

Planning Proposal

Local Government Area	Lake Macquarie City
Name of Draft LEP:	Draft Amendment No. 47 to the Lake Macquarie Local Environmental Plan 2004
Subject Land:	42 Illawarra Avenue Cardiff – Lot 8 DP 248567 8a Edward Street Fennell Bay – part Lot 44 DP 10416 21a George Street Holmesville – Lot 19 sec M DP 3442 38 Alison Street Redhead – Lot 50 DP 844457 20 and 22 Summerhayes Road Wyee – Lots 4 & 5 sec 16 DP 759124
Maps:	Zoning maps of each property attached at end of proposal

Part 1- Objective of the Planning Proposal

To remove restrictions associated with a Community classification, to allow each parcel of land to be sold by public auction, or to adjoining neighbours where applicable. The land is proposed to be sold for residential housing and residential uses only.

Part 2- Explanation of Provisions

The proposal will amend Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004) by reclassifying community land to operational land, and rezoning some land as follows:

- Reclassification from Community Land to Operational Land, and rezone from 6(1) Open Space to 2(1) Residential, Lot 8 DP 248567 (42 Illawarra Avenue Cardiff),
- Reclassification from Community Land to Operational Land, part Lot 44 DP 10416 (8a Edward Street Fennell Bay),
- Reclassification from Community Land to Operational Land, and rezone from 6(1) Open Space to 2(2) Residential (Urban Living), Lot 19 section M DP 3442 (21a George Street Holmesville),
- Reclassification from Community Land to Operational Land, and rezone from 6(1) Open Space to 2(1) Residential, Lot 50 DP 844457 (38 Alison Street Redhead),
- Reclassification from Community Land to Operational Land, Lot 4 section 16 DP 759124 (20 Summerhayes Road Wyee), and Lot 5 section 16 DP 759124 (22 Summerhayes Road Wyee).

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?

No. Each property in the proposal is a result of a request to purchase the land or a physical change of use of the land. Initial investigations revealed that the land is surplus to Council's needs and not utilised as community land.

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

Community land cannot be sold. Therefore, to enable sale of the land it must be reclassified to Operational land under the Environmental Planning and Assessment Act 1979. As the land in each case was not dedicated to Council in accordance with section 94 contributions, the land cannot be reclassified under the Local Government Act 1993.

Alternate uses of the land were considered, with residential use being the most beneficial for these particular parcels of land due to their lack of general community use. Those parcels of land being rezoned, are being rezoned consistently with the adjoining and neighbouring land. If the land is to be reclassified for the purpose of sale, it cannot remain zoned as Open Space.

3. Is there a net community benefit?

The proposal benefits those individuals purchasing the land by providing residential land and housing potential. The benefit to the community at large is that surplus land which currently provides no or little community benefit, is potentially being sold and the proceeds used to provide community facilities and development.

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)?

The proposal is consistent with the objectives and actions contained within the Lower Hunter Regional Strategy 2006 in terms of enabling more efficient utilisation of land for residential purposes.

The proposal is consistent with the provisions of the Lower Hunter Regional Conservation Plan regarding improving or maintaining biodiversity values, as the land is predominantly cleared and does not form part of any 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 public and private development in Lake Macquarie. The planning proposal is consistent with the strategic direction of the document in that the proposal will enable more efficient utilisation of land surplus to requirements.

The planning proposal is considered to be consistent with the objective of the Lake Macquarie LEP 2004 identified as achieving development of land to which this plan applies that is in accordance with the principles of ecologically sustainable development by promoting balanced development of that land. In terms of the subject

planning proposal the reclassification and rezoning of community land enables land that is surplus to Council demand to be utilised for residential purposes. The planning proposal is considered to be consistent with Council's Lifestyle 2020 Strategy and the Lake Macquarie LEP 2004.

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

State Environmental Planning Policy 71-Coastal Protection is relevant to the subject sites. The planning proposal is consistent with the objectives of SEPP 71. The objectives of the SEPP are outlined as-

- (a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast,

The planning proposal will not prohibit the protection and management of the natural, cultural, recreational, and economic attributes of the New South Wales coast.

- (b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore,

The planning proposal will not conflict with any public access to coastal foreshore areas as the identified parcels of land are landward of coastal foreshore areas.

- (c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore,

New opportunities for public access to the coastal foreshore will not be restricted by the subject proposal.

- (d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge,

No items of Aboriginal cultural heritage or Aboriginal places have been identified within the subject sites.

- (e) to ensure that the visual amenity of the coast is protected,

The planning proposal will not impact upon the visual amenity of the coast.

- (f) to protect and preserve beach environments and beach amenity,

The planning proposal will not impede any measures to protect and preserve beach environments and amenity.

- (g) to protect and preserve native coastal vegetation,

The proposal will not impact upon native coastal vegetation.

- (h) to protect and preserve the marine environment of New South Wales,

The proposal will not impact upon the existing marine environment.

- (i) to protect and preserve rock platforms,

No rock platforms will be impacted upon by the proposal.

(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991),

Management of the coastal zone will not change as a result of this planning proposal.

(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area,

No development is proposed within this planning proposal.

(l) to encourage a strategic approach to coastal management.

The planning proposal will not alter any strategic approach to coastal management.

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

<u>Ministerial</u>	<u>Objective</u>	<u>Consistent</u>	<u>Explanation</u>
<u>Direction</u>			
<u>1.1 Business and Industrial Zone</u>	The direction aims to encourage employment growth, protect employment land in business and industrial zones and support the viability of strategic centres.	Yes	The planning proposal is consistent with the objective as the proposal does not impact on any existing or proposed business and industrial zones.
<u>1.3 mining, Petroleum and Extractive Industries</u>	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 will occur with the relevant NSW government agency if directed by the DoP under the EP & A Act 1979.
<u>2.1 Environmental Protection zone</u>	This direction requires that a draft LEP contain provisions to	Yes	Consistent with this direction as land is predominantly cleared land with

	facilitate the protection of environmentally sensitive land.		limited ecological value
<u>2.3 Heritage Conservation</u>	This direction requires that a draft LEP include provisions to facilitate the protection and conservation of aboriginal and European heritage items.	Yes	Consistent with the direction as no known items of Aboriginal or European heritage have been identified on the subject sites.
<u>2.4 Recreational Vehicle Area</u>	This direction restricts a draft LEP from enabling land to be developed for the purpose of a recreational vehicle area	Yes	Consistent with the provision as the sites are proposed for residential purposes.
<u>3.2 Caravan Parks and Manufactured Home Estates</u>	This direction requires a draft LEP to maintain provision 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 and Manufactured Home estates.
<u>3.3 Home occupation</u>	This direction requires that a draft LEP include provisions to ensure Home Occupations are permissible without consent.	Yes	The amendment will not affect provisions relating to home occupation, and will retain the provisions of the principal LEP in this respect.
<u>3.4 Integrated Land Use and Transport</u>	This direction requires consistency with State policy in terms of positioning of urban land use zones.	Yes	The proposal will not change existing consistency with State policy.
<u>4.1 Acid Sulfate Soils</u>	This direction applies to land that has been identified	Yes	Lake Macquarie LEP 2004 is consistent with the

	as having a probability of containing acid sulphate soils, and requires that a draft amendment be consistent with the Acid Sulfate component of the model local Environmental Plan (ASS model LEP), or be supported by an environmental study.		ASS model LEP. The planning proposal does not propose to alter any of these provisions.
<u>4.2 Mine subsidence and unstable land</u>	This 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 Mine Subsidence Board will occur if directed by DoP in accordance with the requirements of the EP & A Act 1979.
<u>4.4 Planning for Bush Fire</u>	This direction applies to land that has been identified as bush fire prone land, and requires consultations with the NSW Rural Fire Service, as well as the establishment of Asset Protection Zones.	Yes	Consultation with the NSW Rural Fire Service will occur if directed by the DoP under the EP & A Act 1979.
<u>5.1 Implementation of Regional Strategy</u>	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.
<u>6.1 Approval and referral requirements</u>	The direction prevents a draft amendment from requiring concurrence from or referral to, the Minister or public authority.	Yes	The draft amendment will be consistent with this requirement.

6.2 Reserving land
for Public Purposes

The direction states Yes that a draft amendment 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.

The subject proposal seeks approval of the Director-General of the Department of Planning for the reclassification of community lands.

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?

The land that forms the planning proposal is mostly cleared and site inspections have been carried out to determine if significant flora or fauna exists on the land. It has been determined that there will be no significant adverse effects on existing or surrounding flora or fauna.

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

The land in each scenario is central to, or adjacent to residential areas, and is a relatively small area, being a maximum of 1700 m². Therefore, the reclassification and rezoning of the land has no significant environmental effect.

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

Social and economic effects are minimal if any effect at all.

Section D – State and Commonwealth Interests

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

The proposal will not put added demand on existing infrastructure as each parcel of land is in an existing residential area with adequate services already provided.

12. Details of the community consultation that is to be undertaken on the planning proposal.

No community consultation has been undertaken so far, except in the case where directly adjacent land owners have been notified. No submissions regarding the proposal have been received. Subject to the gateway determination, it is proposed that a 28 day exhibition be undertaken, and a public hearing.