

Lake Macquarie LEP 2004 (Amendment 63) - Cardiff and Glendale Reclassification

Proposal Title : **Lake Macquarie LEP 2004 (Amendment 63) - Cardiff and Glendale Reclassification**

Proposal Summary : **It is proposed to reclassify land at Cardiff and Glendale from Community to Operational land. This will enable road construction of the Pennant Street Link Road on Lot 1 DP 656808. Council intends to sell the remaining land at Lot 2 DP 22637 as it is no longer required for road construction.**

PP Number : **PP_2012_LAKEM_002_00** Dop File No : **12/01813**

Proposal Details

Date Planning Proposal Received : **27-Jan-2012** LGA covered : **Lake Macquarie**

Region : **Hunter** RPA : **Lake Macquarie City Council**

State Electorate : **LAKE MACQUARIE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Reclassification**

Location Details

Street : **410 Main Road**

Suburb : **Cardiff** City : Postcode : **2285**

Land Parcel : **Lot 2 DP 22637**

Street : **47 Glendale Drive**

Suburb : **Glendale** City : Postcode : **2285**

Land Parcel : **Lot 1 DP 656808**

DoP Planning Officer Contact Details

Contact Name : **Dylan Meade**

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RPA Contact Details

Contact Name : **Natasha Hinds**

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Lake Macquarie LEP 2004 (Amendment 63) - Cardiff and Glendale Reclassification

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) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
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 :

External Supporting Notes : Council advises that the land was acquired in 1994 for the purposes of road construction. Council intended to classify the land as Operational Land upon acquisition in accordance with the Local Government Act 1993. Although a Council report of 31 October 2004 stated advertisements were placed on 21 September 2004 advising of the intent to reclassify the land to Operational, proof of the advertisements cannot be found and it is assumed the land is classified Community.

Council advises that the planning proposal does not involve the extinguishment of any interests in the land.

Adequacy Assessment

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

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

Comment : The statement of objectives provided explains that the intent of the planning proposal is to reclassify two parcels of land at Cardiff and Glendale from Community to Operational Land to rectify an administrative error, and to allow road construction.

The statement of objectives is considered adequate.

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

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

Comment : The explanation of objectives provided indicates that the planning proposal will be implemented through an amendment to 'Schedule 3 - Reclassification of Community to Operational Land' of the Lake Macquarie LEP 2004.

The planning proposal also indicates that should the amendment apply to the Lake Macquarie LEP 2012 instead, then 'Schedule 4 - Classification and reclassification of public land' will be amended.

The explanation of provisions is considered adequate.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

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 :

The following maps are provided as part of the planning proposal and clearly identify the outcomes proposed to be achieved:

- Location map
- Aerial map
- Current land zoning map

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council proposes a 28 day exhibition period.

As the planning proposal reclassifies public land it is a not a 'low impact proposal' and the 28 day exhibition period is supported.

A public hearing is required under the Local Government Act 1993.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : June 2012

Comments in relation
to Principal LEP :

Council is presently reviewing several conditions of the s.65 certificate and it is expected that Council will resubmit a revised LEP and s.64 submission. It is likely that the planning proposal will be implemented prior to the finalisation of the SI Comprehensive LEP.

Assessment Criteria

Need for planning
proposal :

An LEP amendment is considered the most effective and timely method available to achieve the objectives and intended outcomes of the proposal.

Although no formal net community benefit test has been undertaken, Council's assessment has indicated that there is likely to be a net community benefit.

Consistency with
strategic planning
framework :

LOWER HUNTER REGIONAL STRATEGY

The planning proposal is consistent with the Lower Hunter Regional Strategy. The reclassification will enable road construction in the Strategy-identified emerging centre of Glendale.

S.117 DIRECTIONS

The planning proposal is considered consistent with all relevant s.117 directions.

SEPPS

The planning proposal is considered consistent with all relevant SEPPs.

Environmental social
economic impacts :

ENVIRONMENTAL

Both parcels of land are cleared of vegetation, and there is considered to be no potential for loss of critical habitat or threatened species, populations or ecological communities, or their habitats.

SOCIAL AND ECONOMIC

The planning proposal will rectify an administrative error and will allow for construction of a road and sale of one of the parcels. There are no significant economic or social impacts from the proposal.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **Transport for NSW - Roads and Maritime Authority**

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 :

Lake Macquarie LEP 2004 (Amendment 63) - Cardiff and Glendale Reclassification

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 :

Documents

Document File Name	DocumentType Name	Is Public
LMCC_Planning_Proposal.pdf	Proposal	Yes
draft map.pdf	Map	Yes
LMCC_Cover_Letter.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

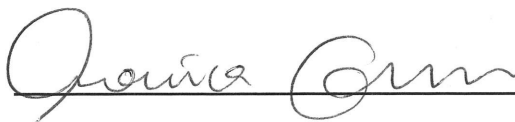
S.117 directions:

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 is classified as not of low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).**
- 2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:**
 - NSW Roads and Maritime Services**
- 3. 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).**
- 4. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.**

Supporting Reasons : **The proposal is consistent with the actions and outcomes of the Lower Hunter Regional Strategy. The proposal seeks a minor amendment to reclassify land from Community to Operational to allow a road construction and sale of one parcel. The proposal is supported.**

Signature:



Printed Name:

Monica Gibson

Date:

1-2-2012