

Planning Proposal

LAKE MACQUARIE CITY COUNCIL

**Amendment No. 63 to the
Lake Macquarie Local Environmental Plan 2004**

Subject lands:

Lot 2 DP 22637 (410 Main Road, Cardiff)

Lot 1 DP 656808 (47 Glendale Drive, Glendale)

CONTENTS

Part 1	Objective of the Planning Proposal
Part 2	Explanation of Provisions
Part 3	Justification of the Provisions Section A: Need for the Planning Proposal Section B: Relationship to Strategic Planning Framework Section C: Environmental, Social and Economic Impact Section D: State and Commonwealth Interests
Part 4	Community Consultation
Part 5	Owners Concurrence
Maps:	Aerial Photo Zoning Map Locality Map

Part 1- Objective of the Planning Proposal

The Planning Proposal seeks to amend Schedule 3 of the Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004) by reclassifying two parcels of Community land at Cardiff and Glendale in the Council's area, to Operational land to rectify an administrative error and enable the use of the lands for the original intended uses.

Part 2- Explanation of Provisions

The proposal will amend the LMLEP 2004 by reclassifying the following parcels from community land to operational land:

Amendment Applies To	Explanation of Provision
Schedule 3 – Reclassification of Community Land to Operational Land	Minor amendments are proposed to the Schedule as follows: <ul style="list-style-type: none">• lot 2 DP 22637 (410 Main Road, Cardiff), and• Lot 1 DP 656808 (47 Glendale Drive, Glendale)

It is intended that the Planning Proposal will amend Lake Macquarie LEP 2004. However Council is currently preparing a new comprehensive LEP based on the Standard Instrument. Should the Planning Proposal apply to new comprehensive LEP, the Planning Proposal will result in the following changes to draft Lake Macquarie Local Environmental Plan 2011 (Council's Standard Instrument LEP):

Amendment Applies To	Explanation of Provision
Schedule 4 – Classification and reclassification of public land	The following properties to be reclassified are added to Part 1 of the Schedule: <ul style="list-style-type: none">• lot 2 DP 22637 (410 Main Road, Cardiff), and• Lot 1 DP 656808 (47 Glendale Drive, Glendale)

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 arisen from Council officers uncovering an administrative error in the classification of the subject lands. Council purchased the subject lands in 1994 for the purposes of road works. Council resolved to classify the land as Operational land upon acquisition, in accordance with the provisions of the Local Government Act 1993, and in accordance with its resolution of 31 October 1994. The report stated that advertisements were placed on 21 September 1994 indicating Council's intention to classify the land as Operational and inviting public comment. However, proof of the advertising cannot be found, and therefore, the land is assumed to be classified as Community land. (It should be noted that adjoining parcels of land at 408 Main Road and 412 Main Road Cardiff were classified as Operational land upon acquisition, advertised 13 November 1996 and 21 September 1994).

The subject lands are now required to allow the construction of road works. The subject lands are located at the existing intersection between Main Road and Glendale Drive. The existing intersection between Main Road and Glendale Drive is proposed to be upgraded from a three-way to four-way intersection. As part of the intersection upgrade, 47 Glendale Drive is required to permit the construction of a realigned section of Glendale Drive. Due to changes in the intersection layout, 410 Main Road is not required as part of the intersection upgrade and is surplus land that will be sold to private party.

It should be noted, the Main Road and Glendale Drive intersection requires to be upgraded to enable the development of the Pennant Street Link. The Pennant Street Link is a strategic road linkage that will contribute to the further development of the Glendale regional centre and enable the development of the Lake Macquarie Transport interchange.

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

The subject lands were acquired by Council specifically for the purposes of road works, however, due to an administrative error no record of the land being classified Operational exists. Reclassifying the lands by amending the Lake Macquarie Local Environmental Plan is the best means of making the land available for the intended use of road works by Council. Lot 47 will be used as part of an upgrade of the Main Road and Glendale Drive intersection. Lot 410 is now longer required for roads works and will be sold to private party.

3. Is there a net community benefit?

Yes. The subject lands were acquired by Council for the purposes of road works. Due to an administrative error, no record of the land being classified Operational exists and the land is assumed to be classified Community. The planning proposal will benefit the community rectifying this administrative error and permit the subject lands to be used for the intended use of roads works. 47 Glendale Drive will be used as part of an upgrade of the Main Road and Glendale Drive intersection. 410 Main Road is now longer required for roads works and will be sold to private party.

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)?

Yes. The Lower Hunter Regional Strategy establishes a hierarchy and network of urban centres for the Lower Hunter. The strategy identifies Glendale/ Cardiff as an emerging regional centre. The planning proposal will enable the development of a strategic road linkage (the Pennant Street Link) that will contribute to the further development of the Glendale regional centre.

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

Yes. The Planning Proposal is consistent with Council's Lifestyle 2020 Strategy. The subject lands are located within the identified sub-regional centre of Glendale / Cardiff. The planning proposal will enable the development of a strategic road linkage (the Pennant Street Link) that will contribute to the further development of the Glendale regional centre.

Lifestyle 2020 Strategy also identifies the development of a transport interchange (public transport and other modes) at Glendale. The development of the Pennant Street Link will enable the development of this interchange referred to as the Lake Macquarie Transport Interchange.

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

An assessment has been undertaken to determine the level of consistency the proposal has with relevant State Environmental Planning Policies (SEPPs). The assessment is provided below.

SEPPs	Relevance	Implications
SEPP 19 – Bushland in Urban Areas	The SEPP aims to prioritise the conservation of bushland in urban areas, and requires this to be considered in preparing a draft LEP.	The draft LEP does not propose to release land for development that currently contains urban bushland.
SEPP 44 – Koala Habitat Protection	The SEPP aims to provide proper conservation and management of Koala habitat by requiring the identification, conservation, and management of actual and potential Koala habitat.	The draft LEP does not propose to rezone land that would result in a loss of actual or potential Koala habitat or other bushland.

SEPP 55 – Remediation of Land	The SEPP requires the subject land to be suitable for its intended use in terms of the level of contamination, or where the land is unsuitable due to the level of contamination, remediation measures are required to ensure that the subject land is suitable for its intended use.	The land is not known to contain contaminants. Further investigations will be necessary to support any future development of the site, however this is not considered necessary for the Planning Proposal to proceed. Where contaminants are identified, remediation will be required in accordance with State Government guidelines and regulations prior to development occurring.
SEPP 71 – Coastal Protection	The SEPP requires Council to consider whether a draft LEP will restrict access to, or reduce the amenity of coastal reserves or foreshore areas, including overshadowing, loss of views, or reduction in scenic quality.	The draft LEP does not propose changes within or near coastal reserves or foreshore areas.

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

The following assessment of the proposal has been undertaken against the following Section 117 Ministerial Directions:

Ministerial Direction	Relevance	Implications
1.1 – Business and Industrial Zones	Requires that business and industrial lands are maintained and that new zones are established in accordance with strategic policy directions.	Consistent: The draft LEP does not propose to rezone any lands to a business or industrial zone.
2.1 – Environmental Protection Zones	Requires that a draft LEP contain provisions to facilitate the protection of environmentally sensitive land	Consistent: The draft LEP does not propose to alter any environmental provisions or environmental land use zones.
2.2 – Coastal Protection	Requires a draft LEP to include provisions that are consistent with State Government coastal policy documents.	Consistent: The draft LEP does not propose to rezone any sites within the coastal zone to facilitate residential development.
2.3 – Heritage	Requires that a draft LEP	Consistent: There are no

Ministerial Direction	Relevance	Implications
Conservation	include provisions to facilitate the protection and conservation of aboriginal and European heritage items.	locally listed items of heritage significance located on the lands.
2.4 – Recreation Vehicle Areas	Restricts a draft LEP from enabling of a recreation vehicle area	Consistent: The draft LEP will not propose a recreation vehicle area.
3.1 – Residential Zones	Requires a draft LEP to include provisions that facilitate housing choice, efficient use of infrastructure, and reduce land consumption on the urban fringe.	Consistent: The subject lands are zoned 2(1) Residential Zone. The Planning Proposal will not alter the existing residential zone provisions. The subject lands were acquired for the purposes of road works and ‘Roads’ are development that can be carried out with consent in a 2(1) Residential Zone.
3.2 – Caravan Parks and Manufactured Home Estates	Requires a draft LEP to maintain provisions and land use zones that allow the establishment of Caravan Parks and Manufactured Home Estates.	Consistent: The draft LEP will not affect provisions relating to Caravan Parks or Manufactured Home Estates.
3.3 – Home Occupations	Requires that a draft LEP include provisions to ensure that Home Occupations are permissible without consent.	Consistent: The draft LEP 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	Requires consistency with State policy in terms of positioning of urban land use zones.	Consistent: The subject lands are zoned 2(1) Residential Zone. The Planning Proposal will not alter the existing residential zone provisions. The subject lands were acquired for the purposes of road works. The Planning Proposal will rectify an administrative error and reclassify the subject lands Operational enabling them to be used for the intended purpose of road works by Council.
4.1 – Acid Sulfate Soils	Applies to land that has been identified as having a probability	Consistent: Lake Macquarie LEP 2004 is

Ministerial Direction	Relevance	Implications
	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.	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 aims to ensure that development is appropriate for the potential level of subsidence. The direction applies to land within a Mine Subsidence District and requires consultation with the Mine Subsidence Board.	Consistent: The Planning Proposal is located in the Lake Macquarie Mine Subsidence District. The subject lands are already zoned 2(1) Residential Zone and the Planning Proposal will not alter the existing land use zone and permit additional development. Consultation with the Mine Subsidence Board will be necessary to support any future development of the site, however this is not considered necessary for the Planning Proposal to proceed.
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.	Consistent: Part of the subject lands are bushfire prone. The subject lands are already zoned 2(1) Residential Zone and the Planning Proposal will not alter the existing land use zone and permit additional development. Consultation with the NSW Rural Fire Service will be necessary to support any future development of the site, however this is not considered necessary for the Planning Proposal to proceed.
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.	Consistent: The Planning Proposal is consistent with the strategic direction set by the Lower Hunter Regional Strategy as previously stated in Section B.4 of the Planning

Ministerial Direction	Relevance	Implications
		Proposal.
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.	Consistent: The Planning Proposal will not require the concurrence from or referral to a Minister or public authority.

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?**

One parcel is cleared of any vegetation and the other parcel is developed and contains a house (which will be demolished). There will be no potential for loss of critical habitat or threatened species, populations or ecological communities, or their habitats as a result of the Planning Proposal.

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

No environmental effects are anticipated as a result of the Planning Proposal. The Planning Proposal will rectify an administrative error and reclassify the subject lands from Community to Operational.

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

No significant social and /or economic impacts are anticipated to result from the proposal. The Planning Proposal will rectify an administrative error and reclassify the subject lands from Community to Operational.

- 11. If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.**

The proposal does not involve the extinguishment of any interest in any parcel of land.

Section D – State and Commonwealth Interests

- 12. Is there adequate public infrastructure for the planning proposal?**

The planning proposal does not require changes to the delivery of public infrastructure to the area.

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

Council proposes that the planning proposal be exhibited consistent with the requirements of section 57 of the Environmental Planning and Assessment Act 1979 (EP & A Act) and section 29 of the Local Government Act 1993 and/or any other requirements as determined by the Gateway under section 56 of the EP & A Act.

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.

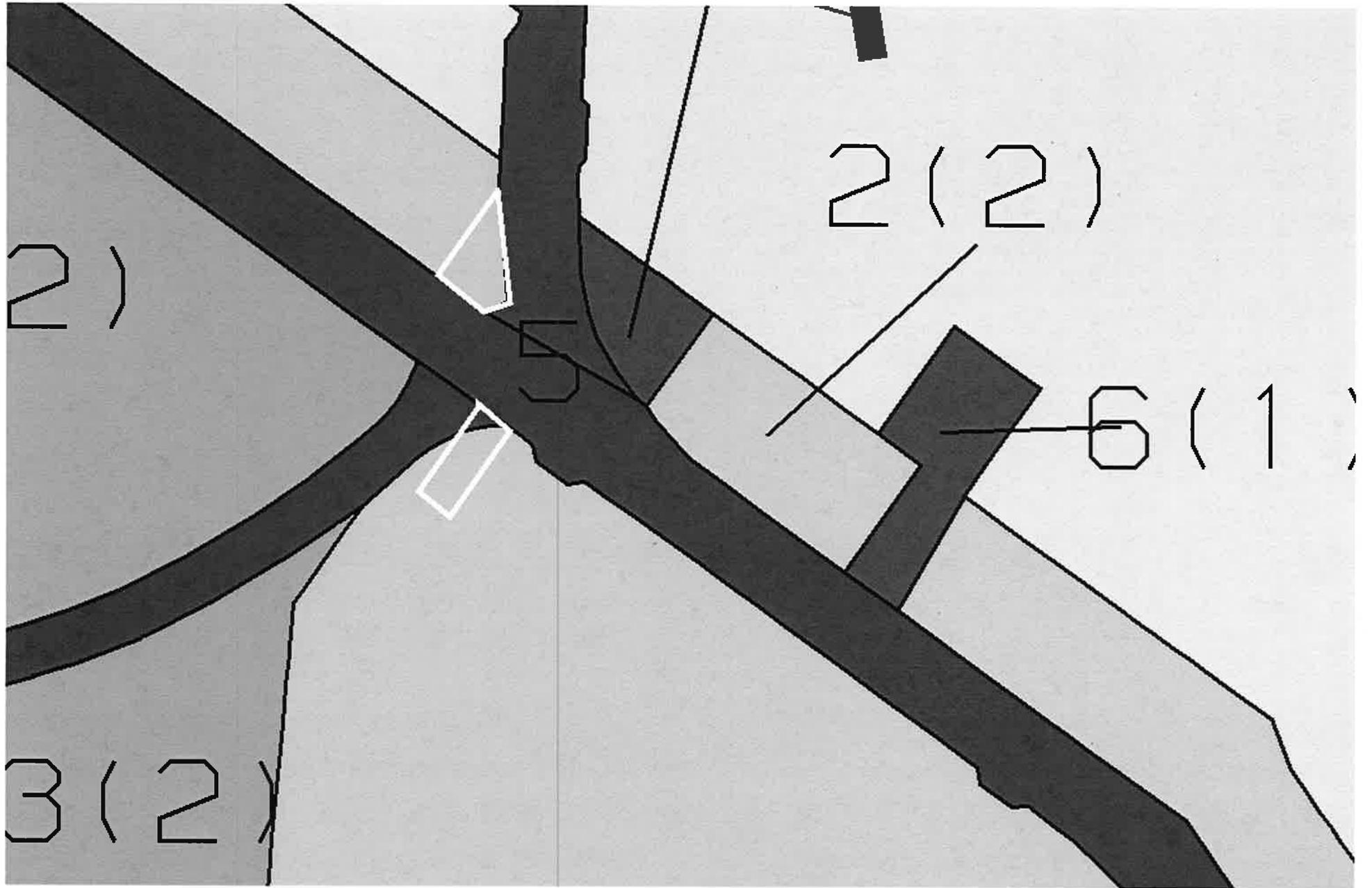
14. The concurrence of the landowner, where the land is not owned by the relevant planning authority.

Lake Macquarie City Council is the owner of the subject parcels of land.

Aerial Photo



Zoning Map



Locality Map

