

Cessnock Local Environmental Plan 2011 Amendment - Bellbird Heights

Proposal Title : Cessnock Local Environmental Plan 2011 Amendment - Bellbird Heights

Proposal Summary : To rezone the 'Bellbird Heights' Precinct from RU2 –Rural Landscape to permit the residential development (26.4ha) and environmental conservation (60.5ha) of appropriate lands. The planning proposal will result in an additional 300 residential allotments adjacent to an existing residential area.

The planning proposal will also identify the land as an Urban Release Area.

PP Number : PP_2013_CESSN_001_00 Dop File No : 10/23550

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions :

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.2 Mine Subsidence and Unstable Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies

Additional Information : It is recommended that:

1. The Planning Proposal be supported.

2. As indicated by Council's submitted project timeline, Council is to prepare:

- * A Contamination Assessment to satisfy the requirements of State Environmental Planning Policy 55 – Remediation of Land;
- * A land constraint and hazard assessment;
- * A servicing feasibility assessment;
- * Arrangements to facilitate the conservation of environmentally sensitive areas;
- * A bushfire assessment.

In addition, Council is to undertake a Mine Subsidence Assessment as required by the Mine Subsidence Board and any other studies identified or required by legislation to support the planning proposal.

The planning proposal should be updated and placed on public exhibition within 6 weeks of receiving the required studies.

3. The subject site be identified as an Urban Release Area and the Department's model clause adopted to require the development to contribute towards the provision of designated State Infrastructure, provide required public utility infrastructure and that a DCP is prepared before any development application is determined. This will address Council's requirement for a DCP without causing unnecessary delays.

4. The planning proposal be updated in accordance with the Gateway Determination before commencing public exhibition. Clarification should be made to Part 1: Objectives

and Part 2: Provisions to be consistent with A Guide to Preparing Planning Proposals (2012).

The revised planning proposals proposed zones, zone boundaries, development standards and any local clauses be reviewed by the Department's regional office before the planning proposal is publicly exhibited.

5. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows:

- (a) the Planning Proposal be made publicly available for 28 days;
- (b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 4.5 of A guide to preparing LEPs (Department for Planning 2009).

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

Hunter Water Corporation
Mine subsidence Board
Rural Fire Service
Transport for NSW - Roads and Maritime Services
NSW Aboriginal Land Council
Office of Environment and Heritage
NSW Department of Resource and Energy (Mineral Resources)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

7. The Director General (or delegate) approves the minor inconsistencies with the Minister's S117 Direction 1.2 Rural Zones and 1.5 Rural Lands because the inconsistencies are justified by the Lower Hunter Regional Strategy.

8. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.

9. The timeframe for completing the LEP is 12 months from the date of the Gateway Determination.

Supporting Reasons : The proposal is consistent with the Lower Hunter Regional Strategy and the Cessnock City Wide Settlement Strategy.

The further information required by the second recommendation, is taken from Councils projected timeline. It is considered adequate.

A Gateway Determination will allow formal agency public consultation to occur.

A 12 months timeframe is required to undertake additional studies, consult with agencies, exhibit the planning proposal and finalise the LEP. The submitted project timeline demonstrates this timeframe is achievable.

Panel Recommendation

Recommendation Date : **17-Jan-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to adopt the department's model clauses 6.1 - Arrangements for designated State public

infrastructure, 6.2 - Public utility infrastructure, 6.3 - Development control plan and 6.4 - Relationship between Part and remainder of Plan.

2. It is noted that Council has identified that additional information regarding environmentally sensitive lands, bushfire, land constraint and hazards and servicing feasibility will be undertaken to support the planning proposal. Council should also undertake further work addressing matters of mine subsidence, prior to undertaking public exhibition and amend the planning proposal to reflect the outcomes of this additional information.

3. Prior to undertaking public exhibition, Council is to amend the 'objectives or intended outcomes' and 'explanation of provisions' to be consistent with the department's A guide to Preparing Planning Proposals. The statement of objectives should be a concise statement setting out the intended outcome of the planning proposal and the explanation of provisions is to detail how the intended outcome is to be achieved, including providing clear advice on the proposed zones and lot size provisions for the site. The planning proposal is to be clear on what land is subject to a change in zoning and lot size provisions. The planning proposal is to include current and proposed land zoning and lot size maps and proposed urban release areas maps, which clearly identify the subject site.

4. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.

5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012).

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage
- NSW Department of Primary Industries – Minerals and Petroleum
- Hunter Water Corporation
- Mine Subsidence Board
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services
- Department of Resources and Energy (Mineral Resources)
- NSW Aboriginal Land Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:

M. Selman

Printed Name:

NEIL SELMAN

Date:

30/1/2013