

Planning Proposal

Lot 5 DP 748323, Lot 100 DP 715718, and Part of Old Maitland Road in Mandalong

Local Government Area	Lake Macquarie City
Name of Draft LEP:	Lake Macquarie Local Environmental Plan 2004 (Mandalong)
Subject Land:	Lot 5 DP 748323, Lot 100 DP 715718, and Part of Old Maitland Road in Mandalong
Maps:	Attachment 1 – Locality Map Attachment 2 – Current Zoning of Subject Land

Part 1 – Objective of the Planning Proposal

To rezone the subject land from zone 10 Investigation to one or more land use zones that are appropriate within the context of available infrastructure and the surrounding rural, industrial and conservation land.

Part 2 – Explanation of the Provisions

The Proposal will amend Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004) by rezoning the subject land from zone 10 Investigation to one or more land use zones that are appropriate within the context of available infrastructure and the surrounding rural, industrial and conservation land.

Part 3 – Justification for the Provisions

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

Lake Macquarie City Council resolved on 22 June 2009 to prepare a draft amendment to LMLEP 2004 to rezone the subject land from 10 Investigation to one or more appropriate zones to support urban development, in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). A copy of the Council report is attached.

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

The subject land is currently zoned 10 Investigation under LMLEP 2004. Council applied the 10 Investigation zone to the Mandalong site and various others at its meeting on 18 November 2002 as part of the overall Citywide LEP process. The 10 Investigation zone is a temporary zone under the instrument; the zone was implemented to ensure that land of this zone is thoroughly assessed to identify and substantiate future land uses.

3. Is there a net community benefit?

The subject land adjoins the F3 Freeway to the east, Mandalong Road to the north, rural land to the south and conservation land to the west. The site is isolated from residential neighbourhood development but is located within 500m of industrial development at Morisset. The site presents an opportunity to establish a freeway-based industry or commercial development and is likely to increase local employment opportunities in and adjacent to the emerging Regional Centre of Morisset.

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

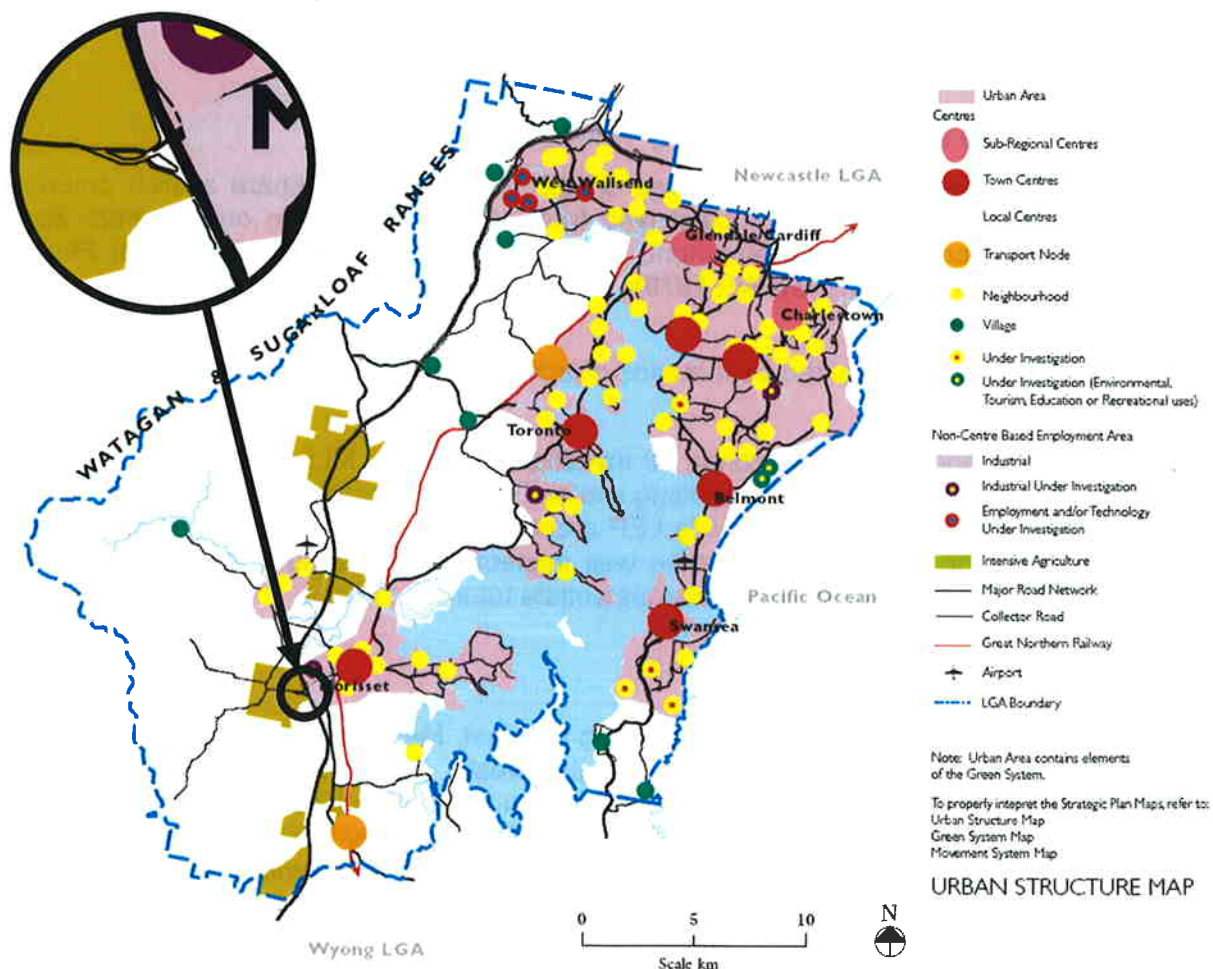
The proposal is consistent with the provision of the Lower Hunter Regional Strategy 2006 related to employment land by providing reasonably unconstrained and easily serviced land to increase local employment opportunities in and adjacent to the emerging Regional Centre of Morisset. The land is immediately adjacent to national and regional traffic routes being the F3 Freeway and its Morisset Interchange, and Mandalong Road. Morisset Railway Station is less than 2 kilometres from the land.

The proposal is consistent with the objective of the Lower Hunter Regional Conservation Plan regarding improving or maintaining biodiversity values, as the land is predominantly cleared of vegetation and does not form part of an existing vegetation corridor or proposed rehabilitation corridor.

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

Council's Lifestyle 2020 Strategy provides the long term direction for the overall development of the City and is a tool for managing private and public development in Lake Macquarie. The preparation of the draft amendment for the subject land is consistent with the aim of Lifestyle 2020 in relation to reinforcing and strengthening Centres. Future development associated with the site would strengthen the Morisset locality and provide for future development that is accessible to public and private transport and close to existing infrastructure. It may also result in additional local employment in the Morisset area.

The Lifestyle 2020 Strategy does not identify a specific land use for the Mandalong site. However, land surrounding the site is identified in the Strategy as being for intensive agriculture and industry.



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

The planning proposal is consistent with the following relevant State Legislation.

SEPP	Objective	Consistent	
SEPP 11 – Traffic Generating Developments	This policy requires the RTA to be consulted in relation to certain types of development.	Yes	Consultation with the Roads and Traffic Authority will be undertaken if directed by the DoP under the EP&A Act 1979.
SEPP 55 – Remediation of Land	Establishes planning controls and provisions for the remediation of contaminated land.	Yes	Historically, the site has been used for agricultural purposes, such as livestock grazing. A preliminary assessment will ascertain the likelihood of agricultural related contamination within the site. There are no structures on the site other than low voltage power lines traversing Lot 5 DP 748323. Therefore, the provisions of SEPP 55 are unlikely to apply.
SEPP (Infrastructure) 2007	Aims to more efficiently facilitate the delivery of infrastructure through the establishment of consistent planning provisions for infrastructure and services.	Yes	The land is adequately serviced by the existing national and regional road network. Water is potentially available to the site; however, a connection would be subject to available water capacity at the time of development and a mains extension of approximately 170m under Mandalong Road at the developer's expense. A developer funded Wastewater Management Strategy has been prepared to determine the preferred option for the sewer connection. The Strategy is subject to HWC approval.
Draft SEPP 66 – Integration of Land Use and Transport	Requires a draft amendment to further the aims and objectives of the policy, which include reducing travel distances, and the reliance on vehicles, as well as ensuring sufficient access to services and facilities.	Yes	The land is adjacent to the F3 Freeway interchange, Mandalong Road, the Morisset Gateway Industrial Area, and is within close proximity to residential areas in Morisset and the Morisset town centre. Consultation with the Ministry of Transport will be undertaken if directed by the DoP under the EP&A Act

SEPP	Objective	Consistent	
			1979.

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

The planning proposal is consistent with the following relevant Ministerial Directions issued on 1 July 2009.

Ministerial Direction	Objective	Consistent	
1.1 – Business and Industrial Zones	The direction aims to encourage employment growth, protect employment land in business and industrial zones and support the viability of strategic centres.	Yes	A mixture of land use zones will be investigated in the preparation of the draft LEP. If business and industrial zones are relevant, the provisions of this direction will be followed in the preparation of the draft LEP
1.3 – Mining, Petroleum and Extractive Industries	The direction requires consultation with the Director-General of the Department of Primary Industries where a draft LEP will restrict extractive resource operations.	Yes	Future uses would not prohibit mining or restrict development of resources. Consultation with the relevant NSW government agency will occur if directed by the DoP under the EP&A Act 1979.
2.1 – Environmental Protection Zones	The direction requires that a draft LEP contain provisions to facilitate the protection of environmentally sensitive land	Yes	Consistent with this Direction as land is predominantly cleared grazing land, with no known ecological values including native vegetation wildlife or riparian corridors.

Ministerial Direction	Objective	Consistent	
2.3 – Heritage Conservation	The direction requires that a draft LEP include provisions to facilitate the protection and conservation of aboriginal and European heritage items	Yes	Consistent with this Direction as no known Aboriginal and European heritage items are located on the site.
2.4 – Recreation Vehicle Areas	The direction restricts a draft LEP from enabling land to be developed for a recreation vehicle area.	Yes	Consistent with this Direction as the site is not proposed as a recreation vehicle area.
3.2 – Caravan Parks and Manufactured Home Estates	The direction requires a draft LEP to maintain provisions and land use zones that allow the establishment of Caravan Parks and Manufactured Home Estates.	Yes	The proposal will not affect provisions relating to Caravan Parks or Manufactured Home Estates.
3.3 – Home Occupations	The direction requires that a draft LEP include provisions to ensure that Home Occupations are permissible without consent.	Yes	The amendment will not affect provisions relating to home occupations, and will retain the provisions of the principal LEP in this regard.
3.4 – Integrating Land Use and Transport	The direction requires consistency with State policy in terms of positioning of urban land use zones.	Yes	The land is well positioned to maximise its accessibility to transport networks including the F3 Freeway and local roads, adjoining industrial and residential zones, and the Morisset town Centre.

Ministerial Direction	Objective	Consistent	
4.1 – Acid Sulfate Soils	The direction applies to land that has been identified as having a probability of containing acid sulfate soils, and requires that a draft amendment be consistent with the Acid Sulfate Soil component of the model Local Environmental Plan (ASS model LEP), or be supported by an environmental study.	Yes	The site is located within a region classified as containing class 5 acid sulphate soils. Lake Macquarie LEP 2004 is consistent with the ASS model LEP. The draft LEP does not propose to alter any of these provisions.
4.2 – Mine Subsidence and Unstable Land	The direction requires consultation with the Mine Subsidence Board where a draft LEP is proposed for land within a mine subsidence district.	Yes	Consultation with relevant Mines Subsidence Board will occur if directed by the DoP under the EP&A Act 1979.
4.4 – Planning for Bushfire Protection	The direction applies to land that has been identified as bushfire prone, and requires consultation with the NSW Rural Fire Service, as well as the establishment of Asset Protection Zones.	Yes	The site contains land identified as bushfire prone land, and Asset Protection Zones may be required. Consultation with the NSW Rural Fire Service will occur if directed by the DoP under the EP&A Act 1979.
5.1 – Implementation of Regional Strategies	The direction requires a draft amendment to be consistent with the relevant State strategy that applies to the Local Government Area.	Yes	The draft amendment is consistent with the strategic direction set by the Lower Hunter Regional Strategy.

Ministerial Direction	Objective	Consistent	
6.1 – Approval and Referral Requirements	The direction prevents a draft amendment from requiring concurrence from, or referral to, the Minister or a public authority.	Yes	The draft amendment will be consistent with this requirement.
6.2 – Reserving Land for Public Purposes	The direction states that a draft LEP shall not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning.	Yes	Public use of the land is not proposed.

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?

The subject land is predominantly cleared of vegetation and does not form part of an existing vegetation corridor or proposed rehabilitation corridor. Historically, the site has been used for agricultural purposes, such as livestock grazing. No critical habitat or threatened species, populations or ecological communities, or their habitats have been identified within the site, refer to Attachment 3.

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

The site is screened from view from the F3 Freeway by existing roadside vegetation. Lot 5 DP 748323 is constrained by low voltage power lines and the entire site is subject to significant traffic noise from the adjacent F3 Freeway. Given the history, location, and cleared state of the site, Council staff is of the opinion that a comprehensive range of environmental studies will not be required. There are no structures on the site other than low voltage power lines traversing Lot 5 DP 748323.

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

The site adjoins the F3 Freeway to the east, Mandalong Road to the north, rural land to the south and conservation land to the west. The site is isolated from residential neighbourhood development but is located within 500m of industrial development at Morisset.

The site presents an opportunity to establish a freeway-based industry or commercial development. An economic assessment of the site and surrounds is recommended to determine the most appropriate land use zone(s).

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

The subject land is immediately adjacent to national and regional traffic routes being the F3 Freeway and its Morisset Interchange, and Mandalong Road. Morisset Railway Station is less than 2 kilometres from the land. Electricity is available to the subject land.

Consultation with Hunter Water Corporation (HWC) has revealed that reticulated water and sewer mains were installed along the northern side of Mandalong Road to service Mandalong Colliery in 2003. Due to the mains' installation, water is available to the subject land; however, a connection would be subject to available water capacity at the time of development and a mains extension of approximately 170m under Mandalong Road at the developer's expense. The available water capacity will be finalised when HWC completes its review of the water servicing requirements for the Morisset-Wyee water supply system, expected by mid 2010.

The sewer mains are private, having been funded by Mandalong Colliery in 2003. HWC has indicated that it is not in a position to connect the private mains to Lot 5 DP 748323 and Lot 100 DP 715718 due to ownership, maintenance, and capacity concerns. HWC requested that a developer funded Wastewater Management Strategy be prepared to determine the preferred option for the sewer connection.

In May 2009, the proponent completed a Wastewater Management Strategy for the site. The Strategy discusses various options to enable a connection to HWC's reticulated sewer system. The preferred option involves a reticulated gravity connection to the nearest sewer junction point, located on the opposite side of the F3 Freeway. The cost of the reticulated sewer connection would be at the developer's expense and is subject to HWC approval.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The requirement for consultation with State and Commonwealth public authorities will be undertaken if directed by the DoP.

Part 4 – Details of Community Consultation

There has been no previous public consultation regarding this planning proposal. Council's preference is for a minimum public exhibition period of 42 days.