

Planning Proposal

Lake Macquarie Local Environmental Plan 2014 Draft (Amendment No. X) - Freemans Drive, Cooranbong RZ/3/2014

Local Government Area:	Lake Macquarie City Council (LMCC)	
Name of Draft LEP:	Draft Amendment to Draft Lake Macquarie Local Environment Plan 2014 (Draft Amendment No. X)	
Subject Land:	617 Freeman Drive Cooranbong (Lot 12 DP 1158508) 617C Freemans Drive Cooranbong (Lot 11 DP 1158508)	
Land Owner:	BJ Watson and PE Thomson Lake Macquarie City Council	
Applicant:	Johnson Property Group	
Folder Number:	RZ/3/2014	
Date:	25 August 2014	
Author:	Matthew Hill - Senior Strategic Land Use Planner	
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Part 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of the Planning Proposal is to amend Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014) to rezone the subject land to support residential development and additional conservation lands, while permitting with consent a sewage treatment facility and potable water infrastructure to service development in the North Cooranbong urban release area.

The Planning Proposal also seeks to permit with consent utility infrastructure in a range of urban zones to support urban development and to avoid the need for a rezoning proposal to support necessary utility infrastructure, while maintaining environmental zones for environmental purposes..

Part 2 – EXPLANATION OF PROVISIONS

The proposed objective will be achieved by amending the LMLEP 2014 by:

Amendment Applies to	Explanation of provision
Land Use Zones map	Pending an investigation into land use capability, rezone the subject land from Zone RU6 Transition to Zone R2 Low Density Residential and E2 Environmental Conservation
Height of Buildings Map	Apply a maximum building height of 8.5 metres where the Zone R2 Low Density Residential is applied, and a maximum building height of 5.5 metres where the Zone E2 Environmental Conservation is applied.
Lot Size map	Apply a minimum lot size of 450m ² where the Zone R2 Low Density Residential is applied, and a minimum lot size of 40 hectares where the Zone E2 Environmental Conservation is applied.
Land Use Table	Add <i>water supply system, sewage reticulation system, sewage treatment plant, and water recycling facility</i> to permitted with consent under the following zones: • Zone R1 General Residential • Zone R2 Low Density Residential • Zone R3 Medium Density Residential • Zone IN4 Working Waterfront • Zone SP1 Special Activities • Zone SP2 Infrastructure • Zone SP3 Tourist • Zone RE1 Public Recreation • Zone RE2 Private Recreation

Part 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

1. *Is the planning proposal a result of any strategic study or report?*

The Planning Proposal is not the result of a strategic study or report. However, the subject land is within the Morisset Growth and Expansion Corridor identified by Council's Lifestyle 2030 Strategy, and is identified for urban development in the Lower Hunter Regional Strategy. A detailed Local Environmental Study will be necessary to inform the distribution of land use zones.

It is necessary to enable the establishment of utility infrastructure to urban land use zones to ensure development can be serviced without the need for an LEP amendment. Although the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) permits certain utility infrastructure in prescribed zones, there are circumstances where this is not sufficient to support necessary utility infrastructure. The sewage treatment facility and potable water infrastructure proposed for the subject land is an example of this.

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

The Independent Pricing and Regulatory Tribunal (IPART) are responsible for assessing and making recommendations to the Minister for the construction and operation of water and sewer infrastructure pursuant to the *Water Industry Competition Act 2006* (WICA 2006). The proponent has indicated that IPART will not support an application to construct and operate the proposed sewage treatment facility on 617 (Lot 12 DP 115850) Freemans Drive unless a development application is approved or the land is rezoned to support this use.

The proponent submitted a request to rezone the land from Zone RU6 Transition to Zone SP2 Infrastructure, Zone R2 Low Density Residential, and Zone E2 Environmental Conservation. Additionally, the request seeks to rezone approximately 4,000m² at 80 Central Road (Part of Lot 1 Section 6 DP 3533), Cooranbong, from Zone R2 Low Density Residential to Zone SP2 Infrastructure to support a future potable water reservoir. Zone SP2 Infrastructure was chosen as it is a prescribed zone under the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP), which permits the proposed infrastructure uses.

Council has determined that the best approach is to investigate the capability of the land to support residential development and conservation. The addition of *water supply system, sewage reticulation system, sewage treatment plant, and water recycling facility* to the land use table will avoid the rezoning process becoming a pseudo development assessment process, and will also ensure that future utilities can be provided without the need for a rezoning process. This approach will ensure that utility infrastructure necessary to support urban growth can be facilitated subject to a merit assessment process to consider direct impacts associated with specific design aspects of utility infrastructure.

Section B – Relationship to Strategic Planning Framework

2. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The primary purpose of the Lower Hunter Regional Strategy is to ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing and employment needs of the Region's population to 2031. The LHRS works with the Regional Conservation Plan to ensure that the future growth of the Lower Hunter makes a positive contribution to the protection of sensitive environments and biodiversity.

The proposal is consistent with the Lower Hunter Regional Strategy and represents a relatively minor addition to the North Cooranbong urban release area. Development in this area will support the emerging major centre at Morisset. Facilitating the provision of

infrastructure across the City will assist in achieving development targets in the Lower Hunter Regional Strategy.

Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The Lifestyle 2030 Strategy (LS2030) provides the long-term direction for the overall development of the City and is a long-range land use strategic plan and policy document.

The Strategic Directions identified in the LS2030 describe the overall desired outcomes and general intentions sought by Council for future development in the City. In particular, the Planning Proposal aligns with the following strategic directions and outcomes:

A city responsive to the environment

The Planning Proposal includes provision for a north/south conservation corridor to protect the existing connection of vegetation at the eastern edge of 617 Freemans Drive. Any vegetation loss as a result of land being identified for development will need to be offset. Further analysis of this will be undertaken as part of the Local Environmental Study.

A city that makes an equitable contribution to global sustainability

The Planning Proposal will facilitate infrastructure development across the City in a range of zones. The development proposed for the subject land includes reuse of treated water for limited household use in the North Cooranbong urban release area, which will reduce total water use. Further consideration will be undertaken as part of a development assessment process.

A well designed adaptable and liveable city

The Planning Proposal supports the development of utility infrastructure in a range of urban zones. Development of utility infrastructure on the subject land will support development of the North Cooranbong urban release area, which is contained within the Morisset Growth and Expansion Corridor. The urban release area is intended to provide a mix of uses including housing, a school, commercial/retail development, and open space.

A well serviced and equitable city

Permitting utility infrastructure with consent in a range of zones is necessary to service and support development, including the development of the North Cooranbong urban release area. The proposed sewage treatment facility will be privately owned and operated as an alternative to the existing reticulated system, and allows for water reuse and distribution to households. It is proposed that the facility will service approximately 2,500 dwellings.

A city of progress and prosperity

The Planning Proposal will facilitate the provision of infrastructure across the City. This will support the release of land for growth and development including the subject land which falls within the Morisset Growth and Expansion corridor. The adjoining North Cooranbong urban release area contains land for commercial purposes, and development of this area will provide additional support to business activity in Cooranbong and Morisset.

A city responsive to the wellbeing of its residents

The North Cooranbong urban release area contains land for an additional school, as well as land for open space, and commercial/retail activity. Development of the area will provide greater opportunity for additional services and facilities to be established. The proposal seeks to support the development of the urban release area.

A city that practices participatory democracy and is well governed

Utility infrastructure is necessary to support urban development in accordance with the Lifestyle 2030 Strategy and the Lower Hunter Regional Strategy. Consultation will occur with

the community, State Government agencies and service authorities to inform the LEP amendment process.

The proposed rezoning and addition of *water supply system*, *sewage reticulation system*, *sewage treatment plant*, and *water recycling facility* as permissible uses in the land use table establishes a process under which development applications will be considered by Council. The development assessment process will provide the community with an opportunity to respond to specific design aspects of the proposed sewage treatment facility at Cooranbong, which is not available through a rezoning process. The LEP amendment process will provide opportunities for community consultation relating to land use.

3. ***Is the planning proposal consistent with applicable State Environmental Planning Policies?***

The Planning Proposal is consistent with the following relevant State Environmental Planning Policies (SEPPs) outlined in Table 1 below.

Table 1: Assessment of the Planning Proposal against relevant SEPPs

SEPP	Relevance	Implications
SEPP 19 – Bushland in Urban Areas	Aims to prioritise the conservation of bushland in urban areas, and requires consideration of aims in preparing a draft amendment.	A conservation corridor is intended to be established across the land. Any rezoning of vegetated land for development will need to be offset.
SEPP 33 – Hazardous and Offensive Development	Sets matters for consideration in assessing hazardous and/or offensive development and potentially hazardous and/or potentially offensive development.	The Sewage Treatment Facility may fall under potentially offensive development. The SEPP will need to be considered in determining a development application for a Sewage Treatment Facility.
SEPP 44 – Koala Habitat Protection	Requires measures be implemented where koala habitat or potential koala habitat is identified on the subject land.	This will need to be included in the Local Environmental Study.
SEPP 55 – Remediation of Land	Requires the subject land to be suitable for its intended use in terms of the level of contamination, or where the land is unsuitable due to the level of contamination, remediation measures are required to ensure that the subject land is suitable for its intended use.	The Local Environmental Study will need to determine the suitability of the land for the proposed use and any remediation necessary.

4. ***Is the planning proposal consistent with applicable Ministerial Directions (s.117 (2) directions)?***

An assessment of the Planning Proposal and its consistency against the applicable Ministerial Directions is provided at Table 2 below.

Table 2: Consistency with applicable Section 117(2) Ministerial Directions

Ministerial Direction	Relevance	Implications
1.2 – Rural Zones	The direction aims to protect the agricultural production value of rural land.	The LES will consider the current use of the land and whether residential use is appropriate.
2.1 – Environmental Protection Zones	The direction requires that a draft LEP contain provisions to facilitate the protection of environmentally sensitive land.	A conservation corridor is intended to be established through the site which will be Zone E2 Environmental Conservation, however, any vegetated land rezoned for development will need to be offset.
2.4 – Recreation Vehicle Areas	The direction restricts a draft LEP from enabling a recreation vehicle area.	A recreation vehicle area is not proposed.
3.1 – Residential Zones	The direction requires a draft LEP to include provisions that facilitate housing choice, efficient use of infrastructure, and reduce land consumption on the urban fringe.	The proposal includes a residential zone, which will be an extension of the existing North Cooranbong urban release area. Provision for utility infrastructure will facilitate development in urban zones.
3.2 – Caravan Parks and Manufactured Home Estates	The direction requires a draft LEP to maintain provisions and land use zones that allow the establishment of Caravan Parks and Manufactured Home Estates.	The proposal does not affect provisions relating to Caravan Parks or Manufactured Home Estates.
3.3 – Home Occupations	The direction requires that a draft LEP include provisions to ensure that Home Occupations are permissible without consent.	The amendment will retain the provisions of the principal LEP in this regard.
3.4 – Integrating Land Use and Transport	The direction requires consistency with State policy in terms of positioning of urban land use zones.	The site is positioned within an urban growth and expansion corridor within Council's Lifestyle 2030 Strategy, and the emerging major regional centre of Morisset is nearby.
4.1 – Acid Sulfate Soils	Applies to land that has been identified as having a probability of containing acid sulfate soils, and requires that a draft amendment be consistent with the Acid Sulfate Soil component of the model Local Environmental Plan	The subject land has been identified as containing potential acid sulfate soils. This will need to be considered as part of the Local Environmental Study.

Ministerial Direction	Relevance	Implications
	(ASS model LEP), or be supported by an environmental study.	
4.2 – Mine Subsidence and Unstable Land	The direction requires consultation with the Mine Subsidence Board where a draft LEP is proposed for land within a mine subsidence district.	The Mine Subsidence Board will be consulted during the amendment process.
4.3 – Flood Prone Land	Applies where the draft amendment will affect provisions to flood prone land.	Parts of the subject land have been identified as being affected by flooding. This will need to be considered as part of the Local Environmental Study.
4.4 – Planning for Bushfire Protection	Applies to land that has been identified as bushfire prone, and requires consultation with the NSW Rural Fire Service, as well as the establishment of Asset Protection Zones.	The sites contain land identified as bushfire prone land, and Asset Protection Zones will be required. Consultation with the NSW Rural Fire Service will be necessary.
5.1 – Implementation of Regional Strategies	The direction requires a draft amendment to be consistent with the relevant State strategy that applies to the Local Government Area.	The proposal is consistent with the strategic direction set by the Lower Hunter Regional Strategy.
6.1 – Approval and Referral Requirements	Prevents a draft amendment from requiring concurrence from, or referral to, the Minister or a public authority.	The proposal will be consistent with this requirement.
6.2 – Reserving Land for Public Purposes	The direction prevents a draft LEP from altering available land for public use.	The proposal does not seek to alter the provision of land available for public use.
6.3 – Site Specific Provisions	The direction establishes a preference to contain any proposed use within a permissible land use zone rather than implementing additional clauses to the instrument.	The proposed amendment will use existing zones within the Citywide LEP.

Section C – Environmental, Social and Economic Impact

5. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The detailed Local Environmental Study will include a Flora and Fauna Assessment and associated Biodiversity Offset Report. This assessment will examine flora and fauna existing on the subject land and provide recommendations. Any land currently vegetated that is

identified for development will need to be offset in accordance with the 'improve or maintain' biodiversity principle.

6. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

A detailed Local Environmental Study will be necessary to determine the suitability of the land for the proposed uses as well as potential impacts on the existing natural and built environments. Studies envisaged to be necessary include:

- Contamination and Geotechnical Assessment
- Flooding, Hydrology and Water Resource Management Study
- Aboriginal Heritage Assessment
- Flora and Fauna Assessment
- Biodiversity Offsets Report
- Bushfire Assessment
- Traffic Impact Assessment
- Infrastructure Services Report
- Social Impact Assessment

It is proposed that utility infrastructure will remain prohibited in environmental zones to ensure that environmental land is used for environmental purposes. The provision of utilities in urban zones will support the development of urban release areas.

7. *How has the planning proposal adequately addressed any social and economic effects?*

The Local Environmental Study for the Cooranbong site will incorporate investigations of potential social implications relating to the proposal. It is likely that there will be community interest associated with permitting utility infrastructure in urban zones, particularly associated with a proposed sewage treatment facility to support the North Cooranbong urban release area. It is necessary to ensure that utility infrastructure is supported in urban areas to enable urban development to be effectively serviced and for the needs of the community to be met. The provision of additional housing requires the support of utility infrastructure to service these growing communities and urban release areas.

The Planning Proposal seeks to permit utility infrastructure with consent in a range of urban zones, while direct impacts related to the development of utility infrastructure, including the sewage treatment facility proposal at Cooranbong, will be dealt with through a development assessment process. When full details of any proposed development are known, the proposed LEP amendment will enable Council to assess a development application, and will also give the proponent the ability to consider other locations for the facility without the need for future LEP amendments.

Section D – State and Commonwealth Interests

8. *Is there adequate public infrastructure for the planning proposal?*

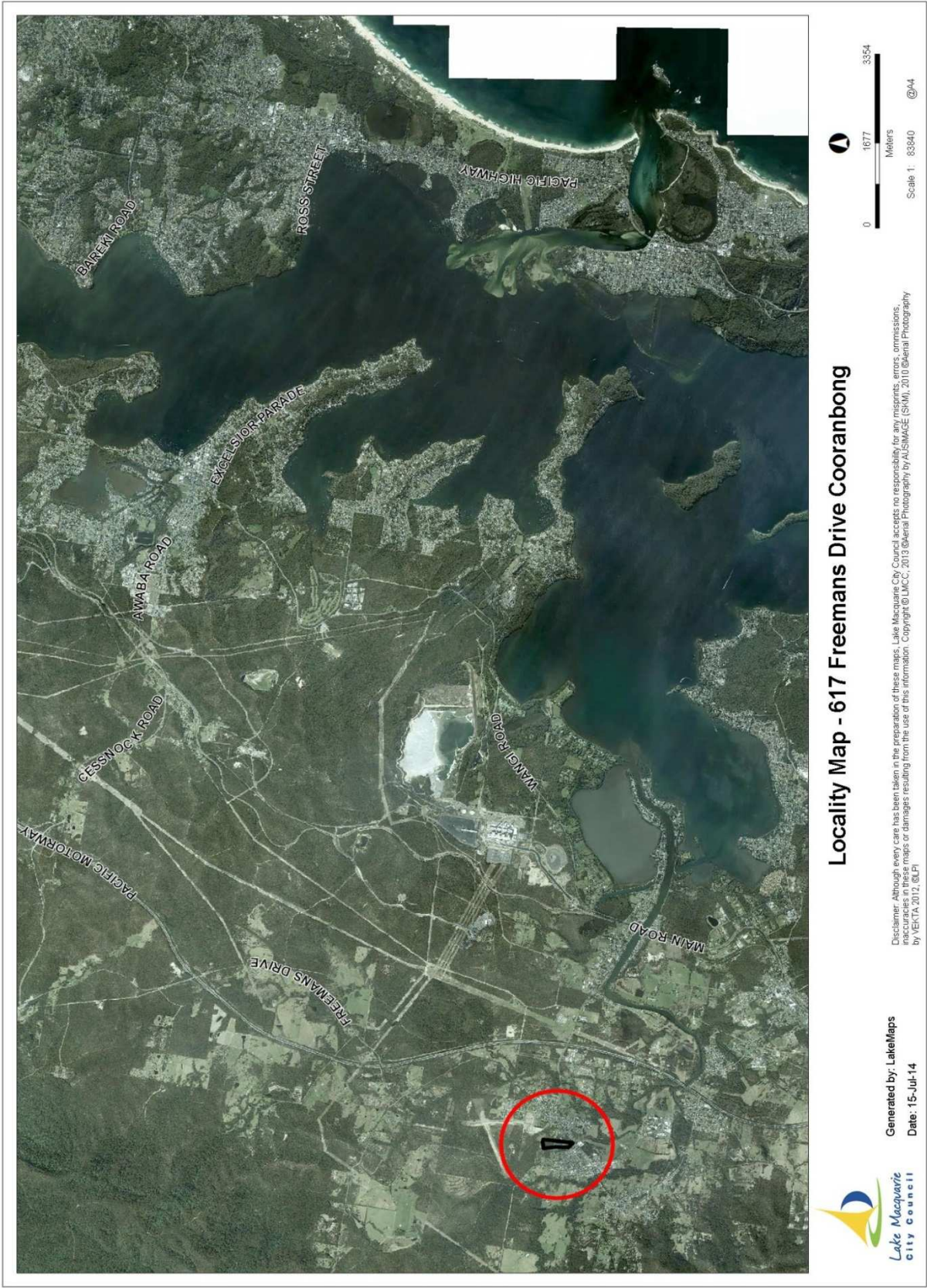
The Planning Proposal seeks to facilitate utility infrastructure in urban zones to enable development to be effectively serviced without the need for a LEP amendment process. The sewage treatment facility proposed at Cooranbong is necessary to support the development of the North Cooranbong urban release area. The proposed sewage treatment facility will be privately owned and operated. Discussions have commenced between the proponent and Hunter Water regarding the interaction between the proposed facility and the existing reticulated system.

9. *What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?*

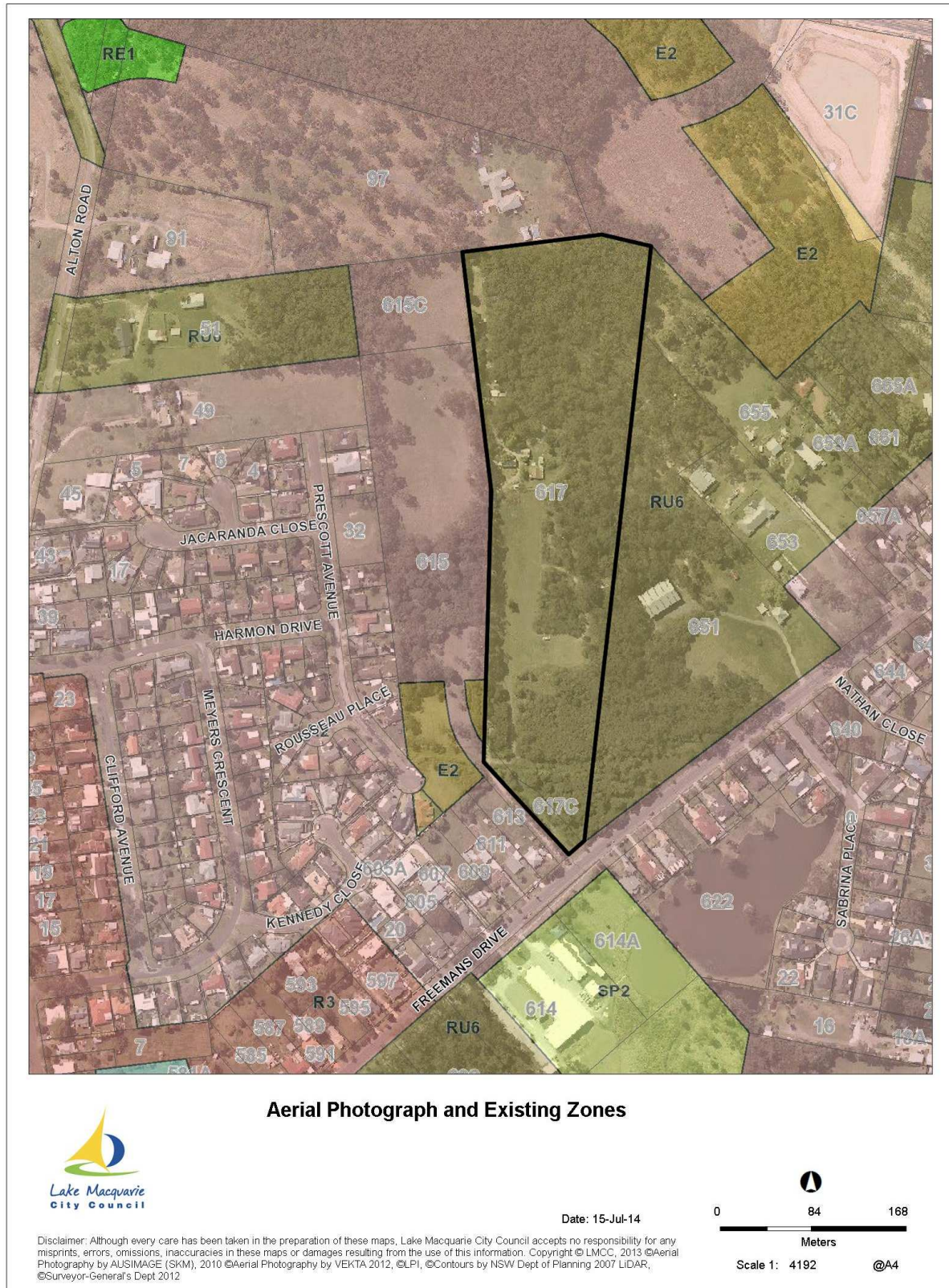
Consultation with State and Commonwealth public authorities will be determined as part of the Gateway determination. Council recommends consultation with the following authorities:

- Hunter Water
- Office of Environment and Heritage
- Roads and Maritime Service
- Office of Water
- Rural Fire Service
- Mine Subsidence Board
- Biraban Local Aboriginal Land Council

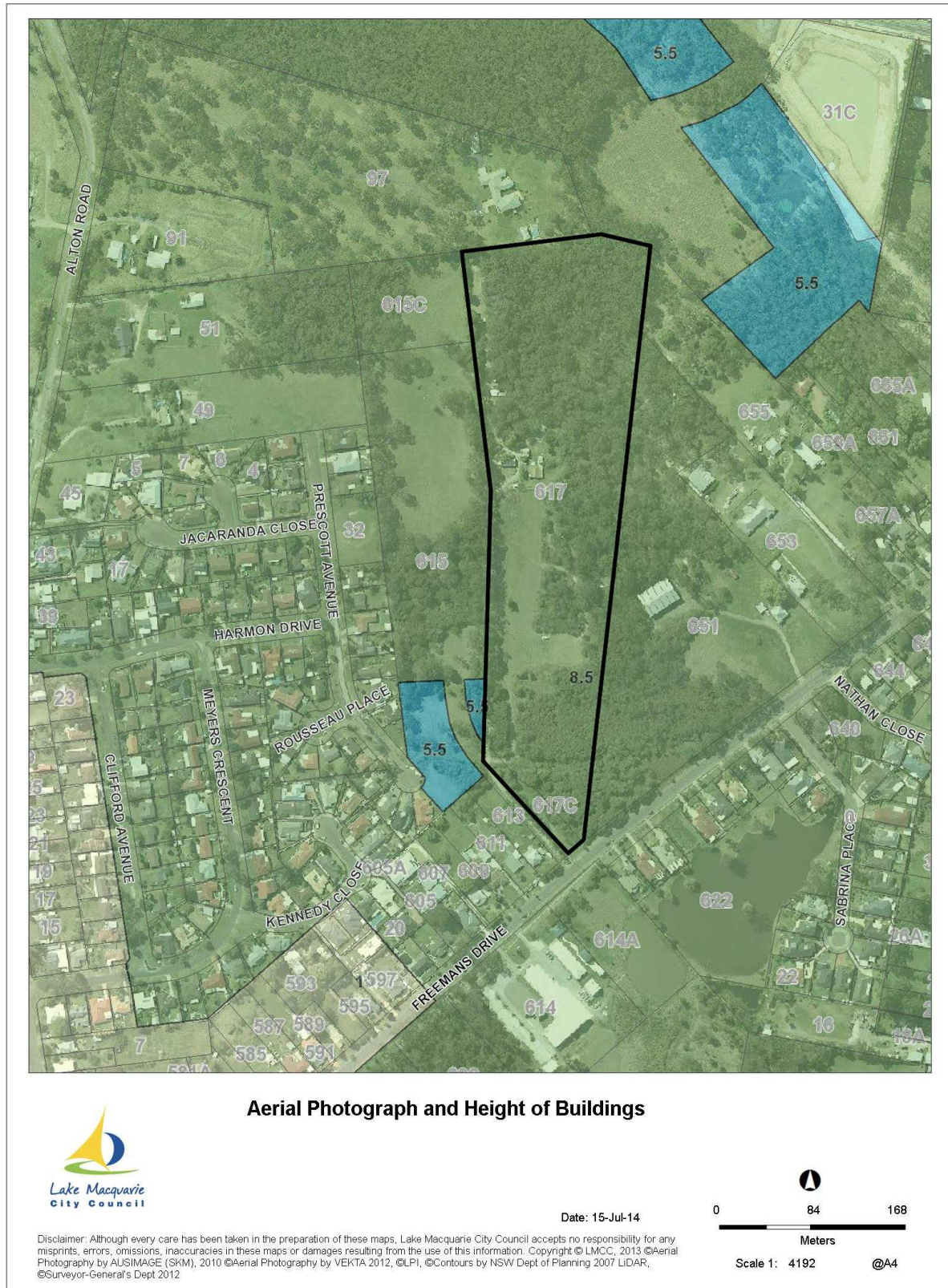
Part 4 – MAPPING



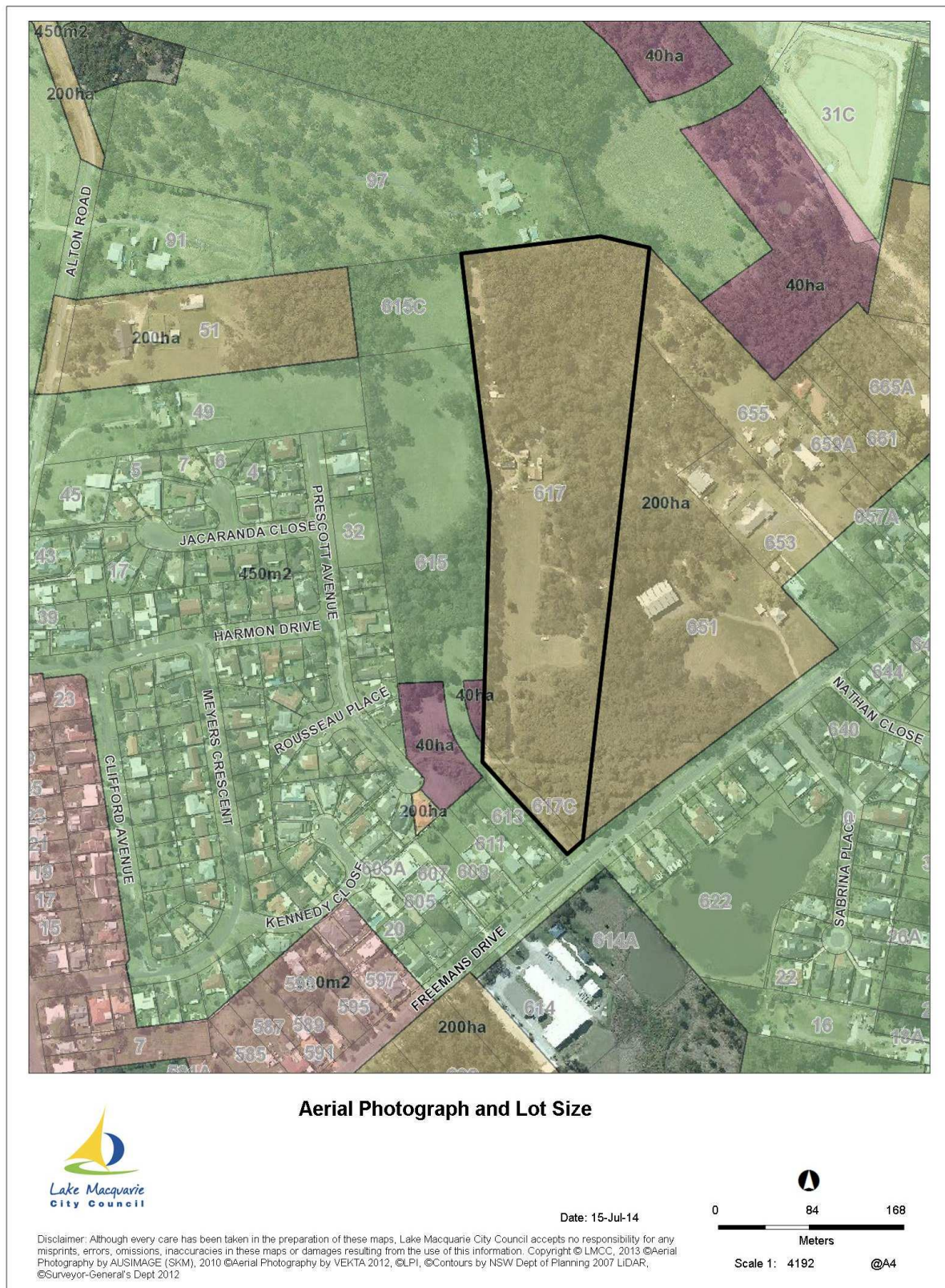
Map 1 – Locality



Map 2 – Aerial and Existing Zones



Map 3 – Aerial and Existing Height of Buildings



Map 4 – Aerial and Existing Lot Size

Map 5 will be produced when the distribution is known as informed by the Local Environmental Study.

Map 5 – Proposed Zones under LMLEP 2014

Map 6 will be produced when the distribution is known as informed by the Local Environmental Study.

Map 6 – Proposed Height of Buildings

Map 7 will be produced when the distribution is known as informed by the Local Environmental Study.

Map 7 – Proposed Lot Size

Part 5 – COMMUNITY CONSULTATION

It is intended that the Planning Proposal will be placed on public exhibition for a period of 28 days.

Part 6 – PROJECT TIMELINE

Action	Timeframe
Anticipated commencement date (date of Gateway determination)	October 2014
Anticipated timeframe for completion of required technical information	6 months
Timeframe for government agency consultation (pre exhibition)	1 month
Public exhibition (commencement and completion dates)	28 days
Date of Public hearing (if required)	N/A
Consideration of submissions	2 weeks
Timeframe for government agency consultation (post exhibition if required)	N/A
Post exhibition planning proposal consideration / preparation	1 month
Submission to Department to finalise LEP	November 2015
Date RPA will make Plan (if delegated)	N/A
Date RPA will forward to the Department for notification (if not delegated)	December 2015