

Planning and Environment
Report No. PE18/2020
Planning and Environment



SUBJECT: *PLANNING PROPOSAL - 8 KERLEW STREET AND 39 PINCHEN STREET NULKABA*

RESPONSIBLE OFFICER: *Senior Strategic Planner - Emma Brown
Acting Principal Strategic Planner - Iain Rush
Strategic Planning Manager - Martin Johnson*

SUMMARY

APPLICATION NUMBER:	18/2020/1
PROPERTY DESCRIPTION:	Part of Lot 32 DP1253404 Part of Lot 1552 DP 1046610
PROPERTY ADDRESS:	8 Kerlew Street Nulkaba 39 Pinchen Street Nulkaba
PLANNING PROPOSAL:	Rezone part of property from R5 Large Lot Residential to RU5 Village and amend the minimum lot size from 2,000m ² to 750m ² .
ZONE: (CURRENT)	RU5 Village Zone and R5 Large Lot Residential Zone
ZONE: (PROPOSED)	RU5 Village Zone
PROPONENT:	Insite Planning Services

The purpose of this Report is to seek Council's endorsement to forward the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) for a 'Gateway determination'.

RECOMMENDATION

1. That Council forwards the Planning Proposal to the Department of Planning, Industry and Environment seeking a 'Gateway determination'.
2. That Council undertakes consultation with public authorities and the community as determined by the Department of Planning, Industry and Environment Gateway determination.
3. That Council requests authorisation to exercise functions of the Minister under Section 3.36 of the *Environmental Planning and Assessment Act 1979* to make the plan.
4. That Council receives a report back on the Planning Proposal if written objections are received during the consultation with the community; otherwise forward the Planning Proposal to the Department of Planning, Industry and Environment requesting the plan to be made.

BACKGROUND

Council has received a Planning Proposal (**copy provided under separate cover**) to amend the *Cessnock Local Environmental Plan 2011* (the LEP) to rezone part of Lot 1552 DP 1046610 and part of Lot 32 DP 1253404 (see **Figure 2**) from R5 Large Lot Residential Zone to RU5 Village Zone, and amend the associated LEP Minimum Lot Size Map from 2,000m² to 750m².

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The subject site is located on the western fringe of the Nulkaba Village. The land presently contains a dwelling, sheds and open paddocks to the west of the dwelling. The site surrounds include a mix of cleared paddocks, residential village and large lots. Part of the site is subject to minor flooding.

The site is currently split zoned, which presently does not support an orderly approach residential subdivision (see **Figure 1**).

The Planning Proposal is assessed as having merit because the land proposed to be rezoned to RU5 Village is consistent with the general character of the surrounding locality as well as the existing surrounding subdivision pattern to the north and east of the site within the Nulkaba Village.

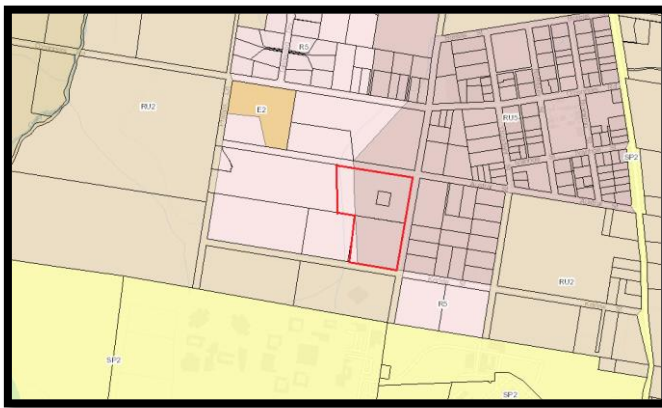


Figure 1: The site



Figure 2: Land subject to the amendment

REPORT/PROPOSAL

The Planning Proposal seeks to rezone part of Lot 1552 DP 1046610 and part of Lot 32 DP 1253404 (**Figure 2**) from R5 Large Lot Residential Zone to RU5 Village Zone, and amend the associated LEP Minimum Lot Size Map from 2,000m² to 750m².

Presently, the RU5 Village zoned portion of the site has development approval to create residential allotments of between 898m² and 1,135m². The Planning Proposal will remove the split zoning currently imposed on the site to achieve a consistent zoning and minimum lot size across the entire site. This will ensure consistency with the predominant and approved subdivision pattern of the site and Nulkaba Village (see **Figure 3**).



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Figure 3: Approved subdivision plan (left) and future indicative future subdivision plan (right) post rezoning to RU5 Village

The proposal will enable development of the site for urban residential purposes and will ensure that future development will satisfy the housing/allotment targets set for the Nulkaba Urban Release Area, which is transitioning from a larger lot residential area to a village area.

The proposal is considered to have merit; however, Council flood mapping shows the site is subject to minor flooding. Rezoning to intensify residential development is contingent upon a flood study. It is recommended that Council forward the Planning Proposal to DPIE seeking a 'Gateway determination' and flood study (to be a condition of the Gateway determination). DPIE has indicated its support for this approach.

OPTIONS

1. Council resolve to support the recommendations of this Report and submit the Planning Proposal to the Department of Planning and Environment for a Gateway determination.
This is the recommended option.
2. Request changes to the Planning Proposal. This option may delay the proposed amendments.
3. Not support the recommendation of this Report for the following reasons:

(To be provided by Council).

CONSULTATION

Formal consultation on the Planning Proposal will be carried out in accordance with the Gateway determination.

STRATEGIC LINKS

a. Delivery Program

A Sustainable and Healthy Environment: Objective 3.1 Protecting and Enhancing the Natural Environment and the Rural Character of the Area.

b. Other Plans

Greater Newcastle Metropolitan Plan 2036

The Metropolitan Plan provides the strategies and actions to deliver on the vision, create great places across Greater Newcastle and align infrastructure and services in catalyst areas. The Planning Proposal is consistent with *Strategy 16 - Prioritise the delivery of infill housing opportunities within existing urban areas* and *Strategy 18 - Deliver well-planned rural residential housing areas*. The outcomes of the amendment will achieve efficient use of land for housing and enable more affordable housing within Nulkaba Village locality.

Hunter Regional Plan 2036

The Hunter Regional Plan (HRP) provides the overarching framework to guide the NSW Government's land use planning priorities and decisions to 2036. The Planning Proposal is consistent with *Direction 21: Create a compact settlement* by reducing the minimum lot size

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from 2000m² to 750m² consistent with the remainder of site, and, intentions of the Nulkaba BC10 Urban Release Area which aims to provide village size allotments in close proximity to jobs, services, reticulated water and sewer infrastructure.

City Wide Settlement Strategy (2010) (CWSS 2010)

There is no inconsistency between the Planning Proposal and Council's City Wide Settlement Strategy which has informed the draft Local Strategic Planning Statement 2036 (LSPS). Fundamentally, the urban footprint of the Cessnock LGA is to be contained and residential intensification is supported for identified villages including the Nulkaba Urban Release Area.

Draft Local Strategic Planning Statement (2036) (draft LSPS)

The Nulkaba Village is considered an investigation area for potential infill housing within existing R5 and RU5 Zones (if servicing can be achieved). The proposal is consistent with the draft LSPS development objectives for the management of urban growth.

IMPLICATIONS

a. Policy and Procedural Implications

Following Council's endorsement, the planning Proposal will be submitted to the DIPE Environment for a Gateway determination.

It is intended that the Planning Proposal be exhibited in accordance with any specific requirements made by DPIE in the Gateway determination.

The status of the Planning Proposal is identified in the following process flow chart.

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PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



b. Financial Implications

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The Planning Proposal requires payment of fees as outlined in Council's adopted Fees and Charges. This allows Council to recoup costs for the staff time spent on the proposal and any costs incurred as part of the exhibition process. The fees are based on time and costs associated with the average planning proposal. This Planning Proposal is considered to be a Category B rezoning.

There are no financial implications if Council does not proceed with the Planning Proposal.

c. Legislative Implications

This Planning Proposal has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the Department of Planning Industry and Environment's *a Guide to Preparing Planning Proposals*.

d. Risk Implications

As discussed above the site is affected by flooding, it is recommended a flood study be a condition of a Gateway determination.

e. Environmental Implications

As discussed above the site is affected by flooding, it is recommended a flood study be a condition of a Gateway determination.

There is also the potential that the future development will have traffic and noise impacts needing to be mitigated. These matters will be assessed and addressed at the Development Assessment stage when a detailed design is known.

f. Other Implications

The proposal has the potential to provide additional housing to the local community, allowing high quality dwellings as well as contribute to the local Nulkaba Village economy. The site is already serviced by water and sewer and in close proximity to infrastructure and amenities.

CONCLUSION

Should Council determine to support the proposal, the Planning Proposal will be forwarded to DPIE for a Gateway determination. The Gateway determination is likely to contain conditions (including the requirement of a flood study) that will need to be satisfied prior to public exhibition.

As per the recommendations of this Report, a further report will be presented to Council following the public exhibition of the Planning Proposal if written objections are received. Otherwise the Planning Proposal will be forwarded to DPIE requesting the plan be made.

ENCLOSURES

- 1 Planning Proposal Report - Provided Under Separate Cover