

Planning Proposal

Morriset Planning District Land Acquisition Amendment

Draft Amendment RZ/5/2014 to Lake Macquarie Local Environmental Plan 2014

Gateway Version

Local Government Area:	Lake Macquarie City Council (LMCC)
Name of Draft LEP:	Draft Amendment RZ/5/2014 to Lake Macquarie Local Environment Plan 2014
Subject Land:	The planning proposal includes the following 16 items: • Item 1: 49 Crawford Road, COORANBONG • Item 2: 56 Larapinta Drive, WYEE POINT • Item 3: 892 Freemans Drive, COORANBONG • Item 4: 18 Kalang Road, DORA CREEK • Item 5: 15 Norman Avenue, SUNSHINE • Item 6: 52 Manhire Road, WYEE • Item 7: Multiple lots on King Street and Yarrawonga Park Road, BALCOLYN • Item 8: Rocky Point Road (Road Reserve), ERARING • Item 9: Multiple lots on Ellis Street, Keightley Street, Wood Street and Sweetland Street, WYEE POINT • Item 10: 135 Dora Street, MORISSET • Item 11: 132 Wattagan Road, MARTINSVILLE • Item 12: Multiple lots on Edgewater Drive and Lakeview Road, MORISSET PARK • Item 13: 46 and 63 Advantage Avenue, MORISSET • Item 14: 9 Mandalong Road, MORISSET • Item 15: 77 and 96 Fishery Point Road, MIRRABOOKA • Item 16: 120, 122 and 124 Wyee Road, WYEE <i>(Refer to Appendix 1 for further details)</i>
Land Owners:	• Private land owners • Lake Macquarie City Council (LMCC) • NSW Roads and Maritime Services (RMS) • NSW Land and Property Management Authority (LPMA) • NSW Health Administration Corporation (HAC)
Applicant:	Lake Macquarie City Council (LMCC)
Department of Planning and Environment reference number:	
Council Reference Number:	RZ/5/2014
Date:	16 October 2014
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Part 1 – OBJECTIVES OR INTENDED OUTCOMES

Lake Macquarie Local Environmental Plan (LMLEP) 2014 identifies land that Lake Macquarie City Council (LMCC) and NSW government agencies want to purchase for future public purposes such as roads, parks and libraries. The intended outcomes for the 16 items in this planning proposal are as follows:

- Items 1 to 10: remove a range of land areas currently identified to be purchased for public purposes from LMLEP 2014.
- Items 11 to 14: 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.
- Item 15: remove and add a range of land areas that require to be purchased for public purposes to LMLEP 2014, and make a range of associated zoning and development standard changes.
- Item 16: add a range of land areas that require to be purchased for public purposes to LMLEP 2014.

Part 2 – EXPLANATION OF PROVISIONS

The provisions in this planning proposal will amend LMLEP 2014 as outlined below:

Item No.	Explanation of provisions
1	• Remove the subject land from the Land Reservation Acquisition map
2	• Remove the subject land from the Land Reservation Acquisition map
3	• Remove the subject land from the Land Reservation Acquisition map
4	• Remove the subject land from the Land Reservation Acquisition map
5	• Remove the subject land from the Land Reservation Acquisition map
6	• Remove the subject land from the Land Reservation Acquisition map
7	• Remove the subject land from the Land Reservation Acquisition map
8	• Remove the subject land from the Land Reservation Acquisition map
9	• Remove the subject land from the Land Reservation Acquisition map
10	• Remove the subject land from the Land Reservation Acquisition map
11	• Remove the subject land from the Land Reservation Acquisition map • Change the land use zone applying to the subject land from RE1 Public Recreation zone to E2 Environmental Conservation zone • Change the maximum building height for the subject land from 8.5m to 5.5m • Change the minimum lot size for the subject land to 40ha
12	• Remove <u>part</u> of the subject land from the Land Reservation Acquisition map • Change the land use zone applying to the subject land from RE1 Public Recreation zone to E2 Environmental Conservation zone • Change the maximum building height for the subject land from 8.5m to 5.5m • Change the minimum lot size for the subject land to 40ha

Item No.	Explanation of provisions
13	- Remove the subject land from the Land Reservation Acquisition map - Change the land use zone applying to the subject land from RE1 Public Recreation zone to E2 Environmental Conservation zone - Change the maximum building height for the subject land from 8.5m to 5.5m - Change the minimum lot size for the subject land to 40ha
14	- Remove the subject land from the Land Reservation Acquisition map - Change the land use zone applying to the subject land from RE1 Public Recreation zone and SP2 Infrastructure (Classified Roads) zone to IN2 Light Industrial zone - Change the maximum building height for the subject land from 8.5m to 15m - Change the minimum lot size for the subject land to 1500m²
15	- Remove <u>part</u> of the subject land from the Land Reservation Acquisition map - Add <u>part</u> of the subject land to the Land Reservation Acquisition map - Change the land use zone applying to <u>part</u> of the subject land from RE1 Public Recreation zone to E2 Environmental Conservation zone - Change the maximum building height for <u>part</u> of the subject land from 8.5m to 5.5m - Change the minimum lot size for <u>part</u> of the subject land to 40ha
16	Add the subject land to the Land Reservation Acquisition map

Part 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

Yes. On 28 July 2014, Lake Macquarie City Council resolved to prepare the planning proposal to implement the recommendations of the 'Morisset Land Acquisition Review Background Report'. A copy of the Background Report is contained in Appendix 3, and the relevant recommendations are summarised below:

Note: No recent requests have been received to acquire any of the land contained within this planning proposal, with the exception of land identified in Item 13 (63 Advantage Avenue, Morisset), which Council is currently in the process of purchasing. The provisions in this planning proposal will not affect the current acquisition.

Item No.	Summary of recommendations from the 'Morisset Land Acquisition Review Background Report'
1	The subject land is currently identified to be purchased by LMCC in the Land Reservation Acquisition (LRA) map in LMLEP 2014. The land consists of foreshore land zoned for conservation purposes and owned by NSW Roads and Maritime Services (RMS). The land has limited recreational value to LMCC and is not required for any other public purposes. The land should be removed from the LRA map. <i>(For further details refer to 'Dora Creek 4 - Area 3' in the report)</i>
2	The subject land is currently identified to be purchased by LMCC in the LRA map in LMLEP 2014. The land is privately owned, has environmental and scenic quality values, and is zoned for conservation purposes. LMCC does not require to purchase the land, as it will be dedicated to LMCC if the land is subdivided. The land should be removed from the LRA map. <i>(For further details refer to 'Wyee Point - Area 2' in the report)</i>

Item No.	Summary of recommendations from the 'Morisset Land Acquisition Review Background Report'
3	The subject land is currently identified to be purchased by NSW Roads and Maritime Services (RMS) in the LRA map in LMLEP 2014. The land is privately owned and is located adjacent to an existing road. The land is zoned for rural purposes. NSW RMS does not require to purchase the land. The land should be removed from the LRA map. <i>(For further details refer to 'Cooranbong - Area 1' in the report)</i>
4	The subject land is currently identified to be purchased by LMCC in the LRA map in LMLEP 2014. The land consists of privately owned foreshore land that is zoned for residential purposes. The land has limited recreational or environmental value to LMCC. The land should be removed from the LRA map. <i>(For further details refer to 'Dora Creek 2 - Area 4' in the report)</i>
5	The subject land is currently identified to be purchased by LMCC in the LRA map in LMLEP 2014. The land is privately owned and is located adjacent to an existing 6m wide undeveloped road reserve. The land is zoned for residential purposes. The land has limited transport value to LMCC. The land should be removed from the LRA map. <i>(For further details refer to 'Sunshine - Area 1' in the report)</i>
6	The subject land is currently identified to be purchased by NSW Roads and Maritime Services (RMS) in the LRA map in LMLEP 2014. The land is privately owned and is located adjacent to an existing road. NSW RMS does not require to purchase the land. The land should be removed from the LRA map. <i>(For further details refer to 'Wyee - Area 1' in the report)</i>
7	LMCC has recently purchased part of the subject land. The land consists of foreshore land that is zoned for conservation purposes. The land no longer requires to be shown in the LRA map and should be removed. <i>(For further details refer to 'Balcolyn - Area 2 to 3' in the report)</i>
8	LMCC has recently purchased the subject land. The land has been incorporated into an existing road reserve and is zoned for conservation purposes. The land no longer requires to be shown in the LRA map and should be removed. <i>(For further details refer to 'Eraring - Area 1' in the report)</i>
9	The subject land is currently identified to be purchased by LMCC in the LRA map in LMLEP 2014. LMCC currently owns part of the land and the other part is privately owned. The land only remains in the LRA map due to administrative error. The land should have been removed from the LRA map as part of amendment No. 50 to LMLEP 2004. The land should be removed from the LRA maps. <i>(For further details refer to 'Wyee Point - Area 1' in the report)</i>
10	The subject land is currently identified to be purchased by LMCC in the LRA map in LMLEP 2014. The land is zoned for public open space, however, is used for emergency services purposes and has limited recreational value to LMCC. The land is owned by NSW Health Administration Corporation, and is used by the Ambulance Service of New South Wales. The land should be removed from the LRA map. The existing public open space zoning applying to the land is considered adequate, and should be retained, as it allows for the development of emergency services facilities on the site. <i>(For further details refer to 'Morisset 1 - Area 2' in the report)</i>
11	The subject land is currently identified to be purchased by LMCC in the LRA map in LMLEP 2014. The land is owned by NSW Land and Property Management Authority and is zoned for public open space. The land has high environmental value and limited recreational value, due to environmental constraints. The land should be removed from the LRA map and rezoned for conservation purposes consistent with the surrounding land. <i>(For further details refer to 'Martinsville - Area 1' in the report)</i>

Item No.	Summary of recommendations from the 'Morisset Land Acquisition Review Background Report'
12	The subject land is currently identified to be purchased by LMCC in the LRA map in LMLEP 2014. The land consists of private foreshore land that is zoned for public open space. LMCC no longer intends to acquire foreshore land in this area due to site constraints and high acquisition costs. The land should be removed from the LRA map and rezoned for conservation purposes consistent with adjacent foreshore land to the north. <i>(For further details refer to 'Morisset Park 1 - Area 1 to 6' in the report)</i>
13	The subject land is divided into two parts and is currently identified to be purchased by LMCC in the LRA map in LMLEP 2014. The land to the north (46 Advantage Avenue, Morisset) consists of private land zoned for public open space. The land to the south (63 Advantage Avenue, Morisset) consists of private land, in the process of being purchased by LMCC (a deposit plan for the land was registered 10 October 2014), and is zoned for public open space. The subject land is a visual landscape buffer and has limited recreational value. The subject land should be removed from the LRA map and rezoned for environmental conservation purposes. <i>(For further details see 'Morisset 2 - Area 1 and 2' in the report)</i>
14	The subject land is currently identified to be purchased by LMCC in the LRA map in LMLEP 2014. The land consists of private land that is zoned for public open space and infrastructure purposes. The land has limited recreational or infrastructure/transport value. The land should be removed from the LRA map and rezoned for light industrial purposes consistent with the surrounding land and current use of the land. <i>(For further details refer to 'Morisset 1 - Area 1' in the report)</i>
15	The subject land consists of parts: <i>Northern land area</i> The land to the north (77 Fishery Point Road) is currently identified to be purchased by LMCC in the LRA map in LMLEP 2014. The land consists of private land that is zoned for public open space. The land has environmental values constraining use of the land for recreational purposes. The land should be removed from the LRA map and rezoned for conservation purposes, consistent with the surrounding land. <i>(For further details refer to 'Mirrabooka - Area 1' in the report)</i> <i>Southern land area</i> The land to the south (96 Fishery Point Road) has fewer constraints and is proposed to be purchased by LMCC for future recreational purposes. The land should be added to the LRA map. The land is zoned RU6 transition, which should be retained until LMCC has undertaken further investigations to determine the most appropriate long-term land use zoning for the site, which may include a combination of recreational and environmental conservation zonings. <i>(For further details refer to 'S94 Mirrabooka - OS-003' in the report)</i>
16	The subject land consists of private land that is zoned for residential purposes. The land is proposed to be purchased by LMCC for future community facilities. The land should be added to the LRA map. The land does not require to be rezoned as community facilities are permitted in the residential zone. <i>(For further details refer to 'S94 Wyee - CF-007 to 009' in the report)</i>

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

Yes. The planning proposal is the best means of achieving the intended outcomes. It is essential that the Land Reservation Acquisition (LRA) map in LMLEP 2014 correctly identify land proposed to be purchased for future public purposes, as Council and government agencies can be forced to purchase the land shown on the map, if requested by the

landowner. Removing land from and adding land to the LRA map, in accordance with this planning proposal, will ensure that the LRA map is correct and accurate.

The proposed zoning and development standard changes are also required to ensure that land no longer proposed to be purchased for public purposes, is no longer zoned for public purposes and has appropriate development standards.

Section B – Relationship to Strategic Planning Framework

2. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Lower Hunter Regional Strategy (LHRS)

The primary purpose of the LHRS is to ensure that adequate land is available and appropriately located to accommodate the projected housing and employment needs of the Region's population until 2031. The LHRS works with the Regional Conservation Plan to ensure that the future growth of the Lower Hunter makes a positive contribution to the protection of sensitive environments and biodiversity.

The proposal is generally consistent with the LHRS. The proposal is an administrative amendment that seeks to:

- remove a range of land areas currently identified to be purchased for public purposes from LMLEP 2014; and
- add a range of land areas that require to be purchased for future public purposes to LMLEP 2014.

None of the land areas proposed to be removed from the Land Reservation Acquisition (LRA) map in LMLEP 2014 is identified in the LHRS as being required for regionally significant infrastructure projects.

The land areas proposed to be added to LMLEP 2014 will also assist in providing local community and recreation facilities to meet the needs of the projected growing population as forecast by the LHR***Is the planning proposal consistent with a council's local strategy or other local strategic plan?***

Lifestyle 2030 Strategy (LS2030)

The Lifestyle 2030 Strategy (LS2030) provides the long-term direction for the overall development of the City and is a long-range land use strategic plan and policy document.

The Strategic Directions identified in the LS2030 describe the overall desired outcomes and general intentions sought by Council for future development in the City. In particular, the planning proposal aligns with the following strategic direction and outcomes:

Strategic Direction 4: A well serviced and equitable city

- *4.1 There is sufficient infrastructure capacity to support the planned growth of centres, and employment areas, including new infrastructure such as the Pennant Street overpass and Lake Macquarie Transport Interchange at Glendale. Provision will rely on the support and strategies of relevant State Government authorities.*
- *4.16 Existing communities are well serviced with physical and social infrastructure.****Is the planning proposal consistent with applicable State Environmental Planning Policies?***

The planning proposal is consistent with the following relevant State Environmental Planning Policies (SEPPs) outlined below.

SEPP	Relevance	Implications
SEPP No 19— Bushland in Urban Areas	The aim of the SEPP is to protect and preserve bushland within urban areas. The SEPP includes provisions to protect bushland zoned for public open space purposes.	The proposal is generally consistent with the aims of the SEPP: • The proposal rezones several bushland areas from public open space uses to environmental conservation purposes (item 11, 12 13 and 15). • The proposal rezones land from public open space uses to light industrial purposes, however, the land does not contain any significant remnant bushland (item 14).
SEPP No 32— Urban Consolidation (Redevelopment of Urban Land)	The aim of the SEPP is to promote redevelopment of urban land, no longer required for the purposes that is was original zoned, for multi-unit housing.	The proposal is generally consistent with the aims of the SEPP: • The proposal rezones several bushland areas from public open space uses to environmental conservation purposes (item 11, 12, 13 and 15). The land is not suitable for multi-unit housing. • The proposal rezones land from public open space uses to light industrial purposes, consistent with the surrounding land and use of the land (item 14).
SEPP No 55— Remediation of Land	The SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.	The proposal is consistent with the aims of the SEPP and clause 6 of the SEPP. <u>Item 11</u> The proposal rezones undeveloped bushland from public open space uses to environmental conservation purposes. The proposal does not include land specified in clause 6(4) of the SEPP: • The land is not located within an investigation area, • Development of the land for a purpose shown in table 1 of the contaminated land planning guidelines is not known to have been carried out on the land, and • The land is not proposed to be developed for residential, educational, recreational or child care purposes, or for the purposes of a hospital. <u>Item 12</u> The proposal rezones foreshore land located adjacent to residential housing from public open space uses to environmental conservation purposes. The proposal does not include land specified in clause 6(4) of the SEPP: • The land is not located within an investigation area, • Development of the land for a purpose shown in table 1 of the contaminated land planning guidelines is not known to have been carried out on the land, and • The land is not proposed to be developed

SEPP	Relevance	Implications
		for residential, educational, recreational or child care purposes, or for the purposes of a hospital. <u>Item 13</u> The proposal rezones two separate land areas from public open space uses to environmental conservation purposes. <i>Northern land area</i> The land area to the north (46 Advantage Avenue Morisset) consists of private land that is zoned for public open space and is currently used as a visual landscape buffer. The land is not specified under clause 6(4) of the SEPP: • The land is not located within an investigation area, • Development of the land for a purpose shown in table 1 of the contaminated land planning guidelines is not known to have been carried out on the land, and • The land is not proposed to be developed for residential, educational, recreational or child care purposes, or for the purposes of a hospital. <i>Southern land area</i> The land area to the south (63 Advantage Avenue Morisset) consists of private land, in the process of being purchased by LMCC, that is zoned for public open space and is currently used as a visual landscape buffer. The proposal has the potential to be specified under clause 6(4) of the SEPP. Development of the land for a purpose shown in table 1 of the contaminated land planning guidelines may have occurred on the land, as the land has potentially been used for agricultural activities in the past, however, knowledge of the specific activities is incomplete. Given the land is not proposed to be developed for residential, educational, recreational or child care purposes, or for the purposes of a hospital, the contamination risk from potential agricultural activities is not considered to be significant. A site inspection indicates that the land has imported fill on the site. A detailed stage 2 contamination land investigation identifies that no significant areas of contamination are present on the site. However, general housekeeping works including hand picking and off-site disposal of anthropogenic materials should be undertaken (For further details refer to 'Detailed Stage 2 Contamination Investigation - 63 Advantage Avenue, Morisset, NSW' undertaken by Cardno Geotechnical Solutions in 2014)

SEPP	Relevance	Implications
		<u>Item 14</u> The land area consists of private land that is zoned for public open space, infrastructure and light industrial purposes. The land has been used as a concrete batching plant since the 1970s. The proposal rezones the entire land parcel for light industrial purposes consistent with the surrounding land and current use of the land. The proposal has the potential to be specified under clause 6(4) of the SEPP. Development of the land for a purpose shown in table 1 of the contaminated land planning guidelines may have occurred on the land, as the land has potentially been used for agricultural activities in the past, however, knowledge of the specific activities is incomplete. Given the land is not proposed to be developed for residential, educational, recreational or child care purposes, or for the purposes of a hospital, the contamination risk from potential agricultural activities is not considered to be significant. The operation of a concrete batching plant on the site since the 1970s does present a contamination risk. However, undertaking further contaminated land investigations at the rezoning stage is not warranted for the reasons outlined below. First, the proposal to rezone the land for light industrial purposes will have a positive outcome in reducing the potential risk of harm to human health by: • ensuring that the zoning of the land reflects the current industrial use of the land (e.g. a concrete batching plant) and most appropriate long-term use, and • limiting use of the land for sensitive purposes such as childcare centres and recreation areas, which are permitted under the current public open space zoning applying to the land. Second, the proposal to rezone the land is of minor significance and equivalent to a zone boundary adjustment. The land is located at the edge of a 67ha light industrial estate, and part of the land is already zoned for light industrial purposes. The proposed rezoning will effectively shift the boundary of the light industrial estate by 20m, and will result in expanding the light industrial area by 1,300m² or 0.2%. Third, in the future, should a development application to change the current use of the land be submitted, clause 7 of the SEPP requires detailed investigations to be

SEPP	Relevance	Implications
		undertaken to ensure that the land is in a suitable state for the proposed use. <u>Item 15</u> The proposal rezones the northern land area (77 Fishery Point Road, Mirrabooka) from public open space uses to environmental conservation purposes. The northern land area consists of undeveloped bushland. The proposal does not include land specified in clause 6(4) of the SEPP: • The land is not located within an investigation area, • Development of the land for a purpose shown in table 1 of the contaminated land planning guidelines is not known to have been carried out on the land, and • The land is not proposed to be developed for residential, educational, recreational or child care purposes, or for the purposes of a hospital.
SEPP No 71— Coastal Protection	The aims of the SEPP include to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast. The SEPP applies to items 2, 5, 7, 8, 9, 12 and 15, as the items include land located within the coastal zone.	The proposal is consistent with Clause 8 of the SEPP, which outlines matters that must be considered when preparing a draft LEP for land in the coastal zone. <u>Items 2, 5, 7, 8 and 9</u> The proposal is consistent with Clause 8 of the SEPP, as the proposal will not change land use zonings or development standards applying to the land. <u>Item 12</u> The land consists of privately owned foreshore land zoned for public open space. The land is no longer proposed to be purchased for public open space, and is proposed to be rezoned for environmental conservation purposes. The proposed E2 Environmental Conservation zone will protect the coastal values of the land consistent with the aims of the SEPP. <u>Item 15</u> The land consists of privately owned bushland zoned for public open space. The land has no direct access to the coast/waterways and is 600m from Lake Macquarie. The land is no longer proposed to be purchased for public open space, and is proposed to be rezoned for environmental conservation purposes. The proposed E2 Environmental Conservation zone will protect the coastal values of the land consistent with the aims of the SEPP.
SEPP (Infrastructure) 2007	The aim of the SEPP is to facilitate the effective delivery of infrastructure. The SEPP includes provisions that allow infrastructure to be developed without consent in prescribed	The proposal is consistent with the aims and provisions of the SEPP. Item 14 includes a small section of land (270m ²) zoned for infrastructure purposes, which is a prescribed zoned. The land is located adjacent to a classified road, however, is not required for

SEPP	Relevance	Implications
	zones.	road widening purposes. Subsequently, rezoning the land for light industrial purposes will not adversely impact on the effective delivery of infrastructure.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	The aim of the SEPP is to promote the development of mineral, petroleum and extractive material resources. The SEPP includes provisions that allow mining, petroleum production and extractive industries in agricultural and industrial zones.	The proposal is consistent with the aims and provisions of the SEPP. The proposal will not rezone any agricultural or industrial land, and impact on any potential mining, petroleum production and extractive industries.
SEPP (Housing for Seniors or People with a Disability) 2004	The aim of the SEPP is to encourage the provision of housing for seniors and people with a disability. The SEPP includes provisions that allow housing for seniors and people with a disability on urban land or land adjacent to urban land that allows dwellings, hospitals and churches.	The proposal is consistent with the aims and provisions of the SEPP. The proposal will not change the zoning of any land that the SEPP allows housing for seniors and people with a disability.

3. Is the planning proposal consistent with applicable Ministerial Directions (s.117 (2) directions)?

Ministerial Direction	Objective/s	Consistency / Comment
1.1 Business and Industrial Zones	(a) Encourage employment growth in suitable locations, (b) Protect employment land in business and industrial zones, and (c) Support the viability of identified strategic centres.	The direction applies as Item 14 proposes to rezone land for industrial purposes. The proposal is inconsistent with the direction as it seeks to rezone land for industrial purposes without a strategy approved by the Director-General of the Department of Planning. The inconsistency is considered to be of minor significance. The proposed rezoning is equivalent to a zone boundary adjustment. The land is located at the edge of a 67ha light industrial estate, and part of the land is already zoned for light industrial purposes. The proposed rezoning will effectively shift the boundary of the light industrial estate by 20m, and will result in expanding the light industrial area by 1,300m² or 0.2%. Approval is required from the Director-General of the Department of Planning.

Ministerial Direction	Objective/s	Consistency / Comment
1.3 Mining, Petroleum Production and Extractive Industries	Ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	The direct does not apply as the proposal will not prohibit or restrict mining, petroleum production and extractive industries.
2.1 Environment Protection Zones	Protect and conserve environmentally sensitive areas.	The proposal is consistent with the direction as it: • facilitates the protection and conservation of environmentally sensitive areas by zoning additional land for environmental conservation purposes; and • does not reduce the environmental protection standards applying to the land.
2.2 Coastal Protection	Implement the principles in the NSW Coastal Policy.	The direction applies as items 2, 5, 7, 8, 9, 12 and 15 include land located within the coastal zone. <u>Items 2, 5, 7, 8 and 9</u> The proposal is consistent with the direction, as the proposal will not change land use zonings or development standards applying to the land. <u>Item 12</u> The land consists of privately owned foreshore land zoned for public open space. The land is no longer proposed to be purchased for public open space, and is proposed to be rezoned for environmental conservation purposes. The proposed E2 Environmental Conservation zone will protect the coastal values of the land consistent with the direction. <u>Item 15</u> The land consists of privately owned bushland zoned for public open space. The land has no direct access to the coast/waterways and is 600m from Lake Macquarie. The land is no longer proposed to be purchased for public open space, and is proposed to be rezoned for environmental conservation purposes. The proposed E2 Environmental Conservation zone will protect the coastal values of the land consistent with the direction

Ministerial Direction	Objective/s	Consistency / Comment
2.3 Heritage Conservation	Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The proposal is consistent with the direction. The proposal does not include any items, areas, objects or places of environmental or European heritage significance. The proposal does include land identified as a 'sensitive Aboriginal landscape', however, proposal does not change these provisions.
3.1 Residential Zones	(a) Encourage a variety and choice of housing types to provide for existing and future housing needs, (b) Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) Minimise the impact of residential development on the environment and resource lands.	The direct does not apply as the proposal does not affect land within an existing residential zone, or a zone which permits significant residential development.

Ministerial Direction	Objective/s	Consistency / Comment
3.2 Caravan Parks and Manufactured Home Estates	(a) Provide for a variety of housing types, and (b) Provide opportunities for caravan parks and manufactured home estates.	The proposal is inconsistent with the direction. The direction applies to the proposal as items 11, 12, 13, 14 and 15 rezone land from public open spaces uses, which permits caravan parks, to another zone, which prohibits them. The inconsistency is considered to be of minor significance. The land is not suitable to be developed for the purposes of caravan parks as outlined below. <u>Item 11</u> The land has high environmental value and limited development potential due to environmental constraints. An environmental conservation zoning is appropriate for the land. <u>Item 12</u> The land is a narrow strip of foreshore that has limited development potential. An environmental conservation zoning is appropriate for the land. <u>Item 13</u> The land consists of narrow visual landscape buffers with limited development potential located adjacent to an industrial area. An environmental conservation zoning is appropriate for the land. <u>Item 14</u> The land consists of a narrow strip of land with existing industrial uses. An industrial zoning is appropriate for the land. <u>Item 15</u> The land has high environmental value and limited development potential due to environmental constraints. An environmental conservation zoning is appropriate for the land. Approval is required from the Director-General of the Department of Planning.
3.3 Home Occupations	Encourage the carrying out of low-impact small businesses in dwelling houses.	The proposal is consistent with the direction. The proposal does not prohibit home occupations from being undertaken in dwelling houses without consent.

Ministerial Direction	Objective/s	Consistency / Comment
3.4 Integrating Land Use and Transport	Ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	The direction applies to the proposal as item 14 rezones land for light industrial purposes. The proposal is consistent with the direction, as the proposed light industrial zone is appropriately located. The proposed rezoning is also equivalent to a zone boundary adjustment. The land is located at the edge of a 67ha light industrial estate, and part of the land is already zoned for light industrial purposes. The proposed rezoning will effectively shift the boundary of the light industrial estate by 20m, and will result in expanding the light industrial area by 1,300m² or 0.2%.
4.1 Acid Sulfate Soils	Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	The direction applies as items 1, 2, 4, 5, 7, 8, 9, 12, 15 have the potential for Acid Sulphate Soils (ASS). The proposal is consistent with the direction. LMLEP 2014 includes ASS provisions applying to the land, and the proposal does not change the provisions.

Ministerial Direction	Objective/s	Consistency / Comment
4.2 Mine Subsidence and Unstable Land	Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	The direction applies as items 11 to 15 are located in a Mine Subsidence District and the proposal changes the types of development permitted on the land. The proposal is inconsistent with the direction as consultation with the Mine Subsidence Board has not been undertaken. The inconsistency is of minor significance as the proposal allows limited development on the land as outlined below. <u>Items 11, 12, 13 and 15</u> The proposal rezones the land from public open space uses to environmental conservation purposes, which restricts development on the land. <u>Item 14</u> The proposal rezones a small portion of land from public open space uses to light industrial purposes. The proposed rezoning is of minor significance and is equivalent to a zone boundary adjustment. The land is located at the edge of a 67ha light industrial estate, and part of the land is already zoned for light industrial purposes. The proposed rezoning will effectively shift the boundary of the light industrial estate by 20m, and will result in expanding the light industrial area by 1,300m² or 0.2%. Approval is required from the Director-General of the Department of Planning.
4.3 Flood Prone Land	(a) Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and (b) Ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	The direction applies as items 1, 4, 7, 9 and 12 are flood prone. The proposal is consistent with the direction. LMLEP 2014 includes flood prone land provisions applying to the land, and the proposal does not change the provisions.
4.4 Planning for Bushfire Protection	(a) Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) Encourage sound management of bush fire prone areas.	The direction applies as all the land in items 1 to 16 are identified as bush fire vegetation category 1 or 2, or are identified as a bush fire vegetation buffer. Consultation is required with the Commissioner of the NSW Rural Fire Service to determine if the proposal in accordance with the direction.

Ministerial Direction	Objective/s	Consistency / Comment
5.1 Implementation of Regional Strategies	Give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The direction applies as the proposal is located within the boundary of the Lower Hunter Regional Strategy (LHRS). The proposal is consistent with the direction as the proposal is generally consistent with the LHRS, as outlined in section 2.B of this document.
6.1 Approval and Referral Requirements	Ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The proposal is consistent with the direction as it does not contain any provisions that require concurrence, or identify development as 'designated'.
6.2 Reserving Land for Public Purposes	(a) Facilitate the provision of public services and facilities by reserving land for public purposes, and (b) Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	The direction applies as the proposal removes and adds reservations of land for public purposes, and removes zonings of land for public open space. The proposal has been prepared with the approval of relevant public authorities as outlined below. • <u>Items 1, 2 and 7</u> The proposal removes a requirement for LMCC to purchase the land for public purposes. The land is zoned for environmental purposes and LMCC does not require to purchase the land for public purposes, as outlined in Appendix 3. The proposal has been endorsed by a LMCC resolution dated 28 July 2014 (14SP037). • <u>Items 4 and 5</u> The proposal removes a requirement for LMCC to purchase land for public purposes. The land is zoned for residential purposes and LMCC does not require to purchase the land for public purposes, as outlined in Appendix 3. The proposal has been endorsed by a LMCC resolution dated 28 July 2014 (14SP037). • <u>Items 3 and 6</u> The proposal removes a requirement for NSW Roads and Maritime Services (RMS) to purchase land for public purposes. A copy of correspondence between NSW RMS and LMCC, outlining NSW RMS approval to remove the land, is attached in Appendix 2. • <u>Items 10</u> The proposal removes a requirement for LMCC to purchase the land for public purposes. The land is zoned for public open space and is owned by the NSW Health Administration Corporation, and is used by the Ambulance Service of New South Wales. LMCC does not require to purchase the land for public purposes, as outlined in Appendix 3.

Ministerial Direction	Objective/s	Consistency / Comment
		The existing public open space zoning applying to the land is also considered adequate, as it allows for the development of emergency services facilities on the site. The proposal has been endorsed by a LMCC resolution dated 28 July 2014 (14SP037). • <u>Item 11 to 15</u> The proposal removes a requirement for LMCC to purchase the land for public purposes, and removes public open space zonings applying to the land. The land is not identified as being required for public open space in Council's S94 development contributions plan (the 'LMCC Development Contributions Plan 2012 - Morisset Contributions Catchment' which identifies public open space requirements until the year 2025). The land also has high environmental values, which limits recreational use of the land. In summary, LMCC does not require to purchase the land for public open space, as outlined in Appendix 3. The proposal has been endorsed by a LMCC resolution dated 28 July 2014 (14SP037). • <u>Item 16</u> The proposal reserves land for public purposes, requiring LMCC to purchase the land, as outlined in Appendix 3. The proposal has been endorsed by a LMCC resolution dated 28 July 2014 (14SP037). However, the proposal is inconsistent with the direction, as it has not received approval from the Director-General of the Department of Planning. Approval is required from the Director-General of the Department of Planning.

Section C – Environmental, Social and Economic Impact

4. *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?*

No. Items 10, 11, 12, 13 and 15 include land with native vegetation, and the land will be rezoned from public open space uses to environmental conservation purposes.

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

No. Items 10, 11, 12, 13 and 15 rezone land from public open space uses to environmental conservation purposes, resulting in positive environmental outcomes as the land includes significant native vegetation. Item 14 rezones land from public open space, infrastructure

and light industrial purposes to light industrial purposes. The proposed rezoning is of minor significance and is equivalent to a zone boundary adjustment. The land is located at the edge of a 67ha light industrial estate, and part of the land is already zoned for light industrial purposes. The proposed rezoning will effectively shift the boundary of the light industrial estate by 20m, and will result in expanding the light industrial area by 1,300m² or 0.2%.

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

Section D – State and Commonwealth Interests

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

Yes. The proposal will not result in a significant amount of land being rezoned for urban uses. The proposal generally rezones land from public open space uses to environmental conservation purposes, except for item 14 which rezones land for industrial uses. The land is located at the edge of a 67ha light industrial estate, and part of the land is already zoned for light industrial purposes. The proposed rezoning will effectively shift the boundary of the light industrial estate by 20m, and will result in expanding the light industrial area by 1,300m² or 0.2%.

8. *What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?*

Consultation with NSW Roads and Maritime Services (RMS) has occurred for items 3 and 6 in regards to removal of the land from the LRA map (refer to Appendix 2).

Additional consultation with State and Commonwealth public authorities will be determined as part of the Gateway determination. Council recommends consultation with the following authorities:

- Commissioner of the NSW Rural Fire Service regarding consistency with S117 Direction 4.4 Planning for Bushfire Protection; and
- Director-General of the Department of Planning regarding consistency with S117 Direction 1.1, 3.2, 4.2 and 6.2 Reserving Land for Public Purposes.

Part 4 – MAPPING

Locality Map: Item 1 to 16



Figure 1: Items 1 to 16 - Locality map

Item 1: 49 Crawford Road, COORANBONG

The following maps illustrate the proposed amendments to LMLEP 2014:

- Figure 2 : Item 1 - Aerial photograph of subject land
- Figure 3 : Item 1 - Existing Land Zoning Map (LZN)
- Figure 4 : Item 1 - Existing Land Reservation Acquisition Map (LRA)
- Figure 5 : Item 1 - Proposed Land Reservation Acquisition Map (LRA)



 Subject Land

Cadastre

 Cadastre

Air Photo
2012 Aerial Photography
 Aerial Imagery Vekta 2012

0 100 200
 Metres



Projection GDA 1994
 Zone 56



Date: 3/09/2014 Planning Proposal: RZ/5/2014

Figure 2: Item 1 - Aerial photograph of subject land

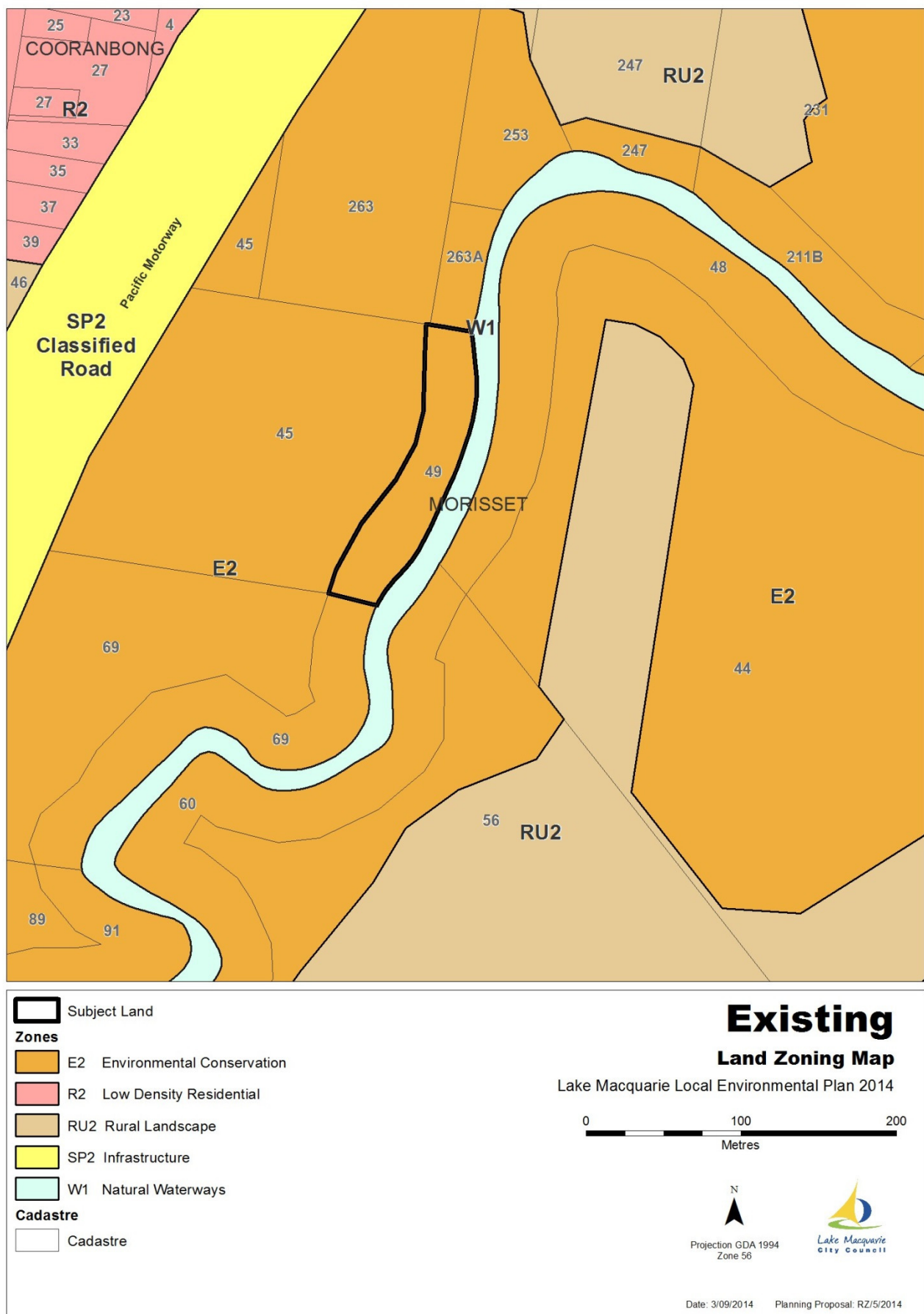


Figure 3: Item 1 - Existing Land Zoning Map (LZN)

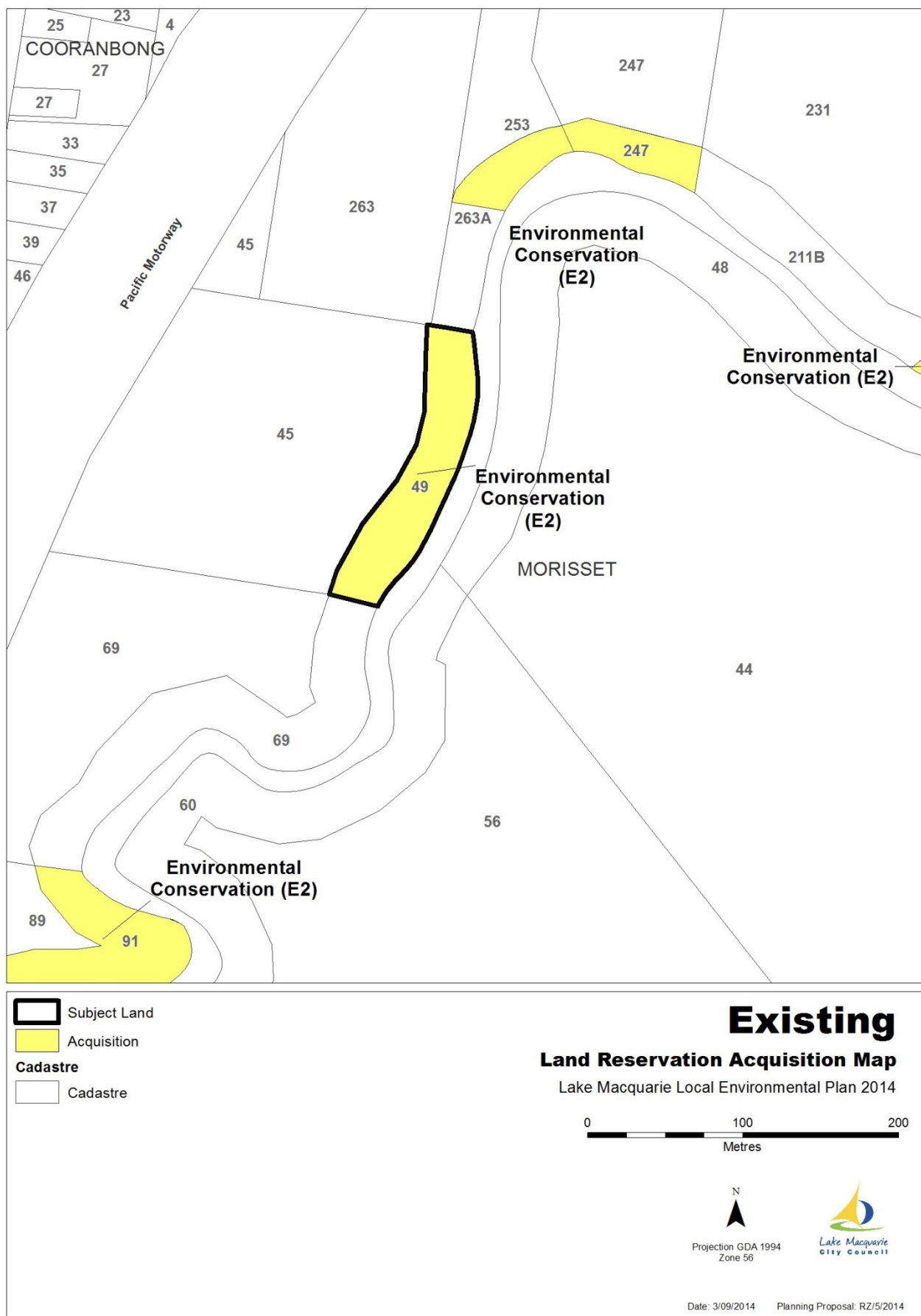


Figure 4: Item 1 - Existing Land Reservation Acquisition Map (LRA)

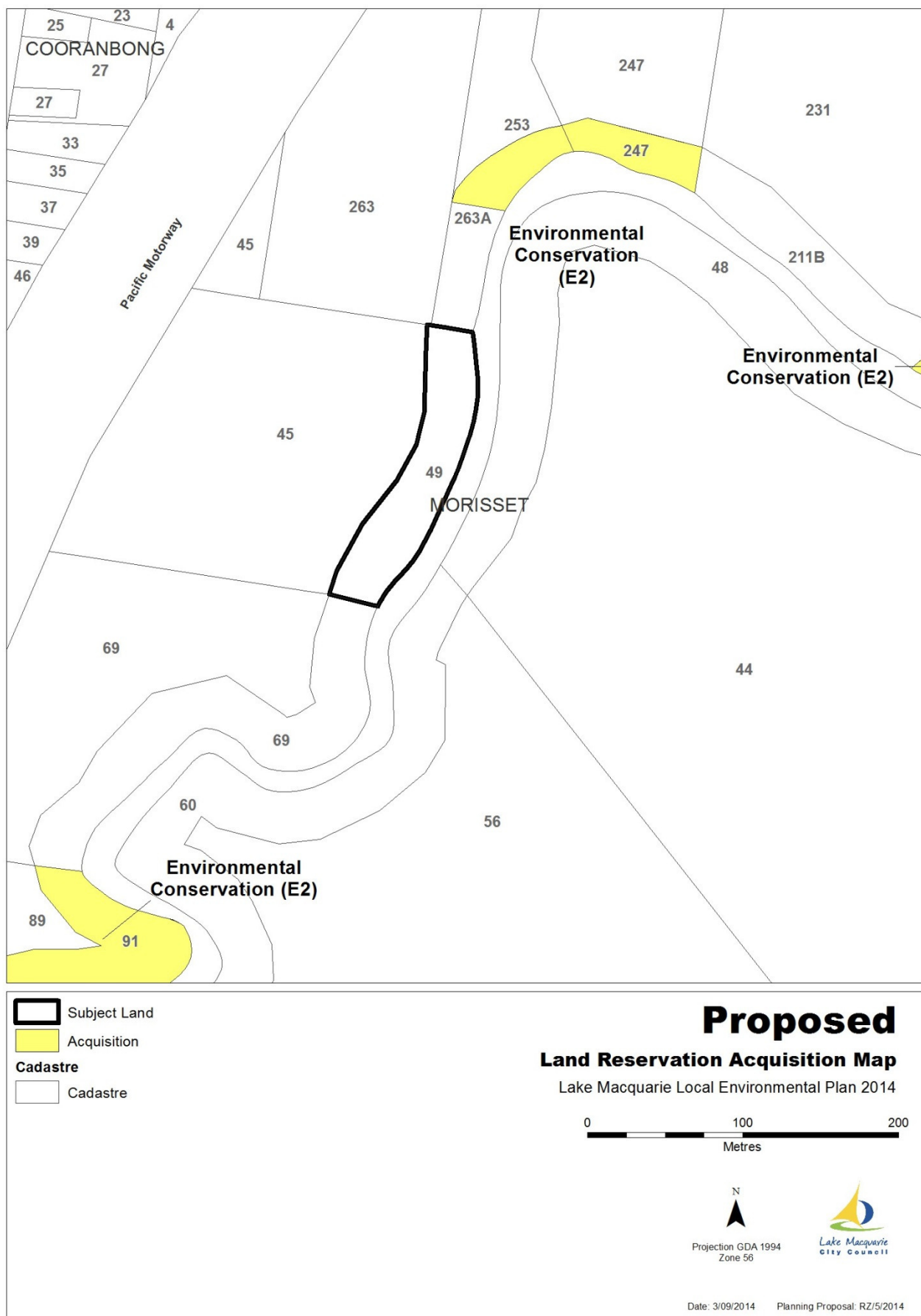
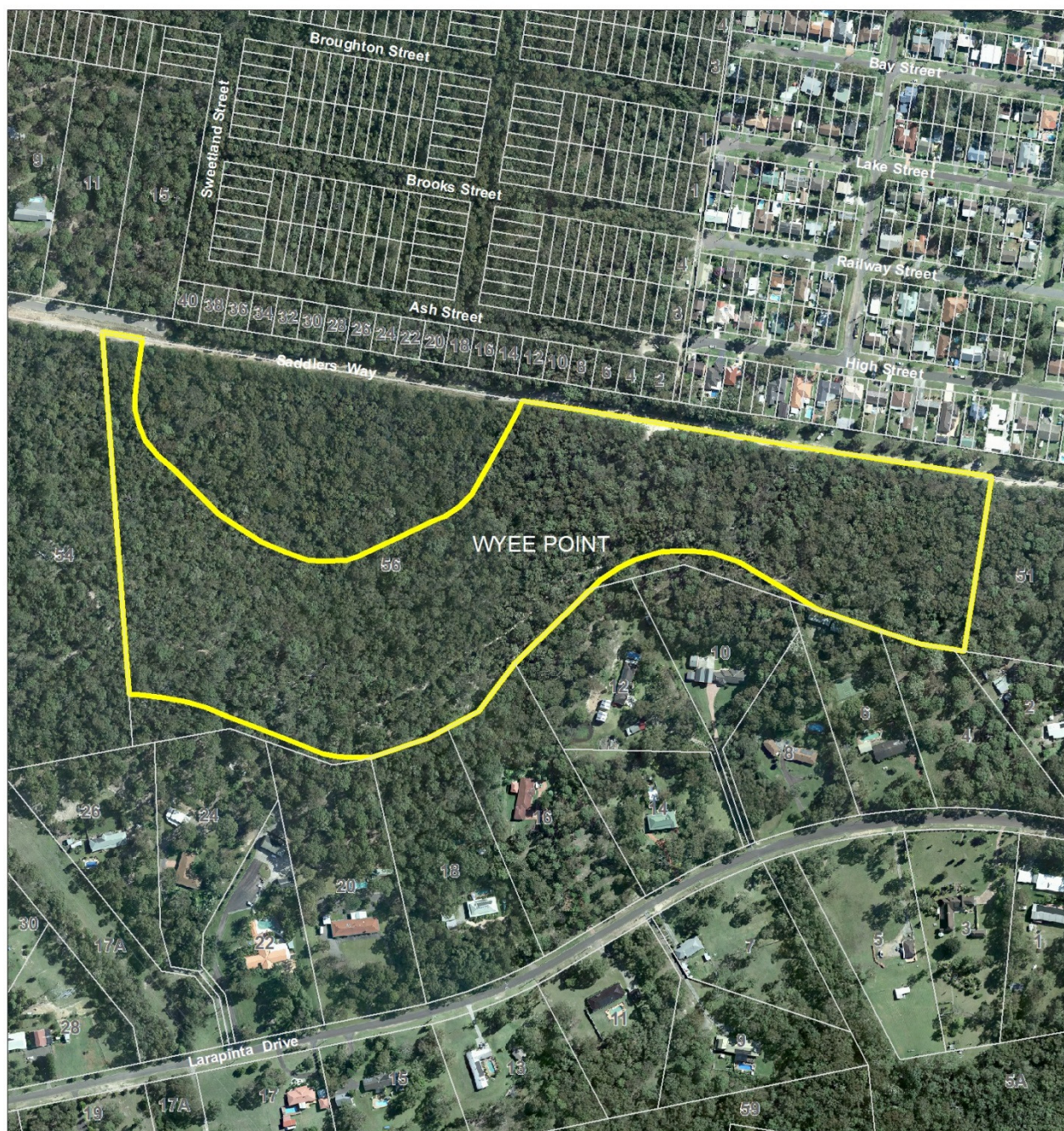


Figure 5: Item 1 - Proposed Land Reservation Acquisition Map (LRA)

Item 2: 56 Larapinta Drive, WYEE POINT

The following maps illustrate the proposed amendments to LMLEP 2014:

- Figure 6 : Item 2 - Aerial photograph of subject land
- Figure 7 : Item 2 - Existing Land Zoning Map (LZN)
- Figure 8 : Item 2 - Existing Land Reservation Acquisition Map (LRA)
- Figure 9 : Item 2 - Proposed Land Reservation Acquisition Map (LRA)



Subject Land

Cadastre

Cadastre

Air Photo
2012 Aerial Photography
 Aerial Imagery Vekta 2012

0 100 200 300
 Metres



Projection GDA 1994
 Zone 56



Date: 3/09/2014 Planning Proposal: RZ/5/2014

Figure 6: Item 2 - Aerial photograph of subject land

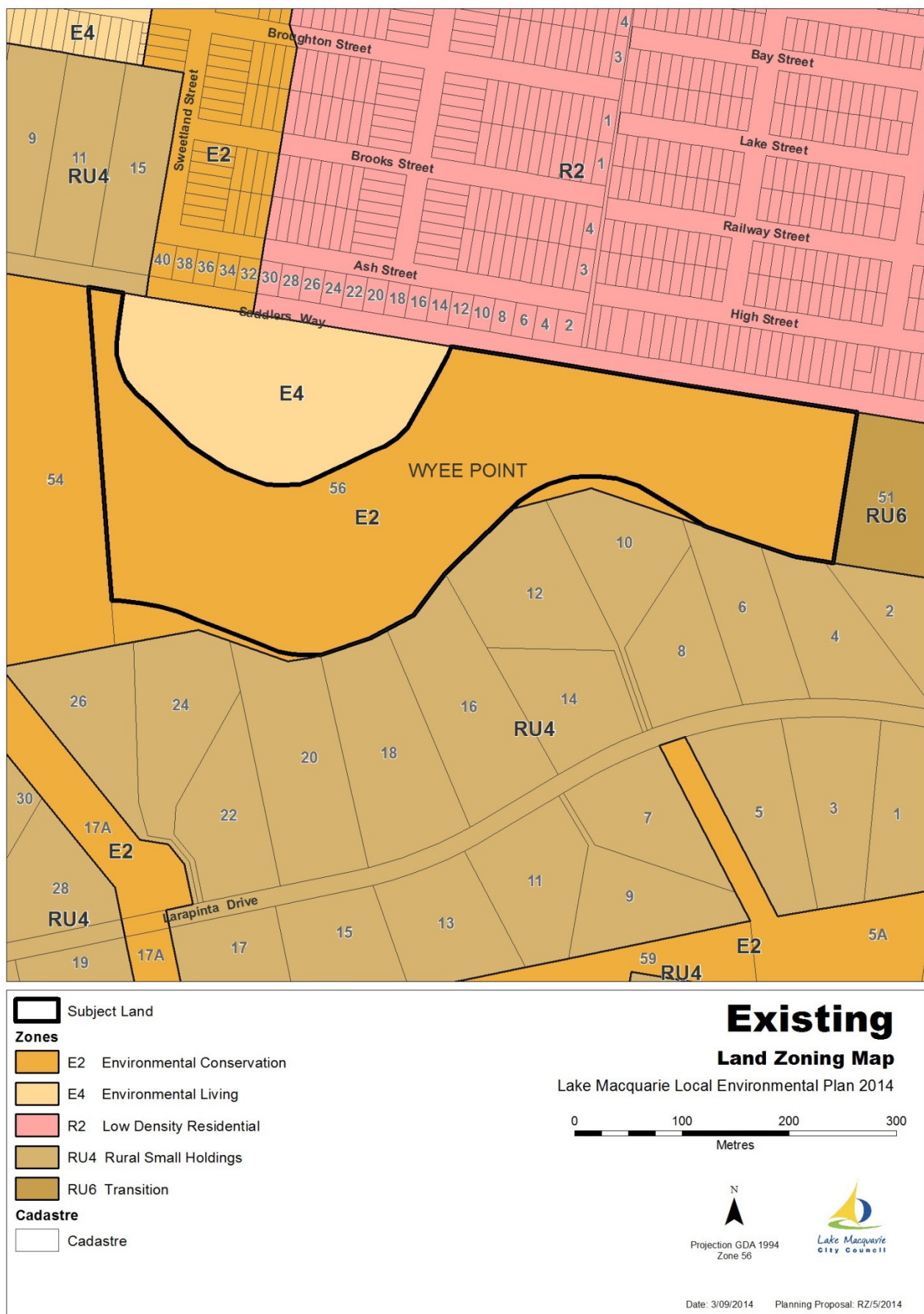


Figure 7: Item 2 - Existing Land Zoning Map (LZN)

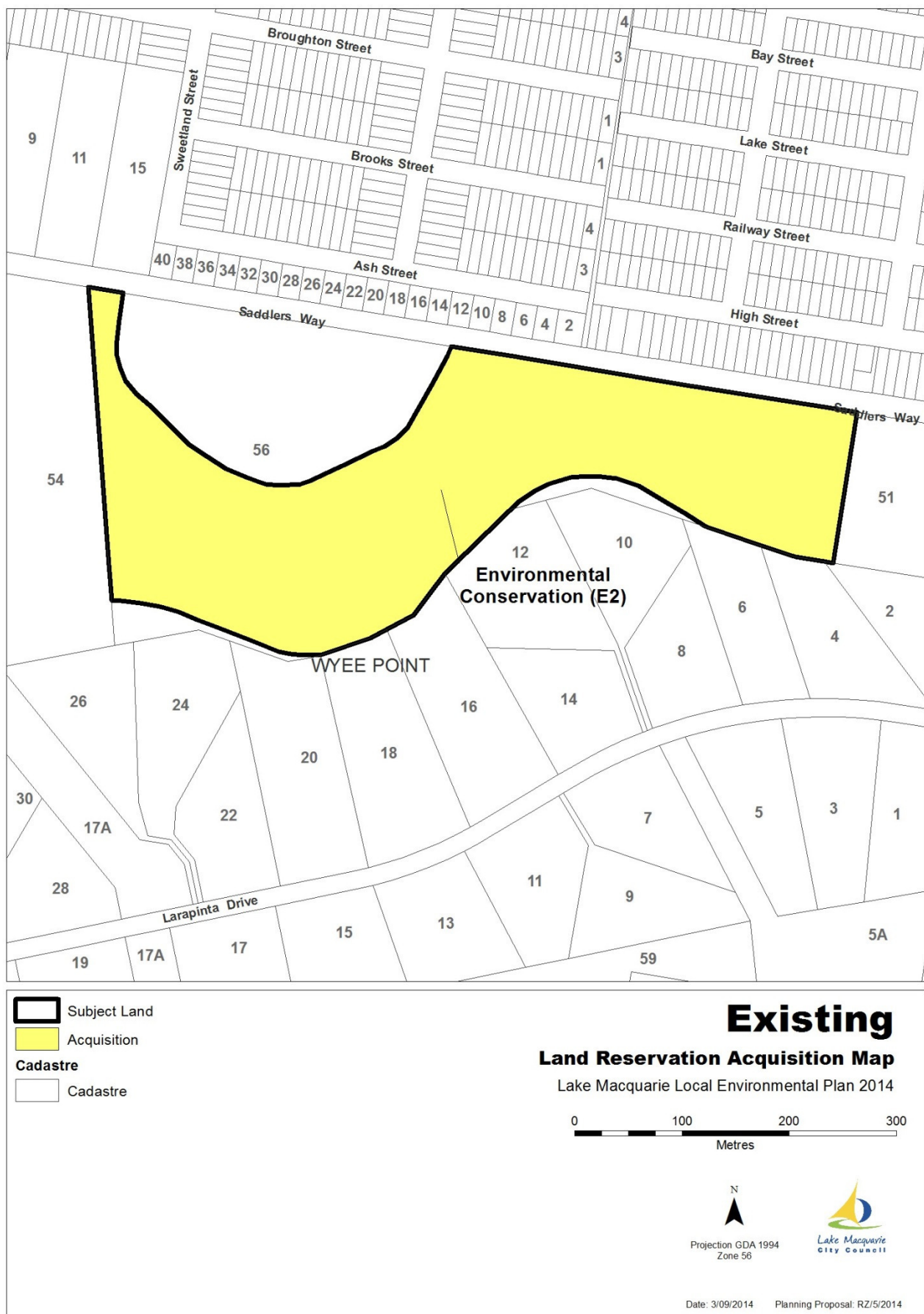


Figure 8: Item 2 - Existing Land Reservation Acquisition Map (LRA)

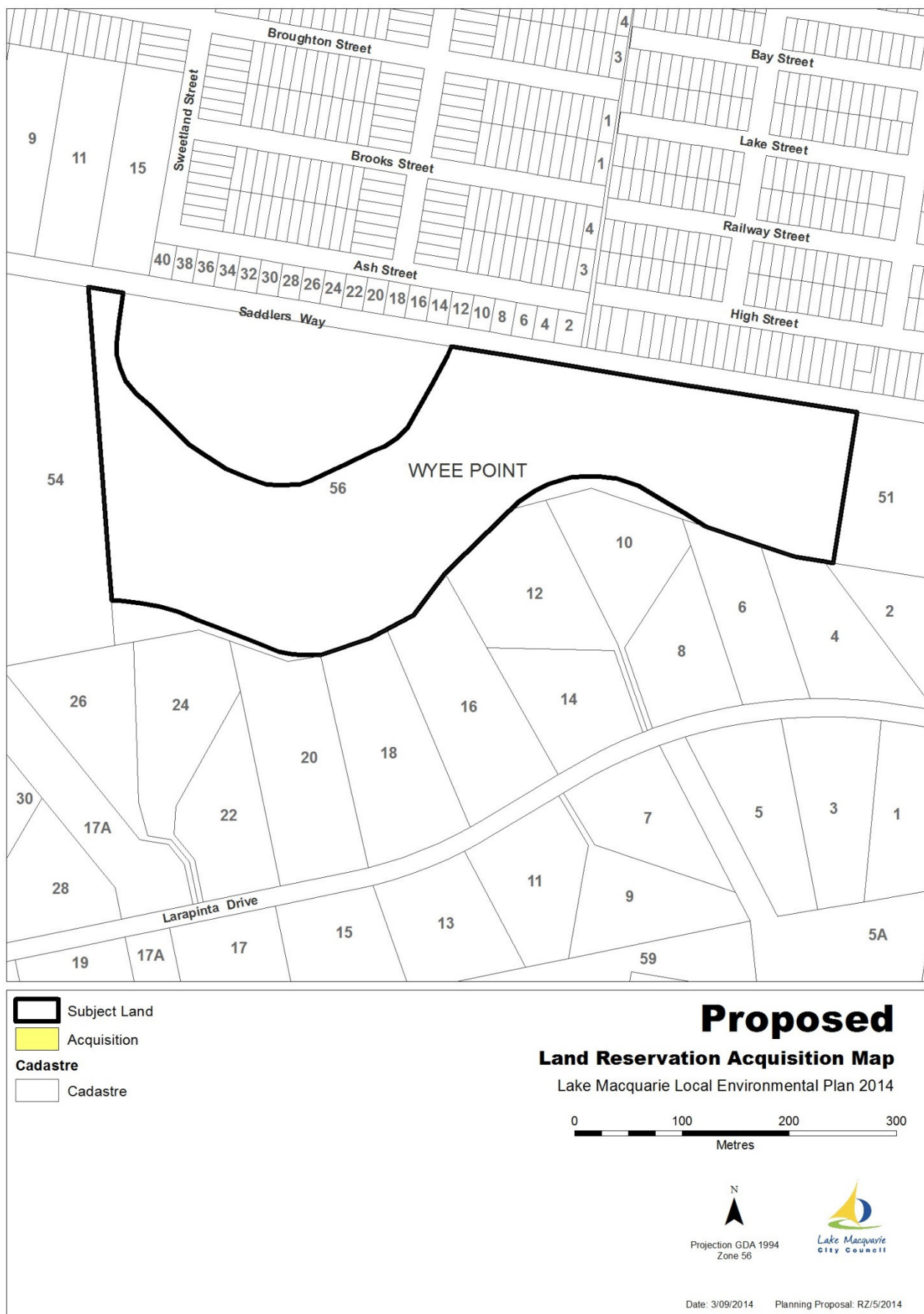


Figure 9: Item 2 - Proposed Land Reservation Acquisition Map (LRA)

Item 3: 892 Freemans Drive, COORANBONG

The following maps illustrate the proposed amendments to LMLEP 2014:

- Figure 10: Item 3 - Aerial photograph of subject land
- Figure 11: Item 3 - Existing Land Zoning Map (LZN)
- Figure 12: Item 3 - Existing Land Reservation Acquisition Map (LRA)
- Figure 13: Item 3 - Proposed Land Reservation Acquisition Map (LRA)

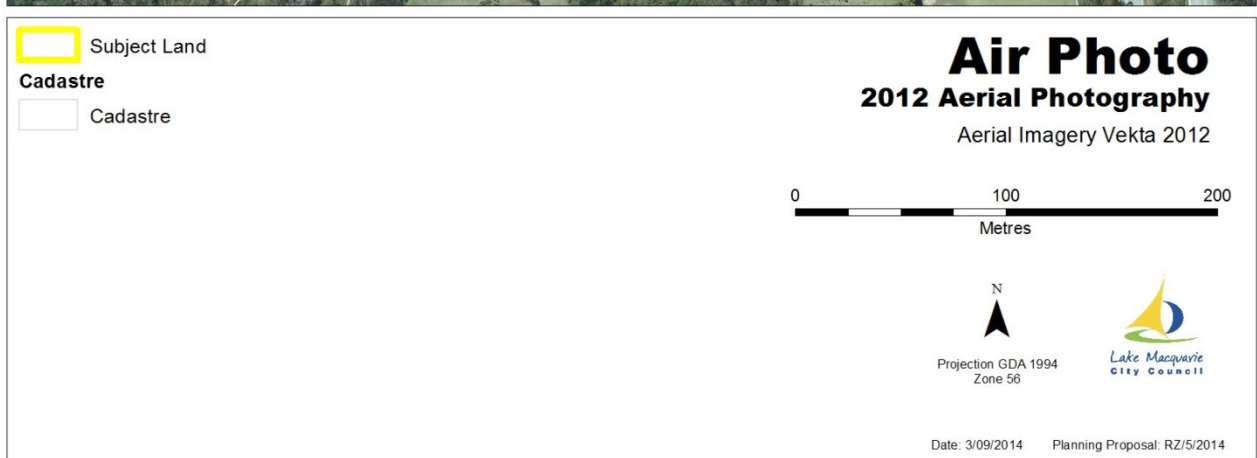
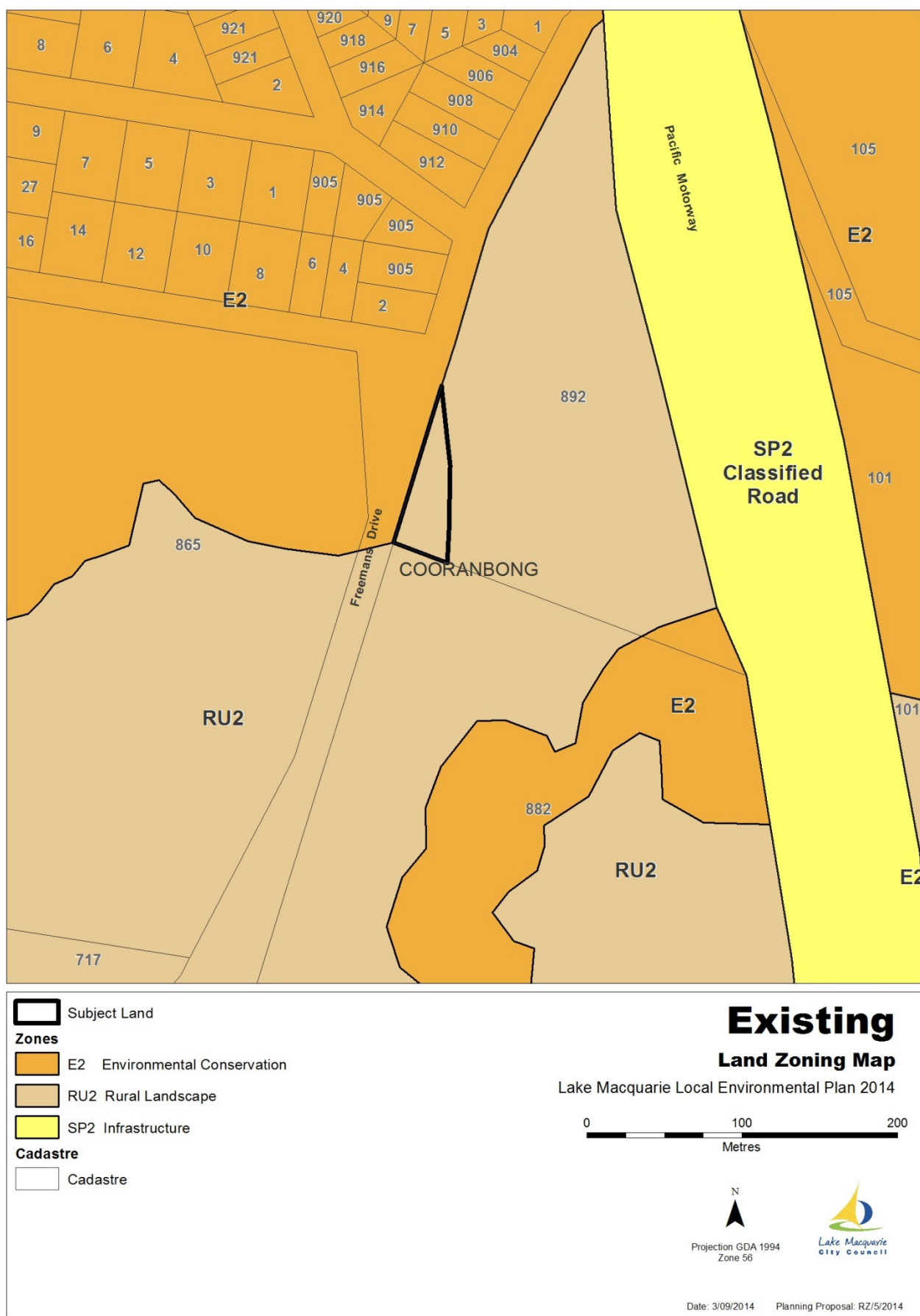


Figure 10: Item 3 - Aerial photograph of subject land



Item 4: 18 Kalang Road, DORA CREEK

The following maps illustrate the proposed amendments to LMLEP 2014:

- Figure 14: Item 4 - Aerial photograph of subject land
- Figure 15: Item 4 - Existing Land Zoning Map (LZN)
- Figure 16: Item 4 - Existing Land Reservation Acquisition Map (LRA)
- Figure 17: Item 4 - Proposed Land Reservation Acquisition Map (LRA)



 Subject Land

 Cadastre

 Cadastre

Air Photo
2012 Aerial Photography
 Aerial Imagery Vekta 2012

0  100
 Metres

N

 Projection GDA 1994
 Zone 56


 Lake Macquarie
 City Council

Date: 3/09/2014 Planning Proposal: RZ/5/2014

Figure 14: Item 4 - Aerial photograph of subject land