



INFRASTRUCTURE ZONES REVIEW

August 2019 Draft for exhibition



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Executive Summary

There are currently three (3) different sets of planning rules that apply to the MidCoast area. As part of the 'Zoning in on our Future' project Council is working towards one set of planning rules which will result in a single MidCoast Local Environmental Plan (LEP).

The Draft Infrastructure Zone Review forms part of this larger body of work, providing details of our infrastructure and how it has been zoned. It also provides recommendations for zoning infrastructure to inform preparation of the new MidCoast LEP.

Findings and recommendations

Infrastructure has been zoned and categorised differently across the MidCoast, with SP2 Infrastructure Zone being the predominate land use zone applied.

There are a number of land parcels in Gloucester that have been zoned SP1 Special Activities which potentially should be rezoned to either SP2 Infrastructure or an appropriate surrounding zone.

It is recommended that the SP2 Infrastructure Zone continue to be used for significant infrastructure that is unlikely to be used for a different purpose in the future. To provide land use certainty, railways, significant state roads such as the Pacific Highway, sewage systems, waste management facilities and airports will be included in the SP2 Infrastructure Zone where they are not already.

Public cemeteries will be zoned SP2 Infrastructure due to the limited potential for future uses over these sites.

The SP2 Infrastructure Zone will provide land use certainty and protection for hospitals and larger educational establishments such as Great Lakes and Taree TAFE. Smaller educational establishments such as schools will remain within the surrounding zone.

Larger water supply systems such as Bootawa Dam will be zoned SP2 Infrastructure, while smaller water supply systems such as reservoirs will remain within most appropriate surrounding zone.

Larger electricity generating works within urban areas will be zoned SP2 Infrastructure. Smaller electricity generating works will continue to be zoned the same as surrounding land.

Zoning recommendations for specific sites that do not fall into the broad infrastructure groups outlined above, are based on best practice and Department of Planning, Infrastructure and Environment zoning guidelines. It is also recommended that infrastructure be categorised in Land Zoning Maps in accordance with definitions contained in State Environmental Planning Policy (Infrastructure).

The SP1 Special Activities Zone will not be used at this time as there are no relevant land uses in the MidCoast that need to be accommodated in this zone.

Land in the Land Reservation Acquisition (LRA) layer that is required for infrastructure purposes and not currently owned by the relevant public authority will be zoned SP2 Infrastructure.

Recommendations within this report are generally consistent with state guidelines and will provide a clear, consistent approach to zoning infrastructure across the MidCoast.

1 Introduction

Purpose

The purpose of the Draft Infrastructure Zone Review (the Review) is to look across the MidCoast area and develop a simplified, consistent approach to zoning our state, regional and local infrastructure.

The objectives of the Review are to:

- Determine how state, regional and local infrastructure is currently zoned across the MidCoast to determine similarities and differences.
- Provide robust zoning recommendations for infrastructure groups and site specific areas under a single MidCoast Local Environmental Plan (LEP).
- Recommend Infrastructure Categories to be used for land zoning maps in MidCoast LEP.

Background

There are currently three (3) different sets of planning rules that apply to the MidCoast area.

As part of the Zoning in on our Future project MidCoast Council (Council) is working towards preparation of a single MidCoast LEP that will provide one set of planning rules for our community now and into the future.

The Review forms part of this larger body of work and provides recommendations for zoning infrastructure within the MidCoast.

Scope

The Oxford dictionary defines 'infrastructure' as: 'The basic physical and organisational structures and facilities (e.g. buildings and roads) needed for the operation of a society or enterprise.'

The Review will focus on physical infrastructure only. It will review the role and function of the SP2 Infrastructure land use zone and its application to state, regional and significant local infrastructure in the MidCoast.

Under the Standard Instrument Local Environmental Plan (SI LEP) there are three (3) land use zones known as 'Special Purpose' zones as follows:

- SP1 Special Activities Zone
- SP2 Infrastructure Zone
- SP3 Tourist Zone

The majority of infrastructure in the MidCoast is contained in the SP2 Infrastructure Zone. For this reason, the Review will focus primarily on this zone.

The SP1 Special Activities Zone is used in limited locations in the former Gloucester Local Government Area (LGA). Therefore, the Review will only touch briefly on this zone when making recommendations for its future use.

The Review will not deal with the SP3 Tourist Zone as it is not typically used for infrastructure. The SP3 Tourist Zone will be looked at in more detail as part of the Draft Housing Strategy.

Figure 1: Special Purpose Zones covered by Draft IZR - taken from SI LEP



Limitations

When zoning land for infrastructure Council must work within a framework which is largely influenced by state and regional guidelines.

The Review has therefore been heavily influenced by state guidelines, particularly the Department of Planning, Industry and Environment's LEP Practice Note: 'Zoning for Infrastructure in LEPs (2010) (PN 10-001)' hereafter referred to as PN 10-001, as contained in Annexure B.

During preparation of the Review, Council has been mindful to consider the views of organisations responsible for the provision of infrastructure in the MidCoast.

Infrastructure zoning recommendations from the Review have been made taking into account preliminary discussions with infrastructure providers where possible. Further feedback will be sought from infrastructure providers during the community consultation process.

Land use zones

As indicated, the Review will deal mainly with the SP2 Infrastructure Zone, with some discussion on the SP1 Special Activities Zone. An explanation of both zones is provided below, along with the application, purpose, objectives and applicable land uses for each.

Table 1: SP2 - Infrastructure Zone

	SP2 Infrastructure Zone
Application	This zone is used in Gloucester, Great Lakes and Greater Taree LEPs.
Purpose	This zone is intended for land that contains infrastructure that is unlikely to be used for a different purpose in the future; for example, cemeteries and sewage treatment plants.
Standard Instrument LEP Objectives	<ul style="list-style-type: none"> To provide for infrastructure and related uses. To prevent development that is not compatible with or that may detract from the provision of infrastructure. <p><u>Great Lakes LEP contains the following additional objective:</u></p> <ul style="list-style-type: none"> To provide for community-related uses, public facilities and services. <p><u>Greater Taree LEP contains the following additional objective:</u></p> <ul style="list-style-type: none"> To encourage a range of airport-related uses within the Taree Airport.
Land uses	Across the three (3) LEPs this zone has generally been used for infrastructure such as sewage systems, hospitals, major roads and waste and resource management facilities. However, there are some inconsistencies in the way the zone has been used.

Table 2: SP1 - Special Activities Zone

	SP1 Special Activities Zone
Application	This zone is used in the Gloucester LEP only.
Purpose	For land uses or sites with special characteristics that cannot be accommodated in other zones. Some examples of where this zone may be suitable include land on which there is, or is proposed to be, a large complex such as a major scientific research facility or an international sporting facility.
Standard Instrument LEP Objectives	<ul style="list-style-type: none"> To provide for special land uses that are not provided for in other zones. To provide for sites with special natural characteristics that are not provided for in other zones. To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.
Land uses	In the Gloucester LEP this zone has been used for a number of cemeteries, a caravan park and a motel.

Infrastructure categories

Land zoned either SP2 Infrastructure or SP1 Special Activities, is categorised depending on the existing or proposed future use.

The infrastructure category is to be clearly marked on the relevant LEP Land Zoning Map as shown below in **Figure 2**.



Figure 2: SP2 Infrastructure zoned land parcel with infrastructure category clearly marked.

It is not always necessary to specify a preferred land use category in an LEP map. However, if a preferred land use is to be specified, then broad infrastructure categories used in State Environmental Planning Policy (Infrastructure) should be used rather than specific types of infrastructure. For example, 'educational establishment' should be used rather than 'primary school' (PN 10-001).

2 Policy

This section provides details of the different policy documents and legislation at a state, regional and local level which are relevant to the Draft Infrastructure Zone Review.

State guidelines

Infrastructure SEPP

State Environmental Planning Policy (Infrastructure) (Infrastructure SEPP) provides for the delivery of infrastructure in NSW, particularly where the infrastructure works are being carried out by, or on behalf of, a public authority. The Infrastructure SEPP achieves this by enabling certain development for particular purposes to be carried out either as exempt or complying development, provided that the development complies with certain development standards and criteria.

Recommendations have been made in consideration of the Infrastructure SEPP and the types of development that can be undertaken under the SEPP, in other land use zones.

LEP Practice Note

The Department of Planning Industry and Environment's LEP Practice Note: *Zoning for Infrastructure in LEPs* (2010) (PN 10-001) provides guidance to councils on zoning public infrastructure land.

The Practice Note contains six (6) principles for zoning infrastructure as follows:

Principle 1	Zoning for infrastructure that is permitted on all land - infrastructure that is allowed on all land under the Infrastructure SEPP may be placed in any land use zone.
Principle 2	Zoning for infrastructure that is permitted only in prescribed zones* - infrastructure should be provided for in prescribed zones where possible. *‘prescribed zone’ is a reference to land use zones in the Standard Instrument LEP that have been nominated as zones where certain types of infrastructure are allowed under the SEPP.
Principle 3	Certain special purpose zones should remain as special purpose zones - infrastructure land that is highly unlikely to be used for a different purpose in the future should be zoned special purpose. For example, cemeteries and sewage treatment plants.
Principle 4	Rules for using SP2 Infrastructure and SP1 Special Activities Zones - flexibility should be provided when zoning infrastructure for either SP2 Infrastructure or SP1 Special Activities. It also provides guidance on labeling infrastructure on Land Zoning Maps.
Principle 5	Zoning surplus public land - Government land that is no longer required to provide services or infrastructure is sometimes called ‘surplus’ public land. Surplus public land should be rezoned generally, to be compatible with surrounding land uses.
Principle 6	Avoid additional provisions in LEPs - LEPs should not have rules that deal with infrastructure that are already in the Infrastructure SEPP.

The Review has been largely influenced by these state principles for zoning infrastructure. A full copy of Practice Note: Zoning for Infrastructure in LEPs (2010) (PN 10-001) is provided in Annexure B.

Regional guidelines

Hunter Regional Plan 2036

The Hunter Regional Plan 2036 (Regional Plan) has been developed to guide land use planning in the Hunter Region over a 20-year period.

The Regional Plan contains a number of Goals, Directions and Actions. The Goals convey the intended outcome; the Directions identify the broad issues or policy areas that we need to focus on and the Actions represent the steps we need to take or initiatives we need to implement to achieve the goals.

The following Directions and Actions from the Regional Plan are relevant to the Review:

Direction 4: Enhance interregional linkages to support economic growth

This Direction emphasises the need to manage land uses surrounding important transport corridors (road, rail and air) to maintain efficiencies in the network, and to allow for future growth.

Action 4.1	Enhance inter-regional transport connections to support economic growth.
Action 4.6	Investigate opportunities for logistics and freight growth and other complementary land uses around airports, leveraging investments at Taree and Newcastle airports.
Action 4.7	Enhance the efficiency of existing nationally significant transport corridors and protect their intended use from inappropriate surrounding land uses.

Direction 6: Grow the economy of MidCoast and Port Stephens

This Direction is based around growing the economies of the MidCoast and Port Stephens through a number of Actions including enhancing transport infrastructure.

Action 6.1	Enhance tourism infrastructure and connectivity, recognising the importance of: regional and inter-regional connections via the Pacific Highway and the Newcastle and Taree airports and cruise ship gateways; and local routes such as The Lakes Way and Nelson Bay Road.
Action 6.2	Enhance links to regional services in Greater Newcastle.

Direction 13: Plan for greater land use compatibility

This Direction provides for greater land use compatibility through the appropriate identification of different land uses.

Action 13.3	Amend planning controls to deliver greater certainty of land use.
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The Review is consistent with the relevant Directions and Actions in the Hunter Regional Plan.

Local guidelines

Strategies and reviews

Along with the Draft Infrastructure Zone Review, Council is currently working on a number of other key projects. These projects, are part of the Zoning in on our Future project and will inform preparation of a single MidCoast LEP.

- Rural Strategy
- Housing Strategy
- Manning Health & Taree CBD Precinct Plan
- Employment Zones Review
- Recreation Zones Review

LEP Consolidation Principles

Council has developed the following four key Local Environmental Plan (LEP) Consolidation Principles. These principles will guide the review of land use zones and planning rules from Gloucester, Great Lakes and Greater Taree LEPs to develop a single MidCoast LEP.

Table 3: MidCoast LEP Consolidation Principles

Principle 1 - Acknowledge diversity and local character

To identify and protect our diverse and valuable natural landscapes and to recognise the desired roles and character of our different urban settlements.

Principle 2 – Consistency with State

To prepare the local environmental plan in a manner consistent with State legislation and guidelines.

Principle 3 – Regional Policies and Plans

To apply the goals and actions for the MidCoast local government area contained in regional policies and plans.

Principle 4 – Council Strategies

To reflect the actions, goals and recommendations of Council strategies.

The LEP Consolidation Principles have influenced the recommendations for zoning infrastructure documented within this report.

3 Our infrastructure

MidCoast Council current has 4, 413 hectares of land zoned for infrastructure as shown in **Table 4**. About 72% of this falls into the category of 'Classified Road' which includes the Pacific Highway and sections of The Lakes Way.

Sewage systems, Waste and resource management facilities and Water supply systems make up roughly 7%, 6% and 5% of land zoned for infrastructure respectively, while the remaining 17 categories account for roughly 10% of land zoned for an infrastructure purpose.

Table 4: MidCoast infrastructure by Category*

CATEGORY	Total Area (ha)	No. of parcels	% of Total Area (ha)
Classified Road	3175	413	71.94%
Sewage System	330	23	7.47%
Waste and Resource Management Facility	279	16	6.32%
Water Supply System	204	25	4.62%
Air Transport Facility	108	18	2.45%
Caravan Park	96	3	2.17%
Local Road	72	3	1.63%
Drainage	34	1	0.76%
Educational Establishments	26	1	0.59%
Community Purposes	22	5	0.51%
Waste Disposal Facility	16	1	0.36%
Health Service Facilities	11	2	0.24%
Railway	10	6	0.24%
Cemetery	10	4	0.22%
Sewage Treatment Plant	8	2	0.18%
Hospital	6	27	0.13%
Pumping Station	5	5	0.12%
Motel	1	1	0.02%
Public Facility	1	5	0.02%
Substation	0.4	2	0.01%
Water Tower	0.1	1	0.002%
TOTAL	4413	564	100

** Due to the different way infrastructure has been categorised across the three (3) LEPs there are some categories which overlap for example: Sewage Systems and Sewage Treatment Plants.*

Existing situation

The way infrastructure is dealt with under the existing Gloucester, Great Lakes and Greater Taree LEPs is quite different. For example, railways are zoned the same as the surrounding zone in Great Lakes LEP 2014, while in Greater Taree LEP 2010 railways are zoned SP2 Infrastructure.

Categories used in each of the three (3) LEPs are also different. For example, in Great Lakes LEP 2014 hospitals have generally been categorised as 'Hospitals' while in Greater Taree LEP 2010 hospitals have been categorised as 'Health Service Facilities'.

The land use zones used for infrastructure in the Gloucester, Great Lakes and Greater Taree LEPs are also different. For example, the SP1 Special Activities Zone has only been used in Gloucester LEP 2010 while Great Lakes and Greater Taree do not have any parcels of land zoned SP1 Special Activities as shown in **Table 5**.

Table 5: Land zones used by LEP

	Greater Taree LEP	Great Lakes LEP	Gloucester LEP
SP2 Infrastructure	✓	✓	✓
SP1 Special Activities	×	×	✓

Research design

The Review was developed in accordance with state wide best practice for the zoning of infrastructure land. The following provides details for the key steps undertaken:

Desktop assessment

A desktop assessment of land zoned SP2 Infrastructure and SP1 Special Activities was undertaken. The assessment involved working out the types of infrastructure contained in each zone across the MidCoast.

Based on the information gathered, a project plan was developed for the IZR, stakeholders were identified and an Internal Reference Group was formed to provide input on the project at key stages.

Contact was made with internal stakeholders and a number of infrastructure providers including government agencies notifying them of the IZR.

Infrastructure analysis

A detailed analysis of infrastructure was then undertaken. To assist with the analysis, infrastructure within the MidCoast was placed into the following infrastructure groups:

- Roads
- Railways
- Airports
- Hospitals
- Educational establishments
- Cemeteries

- Sewage systems
- Waste or resource management facilities
- Water supply systems
- Electricity generating works
- Land identified in the Land Reservation Acquisition (LRA) map layer
- Site specific areas (that do not fit into the above groups).

Data for each group including location, land area, ownership and naming category was collected from Council's internal Geographic Information System.

Infrastructure types and zones were then compared across the former three (3) local government areas and from this, similarities and inconsistencies were identified.

From the information gathered, a number of initial recommendations were developed including the identification of infrastructure groups that should and should not be included in an infrastructure land use zone.

An assessment of background information including relevant government policy was also undertaken including an in-depth assessment of land uses allowed under the Infrastructure SEPP.

Preliminary consultation

Once the analysis was nearing completion, input from the Internal Reference Group was sought to provide feedback on the proposed application of infrastructure land use zones.

A number of infrastructure providers were also contacted to canvas zoning ideas and feedback was provided.

Development standards

A development standard is a criterion contained in an LEP or Development Control Plan that controls aspects of building design, subdivision or the use of land. Development standards can be either numerical or performance based. Examples of development standards include the maximum height of a building or minimum lot size (for subdivision).

The majority of land zoned SP2 Infrastructure and SP1 Special Activities do not have any development standards applying to them. For the small amount that do, no changes are proposed to these development standards.

4 Recommendations

This section provides zoning recommendations for each infrastructure group, in table format. A sample table is provided below, detailing the type of information contained in each table.

A number of site specific zoning recommendations are included, for sites that do not fit into the identified infrastructure groups. Recommendations for future use of the SP1 Special Activities Zone along with general zoning recommendations for residual land along the North Coast Railway Line and Pacific Highway are also provided.

Sample Table

	<<Infrastructure group>>
Definition	<<Definition of the land use under the SI LEP>>
Existing situation	<<Shows how the infrastructure group has been zoned across the three (3) former LEPs>>
Additional notes	<<Notes including relevant state, regional and local guidelines>>
Category	<<Naming category to be used in LEP land use zoning maps >>
LEP Consolidation Principle/s	<<Applicable LEP Consolidation Principle>>
RECOMMENDATION	<<Zoning recommendation for the infrastructure group in question>>
Justification	<<Provides justification for the recommendation>>

Infrastructure groups

Table 6: Roads - zoning recommendation

	Roads
Definition	Road means a public road or a private road within the meaning of the <i>Roads Act 1993</i> , and includes a classified road.
Existing situation	Gloucester, Great Lakes & Greater Taree LEPs – In each of the former LGAs the Pacific Highway has been zoned SP2 Infrastructure. Otherwise roads have generally been zoned the same as the surrounding zone with the exception of some sections of the old Pacific Highway which have remained in the SP2 Infrastructure Zone after highway realignment.
Additional notes	For infrastructure or services prescribed in all zones (under the Infrastructure SEPP) and those currently zoned 'special use' e.g. roads, the appropriate adjacent land zone should generally be used (PN 10-001).
Category	Pacific Highway to be categorised as 'State Highway'
LEP Consolidation Principle/s	Principle 1 - Acknowledge diversity and local character Principle 2 – Consistency with State
RECOMMENDATION	<i>Roads will be zoned the same as the surrounding zone with the exception of the Pacific Highway which will remain zoned SP2 Infrastructure.</i>
Justification	The zoning recommendation for roads is consistent with state guidelines for the zoning of infrastructure as contained within PN 10-001. Applying the SP2 Infrastructure Zone to the Pacific Highway will ensure land use certainty and consistency across the state.

Table 7: Railways - zoning recommendation

	Railway
Definition	<p>Railway is a type of 'Public utility undertaking'.</p> <p>Public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Public Service agency or under the authority of or in pursuance of any Commonwealth or State Act:</p> <p>(a) railway, road transport, water transport, air transport, wharf or river undertakings.</p>
Existing situation	<p>Gloucester LEP – Railway has generally been zoned the same as the surrounding zone with the exception of the line that runs through Gloucester which has been zoned SP2 Infrastructure.</p> <p>Great Lakes LEP – Railway has been zoned the same as the surrounding zone.</p> <p>Greater Taree LEP – Railway has been zoned SP2 Infrastructure.</p>
Additional notes	For infrastructure or services prescribed in all zones (under the Infrastructure SEPP) and those currently zoned 'special use' e.g. railway, the appropriate adjacent land zone should generally be used (PN 10-001).
Category	The North Coast Railway is to be categorised 'Railway'
LEP Consolidation Principle/s	<p>Principle 1 - Acknowledge diversity and local character</p> <p>Principle 2 – Consistency with State</p>
RECOMMENDATION	Railway will be zoned SP2 Infrastructure.
Justification	<p>To ensure land use certainty for existing and future land owners and the community the most appropriate land use zone for the North Coast Railway is SP2 Infrastructure.</p> <p>This recommendation is not wholly consistent with PN 10-001. However, it is generally consistent with how railways have been zoned in NSW.</p> <p>Zoning this type of infrastructure to the SP2 Infrastructure Zone will assist in preventing land use conflict arising from potentially incompatible future land uses.</p>

Table 8: Airports - zoning recommendation

	Airports
Definition	<p>Airport means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.</p> <p>Airstrip means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.</p>
Existing situation	<p>Gloucester & Great Lakes LEPs – There are no airports in the Gloucester or Great Lakes regions. Airstrips, a number of which are no longer operational, have been zoned the same as the surrounding zone or in accordance with the zoning pattern for the surrounding area.</p> <p>Greater Taree LEP – Taree Airport is zoned SP2 Infrastructure. Airstrips are zoned the same as the surrounding zone.</p>
Additional notes	'Major state infrastructure on large sites should be zoned SP2 Infrastructure, including major airports.' (PN 10-001)
Category	Taree Airport is to be categorised 'Airport'
LEP Consolidation Principle/s	Principle 2 – Consistency with State
RECOMMENDATION	<ol style="list-style-type: none"> <i>1. Taree Airport will be zoned SP2 (Infrastructure).</i> <i>2. Airstrips will remain zoned the same as the surrounding zone.</i>
Justification	<p>Currently Taree Airport is zoned SP2 Infrastructure. To ensure land use certainty for existing and future surrounding land owners and the community the Taree Airport will remain zoned SP2 Infrastructure.</p> <p>This recommendation is consistent with principles contained PN 10-001 and will ensure the airport is protected from incompatible land uses.</p>

Table 9: Hospitals - zoning recommendation

	Hospitals
Definition	<p>Hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities (not listed here).</p> <p><i>Note: 'hospitals' are a type of 'health service facility' under the SI LEP</i></p>
Existing situation	<p>Gloucester & Great Lakes LEPs – Hospitals are zoned SP2 Infrastructure.</p> <p>Greater Taree LEP – Hospitals have been zoned SP2 Infrastructure with the exception of the Wingham Community Hospital which is zoned R1 General Residential.</p>
Additional notes	Major state infrastructure on large sites may be zoned SP2 Infrastructure, including major hospitals (PN 10–001).
Category	Hospitals will be categorised as 'Health Service Facility'
Consolidation Principle/s	<p>Principle 1 - Acknowledge diversity and local character</p> <p>Principle 2 – Consistency with State</p>
RECOMMENDATION	Hospitals will be zoned SP2 Infrastructure
Justification	<p>For consistency across the MidCoast, all hospitals will be zoned SP2 Infrastructure.</p> <p>This recommendation is generally consistent with PN 10-001 and will ensure land use certainty for surrounding land owners.</p>

Table 10: Educational establishments - zoning recommendation

	Education establishments
Definition	<p>Educational establishment means a building or place used for education (including teaching), being:</p> <ul style="list-style-type: none"> (a) a school, or (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.
Existing situation	<p>Gloucester & Great Lakes LEP – Education establishments have predominately been zoned the same as the surrounding zone.</p> <p>Greater Taree LEP – Education establishments have predominately been zoned the same as the surrounding zone with the exception of Taree TAFE College which is zoned SP2 Infrastructure.</p>
Additional notes	Public schools are permitted within residential and business zones under the Infrastructure SEPP.
Category	Category to be used is 'Education establishment'
LEP Consolidation Principle/s	<p>Principle 1 – Acknowledge diversity and local character</p> <p>Principle 2 – Consistency with State</p>
RECOMMENDATION	<ol style="list-style-type: none"> 1. <i>Education establishments will be zoned the same as the surrounding zone.</i> 2. <i>Taree and Great Lakes TAFE will be zoned SP2 Infrastructure.</i> 3. <i>Minor boundary adjustments to the SP2 Infrastructure zone at Taree TAFE will be undertaken to more closely reflect built form on the site.</i>
Justification	<p>This recommendation is consistent with PN 10-001 which states that schools should be zoned the same as the surrounding zone.</p> <p>PN 10-001 states that the SP2 Infrastructure zone would be suitable for TAFEs and schools considered to be of regional significance.</p> <p>Council considers that both Great Lakes and Taree TAFE are significant to the region (i.e. significant educational establishments servicing large regions) and therefore is recommending both sites be zoned SP2 Infrastructure.</p> <p>This recommendation represents a zoning change to Great Lakes TAFE which is currently zoned R2 Low Density Residential.</p>

Table 11: Cemeteries - zoning recommendation

	Cemeteries
Definition	Cemetery means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.
Existing situation	<p>Gloucester LEP – Two public cemeteries in the Gloucester region have been zoned SP1 Special Activities.</p> <p>Great Lakes & Greater Taree LEPS – Public cemeteries have been zoned the same as the surrounding zone.</p>
Additional notes	If currently zoned for a special use, cemeteries should remain in the SP2 (Infrastructure) zone (PN 10-001).
Category	Category to be used is 'Cemetery'
LEP Consolidation Principle/s	<p>Principle 1 - Acknowledge diversity and local character</p> <p>Principle 2 – Consistency with State</p>
RECOMMENDATION	<p><i>1. Public cemeteries will be zoned SP2 Infrastructure</i></p> <p><i>2. Manning Great Lakes Memorial Gardens (crematorium and private cemetery) will be zoned SP2 Infrastructure</i></p>
Justification	<p>Cemeteries are unlikely to be used for a different purpose in the future and therefore the SP2 Infrastructure is considered appropriate.</p> <p>The SP2 Infrastructure Zone is proposed for the Manning Great Lakes Memorial Gardens to ensure the infrastructure is protected. It will also ensure land use certainty for existing and future surrounding land owners.</p>

Table 12: Sewage systems - zoning recommendation

	Sewage systems
Definition	<p>Sewage system means any of the following</p> <ul style="list-style-type: none"> (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).
Existing situation	<p>Gloucester LEP – Smaller sewage systems have been zoned the same as the surrounding zone while one larger sewage system in Gloucester is zoned SP2 Infrastructure.</p> <p>Great Lakes LEP – Sewage systems have generally been zoned SP2 Infrastructure.</p> <p>Greater Taree LEP – Sewage systems have been zoned the same as the surrounding zone with the exception of the sewage system at Old Bar which has been zoned SP2 Infrastructure.</p>
Additional notes	Infrastructure land that is highly unlikely to be used for a different purpose in the future, such as sewage systems, should be zoned special purpose (PN 10–001).
Category	Category to be used is ‘Sewage system’
LEP Consolidation Principle/s	Principle 2 – Consistency with State
RECOMMENDATION	<i>Sewage systems will be zoned SP2 Infrastructure</i>
Justification	<p>This type of infrastructure is unlikely to be used for a different purpose in the future, therefore the SP2 Infrastructure Zone is considered appropriate.</p> <p>The SP2 Infrastructure Zone will also provide land use certainty for existing and future surrounding land owners. It will also provide protection from development which may be incompatible with this use.</p>

Table 13: Waste or resource management facilities - zoning recommendation

	Waste or resource management facilities
Definition	<p>Waste or resource management facility means any of the following:</p> <ul style="list-style-type: none"> (a) a resource recovery facility, (b) a waste disposal facility, (c) a waste or resource transfer station, (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).
Existing situation	<p>Gloucester & Great Lakes LEPs – Waste or resource recovery facilities are zoned SP2 Infrastructure.</p> <p>Greater Taree LEP – Waste or resource recovery facilities are zoned SP2 Infrastructure with the exception of the Bucketts Way Waste Management Facility which is zoned RU1 Primary Production.</p>
Additional notes	If currently zoned 'special use', the following infrastructure land should remain zoned for a 'special purpose': waste disposal or landfill sites (PN 10–001).
Category	Category to be used is 'Waste or resource management facility'
LEP Consolidation Principle/s	Principle 2 – Consistency with State
RECOMMENDATION	<i>Waste or resource management facilities will be zoned SP2 Infrastructure</i>
Justification	<p>This type of infrastructure is unlikely to be used for a different purpose in the future, therefore the SP2 Infrastructure Zone is considered appropriate.</p> <p>The SP2 Infrastructure Zone will also provide land use certainty for existing and future surrounding land owners. It will also provide protection from development which may be incompatible with this use.</p>

Table14: Water supply systems - zoning recommendation

	Water supply systems
Definition	<p>Water supply system means any of the following:</p> <ul style="list-style-type: none"> (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).
Existing situation	<p>Gloucester and Great Lakes LEPs – Water supply systems have generally been zoned SP2 Infrastructure.</p> <p>Greater Taree LEP – Water supply systems have been zoned the same as the surrounding zone with the exception of Bootawa Dam, which has been zoned SP2 Infrastructure.</p>
Additional notes	Major state infrastructure on large sites may be zoned SP2 Infrastructure e.g. dams (PN 10–001).
Category	Category to be used is 'Water supply system'.
LEP Consolidation Principle/s	Principle 2 – Consistency with State
RECOMMENDATION	<p><i>1. Larger water supply systems will be zoned SP2 Infrastructure.</i></p> <p><i>2. Smaller water supply systems will be zoned the same as the surrounding zone.</i></p>
Justification	<p>Larger water supply systems (also known as water treatment plants) such as Bootawa Dam and the Tea Gardens Water Treatment Plant, should be zoned SP2 Infrastructure which is consistent with PN 10–001.</p> <p>It is considered appropriate to zone smaller water supply systems the same as the surrounding zone. This will ensure the land can be used for other purposes in the future if the infrastructure use becomes redundant.</p>

Table 15: Electricity generating works - zoning recommendation

	Electricity generating works
Definition	Electricity generating works means a building or place used for the purpose of making or generating electricity.
Existing situation	Gloucester, Great Lakes and Grater Taree LEPs – Electricity generating works have generally been zoned the same as the surrounding zone with the exception of a ‘substation’ in Gloucester which is zoned SP1 Special Activities.
Additional notes	SEPP Infrastructure applies equally to private or public electricity generating works. For infrastructure or services prescribed in all zones and those currently zoned ‘special use’ (e.g. roads, railway lines, substations, pipelines etc.), the appropriate adjacent land zone should generally be used (PN 10–001).
Category	Category to be used is ‘Electricity generating works’
LEP Consolidation Principle/s	Principle 1 – Acknowledge diversity and local character
RECOMMENDATION	<p><i>1. Large electricity generating works within urban areas will be zoned SP2 Infrastructure</i></p> <p><i>2. Small electricity generating works will be zoned the same as the surrounding zone.</i></p>
Justification	<p>The recommendation for electricity generating works is not wholly consistent with PN 10-001 which states that the surrounding zone should generally be used for this type of infrastructure.</p> <p>However, for larger electricity generating works, within urban settlement boundaries the SP2 Infrastructure Zone is considered appropriate as it will ensure land use certainty for existing and future surrounding land owners. It will also ensure the infrastructure is protected from future development which may result in land use conflict.</p> <p>All electricity generating works outside of urban settlement boundaries will remain in their existing land use zone. This approach has been taken due to the difficulty in locating this type of infrastructure. For example; many electricity generating works, particularly smaller ones, are located within larger land parcels in state forests and national parks. This makes it difficult to precisely record their location and show them accurately on land use zoning maps.</p>

Table 16: Land reservation acquisition layer - zoning recommendation

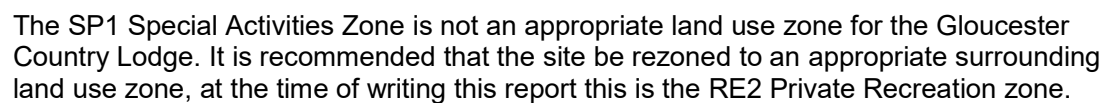
	Land identified in the Land Reservation Acquisition map layer
Definition	Land shown on the 'Land reservation acquisition' map layer within an LEP is land that may be acquired by an authority of the State.
Existing situation	Gloucester, Great Lakes and Greater Taree LEPs – various lands are identified in the Land reservation acquisition layers in each of the three local environmental plans.
Additional notes	Land use certainty is needed for land identified in the Land reservation acquisition layer.
Category	The category to be used will be dependent on the future proposed use.
LEP Consolidation Principle/s	Principle 1 - Acknowledge diversity and local character Principle 4 – Council Strategies
RECOMMENDATION	<p><i>1. Land in the Land reservation acquisition layer that is not owned by the relevant acquiring authority and <u>is required for infrastructure</u> documented within the Draft Infrastructure Review, should be zoned SP2 Infrastructure</i></p> <p><i>2. Land in the Land reservation acquisition layer that is not owned by the relevant acquiring authority and is <u>not required for infrastructure</u> documented within the Draft Infrastructure Review, should be zoned according to the future use where appropriate</i></p>
Justification	Rezoning land in the LRA layer in accordance with future proposed use (infrastructure or otherwise) is consistent with state guidelines and will provide land use certainty for land owners and the community.

Site specific

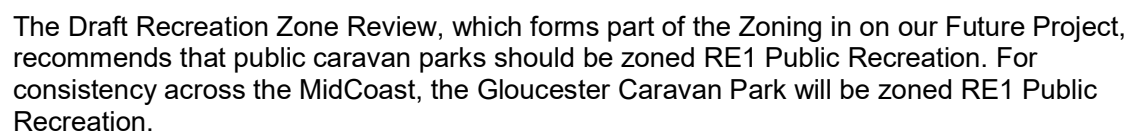
There are a number of land parcels that are zoned either SP2 Infrastructure or SP1 Special Actives that do not fall into one of the aforementioned infrastructure groups. As a result, each site has separate zoning recommendations.

Maps for each specific site, showing the existing and proposed land use zone, is contained in Appendix A.

The Gloucester Country Lodge is currently zoned SP1 Special Activities. PN 10-001 states that the SP1 Special Activities Zone should be used for land uses or sites with special characteristics that cannot be accommodated in other zones.

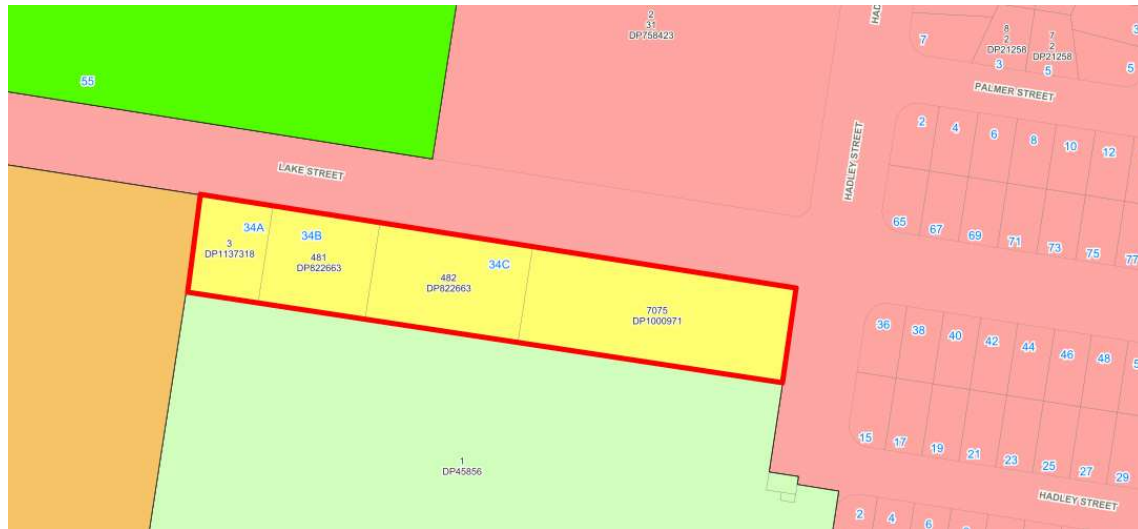


The Gloucester Caravan Park, owned by Council, is currently zoned SP1 Special Activities. As indicated above, this zone should be used for land uses or sites with special characteristics that cannot be accommodated in other zones.



Various land, Lake Street Forster

There are a number of land parcels opposite the Lake Street Sporting Fields that are zoned SP2 Infrastructure (refer to map in Appendix 2 'Various land, Lake Street Forster').



Uses for the land in question are: Girl Guides hall, childcare centre and art society/bridge club. The SP2 Infrastructure Zone is not an appropriate land use zone in this instance.

After an audit of similar land uses in the MidCoast area a residential land use zone is proposed for these parcels. It is therefore recommended that the surrounding residential zone as proposed in the Draft Housing Strategy, is applied to these lands.

Various land, Little Street, Forster:



There are a number of land parcels in Forster, located to the west of the Civic Precinct, that are currently zoned SP2 Infrastructure (refer to map in Appendix 2 'Various land, Little Street, Forster').

Land uses in this area include the Police Station and lockup, court house, visitor's information centre and Forster Neighborhood Centre. Lot 3 Sec 12 DP 758422 is the site of the former Forster School of Arts Hall and is currently a vacant reserve.

The SP2 Infrastructure Zone is not an appropriate land use zone for these land parcels.

It is recommended that the Police Station, lockup and court house, visitors information centre and Forster Neighborhood Centre be rezoned to the most appropriate surrounding land use zone, as recommended in the Draft Employment Zone Review - the B4 Mixed Use Zone at the time of preparing this report.

The RE1 Public Recreation Zone is proposed for the former School of Arts site. This will ensure any future use of the land will have a public recreation focus.

General

SP1 Special Activities Zone

The SP1 Special Activities Zone is used in the Gloucester LEP only. It has been applied to the Gloucester Motor Inn, Gloucester Caravan Park, Gloucester Cemetery and Stratford Cemetery.

State guidelines indicate that the SP1 Special Activities Zone should be used for land uses or sites with special characteristics that cannot be accommodated in other zones. Some examples of where this zone may be suitable include land on which there is, or is proposed to be, a large complex such as a major scientific research facility or an international sporting facility.

It is proposed to rezone those land parcels currently zoned SP1 Special Activities to either the SP2 Infrastructure Zone, an appropriate surrounding zone or other zone that is consistent with the existing and/or predominant land use.

Once these parcels of land have been rezoned, it will no longer be necessary to maintain the SP1 Special Activities Zone in a consolidated MidCoast LEP.

Residual land

Realignment of the Pacific Highway and North Coast Railway, in some cases, has resulted in small parcels of incorrectly zoned residual land as shown below in **Figure 17**.

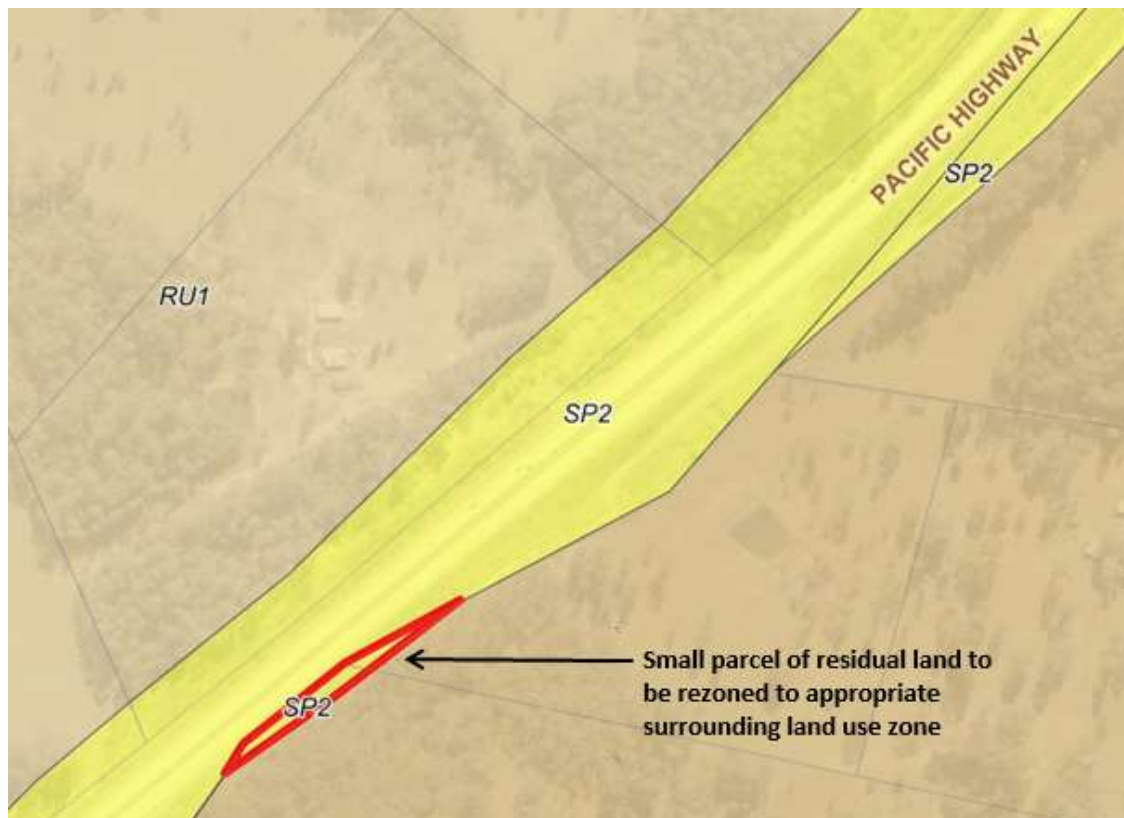


Figure 17: Example of incorrectly zoned residual land

Where realignment of infrastructure on the ground has occurred resulting in incorrectly zoned parcels of residual land that land will be rezoned to the most appropriate surrounding land

use zone where rezoning will not affect the existing development potential of the land. This will occur across the MidCoast wherever possible in consultation with the relevant infrastructure providers.

Infrastructure naming categories

Within the MidCoast LEP all land zoned SP2 Infrastructure will be categorised and labelled on Land Zoning maps. The Infrastructure Category used will be in accordance with definitions in the Infrastructure SEPP or SI LEP as recommended by PN 10-001.

5 Conclusion

There are a number of inconsistencies in the way infrastructure has been zoned and categorised under the existing Gloucester, Great Lakes and Greater Taree LEPs. However, where infrastructure has been zoned, the SP2 Infrastructure Zone has predominately been used.

Land use zones

In accordance with state zoning recommendations for infrastructure and for consistency across the MidCoast, it is recommended that the SP2 Infrastructure Zone be applied to significant infrastructure that is unlikely to be used for a different purpose in the future.

The SP1 Special Activities Zone will not be used as the MidCoast does not currently have any land uses that should be accommodated in this zone. Council can revisit the use of the SP1 Special Activities Zone at any time if required.

Infrastructure recommendations

To provide land use certainty, railways, significant state roads such as the Pacific Highway, sewage systems, waste management facilities and airports will be included in the SP2 Infrastructure Zone where they are not already.

Public cemeteries will be zoned SP2 Infrastructure due to the limited potential for these sites to be used for a different purpose in the future.

The SP2 Infrastructure Zone will also provide land use certainty and protection for hospitals and larger educational establishments such as Great Lakes and Taree TAFE. Smaller educational establishments such as schools will remain within an appropriate surrounding zone.

Larger water supply systems such as Bootawa Dam will be zoned SP2 Infrastructure, while smaller water supply systems such as reservoirs will remain within an appropriate surrounding zone.

Larger electricity generating works within urban areas will be zoned SP2 Infrastructure. Smaller electricity generating works will remain in the surrounding zone.

Land required for significant infrastructure and identified in the Land Reservation Acquisition map layer that is not owned by the relevant acquiring authority, will be zoned SP2 Infrastructure.

Zoning recommendations for site specific sites that do not fall into the broad infrastructure groups outlined, are based on best practice state zoning guidelines.

It is recommended that infrastructure be categorised and marked on Land Zoning Maps in accordance with definitions contained in State Environmental Planning Policy (Infrastructure).

Recommendations within this report are generally consistent with state guidelines for the zoning of infrastructure lands and will provide a clear, consistent approach to zoning infrastructure under a new MidCoast LEP.

6 Consultation

As part of the Zoning in on our Future project, feedback from the community is invited on the recommendations for Draft Infrastructure Zone Review.

Council has already contacted a number of agencies responsible for our infrastructure as part of preparation of the Review document and will now formally contact these agencies to seek their views on the recommendations.

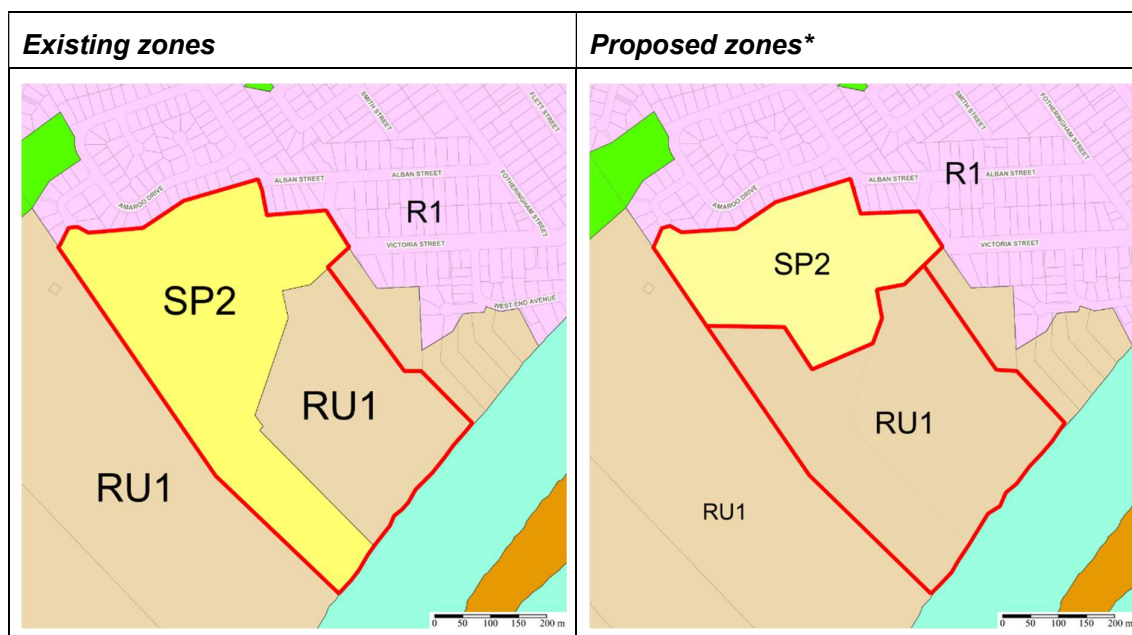
The recommendations have been made based on initial feedback from other divisions of Council responsible for infrastructure in the MidCoast. Further feedback on the draft Review will be sought during the exhibition period.

The feedback obtained during the consultation process will be reported to Council.

Appendix A – Site specific rezoning recommendations

Taree TAFE - Montgomery Crescent, Taree

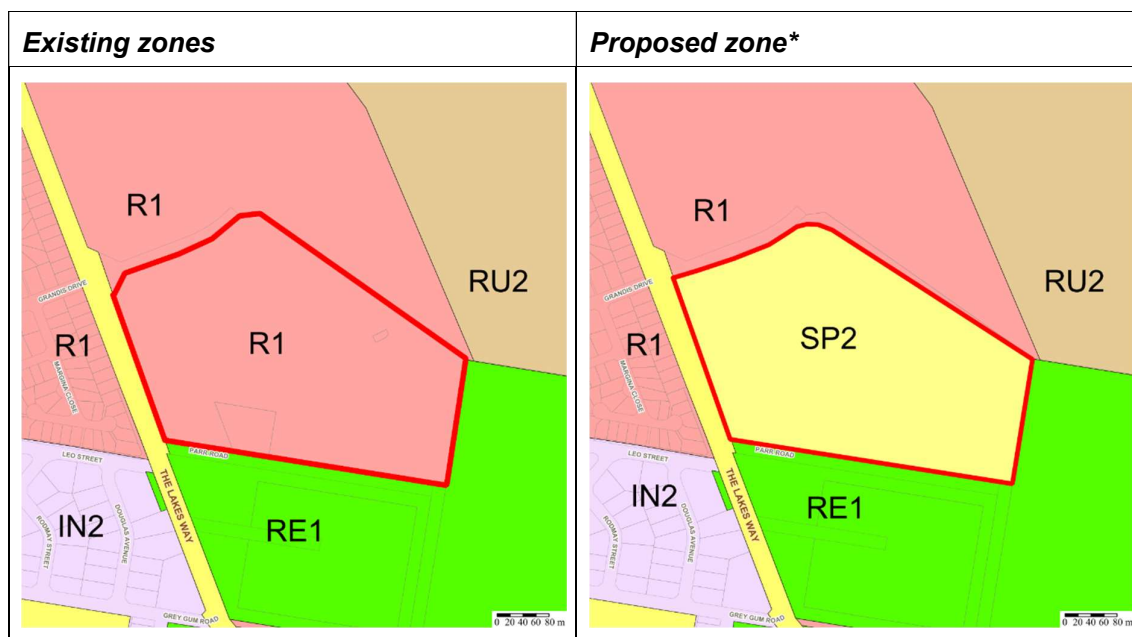
Description	Taree TAFE
Lot and DP	Lot 1 DP 1011229
Infrastructure category	Category to be used is 'Educational Establishment'
Land area (ha)	25 ha
Existing zone	Part SP2 Infrastructure part RU1 Primary Production
Proposed zone	Part SP2 Infrastructure part RU1 Primary Production (see adjusted boundary below)
Justification	<p>Taree TAFE is considered to be a strategic site for the following reasons:</p> <ul style="list-style-type: none"> it is larger than 20 hectares; and it provides services to a large region <p>On this basis, the SP2 Infrastructure Zone is considered to be appropriate. The boundary of the SP2 Infrastructure Zone has been slightly changed to more closely align with built form.</p> <p>The proposed rezoning is consistent with PN 10-001.</p>



**Proposed zone is for the land identified in red outline only. Changes to other zones on this map may occur as part of the Zoning in on our Future project.*

TAFE and Great Lakes College - The Lakes Way, Tuncurry

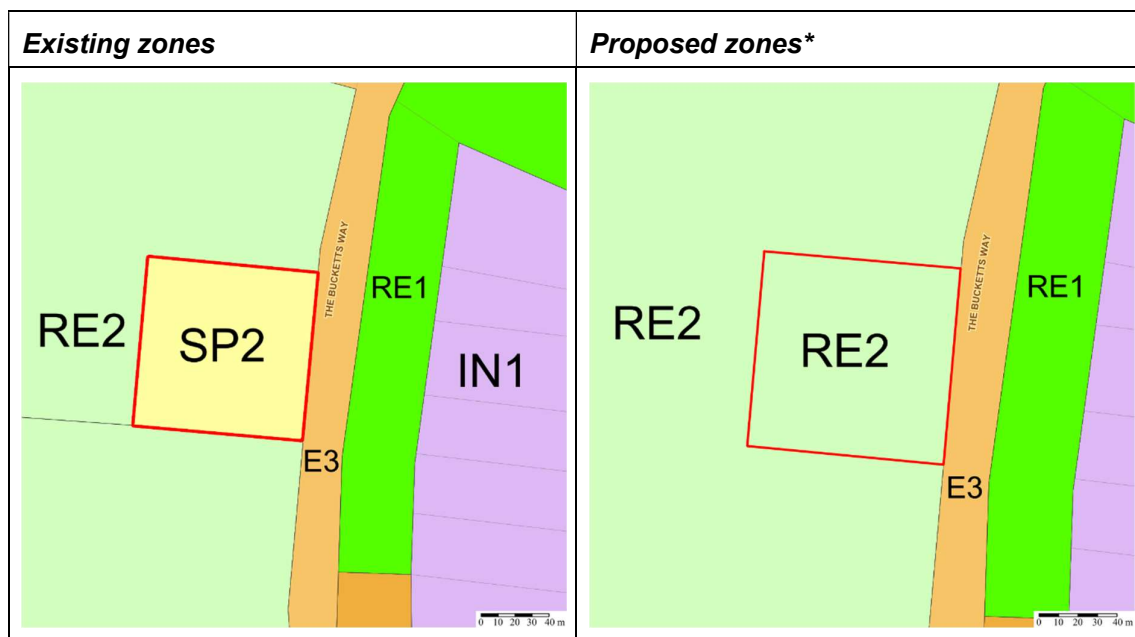
Description	TAFE and Great Lakes College
Lot and DP	Lot 1 DP 1180218
Infrastructure category	Category to be used is 'Educational Establishment'
Land area (ha)	14.8 ha
Existing zone	R2 Low Density Residential
Proposed zone	SP2 Infrastructure
Justification	<p>The proposed rezoning is consistent with PN 10-001 as the site is of importance to the Forster Tuncurry region. It also provides a number of facilities that can be used by the surrounding community e.g. Aboriginal learner support centre.</p> <p>The proposed rezoning for Tuncurry TAFE and Great Lakes College is also consistent with zoning recommendations for Taree TAFE.</p>



**Proposed zone is for the land identified in red outline only. Changes to other zones on this map may occur as part of the Zoning in on our Future project*

Gloucester Country Lodge - The Bucketts Way - Gloucester

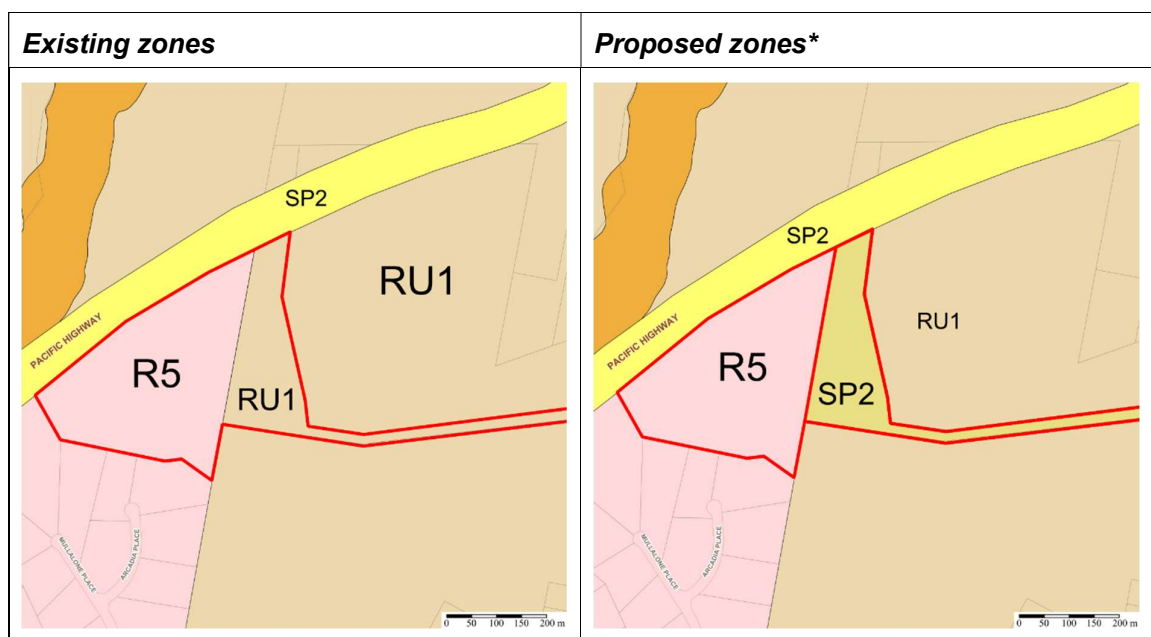
Description	Gloucester Country Lodge Motel
Lot and DP	Lot: 4 DP: 625997
Infrastructure category	n/a
Land area (ha)	1 ha
Existing zone	SP2 Infrastructure
Proposed zone	RE2 Private Recreation
Justification	Rezoning to RE2 Private Recreation will ensure consistency with the surrounding zone. The existing and predominant land use on the site is to be permitted in this zone at the time of drafting, in accordance with the Draft Recreation Zone Review.



**Proposed zone is for the land identified in red outline only. Changes to other zones on this map may occur as part of the Zoning in on our Future project.*

Memorial Gardens - Pampoolah Road, Old Bar

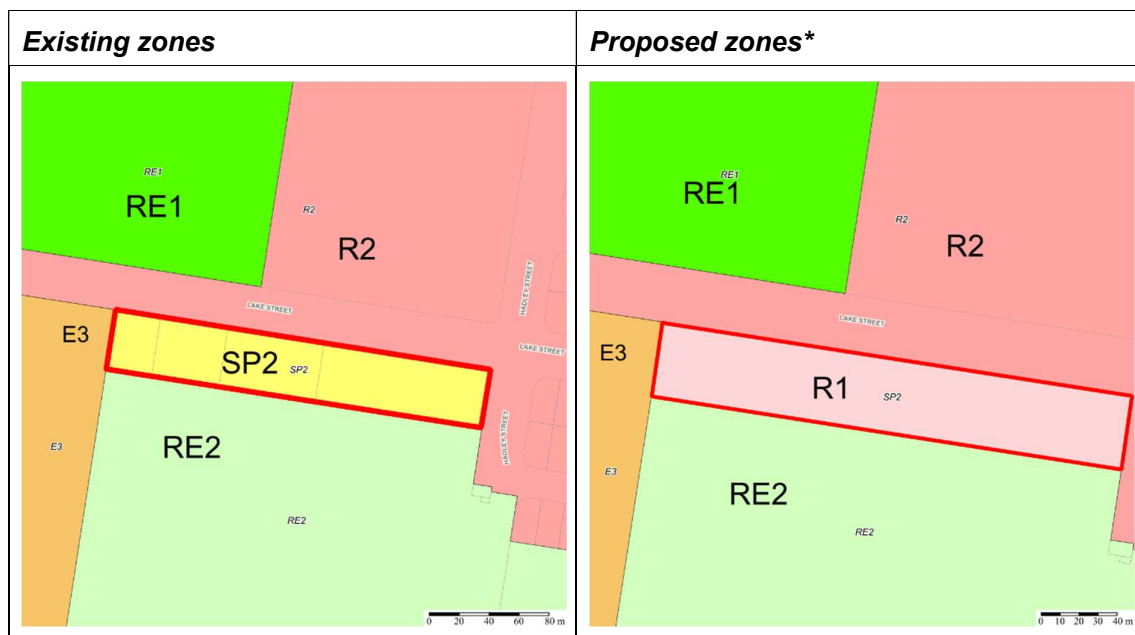
Description	Memorial Gardens
Lot and DP	Lot 111 DP 877062
Infrastructure category	Category to be used is 'Cemetery and crematorium'
Land area (ha)	15.37 ha
Existing zone	Part R5 Large Lot Residential and part RU1 Primary Production
Proposed zone	Part R5 Large Lot Residential and part SP2 Infrastructure
Justification	The SP2 Infrastructure Zone is proposed to ensure land use certainty for existing and future surrounding land owners.



**Proposed zone change/s is for the land identified in red outline only. Changes to other zones on this map may occur as part of the Zoning in on our Future project.*

Various lands - Lake Street, Forster

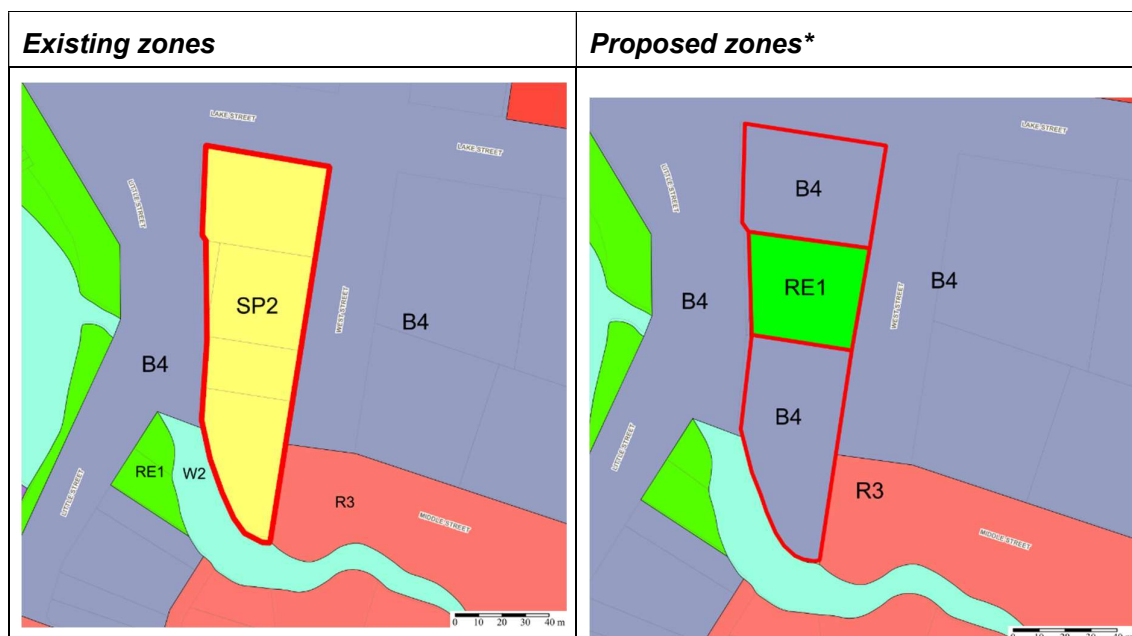
Description	Girl Guides hall, Great Lakes Childcare Centre, Art Society and Bridge Club.
Lot and DP	(Lot 3 DP 1137318, Lot 481 and 482 DP 822663 and Lot 7075 DP 1000971
Infrastructure category	Community purposes
Land area (ha)	1 ha
Existing zone	SP2 Infrastructure
Proposed zone	Surrounding residential zone
Justification	<p>The SP2 Infrastructure Zone is not an appropriate zone for the uses in this location. It is proposed that the land should be zoned the same as the surrounding land.</p> <p>While the existing surrounding zone is R2 Low Density Residential, the draft Housing Strategy may amend this zone.</p> <p>At the time of preparing this report the R1 General Residential Zone is proposed in this location. The existing uses can continue within this zone.</p> <p>Existing land uses for the purpose of road maintenance can continue under the Infrastructure SEPP.</p>



**Proposed zone change/s is for the land identified in red outline only. Changes to other zones on this map may occur as part of the Zoning in on our Future project.*

Various lands - Little Street, Forster

Description	Police Station and Court House, Visitor Information Centre, Forster Neighbourhood Centre (CWA Rooms).
Lot and DP	Pt Lot 1 and Lot 2 Sec 12 DP 758422, Lot 2 and 3 Sec 12 DP 758422 and Pt Lot 4 DP 1141462.
Infrastructure category	Public facility
Land area (ha)	0.64 ha
Existing zone	SP2 Infrastructure
Proposed zone	Surrounding business and RE1 Public Recreation zones.
Justification	<p>It is recommended that the Police Station, lockup and court house, visitors information centre and Forster Neighbourhood Centre be rezoned to the most appropriate surrounding land use zone, which at the time of writing this report is the B4 Mixed Use Zone.</p> <p>The RE1 Public Recreation Zone is proposed for the former School of Arts site. This will ensure any future use of the land will have a public recreation focus.</p>



**Proposed zone change/s is for the land identified in red outline only. Changes to other zones on this map may occur as part of the Zoning in on our Future project.*

Appendix B – LEP Practice Note: Zoning for Infrastructure



LEP practice note	
STANDARD INSTRUMENT FOR LEPs	
Local Planning	
Ref No.	PN 10-001 (supersedes and replaces PN 08-002)
Issued	14 December 2010
Date	PN 06-002; PS 09-011

Zoning for Infrastructure in LEPs

The purpose of this practice note is to provide guidance to councils on zoning public infrastructure land in standard instrument local environmental plans. It supersedes and replaces the previous LEP Practice Note on this subject [LEP PN 08-002]. It also updates the information provided for Special Purpose 'SP' zones in PN 06-002.

Introduction

State Environmental Planning Policy (Infrastructure) 2007 (the Infrastructure SEPP) was introduced to facilitate the delivery of infrastructure across NSW by improving regulatory certainty and efficiency.

The Infrastructure SEPP, which came into effect on 1 January 2008, has specific planning provisions and development controls for 25 types (sectors) of infrastructure:

- air transport facilities
- correctional centres
- educational establishments
- electricity generating works
- electricity transmission and distribution
- emergency services facilities
- flood mitigation and bushfire hazard reduction
- forestry activities
- gas transmission and distribution
- health services facilities
- housing and group homes
- parks and other public reserves
- port, wharf and boating facilities
- public administration buildings
- rail infrastructure facilities
- research stations
- road and traffic facilities
- sewerage systems
- soil conservation works
- stormwater management systems
- telecommunications networks
- travelling stock reserves
- waste or resource management facilities

- water supply systems
- waterway or foreshore management activities.

Zoning public infrastructure

To complement the provisions of the Infrastructure SEPP, this practice note provides advice on zoning public infrastructure land when a council is preparing a local environmental plan (LEP).

A number of approaches have previously been taken in zoning infrastructure land in LEPs. These zoning methods often restricted new infrastructure developments, redevelopment of sites for alternative uses or disposal of surplus public land.

The new zoning approach advocated here provides greater flexibility and adaptive management of land used for the provision of public or private infrastructure. It moves away from zoning infrastructure land as 'special use' or 'special purpose' zones, which previously limited the ability of infrastructure providers to respond to changing demographic trends and provide the public with infrastructure and services outside existing locations.

Matters to consider upfront

Prior to zoning infrastructure land in new LEPs, the following steps should first be taken:

- Identify whether the infrastructure type is covered in the Infrastructure SEPP, including

whether the SEPP provisions are associated with public or private infrastructure.

- Identify whether the infrastructure is currently operating or is no longer used; whether the land is intended for other future infrastructure purposes or whether the land is now considered to be surplus public land.

The Infrastructure SEPP identifies the prescribed zones for various types of infrastructure. This should act as a guide when determining the choice of zone for particular uses.

Follow the principles for zoning infrastructure land in this practice note in *sequential* order, selecting the most appropriate principle for the land being zoned.

Six principles for zoning infrastructure

The following principles should be followed when zoning infrastructure land in new LEPs.

1. Where the infrastructure type is permitted on all land in the Infrastructure SEPP:
 - future infrastructure may be placed in any zone
 - existing 'special use' zones should be rezoned the same as the adjacent zone
 - roads must be zoned.
2. Where the infrastructure type is only permitted in certain prescribed zones in the Infrastructure SEPP:
 - provide for future infrastructure in prescribed zones rather than special use zones
 - existing 'special use' zones should be rezoned the same as the adjacent land (if a prescribed zone)
 - rezone land SP2 Infrastructure, if there is no adjacent prescribed zone.
3. If currently zoned 'special use', the following infrastructure land should remain zoned for a 'special purpose':
 - special purposes such as cemeteries, sewage treatment plants, waste disposal or landfill sites (rezone as SP2 Infrastructure)
 - strategic sites (rezone as SP2 Infrastructure)
 - large complexes (rezone as SP1 Special Activities).

It is anticipated that only a minority of TAFEs and schools across NSW could be considered a 'strategic site', however, to

assist in the initial assessment the following criteria should be used:

- is it 20 hectares or more in size; and/or
 - does it provide a wide range of facilities (meeting rooms, halls, pool, sports fields, tennis courts and the like) that can also be used by the surrounding community; and/or
 - is it of regional significance (i.e. the only school servicing a large region).
4. Where land is to be zoned SP1 Special Activities or SP2 Infrastructure:
 - include flexible zone boundary provisions where appropriate.
 - use generic land use map annotations.
 5. Where surplus public land is currently zoned 'special use':
 - where a valid site compatibility certificate exists, the land is to be rezoned consistent with the certificate, or
 - the land should be rezoned as a compatible land use, (e.g. to a prescribed zone).
 6. When preparing an LEP, avoid duplicating provisions in the Infrastructure SEPP (including those to manage impacts on infrastructure corridors).

Zoning principles explained

The infrastructure zoning principles are explained here. The principles are intended to support a zoning regime which provides greater flexibility and adaptive management of public infrastructure land. Councils should also take these zoning principles into account when zoning land for private infrastructure or services.

Principle 1 - Zoning for infrastructure that is permitted on all land

The Infrastructure SEPP identifies several types of infrastructure activities undertaken by public authorities that are permissible in all LEP zones, irrespective of the LEP zoning.

This includes:

- roads and railway lines
- utility distribution networks such as electricity lines, or gas, water and sewage pipelines
- certain environmental management works (e.g. bushfire management, flood mitigation, waterway and foreshore works and soil conservation works).

Principle 1.1 - Providing for future infrastructure

'Special purpose' zones are not required in LEPs to permit infrastructure that is already permitted on all land through the Infrastructure SEPP. It is not necessary for infrastructure types to be listed separately in any zone as permitted uses in the LEP zoning table if they are automatically permitted through the Infrastructure SEPP.

For private infrastructure, please see note in Principle 2.1 regarding zoning provisions.

Principle 1.2 - Rezoning existing 'special use' zones

For infrastructure or services prescribed in all zones and those currently zoned 'special use', (e.g. roads, railway lines, substations, pipelines etc), the appropriate adjacent land zone should generally be used.

Applying the adjacent zone type to public infrastructure land follows a basic planning principle of aligning land uses. It is established practice to refer to the zoning of adjoining land when seeking to establish an appropriate zoning for land. In many cases the infrastructure land would have been zoned the same as the adjoining land if it had not been used instead for an infrastructure purpose.

This approach avoids the need for spot rezonings when the infrastructure use expands, ceases, is realigned or is downsized in the future. It is preferable that the land use zone be the same as the adjacent zoning, so that future uses are compatible with existing surrounding uses.

Principle 1.3 - Roads must be zoned

Currently in many LEPs, roads are unzoned. In future, all land is to be zoned in LEPs, including roads.

Roads should be zoned as outlined below.

- Classified roads that pass through major retail centres should be zoned using the appropriate business zone for the adjoining land. This provides a planning framework for considering potential development over or below roads and on footpaths.
- Freeways, Tollways, Transitways, National Highways and major roads (carrying greater than 40,000 vehicles per day) outside of major centres may be zoned SP2 Infrastructure. Other regional roads may be appropriate for an SP2 zoning, e.g. Pacific Highway. Councils

should consult with the relevant Department of Planning Regional Office.

- Outside major centres, roads that carry less than 40,000 vehicles per day should generally be zoned the same as the adjoining land.¹
- All other roads should be zoned in accordance with the adjoining land. This avoids the need for spot rezonings where the roads are closed, or where the alignment of the roads changes, which can commonly occur in rural and release areas.

In cases where a road forms a boundary between zones:

- the whole of the road should be zoned the same zone (i.e. the zone boundary should not run down the middle of the road); and
- wherever possible, the zone applied should be the same as that applied to adjoining land, and which provides for a range of land uses to assist with flexibility in land use planning.

An assessment should be made on a case by case basis using the information provided, to determine the appropriate zoning for an unzoned road.

Principle 2 – Zoning for infrastructure that is permitted only in prescribed zones

'Prescribed zone' is a reference to the standard zones in the Standard Instrument (Local Environmental Plans) Order 2006 (the Standard Instrument) which have been nominated as the zones where certain types of infrastructure are permitted under the Infrastructure SEPP.

Each of the 25 types of infrastructure in the SEPP has a list of prescribed zones where the infrastructure activity may be undertaken.

Principle 2.1 - Providing for future infrastructure in prescribed zones

In most circumstances, 'special use' or 'special purpose' zones will not be required in LEPs to cater for current or proposed infrastructure. Most types of infrastructure development are permitted under the Infrastructure SEPP in a

¹ The RTA provides Annual Average Daily Traffic Volume maps on its website for reference for Metro areas, and Data for Regional areas Regional Areas - Traffic Volume Data: <http://163.189.7.150/publicationsstatisticsforms/aadtdata/index.html?pid=trafficvolume>
Metro Areas - Traffic Volume Maps: <http://163.189.7.150/publicationsstatisticsforms/downloads/traffic-volume-maps/traffic-volume-maps-dl1.html>

range of suitable 'prescribed zones'. It is therefore not necessary to include these infrastructure types as permitted uses in the LEP zoning table—they are automatically permitted through the Infrastructure SEPP.

As an example, when zoning a new land release area, it is unnecessary to set aside land to be zoned 'special use' for a new public school. Public schools are automatically permitted within residential and business zones under the Infrastructure SEPP.

Note: Given the Infrastructure SEPP applies only to certain private infrastructure types, zoning provisions may be required in the LEP zoning table to allow private infrastructure as a permitted use in nominated zones.

Principle 2.2 - Rezoning existing 'special use' zones to adjacent prescribed zones

Most existing infrastructure land currently zoned 'special use' should be rezoned in the LEP according to what the adjacent zone is, if that zone is a 'prescribed zone' in the ISEPP which permits that type of infrastructure.

Where infrastructure adjoins multiple zones (that are prescribed zones), the following rules apply:

- all the land should be zoned the same (i.e. the zone boundary should not run down the middle of the site), unless there is an exceptional circumstance (e.g. large sites with multiple infrastructure uses), and
- adopt a zone that is **compatible with surrounding land uses**, having regard to:
 - the nature and character of the subject site
 - existing adjacent land uses and preferred future uses
 - regional strategy priorities
 - availability of services and infrastructure to support new land uses
 - environmental impacts and risks

An assessment will need to be made on a case-by-case basis to consider the appropriateness of the various adjacent zone types.

Principle 2.3 - Rezoning existing 'special use' zones when there are no adjacent prescribed zones

Most existing infrastructure lands should be zoned according to what the adjacent land use zone is, if that adjacent zone is a prescribed zone for that infrastructure type.

However if none of the adjacent zones are 'prescribed zones' for that particular infrastructure type under the Infrastructure

SEPP, then the site should be zoned SP2 Infrastructure.

All public infrastructure listed under the SEPP are permitted in SP1 Special Activities and SP2 Infrastructure zones. Regardless of what the surrounding land use zones are, if an existing facility is zoned SP2 Infrastructure it can continue to operate under the provisions of the SEPP.

As an example, an existing hospital may be located on land adjacent to an R2 Low Density Residential zone. As R2 is not a prescribed zone for hospitals under the Infrastructure SEPP, it is not possible to apply Principle 2.2 when rezoning the site. The hospital land should be zoned SP2 Infrastructure to ensure that the existing use remains permissible. (Note: In this case, if the site is to be redeveloped or becomes surplus public land, a rezoning would then be required.)

Principle 3 – Certain special purpose zones should remain as special purpose zones

Principle 3.1 - Where the land use is unlikely to change, and where the use is not otherwise covered in this practice note, land may be zoned SP2 Infrastructure.

Infrastructure land that is highly unlikely to be used for a different purpose in the future should be zoned 'special purpose'. For example, cemeteries and sewage treatment plants.

These lands should be zoned SP2 Infrastructure.

Principle 3.2 - Large precinct sites should remain in special purpose zones

Major state infrastructure on large sites may be zoned SP2 Infrastructure.

Examples could include major hospitals and universities that constitute large precincts, making identification of appropriate zones more problematic. Other examples might include major:

- dams;
- sewage treatment plants;
- power stations;
- correctional centres; and
- airports.

Areas of Commonwealth land used for Defence purposes should be zoned SP2 (Defence).

Where a site consists of a mix of diverse uses not readily zoned SP2, e.g. research, education, business and accommodation, then these should, where possible, be zoned a standard zone which allows an appropriate mix of land uses. In cases where no suitable standard zone can be applied to the infrastructure use, only then should zone SP1 be applied. By applying a zone other than SP1, greater flexibility is provided for the precinct.

Principle 4 - Rules for using SP1 and SP2 zones

Principle 4.1 - Maintain flexible zone boundaries

Councils are advised that when adopting an SP1 or SP2 zoning for infrastructure land in an LEP, clause 5.3 of the Standard Instrument ('Development near zone boundaries') should generally be adopted.

Clause 5.3 provides flexibility where the investigation of a site reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone. This clause applies to the land within the distance from the boundary nominated in the LEP.

Development permitted on the adjoining land would then be permitted on the SP1 or SP2 land if the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

Principle 4.2 - Generic land use map annotations

The land uses in zones SP1 Special Activities or SP2 zone-Infrastructure should be annotated on the Land Zoning Map. This annotation should use the infrastructure categories contained in the Infrastructure SEPP or the Standard Instrument dictionary, rather than the specific type of infrastructure.

For example, 'educational establishment' should be used rather than 'TAFE' or 'primary school'. Councils should note that the Infrastructure SEPP allows a range of infrastructure uses to occur within a special purpose zone regardless of the annotation on the map and therefore only one category should be used (no need to list any ancillary uses).

In general, the Standard Instrument definition for the primary use should be applied to the land

zoning map for any area zoned SP1 or SP2. Other uses will be ancillary to this primary use.

The following annotations should be used on the Land Zoning Map for land that may be zoned SP2 in accordance with this practice note.

Infrastructure categories to be used on land zoning maps *

Infrastructure categories to be used on land zoning maps *	Examples of infrastructure type
Air transport facility	airports, heliport
Correctional centre	prisons, remand centre, detention centre
Educational establishment	high school, primary school, TAFE, university
Health services facility	hospitals, medical centres
Waste or resource management facility	landfill, waste transfer station, waste depot
Water supply system	dams, reservoirs, water treatment facilities

Note. * See Infrastructure SEPP for a full list.

Principle 5 - Zoning surplus public land

Government land that is no longer required to provide services or infrastructure is sometimes classified as 'surplus' public land. The NSW Government has updated planning provisions in regard to 'surplus' public land.

The Infrastructure SEPP provides a more tailored and local solution for such land, to ensure new land uses are appropriate and compatible with surrounding land. Councils are requested to follow the broad policy direction of the Infrastructure SEPP when preparing new LEPs covering surplus public land, by following the principles outlined below.

Principle 5.1 - Zone surplus public land as a compatible land use

Surplus public land should be rezoned to be compatible with surrounding land uses having regard to:

- the nature and character of the subject site
- existing adjacent land uses and preferred future uses
- regional strategy priorities
- availability of services and infrastructure to support new land uses
- environmental impacts and risks.

An assessment will need to be made on a case-by-case basis to consider the appropriateness of the various adjacent zone types.

Principle 5.2 - If relevant, adopt the zone in the site compatibility certificate

If a valid **site compatibility certificate** applies to the infrastructure land, then the land should be zoned in the LEP *to be generally compatible with the nominated land use in the certificate*².

Note. Under the Infrastructure SEPP, additional uses may be undertaken on certain State land if the uses are permitted on adjacent land. To ensure that the additional land uses are appropriate, a site compatibility certificate must first be obtained from the Director-General of the Department of Planning before a development application can be lodged.

For more information on site compatibility certificates please see *SEPP (Infrastructure) 2007: Director-General's site compatibility certificate—guideline for applications* on the Department's website.

In some rare instances, it may be more appropriate for a council to consider adopting a different zone type to the adjacent land use nominated in the site compatibility certificate (following consideration of the issues outlined in Principle 5.1 above). Where this is the case, it should be identified by councils in their section 64 and section 68 reports to the Director-General.

Principle 6—Avoid additional provisions in LEPs

The Infrastructure SEPP provides consistent state-wide provisions for considering the impacts of certain types of development on land adjacent to linear infrastructure and vice versa. These considerations include the impact:

- of road or rail noise or vibration on residential and other sensitive development adjacent busy roads and railway lines
- of development with frontage to classified roads (impacts associated with traffic, access, safety)
- of development involving excavation adjacent to a classified road or railway line
- on rail safety if a new public railway crossing is required or an old crossing needs to be upgraded
- on safety if adjacent to a gas pipeline
- of development within a road corridor in which an easement is reserved for a future infrastructure purpose.

² A site compatibility certificate may be provided for the purposes of clauses 18 or 57 of the ISEPP although the clause 18 provisions for State land are an interim measure that will only apply until LEPs drafted under the Standard Instrument are in place and apply to the site.

LEPs should not include provisions that deal with these matters as they are already addressed by the Infrastructure SEPP.

Councils should discuss any proposed local infrastructure provision with the relevant regional office of the Department to determine whether the proposal is consistent with the SEPP and suitable for inclusion in the LEP.

It is advisable that no new or amending provisions for development that is covered by the Infrastructure SEPP be included in LEPs.

Permissibility of private infrastructure

The Infrastructure SEPP principally focuses on providing for the delivery of infrastructure or services by local and State government authorities.

There are however certain types of infrastructure where the SEPP provisions apply equally to private or public infrastructure, including:

- electricity generating works
- licensed gas pipelines
- health services facilities (e.g. hospitals)
- group homes
- certain port-related development
- sewage treatment plants
- certain telecommunications infrastructure
- waste management and transfer facilities.

Most other private infrastructure remains regulated under local planning rules (e.g. LEPs), including where the infrastructure is permitted and whether development consent is required.

It is recommended that, if a council is zoning private infrastructure land, the above zoning principles be followed rather than automatically reverting to 'special purpose' zoning.

Further information

For more advice on the Infrastructure SEPP, and LEP preparation and the standard instrument see <http://www.planning.nsw.gov.au>. If you have further enquiries, please phone the Planning Information Centre 02 9228 6333 or email information@planning.nsw.gov.au.

Authorised by:
Sam Haddad
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