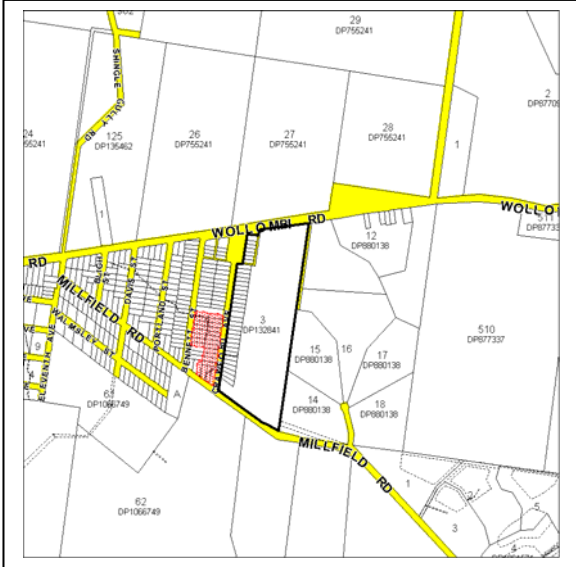


ITEM: H MILLFIELD (CC5 and Crawford Avenue Precinct)

Title	Lot 3, DP 132841 and Lots 88 to 121 DP 132841, Crawford Avenue, Millfield
Council Ref:	18/2006/1/1
Rezoning Type:	Spot Rezoning – from Rural 1(a) to RU5 - Village

Locality



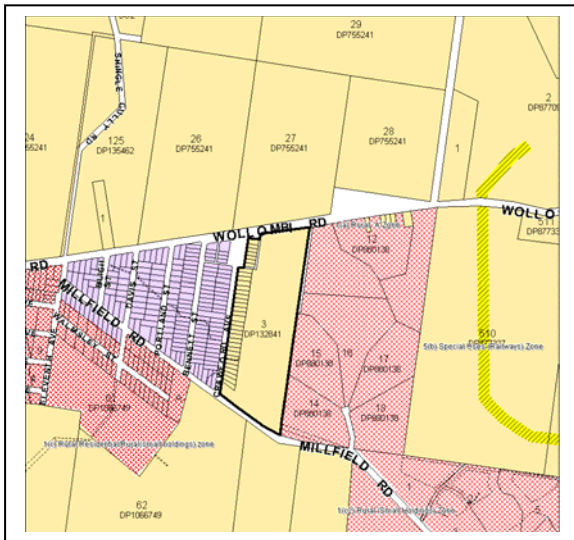
Aerial Photograph



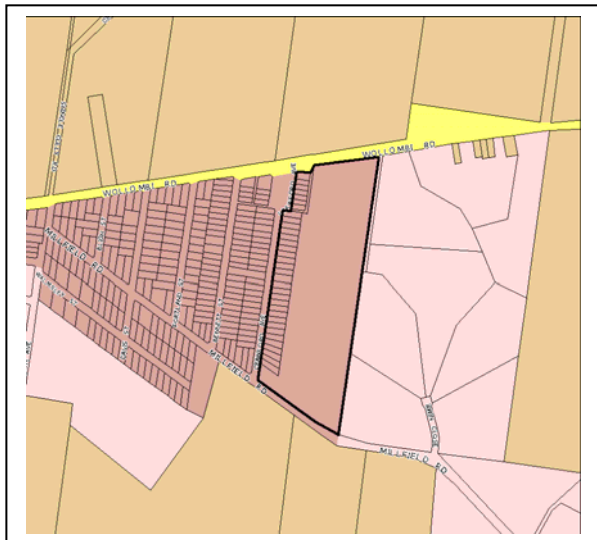
Proposal:

The proposal seeks to rezone land at Millfield from 1(a) - Rural "A" Zone to accommodate an extension to the residential development of Millfield. The proposal includes a structure plan which indicates 126 Lots.

Current Zone



Proposed Zone



Concurs with Regional Strategy?

Yes - The Lower Hunter Regional Strategy seeks to maintain existing opportunities for residential development within the Village areas in the Lower Hunter. As such, while not specifically identified by the Lower Hunter Regional Strategy, the village areas in the Cessnock's City Wide Settlement Strategy are 'captured' in this document.

Justification	<p>Council is of the opinion that the draft plan is consistent with all relevant Section 117 Directions. However, further consideration is required on the following:</p> <p>Direction No. 4.4 – Planning for Bushfire Protection The site is identified as being Bushfire Prone Land - Vegetation Category 1. A minimum buffer requirement can be maintained on site and these matters can be formally addressed at the DA stage of the subdivision proposal.</p> <p>Direction No. 3.1 – Residential Zones Millfield is identified for the priority sewerage program and has been allowed for in the design of the reticulation scheme. Hunter Water Corporation advised that these works shall be completed by mid 2009, following upgrades to the Paxton WWTP. Future residential development will therefore have access to reticulated sewerage.</p> <p>The existing watermains in Millfield do not have the capacity to service the development. However, Hunter Water is about to commence construction of a watermain which is anticipated to be completed by late 2007. Future residential development will have access to the water supply.</p>
Endorsed in Local Settlement Strategy?	<p>Yes - The subject land has been identified in the CWSS and is known as the CC5 Precinct. The proposed rezoning is consistent with the settlement hierarchy and principles identified in the CWSS. Future development of the land will provide additional housing opportunities in Millfield.</p>
Consultation:	<p>Notification was sent to the Department of Planning on 12 July 2006 and consultations undertaken from 22 November 2006. Responses are provided below:</p> <p>1. Department of Environment and Climate Change DECC recommend that prior to finalising the LEP, Council be satisfied that:</p> <p>Any potential land use conflicts associated with air, noise and odour impacts are adequately addressed, particularly in relation to premises scheduled under the Protection of the Environment Operations Act, 1997;</p> <p>Comment: the proposed rezoning is unlikely to result in conflicts with air, noise or water. The site is bounded by village-zoned land to the west and rural-residential land to the east. There are no premises scheduled under the POEO Act within proximity to the site.</p> <p>The proposed LEP shall not impact areas of native vegetation, with special reference to threatened or regionally significant flora and fauna species, populations and ecological communities and adequately considers the relevant threatened species provisions of the Environmental Planning and Assessment Act, 1979, SEPP 44 – Koala Habitat Protection and the Native Vegetation Act 2003;</p> <p>Comment: Council is satisfied that the proposed rezoning will not have a significant impact on native vegetation or fauna species. The site is relatively clear of any significant vegetation and does not contain potential Koala Habitat.</p> <p>In preparing the LEP, an appropriate level of Aboriginal cultural heritage assessment has been undertaken, and that the proposed LEP is not likely to impact on areas of cultural significance to the Aboriginal community. Also, it is important that the views of the Aboriginal community groups be sought and fully considered in regard to the preparation of the LEP;</p> <p>Comment: The AHIA carried out on the site concludes that the proposed development will have minimal impact on Aboriginal heritage. The report recommends that if any Aboriginal artefacts are found during development of the site, work must cease and the Local Aboriginal Land Council and DECC are informed. Further, the AHIA was undertaken in consultation with local Aboriginal groups.</p> <p>Potential direct and indirect impacts on DECC estate, wilderness areas, wild rivers and</p>

recognised areas of high conservation value have been adequately considered and avoided, ameliorated or compensated as appropriate;

Comment: the proposal is unlikely to have impacts on the land listed above.

On site contamination to be identified and managed.

Comment: A contamination assessment undertaken on the site suggests that there are small areas of localised contamination. Remediation works of these areas can be undertaken at the development stage.

Stormwater emanating from the area must be managed in a sustainable manner to prevent any impacts on the adjacent rivers, wetlands or estuaries.

Comment: A stormwater management plan is to be prepared to ensure that stormwater is managed appropriately.

2. Department of Education

The Department of Education did not respond. However, initial comments from the Department in consideration of the CWSS indicate that there is sufficient capacity in the existing school infrastructure to cater for the development.

3. Department of Natural Resources

The Department supports the rezoning subject to the following considerations:-

- the minor streams on the site have their riparian vegetation rehabilitated.
- stormwater management must maintain environmental flows and inundation patterns in the watercourses.
- the potential for impact as a result of disturbance on surface and groundwater has not been considered and must be assessed prior to development.

Comment: Issues raised by DNR can be addressed at the development application stage. In particular, a comprehensive Stormwater Management Plan will be considered in the preparation of detailed subdivision.

4. Alinta Asset Management

Natural gas is not available to the site and reticulation is not envisaged in the immediate future.

5. Energy Australia

Energy Australia records indicate that there are currently no electricity works proposed for the subject site, however there are no major constraints impacting the ability for Energy Australia to provide electricity to the subject land.

6. Hunter Water Corporation

Water Supply: The proposed development is situated in the Cessnock Water Supply System. The existing watermains do not have sufficient capacity to service the proposed development. However, Hunter Water is about to commence construction of a 200mm watermain along Wollombi Rd. which is anticipated to be complete by the end of 2007. The proposed development can connect to this system.

Wastewater Transportation: The development site is located within the Millfield Priority Sewerage Program (PSP) and has been factored into the design of the reticulation scheme. Completion of this should be complete by mid 2009. Connection of the proposed development will be permitted after this upgrade is complete.

Wastewater Treatment: the upgrade of the Paxton WWTW is scheduled to be complete by end of 2009. The upgraded Paxton WWTW will have sufficient capacity to cater for the proposed development.

7. NSW Rural Fire Service

The RFS does not object to the proposal but notes that future residential and potential Special Fire Protection Purpose developments will be required to comply with Section 79BA of the EPA Act and Section 100B of the *Rural Fires Act 1997*.

	<p>It is noted that APZs are to be provided in accordance with Planning for Bushfire Protection Act 2006. Further, provision for water for fire fighting and construction requirements in addition to on site provisions will either have been or will be addressed at the appropriate stage of the development.</p> <p>8. Roads and Traffic Authority The RTA reviewed a revised traffic study and has no objection to the proposal. The RTA is concerned however that no assessment has been undertaken on the railway underpass on Wollombi Road, north of Millfield, including consideration of road safety factors and provision for any required infrastructure upgrades. Council's Roads Safety Manager advised that an upgrade to the underpass has recently occurred and it is unlikely that the subject proposal will have a significant impact on the underpass. No additional upgrades are required as part of the proposed development.</p> <p>9. Telstra Telstra have advised Council that they have an obligation to provide services to developments and are generally able to provide the services when given sufficient lead time to plan, design and construct the network.</p> <p>10. Department of Primary Industries The DPI confirms that the proposed rezoning would not restrict significant future primary industry development options. While the property may be developed for agricultural enterprises, its size limits options and the location is not significant. The southern part of the site is underlain by a potential coal resource and is partly covered by a current mining title.</p> <p>11. Hunter – Central Rivers Catchment Management Authority The CMA object to any rezoning where it is likely to result in the clearing of native vegetation and where the 'improve or maintain' principle has not been demonstrated.</p> <p>Comment: The site contains 7 mature Eucalyptus fibrosa and 1 mature Corymbia maculate. Given that the vegetation is not significant, it is considered unreasonable to require the offsetting of this vegetation. Council therefore requests that the Department of Planning overrides the CMA's requirement to 'improve or maintain' this vegetation.</p> <p>12. Mindaribba Local Aboriginal Land Council MLALC does not have any objection to the proposed rezoning so long as proper Aboriginal Heritage or Archaeological Assessment is undertaken in consultation with MLALC. Evidence of this consultation has been provided in the AHIA.</p>
<p>Comment:</p>	<p>The subject land has been identified as a 'preferred' investigation area in Council's adopted Settlement Strategy. The proposed rezoning will contribute to 'a whole of city outcome' through the provision of residential lands consistent with the City Wide Settlement Strategy. It provides for the orderly expansion of the existing development patterns in Millfield. It will strengthen the economic viability of the community and subject to appropriate land use and development outcomes, it will maintain existing amenity in the local area.</p>