

### Speers Point Quarry

Proposal Title : **Speers Point Quarry**

Proposal Summary : **To rezone a disused quarry site and surrounds from Industrial, Rural and Conservation zones to Residential (11ha) and Conservation (69ha).**

PP Number : **PP\_2012\_LAKEM\_009\_00**

Dop File No : **12/13530**

### Proposal Details

Date Planning : **20-Aug-2012**

Proposal Received :

LGA covered : **Lake Macquarie**

Region : **Hunter**

RPA : **Lake Macquarie City Council**

State Electorate : **LAKE MACQUARIE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

### Location Details

Street : **1A Raymond Street**

Suburb : **Speers Point**

City :

Postcode : **2284**

Land Parcel : **Lot 1 DP 557315 and part of Lot 21 DP 790637**

### DoP Planning Officer Contact Details

Contact Name : **James Shelton**

Contact Number : **0249042713**

Contact Email : **james.shelton@planning.nsw.gov.au**

### RPA Contact Details

Contact Name : **Gabriele Calcagno**

Contact Number : **0249210509**

Contact Email : **gcalcagno@lakemac.nsw.gov.au**

### DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

### Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub : **Lower Hunter Regional**

Consistent with Strategy : **Yes**

Regional Strategy : **Strategy**

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|                        |              |                                                      |                    |
|------------------------|--------------|------------------------------------------------------|--------------------|
| MDP Number :           |              | Date of Release :                                    |                    |
| Area of Release (Ha) : | <b>11.00</b> | Type of Release (eg Residential / Employment land) : | <b>Residential</b> |
| No. of Lots :          | <b>150</b>   | No. of Dwellings (where relevant) :                  | <b>175</b>         |
| Gross Floor Area :     | <b>0</b>     | No of Jobs Created :                                 | <b>0</b>           |

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? **No**

If Yes, comment :

### Supporting notes

Internal Supporting Notes : **Reuse of the former privately owned quarry site for residential purposes is a logical decision considering proximity to surrounding residential areas and the LES supports this step. Zoning the remaining land as Conservation will add to the existing environmental corridor in this locality and will safeguard the important ridge line of Munibing Hill.**

**The rezoning is consistent with previous study over the former heavy industrial area (Pasminco) that included this site.**

External Supporting Notes :

## Adequacy Assessment

### Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives state the proposal clearly wants to zone the former quarry as residential and the remaining land conservation.**

### Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions provides clear instructions for the above objectives to be achieved via mapping amendments. It also includes mapping amendments that will transition the PP into the Template LEP (zone, lot size & building height).**

### Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

\* May need the Director General's agreement

**1.1 Business and Industrial Zones**

**1.2 Rural Zones**

**1.3 Mining, Petroleum Production and Extractive Industries**

**3.1 Residential Zones**

**3.4 Integrating Land Use and Transport**

**4.1 Acid Sulfate Soils**

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### 4.2 Mine Subsidence and Unstable Land

### 4.4 Planning for Bushfire Protection

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

**SEPP No 19—Bushland in Urban Areas**

**SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)**

**SEPP No 55—Remediation of Land**

**SEPP No 71—Coastal Protection**

**SEPP (Exempt and Complying Development Codes) 2008**

**SEPP (Housing for Seniors or People with a Disability) 2004**

**SEPP (Infrastructure) 2007**

**SEPP (Mining, Petroleum Production and Extractive Industries) 2007**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

### Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Adequate - both existing 2004 LEP and SI Template Maps provided.**

### Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **28 Days**

### Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

### Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

## Proposal Assessment

### Principal LEP:

Due Date : **December 2012**

Comments in relation to Principal LEP : **Council is to submit the S.68 Report to the Department by Dec 2012.**

### Assessment Criteria

Need for planning proposal : **Council commenced the preparation of an LES in 2010 for the site and its surrounds. The LES concludes the site is suitable for reuse of residential and conservation purposes. The Council support this recommendation.**

**The PP will result in much needed infill housing sites in Lake Macquarie.**

Consistency with  
strategic planning  
framework :

#### **LOWER HUNTER REGIONAL STRATEGY**

This site was too small to be specifically identified in the LHRS. The proposal is however consistent with the intentions of the LHRS in providing infill opportunities close to centres etc. The loss of potential employment lands is considered separately in this report (s. 117 Direction 1.1).

#### **LOWER HUNTER REGIONAL CONSERVATION PLAN**

The PP is consistent with this Plan. The proposal to zone most of the site to conservation will add certainty to the role of the existing Munibung Hill Reserve as one of the major large and intact reserves in the north western end of the Lake.

#### **LOCAL STRATEGIES**

The PP is consistent with Council's Life Style 2020 local strategy. PP was assessed against the main planning principles of the strategy and found to be consistent. These principles include:

- A city response to its environment
- A well serviced and equitable city
- A well designed and livable city
- A city of progress and prosperity
- An easily accessible city.

The proposed planning outcomes are also consistent with the recommendations of the Munibung Hill Land Use Strategy (2005).

#### **STATE ENVIRONMENTAL PLANNING POLICIES**

The following SEPP's apply. The PP is consistent with their intended outcomes.

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability)

SEPP (Affordable Rental Housing)

SEPP 19 - Bushland in Urban Areas

SEPP 32 - Urban Consolidation

SEPP 71 - Coastal Protection

SEPP (Infrastructure) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP - BASIX

SEPP 55 - Remediation of Land. Whilst the PP is consistent with this SEPP, it is worth noting that a preliminary contamination report has been prepared as part of the EIS. Lead contaminants above safe levels were found and it is recommended that a detailed contaminated site investigation and remedial action plan be undertaken on the site. This can be undertaken as part of any future DA over the site.

#### **117 DIRECTIONS**

##### **1.1 Business and Industrial Zones**

The PP is inconsistent with this Direction as it rezones existing industrial land. The inconsistency is justified by a local study that considered this site within the wider area of the proposed redevelopment of the former Pasminco and Incitec Pivot - Heavy Industrial area. The rezoning of the majority of the site has recently been completed by zoning areas of Residential, Business, Mixed Use and Industrial.

The site is isolated from other employment nodes, surrounded by bushland and existing residential areas and is in an elevated position. The strategy recommends this site be used for residential purposes.

The PP seeks the DG's concurrence that the inconsistency is justified by the

abovementioned study.

#### 1.2 Rural Zones

The site contains a small area of rural zoned land. The PP seeks the DG's concurrence that the inconsistency is justified as it is considered of minor significance.

#### 1.3 Mining, Petroleum Production and Extractive Industries

The site proposes to rezone an disused quarry. Consultation with DPI was undertaken to determine the signifance of the remaining extractive resource. The response confirmed that the quarry is not regionally significant and not included in the latest version of the Mineral Resource Audit for the Region. DPI do not object to the PP progressing, hence the PP is consistent with this Direction.

The following additional 117 Directions were also assessed and the PP is considered to be consistent with these:

#### 2.1 Environmental Protection Zones

#### 2.2 Coastal Protection Zones

#### 2.3 Heritage Conservation

#### 3.1 Residential Zones

#### 3.4 Integrating Land Use and Transport

#### 4.1 Acid Sulphate Soils

#### 4.2 Mine Subsidence and Unstable Land

#### 4.4 Planning for Bushfire Protection

Environmental social  
economic impacts :

An appropriate reuse of this site. Council's Net Community Benefit Test and LES concludes that the site is suitable for this proposed development. Impacts are both acceptable and manageable.

A preliminary contamination report has been prepared as part of the EIS. Lead contaminants above safe levels were found and it is recommended that a detailed contaminated site investigation and remedial action plan be undertaken on the site. This can be undertaken as part of any future DA over the site.

### Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 Month** Delegation : **DG**

Public Authority  
Consultation - 56(2)(d)

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

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If Other, provide reasons :

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **Existing urban (Industrial) zone to another urban use.**

## Documents

| Document File Name                                                             | DocumentType Name        | Is Public |
|--------------------------------------------------------------------------------|--------------------------|-----------|
| Planning Proposal - Speers Point Quarry.pdf                                    | Proposal                 | Yes       |
| Covering letter - Speers Point Quarry.pdf                                      | Proposal Covering Letter | Yes       |
| Agency responses - Speers Point Quarry.pdf                                     | Proposal                 | Yes       |
| Council report - Draft LEP Amendment Speers Point Quarry.pdf                   | Proposal                 | Yes       |
| Council resolution - Draft LEP Amendment Speers Point Quarry.pdf               | Proposal                 | Yes       |
| Trade & Investment letter - Speers Point Quarry.pdf                            | Proposal                 | Yes       |
| 26292-Final LES-23-12-11.RD.pdf                                                | Study                    | Yes       |
| 1.Appendix 1.Agency responses130710.pdf                                        | Study                    | Yes       |
| 2.Appendix 2 .Final Constraints & Opportunities Report-1-2-11.pdf              | Study                    | Yes       |
| Appendix 3 - Visual Assessment Report.pdf                                      | Study                    | Yes       |
| 4.Appendix 4.Complete Speers Point cultural heritage report 27 5 2010.pdf      | Study                    | Yes       |
| 5.Appendix 5.Flooding & Drainage Assessment (Final Jan 2011).pdf               | Study                    | Yes       |
| 6.Appendix 6. 26292-Bushfire Threat Assessment_22-7-10.pdf                     | Study                    | Yes       |
| Appendix 7 Limited Geotechnical Report.pdf                                     | Study                    | Yes       |
| 8.Appendix 8.Traffic.Impact.Assessment_160610.pdf                              | Study                    | Yes       |
| 9.Appendix 9.Servicing Report_160610.pdf                                       | Study                    | Yes       |
| 10.Appendix 10 Speers Point Social and Economic Impact May 2011_pmkh.RD.V2.pdf | Study                    | Yes       |
| Addendum s.117 Direction 1.1 Business and Industrial Zones.pdf                 | Proposal                 | Yes       |
| Pasminco Munibung Hill Land Use Strategy.pdf                                   | Study                    | Yes       |

## Planning Team Recommendation

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

- S.117 directions:
- 1.1 Business and Industrial Zones**
  - 1.2 Rural Zones**
  - 1.3 Mining, Petroleum Production and Extractive Industries**
  - 3.1 Residential Zones**
  - 3.4 Integrating Land Use and Transport**
  - 4.1 Acid Sulfate Soils**
  - 4.2 Mine Subsidence and Unstable Land**
  - 4.4 Planning for Bushfire Protection**

Additional Information : **The Planning Proposal should proceed subject to the following conditions:**

- 1. 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**

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exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

2. No specific consultation is required with public authorities under section 56(2)(d) of the EP&A Act:

3. 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).

4. The Director General's concurrence for the inconsistency with s.117 Directions 1.1 - Business and Industrial zones is granted as it is justified by a local strategy.

5. The Director General's concurrence for the inconsistency with s.117 Directions 1.2 - Rural zones is granted as it is considered to be of minor significance.

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

Supported by an LES, consistent with local strategies and the Lower Hunter Regional Strategy. An appropriate reuse of a former quarry site with positive and manageable social, economic and environmental outcomes.

Signature:

 for Monica Gibson

Printed Name:

James Shelton

Date:

7/9/12