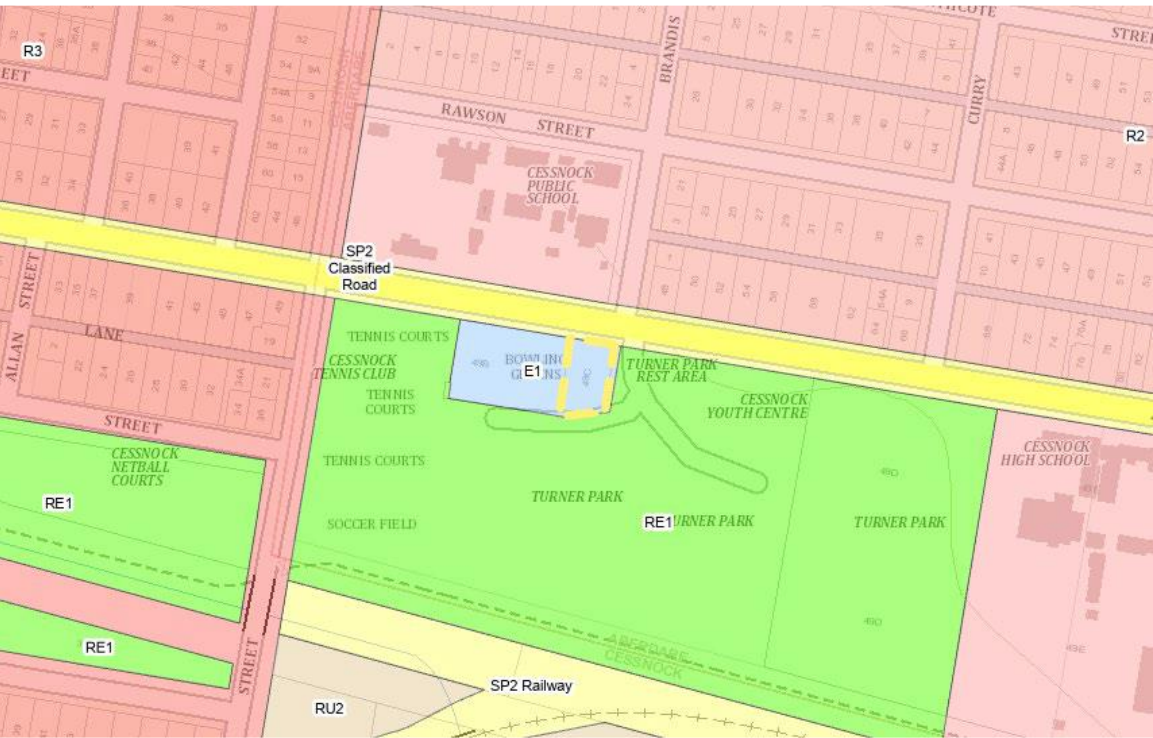


Figure 3 Zoning of site and surrounding area.



Figure 4 Site area outlined in red.

PART 5: COMMUNITY CONSULTATION

Community Consultation will be done in line with EP&A Guidelines as per the Gateway Determination and Cessnock Community Participation Plan.

As part of the Social Impact Assessment a preliminary document was sent to the surrounding residents and stakeholders informing them that a Planning Proposal to remove Clause was going to be lodged with Council. As part of the information package residents were informed that a Social Impact Report was being written and were encouraged to contribute. No responses from stakeholders were received.

PART 6: PROJECT TIMELINE

Table 3: Indicative project timeline.

Stage	Timeframe and/or date
Consideration by council	February 2024
Council decision	March 2024
Gateway determination	April 2024
Pre-exhibition	May 2024
Commencement and completion of public exhibition period	June 2024
Consideration of submissions	June/July 2024
Post-exhibition review and additional studies	August 2024
Submission to the Department for finalisation (where applicable)	September 2024
Gazettal of LEP amendment	October 2024

Appendix 1: Council Support

As per Cessnock City Council's Planning Proposal Policy, Planning Proposals supported by the Strategic Planning Team can be forwarded to the State Planning body without being reported to the Council. Councillors are instead sent a memo and can request the Planning Proposal go to a Council Meeting.

Council's Planning Proposal Policy can be found on Council's website at:

<https://www.cessnock.nsw.gov.au/Council/Forms-and-documents/Policies/Planning-Proposal-Policy>

Appendix 2: Social Impact Assessment