

Cessnock Local Environmental Plan 2011 - Ruby Street, Bellbird spot rezoning and amending residential land use tables

Proposal Title : Cessnock Local Environmental Plan 2011 - Ruby Street, Bellbird spot rezoning and amending residential land use tables

Proposal Summary : The planning proposal will determine whether it is appropriate to:-

1. rezone part of Lot 1 DP327785 Ruby Street, Bellbird from RE1 Public Recreation and R2 Low Density Residential to SP2 Infrastructure to permit a water recycling facility. Council advises that the land zoned RE1 Public Recreation has not been dedicated so it does not need to be reclassified.

2. permit with consent the group term 'sewerage systems' in the R2 Low Density, R3 Medium Density and R5 Large Lot Residential zones and the group term 'water supply systems' in the R2 Low Density and R5 Large Lot Residential zones to facilitate the provision of utility infrastructure.

Council has verbally requested that the Gateway determination requires Council to correct a mapping error caused by Amendment No.8 on the additional permitted use map (1720_COM_APU_005_080_20140226). The amending map will correctly identify the local government boundary between Cessnock and Singleton. This map amendment was originally included as part of Amendment No.14 but was left out of the notification request/gazettal.

PP Number : PP_2015_CESSN_002_00

Dop File No :

15/03947

Proposal Details

**Date Planning
Proposal Received :** 26-Feb-2015

LGA covered : Cessnock

Region : Hunter

RPA : Cessnock City Council

State Electorate : CESSNOCK

Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : Part Lot 1 DP 327785

Suburb : Ruby Street

City : Bellbird

Postcode : 2325

Land Parcel : PP also amends the land use tables to permit utility infrastructure in the residential zones across the entire LGA

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DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Lower Hunter Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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 :

External Supporting
Notes : **State Environment Planning Policy (Infrastructure) 2007**
Clause 106 permits :-
1) development by a person licensed under the Water Industry Competition Act 2006 (WIC Act) for the purpose of a sewage treatment plant or water recycling facility to be carried out without development consent within prescribed zones; and
2) a sewage reticulation system by a person licensed under the Water Industry Competition Act 2006 to be carried out without development consent, and by any

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other person with development consent, on any land.

There are no provisions in the State Environmental Planning Policy (Infrastructure) 2007 for development for the purpose of a water supply system by any person other than a public authority (or acting on behalf of a public authority), with or without development consent.

Adequacy Assessment

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

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

Comment : The statement of objectives explains the purpose of the planning proposal. The planning proposal aims to avoid the need for future rezoning proposals for the provision of utility infrastructure in urban release areas across the LGA.

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

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

Comment : The explanation of provisions explains that the subject land at Bellbird will be rezoned to SP2 Infrastructure to accommodate a water recycling facility and no minimum lot size will be applied.

The planning proposal also amends the land use tables to permit with consent 'sewerage systems' in the R2 Low Density, R3 Medium Density and R5 Large Lot Residential zones and 'water supply systems' in the R2 Low Density and R5 Large Lot Residential zones to facilitate the provision of utility infrastructure. Water supply systems are already permissible with consent in the R3 - Medium Density zone.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

3.1 Residential Zones

4.3 Flood Prone Land

* May need the Director General's agreement

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required?

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

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

The amendment to the land use tables to make the group terms 'sewerage systems' and 'water supply systems' permissible with consent is considered consistent with the relevant SEPPs and Minister's S117 directions. Also, the inclusion of the proposed utility infrastructure is considered compatible with the relevant zone objectives.

The RPA has identified SEPP55 and SEPP(Infrastructure) 2007 as being relevant. Assessment of SEPP 55 is not required as part of this planning proposal because Council was satisfied that the subject land was suitable for residential and public recreational uses as part of the Bellbird North URA (Amendment 121 to the Cessnock LEP 1989).

The planning proposal is consistent with the objectives of SEPP (Infrastructure) 2007 by permitting utility infrastructure in residential zones with consent.

Minister's s117 Directions

3.1 Residential Zones

The planning proposal reduces the amount of land zoned residential to provide a water recycling facility for the urban release area. The planning proposal is considered

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consistent with this direction.

4.3 Flood Prone Land

Council advises that the water recycling facility will be located above the 1% AEP and away from proposed storm water culvert and overland flow path through the development. The planning proposal is considered consistent with this direction.

6.2 Reserving Land for Public Purposes.

The planning proposal reduces the amount of land zoned RE1 Public Recreation by 3538m². Council advises that there is approximately 140ha of land rezoned RE1 for passive open space requirements as part of the Bellbird North URA. The proposed reduction of land zoned RE1 - Public Recreation zoned will not have a detrimental impact on the provision of public open space in the Bellbird North Area. It is recommended that the Secretary's delegate approves the rezoning of RE1 Public Open Space.

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

If No, explain : **The Gateway determination will approve the inconsistency with Direction 6.2 Reserving Land for Public Purposes.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The draft zoning and minimum lot size maps accurately reflect the aims of the planning proposal. The Gateway determination requires Council to label the SP2 Infrastructure Zone as a use defined in the Standard Instrument, such as water recycling facility.**

Community consultation - s55(2)(e)

Has community consultation been proposed?

Comment : **Council suggests a minimum exhibition period of 28 days.**

The planning proposal is considered low impact. It is recommended that a 14 day exhibition period should be sufficient.

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 :

Comments in relation to Principal LEP :

Principal LEP completed

Assessment Criteria

Need for planning proposal :

Yes. The preparation of a Planning Proposal is the most appropriate mechanism to investigate whether the subject land should be rezoned and to make utility infrastructure

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permissible with consent in various residential zones.

It is important to correct the mapping anomaly as part of this planning proposal to accurately identify the local government boundary between Cessnock and Singleton.

Consistency with strategic planning framework :

The Planning Proposal is not the result of a strategic study or report.

The amendment to the land use tables is considered compatible with the relevant zone objectives and will make the provision of essential infrastructure permissible with consent in residential zones not covered by State Environment Planning Policy (Infrastructure) 2007.

Council advises that it has reviewed its land use tables and decided where it wanted to permit sewerage systems and water supply systems. Council decided not to permit sewerage systems and water supply systems in the RU4 Primary Production Small Lots zone.

Correctly identifying the local government boundary between Cessnock and Singleton is consistent with the Local Government Act.

Environmental social economic impacts :

The spot rezoning and proposed amendments to the land use table will make essential infrastructure permissible with consent in the various residential zones. The assessment process will determine the potential environmental, social and economic impacts on a case by case scenario.

There are no environmental, social and economic impacts from properly identifying the local government boundaries on the additional permitted use map.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Hunter Water Corporation**

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. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **The Bellbird Urban Release Area is required to contributed towards State Infrastructure.**

Documents

Document File Name	DocumentType Name	Is Public
Attachment to letter 25.2.15 - 18 2014 5 _ Planning Proposal - Bellbird North (Bellbird Ridge) _ MASTER _ Moshage.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones
4.3 Flood Prone Land
6.2 Reserving Land for Public Purposes**

Additional Information : **It is recommended that:**

1. The Planning Proposal be supported and Council be given the Minister's plan making delegations. Council is unable to use the Minister's plan making delegations if there is an unresolved objection from another Government agency.

2. Prior to undertaking community consultation, the land use zoning map of the planning proposal should be amended by labelling the SP2 Infrastructure Zone as a use defined in the Standard Instrument, such as water recycling facility.

3. Revise the planning proposal to amend the additional permitted uses map 1720_COM_APU_005_080_20140226 to correctly identify the local government boundary between Cessnock and Singleton.

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

- (a) the Planning Proposal be made publicly available for 14 days;**
- (b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 4.5 of A guide to preparing LEPs (Department for Planning 2009).**

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

- Hunter Water Corporation**

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

6. The Secretary (or delegate) approves the rezoning of RE1 Public Open Space under the Minister's S117 Direction 6.2 Reserving Land for Public Purposes.

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

8. The timeframe for completing the LEP is 6 months from the date of the Gateway

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Determination.

Supporting Reasons :

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 purpose of the planning proposal is to make essential utility infrastructure permissible in residential zones not covered by State Environment Planning Policy (Infrastructure) 2007. State Environment Planning Policy (Infrastructure) 2007 does not permit water supply system by any person other than a public authority (or acting on behalf of a public authority), with or without development consent in any zone.

The Department supports Council's request to correct this mapping error as part of this planning proposal.

Signature:



Printed Name:

K-O'FLAHERTY

Date:

6/3/15

