

Reclassification and rezoning of surplus land to transport interchange, Cardiff

Proposal Title : **Reclassification and rezoning of surplus land to transport interchange, Cardiff**

Proposal Summary : **Reclassification and rezoning of various sites associated with the Lake Macquarie Transport Interchange (new road intersection) residue land at Cardiff**

PP Number : **PP_2015_LAKEM_009_00** Dop File No : **15/16595**

Proposal Details

Date Proposal Lodged with DOP : **30-Nov-2015** Date Proposal Uploaded to Public Website : **01-Dec-2015**

Proposal Assessment

Is Public Hearing Required by PAC? **No**

Agencies Requested to Consult : **Mine Subsidence Board
NSW Rural Fire Service**

Gateway Determination

Decision Date : **08-Dec-2015** Gateway Determination : **Passed with Conditions**

Due Date of LEP : **15-Dec-2016**

Implementation

Implementation Start Date : **15-Dec-2015** Exhibition Duration : **29**

Agency consultation consistent with recommendation : **Yes**

If No, comment :

Agency Objections : **No**

If Yes, comment :

Documentation consistent with Gateway : **Yes**

If No, comment : **GATEWAY DETERMINATION**
On 8 December 2015 the Regional Director, Hunter & Central Coast as the Minister's delegate determined under section 56(2) of the EP&A Act that the Planning Proposal PP_2015_LAKEM_009_00 should proceed subject to conditions.

TIMEFRAME
The Minister's delegate provided a 9 month timeframe for completing the Planning Proposal being due 15 August 2016. An Alteration to the Gateway determination was issued 21 June 2016, which extended the timeframe for completely the LEP until 15 December 2016.

PARLIAMENTARY COUNSEL OPINION

A final PC Opinion was issued on the 13 December 2016. Council was formally consulted on the draft LEP pursuant to s.59(1) of the EP&A Act on 6 December 2016. Council confirmed on 7 December 2016 that it was satisfied that the draft LEP met the intentions of the Planning Proposal.

PUBLIC PARTICIPATION

The draft LEP was exhibited from 1 February to 29 February 2016. Three written submissions were received. All submissions objected to the removal of the traffic lights at the Cedar Street/Main Road Intersection. This issue is not a matter for consideration at the rezoning/reclassification stage. Council has forwarded the matter to its Asset Management Department for action.

In accordance with section 52(d) of the EP&A Act, Lake Macquarie Council was required to undertake agency consultation with the Mine Subsidence Board and the NSW Rural Fire Service to comply with relevant S.117 Directions. This is discussed below. There are no unresolved agency objections.

It is considered that Council has satisfactorily completed agency and public consultation as per the Gateway Determination.

PUBLIC HEARING

The Gateway Determination did not require a public hearing to be held into the matter by any person or body under section 56(2) of the EP&A Act. The planning proposal involves reclassification of land from community to operational land, therefore in accordance with the Local Government Act, a public hearing was held on 3 May 2016. No members of the public attended the hearing, and no feedback was received in relation to this proposal.

CHANGES MADE TO THE PLANNING PROPOSAL AFTER EXHIBITION

The Planning Proposal was updated to reflect public participation and exhibition details.

A minor zoning change was also made to the zoning pattern after exhibition. A small access handle was proposed to be zoned R2, the same as the adjoining land. However, the access handle will serve the R3 land to the south, and is required to be zoned R3 to permit the proposed medium density development on this R3 land. The development outcome of the access handle has not changed and the Regional Office advised Council the matter was considered minor. Council concluded re-exhibition was not required.

There has been no change to the objectives or intent of the Planning Proposal post exhibition.

CONSISTENCY WITH STATE POLICIES AND S.117 DIRECTIONS

The proposal is considered consistent with all relevant State Environmental Planning Policies (SEPPS).

Consultation was required from the Mine Subsidence Board to comply with S.117 Direction 4.2 Mine Subsidence and Unstable Land. Their submission noted that any proposed subdivision or erection of improvements on site will need to seek the Board's approval, however this can be addressed at the development assessment stage.

Consultation was required from the NSW Fire Service to comply with S.117 Direction 4.4 Planning for Bushfire Protection. Their submission noted that any future development of bush fire prone land shall comply with Planning for Bushfire Protection 2006. This will also be addressed at the development

assessment stage.

The Minister's delegate agreed at the Gateway determination to the inconsistency to Section 117 Direction 1.1 Business and Industrial Zones. Under Direction 6.2 Reserving Land for Public Purposes, the Ministers Delegate agreed to the reduction of land for public purposes. There are no unresolved S.117 Directions.

The Hunter Regional Plan was released in October 2016, during final drafting of the plan. The planning proposal is consistent with the Regional Plan.

GOVERNOR'S APPROVAL

The Governor's approval is not required for the application of clause 5.2(5) of the LM LEP 2014. The subject land being reclassified is not a public reserve and the interests applying to the land are to be retained.

CONCLUSION

It is recommended that the Planning Proposal proceed, to enable the Plan to be made.

Council has complied with the conditions of the Gateway Determination and the provisions of the Environmental Planning and Assessment Act, and the Planning Proposal PP_2015_LAKEM_009 is supported. A PC Opinion has been issued and there has been no change to the LEP since the PC Opinion was issued.

LEP Assessment

Date Received from RPA : **22-Jul-2016**

LEP Determination

DatePublishNotification

Date sent to Parliamentary Council to Draft LEP : **06-Sep-2016**

Determination Date :

Determination Decision :

Notification Date :