



PLANNING PROPOSAL

Amendment to the

Cessnock Local Environment Plan 2011

**Amendment to Bellbird North Urban Release
Area**

**Ruby Street BELLBIRD, 52 Christy Road Private
Access BELLBIRD, Tennant Street BELLBIRD, 268
Wollombi Road BELLBIRD, Mount View Road
CESSNOCK**

**Rezoning of LOT: 1 DP: 597226, LOT: 2 DP: 597226, LOT: 3
DP: 597226, LOT: 1 DP: 1011544, LOT: 211 DP: 1012346,
LOT: 212 DP: 1053307**

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Summary of proposal

Proposal	Amendment to land covered by the Bellbird North Urban Release Area	
Property Details	Ruby Street BELLBIRD, 52 Christy Road Private Access BELLBIRD, Tennant Street BELLBIRD, 268 Wollombi Road BELLBIRD, Mount View Road Cessnock	LOT: 1 DP: 597226, LOT: 2 DP: 597226, LOT: 3 DP: 597226, LOT: 1 DP: 1011544, LOT: 211 DP: 1012346, LOT: 212 DP: 1053307
Proponent	ADW Johnson on behalf of Johnson Property Group	

Background

The Bellbird North Urban Release Area was rezoned in 2011 to a combination of residential, commercial and public open space. The zonings were based on the 2006 masterplan (as amended). The land covered by the Bellbird North Urban Release Area has a number of different owners, however two development companies have an interest in the land. One of the development companies, Johnson Property Group, is the proponent for this Planning Proposal.

The current zoning contains a small area of B1 Neighbourhood Centre and a larger area of B1 Neighbourhood Centre. The larger area of B1 Neighbourhood Centre has split ownership, with the proponent Johnson Property Group, having an interest in just over half and the remainder being owned by Henry Kendall Limestone Creek Pty Ltd.

The proponent, Johnson Property Group are now investigating the most appropriate development strategy for the next stage of the proposed subdivision and have requested a number of amendments be made to the zoning to facilitate an efficient subdivision layout and provide a commercial area capable of servicing the projected catchment of approximately 14,000 people. The proponent has requested that the larger parcel of commercial land, which they have an interest in, be increased in size and rezoned to B2 Local Centre to provide a parcel of land which provides a more flexible zone that can accommodate development such as a supermarket, which is not a permitted use in the current B1 Neighbourhood Centre zone. To ensure consistency in zoning Council is proposing to rezone the adjoining parcel of B1 Neighbourhood Centre Land, owned by Henry Kendall Limestone Creek (not the proponent) to B2 Local Centre.

The proponent has also requested that minor amendments be made to commercial, recreation and residential areas to facilitate subdivision.

PART 1: OBJECTIVES and OUTCOMES

The objective of this Planning Proposal is to amend the Cessnock Local Environmental Plan 2011 (CLEP 2011) in relation to land affect by the Bellbird North Urban Release Area to achieve the following outcomes:

- Consolidate commercial land on the site to provide a more logical subdivision layout;
- Consolidate and expand the commercial land on the site to provide an area of an appropriate size to support the projected population growth;
- Provide commercial land with a zoning that will support larger development such as a supermarket;
- Provide a commercial area of a size capable of accommodating larger development such as a supermarket;
- Provide consistent zoning within the Bellbird North Urban Release Area; and
- Consolidate recreation zones to provide a practical use of land within the North Bellbird precinct.

PART 2: EXPLANATION of PROVISIONS

The objectives of this Planning Proposal will be achieved by amending the Cessnock LEP 2011 in the following manner:

Proposed Amendment No. 1 – Commercial Rezoning (area 1)

Amend map sheet LZN_006C to rezone part of the R2 Low Density Residential zone (1.64ha) and the existing B1 Neighbourhood Centre zone to B2 Local Centre on Lot 2 DP 597226, LOT 1 DP 1011544, LOT 211 DP 1012346 and LOT 212 DP 1053307 (see Part 4 Mapping).

Amend map sheet LSZ_006C to remove the minimum lot size on the area of land proposed to be zoned B2 Local Centre on Lot 2 DP 597226, LOT 1 DP 1011544, LOT 211 DP 1012346 and LOT 212 DP 1053307.

Proposed Amendment No. 2 – Residential rezoning from RE1 Public Open Space and B1 Neighbourhood Centre (area 2)

Amend map sheet LZN_006C to rezone the small existing B1 Neighbourhood Centre zone and adjoining RE1 Public Recreation zone on Lot 1 DP 597226 to R2 Low Density Residential (see Part 4 Mapping).

Amend map sheet LSZ_006C to allow a minimum lot size of 450m² on the proposed R2 Low Density Residential zone on Lot 1 DP 597226.

Proposed Amendment No. 3

Amend maps sheet LZN_006C to rezone the small area of R2 Low Density Residential in between the area of RE1 Public Recreation on Lot 3 DP 597226 to RE1 Public Recreation (see Part 4 Mapping).

Amend map sheet LSZ_006C to remove the minimum lot size on the area of land proposed to be zoned RE1 Public Recreation on Lot 3 DP597226.

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 Proposal

1 Resulting from a Strategic Study or Report

This Planning Proposal is not the result of a strategic study or report however; the subject site is identified in the Lower Hunter Regional Strategy (LHRS) and Council's City Wide Settlement Strategy (CCWSS) 2010 as a major priority release area. This Planning Proposal assists in improving the viability of the site through consolidating commercial and recreation land and hence contributes to meeting the population targets outlined in the LHRS and CCWSS. The proposed B2 Local Centre zone is consistent with the Commercial Centre Hierarchy in the CCWSS as discussed in Section B.

2 Planning Proposal as best way to achieve to objectives

The current zoning layout does not provide a consolidated commercial area appropriately zoned or capable of accommodating large development such as a supermarket. The current zoning contains separated commercial and recreational areas.

It is considered that the most appropriate way to achieve the objectives of the Planning Proposal is to amend the land zoning map. This will ensure an area is provided which is suitably zoned and of an appropriate size to accommodate a supermarket. Amending the zoning map also provides consolidated residential and recreation areas through removing the separated small B1 Neighbourhood Centre zone and amending the site to R2 Low Density Residential and rezoning the small area of R2 Low Density Residential land in the southern part of the site to RE1 Public Recreation to be consistent with surrounding zones.

It is necessary to amend that the minimum lot size maps to reflect any zoning amendments which occur.

Section B: Relationship to Strategic Planning Framework

3 *Consistency with Objectives and Actions within Regional Strategies*

Lower Hunter Regional Strategy 2006

The Lower Hunter Regional Strategy identifies Cessnock LGA as a location of substantial residential growth (21,700 dwellings). This Planning Proposal will contribute to the implementation of the housing targets through providing a more efficient and consolidated subdivision layout. The Bellbird North catchment is expected to accommodate approximately 14,000 people.

The consolidated commercial land and rezoning of the Commercial area to B2 Local Centre will provide an area appropriately zoned and of sufficient size to cater for the projected population; providing employment and services close to residential areas.

4 *Consistency with Council's Community Strategic Plan or other Local Strategic Plan*

Community Strategic Plan - Our People, Our Place, Our Future

The Community Strategic Plan (Our People, Our Place, Our Future), was developed by Council following extensive local community consultation. The Plan establishes the following priorities:

1. A connected, safe and creative community
2. A sustainable and prosperous economy
3. A sustainable and healthy environment
4. Accessible infrastructure, services and facilities
5. Civic leadership and effective governance

There are a number of objectives to achieve each of these priorities. The proposal is consistent with a number of priorities and objectives in the Community Strategic Plan.

A connected and safe community

Objective 1.1- Promoting social connections: Relocating the small area of recreational land to the existing larger area of recreation land will increase the opportunities for the provision of walking and bike tracks and create a more manageable recreational area.

A sustainable and prosperous community

Objective 2.1 - Diversifying local business options: Creating a Commercial area appropriately zoned and large enough to accommodate a supermarket will assist in attracting businesses to support the predicted residential growth. The single consistent commercial zoning in the Bellbird North Urban Release Area will provide a commercial area capable of servicing the projected population.

A sustainable and healthy environment

Objective 3.2 - Better utilisation of existing open space: Relocating the small area of recreational land to connect with the existing larger area of recreational land will provide connected open spaces which can be better utilised and are more manageable. Adequate open space is provided throughout the development and Councils Facilities and Recreation Department have advised that they do not object to the proposal.

City Wide Settlement Strategy (2010)

Following the release of the Lower Hunter Regional Strategy in 2006, the Cessnock City Wide Settlement Strategy 2003 was reviewed to coordinate with the Lower Hunter Regional Strategy forming what is now known as the Cessnock City Wide Settlement Strategy 2010. The site is identified in the City Wide Settlement Strategy (2010) (CCWSS) as an area to accommodate future residential growth. The Planning Proposal will facilitate a more efficient layout to contribute to the viability of the development.

The Commercial Centre Hierarchy in the CCWSS was prepared prior to the rezoning of the Bellbird North URA and therefore does not take into account the potential 4000+ new dwellings in Bellbird North. For this reason the Commercial Centres Hierarchy shows Bellbird as a village centre. With the subsequent rezoning of the Bellbird North URA, the Bellbird North catchment is expected to accommodate 14,000 people. According to the Commercial Centres Hierarchy this equates Bellbird North to at least a Neighbourhood Centre (5,000-10,000 people). The introduction of the CLEP 2011 altered the types of zonings available for commercial areas in line with the standard LEP. The proposed B2 Local Centre zone is consistent with the Neighbourhood centre classification in the CCWSS.

The Planning Proposal is consistent with the City Wide Settlement Strategy.

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 1 - Development Standards	The SEPP makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 14 – Coastal Wetlands	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 15 - Rural Land Sharing Communities	The SEPP provides for multiple occupancy development, with council consent, in rural and non-urban zones, subject to a list of criteria in the policy.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 19 – Bushland in Urban Areas	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 21 - Caravan Parks	The SEPP provides for development for caravan parks.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 26 – Littoral Rainforests	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 29 – Western Sydney Recreation Area	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 30 -	The SEPP provides	Nothing in this Planning Proposal

SEPP	Relevance	Consistency and Implications
Intensive Agriculture	considerations for consent for intensive agriculture.	affects the aims and provisions of this SEPP.
SEPP 32 - Urban Consolidation (Redevelopment of Urban Land)	The SEPP makes provision for the re-development of urban land suitable for multi-unit housing and related development.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 33 - Hazardous & Offensive Development	The SEPP provides considerations for consent for hazardous & offensive development.	Nothing in this Planning Proposal affects the aims and provisions 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 affects the aims and provisions of this SEPP.
SEPP 39 – Spit Island Bird Habitat	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 44 - Koala Habitat Protection	This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	The site is predominantly zoned for urban purposes. The proposal involves amendments to zone boundaries. A Fauna Report was undertaken as part of the original rezoning in 2006. The assessment found that one of the ten feed trees listed under schedule 2, <i>Eucalyptus tereticornis</i> , is present on site however it does not exceed 15% of the total number of trees recorded across the study area. Hence, the study site does not meet the definition of Potential Koala Habitat under SEPP 44.
SEPP 47 – Moore Park Showground	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
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 affects the aims and provisions of this SEPP.
SEPP 52 – Farm Dams and Other works in Land and Water Management Plan Areas	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
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.	The site is already zoned for predominantly residential and commercial uses and the proposal is an amendment to the boundaries of these zones. The

SEPP	Relevance	Consistency and Implications
		proposed amendment does not change the fundamentals principals of the original rezoning. It is considered that the land is suitable for residential and commercial development.
SEPP 59 – Central Western Sydney Regional Open Space and Residential	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 62 - Sustainable Aquaculture	The SEPP relates to development for aquaculture and to development arising from the rezoning of land and is of relevance for site specific rezoning proposals.	Nothing in this Planning Proposal affects the aims and provisions 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 affects the aims and provisions of this SEPP.
SEPP 65 - Design Quality of Residential Development	The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
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 affects the aims and provisions of this SEPP.
SEPP 71 – Coastal Protection	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Affordable Rental Housing 2009	The aims of this Policy are as follows: (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-	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.

SEPP	Relevance	Consistency and Implications
	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.	
SEPP Building Sustainability Index: BASIX 2004	The SEPP provides for the implementation of BASIX throughout the State.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Exempt and Complying Development Codes 2008	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.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Housing for Seniors or People with a Disability 2004	The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Infrastructure 2007	The SEPP provides a consistent approach for infrastructure and the provision of services across	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.

SEPP	Relevance	Consistency and Implications
	NSW, and to support greater efficiency in the location of infrastructure and service facilities.	
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP (Kurnell Peninsula) 1989	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Major Development 2005	The SEPP defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition, the SEPP identifies the council consent authority functions that may be carried out by Joint Regional Planning Panels (JRPPs) and classes of regional development to be determined by JRPPs.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
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 affects the aims and provisions of this SEPP.
SEPP Miscellaneous Consent Provisions 2007	The aims of this Policy are as follows: (a) to provide that the erection of temporary structures is permissible with consent across the State, (b) to ensure that suitable provision is made for ensuring the safety of persons using temporary structures, (c) to encourage the protection of the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration, (d) to provide that development comprising the subdivision of land, the erection of a building or the demolition of a building, to the extent to which it does not already	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.

SEPP	Relevance	Consistency and Implications
	require development consent under another environmental planning instrument, cannot be carried out except with development consent.	
SEPP Penrith Lakes Scheme 1989	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Rural Lands 2008	The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts and provides development principles.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 53 Transitional Provisions 2011	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP State and Regional Development 2011	The SEPP aims to identify development and infrastructure that is State significant and confer functions on the Joint Regional Planning Panels (JRPPs) to determine development applications.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP (Sydney Drinking Water Catchment 2011)	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Sydney Region Growth Centres 2006	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP (Three Ports_ 2013	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP (Urban Renewal) 2010	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP (Western Sydney Employment Area) 2009	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP (Western Sydney Parklands) 2009	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>

6 Consistency with s.117 Ministerial Directions for Local Plan Making

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

Table 2: Relevant s.117 Ministerial Directions

Ministerial Direction	Objective of Direction	Consistency and Implication
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Ministerial Direction	Objective of Direction	Consistency and Implication
EMPLOYMENT AND RESOURCES		
Business and Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	The proposal is amending the boundaries of existing commercial zones on the site to provide one consolidated commercial area. The proposal will increasing the area of land zoned commercial and will not impact on the viability of the existing commercial land on site as there will be a single consistent zoning. An Economic Assessment has been submitted with the proposal and is available in Appendix 2. The Economic Assessment found that there is sufficient demand for the increased commercial area and it will not have a negative impact on surrounding commercial areas. The proposal is consistent with this Direction and the Economic Assessment.
Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	The proposal does not affect land zoned Rural. The land subject to this proposal is zoned Residential, Recreational or Business.
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.	The proposal does not impact on land used for mining, petroleum production or extractive industries.
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</i>	<i>Not Applicable to LGA</i>

Ministerial Direction	Objective of Direction	Consistency and Implication
	<i>of oysters and oyster consumers.</i>	
○ 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.	The proposal does not affect land zoned Rural or Environmental. The land subject to this proposal is zoned Residential, Recreational or Business.
• ENVIRONMENT AND HERITAGE		
○ Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	The proposal does not affect land zoned environmental or sensitive environment areas.
○ Coastal Protection	<i>The objective of this direction is to implement the principles in the NSW Coastal Policy.</i>	<i>Not Applicable to LGA</i>
○ 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 has been identified as containing Aboriginal Heritage sites and objects. An Aboriginal Heritage Assessment was undertaken as part of the original rezoning proposal. It was found that Aboriginal Heritage items could be addressed through a DA. This Planning Proposal is not altering the fundamental principles of the original proposal. See Part C for more information.
○ 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.	The proposal does not propose a recreation vehicle area. The proposal is consistent with this direction.
• HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
○ 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 proposal involves amending the zone boundaries of the residential zone on the site. The site is shown as an urban release area on map sheet URA_006C and is covered by clause 6.2 in Councils LEP which requires that the site be serviced, or arrangements made to service the site, prior to development consent being granted.

Ministerial Direction	Objective of Direction	Consistency and Implication
	the environment and resource lands.	
○ 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.	The proposal does not involve caravan parks or manufactured home estates.
○ Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	The proposal contains land zoned R2 Low Density Residential and home occupation is permitted without consent in the zone.
○ 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 (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	The proposal affects zoning boundaries for land zoned Commercial and Residential. The proposal is consistent with the aims, objectives and principals of: a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and b) The Right Place for Business and Services – Planning Policy (DUAP 2001). See Economic Assessment (Appendix 2). The proposal will provide a commercial area close to residential areas. The commercial area will be accessible from bike paths and walking tracks proposed to be included in the development. Having a commercial area close to residents will reduce the dependency on car travel.
○ Development Near Licensed Aerodromes	The objectives of this direction are: (a) to ensure the effective and safe operation of aerodromes, and (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 (c) to ensure development for residential purposes or human occupation, if situated	The proposal does not affect land in the vicinity of an aerodrome.

Ministerial Direction	Objective of Direction	Consistency and Implication
	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.	
○ Shooting Ranges	The objectives are: (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	The proposal does not affect land in the vicinity of a shooting range.
HAZARD AND RISK		
○ Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils	The land is not constrained by Acid Sulfate Soils.
○ 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.	The site is currently zoned for urban purposes. The Mine Subsidence Board has advised Council that the site is not in a Mine Subsidence District and that the Board has no record of mine workings beneath the sites.
○ 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	The site is identified as being flood prone, however the areas of land being rezoned are not subject to flooding. Hydraulic Modelling indicates that 16% of the site is subject to flooding during the 100 year flood; however the areas of land subject to flooding are not affected by this Planning Proposal. See Section C. A flood evacuation plan will need to be developed, in consultation with Council and the SES, for the areas in the Bellbird North Precinct

Ministerial Direction	Objective of Direction	Consistency and Implication
	flood impacts both on and off the subject land.	affected by flooding. This does not affect the areas subject to this Planning Proposal. Detention storage can be provided as part of future development to mitigate the impacts of flooding. The proposed rezoning is minor and the site is currently zoned for urban uses. Flooding on the site will not preclude future residential development and can be addressed as part of a Development Application.
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 site is mapped as bushfire prone. A Bushfire Planning Assessment was undertaken as part of the original rezoning of the site in 2006. The Bushfire Assessment found that a minimum 20m setback is required for residential development adjoining vegetation and that there are no matters in respect to bushfire prone land that preclude development of the site.
REGIONAL PLANNING		
Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes, and actions contained in regional strategies.	The proposal is consistent with the Lower Hunter Regional Strategy. This Planning Proposal will contribute to the implementation of the housing targets through providing a more efficient and consolidated subdivision layout. The consolidated commercial land and proposed rezoning will provide consistent commercial zoning and an area appropriately zoned and sized to cater for the projected population. The proposal will provide employment and services close to residential areas.
Sydney Drinking Water Catchment	<i>The objective of this Direction is to protect water quality in the Sydney drinking water catchment.</i>	<i>Not Applicable to LGA</i>
Farmland of State and Regional Significance on the NSW Far North	<i>The objectives of this direction are:</i> <i>(a) to ensure that the best agricultural land will be available for current and future generations to grow</i>	<i>Not Applicable to LGA</i>

Ministerial Direction	Objective of Direction	Consistency and Implication
Coast	<i>food and fibre,</i> <i>(b) to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and</i> <i>(c) to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.</i>	
Commercial and Retail Development along the Pacific Highway, North Coast	<i>The objectives for managing commercial and retail development along the Pacific Highway are:</i> <i>(a) to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route;</i> <i>(b) to prevent inappropriate development fronting the highway</i> <i>(c) to protect public expenditure invested in the Pacific Highway,</i> <i>(d) to protect and improve highway safety and highway efficiency,</i> <i>(e) to provide for the food, vehicle service and rest needs of travellers on the highway, and</i> <i>(f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</i>	Not Applicable to LGA
Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	(Revoked 18 June 2010)	Not Applicable to LGA
Sydney to Canberra Corridor	(Revoked 10 July 2008. See amended Direction 5.1)	Not Applicable to LGA
Central Coast	(Revoked 10 July 2008. See amended Direction 5.1)	Not Applicable to LGA
Second	The objective of this direction is	Not Applicable to LGA

Ministerial Direction	Objective of Direction	Consistency and Implication
<i>Sydney Airport: Badgerys Creek</i>	<i>to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</i>	
○ <i>North West Rail Link Corridor Strategy</i>	<i>The objectives of this direction are to: (a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL) (b) ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.</i>	<i>Not Applicable to LGA</i>
• LOCAL PLAN MAKING		
○ 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 this Planning Proposal is contrary to the objectives of the Ministerial Direction.
○ Reserving Land for Public Purposes	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 purposes where the land is no longer required for acquisition.	The proposal will remove 9,800m² of RE1 Public Recreation land which will be rezoned to R2 Low Density Residential. 9,108m² of R2 Low Density Residential land will also be rezoned to RE1 Public Recreation. This will result in a net loss of 692m² of RE1 Public Recreation land in the Bellbird North Urban Release Area. It is considered that a loss of 692m² is of minor significance given the significant amount of RE1 Public Recreation land in the Bellbird North Urban Release Area. The areas of land zoned Public Recreation are currently privately owned. The ownership of the recreational zoned land may change as any associated subdivision proceed. The Planning Proposal has been facilitated by Johnson Property Group who own part of the site and have an interest in other parcels. Councils Facilities and Recreation Department have advised that they

Ministerial Direction	Objective of Direction	Consistency and Implication
		do not object to the proposal and that the Bellbird North Urban Release area has a significant oversupply of recreation land.
○ Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The proposal does not involve site specific provisions.
Metropolitan Planning		
○ <i>Implementation of A Plan for Growing Sydney</i>	<i>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i>	<i>Not Applicable to LGA</i>

Section C: Environmental, Social and Economic Impact

7 *Impact on Threatened Species*

The Planning Proposal is considered to have a minor impact on threatened species. The site is already zoned for urban purposes and the impact on flora and fauna was considered as part of the original rezoning. This current Planning Proposal is considered to be a minor variation from the original proposal and is not considered to have any further impact.

8 *Environmental Impact*

A number of environmental studies were prepared as part of the original rezoning and this Planning Proposal is considered to be a minor variation from the original proposal.

Bushfire

Sections of the subject site are bushfire prone. A bushfire assessment was undertaken as part of the original rezoning in 2006. The assessment found that bushfire provisions did not preclude development of the site. Provisions such as a 20m setback and other treatment can be used to address bushfire requirements. This can be addressed as part of a development application. The NSW Rural Fire Service has also been consulted as part of the proposal, see Section D.

Flooding

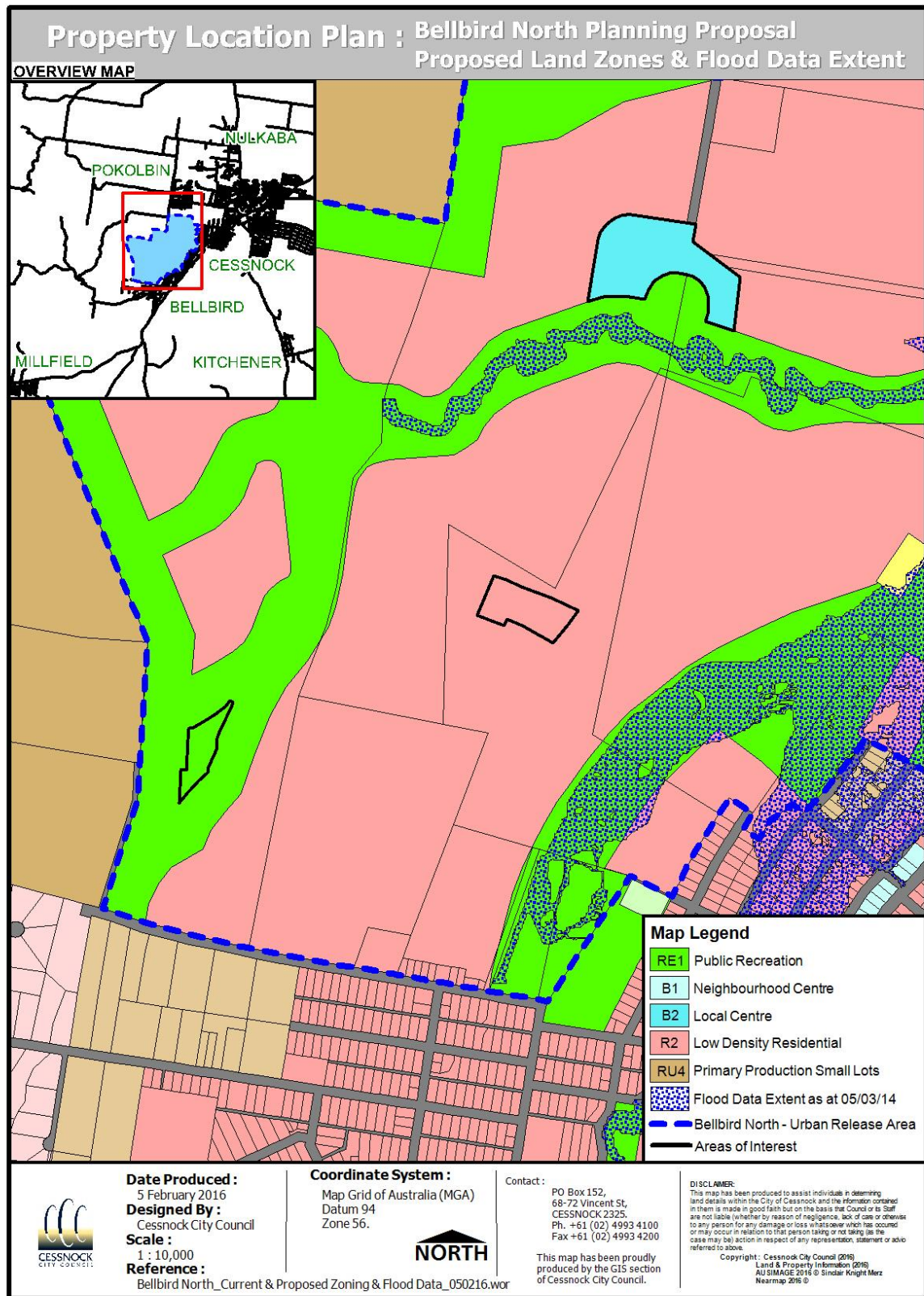
The site is identified as flood prone with 16% of the site subject to inundation during the 100 year flood. However, the areas affected by this Planning Proposal are not subject to flooding, see map 1 which shows the proposed zoning and flood extent. The areas subject to flooding in the Bellbird Urban Release Area are generally located in the RE1 Public recreation areas.

The original rezoning of the site had a Flooding and Stormwater Assessment undertaken. Given that the current proposal is a minor variation of zone boundaries and that the site will continue to be zoned for urban purposes it is considered that the findings and recommendations of the original assessment are still relevant.

The findings from the Flooding and Stormwater Assessment do not preclude future residential development on marginal flood areas so long as further detailed, and site specific, flood analysis is undertaken and appropriate engineering controls are implemented for the management of quality and quantity of local runoff. The results of future flood analysis of possible engineering solutions should indicate negligible impact on the existing flooding environment at, and upstream of the investigation area. Management measures such as detention storage and an evacuation plan can be used on the site to manage the effects of flooding.

The Flood and Stormwater Assessment found that the site is suitable for urban land uses and the site is now predominantly zoned for urban land uses. The current proposal is a minor variation from the original proposal and the site will continue to be zoned for urban land uses.

Map 1: Proposed land zoning and flood data



Flora and fauna

Flora and Fauna Assessments were undertaken as part of the original rezoning. The assessment found that the majority of sites subject to the planning proposal are not identified as containing threatened species or endangered ecological communities and as such the proposal would not have an adverse impact. The area currently zoned R2 Low Density Residential and proposed to be rezoned to RE1 Public Recreation as part of this proposal contains some Lower Hunter Spotted Gum Ironbark Forest. As this area is proposed to be rezoned to a lower intensity land use the proposal should benefit this vegetation.

Heritage

An Aboriginal Heritage Assessment was undertaken as part of the original rezoning proposal. The report identified that artefact scatters were discovered during the field survey. It was found that areas within 100m of the creek line have a high potential for sub-surface deposits, and areas outside this zone a low to moderate potential. The assessment recommends that prior to lodging a development application a Preliminary Research Permit be obtained to undertake archaeological test excavations. Test excavations would determine the nature, extent and significance of aboriginal sites and objects. This can then be used to determine a mitigation plan for future development. The assessment concluded that Aboriginal Heritage did not provide a barrier to the rezoning because potential sites and objects can be managed as part of the DA process. As this Planning Proposal is a minor variation from the original rezoning and as areas near the creek line are not being rezoned to a higher intensity land use it is considered that the original Aboriginal Heritage Assessment is sufficient and that heritage is not a barrier to the potential rezoning.

9 Social and Economic Impacts

The proposal has a positive social and economic impact. Benefits of the proposal include:

- Consolidated and consistently zoned commercial land that will meet the demand from the projected population;
- Providing a suitably sized and appropriately zoned parcel of land that will allow the opportunity for larger development such as a supermarket close to residential areas; and
- More consolidated and manageable recreation land.

Given the significance of the commercial rezoning proposed as part of this proposal an Economic Assessment has been prepared for the proposal and is available in Appendix 2. The Economic Assessment analyses the amount of commercial land needed to cater for the projected population and the impact the proposed commercial area will have on existing commercial areas.

The assessment found that the proposed commercial increase would not have a detrimental impact on the Cessnock commercial area. It was identified that the Cessnock commercial area will provide higher order commercial services that will not be available in the proposed B2 Commercial zone in Bellbird North. The Economic Assessment found that existing businesses in the Bellbird commercial area trade on location, exposure, customer loyalty and convenience. These advantages are likely to continue for the existing Bellbird commercial area.

This Planning Proposal proposes to expand the commercial centre by rezoning 1.64ha of R2 Low Density Residential land adjoining the existing commercial area, along with the exiting B1 Neighbourhood Centre area to B2 Local Centre (Figure 4). The proposal will result in approximately 42,580m² of B2 Local Centre zoning which is consistent with the findings of the Economic Assessment. The assessment found that there was sufficient demand for the

increased commercial area based on the projected population and catchment in the Bellbird North precinct.

The Bellbird Masterplan has provided for approximately 4,000 dwellings and a project population in the catchment of 14,580. Based on this projected population the commercial centre is at least a Neighbourhood Centre in accordance with the Commercial Centres Hierarchy in the Cessnock City Wide Settlement Strategy 2010 (further detail is Section B Part 4).

Section D: State and Commonwealth Interests

10 Adequate Public Infrastructure

The proposal is not considered to have any additional impact on existing infrastructure. Consolidating the commercial zone will provide a more accessible point for public transport.

11 Consultation with State and Commonwealth Authorities

Council proposed to consult with:

- **Roads & Maritime Service (RMS):** The original proposal for the Bellbird North Urban Release area was referred to RMS. The increase in area zoned commercial and amendment to the zoning from B1 Neighbourhood Centre to B2 Local Centre may alter the traffic volume in the development and the key roads around the area.
- **Office of Environment and Heritage:** The original proposal for the Bellbird North Urban Release area was referred to the Office of Environment and Heritage. The area currently zoned R2 Low Density Residential and proposed to be rezoned to RE1 Public Recreation, as part of this proposal, contains some Lower Hunter Spotted Gum Ironbark Forest and hence it was proposed to consult with the Office of Environment and Heritage.
- **Department of Education and Training:** The original proposal for the Bellbird North Urban Release area was referred to the Department of Education and Training. A school was originally proposed to be adjoining the small area of RE1 Public Recreation in the southern portion of the site (the area proposed to be rezoned to R2 Low Density Residential). The proposed site for the school has since changed location, however it is considered that the Department of Education and Training should be consulted given their involvement in the original proposal and existing area of RE1 Public Recreation.
- **Hunter Water:** The original proposal for the Bellbird North Urban Release area was referred to Hunter Water. The Planning Proposal will slightly alter the layout of residential and commercial land and it is considered that Hunter Water should be advised of this to inform their future planning and provide any necessary comments.
- Any other authority specified in the Gateway Determination.

The Gateway Determination issued on 18 December 2015 required Council to consult with:

- Mine Subsidence Board
- NSW Rural Fire Service

The Mine Subsidence Board and NSW Rural Fire Service were provided with access to the Planning Proposal and other relevant information and given at least 21 days to comment on the proposal. The following response was provided:

- **Mine Subsidence Board:** Advised that the site is not in a Mine Subsidence District and that the Board has no record of mine workings beneath the sites.
- **NSW Rural Fire Service:** The RFS advised the following in relation to each area-
 - Area 1: The RFS raised no objection to the proposed modification of the zoning. The RFS advised that the site is currently not mapped as bushfire prone land however future development will need to consider any potential bushfire hazard to the south created by a re-vegetated riparian corridor within the adjoining RE1 Public Recreation land. Future Development should address the aims and objectives of *Planning for Bushfire Protection 2006* including, providing appropriate separation between the hazard and the

building to prevent flame contact and material ignition in combination with other bushfire protection measures.

- Area 2: The RFS raised no objection to the proposed modification of the zoning.
- Area 3: The RFS supports the proposed modification to the zoning.

PART 4: MAPPING

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

Land Zone Map

The amendment of Land Zoning Map Sheet LZN_006C through the following:

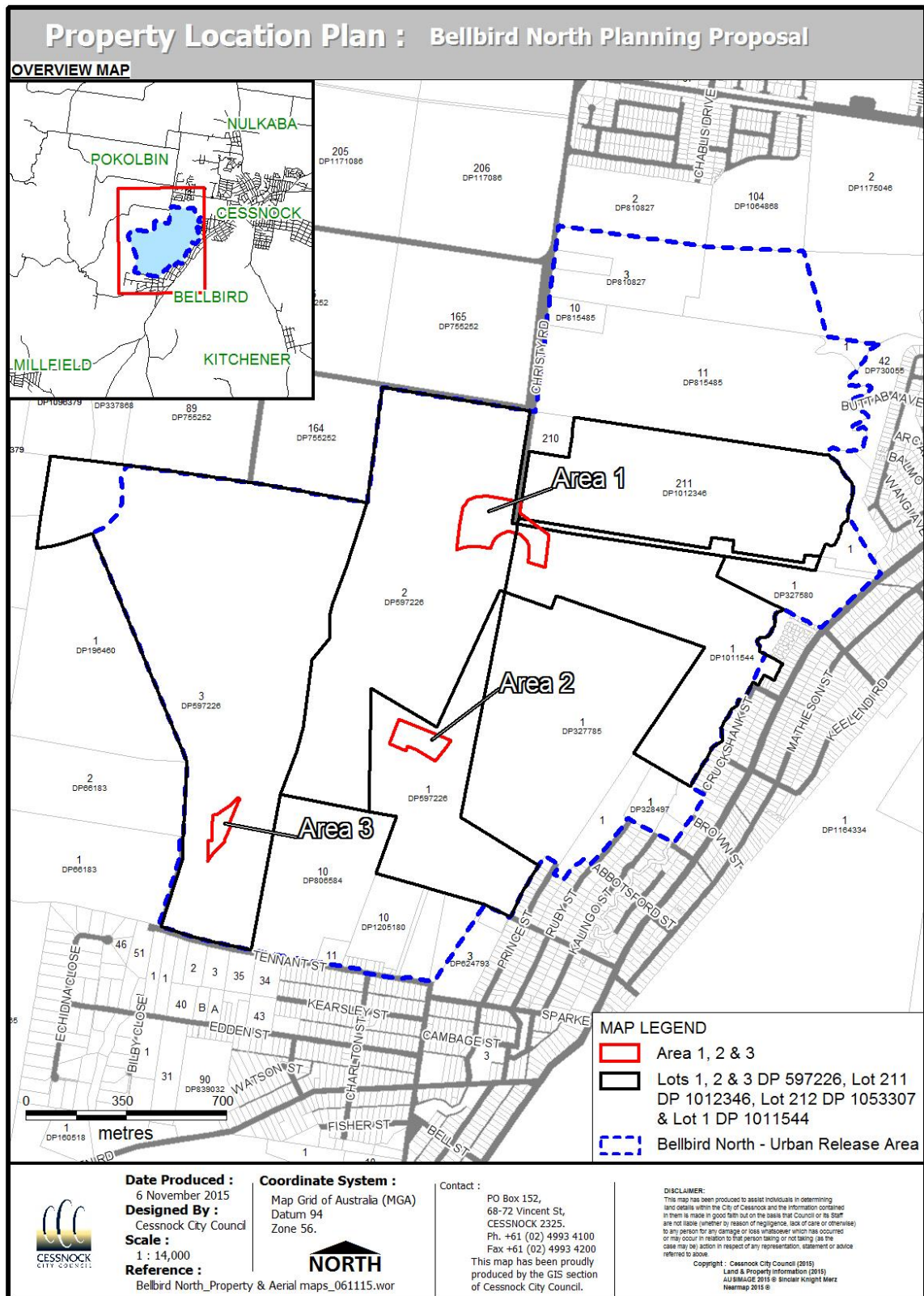
- Amend map sheet LZN_006C to rezone part of the R2 Low Density Residential zone (1.64ha) and the existing B1 Neighbourhood Centre zone to B2 Local Centre on Lot 2 DP 597226, LOT 1 DP 1011544, LOT 211 DP 1012346 and LOT 212 DP 1053307.
- Amend map sheet LZN_006C to rezone the small existing B1 Neighbourhood Centre zone and adjoining RE1 Public Recreation zone on Lot 1 DP 597226 to R2 Low Density Residential.
- Amend maps sheet LZN_006C to rezone the small area of R2 Low Density Residential in between the area of RE1 Public Recreation on Lot 3 DP 597226 to RE1 Public Recreation.

Lot Size Map

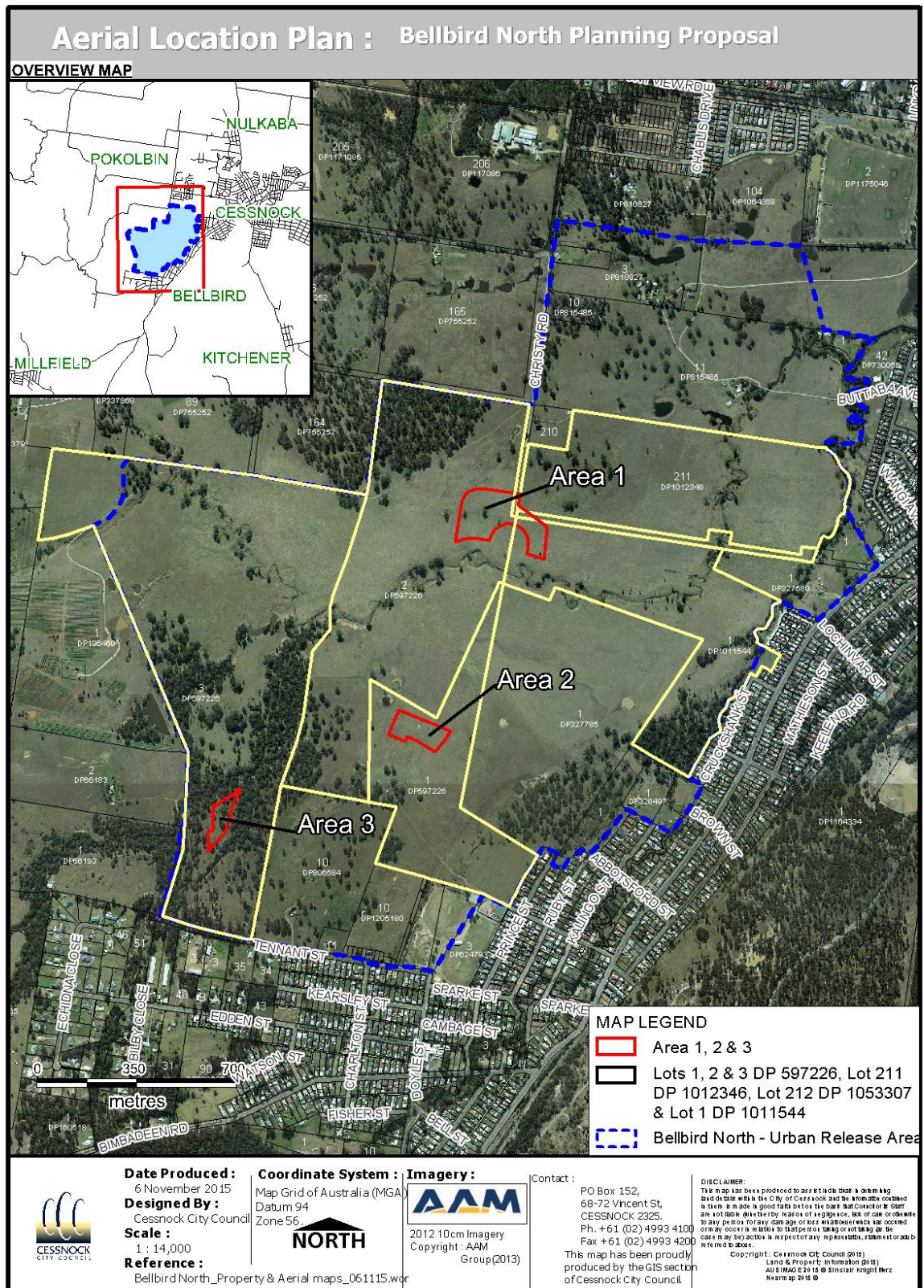
Corresponding amendments to the minimum lot size maps are also required to reflect the proposed zoning amendments.

- Amend map sheet LSZ_006C to remove the minimum lot size on the area of land proposed to be zoned B2 Local Centre on Lot 2 DP 597226, LOT 1 DP 1011544, LOT 211 DP 1012346 and LOT 212 DP 1053307.
- Amend map sheet LSZ_006C to allow a minimum lot size of 450m² on the proposed R2 Low Density Residential zone on Lot 1 DP 597226.
- Amend map sheet LSZ_006C to remove the minimum lot size on the area of land proposed to be zoned RE1 Public Recreation on Lot 3 DP597226.

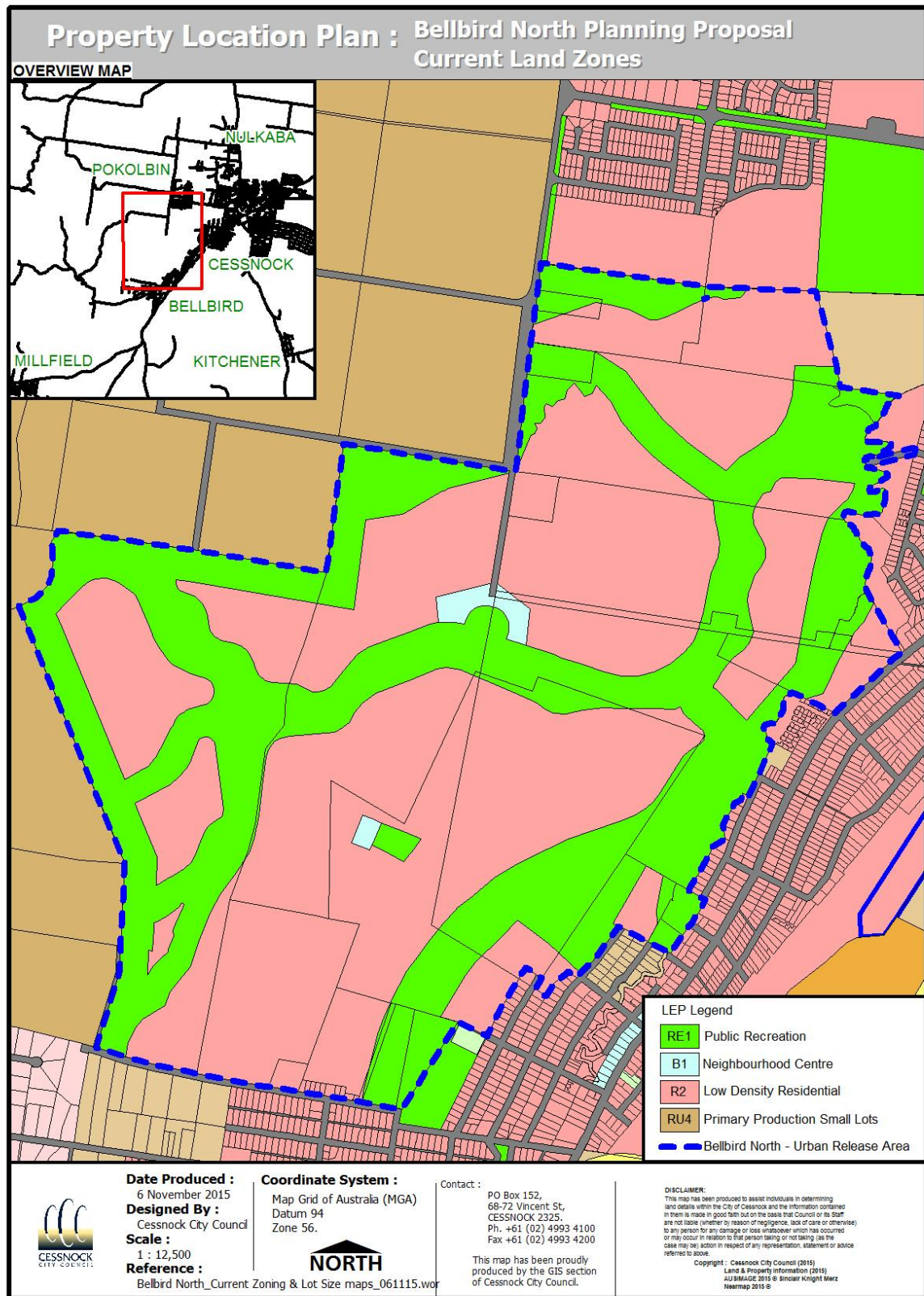
Map 2: Location Map



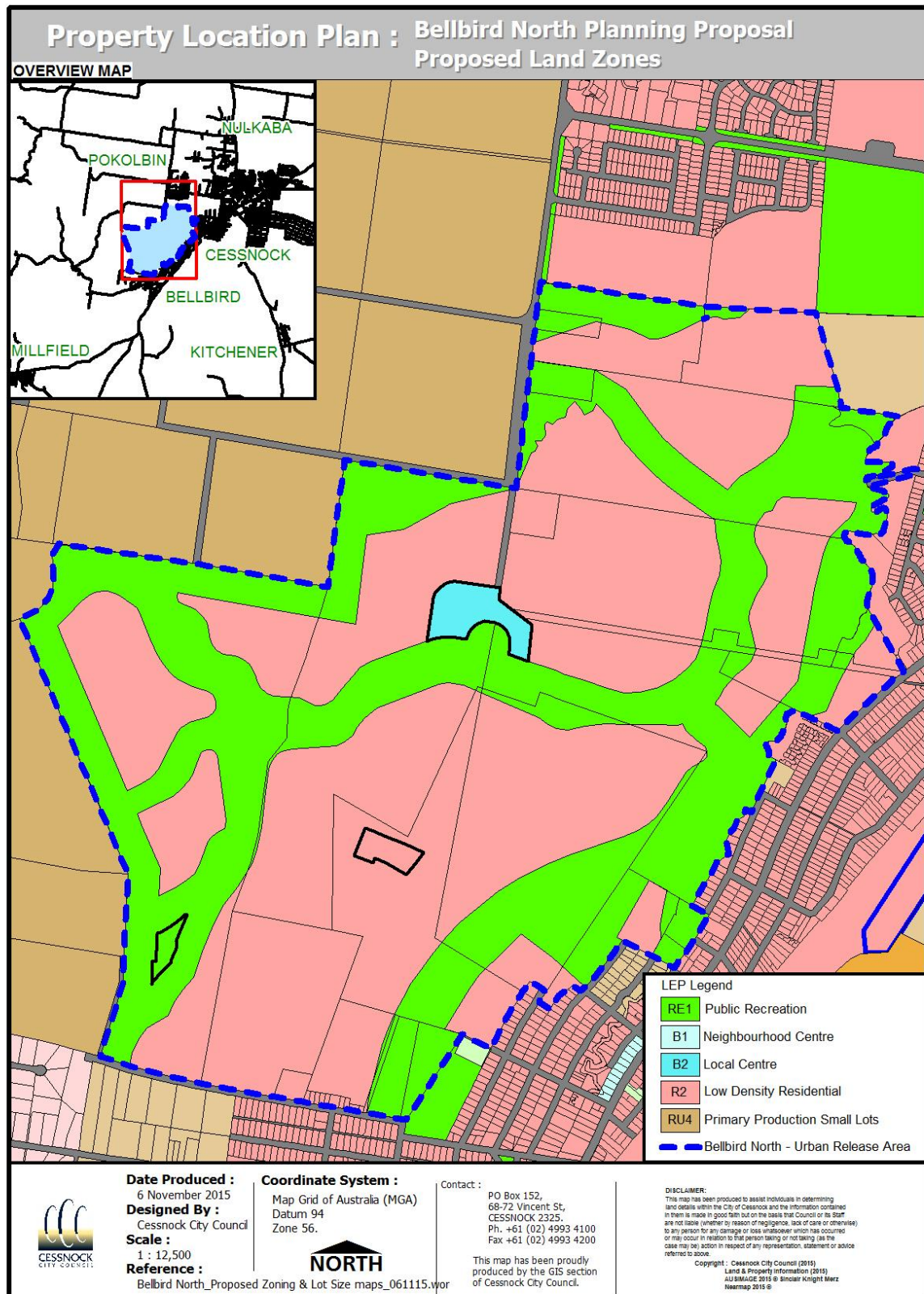
Map 3: Aerial Location Map



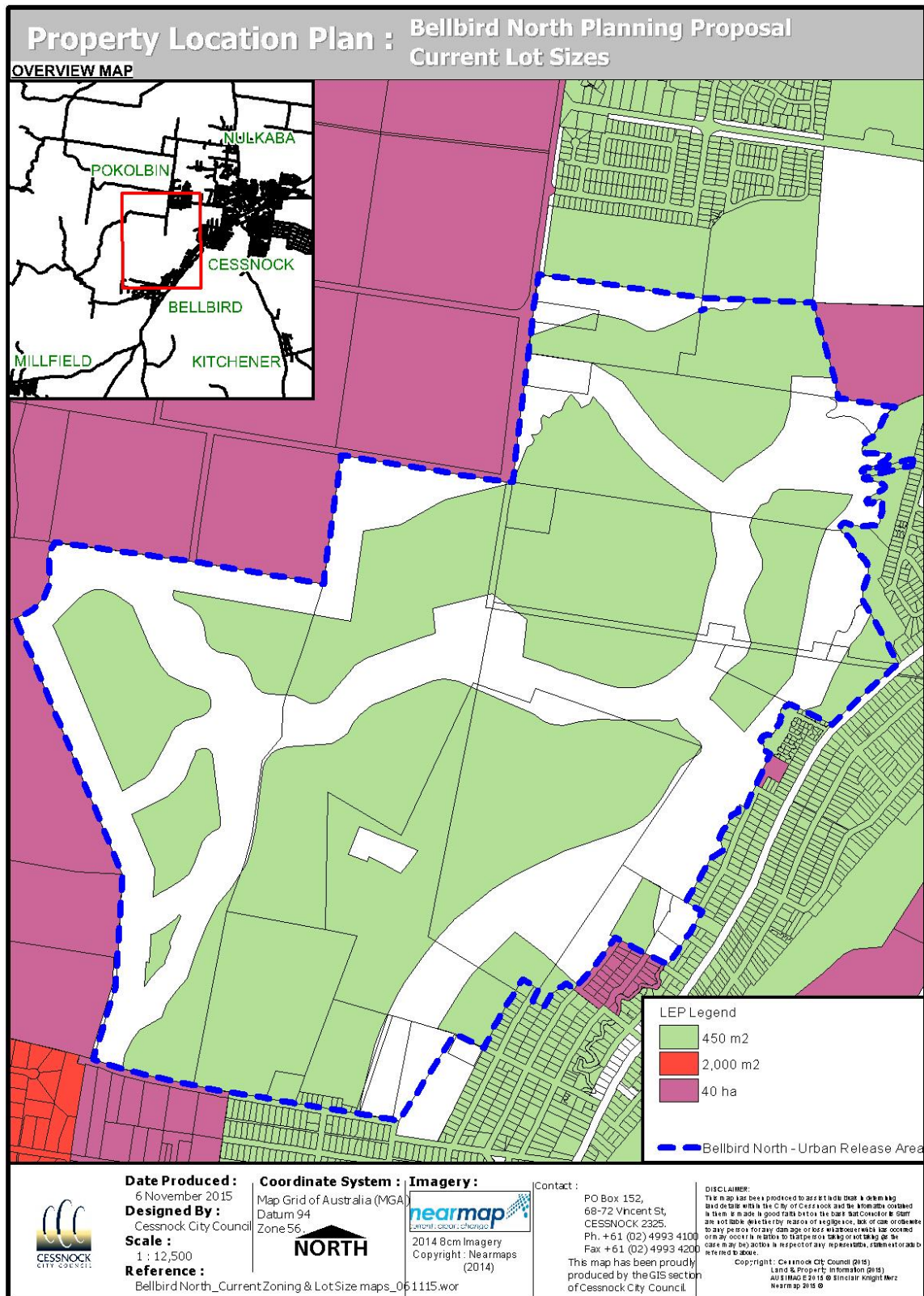
Map 4: Current Zoning



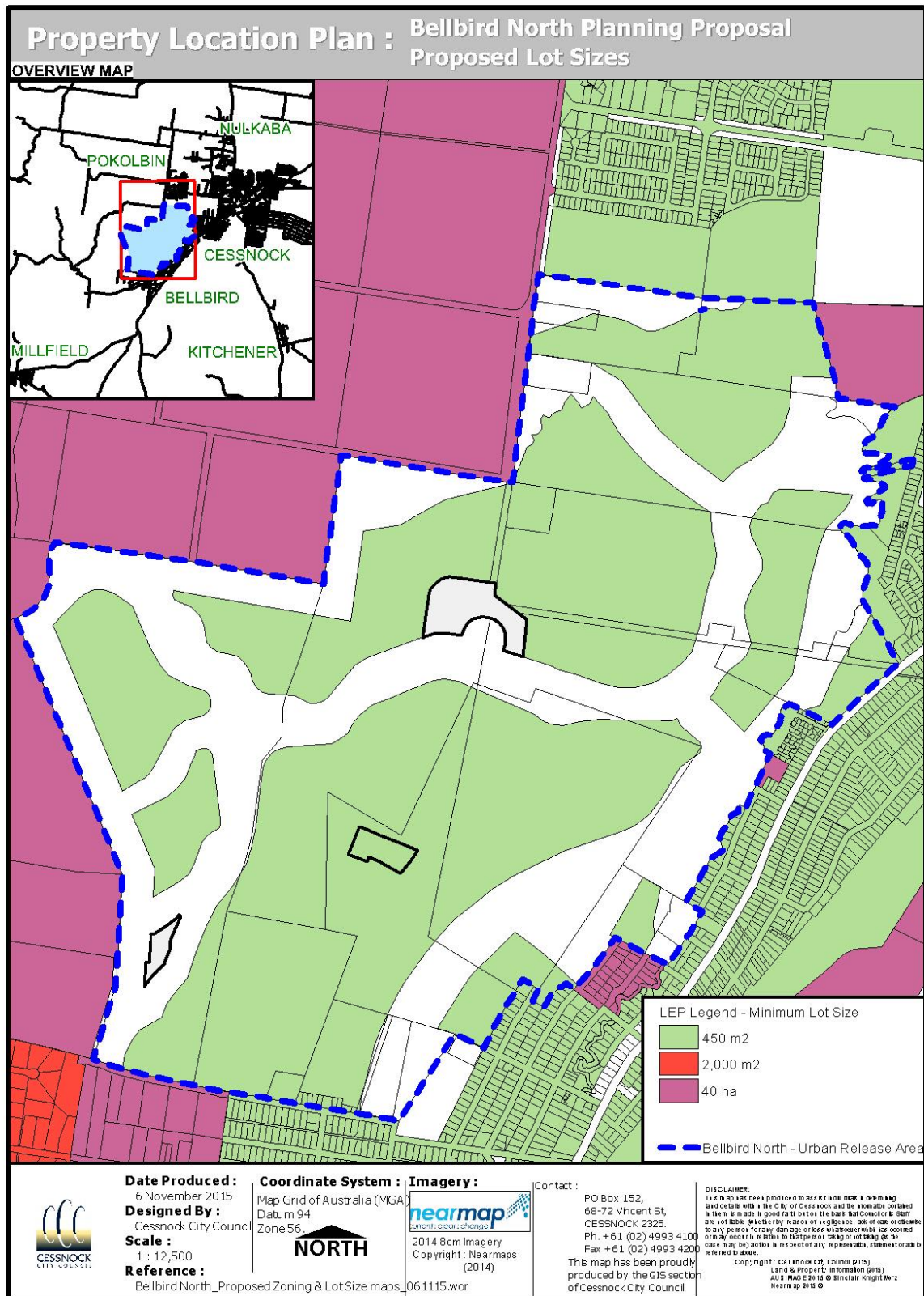
Map 5: Proposed zoning



Map 6: Current Lot Size map



Map 7: Proposed Lot Size map



PART 5: COMMUNITY CONSULTATION

Community consultation was undertaken as directed in the Gateway Determination. The proposal was exhibited for a period of 28 days.

The Planning Proposal was publically exhibited between 17 February 2016 and 16 March 2016 at the following locations:

- Notification in the Cessnock Advertiser, which is the locally circulating newspaper in the LGA;
- Hard copy display at Council's Administration Building and at Cessnock and Kurri Kurri Public Libraries;
- Web based notification on Council's website at www.cessnock.nsw.gov.au; and
- Notification to property owners directly affected by a land use zone amendment.

No submissions were received.

PART 6: PROJECT TIMELINE

The project is expected to be completed within nine (9) Months from the Gateway Determination. The following timeframe is proposed:

Task	Timeframe								
	Dec 2015	Jan 2016	Feb 2016	Mar 2016	Apr 2016	May 2016	June 2016	July 2016	Aug 2016
Stage1: Submit to DoP&E request Gateway determination									
Stage 2: Receive Gateway determination									
Stage 3: Prepare outstanding studies									
Stage 4: Consult with required State Agencies									
Stage 5: Public exhibition									
Stage 6: Review submissions and prepare report to Council									
Stage 7: Report to Council									
Stage 8: Plan made									

Appendix 1: Council Report and Minutes

Appendix 2: Economic Impact Assessment
