



PLANNING PROPOSAL
Amendment to the
Cessnock Local Environment Plan 2011

**Bellbird North (Bellbird Ridge)
Lot 1 DP 327785 Ruby Street, Bellbird
and
Utility Infrastructure in Residential Zones**

**Version 1.0
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PART 1: OBJECTIVES and OUTCOMES

The objective of the Planning Proposal is to amend the Cessnock Local Environmental Plan 2011 to rezone part of Lot 1 DP 327785 Ruby Street, Bellbird to facilitate an onsite water recycling facility by rezoning 8,077m² of land made up of 3,538m² of RE1 - Public Recreation and 4,539m² of R2 - Low Density Residential to SP2 - Infrastructure to accommodate a water recycling facility.

The Planning Proposal also seeks to permit with consent 'sewerage system' in the R2 - Low Density, R3 - Medium Density and R5 - Large Lot Residential zones and 'water supply system' to R2 - Low Density and R5 - Large Lot Residential zones to support urban development and to avoid the need for a rezoning process for future utility proposals in urban release areas across of the LGA.

Note: 'water supply system' is already permissible with consent in the R3 - Medium Density zone.

PART 2: EXPLANATION of PROVISIONS

The objective of the Planning Proposal will be achieved by amending the Cessnock Local Environmental Plan 2011 by:

Amendment proposed to Cessnock	Provision
Land Use Zone Map	Rezone that part of Lot 1 DP 327785 from RE1 - Public Recreation and R2 - Low Density Residential to SP2 - Infrastructure to accommodate a water recycling facility
Lot Size Map	Remove the 450m ² minimum lot size for that part of Lot 1 DP 327785 zoned R2 - Low Density Residential as there is no minimum lot size applicable to the SP2 - Infrastructure zone.
Land Use Table	Add 'sewerage system' to permitted with consent in the following zones: • R2 - Low Density Residential • R3 - Medium Density Residential • R5 - Large Lot Residential Add 'water supply system' to permitted with consent in the following zones: • R2 - Low Density Residential • R5 - Large Lot Residential

water supply system means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

Note. Water reticulation systems, Water storage facilities and Water treatment facilities are a type of water supply system and are defined as follows:

water reticulation system means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

water treatment facility means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

sewerage system means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d).

Note. Biosolids treatment facilities, Sewage reticulation systems, Sewage treatment plants, and Water recycling facilities are a type of Sewerage System and are defined as follows:

biosolids treatment facility means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

sewage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

sewage treatment plant means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

water recycling facility means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

PART 3: JUSTIFICATION

In accordance with Planning and Infrastructure'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

The Planning Proposal is not the result of a strategic study or report. However, the subject site is within the Bellbird North Urban Release Area identified in Council's City Wide Settlement Strategy and is identified for urban growth in the Lower Hunter Regional Strategy.

It is necessary to enable the establishment of certain utility infrastructure to urban land use zones to ensure development can be serviced without the need for an LEP Amendment.

Although the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) permits utility infrastructure in prescribed zones to be carried out without development consent, there are circumstances where this is not sufficient to support utility infrastructure outcomes. The proposed privately run and operated water recycling facility at Bellbird is an example of this.

2. Planning Proposal as best way to achieve to objectives

Under the existing land use zoning controls in the Cessnock LEP 2011, the proposed 'sewerage system' and 'water supply system' are not achievable. Therefore, a change to the zoning and minimum lot sizes and land use table will provide flexibility in terms of location of these facilities with the final subdivision layout and will remove the need for a rezoning process for future utility proposals in other urban release areas of the LGA respectively.

This approach will facilitate the Bellbird Ridge development and ensure that essential utility infrastructure necessary to support future urban growth can be facilitated subject to a merit assessment process without the need for a rezoning.

Section B: Relationship to Strategic Planning Framework

3. Consistency with Objectives and Actions within Regional Strategies

Lower Hunter Regional Strategy 2006

The primary purpose of the Lower Hunter Regional Strategy is to ensure that adequate land is available and appropriately located to accommodate the projected housing and employment needs of the Region's population to 2031.

The Planning Proposal is consistent with and supports the primary purpose of the Lower Hunter Regional Strategy in seeking to facilitate appropriately located land to sustainably accommodate the projected housing needs of the region (3500 additional houses in the Bellbird North URA).

The Planning Proposal is not in conflict with the outcomes of the Lower Hunter Regional Strategy.

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

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

A Sustainable and Healthy Environment

This desired outcome of the Delivery Program included Strategic Land Use Planning and focuses on the conservation and preservation of the natural environment whilst balancing the impact of development to ensure a healthy and sustainable community.

City Wide Settlement Strategy (2010)

The City Wide Settlement Strategy aims to recognise major infrastructure across the Cessnock LGA. The proposed rezoning will provide land for a water recycling facility.

The Planning Proposal is strategically located and the site is consistent with the aims and objectives of the CWSS.

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 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.	Not applicable.
SEPP 21 - Caravan Parks	The SEPP provides for development for caravan parks.	Not applicable.
SEPP 30 - Intensive	The SEPP provides considerations for consent for intensive agriculture.	Not applicable.

Agriculture		
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.	Not applicable.
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.	Not applicable.
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.	Not applicable.
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.	Not applicable.
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	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
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.	Not applicable.
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.	Not applicable.
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.	Not applicable.
SEPP Affordable Rental Housing 2009	The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.	Not applicable.

SEPP Building Sustainability Index: BASIX 2004	The SEPP provides for the implementation of BASIX throughout the State.	Not applicable.
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.	Not applicable.
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.	Not applicable.
SEPP Infrastructure 2007	The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
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.	Not applicable.
SEPP Mining, Petroleum Production and Extractive Industries 2007	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.	Not applicable.
SEPP Rural Lands 2008	The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts and provides development principles.	Not applicable.
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.	Not applicable.

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	Aim of Direction	Consistency and Implication
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	Encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	Not applicable.
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	Not applicable.
1.3 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.	Not applicable.
1.5 Rural lands	The objective of this direction is to protect the agricultural production value of rural land and facilitate the economic development of rural lands for rural related purposes.	Not applicable.
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Not applicable.
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Not applicable.
2.4 Recreation Vehicle Areas	The draft LEP amendment does not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>).	Not applicable.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.	The Planning Proposal is of a minor nature involving land, in the case of Bellbird Ridge, where residential considerations have already been addressed and the site zoned to promote urban development.
3.2 Caravan parks and Manufactured Home Estates	The objective of this direction is to provide for a variety of housing types, and provide opportunities for caravan parks and manufactured home estates.	Not applicable.

3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Not applicable.
3.4 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 sustainable transport objectives.	Not applicable.
3.5 Development Near Licensed Aerodromes	The objectives of this direction to ensure the efficient and safe operation of aerodromes, ensure their operation is not compromised by incompatible future adjoining land uses	Not applicable.
4. HAZARD AND RISK		
4.1 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	Not applicable.
4.2 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.	Not applicable.
4.3 Flood Prone Land	The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , and that the provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.	The subject site of this Planning Proposal comprises 8,077m² of land on the eastern side of Lot 1 DP 327785 made up of 3,538m² of RE1 - Public Recreation and 4,539m² of R2 - Low Density Residential to SP2 - Infrastructure to accommodate a water recycling facility. Proposed site selection considerations included topography, ecological, location relative to existing housing and minimising loss of residential zoned land and is to be configured such that it will be above the 1% AEP and away from proposed storm water culvert and overland flow path through the development.
4.4 Planning for Bushfire Protection	The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.	Not applicable.
5. REGIONAL PLANNING		
5.1 Implementation	The objective of this direction is to	Not applicable.

of Regional Strategies	give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	
6. LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Not applicable.
6.2 Reserving Land for Public Purposes	The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	There is approximately 140ha of land rezone RE1 for passive open space requirements as part of the Bellbird North URA. This land is to be dedicated free of cost to Council and has been identified for various usages including cycle ways and tracks picnic areas and re-vegetation. The proposed rezoning of 3,538m2 of RE1 - Public Recreation zoned land will not have a detrimental impact on the public open space requirements in the Bellbird North Area.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Not applicable.

Section C: Environmental, Social and Economic Impact

7. Impact on Threatened Species

The Planning Proposal is of a minor nature involving land, in the case of Bellbird Ridge, where flora and fauna considerations have already been addressed and the site zoned to promote urban development.

8. Environmental Impact

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

9. Social and Economic Impacts

It is likely that there will be community interest associated with permitting utility infrastructure in urban zones, particularly associated with the proposed water recycling facility to support the Bellbird North Urban Release Area. It is necessary to ensure that utility infrastructure is supported in urban areas to enable urban development to be effectively serviced and for the needs of the community to be met. The provision of additional housing requires the support of utility infrastructure to service these growing communities and urban release areas.

The Planning Proposal seeks to permit utility infrastructure with consent in the R2 - Low Density, R3 - Medium Density and R5 - Large Lot Residential zones. The direct impact related to the development of these facilities, including the water recycling facility at Bellbird North, will be managed through the development assessment process.

Section D: State and Commonwealth Interests

10. Adequate Public Infrastructure

The Planning Proposal seeks to facilitate utility infrastructure in urban zones to enable development to be effectively serviced without the need for an LEP amendment process.

The Water Recycling facility proposed for Bellbird Ridge is necessary to support the development of Bellbird North urban Release Area. The water recycling facility will be privately owned and operated. Discussions have commenced between the proponent and Hunter Water regarding the interaction between the proposed facility and the existing infrastructure.

11. Consultation with State and Commonwealth Authorities

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

- Hunter Water Corporation (HWC)

PART 4: MAPPING

The Planning Proposal seeks to amend the mapping of the Cessnock Local Environmental Plan 2011 as follows:-

Land Zoning Map

The amendment of Land Zoning Map - Sheet 1720_COM_LZN_006C_040_20140327 by removing the R2 - Low Density Residential and RE1 - Public Open Space zone from that part of Lot 1 DP 327785 identified on the Locality Map and replacement with a new zone SP2 - Infrastructure. It is proposed that the zoning map include the following words to identify the purpose being "Water Recycling Facility".

Minimum Lot Size Map

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

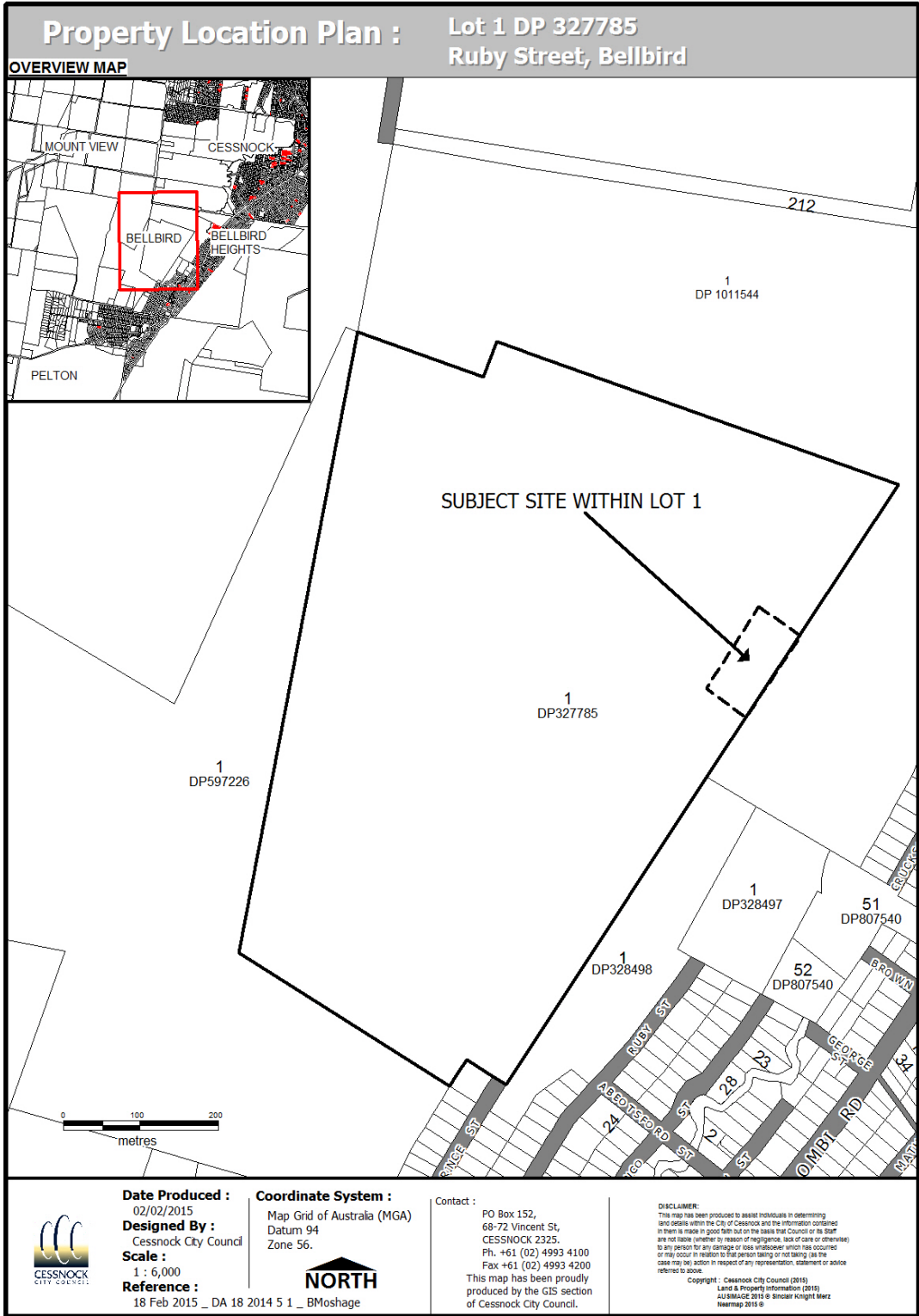
Amendment of the Minimum Lot Size Map Sheet 1720_COM_LSZ_006C_040_20140327 by removing the 450m² minimum lot size from that part of Lot 1 DP 327785 identified on the Locality Map zoned R2 - Low Density Residential

There is no minimum lot size applicable to the SP2 - Infrastructure zone.

The subject land is shown in the locality plan as Map1.

An indicative zoning and minimum lot size map are shown as Map 4 and Map 6 respectively.

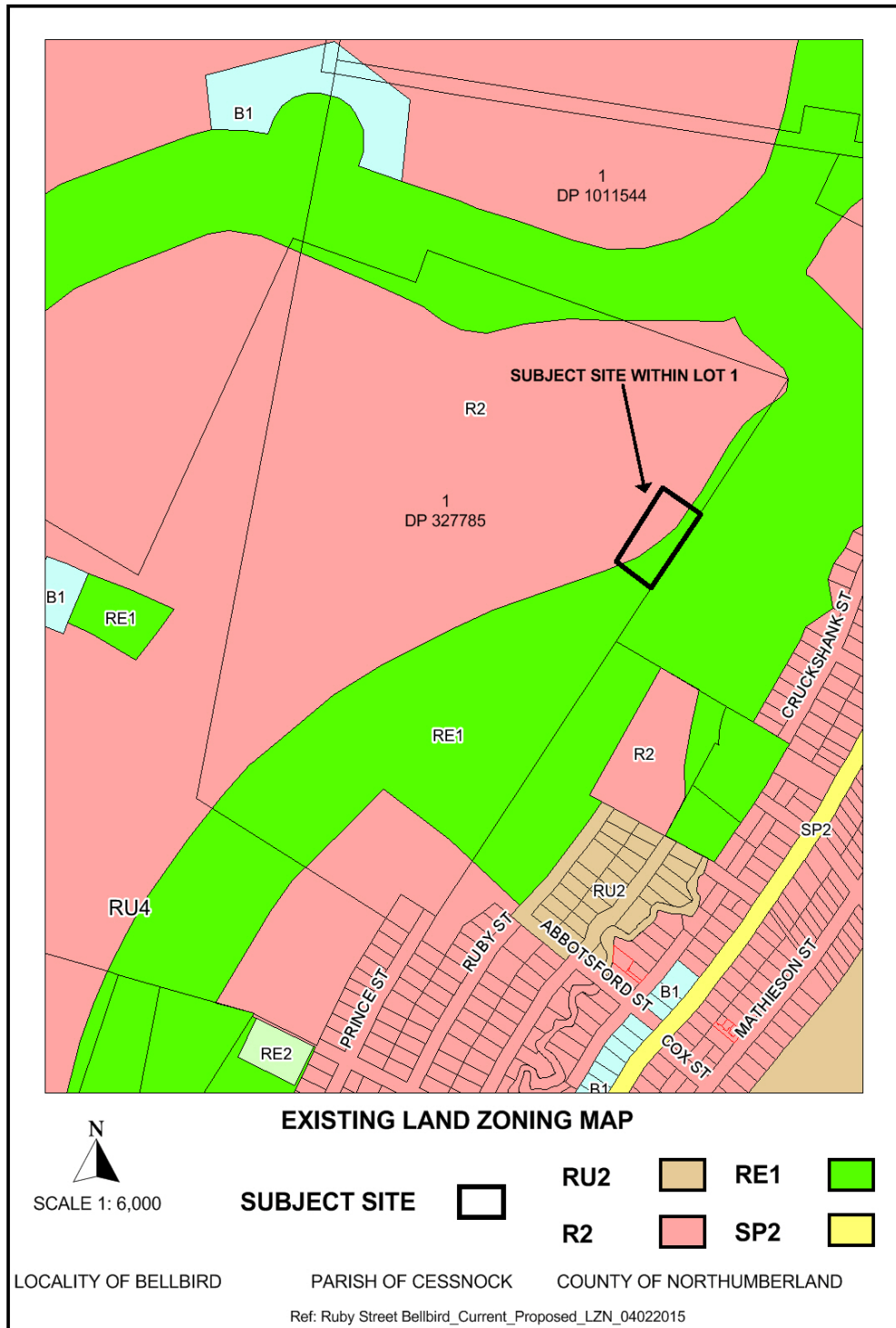
Map 1: Location Map



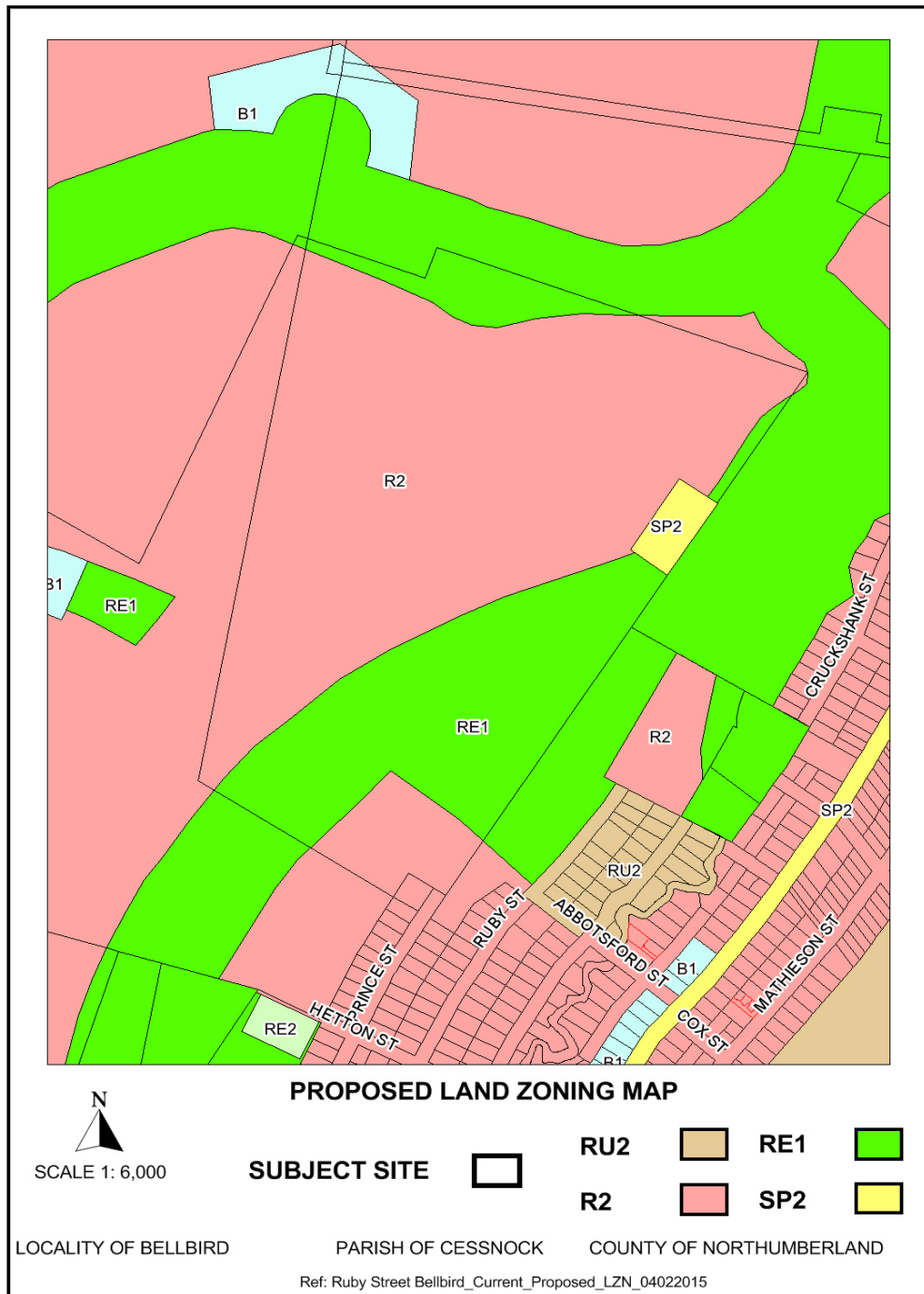
Map 2: Aerial Location Map



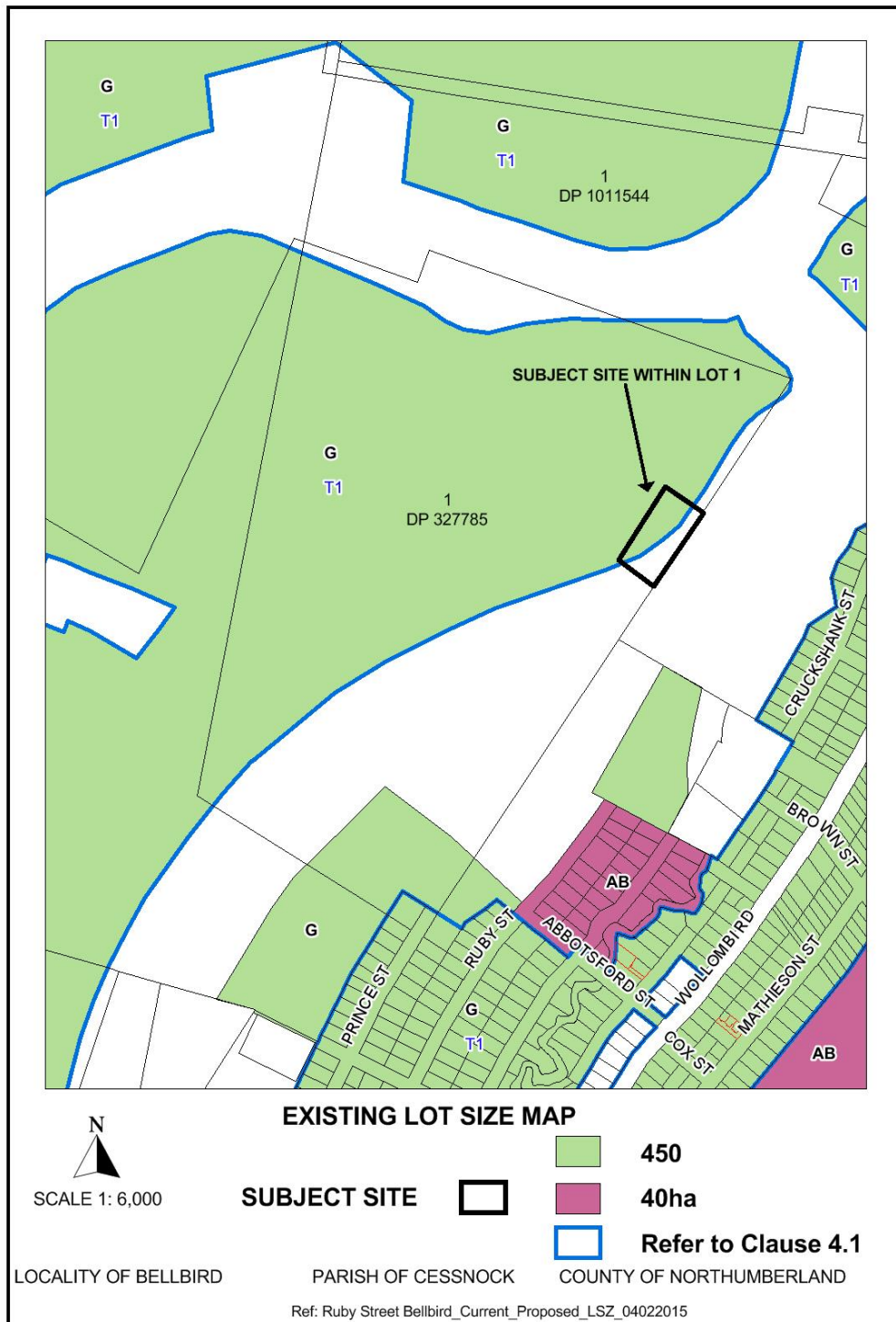
Map 3: Existing Zoning Layout



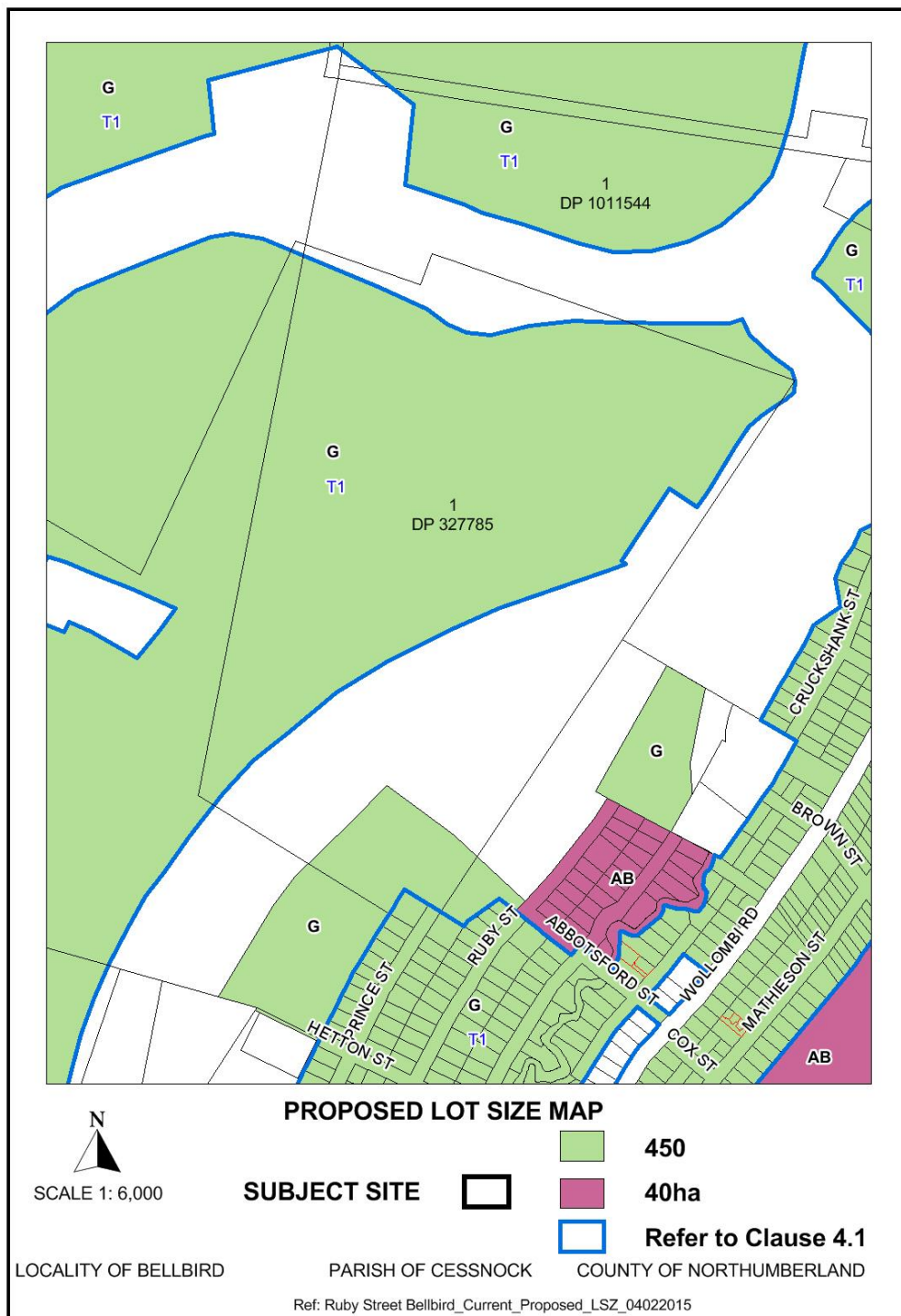
Map 4: Proposed Zoning Layout



Map 5: Existing Minimum Lot Size Layout



Map 6: Proposed Minimum Lot Size Layout



PART 5: COMMUNITY CONSULTATION

Community consultation will be undertaken in accordance with Council's guidelines and any specific requirements made by the Department of Planning and Environment during the gateway determination.

Council will seek to consult with the following statutory authorities and agencies:

- Hunter Water Corporation (HWC)

Council will seek to exhibit the Planning Proposal for a period of twenty eight (28) days in accordance with Council's Notification Policy.

PART 6: PROJECT TIMELINE

The Project Timeline will assist with tracking the progress of the Planning Proposal through the various stages of consultation and approval. It is estimated that this amendment to the Cessnock Local Environmental Plan 2011 will be completed by December 2015.

	March 2015	April 2015	June 2015	July 2015	Aug 2015	Sept 2015	Oct 2015	Nov 2015	Dec 2015
STAGE 1 Submit Planning Proposal to Planning & Infrastructure									
STAGE 2 Anticipated commencement date (Gateway Determination)									
STAGE 3 Public Exhibition Period									
STAGE 4 Review / consideration of submissions									
STAGE 5 Report to Council									
STAGE 6 Forward s59 report to Planning and Environment to notify the Local Environmental Plan									

Appendix 1: Council Report and Minutes



Acrobat Document

Council Report



SKMBT_363_315022
515000.pdf

Council Minute

