

# PLANNING PROPOSAL

**Version for Final Report to DP&E**

**Draft Amendment 16 to Lake Macquarie Local Environmental  
Plan 2014 - F2015/00895**

**Reclassification and Rezoning of Lake Macquarie Transport  
Interchange Residue Land at**

**Various Sites Main Road CARDIFF, Cedar Street CARDIFF, Glendale Road  
GLENDALE & Vena Street GLENDALE**

Prepared by

**LAKE MACQUARIE CITY COUNCIL**



# CONTENTS

## INTRODUCTION

- 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** Maps
- PART 5** Community Consultation
- PART 6** Project Timeline

## APPENDIX:

- Annex A** Maps
- Annex B** SEPP Assessment
- Annex C** Ministerial Directions Assessment
- Annex D** Council Resolutions
- Annex E** Changes to Schedule 4 of Lake Macquarie LEP 2104
- Annex F** Gateway Approval
- Annex G** Public Authorities Submissions
- Annex H** Independent Facilitator's Report for Public Hearing
- Annex I** Supporting Information
- Title Searches & Interests in Land

# Planning Proposal

## LMTI Residue Land CARDIFF

Draft Amendment 16 to Lake Macquarie Local Environmental Plan 2014 -  
F2015/00895

**Version for Final Report to DP&E**

<b>Local Government Area:</b>	Lake Macquarie City Council (LMCC)
<b>Name of Draft LEP:</b>	Draft Amendment 16 to Lake Macquarie Local Environment Plan 2014 - F2015/00895
<b>Subject Land:</b>	<p>The planning proposal includes the following 18 items:</p> <p>Item 1: 427A Main Road CARDIFF Lot 12 DP 10580 Lot 11 DP 10580 Lot 1 DP 1132785</p> <p>Item 2: Part of Road Reserve within Glendale Road GLENDALE (Adjoining 54 Glendale Drive)</p> <p>Item 3: Part of Road Reserve within Glendale Road CARDIFF (Adjoining 427A Main Road)</p> <p>Item 4: 2C Vena Street GLENDALE Whole of Lot 11 DP 1208800</p> <p>Item 5: 45 Glendale Drive GLENDALE Lot 34 DP 659638</p> <p>Item 6: 47 Glendale Drive GLENDALE Lot 1 DP 656808</p> <p>Item 7: 431 Main Road GLENDALE Lot 200 DP 625381</p> <p>Item 8: 396C Main Road CARDIFF Lot 91 DP 1208799</p> <p>Item 9: Part Road Reserve within Cedar Street CARDIFF (Adjoining 406-408 Main Road)</p> <p>Item 10: Part of 398 Main Road CARDIFF Part of Lot 8 DP 22637</p> <p>Item 11: Part of 400 Main Road CARDIFF Part of Lot 7 DP 22637</p> <p>Item 12: Part of 402 Main Road CARDIFF Part of Lot 6 DP 22637</p>

	<p>Item 13: Part of 404 Main Road CARDIFF Part of Lot 5 DP 22637</p> <p>Item 14: Part of 406 Main Road CARDIFF Part of Lot 4 DP 22637</p> <p>Item 15: Part of 408 Main Road CARDIFF Part of Lot 3 DP 22637</p> <p>Item 16: Part of 410 Main Road CARDIFF Part of Lot 2 DP 22637</p> <p>Item 17: Part of 412 Main Road CARDIFF Part of Lot 1 DP 22637</p> <p>Item 18: Part of 1 Cedar Street CARDIFF Part of Lot 101 DP 24882</p> <p><i>(Refer to Annex A for further details)</i></p>
<b>Land Owners:</b>	Lake Macquarie City Council (LMCC) except item 18 which is privately owned
<b>Applicant:</b>	Lake Macquarie City Council (LMCC)
<b>Department of Planning and Environment reference number:</b>	PP_2015_LAKEM_009_00
<b>Council Reference Number:</b>	F2015/00895
<b>Date:</b>	July 2016
<b>Author:</b>	Joanne Marshall – Statutory Property Officer

## Part 1 – OBJECTIVES OR INTENDED OUTCOMES

Lake Macquarie City Council intends to construct a road intersection upgrade at Main Road and Glendale Drive, Glendale, as shown in Annex A. The objective of the planning proposal is:

- To ensure that Council owned land containing the approved road intersection upgrade is zoned to reflect the intended infrastructure use of the land (items 4 to 17);
- To ensure privately owned land not associated with the road intersection upgrade is zoned to reflect the residential existing use of the land (item 18); and
- To allow surplus Council owned land not required for the road intersection upgrade, or any other public use, to be redeveloped for residential housing (items 1 to 3).

## Part 2 – EXPLANATION OF PROVISIONS

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

Item No.	Explanation of provisions
1	<ul style="list-style-type: none"> <li>• Reclassify from Community Land to Operational Land (see Annex E)</li> <li>• Rezone from part RE1 Public Recreation &amp; part SP2 Infrastructure to R3 Medium Density Residential</li> <li>• Amend the Height of Buildings map from 8.5m (green) to 10m (yellow)</li> <li>• Include in the Lot Size map 900m<sup>2</sup> (coloured pink)</li> </ul>
2 - 3	<ul style="list-style-type: none"> <li>• Rezone from SP2 Infrastructure to R3 Medium Density Residential</li> <li>• Amend the Height of Buildings map from 8.5m (green) to 10m (yellow)</li> <li>• Include in the Lot Size map 900m<sup>2</sup> (coloured pink)</li> </ul>
4 - 5	<ul style="list-style-type: none"> <li>• Rezone whole of site from R2 Low Density Residential to SP2 Infrastructure</li> <li>• Remove the land from the Height of Buildings map</li> <li>• Remove the land from the Lot Size map</li> </ul>
6 - 9	<ul style="list-style-type: none"> <li>• Rezone whole of site from R3 Medium Density Residential to SP2 Infrastructure</li> <li>• Remove the land from the Height of Buildings map</li> <li>• Remove the land from the Lot Size map</li> </ul>
10 - 15	<ul style="list-style-type: none"> <li>• Rezone <u>part</u> of site from R3 Medium Density Residential to SP2 Infrastructure</li> <li>• Remove the land from the Height of Buildings map</li> <li>• Remove the land from the Lot Size map</li> </ul>
16 & 17	<ul style="list-style-type: none"> <li>• Rezone from <u>part</u> R3 Medium Density Residential &amp; <u>part</u> B4 Mixed Use to part R3 Medium Density Residential &amp; part SP2 Infrastructure</li> <li>• Amend the Height of Buildings map for <u>part</u> of site from 13m (beige) to 10m (yellow) and remove <u>part</u> of site from the Height of Buildings map</li> <li>• Include <u>part</u> of site uncoloured in the Lot Size map 900m<sup>2</sup> (coloured pink) and remove <u>part</u> of the site from the Lot Size map</li> </ul>

Item No.	Explanation of provisions
18	<ul style="list-style-type: none"> <li>• Rezone <u>part</u> of site from B4 Mixed Use to R3 Medium Density Residential</li> <li>• Amend the Height of Buildings map for <u>part</u> of site from 13m (beige) to 10m (yellow)</li> <li>• Include <u>part</u> of site uncoloured in the Lot Size map 900m<sup>2</sup> (coloured pink)</li> </ul>

The provisions of the Planning Proposal are illustrated on the maps in Annex A.

## 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?

No. The planning proposal has not been prepared following a strategic study or report. On 28 September 2015, Lake Macquarie City Council resolved to prepare a planning proposal to ensure that the land use zoning around the intersection upgrade reflects the intended uses of the land, and to allow surplus Council land to be sold for residential housing (see Annex D for details). It should be noted that the planning proposal is not required to allow construction of the intersection upgrade, as relevant approvals allowing construction have been granted.

Necessary investigations were undertaken into each property to determine how they were acquired and their appropriateness for reclassification and rezoning (where applicable). The outcomes of these investigations and reasoning to pursue the proposed amendments are outlined below:

Item No	Justification
1	<ul style="list-style-type: none"> <li>• The land is approximately 2,645sqm and is currently vacant containing some remnant bushland. Lots 11 &amp; 12 DP 10580 were transferred to Council in 1957 as a land exchange with the Diocese of Church of England for road widening purposes. The adjoining land at Lot 1 DP 1132785 (being part of Lot 10 DP 10580) was also acquired for road widening and drainage purposes. Unfortunately the land was not advertised as Operational Land in 1993 and became Community Land by default.</li> <li>• The new alignment of Glendale Drive now by-passes the site and accordingly the land is considered surplus to Council's needs. It is considered unsuitable for public recreation due to its limited access, and the close proximity of other larger public recreation spaces within the immediate area.</li> <li>• It is intended that this land will be consolidated with the adjoining land (item 2 and 3) to provide one large residential lot which shall be rezoned and sold for multi-unit housing redevelopment.</li> </ul>
2, 3 & 9	<ul style="list-style-type: none"> <li>• These are currently roads with RMS the relevant roads authority for Main Road &amp; Glendale Drive, and Council the relevant roads authority</li> </ul>

	<p>for Cedar Street. Council &amp; RMS have entered into a Works Authorisation Deed for Council to carry out the works. The new alignment of Glendale Drive with Main Road, makes these sections of the roads redundant. Accordingly, these sections of road will be closed by Council under separate application through the Roads Act 1997, and upon closure roads become operational land.</p> <ul style="list-style-type: none"> <li>• It is intended that items 2 and 3 will be consolidated with item 1, and item 9 will be consolidated with items 8 to 17, to provide two large residential lots which shall be rezoned and sold for multi-unit housing redevelopment.</li> </ul>
4 & 8	<ul style="list-style-type: none"> <li>• Council resolved to acquire land by compulsory acquisition 11/08/2014</li> <li>• Land compulsorily acquired May 2015.</li> <li>• Advertised as Operational Land August 2015.</li> <li>• Land required for the new alignment of Glendale Drive/Main Road.</li> <li>• It is intended that this land will be rezoned for infrastructure and dedicated as road.</li> </ul>
5	<ul style="list-style-type: none"> <li>• Council resolved to acquire land by compulsory acquisition 11/08/2014</li> <li>• Land compulsorily acquired May 2015.</li> <li>• Advertised as Operational Land February 2015.</li> <li>• Land acquired to provide driveway access to the two adjoining properties at 2 Vena Street &amp; 433 Main Road.</li> <li>• It is intended that this land will be rezoned for infrastructure and dedicated as road.</li> </ul>
6 & 16	<ul style="list-style-type: none"> <li>• 2/05/1994 Council resolved to a land swap to acquire land from Stockland Trust</li> <li>• Land acquired September 1994</li> <li>• Land made Operational Land under Amendment No 63 to Lake Macquarie LEP 2004 Gazetted April 2013</li> <li>• Land originally acquired for major upgrade of the Glendale Drive/Main Road intersection.</li> <li>• It is intended that the whole of Item 6 will be rezoned for infrastructure and dedicated as road.</li> <li>• It is intended that the front portion of Item 16 will be rezoned for infrastructure and dedicated as road, with the remaining land to be consolidated with the adjoining land to provide one large residential lot which shall be sold for multi-unit housing redevelopment.</li> </ul>
7, 10, 11, 13 & 14	<ul style="list-style-type: none"> <li>• Council resolved to acquire land by compulsory acquisition 11/08/2014</li> <li>• Advertised as Operational Land 13/12/2014</li> <li>• 431 Main Road was acquired for the new alignment of Glendale Drive, and remaining properties for the left hand turning lane off Main Road.</li> <li>• It is intended that the whole of Item 7 will be rezoned for infrastructure and dedicated as road.</li> <li>• It is intended that the front portion of Items 10, 11, 13 &amp; 14 will be rezoned for infrastructure and dedicated as road, with the remaining land to be consolidated with the adjoining land to provide one large residential lot which shall be sold for multi-unit housing redevelopment.</li> </ul>
12	<ul style="list-style-type: none"> <li>• Council resolved to acquire land by compulsory acquisition 11/08/2014</li> <li>• Land acquired January 2015</li> <li>• Advertised as Operational Land February 2015.</li> <li>• Land required for left hand turning lane off Main Road.</li> </ul>

	<ul style="list-style-type: none"> <li>It is intended that the front portion of the land will be rezoned for infrastructure and dedicated as road, with the remaining land to be consolidated with the adjoining land to provide one large residential lot which shall be sold for multi-unit housing redevelopment.</li> </ul>
15	<ul style="list-style-type: none"> <li>28/10/1996 Council resolves to purchase property (up for sale) for road widening purposes</li> <li>Land acquired December 1996</li> <li>Advertised as Operational Land November 1996</li> <li>Land originally acquired for major upgrade of the Glendale Drive/Main Road intersection.</li> <li>It is intended that the front portion of the land will be rezoned for infrastructure and dedicated as road, with the remaining land to be consolidated with the adjoining land to provide one large residential lot which shall be sold for multi-unit housing redevelopment.</li> </ul>
17	<ul style="list-style-type: none"> <li>2/05/1994 Council resolved to a land swap to acquire land from Stockland Trust</li> <li>Land acquired November 1994</li> <li>Advertised as Operational Land September 1994</li> <li>Land originally acquired for major upgrade of the Glendale Drive/Main Road intersection.</li> <li>It is intended that the front portion of the land will be rezoned for infrastructure and dedicated as road, with the remaining land to be consolidated with the adjoining land to provide one large residential lot which shall be sold for multi-unit housing redevelopment.</li> </ul>
18	The land is no longer required for road infrastructure purposes and is privately owned. It is proposed to remove the thin slither of B4 Mixed Use zone at the rear of the site in order to make the whole site residential in accordance with the adjoining land.

The realignment of the roads and the proposed changes to the adjoining land are illustrated on the maps in Annex A.

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

The proposed Planning Proposal amendments are considered the best means of achieving the intended outcome for these properties. Lake Macquarie Council has slowly been acquiring land for the realignment of this intersection for a long time. Now that the final road layout has been adopted, it is clear which parts of the sites are to be used for road and which land is now surplus to Council's needs and accordingly can be consolidated and sold as large residential lots suitable for redevelopment as multi-unit housing.

Even though Lots 11 & 12 were originally acquired by Council for road widening purposes, and Lot 1 for drainage purposes. These lands were classified as Community land by default, as they were not classified as Operational Land in 1993 under adoption of the new Local Government Act. Accordingly, a reclassification of this land is now required, along with the tidying up of the zoning boundaries, which is best achieved through a planning proposal and subsequent Local Environmental Plan amendment.

Investigations reveal that the land **was not** dedicated to Council in lieu of section 94 contributions and therefore reclassification by way of LEP amendment, pursuant to the provisions of the Environmental Planning and Assessment Act 1979, is the only action available to achieve the desired outcomes.

3. (a) If the provisions of the planning proposal include the extinguishment of any interests in the land, what are the reasons why the interests are proposed to be extinguished.

Investigation has been carried out regarding the interests in the land including Public Reserve Notations, caveats, covenants and restrictions pursuant to section 30 of the Local Government Act 1993. The following table identifies these interests, what they relate to, and if these interests will be extinguished and why:

Item No	Address	Current Interests in the land	What interest relates to	Will interest be extinguished and why
1	427A Main Road, Cardiff (Lot 11 & 12 DP 10580 & Lot 1 DP 1132785)	A276319	Minerals	No

Please see Annex E for proposed changes to Schedule 4 of Lake Macquarie Local Environmental Plan 2014.

3. (b) The concurrence of the landowner, where the land is not owned by the relevant planning authority.

Pursuant to section 28 of the Local Government Act 1993, Council may not forward a Planning Proposal which includes a proposal to classify or reclassify public land, without the approval of the owner of that land.

Lake Macquarie Council is the landowner for all of the sites proposed to be reclassified.

It should be noted that Main Road & Glendale Drive are designated Main Roads (under the Roads Act 1993). Roads and Maritime Services (RMS) have given their consent for both the proposed road closures and proposed rezonings over the affected roadways (see Annex G). Council have also entered into a "Works Authorization Deed" (WAD) for Council to carry out the necessary road works. Clause 3 of the WAD gives RMS approval for Council to carry out the intersection works as follows:

### 3. RMS authorisation under Roads Act

Provided that RMS has made a determination under **clause 2** that the Works may proceed, or where the Works constitute exempt development under the Infrastructure SEPP, by issuing the authorisation letter referred to in **clause 8.1**, RMS authorises the Works under the Act and, to the extent that any consent is required, consents, pursuant to sections 64, 71, 72 and 87 and 138 of the Act, to the Developer and its authorised employees and contractors carrying out the Works within, over or across the Road and road reserves applicable to the Road in accordance with the Act subject to the terms of this Deed.

## 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)?

### *Lower Hunter Regional Strategy*

The proposed reclassifications and rezoning are generally consistent with the Lower Hunter Regional Strategy (LHRS), which has a focus on encouraging residential development and increasing housing choice. The strategy specifically identifies Glendale as an emerging Major Regional Centre, and the Glendale – Edgeworth corridor [along Main Road] as an important renewal corridor, with a projected increase in dwellings by 4,000.

The Hunter Regional Strategy has identified the Lake Macquarie Transport Interchange (LMTI) stating “This project is located in Lake Macquarie City Council’s LGA and has support from all Hunter Council’s...”. The LMTI is also identified in the Hunter Regional Transport Plan.

The proposal is not contrary to the provisions of the Lower Hunter Conservation Plan.

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

### *Lifestyle 2030 Strategy*

Lifestyle 2030 (LS2030) provides the long-term direction for the overall development of the city and describes Council’s high level policies for managing private and public development within Lake Macquarie.

The planning proposal is generally consistent with the urban structure maps in the LS2030, which identifies Glendale as an emerging regional centre located within a ‘growth and expansion corridor’. The planning proposal will facilitate the upgrade of the road network around the emerging Glendale regional centre and allow surplus land to be redeveloped for residential housing.

The site is not identified in the Green System map as having any significant environmental features.

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

An assessment of the proposal against the relevant State Environmental Planning Policies (SEPPs) is provided within *Annex B*.

Only two State Environmental Planning Policies apply to the site, No 19—Bushland in Urban Areas and No 32-Urban Consolidation (Redevelopment of Urban Land). The planning proposal complies with the latter policy and in accordance with clause 8 is not considered to be of regional significance.

Although item 1 does contain bushland in an urban area, due to its small size, access problems and availability of larger bushland areas within the immediate area, it is not

considered to be significant to the area. In accordance with clause 10(b) of SEPP No 19, it is considered that the economic and social benefits of redeveloping this gateway site will outweigh the value of the bushland.

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

An assessment of the proposal against the Section 117 Ministerial Directions is provided within *Annex C*.

Items 17 and 18 of the planning proposal are proposing to remove B4 Mixed Use zone from the land which is inconsistent with Direction 1.1 of the Section 117 Ministerial Directions. However, as the loss of business zoned land is less than 1%, in accordance with clause (5) of that direction, it is considered to be of minor significance.

Item 1 of the planning proposal is proposing to remove land reserved for public purposes which is inconsistent with Direction 6.2 of the Section 117 Ministerial Directions. However, the loss of this land is also considered to be of minor significance in accordance with (8)(d) of that direction, as the area is well serviced by pockets of similar open space, and with the new intersection this land would be difficult for the public to access.

Under the Gateway approval, the Minister's delegate has given his approval for these inconsistencies.

The planning proposal is considered to be consistent with the other relevant Section 117 directions. Consultation has now been carried out with the Mine Subsidence Board (4.2) and the Rural Fire Service (4.4) who raised no objections.

## **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?*

Only item 1, the land proposed for reclassification, contains any trees or substantial vegetation. Under Council's mapping system this vegetation is identified as 30e – Coastal Plains Stringybark – Apple Forest. Council's Lake Macquarie Native Vegetation & Corridors map, shows this vegetation as being "partially cleared remnant native vegetation", but not identified within a corridor.

The vegetation contained on the site is not considered significant bushland, as the vegetation cover is small (<1,200sqm) and does not cover all of the site as some of the site currently has Glendale Drive over it. Further, it is disturbed vegetation which has had a large area of the under storey cleared and mowed by adjoining owners for their use. The Glendale/Cardiff area also contains much larger and more significant areas of natural bushland than the current land.

The land has not been identified as containing critical habitat or threatened species, populations or ecological communities, or their habitats.

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

The land proposed for reclassification (item 1) has not been identified as flood liable or contaminated land.

It has been identified under Council's mapping system as being partly bush fire vegetation category 2 and accordingly is partly bushfire prone and partly within the buffer zone. Methods to manage this would be discussed at Development Application stage if the reclassification and rezoning were approved.

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

The proposed reclassification and rezoning will largely have positive social and economic benefits for the community in that it will enable the sale of Council owned land that has been identified as surplus to its needs to be redeveloped for residential housing.

No negative social or economic effects are anticipated from the proposed amendments.

## **Section D – State and Commonwealth Interests**

11. Is there adequate public infrastructure for the planning proposal?

The proposal will not require any changes to the delivery of public infrastructure to the land included in the Planning Proposal.

12. What are the views of State and Commonwealth Public Authorities consulted?

Consultation with the following government agencies:

- Mine Subsidence Board
- Rural Fire Service

have been undertaken in accordance with the Gateway Determination, and no objections have been raised (see Annex G).

## **Part 4- Maps**

The maps proposed to be included as part of the LEP Amendment are outlined within Part 2 of this Planning Proposal and are attached within *Annex A*.

## Part 5- Community Consultation

Community consultation has been undertaken in accordance with the requirements of section 57 of the *Environmental Planning and Assessment Act 1979*, section 29 of the *Local Government Act 1993* and the Department's LEP guideline "A guide to preparing local environmental plans" (April 2013).

### Consultation with Public Authorities/Groups

The following public authorities/groups have been consulted – Mine Subsidence Board, Rural Fire Service and Awabakal Aboriginal Land Council.

No objections were received in relation to the Planning Proposal (See Annex G).

### Exhibition

The planning proposal was exhibited for 28 days from 1 February to 29 February 2016 in accordance with section 5.5.2 of the Department's LEP guideline. The exhibition was advertised in a free local newspaper and on Council's website. In addition, any identified affected landowners and adjoining landowners were notified of the proposal.

Three submissions were received during the public exhibition period. These have been summarized and addressed in the report to Council dated 9 May 2016 (see Annex D).

### Public Hearing

In accordance with section 29 of the *Local Government Act 1993*, a public hearing was held on 3 May 2016. The public hearing was undertaken in accordance with section 5.5.3 of the Department's LEP guideline. Public notice of the public hearing was sent to submission makers and published in the local paper at least 21 days before the start of the public hearing.

The independent facilitator's report prepared for the Public Hearing has summarised the feedback and is contained within Annex H.

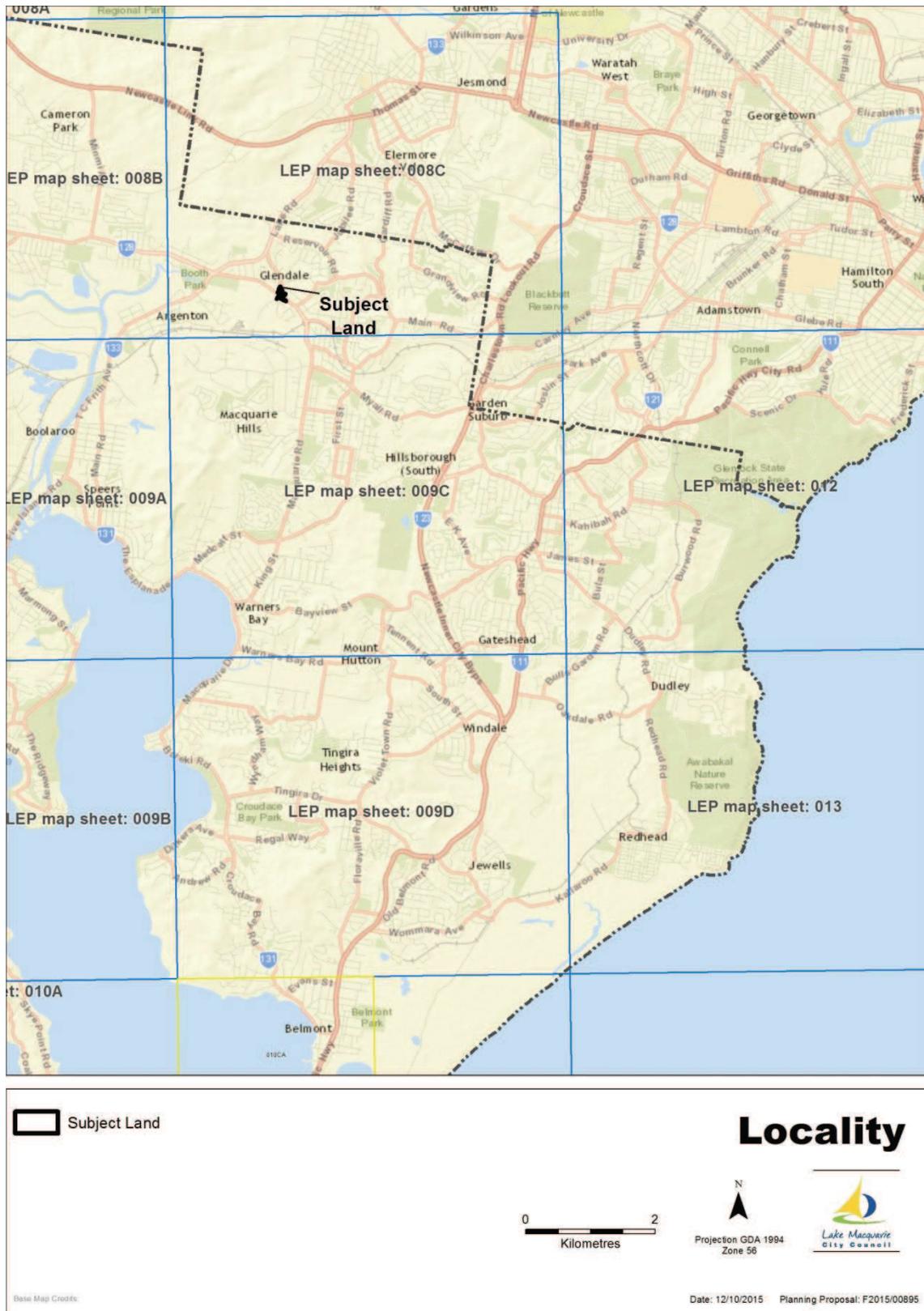
## Part 6 – Project Timeline

The following table provides an indicative timeline for the Draft Local Environmental Plan:

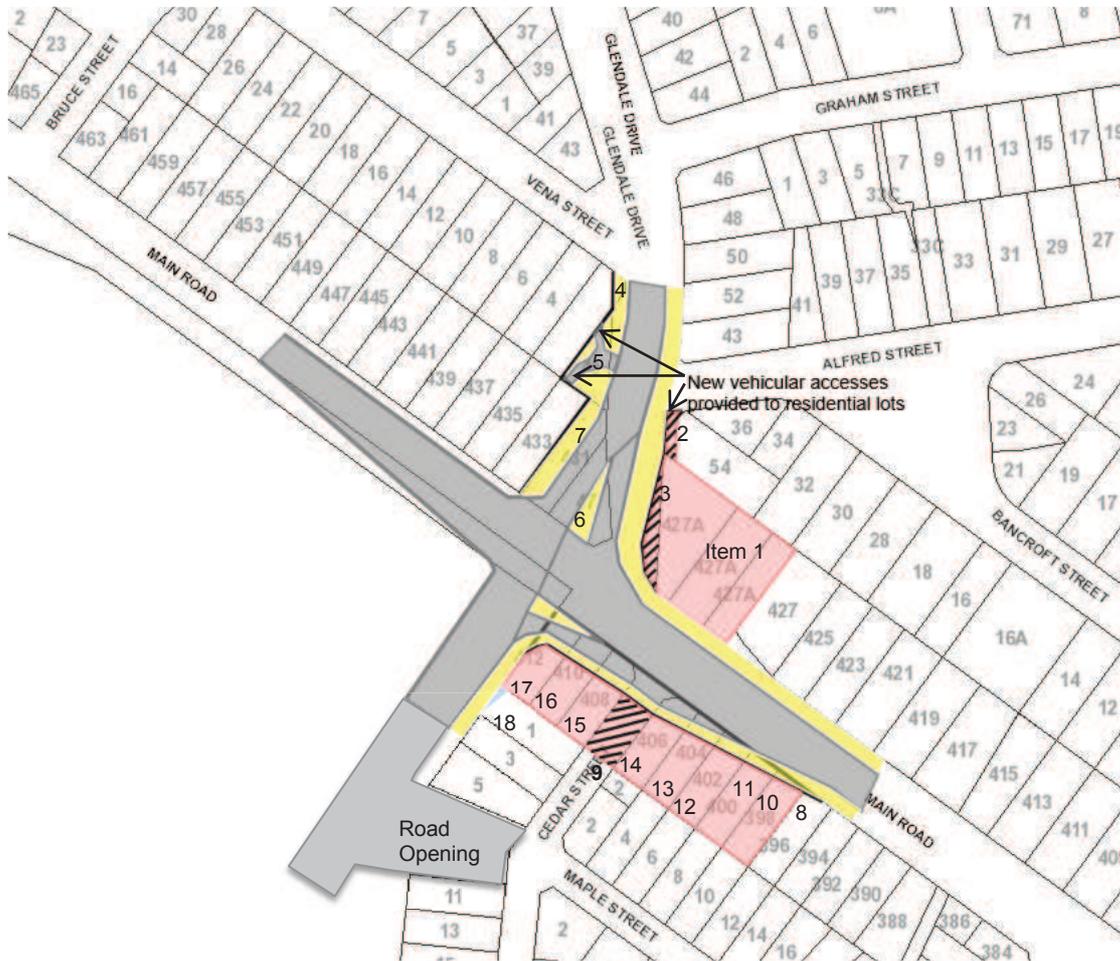
Task	Timeline
Gateway Determination	December 2015
Public Exhibition (28 days)	January – February 2016
Public Hearing	March 2016
Consideration of submissions & prepare report on Public Hearing	April 2016
Report to Council post exhibition	May 2016
Submission to Department	August 2016
Notification of Plan Made	October 2016

# ANNEX A - MAPS

Figure 1 – Locality map



*Figure 2 – Map showing proposed road realignment*



**Key:**

- |                    |  |
|--------------------|--|
| Grey land          | Proposed road realignment  |
| Yellow land        | New or existing SP2 zoned land   |
| Black Hatched land | Proposed road closures to be incorporated within adjoining land                                  |
| Red land           | New R3 Medium Density land to be consolidated into 2 new lots 427A Main Road & 398-412 Main Road |
| Blue land          | Rezone from B4 Mixed Use to R3 Medium Density Residential  |

Figure 3 – Aerial map



Parcel Boundary  
Subject Land

### Air Photo

#### 2014 Aerial Photography

Sinclair Knight Merz 2014

0 100  
Metres

N  
Projection GDA 1994  
Zone 56



Date: 20/07/2016 Planning Proposal: F2015/00895



Figure 5 – Existing Land Zoning map



Figure 6 – Proposed Land Zoning map

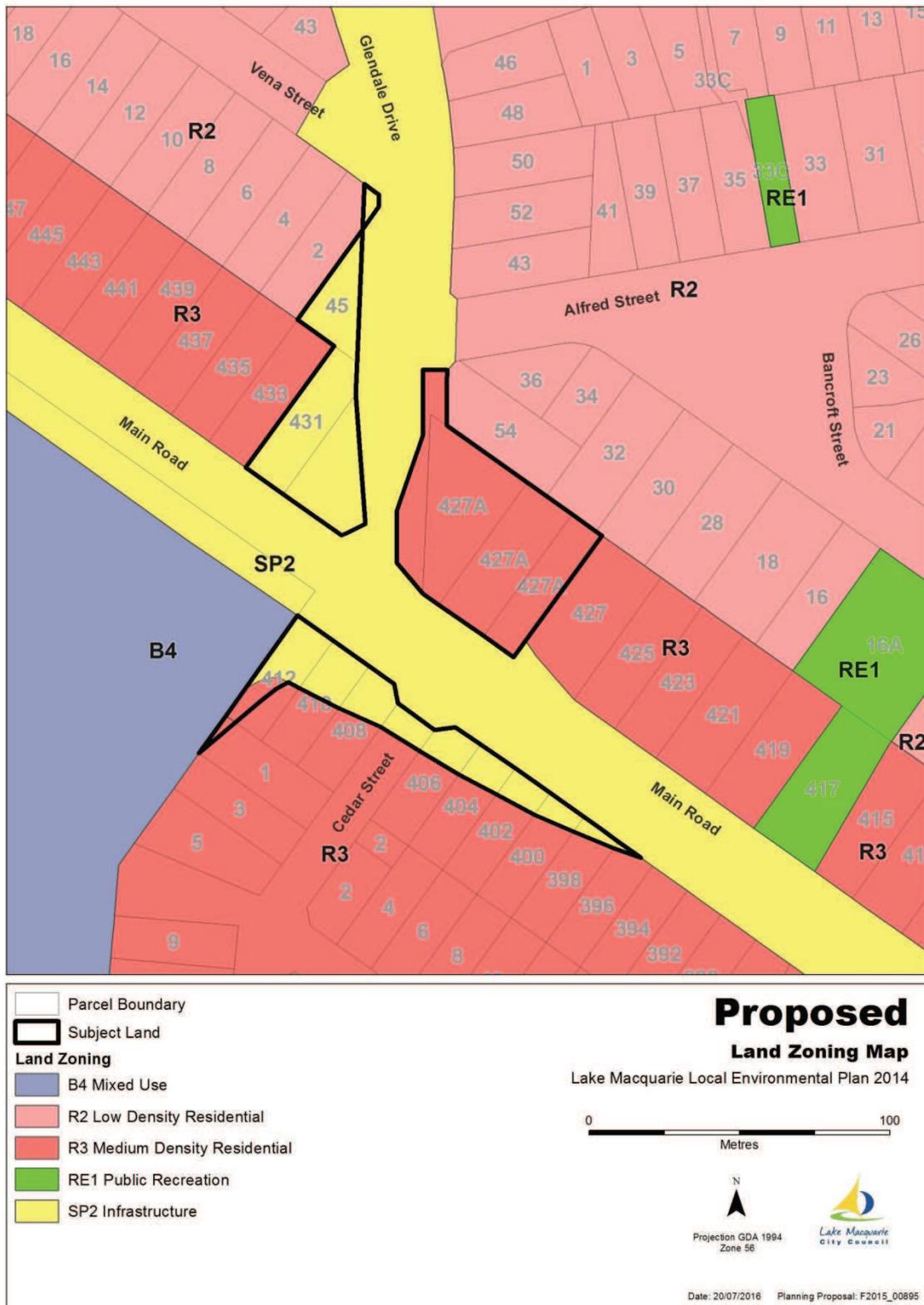


Figure 7 – Existing Height of Buildings map

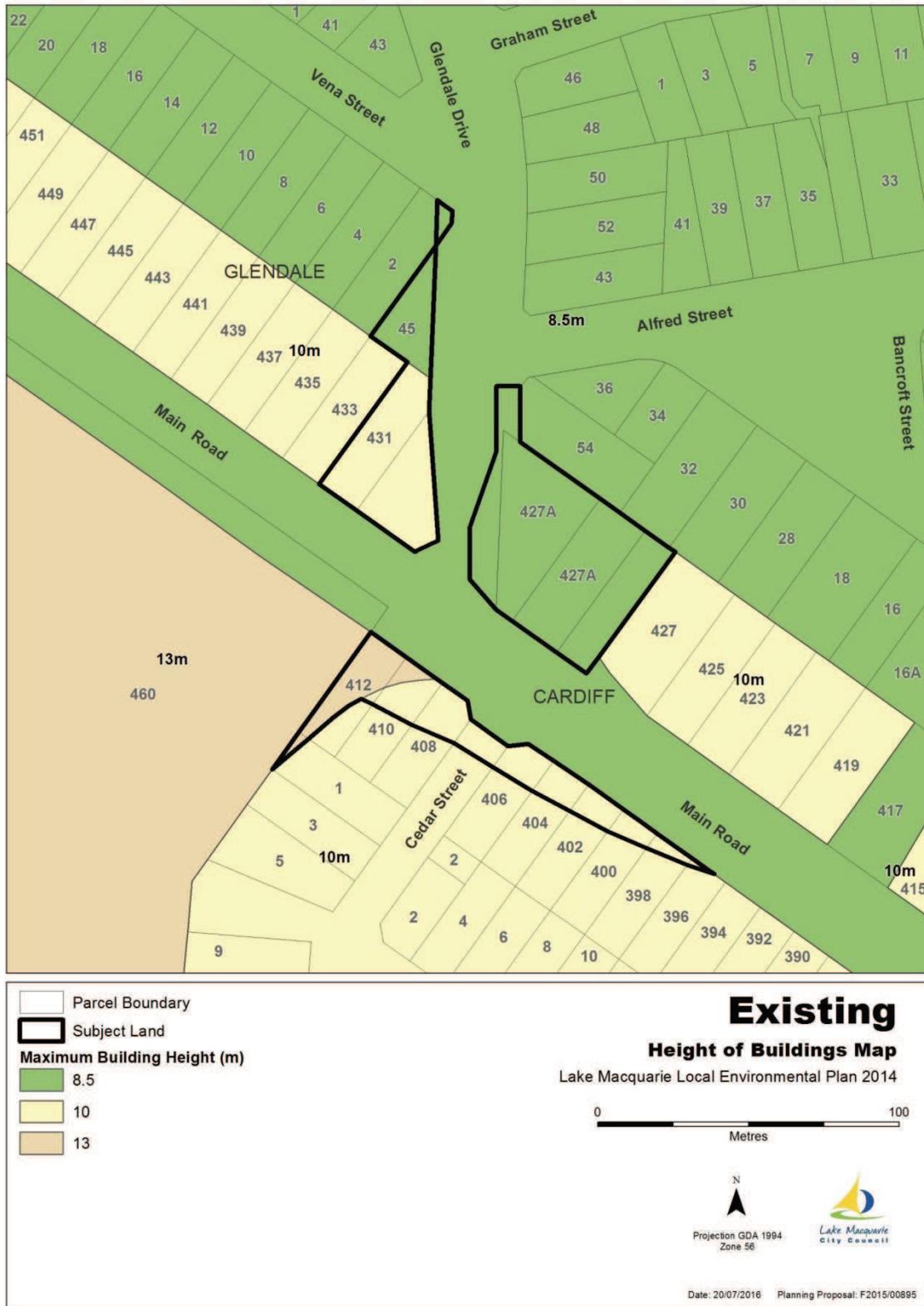


Figure 8 – Proposed Height of Buildings map

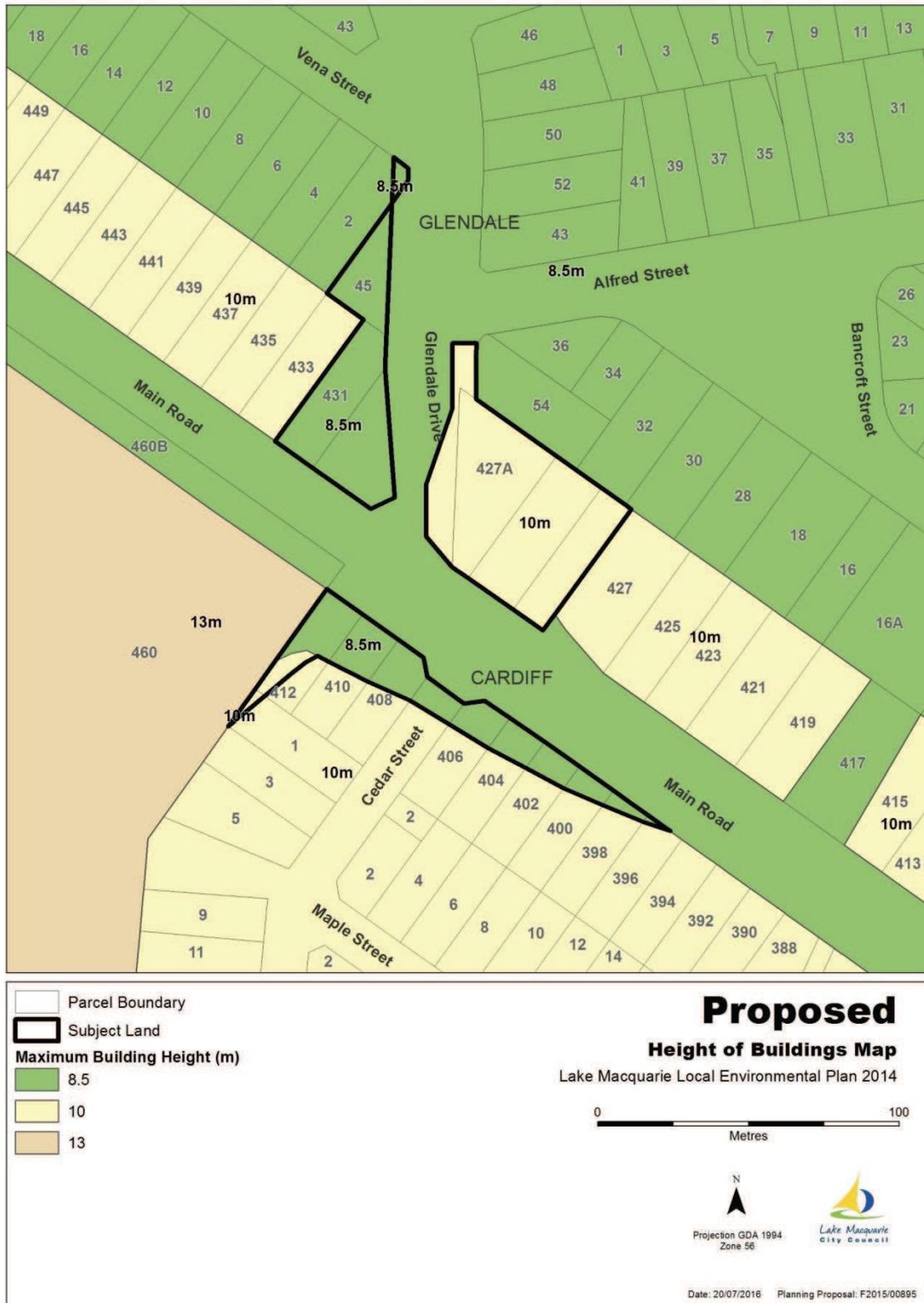
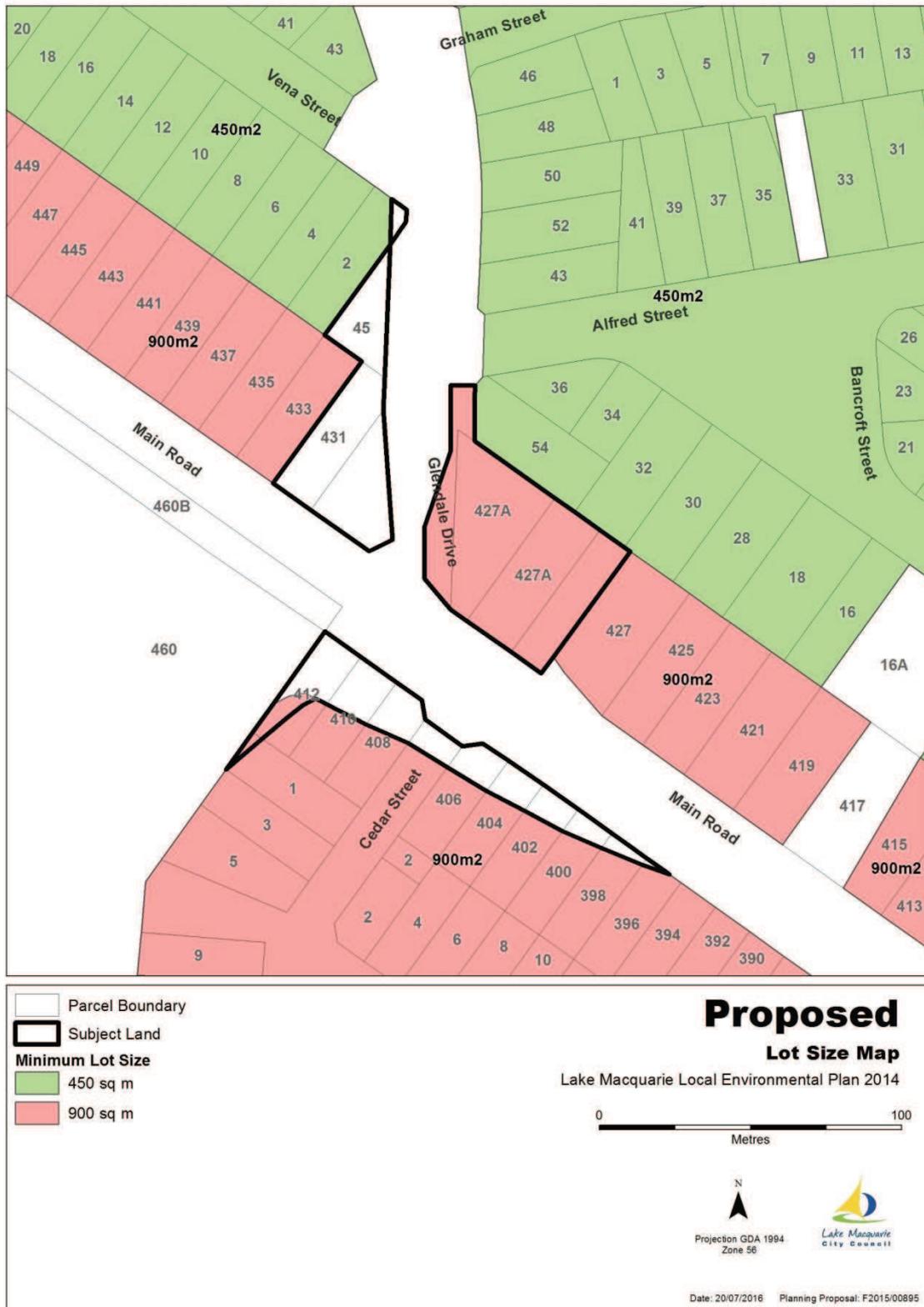




Figure 10– Proposed Lot Size map



## ANNEX B – SEPP ASSESSMENT

### *Planning Proposal's Assessment against Applicable SEPPs*

SEPP	Applicable	Consistency
State Environmental Planning Policy No 19—Bushland in Urban Areas	Yes	<p>Item 1 - 427A Main Road, CARDIFF, contains some urban bushland which has been identified as Natural Area bushland in Council's PoM. It contains a formed road and some remnant bushland that has sprouted up since the land has been acquired. This bushland is small in size (approximately 1,400sqm) and will be inaccessible once the transport interchange is constructed.</p> <p>Regard has been given to this and the immediate area has larger and more accessible natural bushland areas located at approximately 300m, 550m and 600m from the site. Accordingly, it is considered that the bushland on this site is not significant to the area.</p>
State Environmental Planning Policy No 32-Urban Consolidation (Redevelopment of Urban Land)	Yes	<p>Item 1 - 427A Main Road, Cardiff (Lot 11 &amp; 12 DP 10580 &amp; Lot 1 DP 1132785) – will be rezoned from part RE1 Public Recreation and part SP2 Infrastructure to R3 Medium Density Residential. Pursuant to clause 6 of the Policy, Council has considered that the following land is surplus to its needs for Public Recreation and accordingly is proposing to rezone the land to residential in accordance with the adjoining development.</p> <p>This satisfies the aims and objectives of the Policy.</p> <p>Pursuant to clause 8 of the Policy, the site is not considered to be of regional significance as it is less than one hectare in area and would accommodate less than 50 dwellings.</p>
State Environmental Planning Policy No 55 – Remediation of Land	No	<p>The land and surrounding area relating to the Planning Proposal have not been listed as contaminated, or potentially contaminated, in Council's databases. Accordingly, the planning proposal complies with this State Policy.</p>
State Environmental Planning Policy (Infrastructure) 2007	No	<p>The works on the realignment of the roads and intersection are under separate application and are being carried out by Council with RMS approval.</p> <p>This planning proposal is looking at the residue land and underlying zones only.</p>

## ANNEX C – MINISTERIAL DIRECTION ASSESSMENT

*Planning Proposal's assessment against Ministerial Directions*

Ministerial Direction	Applicable	Consistency
<b>1. Employment and Resources</b>		
1.1 Business and Industrial Zones	Yes	<p>Items 16, 17 &amp; 18 contain zone B4 Mixed Use over part of their sites being approximately 520 sqm in total. Of this approximately 407 sqm will be covered by road and is proposed to be zoned SP2 Infrastructure, with the remaining 113 sqm requiring an adjustment to the zoning boundary to align with the property boundary.</p> <p>In accordance with clause 5(d) of the direction, this is considered to be of minor significance when the entire B4 Mixed Use zone in this area is approximately 175, 280 sqm (&lt; 1 %).</p> <p>Under the Gateway approval, the Minister's delegate has agree to the inconsistency of this direction.</p>
1.2 Rural Zones	N/A	-
1.3 Mining, Petroleum Production and Extractive Industries	N/A	-
1.4 Oyster Aquaculture	N/A	-
1.5 Rural Lands	N/A	-
<b>2. Environment and Heritage</b>		
2.1 Environment Protection Zones	N/A	-
2.2 Coastal Protection	N/A	-
2.3 Heritage Conservation	N/A	-
2.4 Recreation Vehicle Area	N/A	-

*Planning Proposal's assessment against Ministerial Directions*

<b>Ministerial Direction</b>	<b>Applicable</b>	<b>Consistency</b>
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential zones	Yes	<p>The reclassification and rezoning of this planning proposal will allow the release of two large blocks with higher density residential zoning, that is identified within the Lower Hunter Regional Strategy as a growth corridor, as discussed within Part 3 – Section B (4) of the Planning Proposal. It is hoped that being located on prominent corners, this development will help to kick start medium density development within the area.</p> <p>Accordingly, it is considered that the planning proposal is consistent with the objectives of this ministerial direction.</p>
3.2 Caravan Parks and Manufactured Home Estates	N/A	-
3.3 Home Occupations	N/A	-
3.4 Integrating Land Use and Transport	Yes	<p>It is considered that the proposed reclassification and rezoning outlined within the planning proposal is identified as a growth corridor within the Lower Hunter Regional Strategy and therefore consistent with the objectives of this ministerial direction.</p> <p>This is discussed within Part 3 – Section B (4) of the Planning Proposal.</p>
3.5 Development Near Licensed Aerodromes	N/A	-
3.6 Shooting Ranges	N/A	-
<b>4. Hazard and Risk</b>		
4.1 Acid Sulfate Soils	N/A	
4.2 Mine Subsidence and Unstable Land	Yes	<p>The land the subject of the Planning Proposal is identified within a Mine Subsidence District.</p> <p>Consultation with the Mine Subsidence Board will be undertaken following receipt of the Gateway Determination to comply with the requirements of this direction.</p>

*Planning Proposal's assessment against Ministerial Directions*

<b>Ministerial Direction</b>	<b>Applicable</b>	<b>Consistency</b>
4.3 Flood Prone Land	N/A	
4.4 Planning for Bushfire Protection	Yes	The land the subject of the Planning Proposal has been identified within the Lake Macquarie Bushfire Prone Land map as partly within Buffer area, and partly within Vegetation Category 2.  Consultation with the NSW Rural Fire Service will be undertaken following receipt of the Gateway Determination to comply with the requirements of this direction.
<b>5. Regional Planning</b>		
5.1 Implementation of Regional Strategies	Yes	The Lower Hunter Regional Strategy applies to the site. The strategy has been addressed within Part 3 – Section B (4) of the Planning Proposal.
5.2 Sydney Drinking Water Catchments	N/A	-
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	-
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	-
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	-
5.6 Sydney to Canberra Corridor	N/A	-
5.7 Central Coast	N/A	-
5.8 Second Sydney Airport: Badgerys Creek	N/A	-
5.9 North West Rail Link Corridor Strategy	N/A	-
<b>6. Local Plan Making</b>		

*Planning Proposal's assessment against Ministerial Directions*

<b>Ministerial Direction</b>	<b>Applicable</b>	<b>Consistency</b>
6.1 Approval and Referral Requirements	Yes	It is considered that the planning proposal is consistent with the objectives of this ministerial direction.
6.2 Reserving Land for Public Purposes	Yes	<p>Item 1 – is zoned RE1 Public Recreation and classified Community Land, accordingly it is being reclassified and rezoned in accordance with the adjoining zones. This land was either purchased for road widening or for drainage purposes. Now that the Lake Macquarie Transport Interchange is under construction, the land acquired is now deemed to be surplus to Council's needs.</p> <p>In accordance with clause 4 of the direction, a planning proposal must not reduce land for public purposes without the approval of the Director-General (or his delegate).</p> <p>This inconsistency to the direction, is considered to be of minor significance, in accordance with clause 8(d) of the direction, as the area is well serviced by pockets of similar open space, and with the new intersection this land would be difficult for the public to access.</p> <p>Under the Gateway approval, the Minister's delegate has agree to the inconsistency of this direction.</p>
6.3 Site Specific Provisions	Yes	No site specific provisions or development standards are proposed by the planning proposal, other than those already contained within the LEP.
<b>7. Metropolitan Planning</b>		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	-

## ANNEX D – COUNCIL RESOLUTIONS

### *Council Minute Item*

#### *Action*

Ordinary Council Meeting

23/05/2016

**TRIM Ref:** D07801389

**Subject:** Cardiff (LMTI Residue Land) - Proposed Reclassification and Zoning, Road Closures and Road Dedications - Cedar Street and Glendale Drive

**Date to be Completed by:** 6/06/2016

#### *Instructions to User*

This TRIM action is assigned to you to complete. Record all actions taken in TRIM using InfoCouncil's process to add a note, and then complete the TRIM action via InfoCouncil.

#### **Council Decision:**

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91

Moved. Cr. Fraser  
Seconded. Cr. Langford

- A. Council recommends to the Department of Primary Industries – Lands, that the end of Cedar Street, Cardiff and part of Glendale Drive, Glendale at its intersection with Main Road, as hatched black on Attachment 1, be closed.
- B. Council authorises the submission of the final Planning Proposal (Attachment 4), including any necessary minor amendment, to the Department of Planning and Environment, under section 59 of the Environmental Planning and Assessment Act 1979, and requests the Department to instruct Parliamentary Counsel to prepare the legal instrument.
- C. Concurrently, Council requests the Minister for Planning to make the Lake Macquarie Transport Interchange Residue Land Amendment to the Lake Macquarie Local Environmental Plan 2014, in accordance with the final Planning Proposal.
- D. Council notifies those who made a submission during the exhibition period of Council's decision.

In accordance with Section 375A of the Local Government Act 1993 a division took place.

#### For the Motion

Cr. Fraser  
Cr. Wallace  
Cr. Johnston  
Cr. Coghlan  
Cr. Adamthwaite  
Cr. Denton

#### Against the Motion