

Amendment to Lake Macquarie LEP 2014 - Morisset Planning District Land Acquisition

Proposal Title : **Amendment to Lake Macquarie LEP 2014 - Morisset Planning District Land Acquisition**

Proposal Summary : **The proposal intends to amend the Land Reservation Acquisition Map of the Lake Macquarie LEP 2014. It is proposed to remove 15 sites currently identified for acquisition and add one new site for acquisition. It is also proposed to amend the land use zoning, building height and lot size provisions for five of the sites being removed.**

The sites are a mix of land identified to be purchased by Council or the Roads and Maritime Service which have been identified as being longer required for public purposes.

PP Number : **PP_2014_LAKEM_003_00**

Dop File No :

14/17577

Proposal Details

Date Planning
Proposal Received : **22-Oct-2014**

LGA covered : **Lake Macquarie**

Region : **Hunter**

RPA : **Lake Macquarie City Council**

State Electorate : **LAKE MACQUARIE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Various parcels in Morisset, Cooranbong and Dora Creek**

DoP Planning Officer Contact Details

Contact Name : **Dylan Meade**

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RPA Contact Details

Contact Name : **Grant Alderson**

Contact Number : **0249210368**

Contact Email : **galderson@lakemac.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

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) :	0.00	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 : **Council requests the use of delegations in respect of the Minister's plan making function under section 59 of the Act for the planning proposal. It is recommended Council be granted these delegations.**

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The statement of objectives explains that the intent of the proposal is to remove a range of land areas currently identified to be purchased for public purposes from LMLEP 2014, and make a range of associated zoning and development standard changes to some of these areas. One area is also proposed to be identified to be purchased for public purposes.**

The statement of objectives is supported.

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

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

Comment : **The explanation of provisions explains the proposal will amend the Land Reservation Acquisition of the Lake Macquarie LEP 2014 for all items. Items 1 to 15 will be removed from the Land Reservation Acquisition map, and Item 16 will be added.**

The proposal will also amend the Land Use Zone, Height of Building, Minimum Lot Size for five of the sites. The sites which will be subject to these changes are items 11 (rezone RE1 Public Recreation zone to E2 Environmental Conservation zone), 12 (rezone RE1 Public

Recreation zone to E2 Environmental Conservation zone), 13 (rezone RE1 Public Recreation zone to E2 Environmental Conservation zone), 14 (rezone RE1 Public Recreation zone and SP2 Infrastructure (Classified Roads) zone to IN2 Light Industrial zone), 15 (rezone RE1 Public Recreation zone to E2 Environmental Conservation zone).

The explanation of provisions is supported.

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

1.1 Business and Industrial Zones

2.2 Coastal Protection

3.2 Caravan Parks and Manufactured Home Estates

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

6.2 Reserving Land for Public Purposes

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SEPP No 55—Remediation of Land

SEPP No 71—Coastal Protection

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 :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council proposes a 14 day community consultation period as the proposal is of low impact. It is agreed that the proposal is of low impact, and the 14 day exhibition period is supported.

Council also advises it will consult with affected land owners. This is supported, and it is recommended that this should be a condition of the Gateway.

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 : **September 2014**

Comments in
relation to Principal
LEP :

The Standard Instrument Lake Macquarie LEP 2014 is in force.

Assessment Criteria

Need for planning
proposal :

The planning proposal implements the findings of the 'Morisset Land Acquisition Review Background Report'. The report reviewed all areas identified for acquisition in the Morisset planning district, and recommended removing the 15 sites and adding one new area to the LRA maps.

Consistency with
strategic planning
framework :

LOWER HUNTER REGIONAL STRATEGY (LHRS)

There are no key challenges or actions contained in the LHRS relevant to the proposal.
The planning proposal is consistent with the LHRS.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)**SEPP No 19—Bushland in Urban Areas**

This SEPP is relevant as land subject to the proposal contains remnant bushland. The proposal is considered consistent with the SEPP as areas which contain bushland will be rezoned from open space to environmental protection.

SEPP No 55—Remediation of Land

This SEPP is applicable as the proposal rezones land from open space and infrastructure to light industrial (item 14). The subject lot currently contains a concrete batching plant, and is predominately zoned light industrial except for a minor area currently zoned open space and infrastructure. Council is satisfied that the land is suitable in its current state for uses permitted under the proposed IN2 light industrial zone.

SEPP No 71—Coastal Protection

This SEPP is applicable as a number of sites (items 2,5,7,8,9,12 and 15) are within the coastal zone. The SEPP requires that coastal access is maintained. Although acquisition of some of the sites may have increased public access to coastal land in the future, none of the sites currently permit coastal access and thus the current level of access is maintained. The proposal is considered consistent with this SEPP as it meets this and other matters for consideration set out under Clause 8.

LOCAL PLANNING (117) DIRECTIONS**1.1 Business and Industrial Zones**

This Direction is applicable as it is proposed to rezone land subject to the proposal (item 14) from RE1 Open Space to IN2 Light Industrial. The proposal is inconsistent with this Direction as the rezoning is not identified in a local planning strategy. The inconsistency is considered of minor significance as the subject site is currently being used for light industrial uses and is only 0.13 ha in area.

2.2 Coastal Protection

This Direction is applicable as a number of sites (items 2,5,7,8,9,12 and 15) are within the coastal zone. The proposal is considered consistent with this Direction as the proposal contains provisions that give effect to relevant documents listed under Clause 4 of this Direction.

3.2 Caravan Parks and Manufactured Home Estates

This Direction is applicable as it is proposed to rezone land (items 11, 12, 13, 14 and 15) from public open spaces uses, which permits caravan parks, to other zones, which prohibits them. The inconsistency is considered of minor significance as the sites do not have development potential due to high environmental value and/ or irregular site area.

4.1 Acid Sulfate Soils

This Direction is applicable as land (sites 1, 2, 4, 5, 7, 8, 9, 12, 15) has the potential for Acid Sulfate Soils (ASS). Only sites 12 and 15 are proposed to be rezoned. The proposal is considered consistent with this Direction as the proposal will not allow intensification of land uses on the land subject to ASS, as sites 12 and 15 will only be rezoned from RE1 Public Recreation zone to E2 Environmental Conservation zone. The remaining sites will continue to be zoned RE1 Public Recreation and have no potential for more intensive development.

4.2 Mine Subsidence and Unstable Land

The Direction is applicable as all subject sites are within the Lake Macquarie Mine Subsidence District. Consultation with the Mine Subsidence Board is required.

4.3 Flood Prone Land

This Direction is applicable as sites (items 1, 4, 7, 9 and 12) are identified as being flood prone. Only item 12 is proposed to be rezoned, and this is from RE1 Public Recreation zone to E2 Environmental Conservation zone. The proposal is considered consistent with this Direction as none of the sites are proposed for more intensive development, and the Lake Macquarie LEP 2014 contains a flood planning clause.

4.4 Planning for Bushfire Protection

This Direction is applicable as all the subject sites are bushfire prone. Consultation with the Rural Fire Service is required in order to meet the requirements of this Direction.

5.1 Implementation of Regional Strategies

As discussed above, the proposal is considered consistent with the Lower Hunter Regional Strategy, and thus with this Direction.

6.2 Reserving Land for Public Purposes

This Direction is applicable as the land seeks to add or remove reservations of land for public purposes. The proposal is considered consistent with this Direction as it facilitates the removal of reservations of land for public purposes where the land is no longer required for acquisition.

The planning proposal also intends to reduce reservations of land (sites 3 and 6) identified for acquisition by the Roads and Maritime Service (RMS). Council advises that it has consulted RMS during preparation of the background report, and the RMS is supportive of the removal. Council has included a copy of the letter advising of this support.

Environmental social
economic impacts :

There are no environmental impacts associated with the planning proposal. Any land with environmental value will be rezoned for environmental protection purposes.

The proposal is considered to have minimal social impacts. The removal of land for public acquisition has been identified as being surplus to the need of Council and the RMS. There is no community benefit in Council acquiring this land.

The sites are currently owned by various state agencies or private landholders. Council advises there has been no recent requests for acquisition, with the exception of land identified in Item 13. Council is in the process of purchasing this land, and advises the acquisition will not be affected by the provisions of this planning proposal.

The proposal will have positive economic implications as it will decrease the acquisition costs for Lake Macquarie Council and the RMS.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	Mine Subsidence Board NSW Rural Fire Service		
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :			

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Resubmission - s56(2)(b) : **No**

If Yes, reasons :

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
Planning Proposal RZ 5 2014 - Appendix 1 - Schedule of Subject Land - Gateway Version.pdf	Proposal	Yes
Planning Proposal RZ 5 2014 - Appendix 2 - Correspondence between RMS and LMCC.pdf	Proposal	Yes
Planning Proposal RZ 5 2014 - Appendix 3 - Background Report.pdf	Proposal	Yes
Letter from Lake Macquarie Council - request for Gateway Determination - Morisset Acquisition Layer.pdf	Proposal Covering Letter	Yes
Planning Proposal RZ 5 2014 - pages 1 to 36.pdf	Proposal	Yes
Planning Proposal RZ 5 2014 - pages 37 to 57.pdf	Proposal	Yes
Planning Proposal RZ 5 2014 - pages 58 to 78.pdf	Proposal	Yes
Planning Proposal RZ 5 2014 - pages 79 to 99.pdf	Proposal	Yes
Planning Proposal RZ 5 2014 - pages 100 to 125.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.2 Coastal Protection
- 3.2 Caravan Parks and Manufactured Home Estates
- 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
- 6.2 Reserving Land for Public Purposes

Additional Information :

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 must be made publicly available for a minimum of 14 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 5.5.2 of A Guide to Preparing LEPs (Planning & Infrastructure 2013); and
 - (c) all landholders affected by the planning proposal should be notified of the public exhibition.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

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- Mine Subsidence Board (Section 117 Direction 4.2)
- NSW Rural Fire Service (Section 117 Direction 4.4)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.

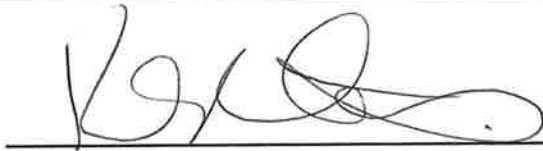
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is supported as it implements the recommendations of a study examining the need for acquisition of land for public purposes.

Signature:



Printed Name:

KOFLAHERTY

Date:

7/11/14