



PLANNING PROPOSAL

*Amendment to the
Cessnock Local Environment Plan 2011*

**Bellbird North (Bellbird Ridge) - (part) Lot 1 DP 327785
Ruby Street, Bellbird;
Utility Infrastructure in Residential Zones
and
Rectification of Mapping Errors**

**Version 4.0
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Explanatory Statement

1. What is the name of the (draft) Planning Proposal?

This gives the name “**Bellbird North (Bellbird Ridge) Ruby Street, Bellbird; Utility Infrastructure in Residential Zones and Rectification of Mapping Errors**” to the (draft) Planning Proposal.

2. What is the aim of the Planning Proposal?

The (draft) Planning Proposal seeks to:

- (i) 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.

Corresponding amendments to the minimum lot size maps are also required, with the removal of the 450m² minimum lot size from that part of Lot 1 DP 327785 to be zoned from R2 - Low Density Residential to SP2 – Infrastructure.

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

- (ii) 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 Local Government Area
- (iii) rectify a drafting error that unintentionally and inadvertently omitted Lot 79 DP 270482 and part of Lot 1 DP 812640, Pokolbin from the Cessnock Local Government Area on the following Maps:
 - Land Application Map
 - Land Use Zone Map
 - Lot Size Map
 - Additional Permitted Uses Map
 - Land Reservation Acquisition Map
 - Urban Release Areas Map

3. Where does the Planning Proposal apply?

In relation to (i), the (draft) Planning Proposal applies to part of Lot 1 DP 327785 Ruby Street, Bellbird as shown on Map 1 - Location Plan on Page 18.

In relation to (ii), the (draft) Planning Proposal has city wide application adding:

‘sewerage system’ to permit with consent in the following zones:

- R2 - Low Density Residential
- R3 - Medium Density Residential
- R5 - Large Lot Residential

and ‘water supply system’ to permit with consent in the following zones:

- R2 - Low Density Residential
- R5 - Large Lot Residential

In relation to (iii), the (draft) Planning Proposal applies to Lot 79 DP 270482 and part of Lot 1 DP 812640, Pokolbin.

4. What are the effects of the Planning Proposal?

The Cessnock Local Environmental Plan 2011 will be amended by:

- Rezoning 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

Zone Lot 79 DP 270482 and part of Lot 1 DP 812640 RU4 - Primary Production Small Lots Zone

- Amend the minimum lot size by removing the 450m² 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.
- Introduce a 40ha minimum lot size over Lot 79 DP 270482 and part of Lot 1 DP 812640
- 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
- Correctly identify the local government boundary between Cessnock and Singleton Amend by amending the following maps:
 - Land Application Map
 - Land Use Zone Map
 - Lot Size Map
 - Additional Permitted Uses Map
 - Land Reservation Acquisition Map
 - Urban Release Areas Map

5. Why is the Planning Proposal Draft?

The plan is a "draft" because it has not yet been formally made. After considering the views of interested persons, Council will decide whether or not to make the Plan.

Council has been granted delegation from the Minister to make the Plan in accordance with Section 23 of the *Environmental Planning and Assessment Act 1979* (The Act). This means that after public exhibition Council will have the authority to make the plan under Section 59(2)-(4) of the Act.

* * * * *

PART 1: OBJECTIVES and OUTCOMES

The objective of the Planning Proposal is to amend the Cessnock Local Environmental Plan 2011 by:

- (i) rezoning 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.

Corresponding amendments to the minimum lot size maps are also required, by removing the 450m² minimum lot size from that part of Lot 1 DP 327785 zoned R2 - Low Density Residential

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

- (ii) 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 Local Government Area

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

- (iii) rectify a drafting error that unintentionally and inadvertently omitted Lot 79 DP 270482 and part of Lot 1 DP 812640, Pokolbin from the Cessnock Local Government Area on the following Maps:

- Land Application Map
- Land Use Zone Map
- Lot Size Map
- Additional Permitted Uses Map
- Land Reservation Acquisition Map
- Urban Release Areas Map

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 Application Map	Land Application Map be amended to correctly identify the local government boundary between Cessnock and Singleton.
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 Zone Lot 79 DP 270482 and part of Lot 1 DP 812640 RU4 - Primary Production Small Lots Zone
Lot Size Map	Remove the 450m² 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. Introduce a 40ha minimum lot size over Lot 79 DP 270482 and part of Lot 1 DP 812640
Additional Permitted Uses Map	Additional Permitted Uses Map be amended to correctly identify the local government boundary between Cessnock and Singleton
Land Reservation Acquisition Map	Land Reservation Acquisition Map be amended to correctly identify the local government boundary between Cessnock and Singleton
Urban Release Areas Map	Urban Release Areas Map be amended to correctly identify the local government boundary between Cessnock and Singleton
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 Agriculture	The SEPP provides considerations for consent for intensive agriculture.	Not applicable.

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	Assessment of this SEPP is not required as part of this Planning Proposal because Council is satisfied that the subject land is suitable for residential and public uses as part of the overall Bellbird North URA (Amdt No. 121 to Cessnock LEP 1989).
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.	The Planning Proposal is consistent with the objectives of the SEPP by permitting utility infrastructure in residential zones with consent.
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 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.	Not applicable.
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 3,538m ² 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 was undertaken with the Hunter Water Corporation (HWC) in accordance with the Gateway Determination. A copy of the HWC response is provided in Appendix 3.

PART 4: MAPPING

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

Ruby Street, Bellbird - Water Recycling Facility

The purpose of this amendment is 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

Land Zoning Map

The amendment of Land Zoning Map (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.

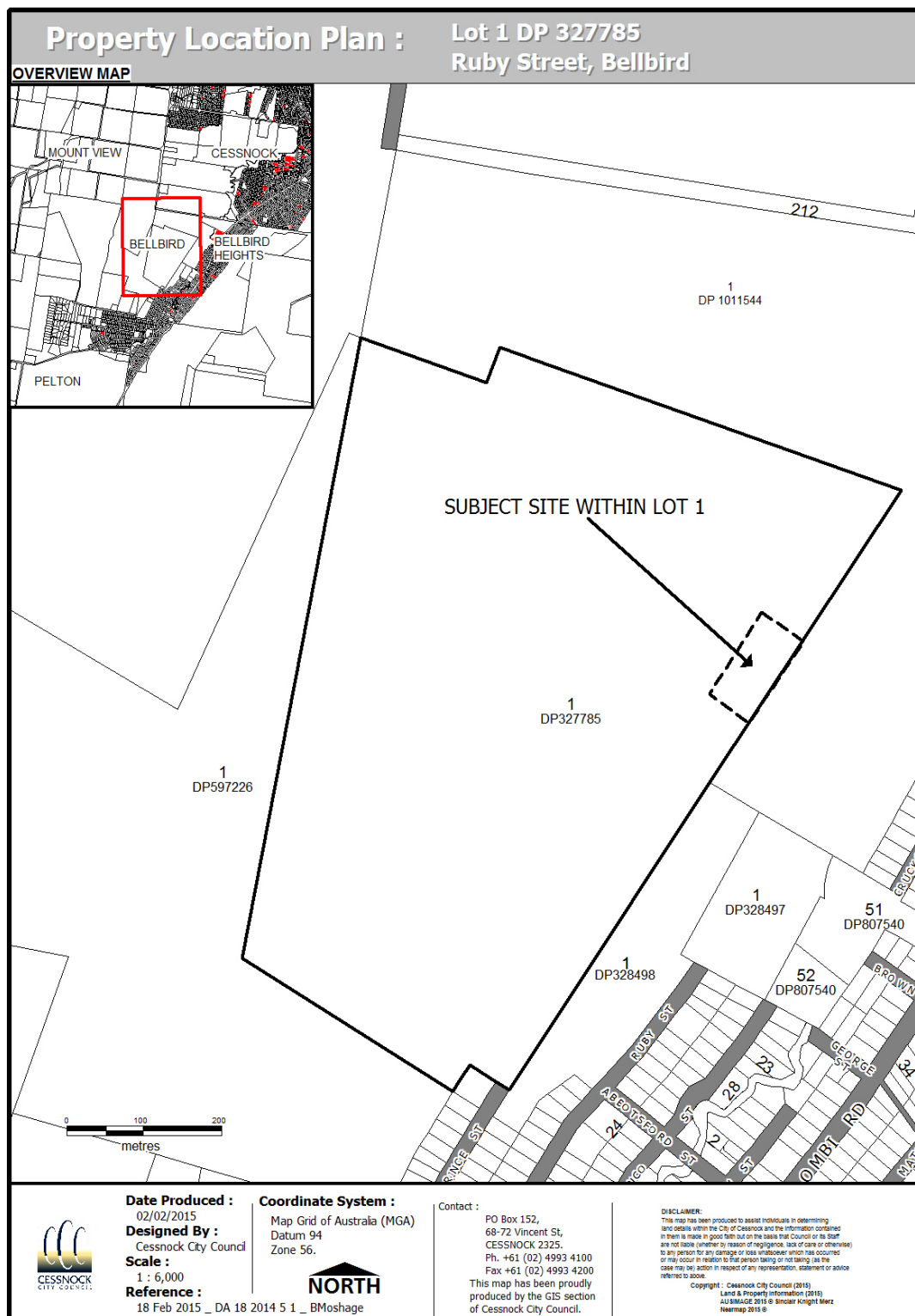
Amendment of the Minimum Lot Size Map (1720_COM_LSZ_006C_040_20140327) by removing the 450m² minimum lot size from that part of Lot 1 DP 327785 identified on the Locality Map zoned R2 - Low Density Residential

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.

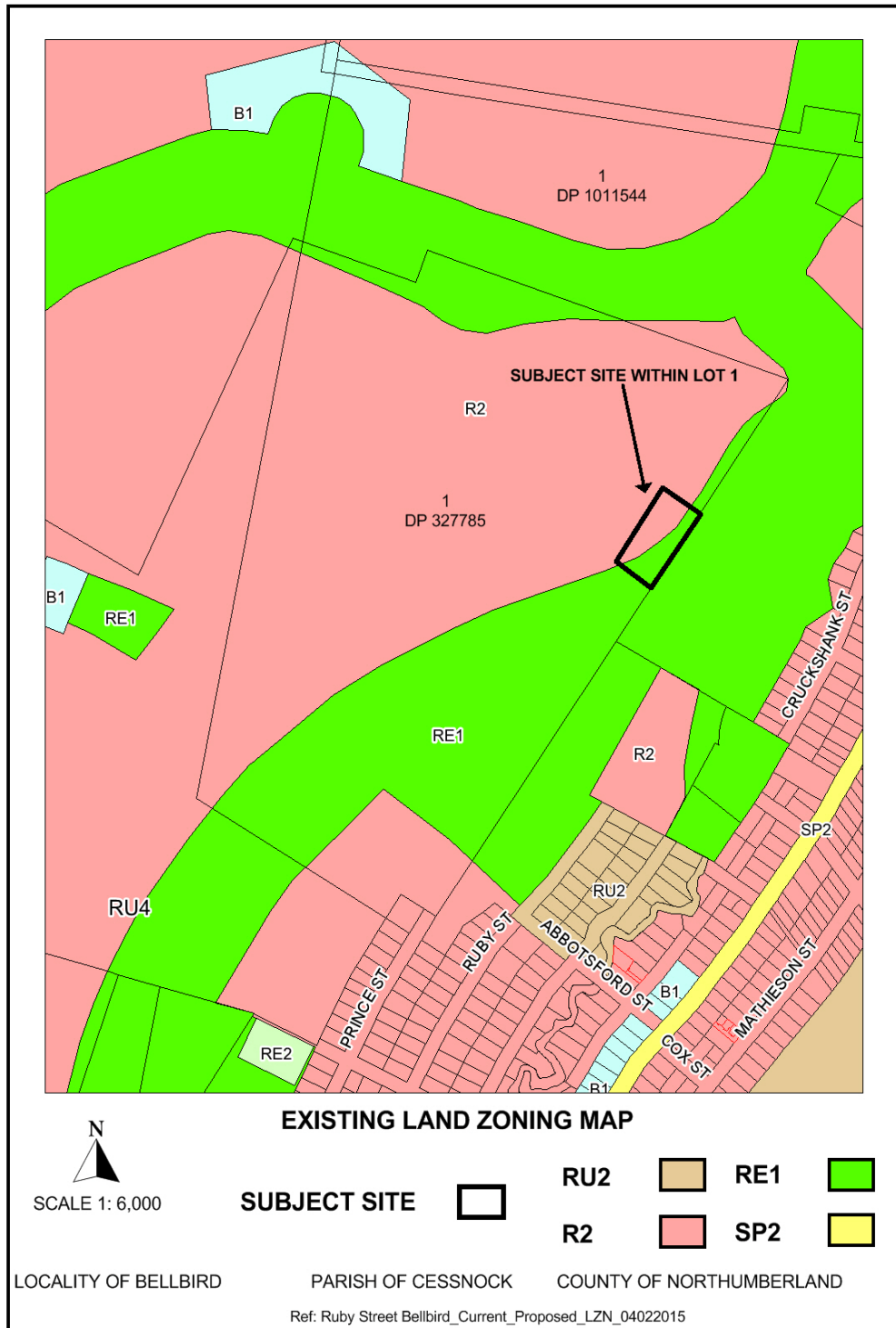
Map 1: Location Map



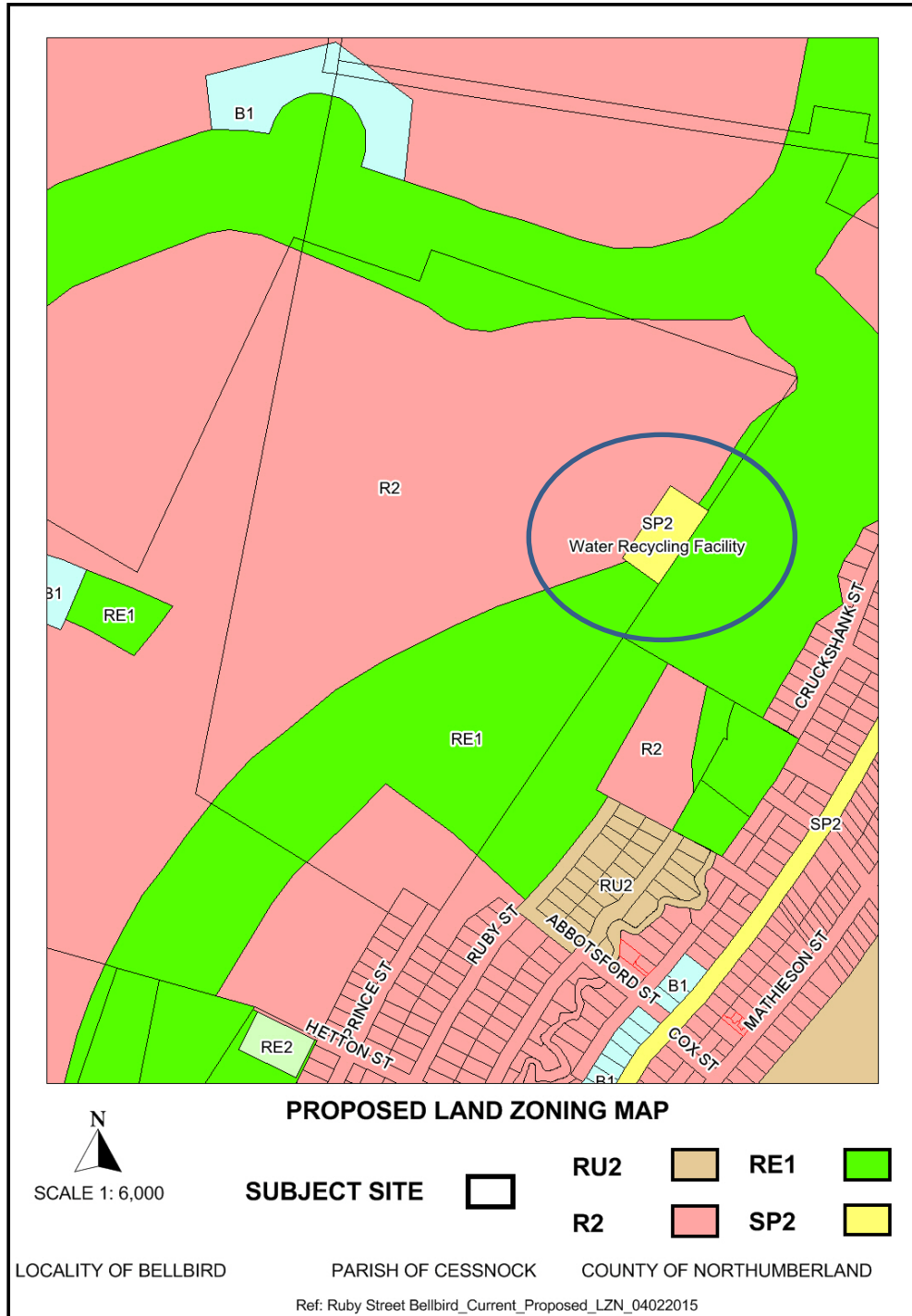
Map 2: Aerial Location Map



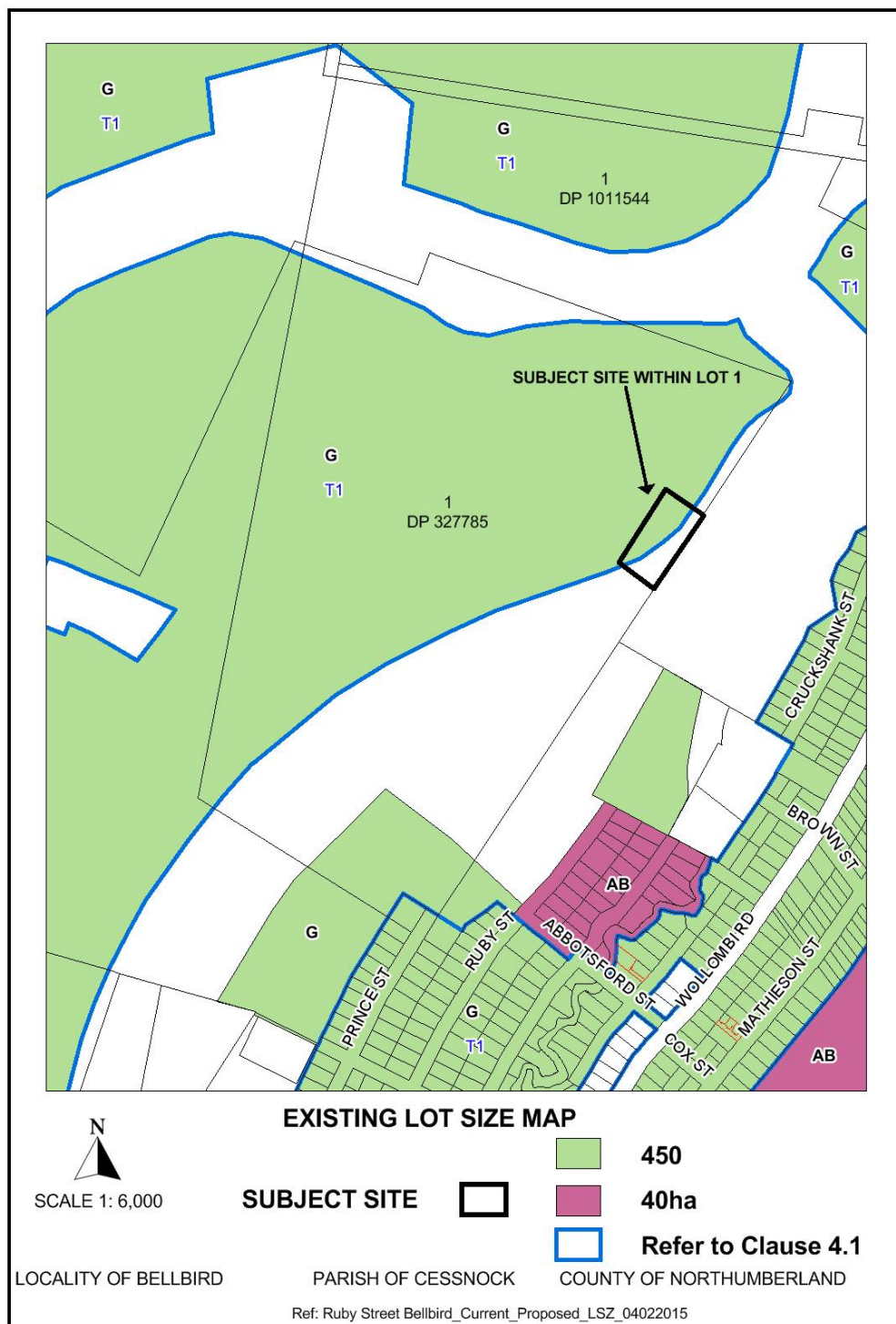
Map 3: Existing Zoning Layout



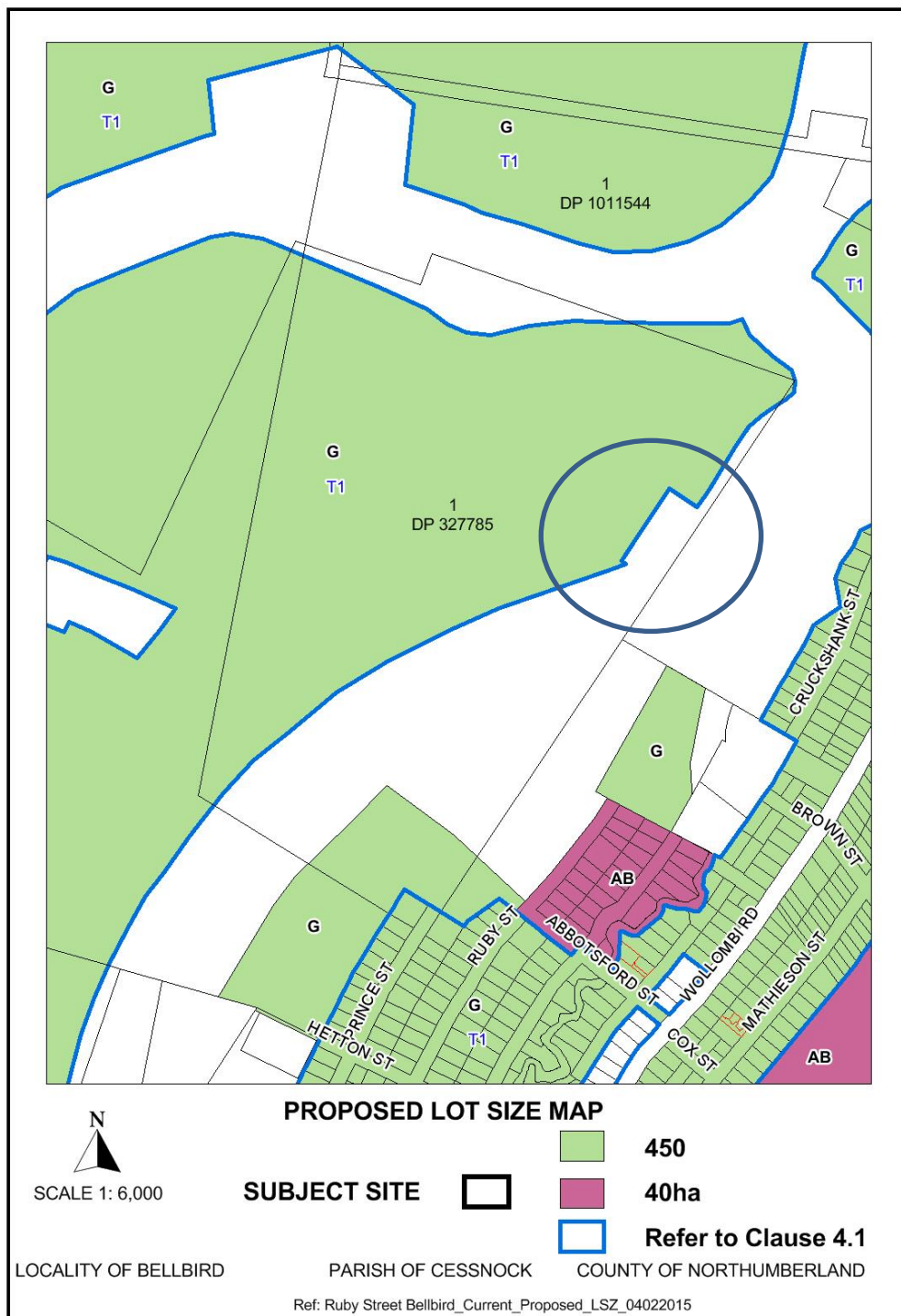
Map 4: Proposed Zoning Layout



Map 5: Existing Minimum Lot Size Layout



Map 6: Proposed Minimum Lot Size Layout



Mapping Anomaly

The purpose of this amendment is to rectify a drafting error that unintentionally and inadvertently omitted Lot 79 DP 270482 and part of Lot 1 DP 812640, Pokolbin from the Cessnock Local Government Area as shown in **Figure 1**.

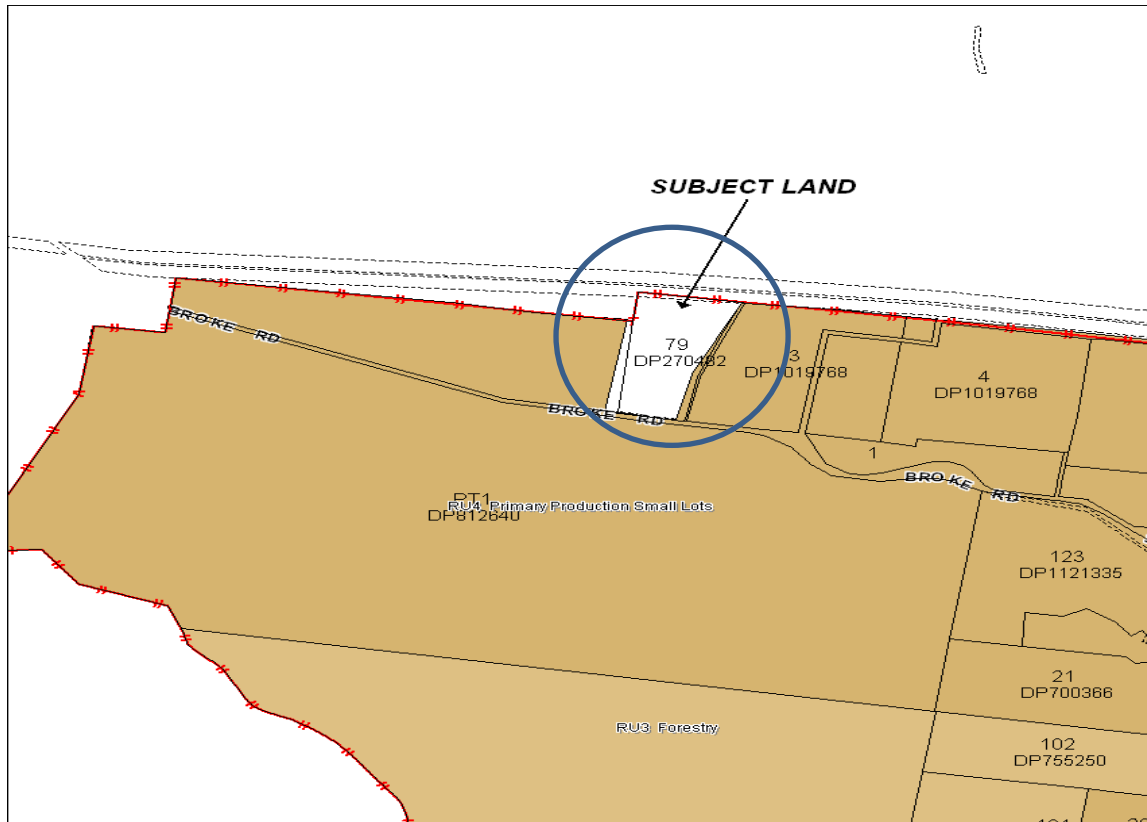


Figure 1 - Locality

Land Application Map (1720_COM_LAP_001_250_20141002) be amended to include Lot 79 DP 270482 and part of Lot 1 DP 812640, Pokolbin within the Cessnock City Council Local Government Area, as shown in Figure 2.

Land Zoning Map (1720_COM_LZN_005_080_20141002) be amended to zone Lot 79 DP 270482 and part of Lot 1 DP 812640 an RU4 - Primary Production Small Lots Zone, as shown in Figure 3.

Lot Size Map (1720_COM_LSZ_005_080_20150112) be amended to introduce a 40ha minimum lot size over Lot 79 DP 270482 and part of Lot 1 DP 812640, as shown in Figure 4.

Additional Permitted Uses Map (1720_COM_APU_005_080_20141002) be amended to correctly identify the local government boundary between Cessnock and Singleton as shown in Figure 5.

Land Reservation Acquisition Map (1720_COM_LRA_005_080_20150204) be amended to correctly identify the local government boundary between Cessnock and Singleton as shown in Figure 6.

Urban Release Areas Map (1720_COM_URA_005_080_20150112) be amended to correctly identify the local government boundary between Cessnock and Singleton as shown in Figure 7.

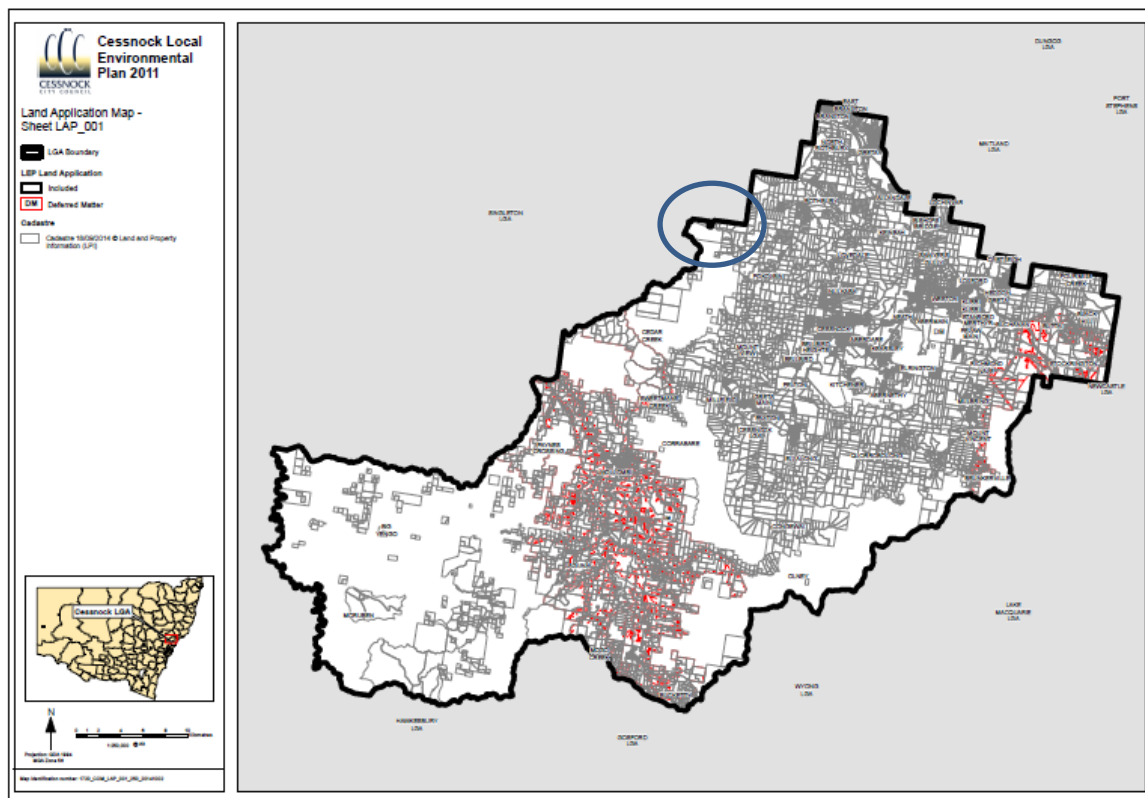


Figure 2 - Land Application Map

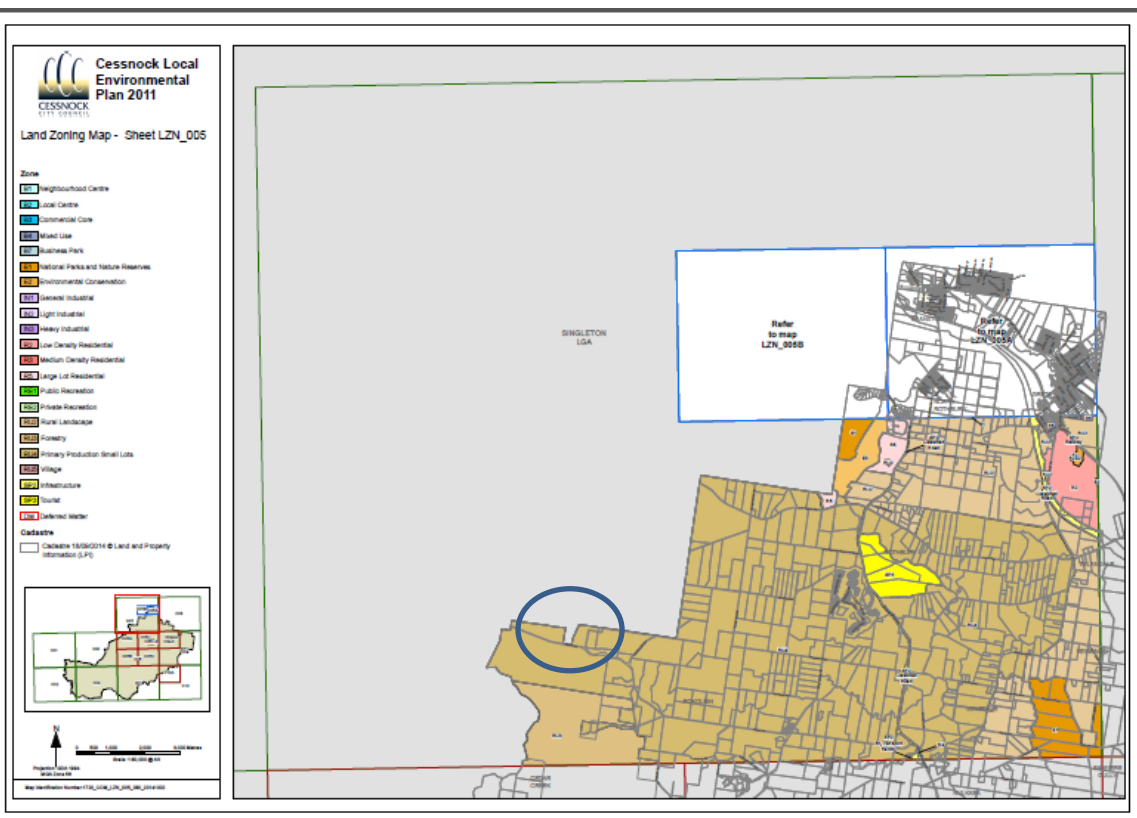


Figure 3 - Land Zoning Map

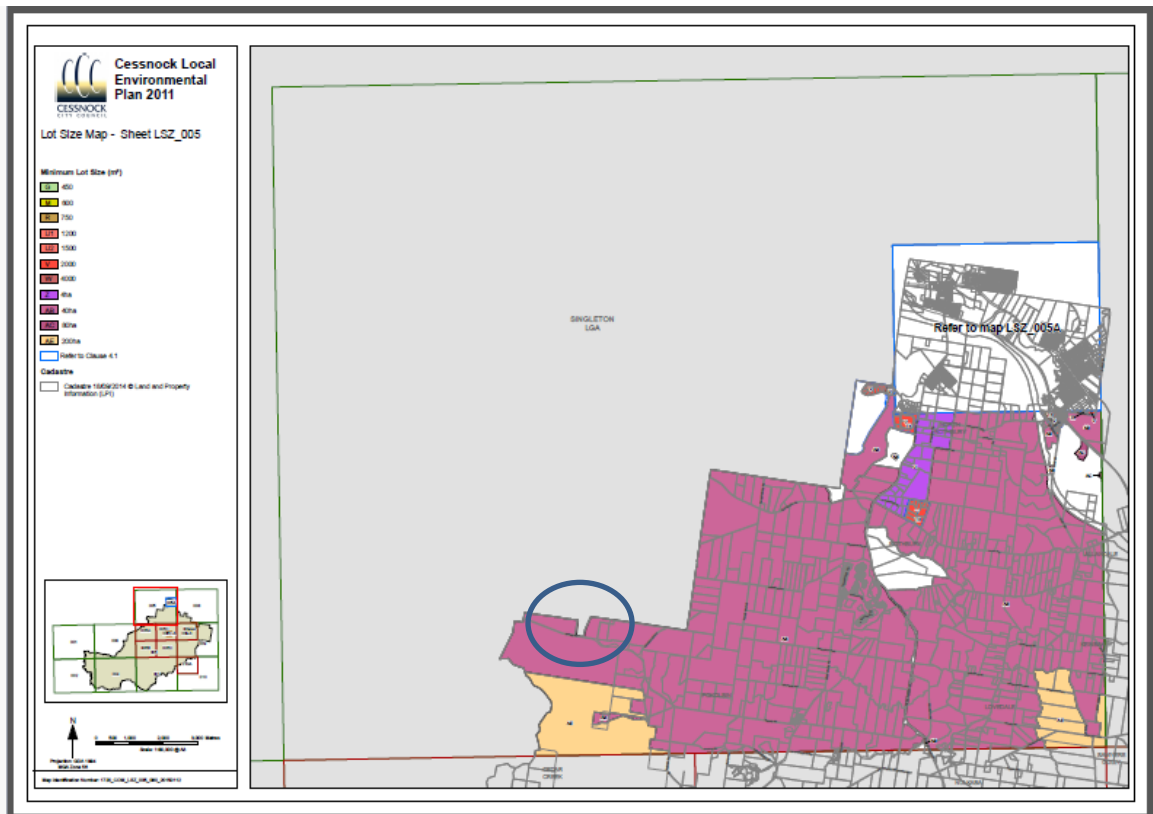


Figure 4 - Lot Size Map

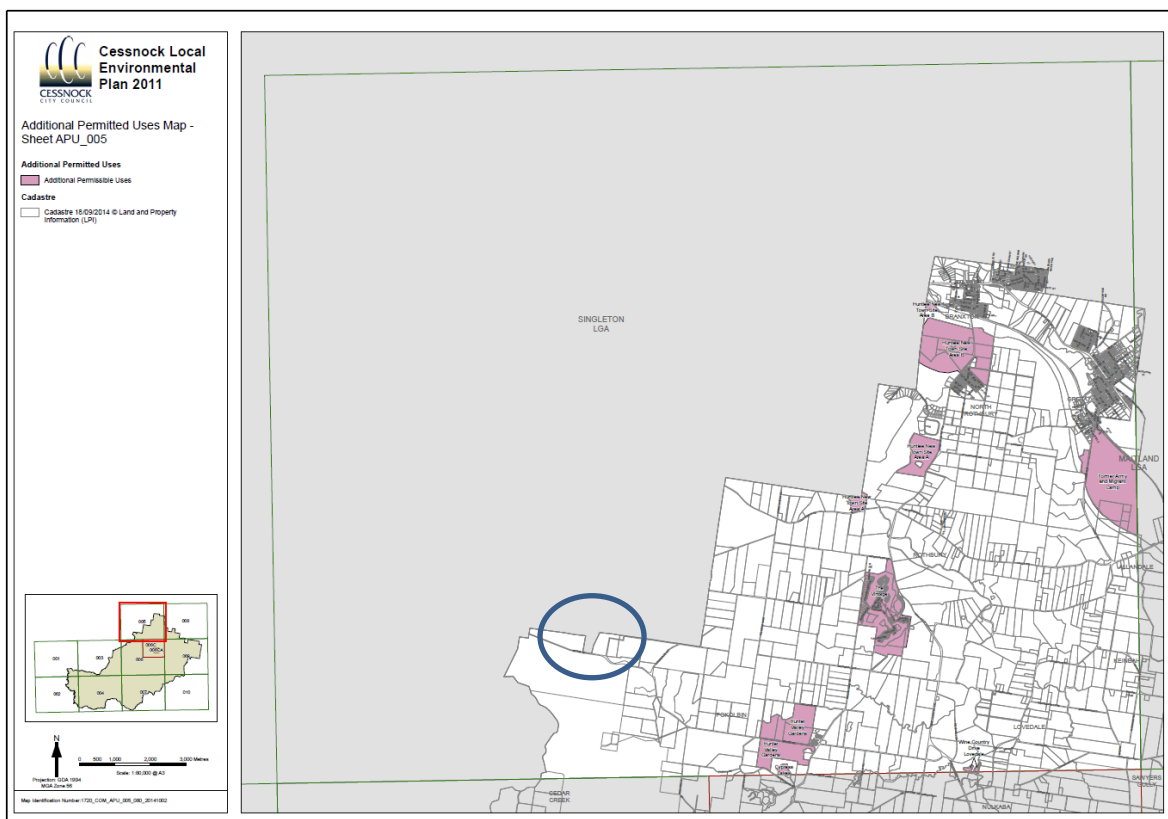


Figure 5 - Additional Permitted Uses Map

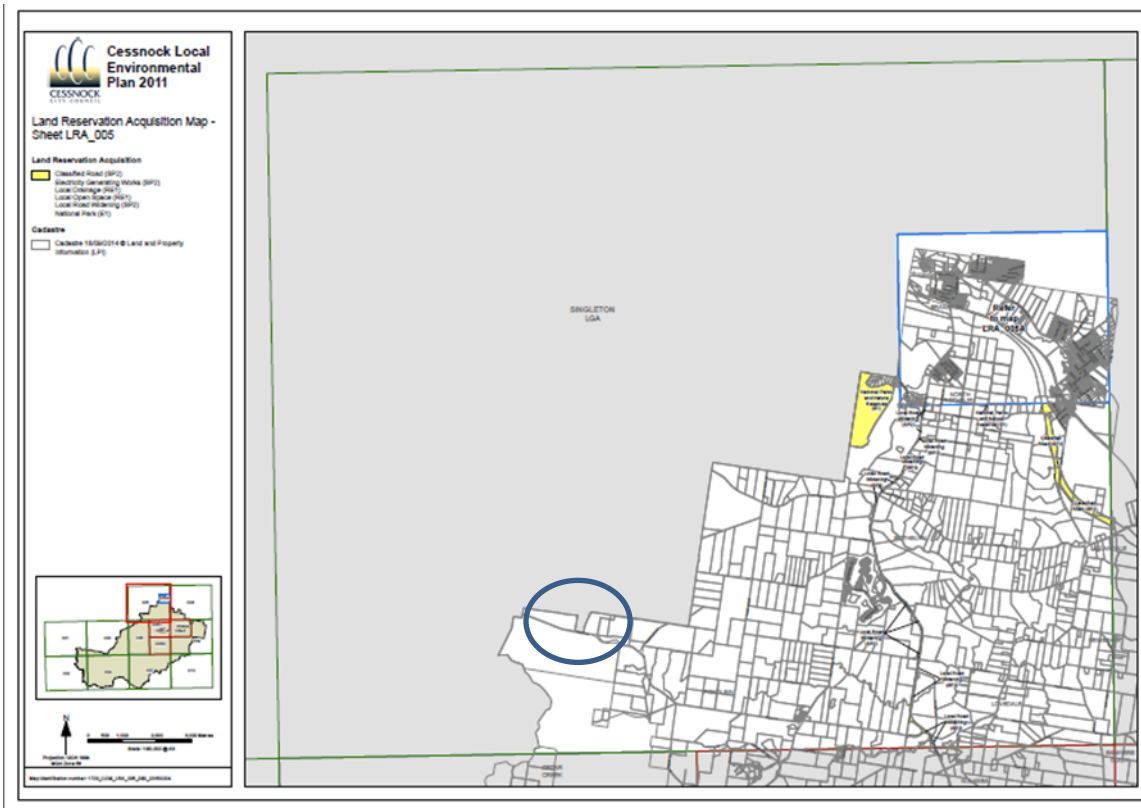


Figure 6 - Land Reservation Acquisition Map

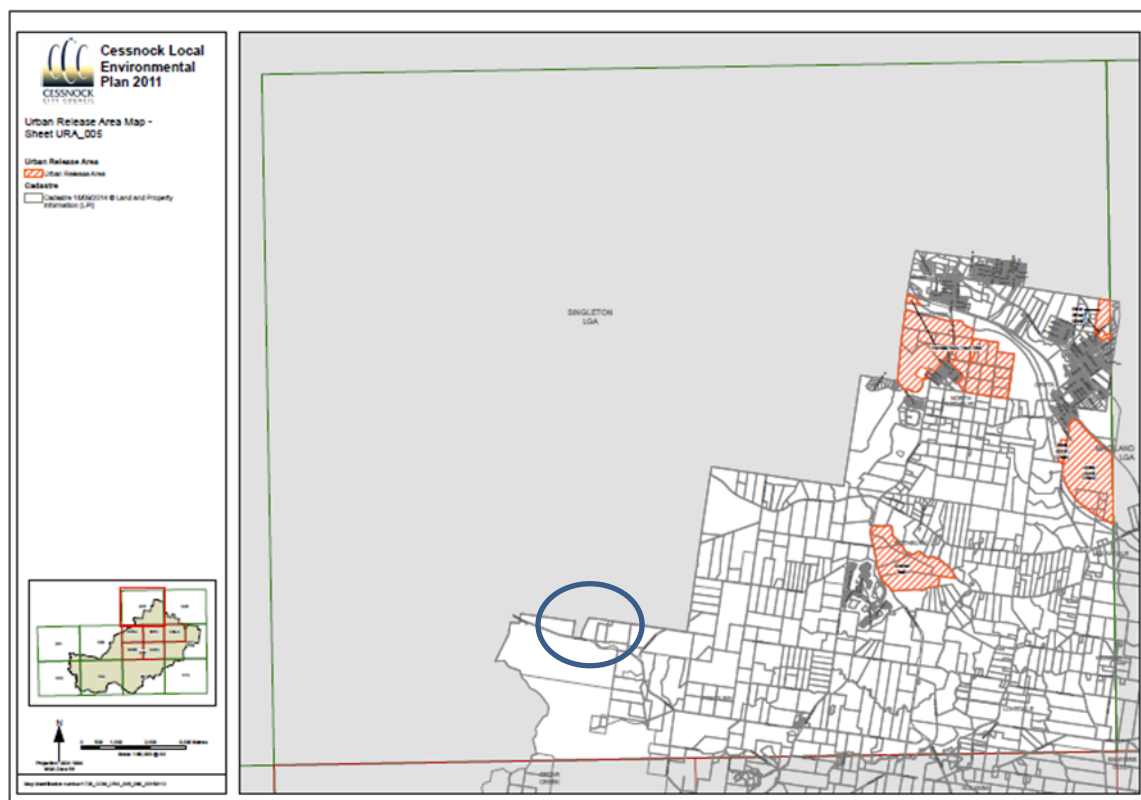


Figure 7 - Urban Release Areas Map

PART 5: COMMUNITY CONSULTATION

Community consultation will be undertaken as directed in the Gateway Determination. Given the 'low impact' nature of this proposal, a 14 day exhibition period was required by the Determination. A copy of the Gateway Determination response is provided in Appendix 2.

The proposal was exhibited from 20 May 2015 to 3 June 2015 at the following locations:

- Council's Administration Building (Customer Service Section);
- Cessnock Public Library;
- Kurri Kurri Public Library; and
- Council's website at www.cessnock.nsw.gov.au

During the exhibition period, one (1) public submission was received, raising concerns with the Planning Proposal to accommodate a Private Network Operator (PNO) water recycling facility at Bellbird North (Bellbird Ridge). The concerns of the submission, with planner's responses, are summarised as follows:

- 1. The Planning Proposal does not represent an orderly and economic methodology for water and waste water infrastructure delivery within the Bellbird North URA.***

Comment

State Environment Planning Policy (Infrastructure) permits:-

- 1) Development by a person licensed under the Water Industry Competition Act 2006 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 other person with development consent, within prescribed zones.

However, there are no provisions in the State Environment Planning Policy (Infrastructure) 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.

The Planning Proposal is compatible with the objectives of the State Environment Planning Policy (Infrastructure) and will make the provision of essential infrastructure under the Water Industry Competition Act 2006 permissible with development consent in zones not covered by the State Environment Planning Policy (Infrastructure), facilitating orderly and economic development opportunities in the Bellbird North Urban Release Area in particular and Council's Urban Release Areas generally.

2. *The Planning Proposal will facilitate a piecemeal delivery of water and waste water infrastructure*

Comment

In response to the issues raised in the submission, Council requested the Private Network Operator (Flow Systems P/L) to confirm the onsite capacities of the proposal water recycling facility at Bellbird North.

Flow Systems P/L confirmed that the land area of 8077m² was of a suitable size to construct infrastructure sufficient to cater for the 3,500 lot yield anticipated within the Bellbird North URA. The system will harvest sewage from the development area, treat it on site in accordance with Australian Guidelines for Water Recycling and return it to the development for non-potable uses such as toilet flushing, washing machine use and irrigation.

While all environmental and regulatory issues for the full facility will need to be addressed in future approvals sought from relevant authorities and regulators, the facility will be built in stages in line with development growth on commercial arrangement.

Based on current commercial arrangements, the initial stage to be constructed will service the proponents (Johnson Property Groups) land interests. Notwithstanding this, the operators will be able to satisfy interests from other land owners seeking serviced to allow augmentation of the facility on a commercial basis.

3. *Development of smaller land holdings within the Bellbird North URA will become unviable*

Comment

The Water Industry Completion Act 2006 allows application to be made to construct and operate water industry infrastructure (including water recycling facility). The Independent Pricing and Regulatory Tribunal (IPART) are responsible for monitoring under the Act.

As such, the Private Network Operator (PNO) will service the Bellbird North URA, through a local servicing strategy following set procedures approved by Hunter Water, with the construction subject to future development approvals by Council and the operation, including connections and costs, regulated by IPART.

The Planning Proposal has not been amendment as a result of the public exhibition.

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 September 2015.

	Feb 2015	March 2015	April 2015	May 2015	June 2015	July 2015	Aug 2015	Sept 2015
STAGE 1 Submit Planning Proposal to Planning & Infrastructure								
STAGE 2 Anticipated commencement date (Gateway Determination)								
STAGE 3 Agency Consultation / 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



Acrobat Document

Council Minute

Appendix 2: Gateway Determination



Acrobat Document

Gateway Determination
19 March 2015



Acrobat Document

Gateway Determination
8 May 2015

Appendix 3: Comments - Hunter Water Corporation



Acrobat Document