

Lake Macquarie LEP 2004 (Amendment 74) - Reclassification of various sites from Community to Operational

Proposal Title : **Lake Macquarie LEP 2004 (Amendment 74) - Reclassification of various sites from Community to Operational**

Proposal Summary : **The proposal seeks to reclassify eight parcels of land in the Lake Macquarie LGA from Community land to Operational. This will enable sale of six parcels and road dedication of the two other parcels. The proposal also seeks to rezone two of these parcels at Glendale from open space to residential.**

PP Number : **PP_2013_LAKEM_006_00**

Dop File No :

13/09277

Proposal Details

Date Planning
Proposal Received : **29-May-2013**

LGA covered : **Lake Macquarie**

Region : **Hunter**

RPA : **Lake Macquarie City Council**

State Electorate : **CHARLESTOWN
LAKE MACQUARIE
SWANSEA
WALLSEND**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Reclassification**

Location Details

Street : **302 Main Road**

Suburb : **Fennell Bay**

City :

Postcode :

Land Parcel : **Lots 1, 2 & 3 DP 20567**

Street : **5 & 7 Glendon Crescent**

Suburb : **Glendale**

City :

Postcode :

Land Parcel : **Lot 20 DP 544986 and Lot 1 DP 527557**

Street : **68a Fishing Point Road**

Suburb : **Fishing Point**

City :

Postcode :

Land Parcel : **Lot 490 DP 11537**

Street : **37a Elsdon Street**

Suburb : **Redhead**

City :

Postcode :

Land Parcel : **Lot 1 DP 202667**

Street : **45a Alley Street**

Suburb : **Speers Point**

City :

Postcode :

Land Parcel : **Lot 2 DP 362239**

Street : **30a & 30b Gerald Street**

Suburb : **Belmont**

City :

Postcode :

Land Parcel : **Lots 1 & 2 DP 350939**

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DoP Planning Officer Contact Details

Contact Name : **Dylan Meade**
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RPA Contact Details

Contact Name : **Vanessa Hitchcock**
Contact Number : **0249210585**
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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Lower Hunter Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.26	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	10	No. of Dwellings (where relevant) :	10
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
If Yes, comment :

Supporting notes

Internal Supporting Notes : **As the planning proposal intends to discharge interests in public land under section 30 of the Local Government Act 1993 for five of the parcels, plan-making functions cannot be delegated to Council.**

External Supporting Notes :

Adequacy Assessment

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Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives provided explains that the proposal intends to reclassify eight parcels of land (six parcels of land for the purpose of sale and 2 parcels for road dedication), and rezone two of these parcels (5 and 7 Glendon Crescent) to allow for residential uses. The statement of the objectives is supported.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions explains that the the objectives will be achieved through an amendment to Lake Macquarie LEP 2004 through changes to Schedule 3 and land zoning map. Should the draft lake Macquarie LEP 2013 be finalised before this proposal, the objectives will be achieved instead through amendments to Schedule 4, and the Land Use Zoning, Minimum Lot Size and Height of Building Maps of Lake Macquarie LEP 2013. The explanation of provisions is supported.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

3.2 Caravan Parks and Manufactured Home Estates

* May need the Director General's agreement

4.2 Mine Subsidence and Unstable Land

4.4 Planning for Bushfire Protection

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP No 71—Coastal Protection

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes to undertake exhibition for 28 days, and conduct as public hearing as required by the Local Government Act. This is supported.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

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Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2013**

Comments in relation to Principal LEP : **It is expected the Lake Macquarie SI LEP will be finalised in 2013.**

Assessment Criteria

Need for planning proposal :

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

The proposal is the result of the Lake Macquarie Community Facilities Strategy (September 2011). The Strategy recommends the two parcels which contain a community facility and are subject to this proposal (302 Main Road Fennel Bay and 7 Glendon Crescent, Glendale) be sold.

The six other sites do not contain community facilities, and as such are not discussed in the Strategy. The proposal indicates that these properties have been identified as either administrative anomalies whereby the existing classification does not reflect their use as a road, or are no longer required or appropriate for their intended purpose.

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

It is considered that a planning proposal is the best means of facilitating reclassification and rezoning of the subject sites.

3. Is there a community benefit?

The proposal will result in the reclassification and possible sale of the following Council owned land:

- 302 Main Road Fennel Bay and 5 & 7 Glendon Crescent, Glendale

Lake Macquarie Community Facilities Strategy states that reducing underutilised Council owned sites will result in better quality of community facilities. Council advises that any profit generated from the sale of the 302 Main Road Fennel Bay and 5 & 7 Glendon Crescent, Glendale will be credited to Council's community facilities fund. This fund will be used to upgrade other community facilities.

- 68a Fishing Point Road, Fishing Point

The sale of 68a Fishing Point Road, Fishing Point may assist in alleviating access issues with the adjoining land. Council advises the land is no longer required as a drainage reserve.

The reclassification of the following parcels to Operational will enable Council to dedicated the land as road, as Council advises was originally intended for the land:

- 45a Alley Street, Speers Point
- 30a & 30b Gerald Street, Belmont
- 37c Elsdon Street, Redhead

It is considered that the proposal will result in a net community benefit.

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Consistency with strategic planning framework :

LOWER HUNTER REGIONAL STRATEGY (LHRS)

There are no specific actions or outcomes relating to reclassification of Council land in the LHRS.

The rezoning of open space land at Glendale, that has been identified as surplus to open space purpose, to residential is consistent with the LHRS as it will promote urban consolidation in a nominated emerging major regional centre.

The reclassification and potential sale of land at Fennel Bay may result in residential development as the land is already zoned for residential purposes. This is consistent with the LHRS as it will allow development to occur in close proximity to the Fennel Bay local centre.

LAKE MACQUARIE LIFESTYLE 2020 and DRAFT LIFESTYLE 2030 (Not endorsed)

There is no specific discussion relating to reclassification of land in the Lake Macquarie Lifestyle 2020 or draft Lifestyle 2030. The rezoning of land at Glendale to residential is considered consistent with the local planning strategies as it will promote urban consolidation in the Glendale emerging regional centre.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

SEPP No 55—Remediation of Land

The proposal indicates that none of the parcels are known to contain contamination, however further investigations may be required as part of any future development assessment process. The proposal is considered to contain sufficient information in relation to contamination assessment for the proposed rezoning of land at Glendale, and is therefore consistent with Clause 6 of this SEPP.

SEPP No 71—Coastal Protection

The proposal indicates that land at Fennel Bay and Fishing Point are within the coastal zone identified in this SEPP. These sites are not proposed to be rezoned and are considered consistent with the provisions of the SEPP. Further investigation may be required as part of the development assessment processes, however sufficient information has been provided to support the proposal.

The proposal is considered consistent with all relevant SEPPs.

MINISTERIAL SECTION 117 DIRECTIONS

***3.2 Caravan Parks and Manufactured Home Estates**

The planning proposal is inconsistent with this Direction as by rezoning land at Glendale from open space (where caravan parks are permitted) to residential (where caravan parks are prohibited), the proposal does not retain provisions that permit development for the purposes of a caravan park to be carried out on land. The inconsistency is considered of minor significance as only 0.26 ha will be rezoned, and the parcels are located close to the Glendale regional centre and therefore considered appropriate for more intensive residential development.

***4.2 Mine Subsidence and Unstable Land**

By rezoning parcels at 5 & 7 Glendon Crescent, Glendale from open space to residential, the planning proposal permits development on land that is within the Lake Macquarie Mine Subsidence District. Council must consult the Mine Subsidence Board as per the requirements of this Direction.

***4.4 Planning for Bushfire Protection**

As the planning proposal will affect land mapped as bushfire prone land at 5 & 7 Glendon Crescent, Glendale, Council must consult the Commissioner of the NSW Rural Fire Service

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following receipt of a gateway determination, as per the requirements of this Direction.

*6.2 Reserving Land for Public Purposes

The proposal is inconsistent with Section 117 Direction 6.2 Reserving Land for Public Purposes as it reduces the amount of land zoned for public open space at Glendale. The proposal indicates that the Lake Macquarie City Council Community Facilities Strategy recommended the sale of the site to the tenant, House With No Steps (HWNS), however the HWNS will relocate to a new purpose built facility. Council advises that the proceeds of sale will go to the Community Facilities Reserve to be used to upgrade other community facilities. In regard to the above information and as the proposal will only result in the loss of 0.27 ha of land zoned for open space, with the adjoining 1.5ha of open space zoned land retained, the inconsistency is considered of minor significance.

The proposal is considered consistent with all relevant Section 117 Directions.

Environmental social
economic impacts :

The proposal is considered to have negligible environmental impacts as none of the sites contain any substantial vegetation.

The proposal will have positive economic impacts for Council through the sale of underutilised Council land. Council advises that proceeds from the sale of land will be used to fund other community facilities resulting in positive social outcomes.

The potential residential development of sites at Glendale and Fennel Bay will result in wider community benefits through the construction of housing close to existing centres.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 Month	Delegation :	DDG
Public Authority Consultation - 56(2)(d) :	Mine Subsidence Board NSW Rural Fire Service		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

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Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **3.2 Caravan Parks and Manufactured Home Estates**
 4.2 Mine Subsidence and Unstable Land
 4.4 Planning for Bushfire Protection
 6.2 Reserving Land for Public Purposes

Additional Information : **The planning proposal should proceed subject to the following conditions:**

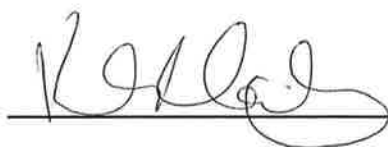
1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service
 - Mine Subsidence BoardEach public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
3. In relation to the rezoning of land at 5 and 7 Glendon Crescent, Glendale, Council is to consult with:
 - (a) the Mine Subsidence Board as per the requirements of S117 Direction 4.2 Mine Subsidence and Unstable Land, and
 - (b) the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

It is recommended that the Minister's Delegate agree that the proposal's inconsistency with Section 117 Directions 3.2 Caravan Parks and Manufactured Home Estates and 6.2 Reserving Land for Public Purposes are of minor significance.

Supporting Reasons : **The proposal is supported as it will result in the reclassification of land to enable road dedications to occur, and for the sale of underutilised Council facilities supported by a Strategy.**

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Signature:



Printed Name:

K. O'FLAHERTY

Date:

7/6/2013