

Amendment to Lake Macquarie 2004 to permit medical centre & the reclassification of land at Cardiff

Proposal Title : **Amendment to Lake Macquarie 2004 to permit medical centre & the reclassification of land at Cardiff**

Proposal Summary : **The Planning Proposal aims to permit a medical centre and associated car parking at No.52 and part 60 Ada Street, Cardiff, by inserting an additional permitted land use in the LEP schedule. The subject land is currently zoned 6(2) Tourism and Recreation under Lake Macquarie LEP 2004 and medical centres are prohibited.**

It is also proposed to reclassify part Part 60 Ada Street from community to operational land, so that the land can be sold to the proponents of the proposed medical centre.

PP Number : **PP_2012_LAKEM_010_00** Dop File No : **12/16955**

Planning Team Recommendation

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

S.117 directions :

- 1.3 Mining, Petroleum Production and Extractive Industries**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.2 Mine Subsidence and Unstable Land**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**

Additional Information : **It is recommended that:**

- 1. The Planning Proposal be supported, however the additional permitted use is not.**
- 2. Council be advised to make medical centres permissible in the 6(2) Tourism and Recreation zone (or the equivalent zone under the SI) under Lake Macquarie LEP 2004.**
- 3. Council be advised to prepare an information map to identify the land being reclassified at No.60 Ada Street, Cardiff . This will need to be forwarded to the Department when requesting the drafting of the instrument.**
- 4. Council be advised to amend the draft SI LEP zoning map to retain the RE2 Private Recreation zoning for the land being reclassified at No.60 Ada Street, Cardiff.**
- 5. Council be advised to combine the two planning proposals (draft amendment No.70 & 73) into one. This will need to be forwarded to the Department when requesting the drafting of the instrument.**
- 6. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows:**
 - (a) the Planning Proposal be made publicly available for 28 days;**
 - (b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available**

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along with planning proposals as identified in section 4.5 of A guide to preparing LEPs (Department for Planning 2009).

7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Mine subsidence Board
- Rural fire Service
- Transport for NSW - Roads and Maritime Services

Each 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.

8. The Director General (or delegate) approves the reduction of land for public purposes under the Minister's S117 Direction 6.1 Reserving Land for Public Purposes.

9. 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.

10. Compliance with the LEP Practice Note PN 09-003 Classification and reclassification of public land through a LEP.

11. The timeframe for completing the LEP is 12 months from the date of the Gateway Determination.

Supporting Reasons :

It is recommended that medical centres be made permissible in the 6(2) Tourism and Recreation zone (or the equivalent zone under the SI) under Lake Macquarie LEP 2004. The 6(2) Tourism and Recreation zone already permits a broad range of land uses such as clubs, educational establishments, hotels, places of public worship and pubs. The draft Lake Macquarie SI LEP is primarily a conversion and permits similar land uses in the proposed RE2 Private Recreation zone. Medical centres are considered compatible in this zone and of less impact than some the the other types of development permitted with consent. If made permissible, the development assessment process will determine whether the proposed development is suitable.

Panel Recommendation

Recommendation Date : 15-Nov-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. The inclusion of 'development for the purpose of a medical centre, shop, and associated car parking' as additional permitted uses is not supported in this instance. Council is to rezone the land to an appropriate zone and amend the planning proposal accordingly prior to the commencement of public exhibition.

2. Prior to commencing public exhibition, Council is to:

- (a) prepare a map that clearly identifies land to be reclassified at 60 Ada Street, Cardiff;
- (b) ensure the part of 60 Ada Street, Cardiff being reclassified is rezoned to the same zone proposed for 52 Ada Street, Cardiff; and
- (c) combine the two planning proposals for draft amendment 70 and 73 and progress the rezoning and reclassification of the subject land as one planning proposal.

3. 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 28 days; and

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(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).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

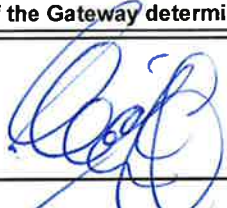
- Mine Subsidence Board
- NSW Rural Fire Service
- Transport for NSW – Roads and Maritime Services

Each 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.

5. 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).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McEwen

Date:

20.11.12