

Planning and Environment

Report No. PE14/2023

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SUBJECT: *PLANNING PROPOSAL - RECLASSIFY AND REZONE
VARIOUS LOTS IN BELLBIRD AND ABERMAIN*

RESPONSIBLE OFFICER: *Strategic Planning Manager - Martin Johnson*

SUMMARY

The purpose of this report is to provide an overview of the proposed amendments contained in the attached Reclassification and Rezoning Planning Proposal to amend *Cessnock Local Environmental Plan 2011* (the 'CLEP 2011') and seek Council endorsement to forward the Planning Proposal to the NSW Department of Planning and Environment (DPE) for Gateway determination.

This report also seeks Council's endorsement to reclassify Lot 11 Section B DP 4748 (94 Harle Street, Abermain) from Operational Land to Community Land.

RECOMMENDATION

1. That Council resolves to reclassify Lots 9, 10 and 11 Section B DP 4748 (94 Harle Street, Abermain) from Operational Land to Community Land pursuant to Section 33 of the *Local Government Act, 1993*.
2. That Council requests a Gateway determination for a Planning Proposal from the NSW Department of Planning and Environment pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979* to:
 - a. rezone part of Lot 3 DP 624793 (Carmichael Park, Bellbird) from RE1 Public Recreation to RE2 Private Recreation;
 - b. reclassify part of Lot 3 DP 624793 (Carmichael Park, Bellbird) from Community Land to Operational land; and
 - c. rezone Lot 11 Section B DP 4748 (94 Harle Street, Abermain) from R2 Low Density Residential to RE1 Public Recreation.
3. That Council requests authorisation under Section 3.31 of the *Environmental Planning and Assessment Act 1979* to act as the local plan-making authority to make the Local Environmental Plan.
4. That Council undertakes consultation with public authorities and the community as determined by the Gateway Determination.
5. That Council undertake the necessary Public Hearing and public notification requirements for the proposed reclassifications of Council owned land, pursuant to the provisions of Sections 29 and 34 of the *Local Government Act, 1993*.
6. That Council receives a report back on the outcomes of the community consultation and findings of the Public Hearing and any submissions received in response to the notification of the reclassifications.

BACKGROUND

The CLEP 2011 is Council's primary planning instrument. It contains provisions that manage development on land in the Cessnock Local Government Area (LGA). This Planning Proposal seeks to amend provisions within the CLEP 2011, in accordance with resolutions made by the Council and/or to correct anomalies within the CLEP 2011.

REPORT/PROPOSAL

This report provides details of a Planning Proposal that makes recommendations for amendments to CLEP 2011 affecting two sites, referred to as Sites 1 and 2. Details on the sites are as follows:

Site 1: Portion of Lot 3 DP 624793, Carmichael Park, Bellbird

Site 1 (**Figure 1**) is an approximate 6-metre wide portion of land adjoining Bellbird Park Bowling Club. The Planning Proposal seeks to reclassify a portion of Carmichael Park from Community to Operational land under Schedule 4 of CLEP 2011, in accordance with the council resolution made at the Council meeting of 17 February 2021.

Further, the Planning Proposal seeks to rezone this same portion of land from RE1 Public Recreation to RE2 Private Recreation in keeping with the remainder of the site owned by Bellbird Park Bowling Club.

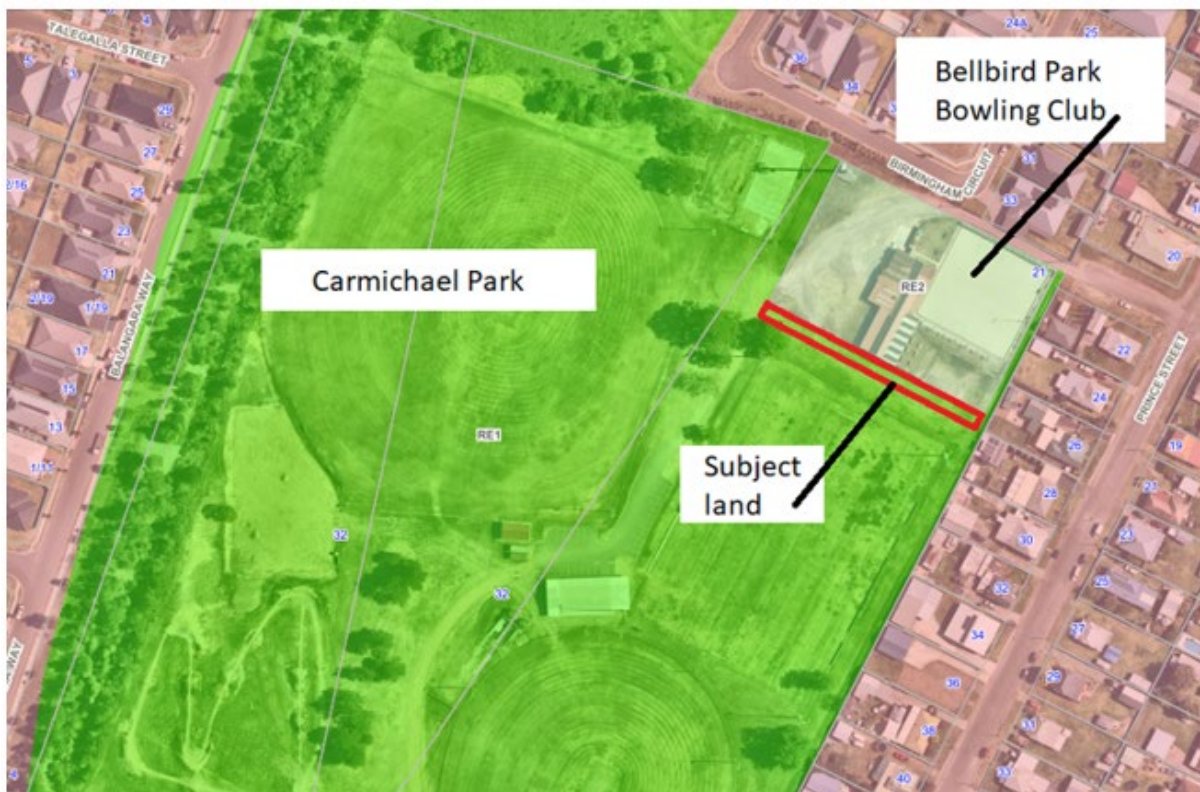


Figure 1 - Site 1 Locality Plan

This will allow this approximate 6-metre wide portion of land to be sold to the adjacent Bellbird Park Bowling Club to address the following issues:

- Fencing and extension of the bowling club's boundary at the southern end to allow vehicular access for club patrons and deliveries; and
- Fencing of the western boundary to formalise the site, and stop vehicular access from the bowling club through Carmichael Park.

This furthers the actions of the Carmichael Park masterplan.

Site 2: Lots 9, 10 and 11 Section B DP 4748, 94 Harle Street (playground), Abermain

Site 2 (as outlined yellow in **Figure 2**) comprises an area of approximately 2450m² and is currently classified as Operational land. The land is known as the Harle Street playground and includes embellishments in the form of play equipment.

Council's endorsement to reclassify this land from Operational land to Community land is requested to reflect the existing and ongoing land use purpose.



Figure 2 - Site 2 Locality Plan

Additionally, the Planning Proposal seeks to rezone Lot 11 Section B DP 4748 (as outlined red in **Figure 2**) located within Site 2 from R2 Low Density Residential Zone to RE1 Public Recreation Zone, to reflect the current and ongoing use of this land as a park, consistent with the remainder of this park zoned RE1 Public Recreation.

This is an administrative amendment to correct a mapping and classification anomaly identified by Council's Open Space and Community Facilities team. This will allow the correct zone to be applied to a portion of Harle Street park that is, and continues to be used as public open space as identified in the Cessnock Recreation and Open Space Strategic Plan.

Planning and Environment

Report No. PE14/2023

Planning and Environment



CONSULTATION

Formal public consultation regarding the Planning Proposal will be carried out in accordance with Gateway determination and Council's Community Participation Plan (CPP), should Council resolve to endorse the recommendation of this report.

Additionally, Council must also publicly notify the proposed reclassifications and provide a period of 28 days in which submissions may be made.

Separately, a Public Hearing will also be conducted by an independent third party in relation to the reclassification of Community Land.

STRATEGIC LINKS

a. Delivery Program

Cessnock Community Strategic Plan 2036 Objective 1.2: Strengthening community culture: 1.2.4 - We have multi-purpose sporting and recreation facilities that meet the needs of a growing population.

b. Other Plans

In relation to Site 1, this furthers the actions of the Carmichael Park Masterplan with regards to the Bellbird Park Bowling Club (BPBC).

In relation to Site 2, this is consistent with the Cessnock Recreation and Open Space Strategic Plan.

IMPLICATIONS

a. Policy and Procedural Implications

NIL

b. Financial Implications

NIL

c. Legislative Implications

The planning proposal will be undertaken in accordance with the *Environmental Planning and Assessment Act, 1979*, and *Local Government Act 1993*, in addition to the DPE Local Environmental Plan Making Guideline (September 2022) and Council's CPP.

d. Risk Implications

The proposed amendments to Site 1, Carmichael Park, will separate vehicle movements to and from Bellbird Park Bowling Club from users of Carmichael Park, improving the safety of users at both facilities.

e. Environmental Implications

NIL

Planning and Environment

Report No. PE14/2023

Planning and Environment



f. Other Implications

NIL

CONCLUSION

This report and associated Planning Proposal seek to implement resolutions of Council and correct anomalies in the CLEP 2011.

Amendments in relation to Site 1 – Carmichael Park are put forward to facilitate clear and separate vehicular access to the rear of Bellbird Park Bowling Club and separate these current and ongoing movements from users of Carmichael Park.

Amendments in relation to Site 2 will correct a mapping anomaly and allow correct identification and zoning of Harle Street Playground, recognising the ongoing use of this playground as public open space.

It is recommended that Council requests a Gateway determination for the planning proposal from the DP&E and undertake those actions specified by the *Local Government Act, 1993* in relation to reclassification of public land.

ENCLOSURES

- [1](#) Planning Proposal - Rezoning and Classification of certain Public Land