

City Strategy Committee Meeting 9 November 2015

15STRAT059 Planning Proposal to Rezone Land For North Cooranbong School Site

Council Ref: RZ/6/2015 - D07575113
Report By: Senior Strategic Landuse Planner - Matthew Hill

Précis:

In December 2008, the State Government approved the North Cooranbong State Significant Site rezoning proposal. This included an area zoned SP2 Infrastructure to accommodate a school. Under a State Voluntary Planning Agreement, a three-hectare (ha) school site is to be dedicated to the Department of Education and Communities (DEC) upon the creation of the 900th residential lot within the North Cooranbong estate.

During the subdivision design phase, survey work has shown that the parcel of land zoned SP2 Infrastructure, has an area of 2.72ha, and that additional land, zoned R2 Low Density Residential, will need to be included to ensure the school site is a satisfactory size. In doing so, the school site would have a split zoning.

The Planning Proposal seeks to rectify this anomaly. The preferred course of the proponent and DEC is to rezone the whole site to R2 Low Density Residential, which is consistent with the zone applying to adjoining land. This is also in accordance with current practice in terms of establishing prescribed zones for the purposes of *State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)*.

Recommendation:

Council:

- A. Supports the preparation of a Planning Proposal to amend *Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)* to rezone part of Lot 2 Sec 6 DP 3533, Lot 7 Sec 6 DP 3533, and Lot 2 DP 1206864, North Cooranbong from SP2 Infrastructure to R2 Low Density Residential (see Attachment 1).
- B. Requests a Gateway determination from the Department of Planning and Environment, pursuant to the *Environmental Planning and Assessment Act (EP&A Act) 1979*, in relation to the Planning Proposal.
- C. Requests the use of delegations in respect of the Minister for Planning's plan making function under section 59 of the *EP&A Act 1979* for the Planning Proposal.
- D. Undertakes consultation with State Government agencies and service authorities in accordance with the Gateway determination.
- E. Places the Planning Proposal on public exhibition in accordance with the Gateway determination.
- F. Makes the Plan provided no objections are received during the public exhibition period.

Background:

The North Cooranbong Concept Plan was approved in December 2008 through the *State Environmental Planning Policy (Major Projects) 2005*. The North Cooranbong State

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Significant Site comprises approximately 350ha of urban release land, which is planned to accommodate approximately 2,500 dwellings, commercial, recreation, and conservation lands, as well as land for a school.

A State Voluntary Planning Agreement relating to the project outlines the dedication of a 3ha to DEC for a school site. The subdivision design phase, relating to the school site and its surrounds, has found the land zoned SP2 Infrastructure, for the purpose of accommodating the school, is 2.72ha. Additional land, zoned R2 Low Density Residential, will need to be included to ensure the school site is a satisfactory size. In doing so, the school site would have a split zoning.

In 2010, the Department of Planning issued *LEP Practice Note – Zoning for Infrastructure in LEPs*. A core principle of the Practice Note is that land zoned for schools should have the same zone as adjacent lands. This avoids the need for a spot rezoning when infrastructure expands, is realigned, becomes redundant, or is otherwise redesigned.

The Practice Note states '*it is unnecessary to set aside land to be zoned 'special use' for a new school. Public schools are automatically permitted within residential and business zones under the Infrastructure SEPP*'. For the North Cooranbong school site, this means adopting the R2 Low Density Residential zone instead of the SP2 Infrastructure zone, which is supported by DEC.

Proposal:

The purpose of the Planning Proposal is to rezone the subject land from SP2 Infrastructure to R2 Low Density Residential to be consistent with the Practice Note and to provide flexibility in accommodating the orientation of the 3ha school site to be dedicated to DEC.

Consultation:

The Planning Proposal was considered by Council's Rezoning Advisory Panel with no objections being raised. DEC has also provided a letter, which outlines its requirements. This includes dedication of the 3ha school site upon creation of the 900th residential lot and zoning the land in accordance with the *Practice Note – Zoning for Infrastructure in LEPs*.

Implications:

Policy Implications:

Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)

The nature of the Planning Proposal is administrative only. It will rezone the subject land under *LMLEP 2014* from SP2 Infrastructure to R2 Low Density Residential. This is a prescribed zone for the purposes of the *Infrastructure SEPP* for an Educational Establishment.

The Planning Proposal is not intended to change the resulting use of the land or the built form. The State Voluntary Planning Agreement will ensure that the subject land is dedicated to DEC upon the creation of the 900th residential lot in the North Cooranbong estate.

Lifestyle 2030 Strategy

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.

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The subject land is within an intensification corridor that is continuing to experience growth and development. The school will contribute to meeting the needs of this growing community.

Lower Hunter Regional Strategy (LHRS)

The primary purpose of the LHRS 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 until 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 administrative only. Given the school site has been approved through the Concept Plan and associated State Voluntary Planning Agreement, the Planning Proposal will not alter the development proposed on the site.

Lake Macquarie Development Control Plan 2014 – Area Plan – North Cooranbong Precinct

The Area Plan carries the Concept Plan approval into Council's Development Control Plan. The Planning Proposal will facilitate the delivery of the school site, which is consistent with the Area Plan.

State Environmental Planning Policies (SEPPs)

Assessment of the relevant SEPPs has been undertaken as contained in the Planning Proposal (see Attachment 1).

Ministerial Directions

Assessment of the relevant Ministerial Directions has been undertaken as contained in the Planning Proposal (see Attachment 1).

Environmental Implications:

Environmental implications associated with the development of the subject land were assessed under the major project approval for North Cooranbong, with the land zoned under the *SEPP (Major Projects) 2005*. Rezoning the school site will not alter the proposed use of the land.

Social Implications:

The Planning Proposal will facilitate the dedication of land for the purpose of a school, which will serve the growth of the North Cooranbong community.

Infrastructure Asset Implications:

Infrastructure servicing was assessed under the major project approval. The Planning Proposal will not alter the proposed use under the approved Concept Plan for the subject land.

Financial Implications:

There are no major financial implications resulting from the Planning Proposal. The proponent will be required to enter into a standard LEP Amendment Agreement with Council following submission of the Planning Proposal for a Gateway determination, which requires the applicant to pay the LEP Amendment costs in accordance with Council's fees and charges.

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Risk and Insurance Implications:

The risk associated with preparing a Planning Proposal is minimised by following the process outlined in the *Environmental Planning & Assessment Act 1979*, the *Environmental Planning & Assessment Regulation 2000*, and Council's LEP Amendment Procedure.

Options:

1. Council supports the Planning Proposal and adopts the recommendation to pursue an amendment to *Lake Macquarie Local Environmental Plan 2014* to rezone the subject land. This is the recommended option.
2. Council does not support the Planning Proposal and ceases the process.

Conclusion:

The Planning Proposal seeks an amendment to *Lake Macquarie Local Environmental Plan 2014* to rezone the subject land. The rezoning will facilitate the dedication of 3ha to DEC for the purpose of establishing a school. It is recommended that Council support the Planning Proposal to rezone the subject land.

Manager - Integrated Planning - Sharon Pope

Attachments:

1. Planning Proposal - North Cooranbong School Site Rezoning D07591229