

PLANNING PROPOSAL

Gateway Version

Reclassification of Community Land to Operational Land at Various Sites

Housekeeping LEP 2014

**Amendment to
Lake Macquarie Local Environmental Plan 2014**

**Prepared by
LAKE MACQUARIE CITY COUNCIL**



Subject lands:

36 Pearson Road Charlestown
149 Watkins Road Wangi Wangi
1A Alhambra Avenue Macquarie Hills
106 Reservoir Road Glendale
11 Rens Street Booragul
9 David Street Wangi Wangi
21A Schroder Avenue Gateshead
41 Hayden Brook Road Booragul
20 Wommara Avenue Jewells
60 & 62 Primrose Street Booragul

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Planning Proposal

Housekeeping Local Environmental Plan 2014

Draft Amendment F2014/01084 to Lake Macquarie Local Environmental Plan 2014

Gateway Version

Local Government Area:	Lake Macquarie City Council (LMCC)
Name of Draft LEP:	Draft Amendment F2014/01084 to Lake Macquarie Local Environment Plan 2014
Subject Land:	The planning proposal includes the following 10 items: • Item 1: 36 Pearson Road CHARLESTOWN Lot 21 DP 1177332 • Item 2: 149 Watkins Road WANGI WANGI Lot 281 DP 8939 • Item 3: 1A Alhambra Avenue MACQUARIE HILLS Parts of Lot 11 DP 561068 • Item 4: 106 Reservoir Road GLENDALE Lot 1 DP 961070 • Item 5: 11 Rens Street BOORAGUL Lot 15 Sec 5 DP 14421 • Item 6: 9 David Street WANGI WANGI Part Lot 1 DP 525994 • Item 7: 21A Schroder Avenue GATESHEAD Part Lot 80 DP 35662 • Item 8: 41 Hayden Brook Road BOORAGUL Part Lot 364 DP 774186 • Item 9: 20 Wommara Avenue JEWELLS Part Lot 209 DP 246099 • Item 10: 60 & 62 Primrose Street BOORAGUL Lot 1 & 2 DP 211875 <i>(Refer to Appendix 1 for further details)</i>
Land Owners:	• Lake Macquarie City Council (LMCC) • Private land owners (Item 10 Only)
Applicant:	Lake Macquarie City Council (LMCC)
Department of Planning and Environment reference number:	
Council Reference Number:	F2014/01084
Date:	November 2014
Author:	Joanne Marshall – Statutory Property Officer

Part 1 – OBJECTIVES OR INTENDED OUTCOMES

The Planning Proposal seeks to amend Schedule 4 of the Lake Macquarie Local Environmental Plan 2014 to enable the reclassification of the Community land (detailed in the below tables within Part 2) to Operational land. The intended outcomes for the 10 items in this planning proposal are as follows:

- Items 1 to 4: reclassify the identified lands from Community Land to Operational Land and include within Schedule 4 of LMLEP 2014.
- Items 5 to 9: reclassify the identified lands from Community Land to Operational Land and include within Schedule 4 of LMLEP 2014, and make a range of associated zoning and development standard changes.
- Item 10: remove the subject land from the Land Reservation Acquisition map, and make a range of associated zoning and development standard changes.

Part 2 – EXPLANATION OF PROVISIONS

The provisions in this planning proposal will amend LMLEP 2014 as outlined below:

Item No.	Explanation of provisions
1	• Reclassify the subject land from Community to Operational Land (Include within Schedule 4)
2	• Reclassify the subject land from Community to Operational Land (Include within Schedule 4)
3	• Reclassify the subject land from Community to Operational Land (Include within Schedule 4)
4	• Reclassify the subject land from Community to Operational Land (Include within Schedule 4)
5	• Reclassify the subject land from Community to Operational Land (Include within Schedule 4) • Amend the Land Zoning Map from RE1 Public Recreation to R2 Low Density Residential, consistent with surrounding zones • Amend the Lot Size Map to include the subject land to show the minimum lot size for land zoned R2 Low Density Residential – 450sqm.
6	• Reclassify the subject land from Community to Operational Land (Include within Schedule 4) • Amend the Land Zoning Map from RE1 Public Recreation to R2 Low Density Residential, consistent with surrounding zones • Amend the Lot Size Map to include the subject land to show the minimum lot size for land zoned R2 Low Density Residential – 450sqm.
7	• Reclassify the subject land from Community to Operational Land (Include within Schedule 4) • Amend the Land Zoning Map from RE1 Public Recreation to R2 Low Density Residential, consistent with surrounding zones • Amend the Lot Size Map to include the subject land to show the minimum lot size for land zoned R2 Low Density Residential – 450sqm.

Item No.	Explanation of provisions
8	• Reclassify the subject land from Community to Operational Land (Include within Schedule 4) • Amend the Land Zoning Map from RE1 Public Recreation to R2 Low Density Residential, consistent with surrounding zones • Amend the Lot Size Map to include the subject land to show the minimum lot size for land zoned R2 Low Density Residential – 450sqm.
9	• Reclassify the subject land from Community to Operational Land (Include within Schedule 4) • Amend the Land Zoning Map from E2 Environmental Conservation to R2 Low Density Residential, consistent with surrounding zones • Amend the Lot Size Map to include the subject land to show the minimum lot size for land zoned R2 Low Density Residential – 450sqm. • Amend the Height of Buildings Map for the subject land currently defined on map at 5.5m, to show maximum building height of 8.5m
10	• Remove the subject land from the Land Reservation Acquisition map • Amend the Land Zoning Map from RE1 Public Recreation to R2 Low Density Residential, consistent with surrounding zones • Amend the Lot Size Map to include the subject land to show the minimum lot size for land zoned R2 Low Density Residential – 450sqm.

Part 3 – Justification for the Provisions

Section A - Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

The Planning Proposal has not been prepared following any outcomes of a study or report relevant to the subject properties. These properties have been identified through routine administrative tasks as either administrative anomalies or being identified as no longer being required or considered appropriate for their intended purpose.

Necessary investigations were undertaken into each property to determine their appropriateness for reclassification and rezoning (where applicable). The outcomes of these investigations and reasoning to pursue the proposed amendments are outlined below.

- **ITEM 1: 36 Pearson Road Charlestown - Lot 21 DP 1177332**

The land is approximately 582m² and currently contains uses which are ancillary to the adjoining Charlestown Shopping Centre including outdoor eating areas, landscaping and pedestrian access. It is currently zoned B3 Commercial Core, for which shopping centres are a permissible use, and this zoning shall remain unchanged.

Council currently leases the land to GPT as part of the existing Charlestown Shopping Centre. The land was transferred to Council as part of the Voluntary Planning Agreement (VPA) with GPT (the owners of the adjoining shopping centre) on 21 November 2013.

Unfortunately, the land was not advertised as Operational Land following its transfer, and no report has ever been considered by Council authorising classification of the land as Operational Land.

In order for Council to lease the land, it needs to be classified as Operational Land.

- **ITEM 2: 149 Watkins Road Wangi Wangi - Lot 281 DP 8939**

The land was dedicated for use as public road in 1932, and contains a formed road that provides access to two properties (No 147 & 151 Watkins Road), as well as giving public access to the foreshore reserve and Wangi public wharf.

It appears that the site was not identified as Operational Land in 1993 and automatically became Community Land by default.

Before the land can be dedicated as public road, the site needs to be reclassified as Operational Land.

- **ITEM 3: 1A Alhambra Avenue Macquarie Hills - Parts of Lot 11 DP 561068**

In February 1973, Stage 2 of the residential subdivision of Macquarie Hills created Lot 11 DP 561068 (1a Alhambra Avenue) which was dedicated by the developer as Public Reserve. The land was formally part of Lot 279 DP 242487.

At this time, Delasala Drive was formed to intersect at Torrens Avenue, however the portion of road that traverses Lot 11 DP 561068 was not dedicated as road and remained as Public Reserve.

Similarly, Alhambra Avenue was formed to intersect at Torrens Avenue, with a portion of the road not dedicated as road and traversing Lot 11 DP 561068.

The land is currently classified as Community Land and has formed roadways on it at these locations. Before the land can be dedicated as public road, the site needs to be reclassified to Operational Land.

- **ITEM 4: 106 Reservoir Road Glendale - Lot 1 DP 961070**

The lot was purchased by Council in January 1943 to operate as a quarry (McDonalds Quarry) and is still currently utilised by Council.

The site was intended to be classified as Operational Land under the transitional provisions of the LG Act 1993, however was incorrectly advertised in the public notice advertising Council's intended Operational Land. The error involved the lot description for 106 Reservoir Road being incorrectly described as '1/961069' instead of '1/961070'.

It is noted that the adjoining lot (108 Reservoir Road) is also associated with the existing quarry operation and was correctly advertised within the transitional public notice and is Operational Land.

The reclassification of the land to Operational Land will formalise the correct land classification.

- **ITEM 5: 11 Rens Street Booragul - Lot 15 Sec 5 DP 14421**

The land was zoned 'open space park and recreation purposes' under the Northumberland County Council whilst the land was still in private ownership. When the owners applied to build a house on the land, it was refused by Council and an appeal was dismissed by the Minister. The owners then requested that Council acquire the land, which occurred in May 1967. Since then it has remained vacant and undeveloped.

The land is approximately 1043m² and is zoned RE1 Public Recreation under LMLEP 2014. It is located on a corner block surrounded by low density residential properties.

Council's Community Planning Department has indicated that the land is surplus to Council's needs due to the large amount of other recreation space within the area. This includes Edwards Park – a community playground approximately 250m to the east; a number of nearby foreshore reserves used for active recreational use; and a number of larger more adaptable parcels of Community Land, located within 400-500m from this location, which are capable of supporting the recreational needs of the community if the area grows at a reasonable pace.

The reclassification of the land to Operational Land, and rezoning to R2 Low Density Residential, will allow Council to sell the land at public auction in keeping with the adjoining residential properties.

- **ITEM 6: 9 David Street Wangi Wangi - Part Lot 1 DP 525994**

The land known as 9 David Street Wangi Wangi, containing an area of approximately 1827m² is Community Land dedicated as public reserve.

The land adjoins the rear boundaries of eight residential properties on two sides and is enclosed by dedicated road on the remaining two sides. The dedicated road is not formed or used, and does not provide access to the adjoining residences.

Over a period of time the adjoining residents have used the land as access to the rear of their properties and more recently, some have built Council approved garages at the rear of their properties (as street access is too steep) which

require access through the Community Land. Access over Community Land for a private purpose is prohibited under the provisions of the Local Government Act 1993.

In order to rectify this situation the land needs to be reclassified to Operational Land so that formal legal access can be granted.

An assessment of the open space in the area revealed that there is an extensive foreshore reserve at Wangi Wangi, an established sporting area, and two playgrounds in close proximity of the land. The Community Planning Department has confirmed that the land is surplus to Council's needs and it is therefore proposed to rezone the land to R2 Low Density Residential in line with adjoining properties, for the purpose of sale.

- **ITEM 7: 21A Schroder Avenue Gateshead - Part Lot 80 DP 35662**

The land known as 21A Schroder Avenue, Gateshead, contains an area of approximately 8,410m². It was vested to Council from the NSW Housing Commission as part of its dedication/gazettal as a Public Reserve in 1961. During recent investigations it was found that the adjoining High School is utilising a portion (approximately 2,000m²) as sporting/recreation fields which the school has been maintaining.

The area that the school is using is physically segregated from the established park area of the lot, by a creek and dense vegetation. The school has been using this land for a long time and the public assume it is owned by the school, therefore it will not be perceived as a loss of recreation land.

The reclassification of the land to Operational Land and rezoning to R2 Low Density Residential (in accordance with the adjoining zone), will allow Council to formalise the existing situation and sell the land to the adjoining school.

- **ITEM 8: 41 Hayden Brook Road Booragul - Part Lot 364 DP 774186**

The land known as 41 Hayden Brook Road Booragul contains an area of approximately 1.967 hectares. It was transferred to Council from the NSW Department of Housing in 1996 as an open space parcel and is dedicated as a Public Reserve making it Community Land.

The site is currently an open grassed area utilised in line with its current zoning intent (Public Recreation) and has an established drain along the north-eastern boundary.

The area zoned Public Recreation has two triangular protrusions off the north-eastern boundary, with the northern most one having an area of 480m² (illustrated in blue), and the southern most protrusion with an area of 300m² (illustrated in red). It is unclear as to why the lot was created with such a boundary. These portions are detached from the majority of the public recreation area due to the location of the drain.

The southern most triangular protrusion (illustrated in red) is zoned Public Recreation and classified as Community Land. It extends into the adjoining 31 Hayden Brook Road holding creating an irregular boundary for both. The reclassification of the land to Operational Land and rezoning to R2 Low Density Residential (in accordance with the adjoining zone), will allow Council to sell the land to the adjoining owner to create a uniform boundary and assist in future development of their land.

- **ITEM 9: 20 Wommara Avenue, Jewells - Part Lot 209 DP 246099**

The lot was dedicated to Council as a Public Reserve when the subdivision (DP 246099) for the adjoining properties fronting Fencott Drive was approved in 1973. This lot forms part of a larger reserve that is owned by Council, is zoned E2 Environmental Conservation and is classified as Community Land.

Council discovered a number of encroachments on this land, two of which were approved by Council as Development Applications as follows:

- 46 Fencott Drive - DA/1740/2005 & CC/1412/2005 – A garage was approved in 2005, part of which is on Council's land
- 48 Fencott Drive – BA/2975/1994 and DA/1128/2005 – An inground concrete swimming pool was approved in 1994, part of which is on Council's land.

Consultation with the owners of these encroaching properties has been undertaken and they have agreed to pursue a joint application to reclassify the land to Operational Land and rezone to R2 Low Density Residential (in accordance with the adjoining zone). This will allow Council to formalise the existing situation and sell the land to the adjoining owners to be amalgamated within their existing residential lots.

- **ITEM 10: 60 Primrose Street Booragul - Lot 2 DP 211875 & 62 Primrose Street Booragul - Lot 1 DP 211875**

The land known as 60 & 62 Primrose Street Booragul has an area of 480m² and forms the northern most triangular protrusion of 41 Hayden Brook Road Booragul outlined above.

The northern most triangular protrusion (illustrated in blue) is not classified as it is owned by the adjoining owners, whose properties front Primrose Street, and are lots in their own right being Lot 2 DP 211875 (60 Primrose Street) and Lot 1 DP 211875 (62 Primrose Street). These lots are currently zoned RE1 Public Recreation and are identified on the Land Reservation Acquisition Map. Council's Community Planning Department has indicated that this land is no longer required. The removal of the land from the Land Reservation Acquisition Map and rezoning of this land to R2 Low Density Residential (in accordance with the adjoining zone) will allow this land to be amalgamated into the adjoining residential properties.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The proposed Planning Proposal amendments are considered the best means of achieving the intended outcomes for each property. All the properties (except Item 10 - 60 & 62 Primrose Street Booragul) are classified as Community Land under the provisions of the LG Act which possess statutory limitations on their use. To achieve the long term objective for each parcel, each must first be reclassified to Operational land.

The land known as 60 & 62 Primrose Street Booragul (Item 10), are in private ownership, are zoned RE1 Public Recreation and are identified on the Land Reservation Acquisition Map, as such there are statutory limitations on their use and possible sale under LMLEP 2014. To achieve the long term objectives for these parcels

they must be removed from the Land Reservation Acquisition Map and rezoned the same as the adjoining land in the same ownership.

Investigations reveal that none of the lands were dedicated to Council in lieu of section 94 contributions and therefore reclassification by way of LEP amendment, pursuant to the provisions of the Environmental Planning and Assessment Act 1979, is the only action available to achieve the desired outcomes.

3. (a) If the provisions of the planning proposal include the extinguishment of any interests in the land, what are the reasons why the interests are proposed to be extinguished.

The proposal seeks to remove the following Public Reserve Notations pursuant to section 30 of the Local Government Act 1993:

Item No	Address	Public Reserve Notation
1	36 Pearson Road CHARLESTOWN Lot 21 DP 1177332	No
2	149 Watkins Road WANGI WANGI Lot 281 DP 8939	No
3	1A Alhambra Avenue MACQUARIE HILLS Parts of Lot 11 DP561068	Yes
4	106 Reservoir Road GLENDALE Lot 1 DP 961070	No
5	11 Rens Street BOORAGUL Lot 15 Sec 5 DP 14421	No
6	9 David Street WANGI WANGI Part Lot 1 DP 525994	No
7	21A Schroder Avenue GATESHEAD Part Lot 80 DP 35662	Yes
8	41 Hayden Brook Road BOORAGUL Part Lot 364 DP 774186	Yes
9	20 Wommara Avenue JEWELLS Part Lot 209 DP 246099	Yes
10	60 & 62 Primrose Street BOORAGUL Lot 2 DP 211875 & Lot 1 DP 211875	Not Applicable

(b) The concurrence of the landowner, where the land is not owned by the relevant planning authority.

Pursuant to section 28 of the Local Government Act 1993, Council may not forward a Planning Proposal which includes a proposal to classify or reclassify public land, without the approval of the owner of that land.

Lake Macquarie Council is the landowner for all of the sites (Items 1-9) where reclassification is being sought.

Item 10 is owned privately, and is not subject to classification or reclassification provisions under the Local Government Act 1993.

Section B – Relationship to Strategic Planning Framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft strategies)?

Lower Hunter Regional Strategy

The proposed reclassifications and rezoning are consistent with the Lower Hunter Regional Strategy (LHRS), which has a focus on encouraging residential infill development and increasing housing choice.

The strategy specifically identifies Charlestown as a Major Regional Centre, with Morisset and Glendale-Cardiff as emerging Major Regional Centres.

However, only three of the ten sites will make additional area available for residential housing. These are Item 5 - 11 Rens Street, Booragul, Item 6 - 9 David Street, Wangi Wangi, and Item 8 - 41 Hayden Brook Road, Booragul. The proposed reclassifications and rezonings in these areas will allow the land, to be sold and developed for residential purposes and will subsequently support the growth and further establishment of these centres.

The provisions of the LHRS are not impacted upon by the remaining subject lands which are administrative amendments (Items 1, 4, 7, 9 & 10) or are to support road development (Items 2 & 3).

The proposal is not contrary to the provisions of the Lower Hunter Conservation Plan.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Lifestyle 2030 Strategy

Lifestyle 2030 (LS2030) provides the long-term direction for the overall development of the city and describes Council's high level policies for managing private and public development within Lake Macquarie.

The proposal is consistent with the strategic plan maps in the LS2030.

Only three of the ten sites will make additional area available for residential housing. These are Item 5 - 11 Rens Street, Booragul, Item 6 - 9 David Street, Wangi Wangi, and Item 8 - 41 Hayden Brook Road, Booragul. None of these are located within the identified emerging corridors of Glendale-Cardiff or Morisset, or within the existing Regional Centre of Charlestown as identified within the LHRS.

The intended future use of these sites to promote future residential development is consistent with the objectives of the strategy.

No sites are identified in the Green System map as having any significant environmental features.

6. Is the planning proposal consistent with applicable state environmental planning policies (SEPPs)?

An assessment of the proposal against the relevant State Environmental Planning Policies (SEPPs) is provided within *Appendix B*.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment of the proposal against the Section 117 Ministerial Directions is provided within *Appendix C*.

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

106 Reservoir Road, Glendale (Lot 1 DP 961070) has been identified in a study (Austeco 2005) for a site nearby in Jubilee Road, Glendale, as possibly supporting a known population of the threatened Squirrel Glider (*Petaurus norfolcensis*) which extends into surrounding remnants of vegetation. This lot was purchased by Council in January 1943 to operate as a quarry (McDonalds Quarry) and is still currently utilised by Council.

The site containing the quarry is quite large being approximately 61,500 sq metres, and has two zones on the site being E4 Environmental Living and RU6 Transition. The remnant vegetation that could support the Squirrel Glider is located within the E4 zone and is currently not being used for quarrying activities.

The site was intended to be classified as Operational Land under the transitional provisions of the LG Act 1993, however was incorrectly advertised in the public notice advertising Council's intended Operational Land. The error involved the lot description for 106 Reservoir Road being incorrectly described as '1/961069' instead of '1/961070'.

The reclassification of the land to Operational Land will formalise the correct land classification. The zoning of the land will not change. Any change of use of the site or future Development Applications will need to consider the threatened Squirrel Glider population on the site. Accordingly, it is considered that the existing quarry activities on the site will not impact on the Squirrel Glider population and accordingly the proposal will not adversely affect any species, habitats or communities.

No other sites proposed for rezoning or reclassification have been identified as containing critical habitat or threatened species, populations or ecological communities, or their habitats.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No adverse environmental effects are anticipated as a result of the Planning Proposal due to the minor nature of the proposed reclassifications and rezonings.

9. How has the planning proposal adequately addressed any social and economic effects?

The proposed reclassifications and rezonings will largely have positive social and economic benefits for the community in that it will:

- Enable and/or facilitate the future development of land for purposes consistent with its current zoning and strategic intent;
- Enable the sale of Council owned land that will generate public funds for future expenditure on public focused purposes; and
- Rectify existing encroachments to public reserves and other Council owned Open Space areas to allow the boundaries of these public areas to be clearly and accurately defined.

No negative social or economic effects are anticipated from the proposed amendments.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

The proposal will not require any changes to the delivery of public infrastructure to any of the lands or suburbs included in the Planning Proposal.

11. What are the views of State and Commonwealth Public Authorities consulted?

Consultation with the applicable Government Authorities will be undertaken in accordance with the Gateway Determination once issued.

Part 4- Maps

The maps proposed to be included as part of the LEP Amendment are outlined within Part 2 of this Planning Proposal and are attached within *Appendix A*.

Part 5- Community Consultation

Community consultation will be undertaken in accordance with the requirements of section 57 of the *Environmental Planning and Assessment Act 1979*, section 29 of the *Local Government Act 1993* and the Department's LEP guideline "A guide to preparing local environmental plans" (April 2013).

The planning proposal is proposed to be exhibited for 28 days in accordance with section 5.5.2 of the Department's LEP guideline. The exhibition will be advertised in a free local newspaper and on Council's website. In addition, any identified affected landowners and adjoining landowners will be notified of the proposal.

In accordance with section 29 of the *Local Government Act 1993*, a public hearing will be held. The public hearing will be undertaken in accordance with section 5.5.3 of the Department's LEP guideline. Public notice of the public hearing will be sent and published at least 21 days before the start of the public hearing.

Part 6 – Project Timeline

The following table provides an indicative timeline for the Draft Local Environmental Plan:

Task	Timeline
Gateway Determination	March 2015
Public Exhibition (28 days)	April 2015
Public Hearing	June 2015
Consideration of submissions & prepare report on Public Hearing	June 2015
Report to Council post exhibition	July/August 2015
Submission to Department	September 2015
Notification of Plan Made	November 2015

ANNEX A - MAPS

Item 1 – 36 Pearson Road CHARLESTOWN Lot 21 DP 1177332

Figure 1 – Aerial map

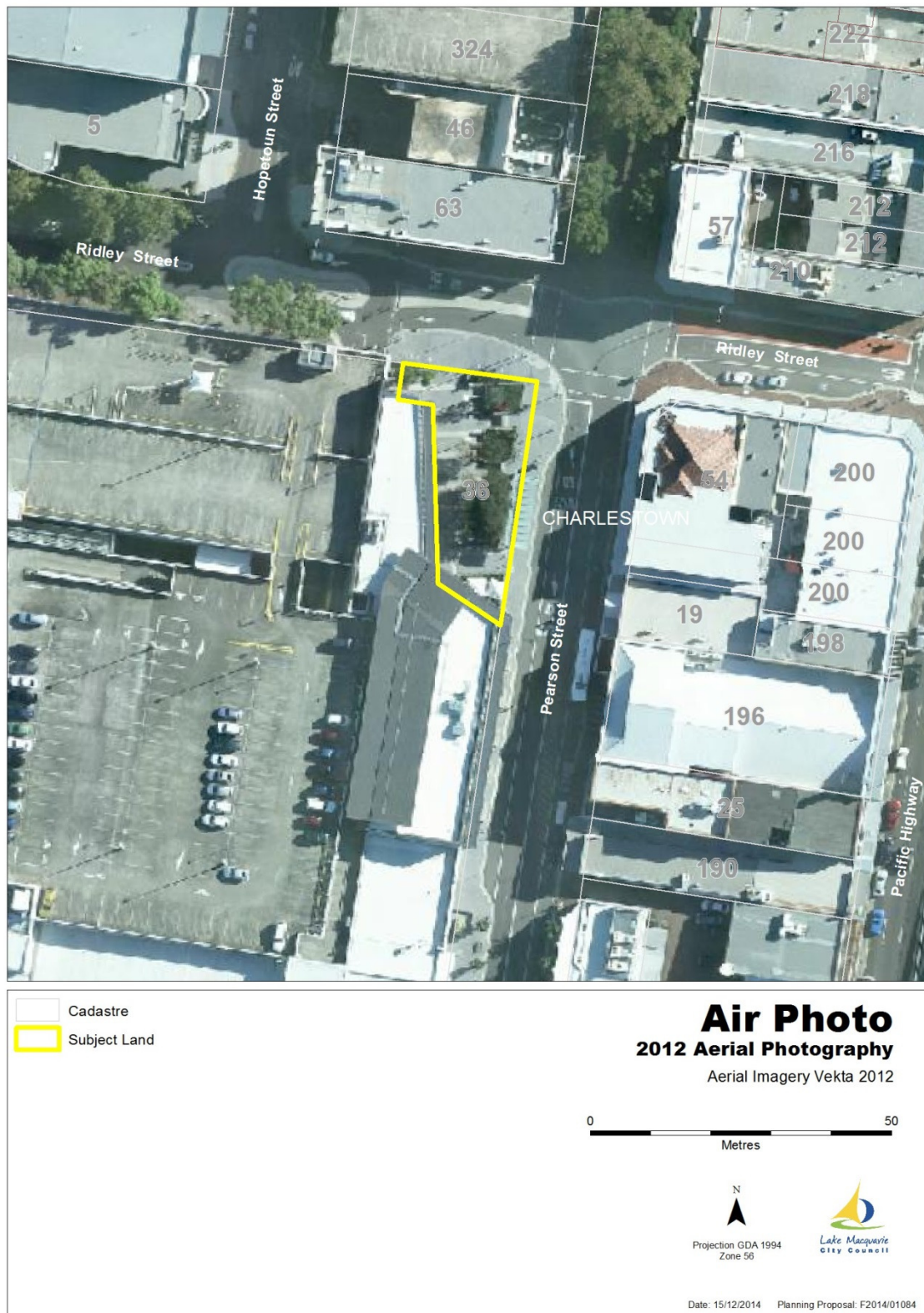


Figure 2 – Existing zone under LMLEP 2014



Figure 3 – Draft Land Reclassification Map under LMLEP 2014



Item 2 – 149 Watkins Road WANGI WANGI Lot 281 DP 8939

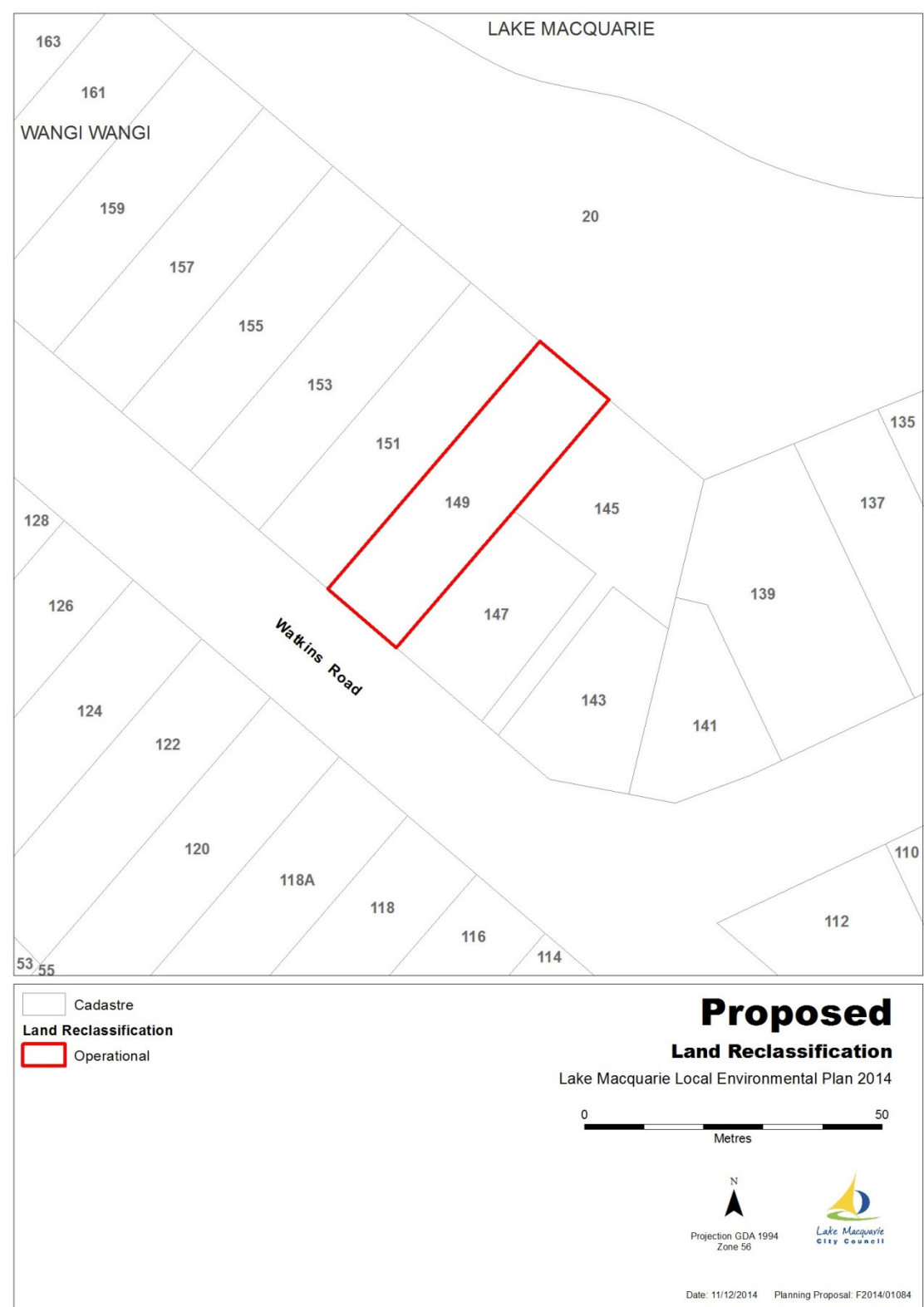
Figure 1 – Aerial map



Figure 2 – Existing zone under LMLEP 2014



Figure 3 – Draft Land Reclassification Map under LMLEP 2014



Item 3 - 1A Alhambra Avenue MACQUARIE HILLS Parts of Lot 11 DP561068

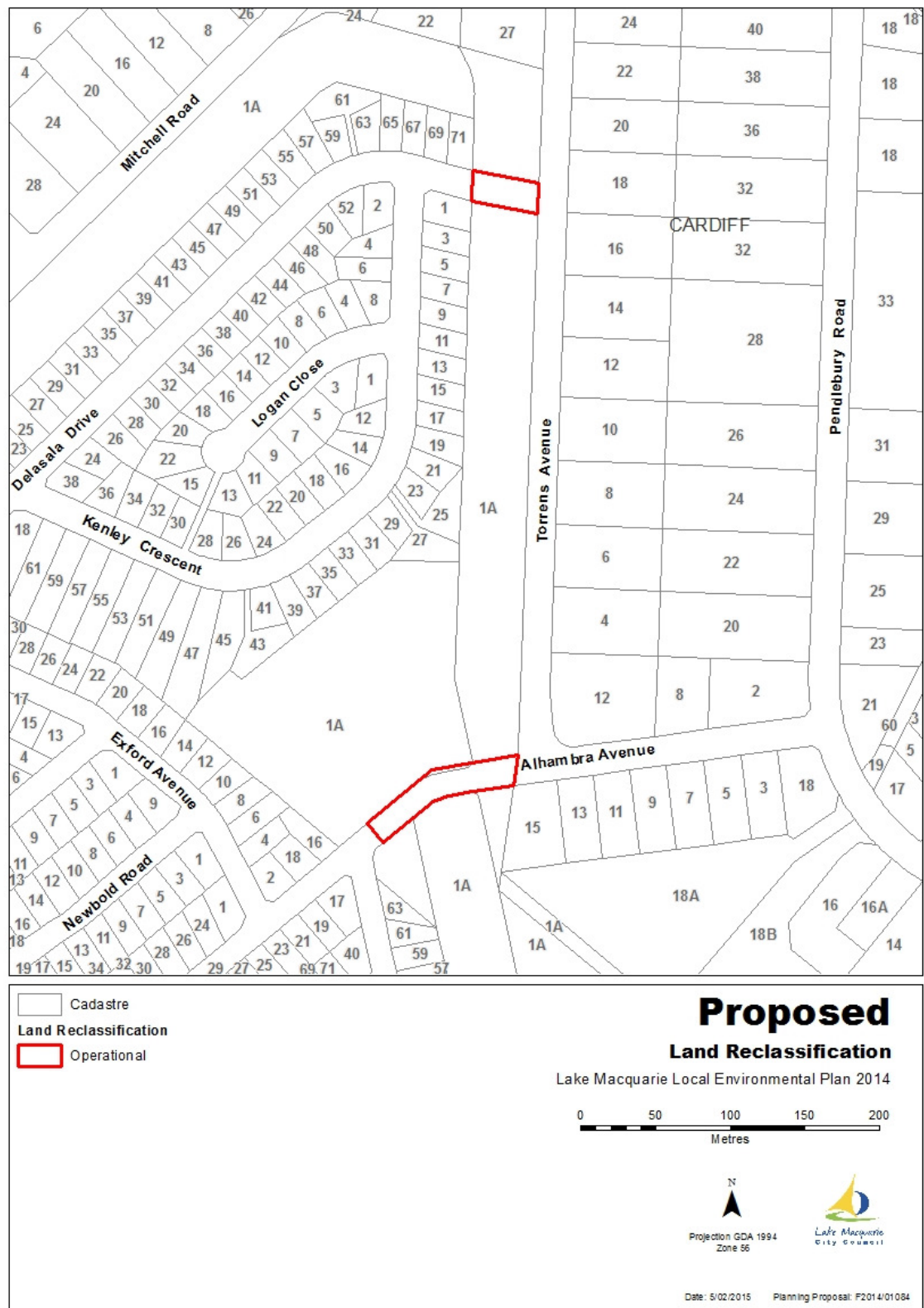
Figure 1 – Aerial map



Figure 2 – Existing zone under LMLEP 2014



Figure 3 – Draft Land Reclassification Map under LMLEP 2014



Item 4 - 106 Reservoir Road GLENDALE Lot 1 DP 961070

Figure 1 – Aerial map



Figure 2 – Existing zone under LMLEP 2014

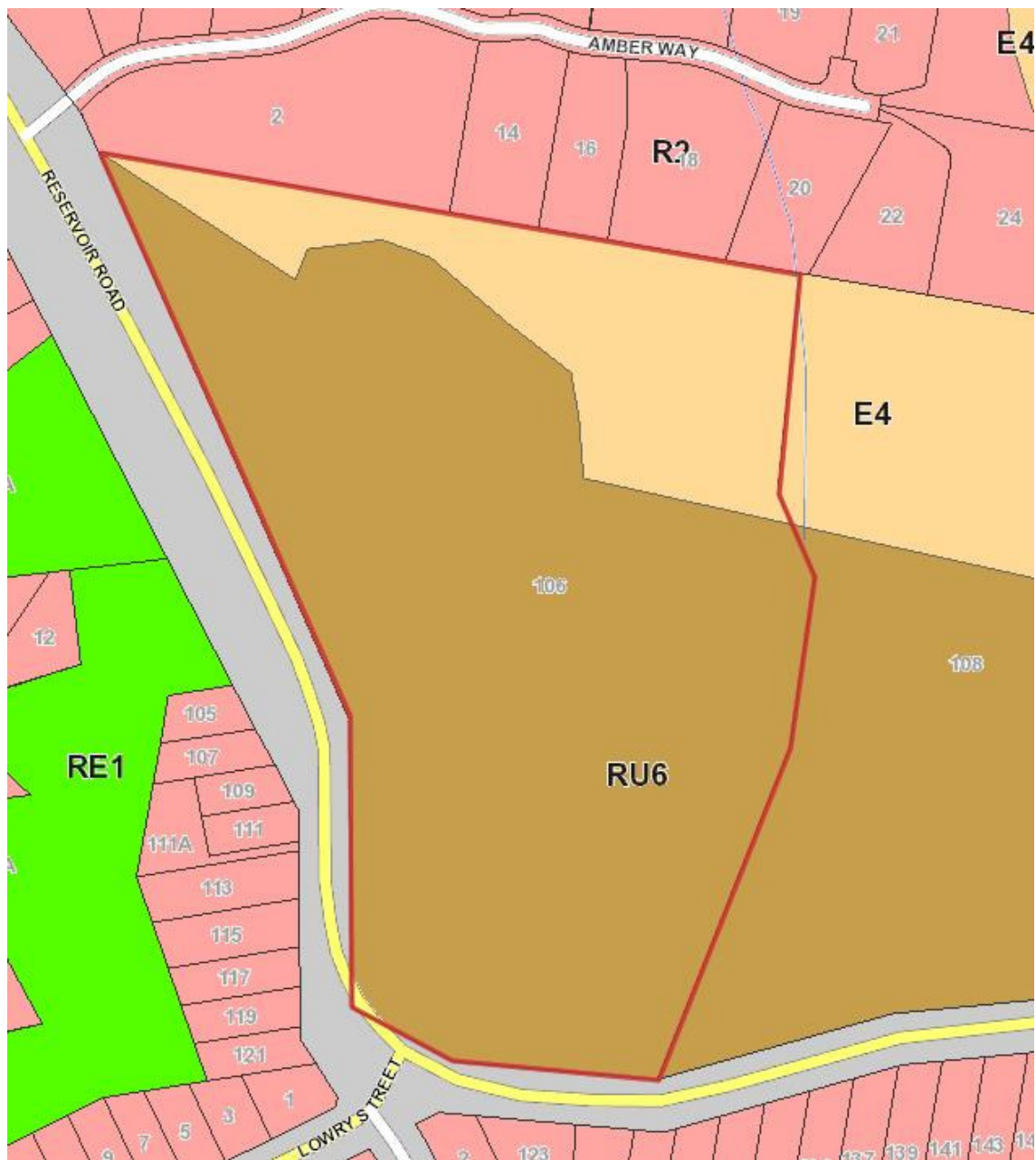
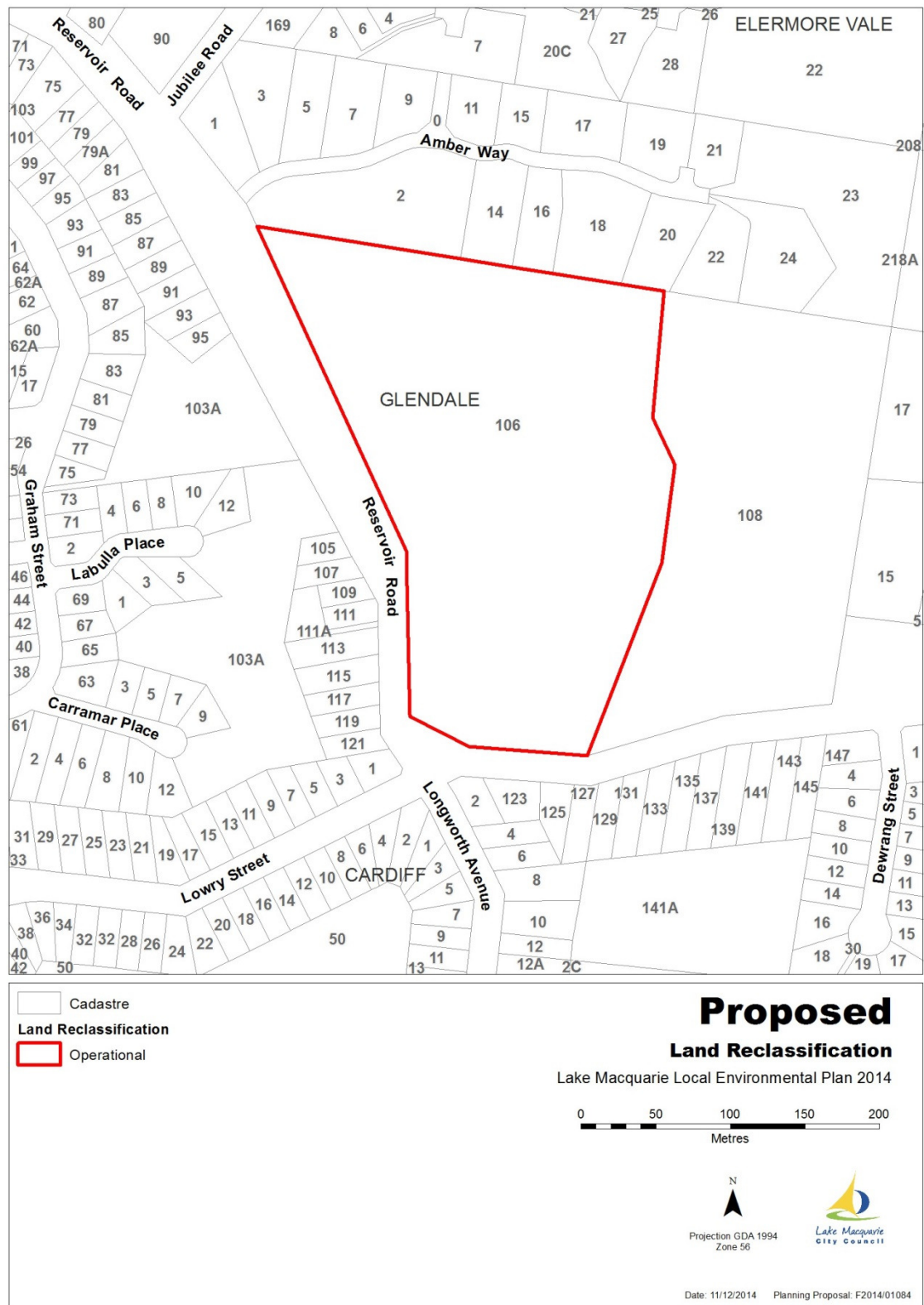


Figure 3 – Draft Land Reclassification Map under LMLEP 2014



Item 5 - 11 Rens Street BOORAGUL Lot 15 Sec 5 DP 14421

Figure 1 – Aerial map



Figure 2 – Existing zone under LMLEP 2014

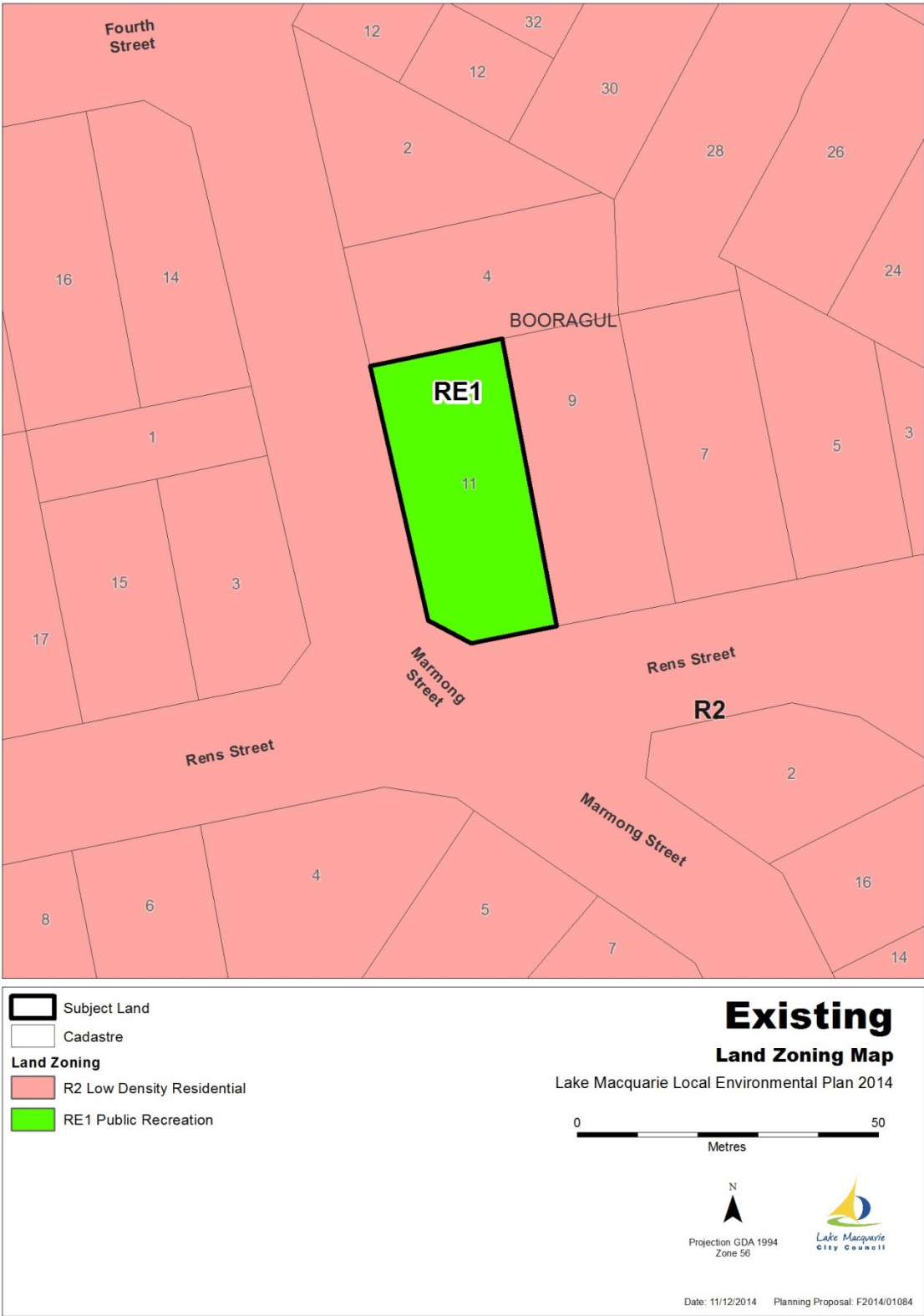


Figure 3 – Proposed zone

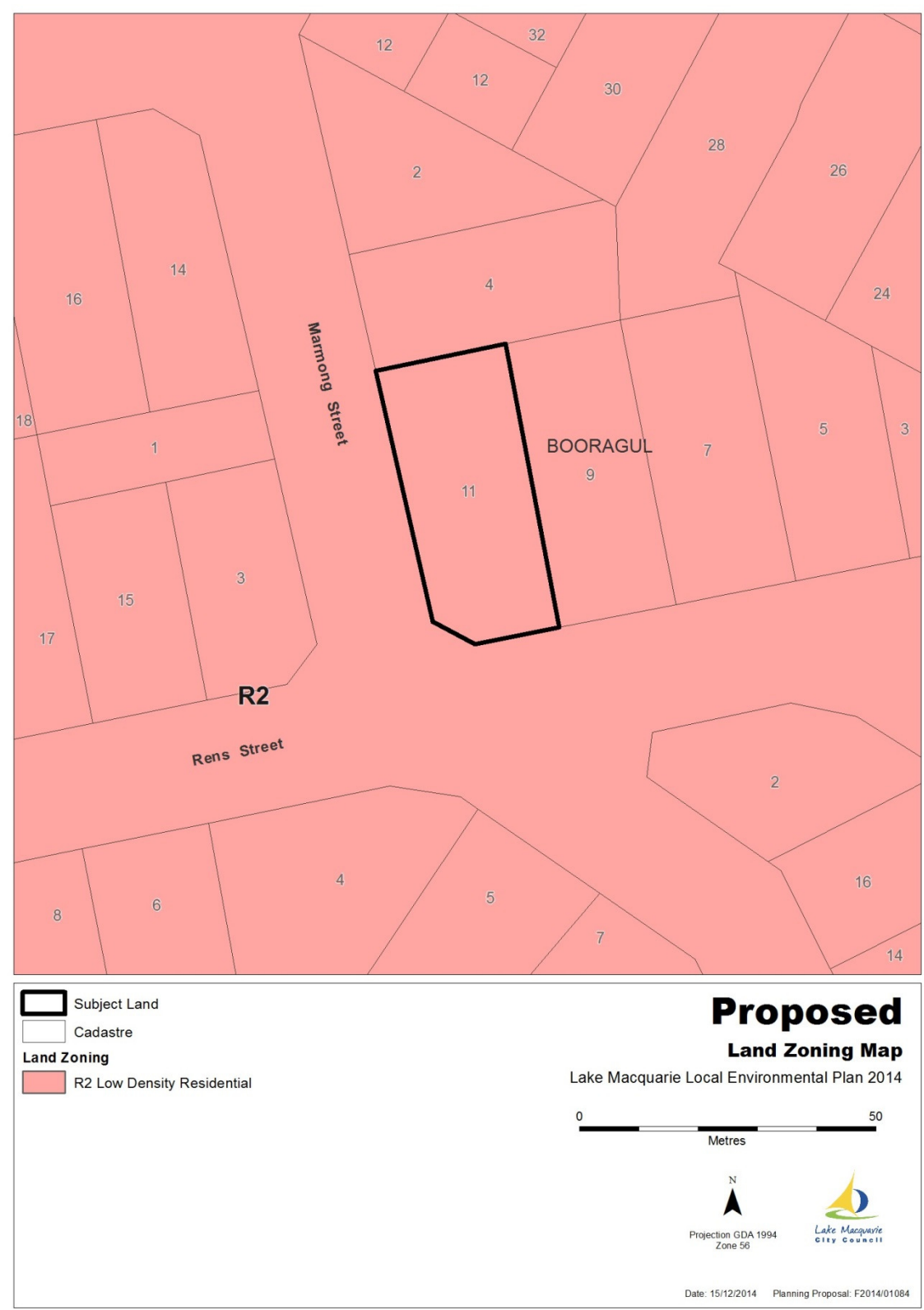


Figure 4 – Lot Size Map under LMLEP 2014



Figure 5 – Proposed Lot Size Map



Figure 6 – Draft Land Reclassification Map under LMLEP 2014



Item 6 - 9 David Street WANGI WANGI Part Lot 1 DP 525994

Figure 1 – Aerial map



Figure 2 – Existing zone under LMLEP 2014

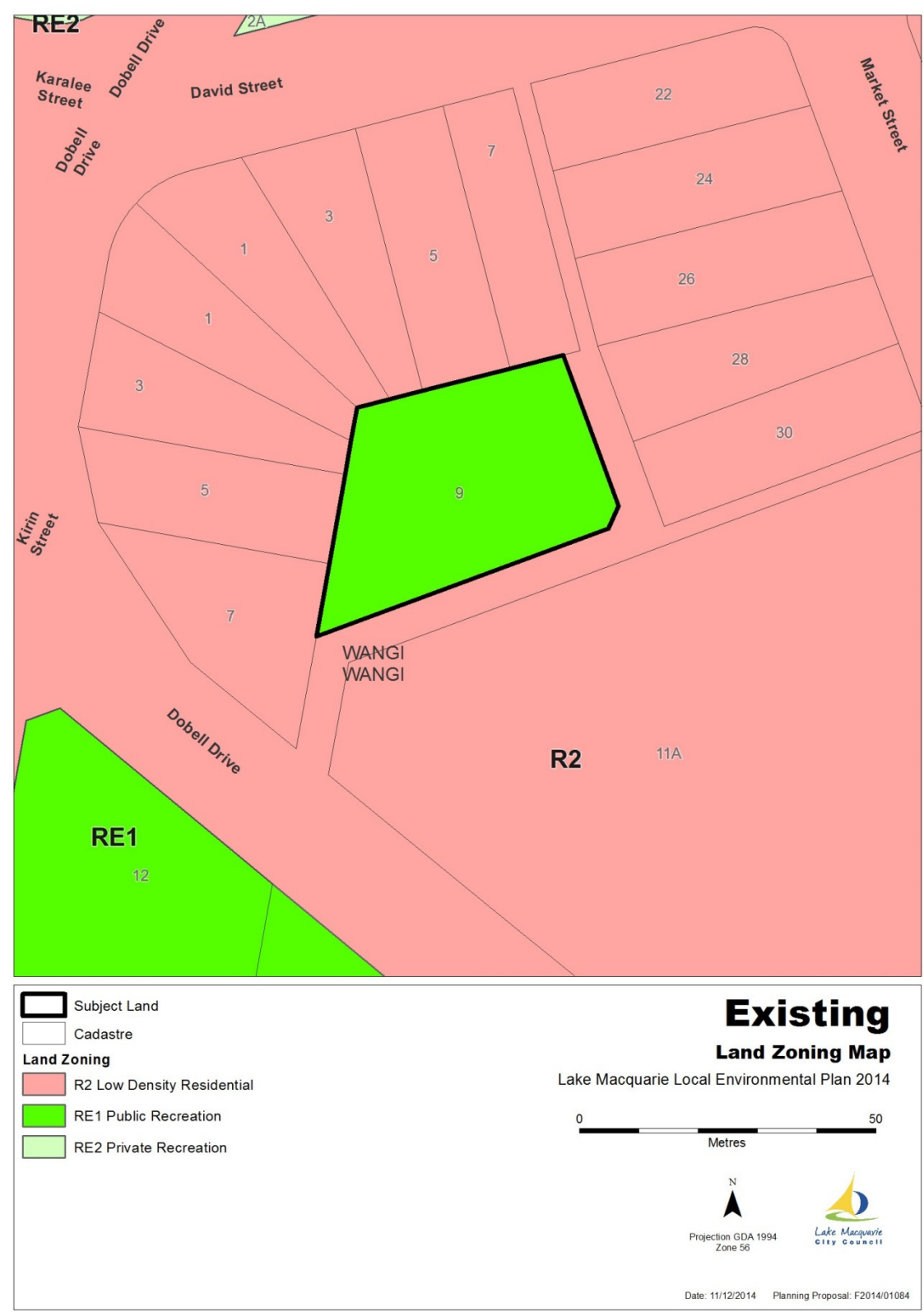


Figure 3 – Proposed zone

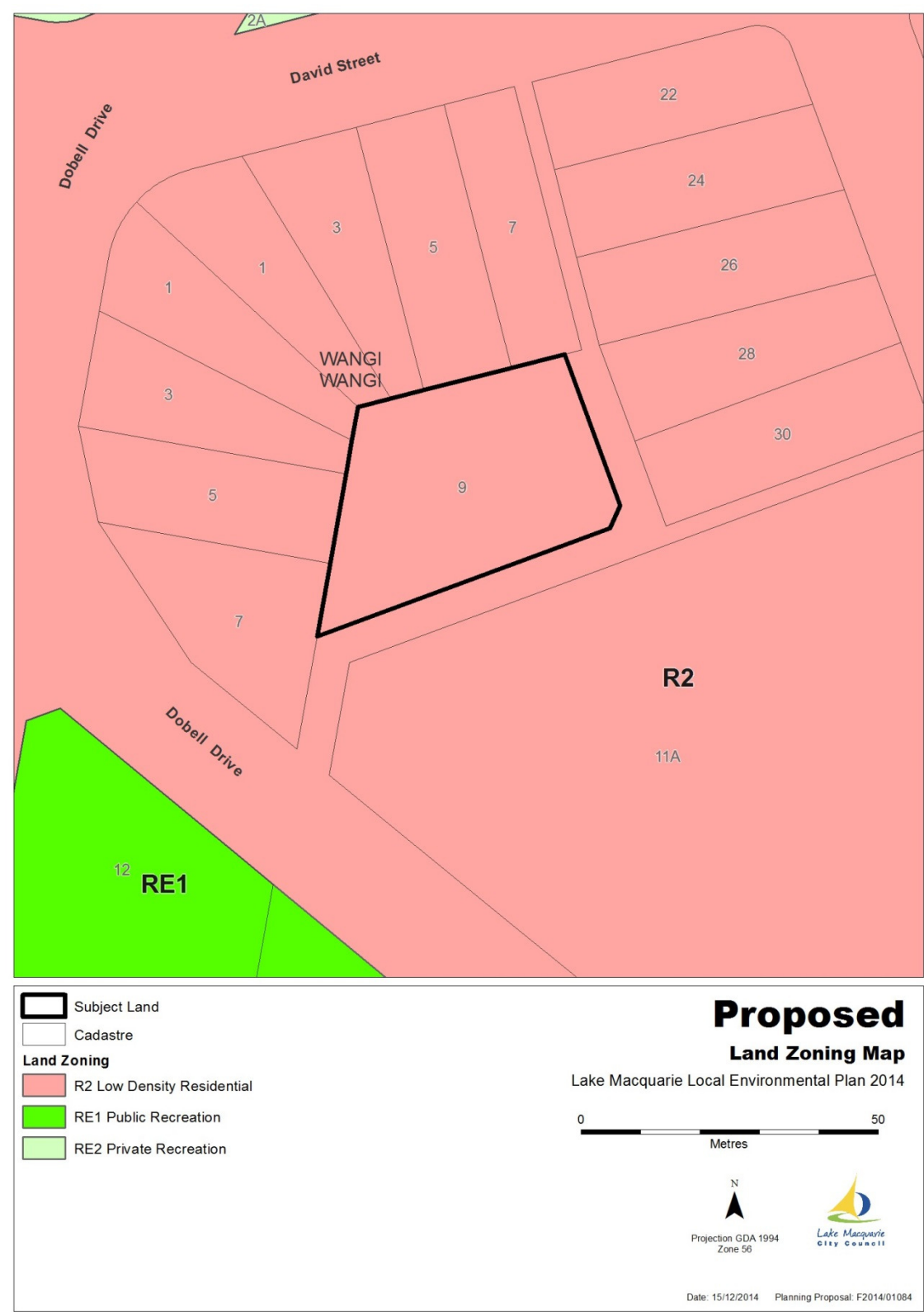


Figure 4 – Lot Size Map under LMLEP 2014



Figure 5 – Proposed Lot Size Map

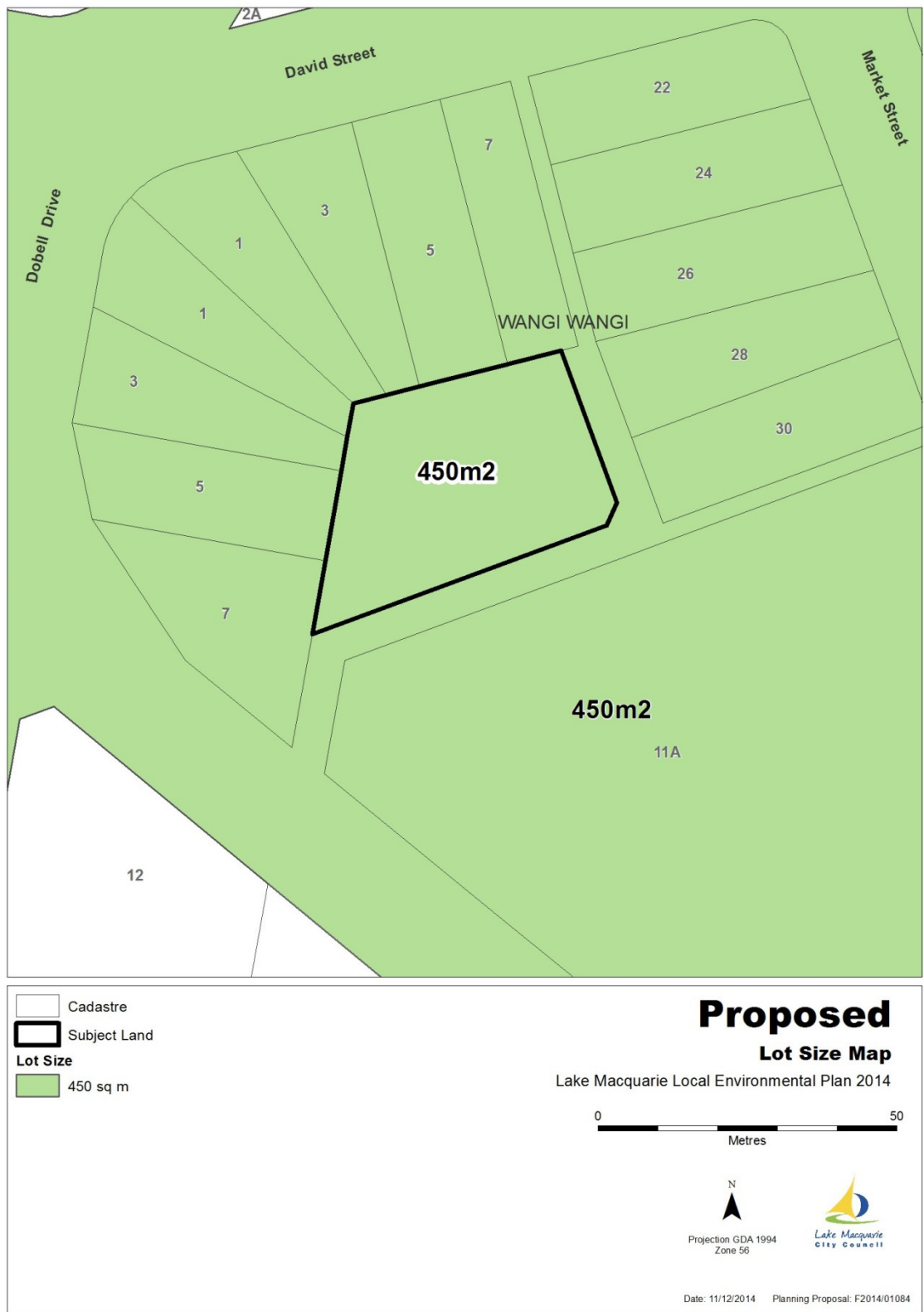
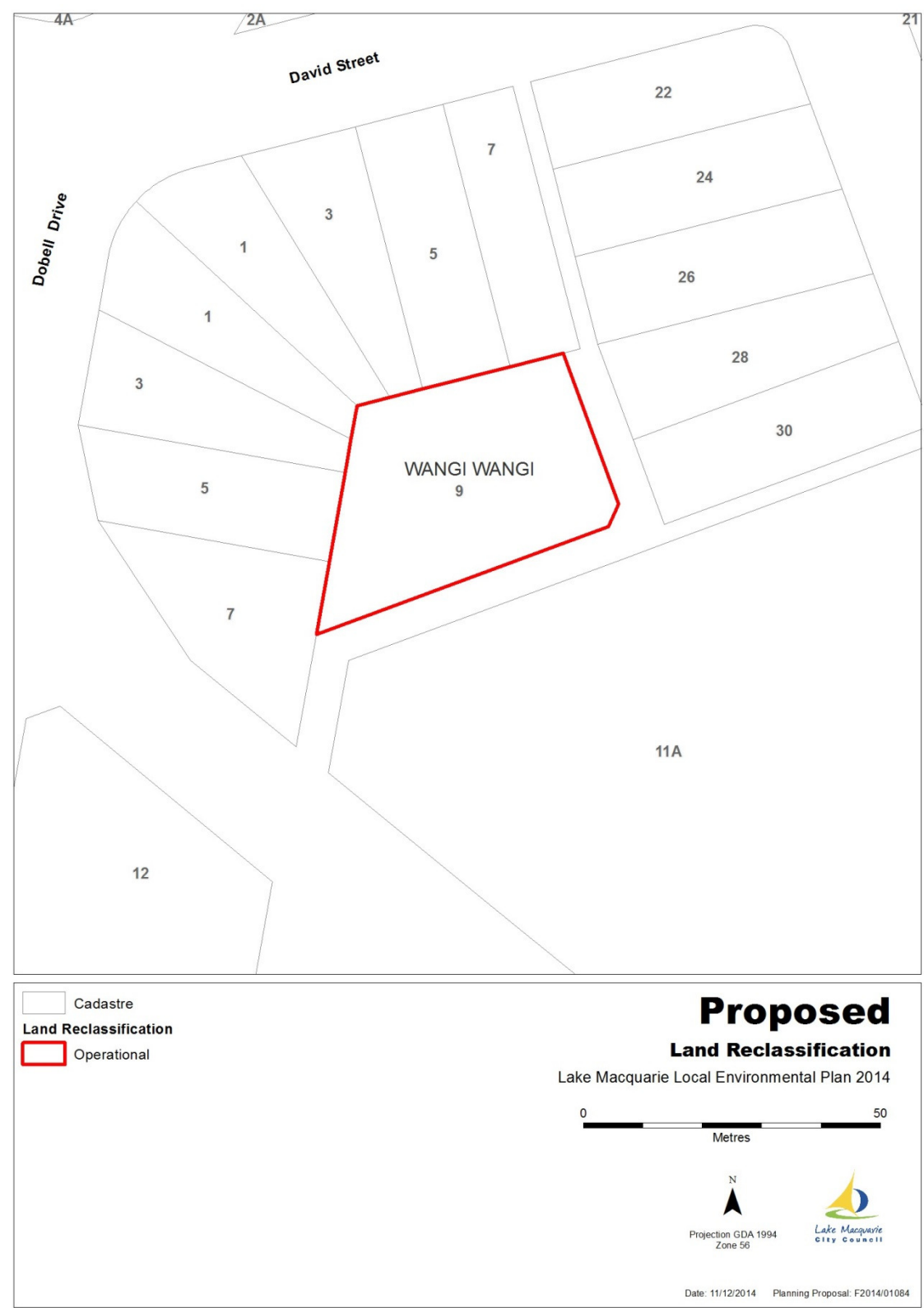


Figure 6 – Draft Land Reclassification Map under LMLEP 2014



Item 7 – 21A Schroder Avenue GATESHEAD Part Lot 80 DP 35662

Figure 1 – Aerial map



Figure 2 – Existing zone under LMLEP 2014

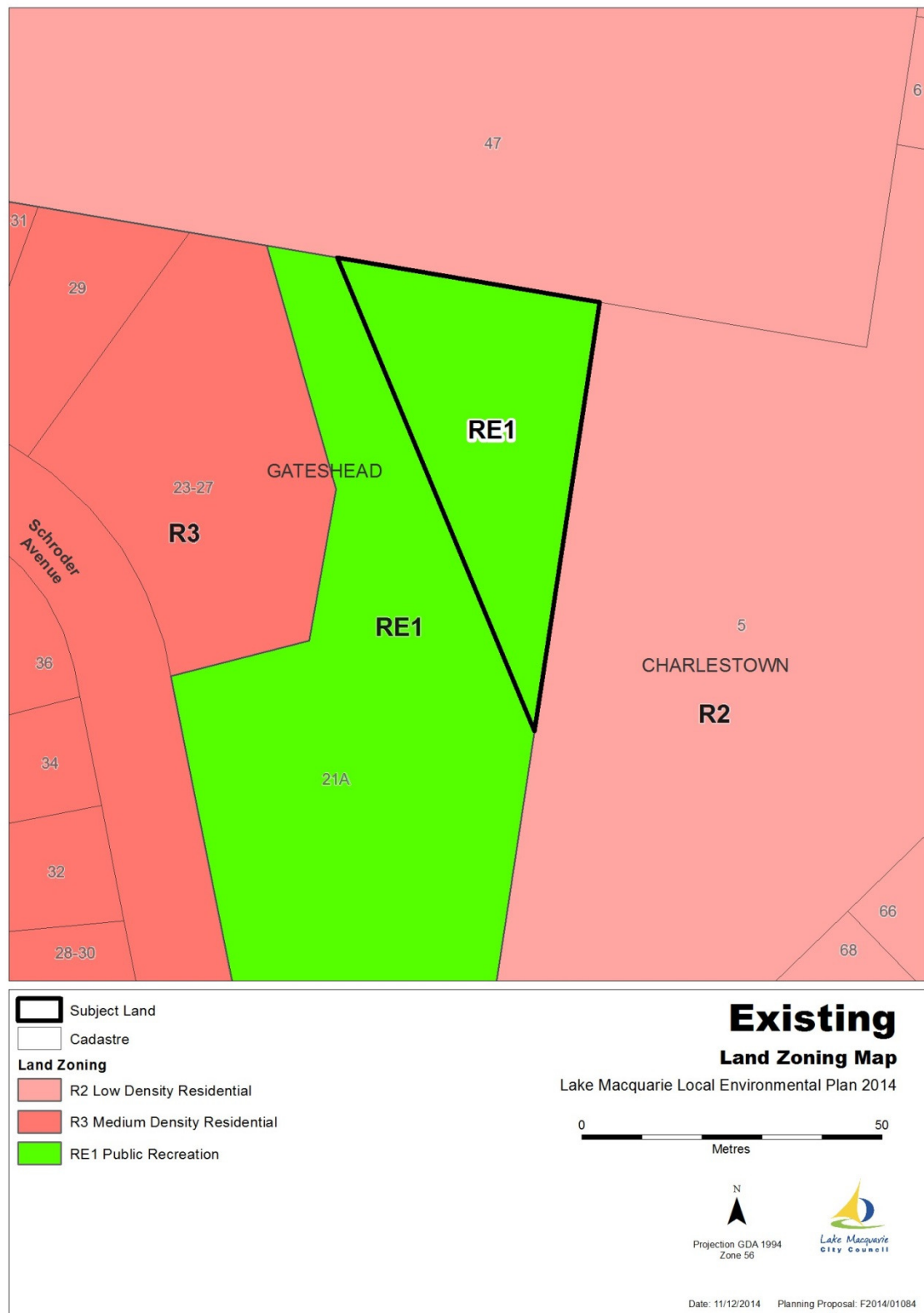


Figure 3 – Proposed zone

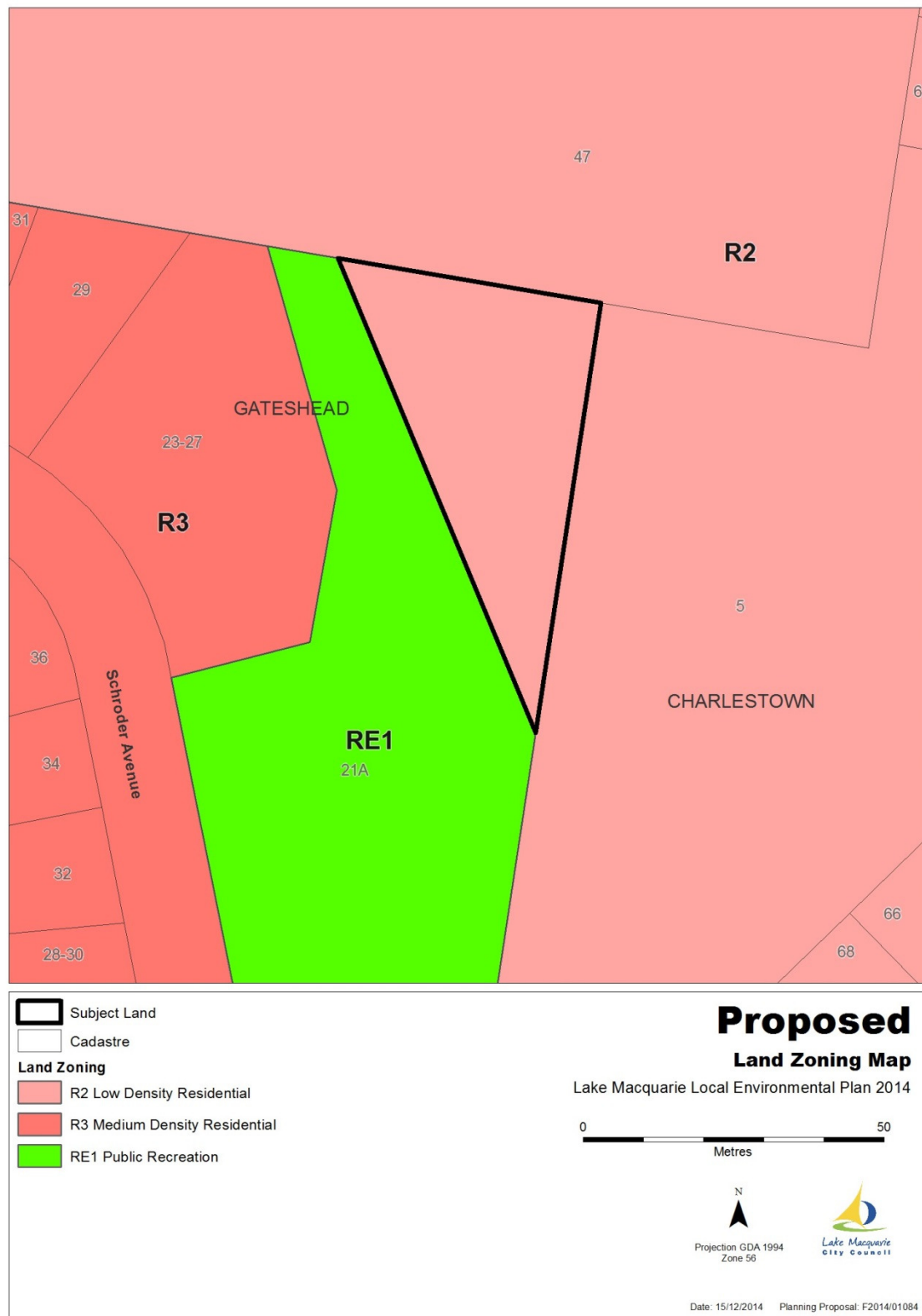


Figure 4 – Lot Size Map under LMLEP 2014

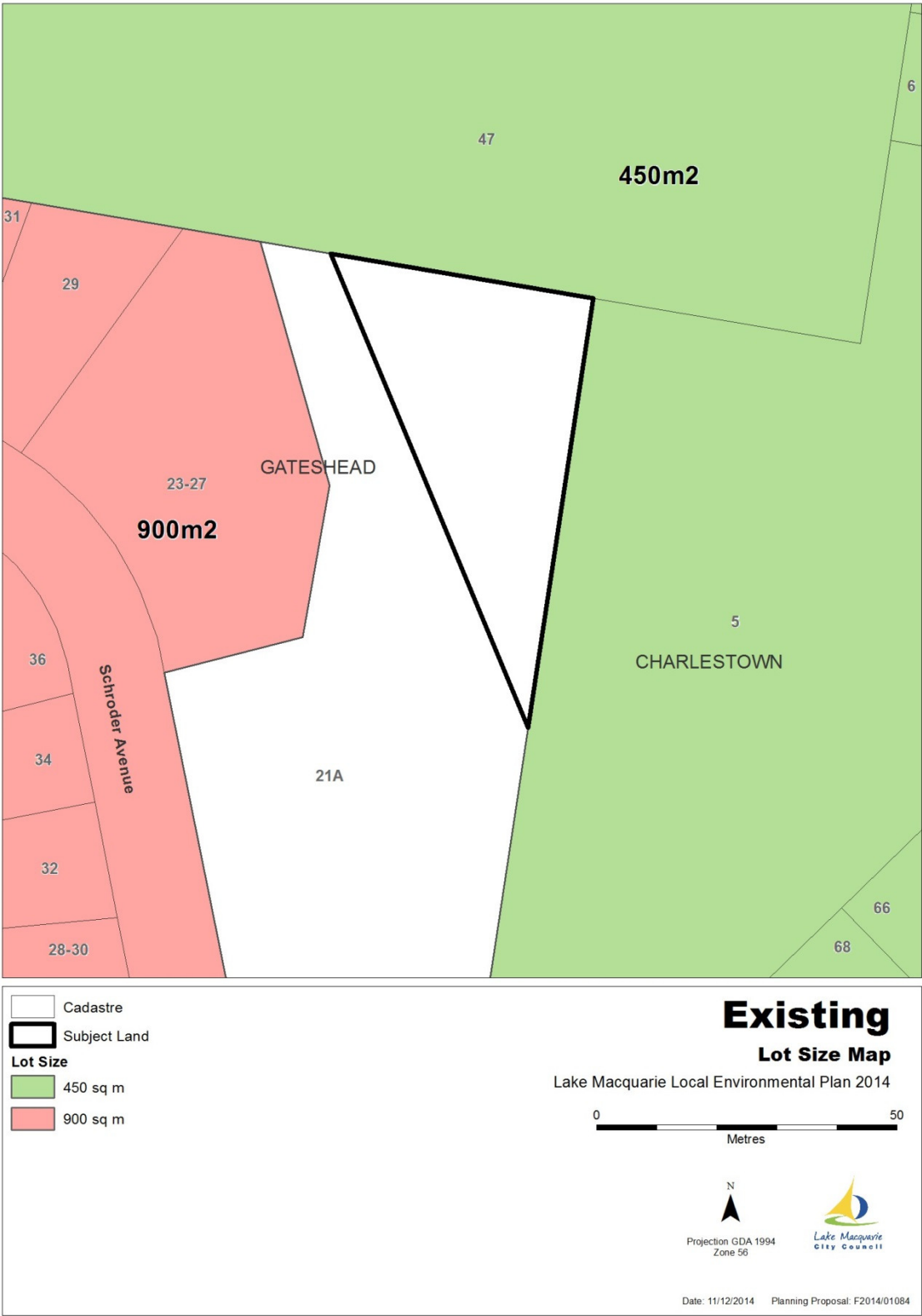


Figure 5 – Proposed Lot Size Map

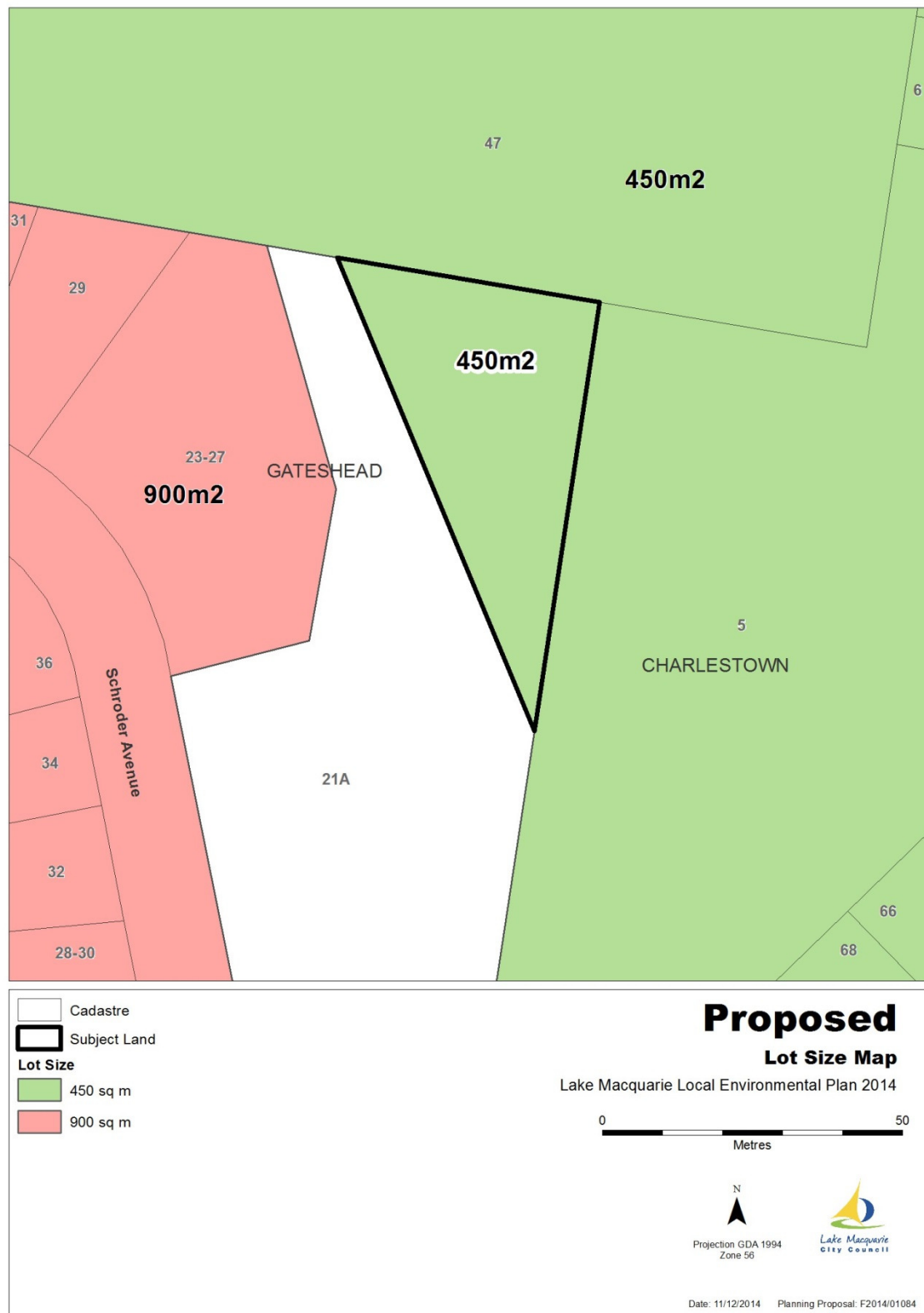
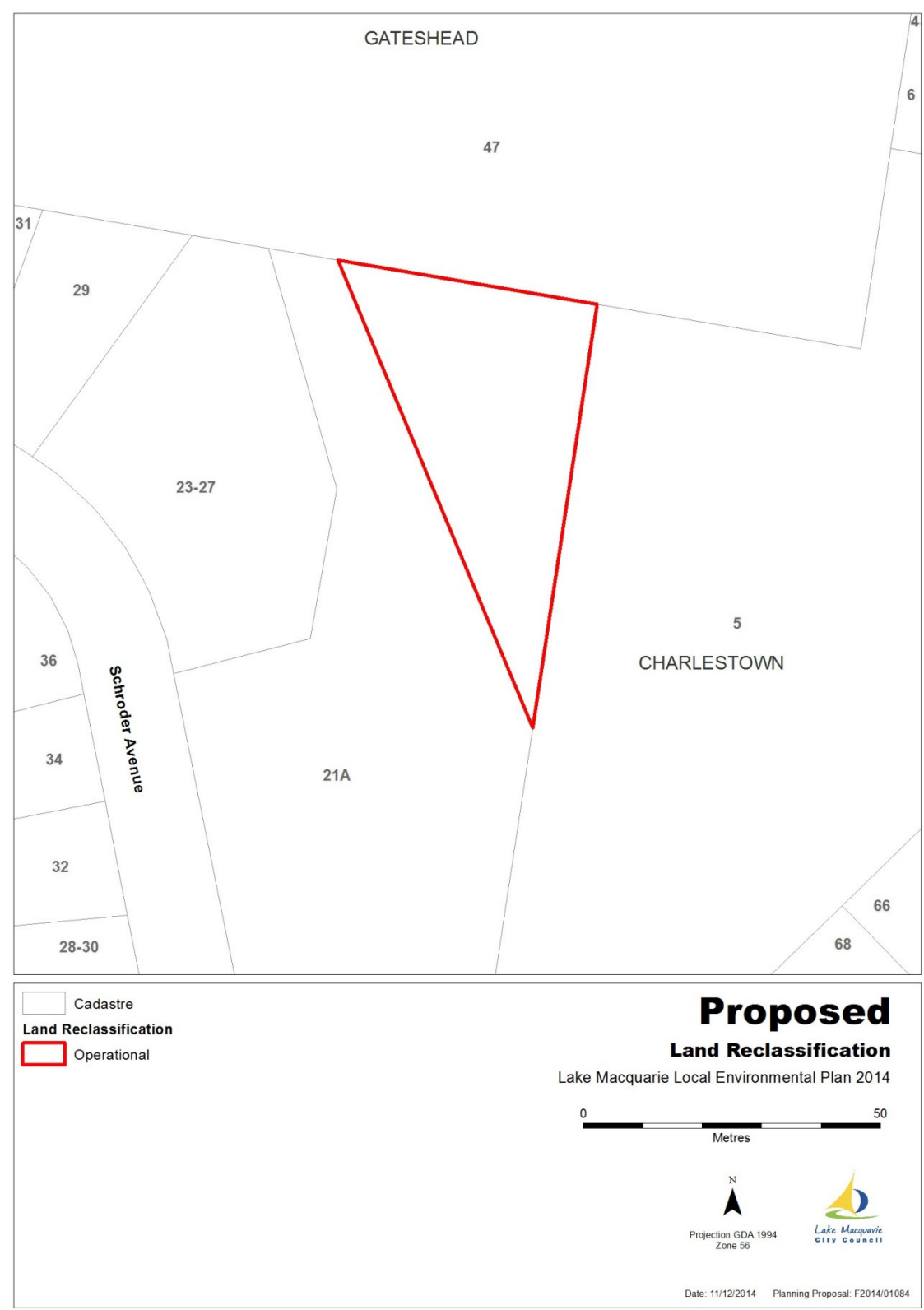


Figure 6 – Draft Land Reclassification Map under LMLEP 2014



Item 8 – 41 Hayden Brook Road BOORAGUL Part Lot 364 DP 774186

Figure 1 – Aerial map



Figure 2 – Existing zone under LMLEP 2014

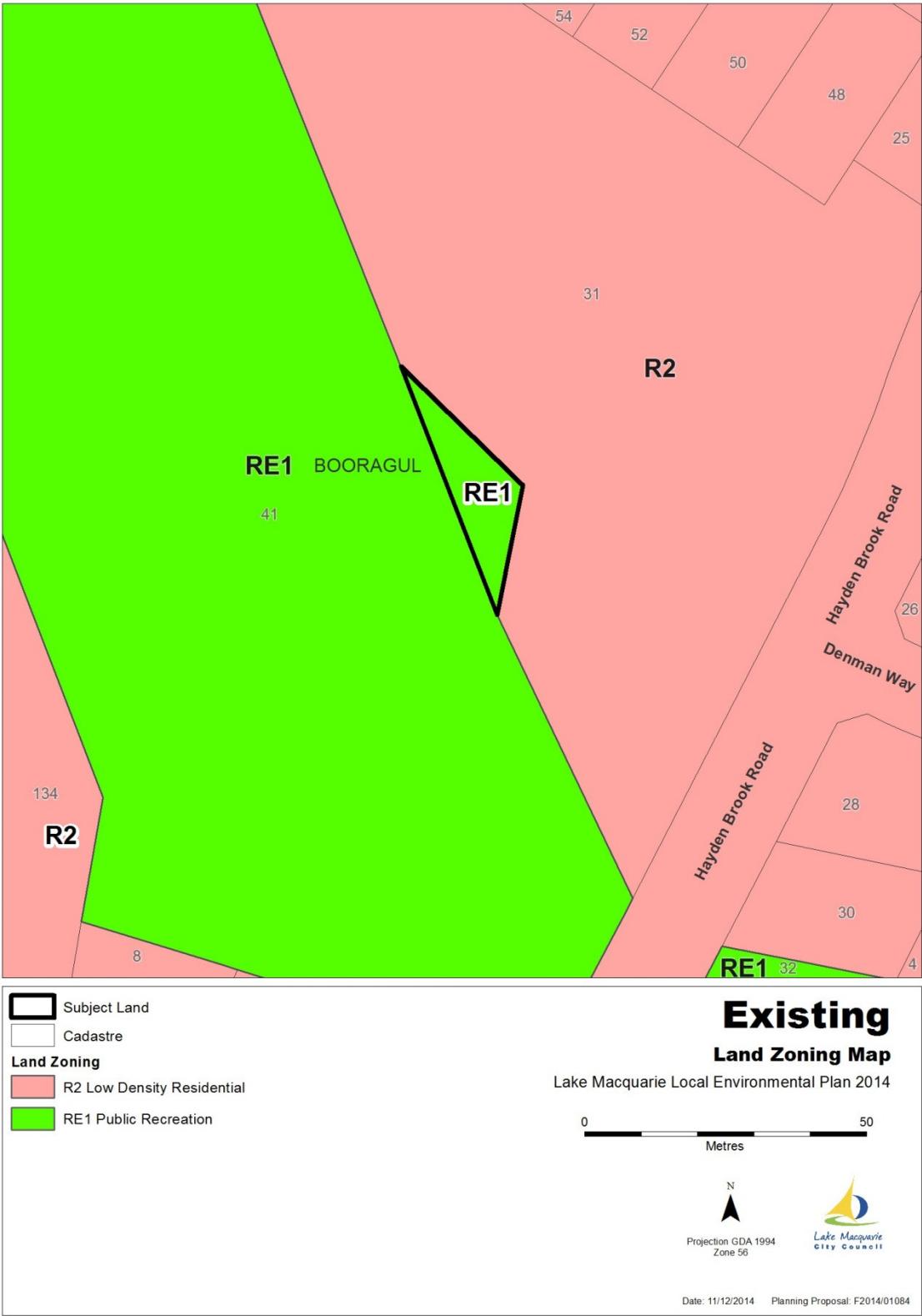


Figure 3 – Proposed zone

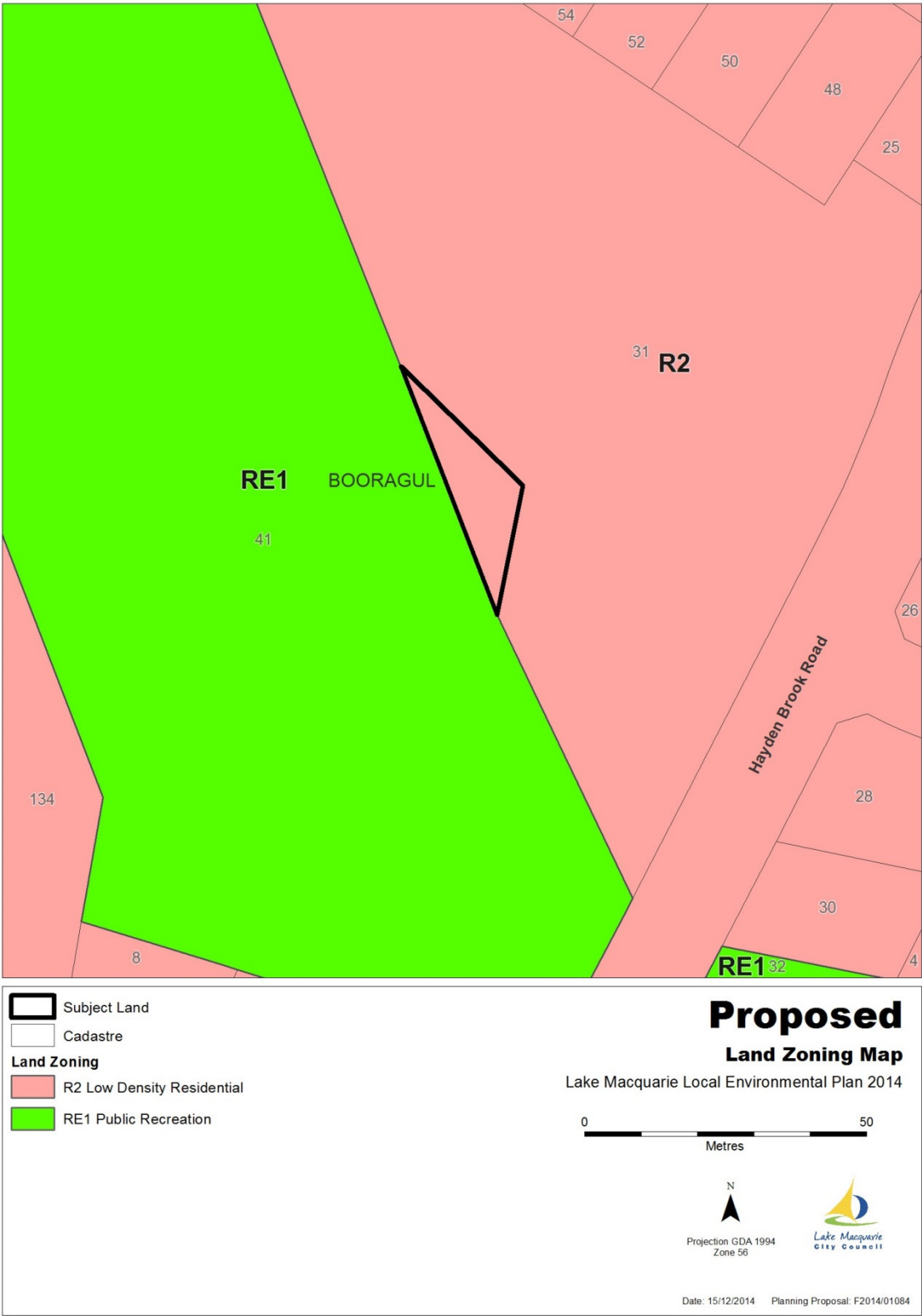


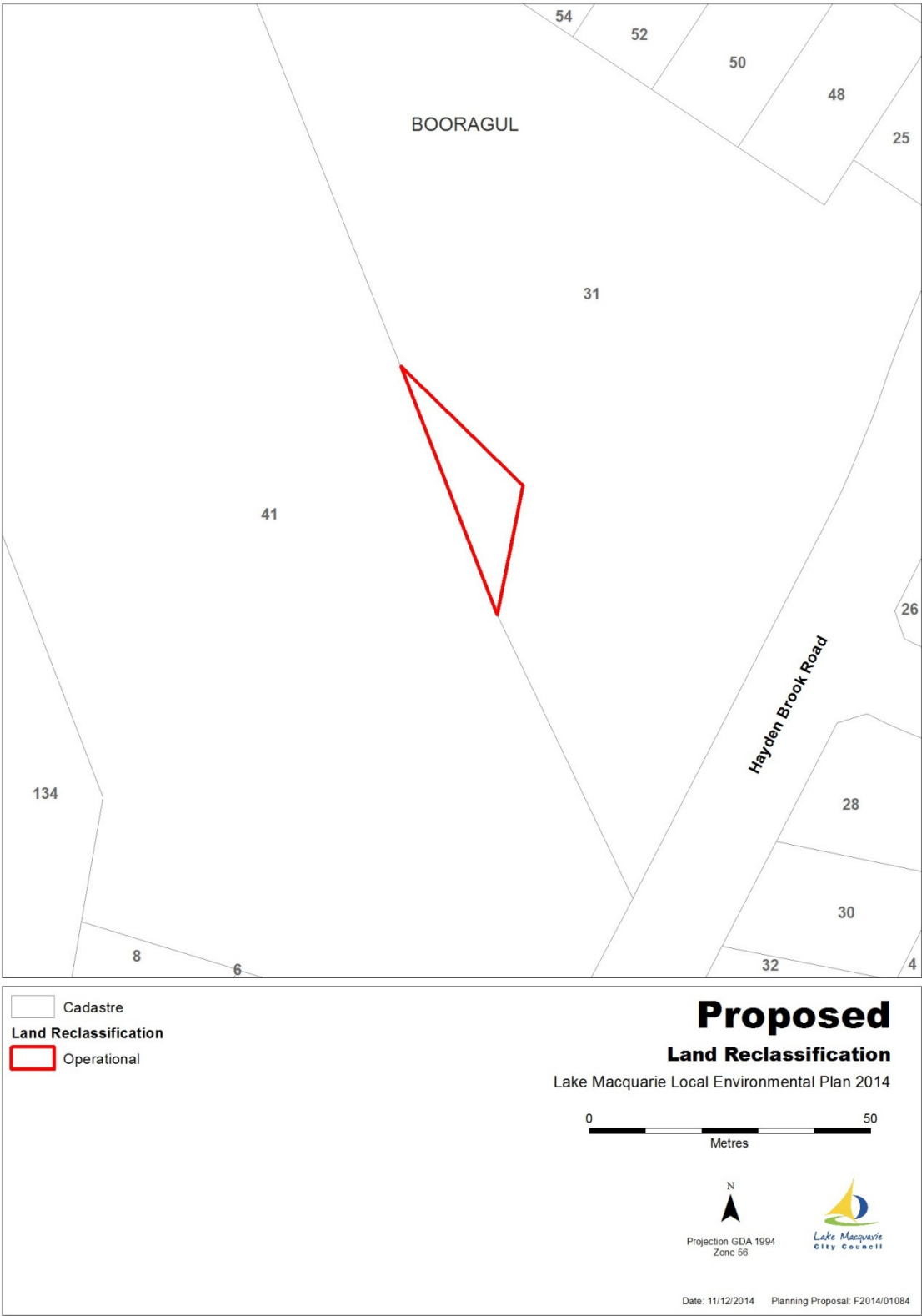
Figure 4 – Lot Size Map under LMLEP 2014



Figure 5 – Proposed Lot Size Map



Figure 6 – Draft Land Reclassification Map under LMLEP 2014



Item 9 – 20 Wommara Avenue JEWELLS Part Lot 209 DP 246099

Figure 1 – Aerial map



Figure 2 – Existing zone under LMLEP 2014

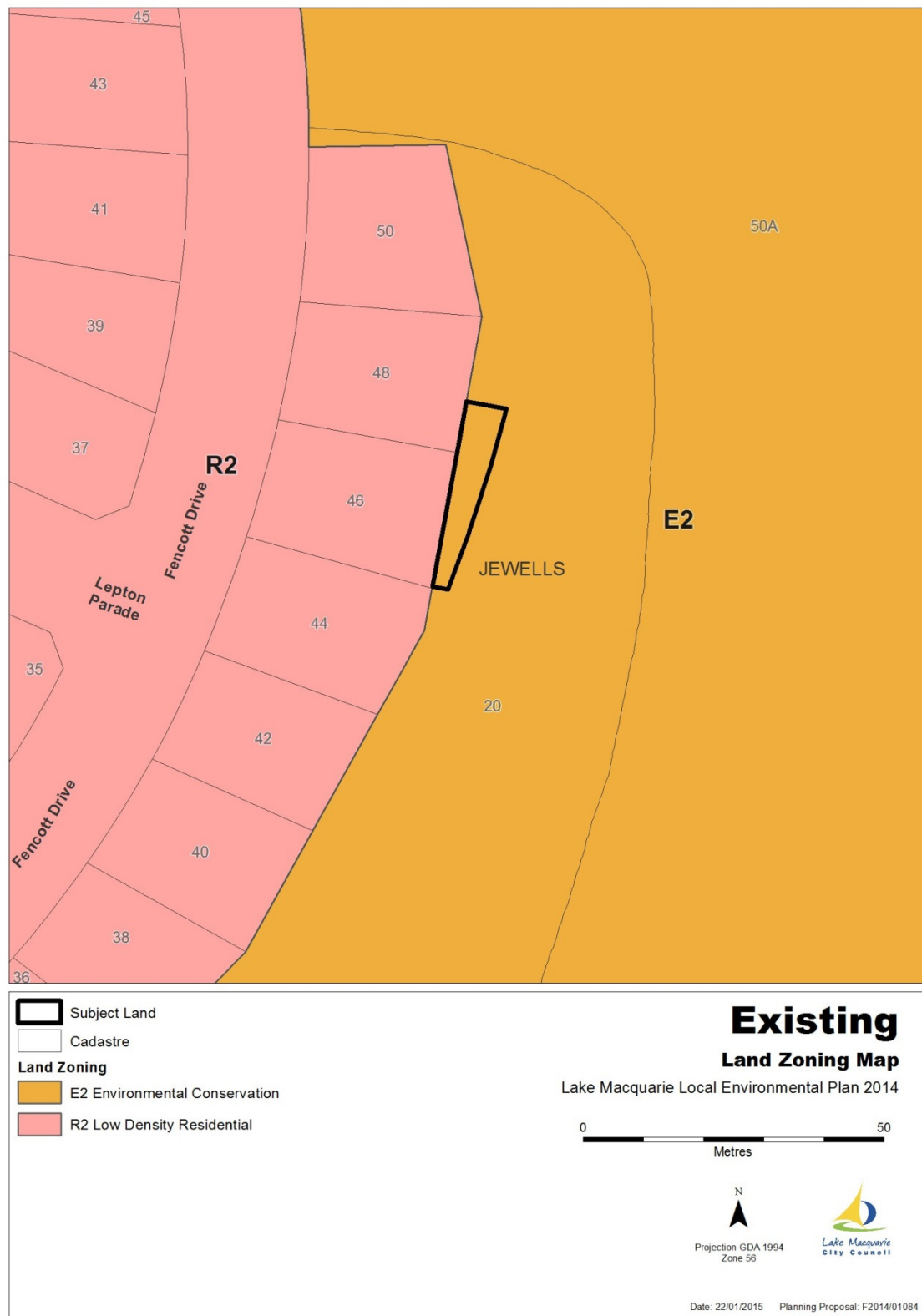


Figure 3 – Proposed zone

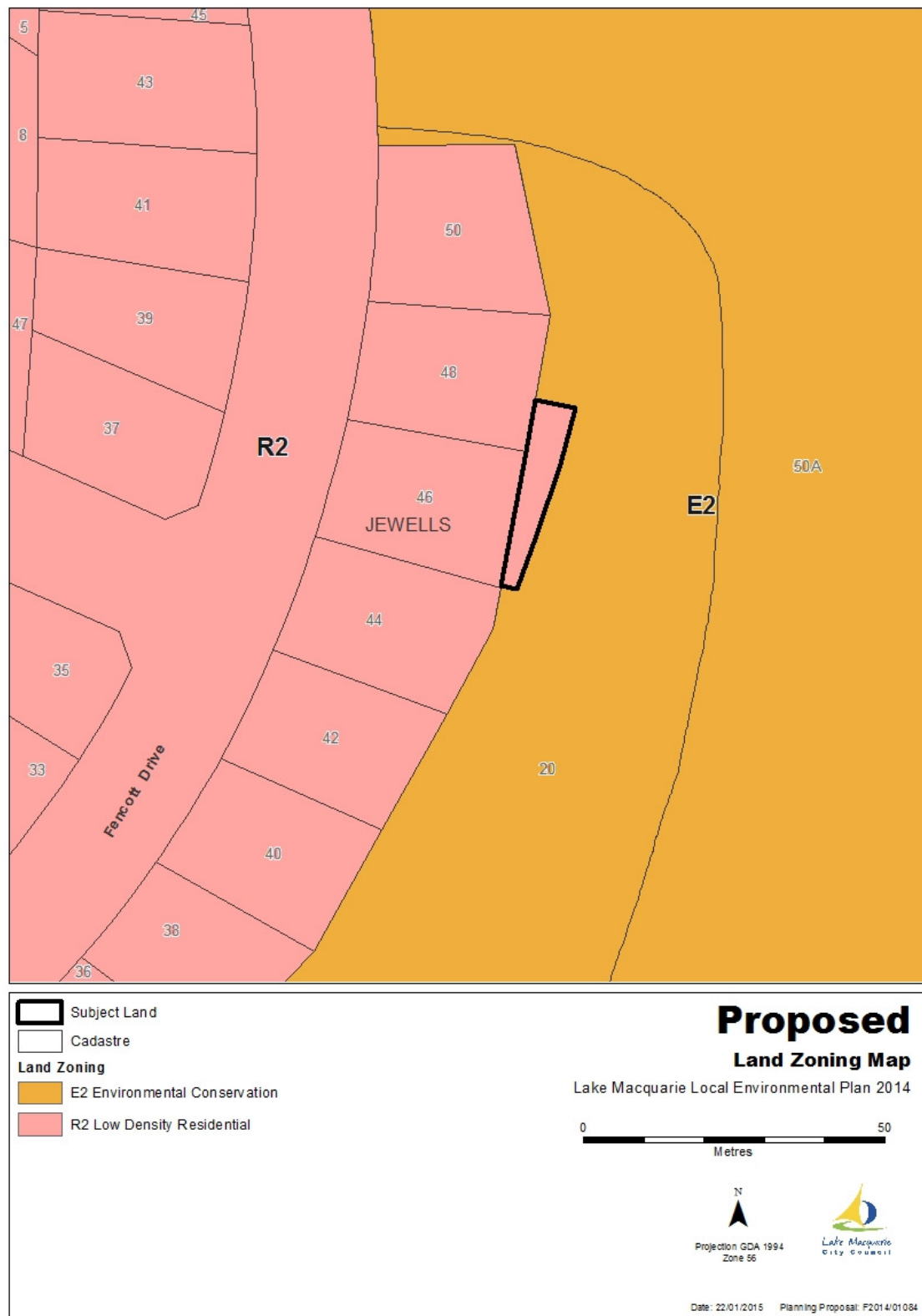


Figure 4 – Lot Size Map under LMLEP 2014

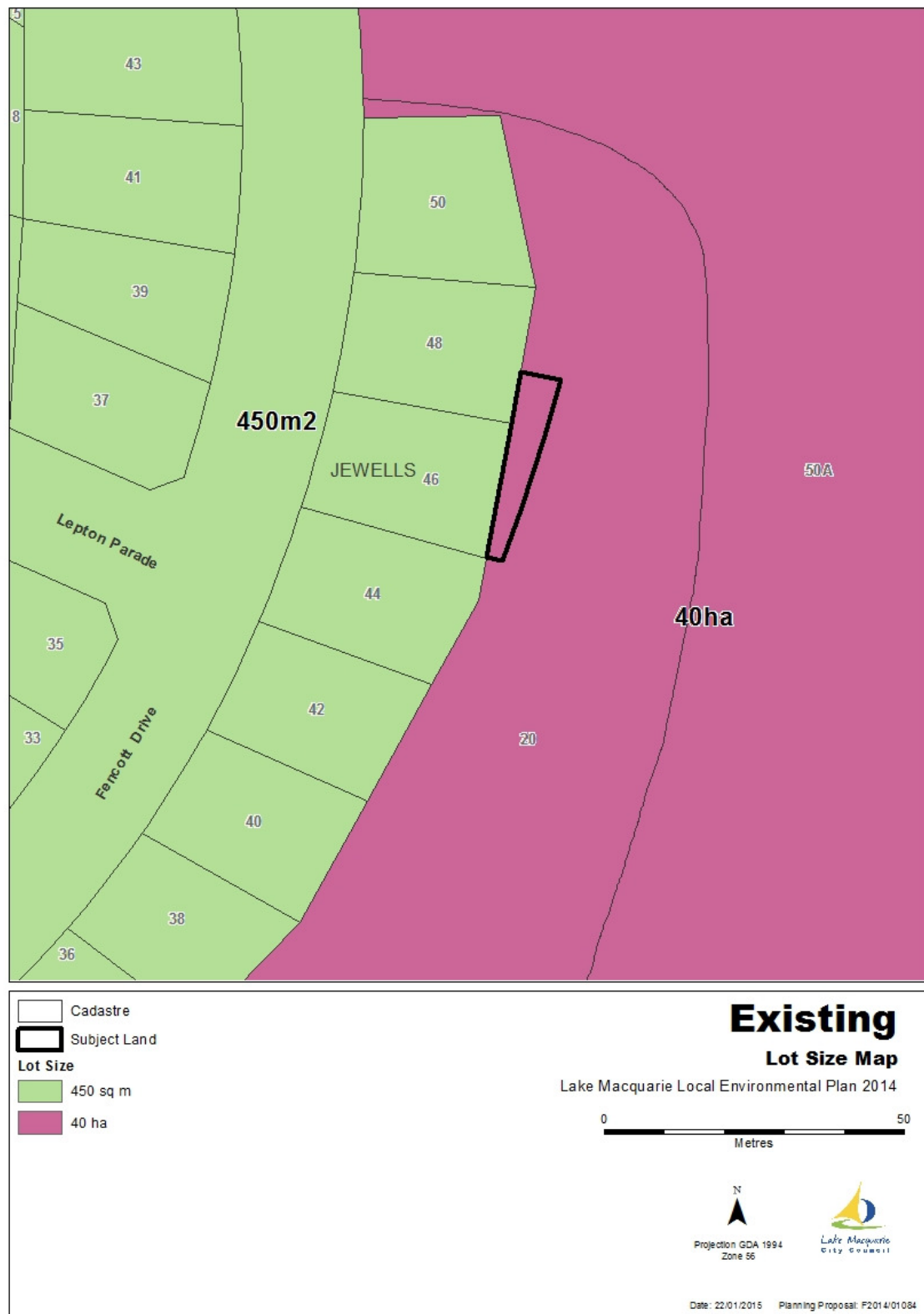


Figure 5 – Proposed Lot Size Map

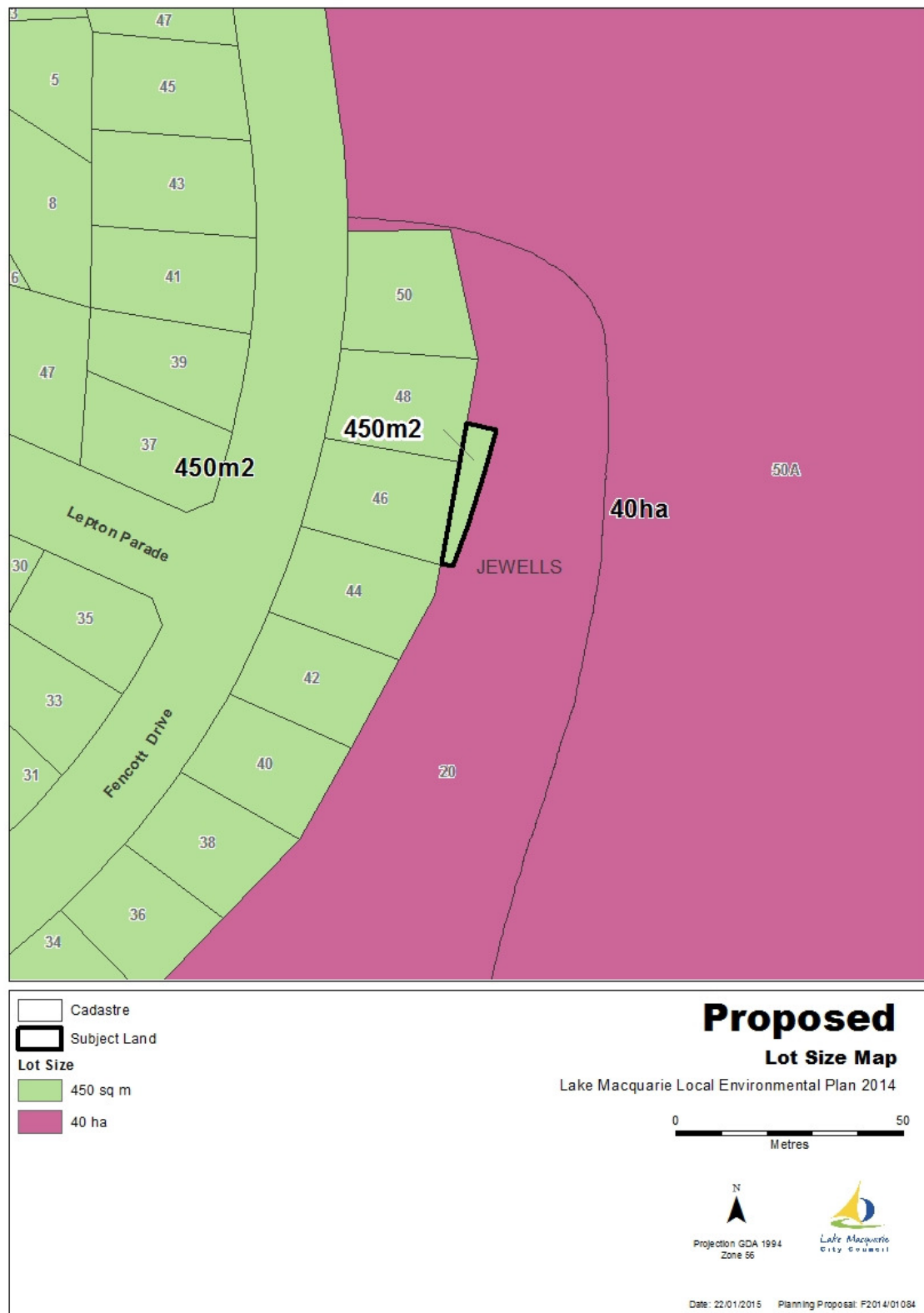


Figure 6 – Existing Height of Buildings Map under LMLEP 2014

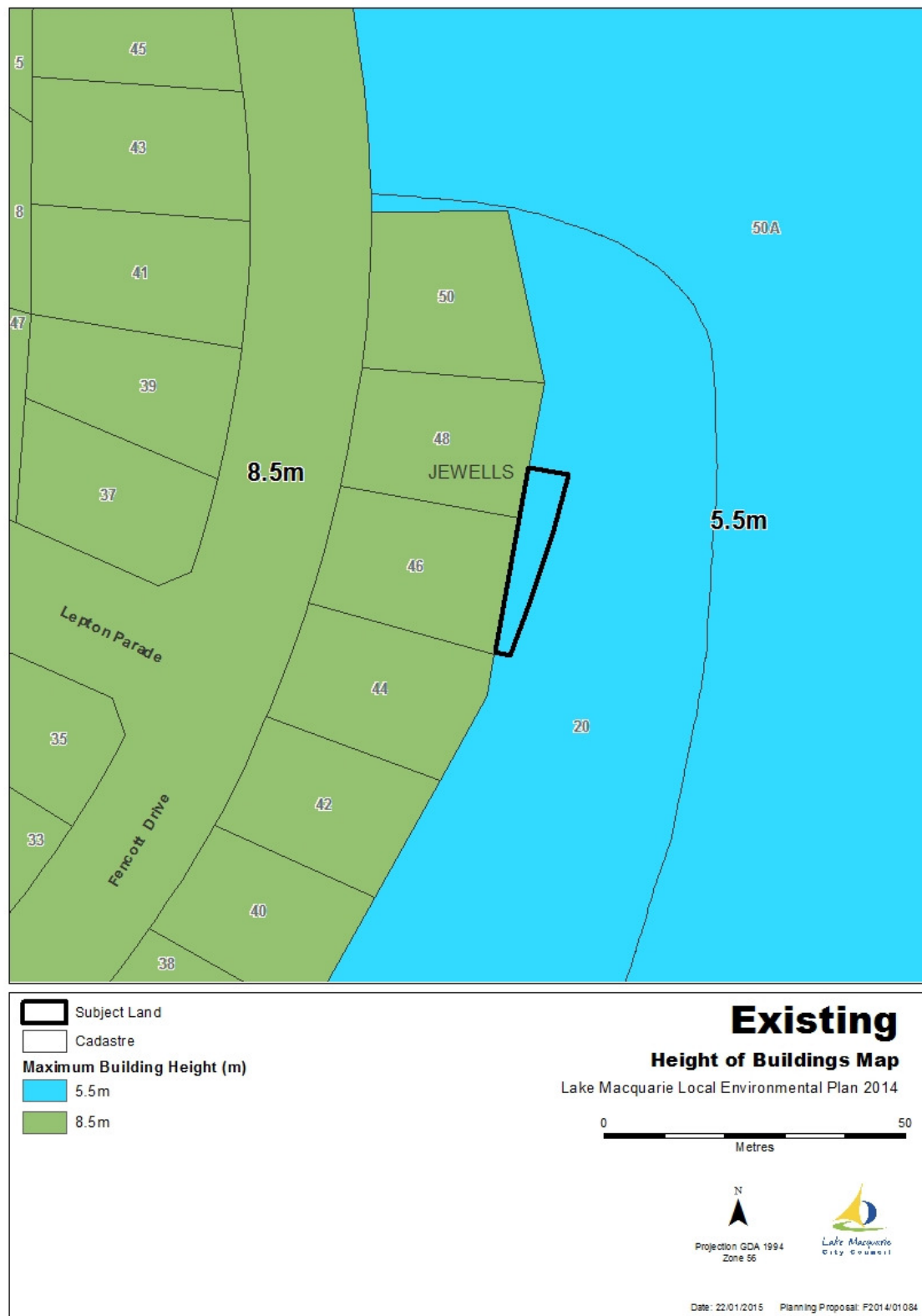
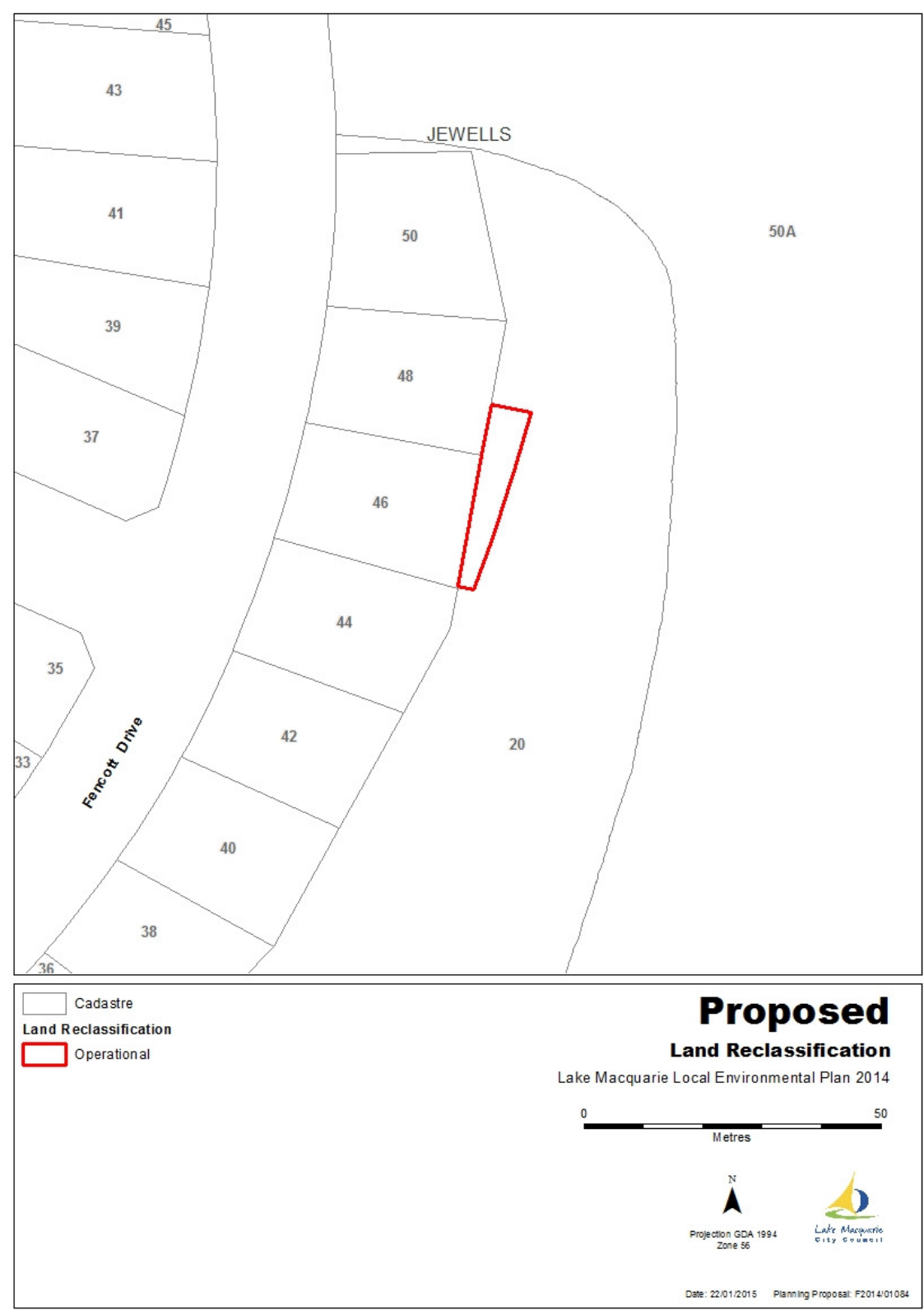


Figure 7 – Proposed Height of Buildings Map



Figure 8 – Draft Land Reclassification Map under LMLEP 2014



Item 10 – 60 Primrose Street BOORAGUL Lot 2 DP 211875 & 62 Primrose Street BOORAGUL Lot 1 DP 211875

Figure 1 – Aerial map



Figure 2 – Existing zone under LMLEP 2014

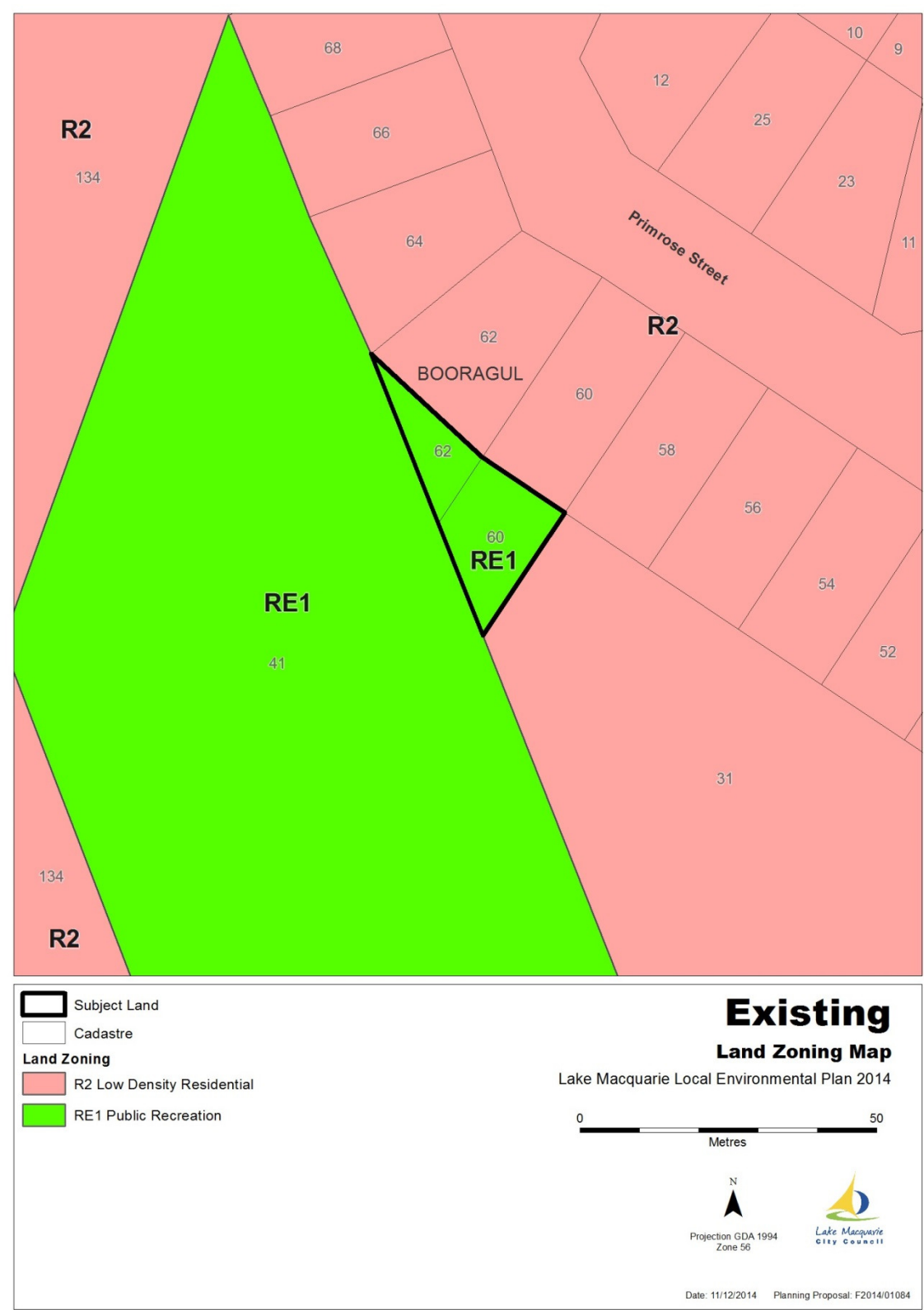


Figure 3 – Proposed zone

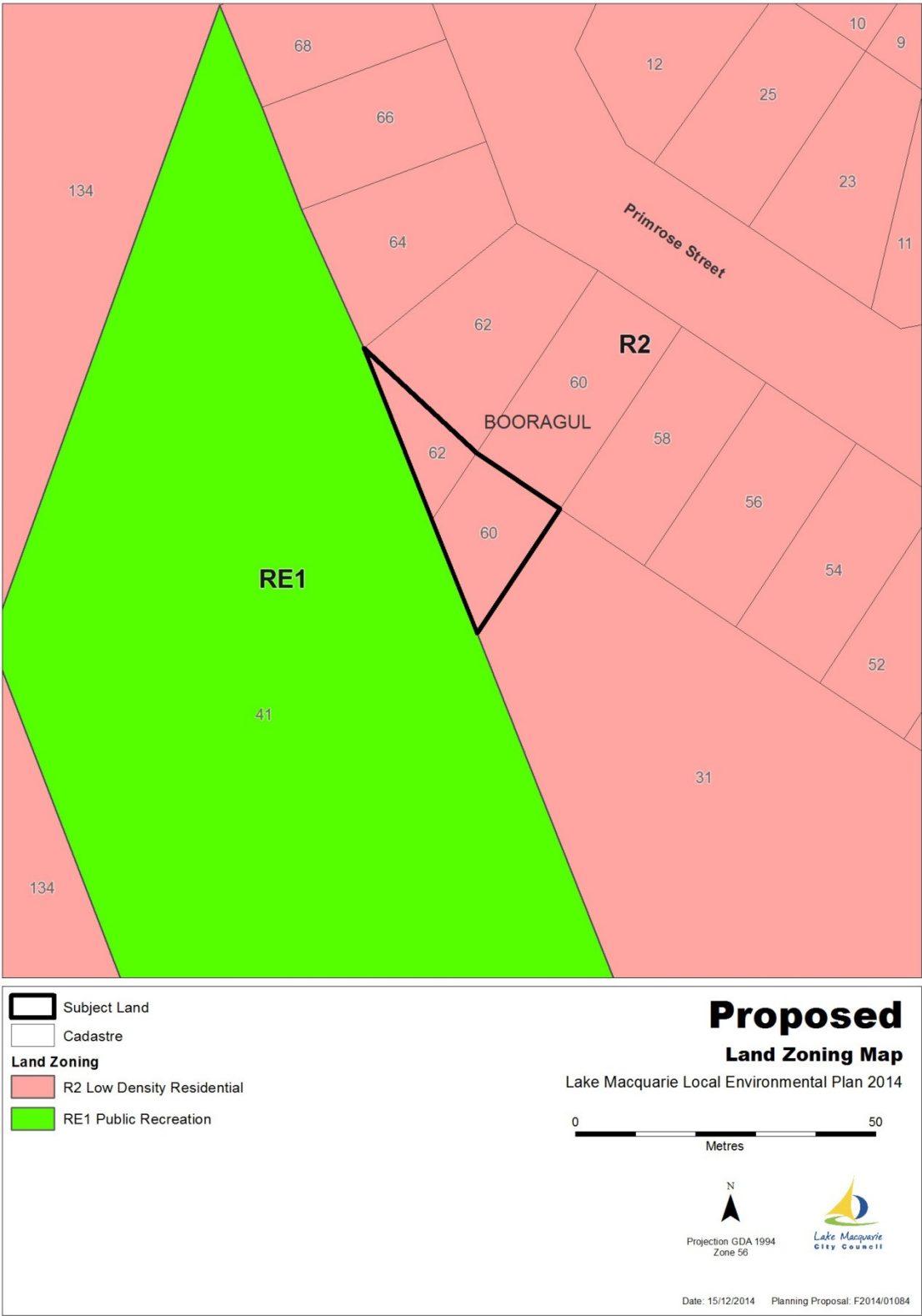


Figure 4 – Lot Size Map under LMLEP 2014

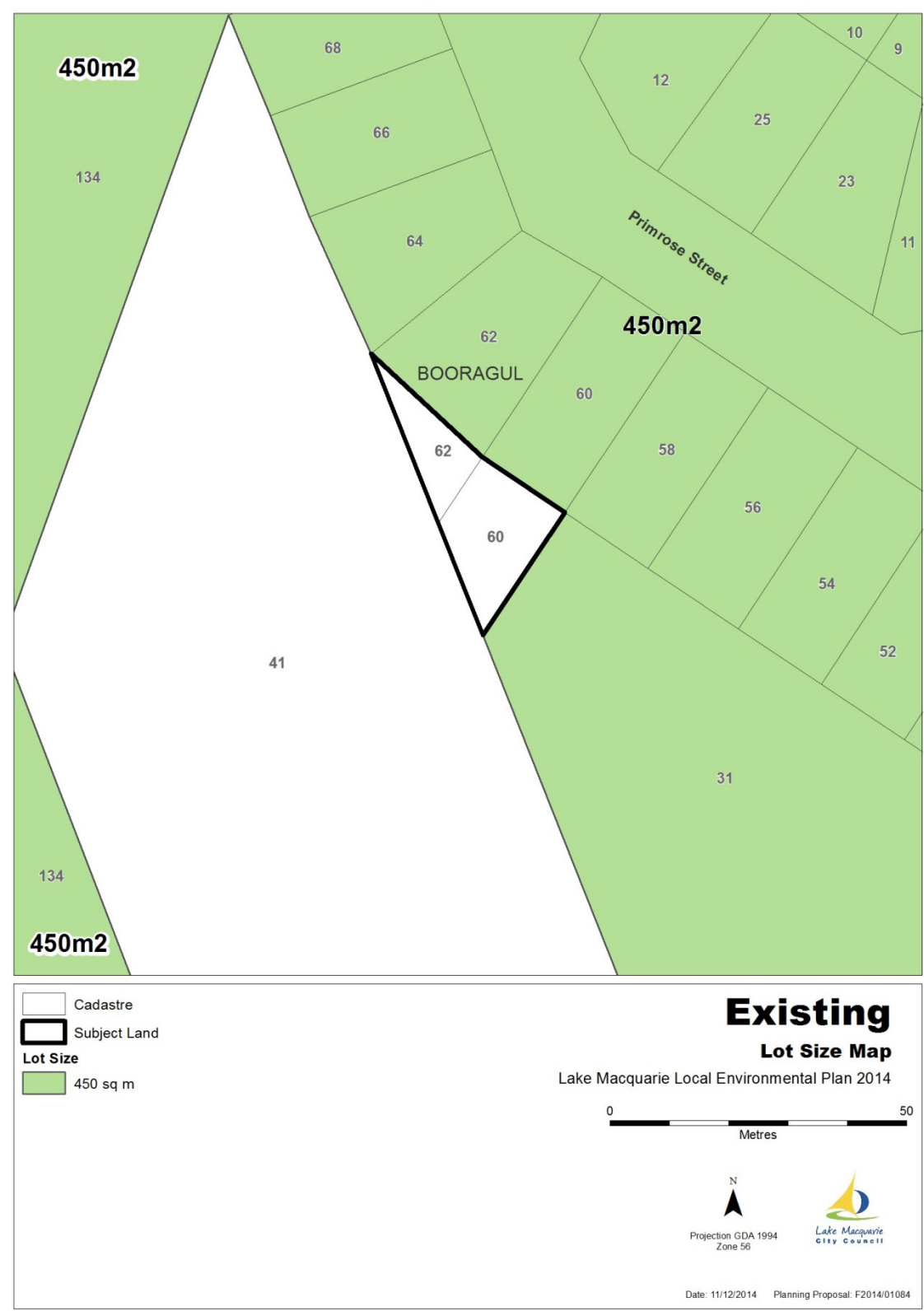


Figure 5 – Proposed Lot Size Map

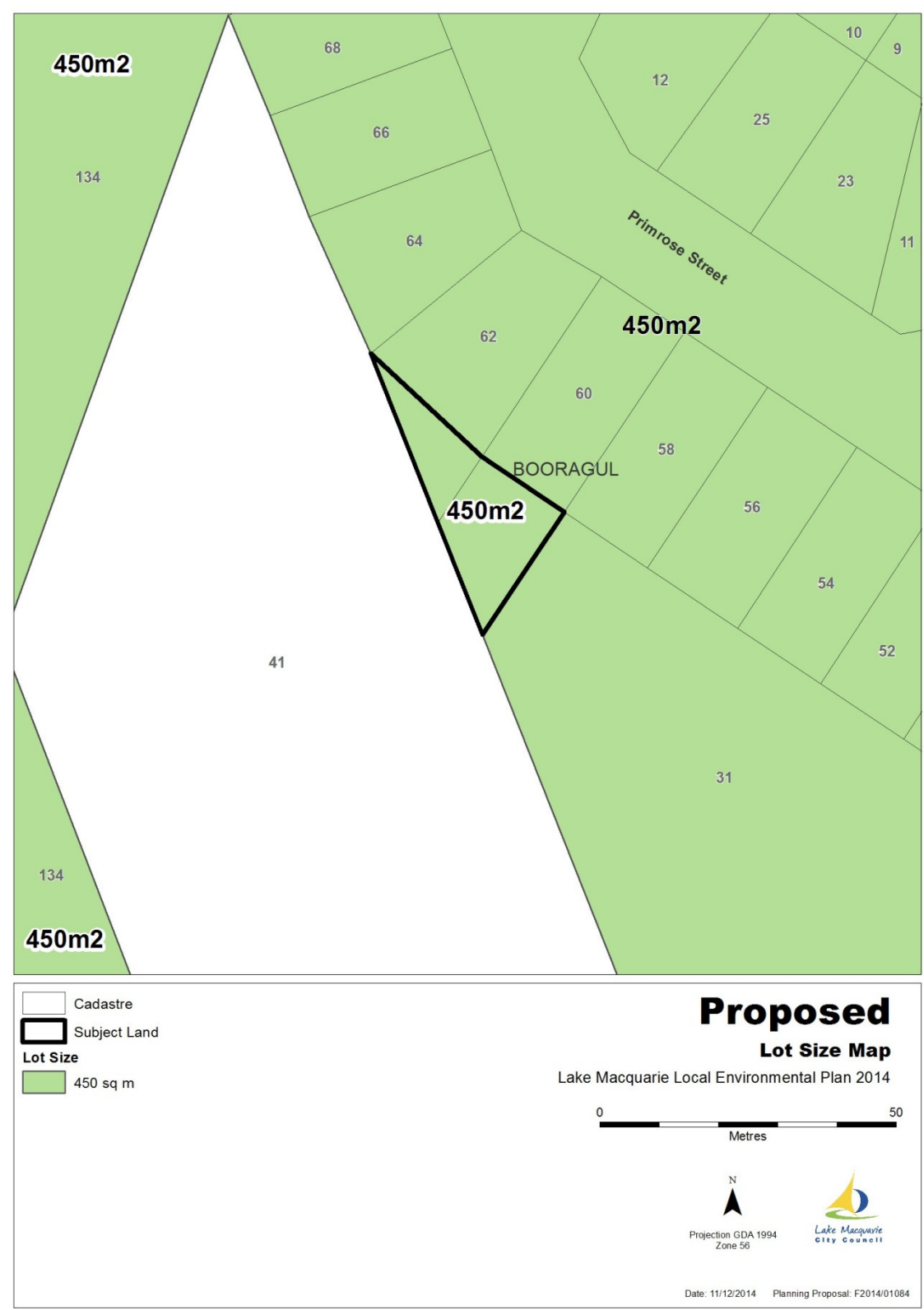


Figure 6 – Existing Land Reservation Acquisition Map under LMLEP 2014

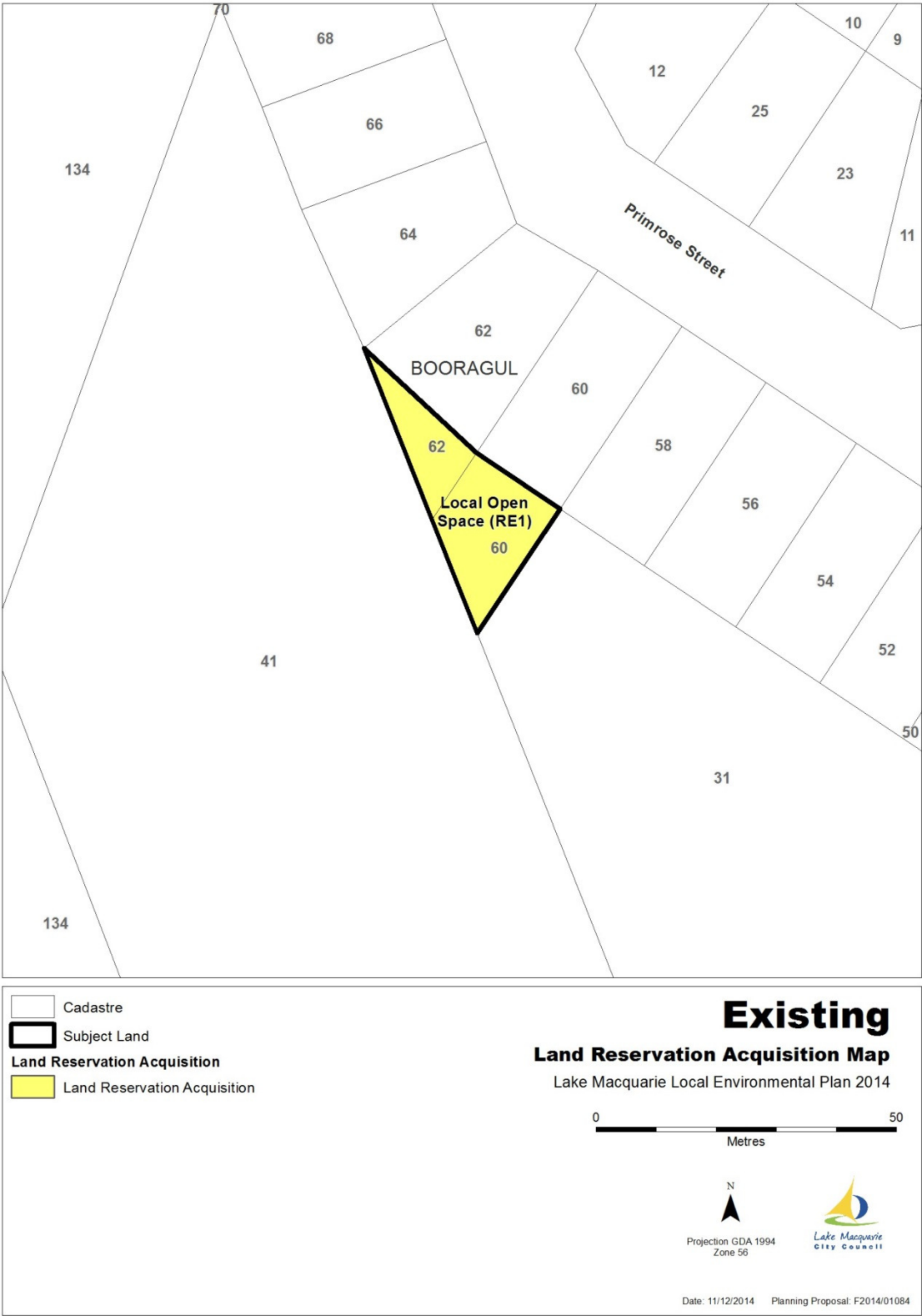
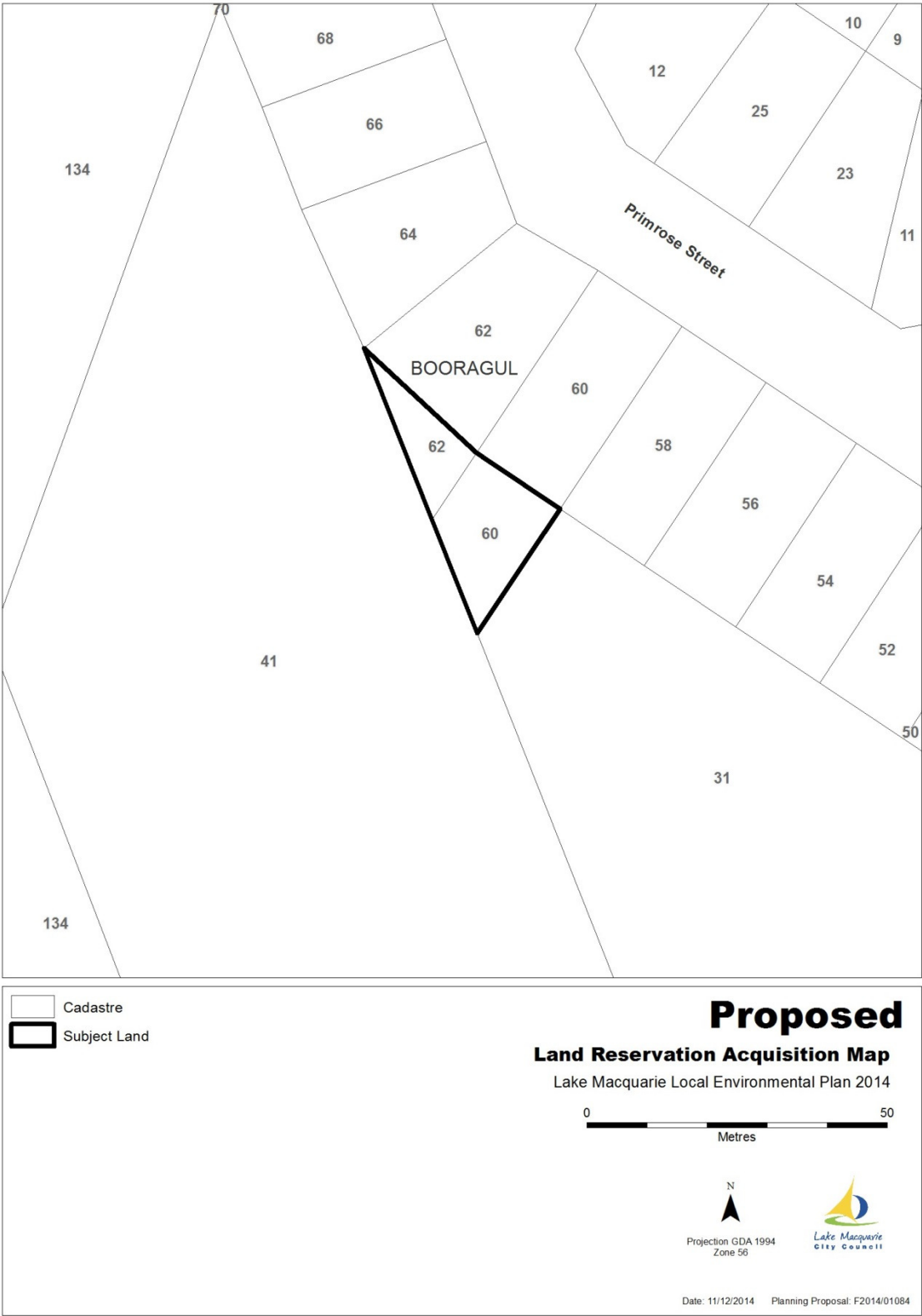


Figure 7 – Proposed Land Reservation Acquisition Map



ANNEX B – SEPP ASSESSMENT

Planning Proposal's Assessment against Applicable SEPPs

SEPP	Applicable	Consistency
State Environmental Planning Policy No 19—Bushland in Urban Areas	N/A	The Planning Proposal includes the following sites which contain urban bushland: Item 3 – 1A Alhambra Avenue Macquarie Hills is identified under the Plan of Management as Natural Area “Bushland”. The purpose of the reclassification is for the dedication of two roads that already exist and will not result in any increase in the disturbance of that bushland. Accordingly is considered to be consistent with the SEPP. Item 7 – 21A Schroder Avenue Gateshead has two categories under the Plan of Management as Natural Area “watercourse” and Parkland. The area to be reclassified is categorised as Parkland and is currently used as a sports field by the adjoining school. Accordingly it is considered to be consistent with the SEPP. Item 8 – 41 Hayden Brook Road Booragul has two categories under the Plan of Management as Natural Area “watercourse” and Parkland. The area to be reclassified is categorised as Natural Area “watercourse” and contains mainly mowed grass. Accordingly it is considered to be consistent with the SEPP. Item 9 – 20 Wommara Avenue Jewells is identified under the Plan of Management as Natural Area “wetland”. The purpose of the reclassification is to rectify encroachments that already exist and will not result in any further increase in the disturbance of that bushland. Accordingly it is considered to be consistent with the SEPP.
State Environmental Planning Policy No 71—Coastal Protection	Yes	Item 2 – 149 Watkins Road Wangi Wangi is identified as being within the coastal zone as it is located within 100m of an inland lake. As the reclassification is to formalise the existing road on the site, it satisfies clause 8 of the SEPP to include public access to the foreshore waterfront, and reducing conflict between land and water based activities.

Planning Proposal's Assessment against Applicable SEPPs

SEPP	Applicable	Consistency
State Environmental Planning Policy No 32-Urban Consolidation (Redevelopment of Urban Land)	Yes	Item 1 – 36 Pearson Street Charlestown, applies under this SEPP as the site is zoned B3. However as the proposal only involves reclassification, the zoning and development controls shall remain the same and accordingly is considered to be consistent with the SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes	Upon removal of the public reserve status of part 21A Schroder Avenue Gateshead, part of 41 Hayden Brook Road Booragul and part of 20 Wommara Avenue Jewells, certain exemptions on the use of the SEPP under the General Housing Code and the Rural Housing Code will no longer apply (SEPP Clause 1.19(1)(b)).
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Yes	The SEPP has the potential to apply to the future development of the proposed residential zoned sites included within the Planning Proposal as follows: Item 5 – 11 Rens Street Booragul Item 6 – 9 David Street Wangi Wangi Item 7 – part of 21A Schroder Avenue Gateshead Item 8 – part of 41 Hayden Brook Road Booragul Item 9 – part of 20 Wommara Avenue Jewells Item 10 – 60 & 62 Primrose Street Booragul

ANNEX C – MINISTERIAL DIRECTION ASSESSMENT

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	36 Pearson Road Charlestown is currently zoned B3 Commercial Core. The proposed reclassification of the site will retain this zoning, but allow Council to lease this land to the adjoining shopping centre. This will ensure that the existing floor space area for employment uses and related public services will be retained within the business zone.
1.2 Rural Zones	N/A	-
1.3 Mining, Petroleum Production and Extractive Industries	N/A	-
1.4 Oyster Aquaculture	N/A	-
1.5 Rural Lands	Yes	106 Reservoir Road Glendale is currently partly zoned RU6 Transitional and is currently used as a quarry for Council's purposes. The proposed reclassification of the site will not rezone the land, nor increase the permissible density of land and accordingly complies with this direction.
2. Environment and Heritage		
2.1 Environment Protection Zones	Yes	106 Reservoir Road Glendale is currently partly zoned E4 Environmental Living and although part of the site is currently used as a quarry for Council's purposes, the area zoned E4 is not. The proposed reclassification of the land will not realign the boundaries of the Environment Protection zone, nor reduce the environmental standards that apply to that land including development standards. Accordingly the proposed reclassification complies with this direction. 20 Wommara Avenue Jewells is currently zoned E2 Environmental Conservation. The proposed reclassification and rezoning of part of the site is due to encroachment into Council land inadvertently approved by Council. The encroachments are considered to be minor being approximately 120sqm of the wetland reserve which has an area of approximately 44.3 hectares. Accordingly the proposed

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
		reclassification is considered to be of minor significance.
2.2 Coastal Protection	Yes	Item 2 – 149 Watkins Road Wangi Wangi is identified within the coastal zone. The proposed reclassification for dedication as road at this site will not impact upon the provisions of the NSW Coastal Policy, Coastal Design Guidelines 2003, or the NSW Coastline Management Manual.
2.3 Heritage Conservation	N/A	-
2.4 Recreation Vehicle Area	N/A	-
3. Housing, Infrastructure and Urban Development		
3.1 Residential zones	Yes	The following sites are identified as having future residential zonings: Item 5 – 11 Rens Street Booragul Item 6 – 9 David Street Wangi Wangi Item 7 – part of 21A Schroder Avenue Gateshead Item 8 – part of 41 Hayden Brook Road Booragul Item 9 – part of 20 Wommara Avenue Jewells Item 10 – 60 & 62 Primrose Street Booragul The reclassification's and rezoning's proposed within this planning proposal will allow for the sale of subject lots to facilitate future residential development in the subject areas. It is considered that the planning proposal is consistent with the objectives of this ministerial direction.
3.2 Caravan Parks and Manufactured Home Estates	N/A	-
3.3 Home Occupations	N/A	-
3.4 Integrating Land Use and Transport	Yes	It is proposed to rezone the following sites to residential zonings consistent with adjoining residential lots within established residential areas:

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
		Item 5 – 11 Rens Street Booragul Item 6 – 9 David Street Wangi Wangi Item 7 – part of 21A Schroder Avenue Gateshead Item 8 – part of 41 Hayden Brook Road Booragul Item 9 – part of 20 Wommara Avenue Jewells Item 10 – 60 & 62 Primrose Street Booragul It is considered that the proposed rezoning's outlined within the planning proposal are consistent with the objectives of this ministerial direction.
3.5 Development Near Licensed Aerodromes	N/A	-
3.6 Shooting Ranges	N/A	-
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	The following sites are identified within the Lake Macquarie Acid Sulfate Soils Planning Maps: Item 2 – 149 Watkins Road Wangi Wangi – Class 5 - Dedication of existing road Item 5 – 11 Rens Street Booragul – Class 5 Item 6 – 9 David Street Wangi Wangi – Class 5 Item 8 – 41 Hayden Brook Road Booragul – Class 5 Item 9 – 20 Wommara Avenue Jewells – Class 5 Item 10 – 60 & 62 Primrose Street Booragul – Class 5 Any future development on these sites would need to be aware of this constraint and address the requirements of Clause 7.1 of the LMLEP 2014.
4.2 Mine Subsidence and Unstable Land	Yes	All sites are identified within a Mine Subsidence District. Consultation with the Mine Subsidence Board will be undertaken following receipt of

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
		the Gateway Determination to comply with the requirements of this direction.
4.3 Flood Prone Land	N/A	The following sites are identified as Flood Prone land: Item 2 – 149 Watkins Road Wangi Wangi – Dedication of road, no change to zoning; Item 8 – 41 Hayden Brook Road Booragul – the reclassification and rezoning to Residential land is to enable a boundary adjustment (approx 300sqm) and is considered to be of a minor significance. Item 9 – 20 Wommara Avenue Jewells – the reclassification is to rectify encroachments and is considered to be of a minor significance.
4.4 Planning for Bushfire Protection	Yes	The following sites are identified within the Lake Macquarie Bushfire Prone Land map: Item 3 – 1A Alhambra Avenue Macquarie Hills - Dedication of road, within Buffer area; Item 4 – 106 Reservoir Road Glendale – Partly within Buffer area, and partly within Vegetation Category 1; Item 7 – 21A Schroder Avenue Gateshead - Partly within Buffer area, and partly within Vegetation Category 2; and Item 9 – 20 Wommara Avenue Jewells - Partly within Buffer area, and partly within Vegetation Category 1 Consultation with the NSW Rural Fire Service will be undertaken following receipt of the Gateway Determination to comply with the requirements of this direction.
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	The Lower Hunter Regional Strategy applies to all sites within the proposal. The strategy has been addressed within Part 3 – Section B (4) of the Planning Proposal.
5.2 Sydney Drinking Water Catchments	N/A	-
5.3 Farmland of State and Regional Significance on the NSW	N/A	-

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
Far North Coast		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	-
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	-
5.6 Sydney to Canberra Corridor	N/A	-
5.7 Central Coast	N/A	-
5.8 Second Sydney Airport: Badgerys Creek	N/A	-
5.9 North West Rail Link Corridor Strategy	N/A	-
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	It is considered that the planning proposal is consistent with the objectives of this ministerial direction.
6.2 Reserving Land for Public Purposes	Yes	The following sites are currently identified as Public Reserve: Item 3 – 1A Alhambra Avenue Macquarie Hills – Dedication as road; Item 7 – 21A Schroder Avenue Gateshead – Playing field currently used by adjoining school, use as playing field to remain the same; Item 8 – 41 Hayden Brook Road Booragul – the reclassification and rezoning to Residential land is to enable a boundary adjustment (approx 300sqm) and is considered to be of a minor significance. Item 9 – 20 Wommara Avenue Jewells – the reclassification is to rectify encroachments and is considered to be of a minor significance. The following land is proposed to be removed from the Land Reservation Acquisition Map of LMLEP 2014:

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
		Item 10 – 60 & 62 Primrose Street Booragul Necessary investigations into the rezoning of these parcels have considered them to be acceptable and of minor loss to the community (investigations outlined within Part 3- Section A (1) of the Planning Proposal). The rezoning of these portions following the investigations received Council support (refer to Council Meeting Agenda's and Resolutions attached in Annex D).
6.3 Site Specific Provisions	Yes	The rezoning's included within the Planning Proposal will apply a zone consistent with those surrounding the subject site. No site specific provisions or development standards in addition to those already contained within the LEP will be applied.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	-

ANNEX D – COUNCIL RESOLUTIONS

Council Minute Item

Action

City Strategy Committee

13/10/2014

TRIM Ref: D07042000

Subject: 2014 Housekeeping Amendment - Lake Macquarie Local Environmental Plan 2004

Date to be Completed by: 27/10/2014

Instructions to User

This TRIM action is assigned to you to complete. Record all actions taken in TRIM using InfoCouncil's process to add a note, and then complete the TRIM action via InfoCouncil.

Council Decision:

37

Moved. Cr. Fraser

Seconded. Cr. Pauling

A. Council authorises the commencement of action to prepare a Planning Proposal, as follows:

- i) Reclassification of Lot 21 DP 1177332 (36 Pearson Street Charlestown) from Community Land to Operational Land for the purpose of lease to the adjoining owner;
- ii) Reclassification of Lot 281 DP 8939 (149 Watkins Road Wangi Wangi) from Community Land to Operational Land for the purpose of road dedication;
- iii) Reclassification of Lot 15 Sec 5 DP 14421 (11 Rens Street Booragul) from Community Land to Operational Land, and rezone from 6(1) Open Space (RE1 Public Recreation) to 2(1) Residential (R2 Low Density Residential), for the purpose of sale at public auction;
- iv) Reclassification of part of Lot 1 DP 525994 (9 David Street Wangi Wangi) from Community Land to Operational Land, and rezone from 6(1) Open Space (RE1 Public Recreation) to 2(1) Residential (R2 Low Density Residential), for the purposes of vehicular access to adjoining properties and sale at public auction;
- v) Reclassification of part of Lot 80 DP 35662 (21A Schroder Avenue Gateshead) from Community Land to Operational Land, and rezone from 6(1) Open Space (RE1 Public Recreation) to 2(1) Residential (R2 Low Density Residential), for the purpose of sale to the adjoining owner to rectify an encroachment;

- vi) Reclassification of part of Lot 364 DP 774186 (41 Hayden Brook Road Booragul) from Community Land to Operational Land, and rezone from 6(1) Open Space (RE1 Public Recreation) to 2(1) Residential (R2 Low Density Residential), for the purpose of sale to the adjoining owner;
 - vii) Remove Black Hatching (for acquisition) from Lot 2 DP 211875 (60 Primrose Street Booragul) and Lot 1 DP 211875 (62 Primrose Street Booragul) and rezone from 6(1) Open Space (RE1 Public Recreation) to 2(1) Residential (R2 Low Density Residential), for the purpose of amalgamation into adjoining residential lots;
 - viii) Reclassification of parts of Lot 11 DP 561068 (1A Alhambra Avenue Macquarie Hills) from Community Land to Operational Land for the purpose of road dedication;
 - ix) Reclassification of Lot 1 DP 961070 (106 Reservoir Road Glendale) from Community Land to Operational Land for the purpose of continuation of Council's quarry; and
 - x) Reclassification of part of Lot 209 DP 246099 (20 Wommara Avenue Jewells) from Community Land to Operational Land, and rezone from 6(1) Open Space (RE1 Public Recreation) to 2(1) Residential (R2 Low Density Residential), for the purpose of sale to the adjoining owner to rectify encroachments.
- B. Council authorises the notification of Council's resolution, and submits a Planning Proposal pursuant to section 55 of the Environmental Planning and Assessment Act 1979, to the Department of Planning & Environment (DoPE).
- C. Upon receipt of DoPE's Gateway Determination under section 56 of the EP&A Act 1979, and in accordance with DoPE's direction, Council authorises the exhibition of the Planning Proposal.
- D. Council authorises notification of the public hearing, in a local newspaper, in accordance with section 29 of the Local Government Act 1993.

In accordance with Section 375A of the Local Government Act 1993 a division took place.

For the Motion

Cr. Fraser
 Cr. Wallace
 Cr. Johnston
 Cr. Adamthwaite
 Cr. Pauling
 Cr. W Harrison
 Cr. J Harrison
 (carried)

Against the Motion

Cr. Coghlan
 Cr. Denton
 Cr. Dawson

(Carried)

End

The minutes of City Strategy Committee on 13/10/2014 is located in TRIM folder titled 'GOVERNANCE - COUNCIL MEETINGS - Minutes and Agenda - Council Agendas & Minutes - PDF Version'