



PLANNING PROPOSAL

Amendment to the

Cessnock Local Environmental Plan 2011

by Rezoning Part of Lot 10 DP 1085485

261 Averys Lane, Buchanan

Version 1.0

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Part 1: Objectives and Outcomes

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

- Rezone part of Lot 10 DP 1085485, known as 261 Averys Lane Buchanan (“the subject land”), as identified in **Figure 1**, from RU2 Rural Landscape to R2 Low Density Residential and amend the LEP 2011 minimum lot size map from 40 Ha to 450m².

Part 2: Explanation of Provisions

The intent of the Planning Proposal is to rezone part of Lot 10 DP 1085485, known as 261 Averys Lane, Buchanan ("the subject land") as identified in **Figure 1**, from RU2 Rural Landscape Zone to R2 Low Density Residential Zone and amend the LEP minimum lot size map from 40 hectares to 450m². The proposal is considered to be consistent with the objectives of the Hunter Regional Plan 2036 (HRP 2036), 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'.

Initially, the proponent is seeking to excise the proposed residential zoned portion of land from the balance, zoned RU2 Rural Landscape Zone and E2 Environmental Conservation Zone. This will enable the potential future subdivision of the residential zoned land consistent with regional and local strategies applicable to the area.

The subject site is identified in **Figure 1** below.

Figure 1: Subject site



Part 3: Justification

In accordance with the Department of Planning, Industry and Environment's (DPIE) "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 Proposal

1 Resulting from a Strategic Study or Report

The Planning Proposal was 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 261 Averys Lane Buchanan, from RU2 Rural Landscape Zone to R2 Low Density Residential Zone and amend the associated minimum lot size map from 40 hectares to 450m².

2 Planning Proposal as best way to achieve to objectives

The LEP 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 the LEP 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 HRP 2036, GNMP 2036 and LSPS.

Land to the north of the site has approval for a 170 lot residential subdivision and is identified as an Urban Release Area 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 component of the Buchanan locality. Furthermore, future 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 with minimal cost.

3 Consistency with Objectives and Actions within Regional Strategies

Hunter Regional Plan 2036

The HRP 2036 provides the overarching strategic framework to guide development, investment and planning within the Hunter region to 2036. The extract of the NSW Governments vision directly applicable to this Planning Proposal is:

Greater housing choice is available in existing and new communities, close to jobs and services and well supported by public transport and walking and cycling options. More housing has reduced the upward pressure on house prices.

In order to achieve the vision, the HRP 2036 set the following regionally focused goals:

- The leading regional economy in Australia
- A biodiversity-rich natural environment
- Thriving communities
- Greater housing choice and jobs

This Planning Proposal is consistent with the objectives of the HRP 2036 in that it will deliver greater housing choice within an already thriving community of the Cessnock LGA.

Greater Newcastle Metropolitan Plan 2036

The GNMP 2036 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 HRP 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 2023 (CSP) was prepared in 2013 and 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 objectives and associated strategic directions relevant to the Planning Proposal relate to

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.

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
SEPP (Aboriginal Land) 2019	Not applicable to LGA	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (Activation Precincts) 2020	Not applicable to LGA	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 19 – Bushland in Urban Areas	Not applicable to LGA	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 21 - Caravan Parks	The SEPP provides for development for caravan parks.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 33 - Hazardous & Offensive Development	The SEPP provides considerations for consent for hazardous & offensive development.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 36 - Manufactured Homes Estates	The SEPP makes provision to encourage manufactured homes estates through permitting this use where caravan parks are permitted and allowing subdivision.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 50 - Canal Estate Development	The SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 55 - Remediation of Land	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 64 - Advertising and Signage	The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP 65 - Design Quality of	The SEPP relates to residential flat development across the state through the application of a series of	Nothing in this Planning Proposal impacts on the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
Residential Development	design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	
SEPP 70 – Affordable Rental Housing (Revised Schemes)	The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP Affordable Rental Housing 2009	<p>The aims of this Policy are as follows:</p> <ul style="list-style-type: none"> (a) to provide a consistent planning regime for the provision of affordable rental housing, (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards, (c) to facilitate the retention and mitigate the loss of existing affordable rental housing, (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing, (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing, (f) to support local business centres by providing affordable rental housing for workers close to places of work, (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation. 	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP Building Sustainability Index: BASIX 2004	The SEPP provides for the implementation of BASIX throughout the State.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (Coastal Management) 2018	<p>The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by—</p> <ul style="list-style-type: none"> (a) managing development in the coastal zone and protecting the environmental assets of the coast, and 	Nothing in this Planning Proposal impacts on the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
	<p>(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and</p> <p>(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.</p>	
SEPP (Concurrences and Consents) 2018		Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	<p>The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by:</p> <p>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</p> <p>(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and</p> <p>(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and</p> <p>(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</p> <p>(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</p> <p>(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and</p> <p>(g) ensuring that proponents of new developments or modified</p>	Nothing in this Planning Proposal impacts on the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
	<p>premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</p> <p>(h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</p>	
SEPP Exempt and Complying Development Codes 2008	<p>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.</p>	<p>Nothing in this Planning Proposal impacts on the operation of this SEPP.</p>
SEPP Housing for Seniors or People with a Disability 2004	<p>The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.</p>	<p>Nothing in this Planning Proposal impacts on the operation of this SEPP.</p>
SEPP Infrastructure 2007	<p>The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.</p>	<p>Consistent. The SEPP is the primary planning instrument addressing the provision and operation of infrastructure across the State.</p> <p>Referral to the NSW Roads and Maritime Services (RMS) will be required for traffic generating development.</p>
SEPP (Koala Habitat Protection) 2019	<p>This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p>	<p>Four species of tree listed in Schedule 2 of the SEPP as a 'Koala Feed Tree Species' occurs on the Study Area, being <i>Casuarina glauca</i> (Swamp Oak), <i>Corymbia maculata</i> (Spotted Gum); <i>Eucalyptus siderophloia</i> (Grey Ironbark) and <i>Eucalyptus tereticornis</i> (Forest Red Gum). Only a small number of individuals of this species were found widely scattered over pasture, and nowhere on site does it persist in densities of >15% of a woodland and as such would not constitute 'Potential Koala Habitat' as defined under the SEPP.</p>

SEPP	Relevance	Consistency and Implications
		<p>At no point were Koala feed trees observed on Site at >15% or more of the total tree cover.</p> <p>Additionally, investigations did not detect Koalas or signs of Koalas within the Site. Therefore, the vegetation on the site does not constitute Potential or Core Koala Habitat.</p>
SEPP Mining, Petroleum Production and Extractive Industries 2007	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (Primary Production and Rural Land) 2019	<p>The aims of this Policy are as follows:</p> <ul style="list-style-type: none"> (a) to facilitate the orderly economic use and development of lands for primary production, (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources, (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations, (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts, (e) to encourage sustainable agriculture, including sustainable aquaculture, (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture, (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors. 	<p>This proposal seeks to rezone the land from RU2 to R2 and as such remove the opportunity for a range of agricultural land uses.</p> <p>It is noted that the SEPP would continue to apply to the site and would, subject to development consent, still allow for some agricultural uses but not all.</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>
SEPP State and Regional Development 2011	The SEPP aims to identify development and infrastructure that is State significant and confer	Nothing in this Planning Proposal impacts on the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
	functions on the Joint Regional Planning Panels (JRPPs) to determine development applications.	
SEPP (State Significant Precincts) 2005	<p>The aims of this Policy are as follows:</p> <p>(a), (b) (Repealed)</p> <p>(c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State,</p> <p>(d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.</p> <p>(e), (f) (Repealed)</p>	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
1. Employment and Resources		
1.1. Business and Industrial Zones	<p>The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in business and industrial zones, and</p> <p>(c) support the viability of identified strategic centres.</p>	Not applicable
1.2. Rural Zones	<p>The objective of this direction is to protect the agricultural production value of rural land.</p>	<p>Clause 4(a) states that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. The site adjoins lands immediately to the west and north that are zoned 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</p>

Ministerial Direction	Objective of Direction	Consistency and Implication
		outcrop and does not contribute to the agricultural production value of the land. This portion of the site has been used primarily as a rural residential property.
1.3. Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Not Applicable to LGA
1.4. Oyster Aquaculture	<i>The objectives of this direction are:</i> <i>(a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal,</i> <i>(b) to 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.</i>	Not Applicable to LGA
1.5. Rural Lands	The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes.	Clause 4(a) states that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. The site adjoins an urban area and the area immediately to the west and north is zoned residential. 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.
2. The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls. Environment and Heritage		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	The proposal seeks to rezone a portion of the site for the purpose of residential development. This area is clear of the E2 zoned portion of the allotment. This will ensure the protection and conservation of environmentally sensitive areas located immediately to the east of the land proposed to be rezoned.
2.2 Coastal Protection	The objective of this direction is to protect and manage coastal areas of NSW.	Not Applicable to the LGA.

Ministerial Direction	Objective of Direction	Consistency and Implication
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The site does not contain, nor is it located in the vicinity of, any items of heritage significance. The proponent undertook a search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) that has indicated that there are no aboriginal sites, or places, recorded on the subject property
2.4 Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	Not Applicable to LGA
2.6 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.	Not Applicable to LGA
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	The site 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. A servicing strategy will be required at that time.
3.2 Caravan Parks and Manufactured Home Estates	The objectives of this direction are: (a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	Not Applicable.
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Not Applicable.
3.4 Integrating Land Use and Transport	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: (a) improving access to housing, jobs and services by walking, cycling and public transport, and	The proposal adjoins an area approved for future urban expansion. It has excellent access to the Kurri Kurri town centre, the Heddon Greta Village Centre and the Hunter Expressway. The site is 10.7km from the Victoria Street Train Station.

Ministerial Direction	Objective of Direction	Consistency and Implication
	<p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	
3.5 Development Near Licensed Aerodromes	<p>The objectives of this direction are:</p> <p>(a) to ensure the effective and safe operation of aerodromes, and</p> <p>(b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and</p> <p>(c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p>	Not applicable.
3.6 Shooting Ranges	<p>The objectives are:</p> <p>(a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</p> <p>(b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,</p> <p>(c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p>	Not applicable.
4 Hazard and Risk		
4.1 Acid Sulfate Soils	<p>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.</p>	<p>The central portion of the allotment is noted as being affected by Acid Sulfate Soils (Class 4). The north western portion of the lot that the proposal applies to is not impacted by Acid Sulfate Soils.</p>

Ministerial Direction	Objective of Direction	Consistency and Implication
4.2 Mine Subsidence and Unstable Land	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
4.3 Flood Prone Land	The objectives of this direction are: (a) to 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) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	The site has been identified as having areas subject to flooding. The flood mapping has indicated the central portion of the allotment are affected by the 1:100 year Average Recurrence Interval (ARI) flood event. The portion of the subject land that is proposed to be rezoned is not flood affected.
4.4 Planning for Bushfire Protection	The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	The Council's bushfire mapping identifies areas of category 3 bushfire vegetation and bushfire buffer areas on the site. The assessment demonstrates that the proposed rezoning is able to satisfy the performance criteria for bushfire management as stipulated in PBP and AS 3959-2009. It is therefore considered that having regard to the Bushfire Threat Assessment, the subject site is suitable for rezoning. The Bushfire Threat Assessment makes certain recommendations for the compliance of the proposal with the relevant legislative requirements:
5 Regional Planning		
5.10 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.	An assessment against the Hunter Regional Plan and Greater Newcastle Metropolitan Plan has been provided in Section B of this report.
6. Local Plan Making		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Nothing in the Planning Proposal is contrary to the objectives of the Ministerial Direction.
6.2 Reserving Land for Public Purpose	The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public	No public land is anticipated to be reserved for public purposes.

Ministerial Direction	Objective of Direction	Consistency and Implication
	purposes where the land is no longer required for acquisition.	
6.3 Site Specific Provision	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	No site specific provisions are proposed.

Section C: Environmental, Social and Economic Impact

7 Impact on Threatened Species

The Biodiversity Values Map identifies two areas of land within the north western portion of the site as containing native vegetation.

Peak Land Management was engaged by the applicant to prepare a Biodiversity Assessment Report including a 5 part test assessment of significance for a 1 into 2 lot subdivision at 259 Averys Lane Buchanan.

Based on a comprehensive desktop review of threatened species databases and vegetation mapping coupled with a field validation survey, the report found the following

- 74 flora species were recorded on the site, comprising 43 native flora species, no threatened species, and 31 weed species including 7 declared priority weeds.
- The site has low flora biodiversity, with one native state listed EEC (Hunter Lowland Red Gum Forest). No impact over this EEC is proposed.

The ecological investigations and assessment of impact have found that there is no significant impact on any threatened species, Endangered Ecological Community, critical habitat or endangered populations by the proposed works on any NSW or nationally listed species under the EPBC Act 1999 or the Biodiversity Conservation Act 2016.

The site is also mapped on the Koala Development Application Map of State Environmental Planning Policy (Koala Habitat Protection) 2019. Feed trees as listed under this SEPP do occur over the development site being:

- *Casuarina glauca*, Swamp Oak;
- *Corymbia maculata*, Spotted Gum;
- *Eucalyptus siderophloia*, Grey Ironbark;
- *Eucalyptus tereticornis*, Forest Red Gum;

These trees are >15% density and no trees are proposed for removal. There are no Bionet records of Koala in this locality, with the closest being over 4kms to the south.

No scats, tree use marks or visual sightings of koalas were seen on or around any part of the site.

Core koala habitat as defined under the SEPP is therefore not present, as although >15% density of feed trees present, no Bionet records exist within the last 18 years within 2.5 kilometres of the site, and no feed trees impacted.

The proposed works conform to this SEPP, and no further koala studies are considered required under this SEPP.

The Report is attached as APPENDIX 3

8 Environmental Impact

Flooding

The site has been identified as having areas subject to flooding. The flood map indicates the central portion of the allotment as being affected by the 1:100 year Average Recurrence Interval (ARI) flood event. The proposed rezoning applies to land within the

north western portion of the allotment that is clear of any flooding affectation. A flood certificate has been obtained from Council and is provided in support of the proposal.

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 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 Planning for Bushfire Protection 2019.

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

- Existing dwellings shall be upgraded to provide ember screening in accordance with PBP, 2019;
- A 20-25m wide Asset Protection Zone should be provided/maintained over proposed Lots 10A & Lot 10B existing dwellings as shown in Figure 2. The APZ should be managed as an Inner Protection Area Asset Protection Zone (as defined in PBP 2019, Appendix 4)
- Property access roads shall comply with Table 7.4a & Appendix 3 Property Access Roads of 'Planning for Bush Fire Protection 2019'. This includes:
 - minimum 4m carriageway width;
 - a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
 - property access must provide a suitable turning area (or three point tuning head) in accordance with Appendix 3 (note this is provided already around both dwellings);
 - curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
 - the minimum distance between inner and outer curves is 6m;
 - the crossfall is not more than 10 degrees;
 - maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.
- All new fencing if within 6m of any proposed dwelling shall be non-combustible. The Asset Protection Zone around proposed Lot 10A shall be maintained to provide an Asset Protection Zone in accordance with Appendix 4, PBP 2019.

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.

Heritage

There are no known items of Aboriginal or archaeological significant on the subject site.

General

Subsequent development applications will be required 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.

The provision of one new lot and no intended construction of any new dwellings in this location is considered appropriate. Further, the site is considered to be consistent with adjacent residential zoned land and residential subdivision approved under DA 8/2015/277/1 Proposed subdivision to provide 170 residential lots and two (2) drainage reserves for (No. 242) Averys Lane Buchanan.

It is considered that should the Applicants 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. Hunter Water has advised that town water and town sewer are not connect to the subject site.

Preliminary investigations indicate that there will be adequate public infrastructure to service the proposed residential subdivision (being the one (1) into two (2) lots). The subject site will be serviced by electricity, storm water, water, telecommunications and septic services. The site also possesses an all-weather access road.

A servicing strategy, which identifies the subject site's potential of 18-21 lots is to be prepared once the Planning Proposal has be approved.

11 Consultation with State and Commonwealth Authorities

The consultant preparing the planning proposal contacted various agencies and service providers although no formal responses were included in the report. Formal engagement will be required in accordance with the Gateway determination.

Part 4: Mapping

The following maps from the CLEP 2011 are required to be amended to achieve the intent of the Planning Proposal:

Lot Size Map

- LSZ_009A

Land Zoning Map

- LZN_009A

Part 5: Community Consultation

Community consultation will be undertaken per the conditions of the Gateway determination. The proposed consultation strategy for this Planning Proposal includes:

- Notification in the Cessnock Advertiser;
- Web based notification via Council's website and application tracker.

Part 6: Project Timeline

It is estimated that the proposed amendment to the LEP will be completed by March 2021, following receipt of a Gateway determination from the Department of Planning, Industry and Environment. This is based on the assumption Gateway will be granted and that it will specify a 12-month timeframe.

Technical studies have not been identified as a component of the Planning Proposal. If the DPE Gateway determination makes prescriptions relating to technical studies, this may impact the estimated completion date.

PROJECT TIMELINE

	Dec 2020	Dec 2020	March 2021	April 2021	April 2021	May 2021	June 2021	July 2021
STAGE 1: Report to Council requesting endorsement to seek Gateway determination								
STAGE 1 Submit to DPIE – Gateway Panel consider Planning Proposal.								
STAGE 2 Receive Gateway Determination.								
STAGE 3 Preparation of documentation for Public Exhibition and undertake Agency Consultation (if any stipulated).								
STAGE 4 Public Exhibition								
STAGE 5 Review/consideration of submissions received								
STAGE 6 Report to Council								
STAGE 7 Forward Planning Proposal to DOPE with request the amendment be made								

Appendix 1:

Council Report and Minutes (dates)

Report to Ordinary Meeting of Council – PE

Minutes of Ordinary Meeting of Council – PE

All Council reports and minutes are accessible from Council's website:
<https://www.cessnock.nsw.gov.au/Council/Council-meetings/Minutes-agendas>