

PLANNING PROPOSAL

Gateway Version

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

**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



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Planning Proposal

LMTI Residue Land CARDIFF

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

Gateway Version

Local Government Area:	Lake Macquarie City Council (LMCC)
Name of Draft LEP:	Draft Amendment F2015/00895 to Lake Macquarie Local Environment Plan 2014
Subject Land:	The planning proposal includes the following 18 items: Item 1: 427A Main Road CARDIFF Lot 12 DP 10580 Lot 11 DP 10580 Lot 1 DP 1132785 Item 2: Part of Road Reserve within Glendale Road GLENDALE (Adjoining 54 Glendale Drive) Item 3: Part of Road Reserve within Glendale Road CARDIFF (Adjoining 427A Main Road) Item 4: 2C Vena Street GLENDALE Whole of Lot 11 DP 1208800 Item 5: 45 Glendale Drive GLENDALE Lot 34 DP 659638 Item 6: 47 Glendale Drive GLENDALE Lot 1 DP 656808 Item 7: 431 Main Road GLENDALE Lot 200 DP 625381 Item 8: 396C Main Road CARDIFF Lot 91 DP 1208799 Item 9: Part Road Reserve within Cedar Street CARDIFF (Adjoining 406-408 Main Road) Item 10: Part of 398 Main Road CARDIFF Part of Lot 8 DP 22637 Item 11: Part of 400 Main Road CARDIFF Part of Lot 7 DP 22637 Item 12: Part of 402 Main Road CARDIFF Part of Lot 6 DP 22637 Item 13: Part of 404 Main Road CARDIFF

Part of Lot 5 DP 22637 Item 14: Part of 406 Main Road CARDIFF Part of Lot 4 DP 22637 Item 15: Part of 408 Main Road CARDIFF Part of Lot 3 DP 22637 Item 16: Part of 410 Main Road CARDIFF Part of Lot 2 DP 22637 Item 17: Part of 412 Main Road CARDIFF Part of Lot 1 DP 22637 Item 18: Part of 1 Cedar Street CARDIFF Part of Lot 101 DP 24882 <i>(Refer to Annex A for further details)</i>	
Land Owners:	Lake Macquarie City Council (LMCC) except item 18 which is privately owned
Applicant:	Lake Macquarie City Council (LMCC)
Department of Planning and Environment reference number:	
Council Reference Number:	F2015/00895
Date:	November 2015
Author:	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	• Reclassify from Community Land to Operational Land (see Annex E) • Rezone from part RE1 Public Recreation & part SP2 Infrastructure to R3 Medium Density Residential • Amend the Height of Buildings map from 8.5m (green) to 10m (yellow) • Include in the Lot Size map 900m² (coloured pink)
2	• Rezone from SP2 Infrastructure to R2 Low Density Residential • Include in the Lot Size map 450m² (coloured green)
3	• Rezone from SP2 Infrastructure to R3 Medium Density Residential • Amend the Height of Buildings map from 8.5m (green) to 10m (yellow) • Include in the Lot Size map 900m² (coloured pink)
4 - 5	• Rezone whole of site from R2 Low Density Residential to SP2 Infrastructure • Remove the land from the Height of Buildings map • Remove the land from the Lot Size map
6 - 9	• Rezone whole of site from R3 Medium Density Residential to SP2 Infrastructure • Remove the land from the Height of Buildings map • Remove the land from the Lot Size map
10 - 15	• Rezone <u>part</u> of site from R3 Medium Density Residential to SP2 Infrastructure • Remove the land from the Height of Buildings map • Remove the land from the Lot Size map

Item No.	Explanation of provisions
16 & 17	- Rezone from <u>part</u> R3 Medium Density Residential & <u>part</u> B4 Mixed Use to part R3 Medium Density Residential & part SP2 Infrastructure - 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 - Include <u>part</u> of site uncoloured in the Lot Size map 900m² (coloured pink) and remove <u>part</u> of the site from the Lot Size map
18	- Rezone <u>part</u> of site from B4 Mixed Use to R3 Medium Density Residential - Amend the Height of Buildings map for <u>part</u> of site from 13m (beige) to 10m (yellow) - Include <u>part</u> of site uncoloured in the Lot Size map 900m² (coloured pink)

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, Lkae 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	- The land is approximately 2,645sqm and is currently vacant containing some remnant bushland. Lots 11 & 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. - 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.

	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.
2, 3 & 9	- These are currently roads with RMS the relevant roads authority for Glendale Drive and Council for Cedar Street. Council & 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. - 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.
4 & 8	- Council resolved to acquire land by compulsory acquisition 11/08/2014 - Land compulsorily acquired May 2015. - Advertised as Operational Land August 2015. - Land required for the new alignment of Glendale Drive/Main Road. - It is intended that this land will be rezoned for infrastructure and dedicated as road.
5	- Council resolved to acquire land by compulsory acquisition 11/08/2014 - Land compulsorily acquired May 2015. - Advertised as Operational Land February 2015. - Land acquired to provide driveway access to the two adjoining properties at 2 Vena Street & 433 Main Road. - It is intended that this land will be rezoned for infrastructure and dedicated as road.
6 & 16	2/05/1994 Council resolved to a land swap to acquire land from Stockland Trust - Land acquired September 1994 - Land made Operational Land under Amendment No 63 to Lake Macquarie LEP 2004 Gazetted April 2013 - Land originally acquired for major upgrade of the Glendale Drive/Main Road intersection. - It is intended that the whole of Item 6 will be rezoned for infrastructure and dedicated as road. - 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.
7, 10, 11, 13 & 14	- Council resolved to acquire land by compulsory acquisition 11/08/2014 - Advertised as Operational Land 13/12/2014 431 Main Road was acquired for the new alignment of Glendale Drive, and remaining properties for the left hand turning lane off Main Road. - It is intended that the whole of Item 7 will be rezoned for infrastructure and dedicated as road. - It is intended that the front portion of Items 10, 11, 13 & 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.
12	• Council resolved to acquire land by compulsory acquisition 11/08/2014 • Land acquired January 2015 • Advertised as Operational Land February 2015. • Land required for left hand turning lane off Main Road. • 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.
15	• 28/10/1996 Council resolves to purchase property (up for sale) for road widening purposes • Land acquired December 1996 • Advertised as Operational Land November 1996 • Land originally acquired for major upgrade of the Glendale Drive/Main Road intersection. • 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.
17	• 2/05/1994 Council resolved to a land swap to acquire land from Stockland Trust • Land acquired November 1994 • Advertised as Operational Land September 1994 • Land originally acquired for major upgrade of the Glendale Drive/Main Road intersection. • 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.
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.

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.

The planning proposal is considered to be consistent with the other relevant Section 117 directions, provided consultation is carried out with the Mine Subsidence Board (4.2) and the Rural Fire Service (4.4) after Gateway determination has been given.

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 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

will be undertaken in accordance with the Gateway Determination once issued.

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 will be 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).

The planning proposal is proposed to be exhibited for 28 days in accordance with section 5.5.2 of the Department's LEP guideline. The exhibition will be advertised in a free local newspaper and on Council's website. In addition, any identified affected landowners and adjoining landowners will be notified of the proposal.

In accordance with section 29 of the *Local Government Act 1993*, a public hearing will be held. The public hearing will be undertaken in accordance with section 5.5.3 of the Department's LEP guideline. Public notice of the public hearing will be sent and published at least 21 days before the start of the public hearing.

Part 6 – Project Timeline

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

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

ANNEX A - MAPS

Figure 1 – Locality map

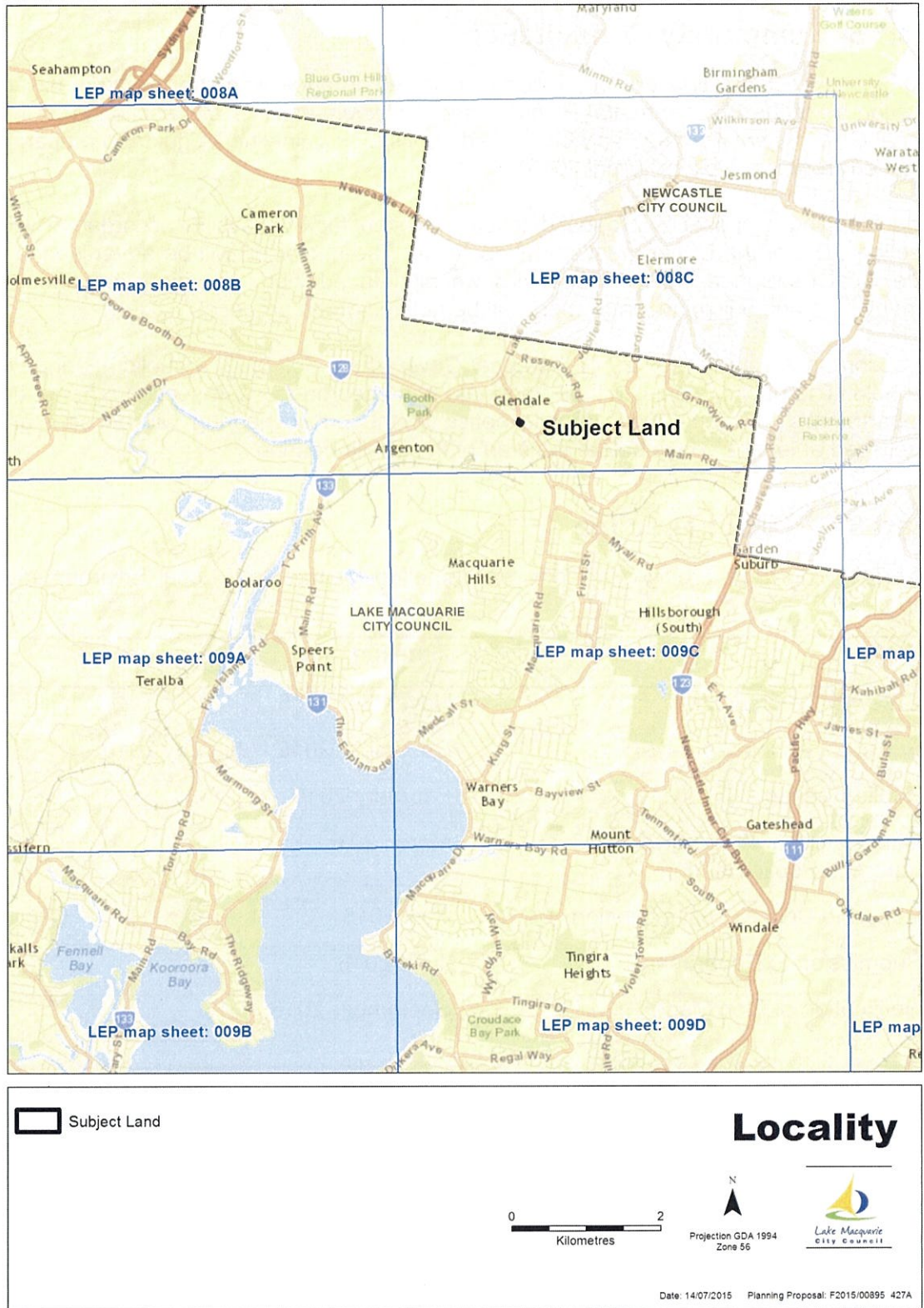


Figure 2 – Map showing proposed road realignment



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



Figure 4 – Land Classification map

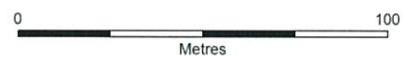


- Cadastre
- Subject Land
- Land Reclassification**
- Operational Land

Proposed

Land Reclassification

Lake Macquarie Local Environmental Plan 2014



N
Projection GDA 1994
Zone 56



Date: 12/10/2015 Planning Proposal: F2015/00895

Figure 5 – Existing Land Zoning map

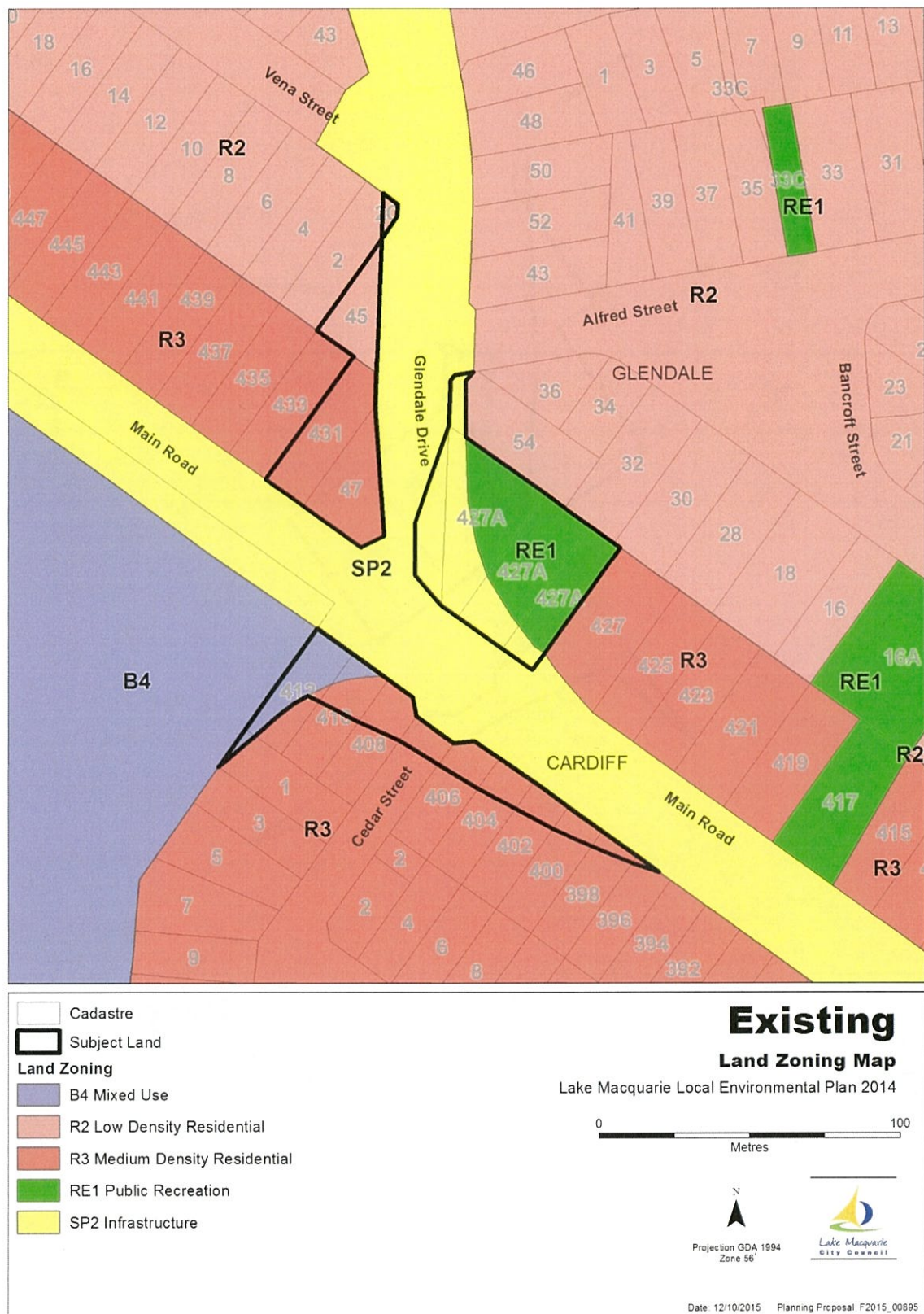


Figure 6 – Proposed Land Zoning map

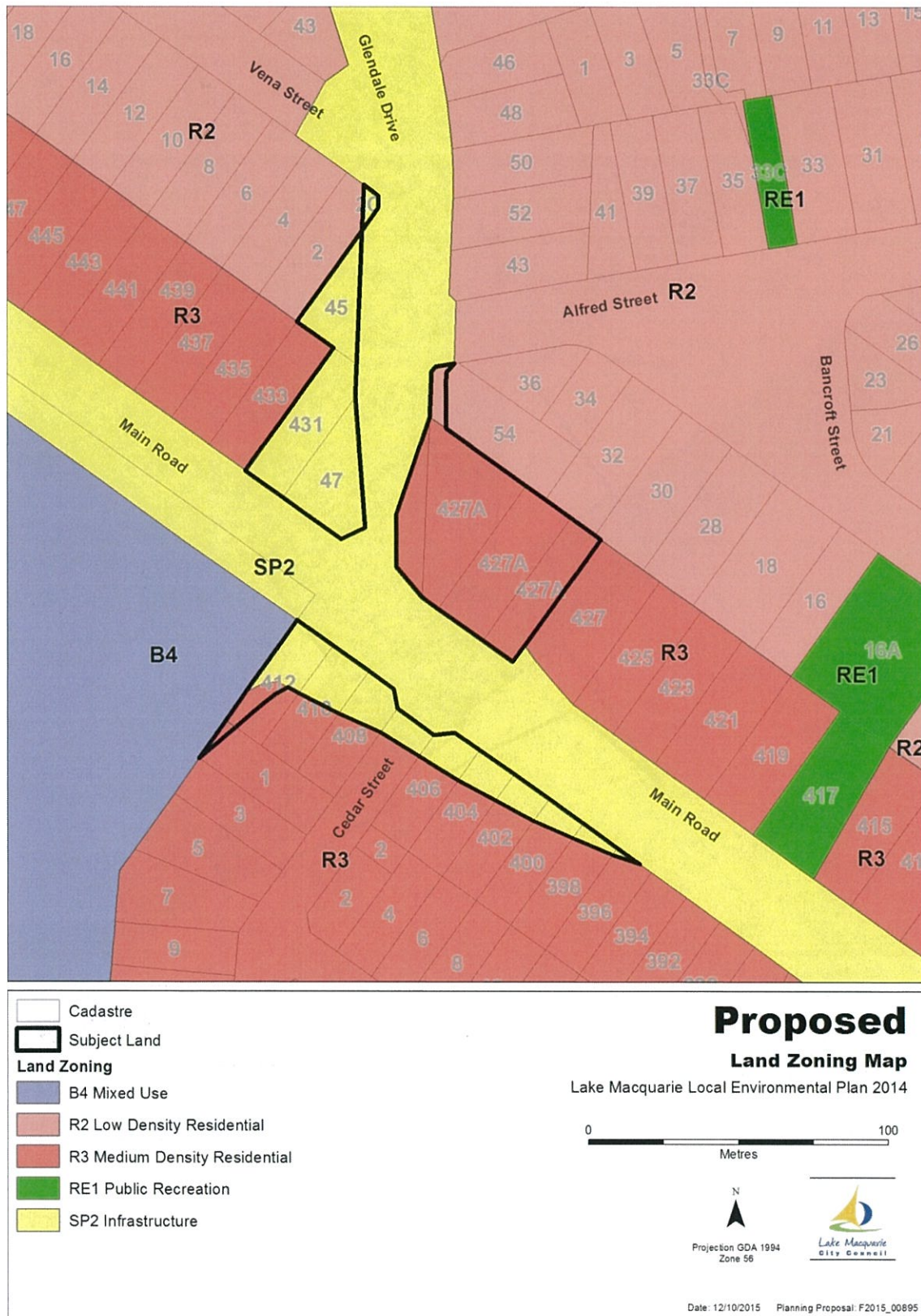


Figure 7 – Existing Height of Buildings map

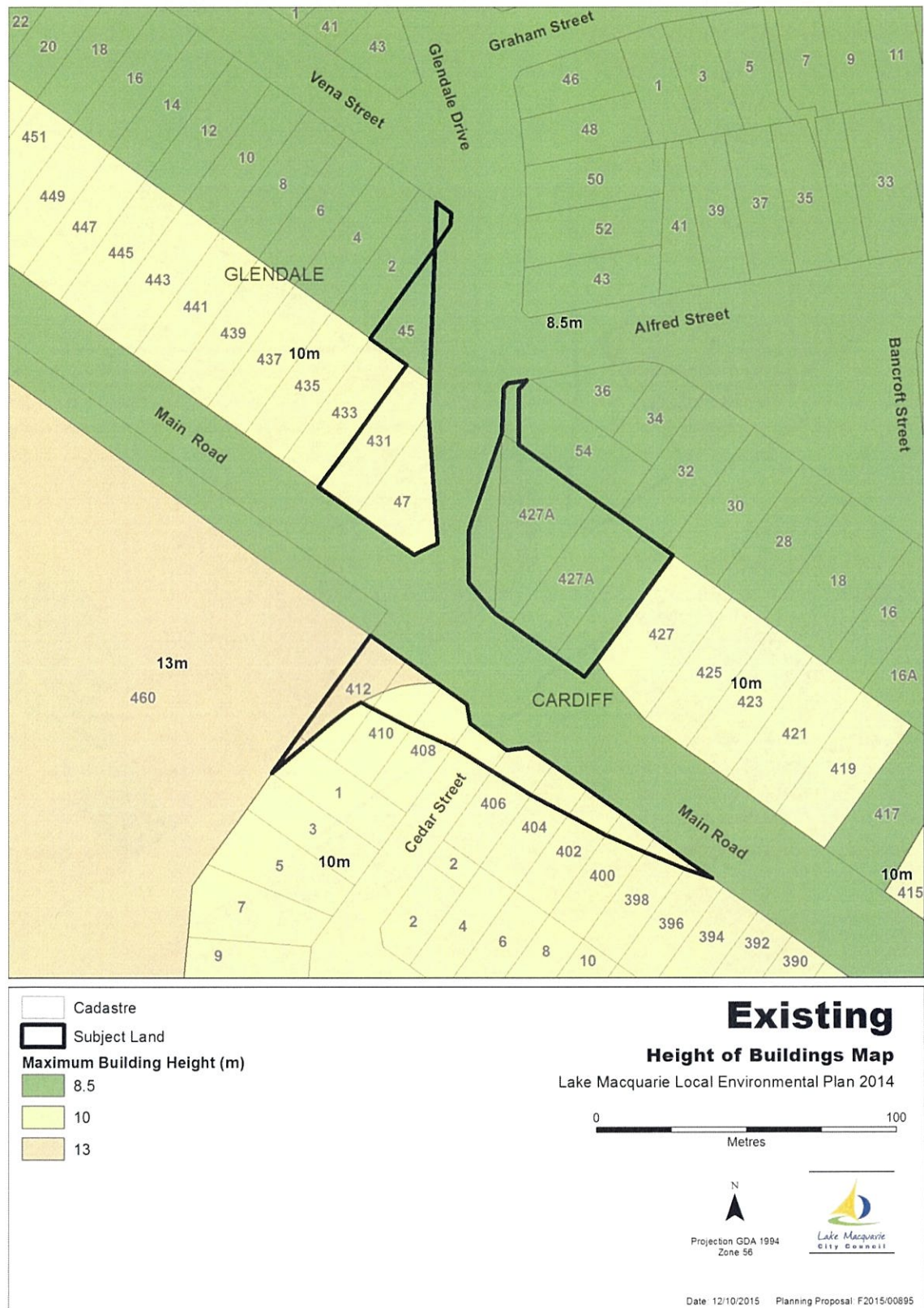


Figure 8 – Proposed Height of Buildings map

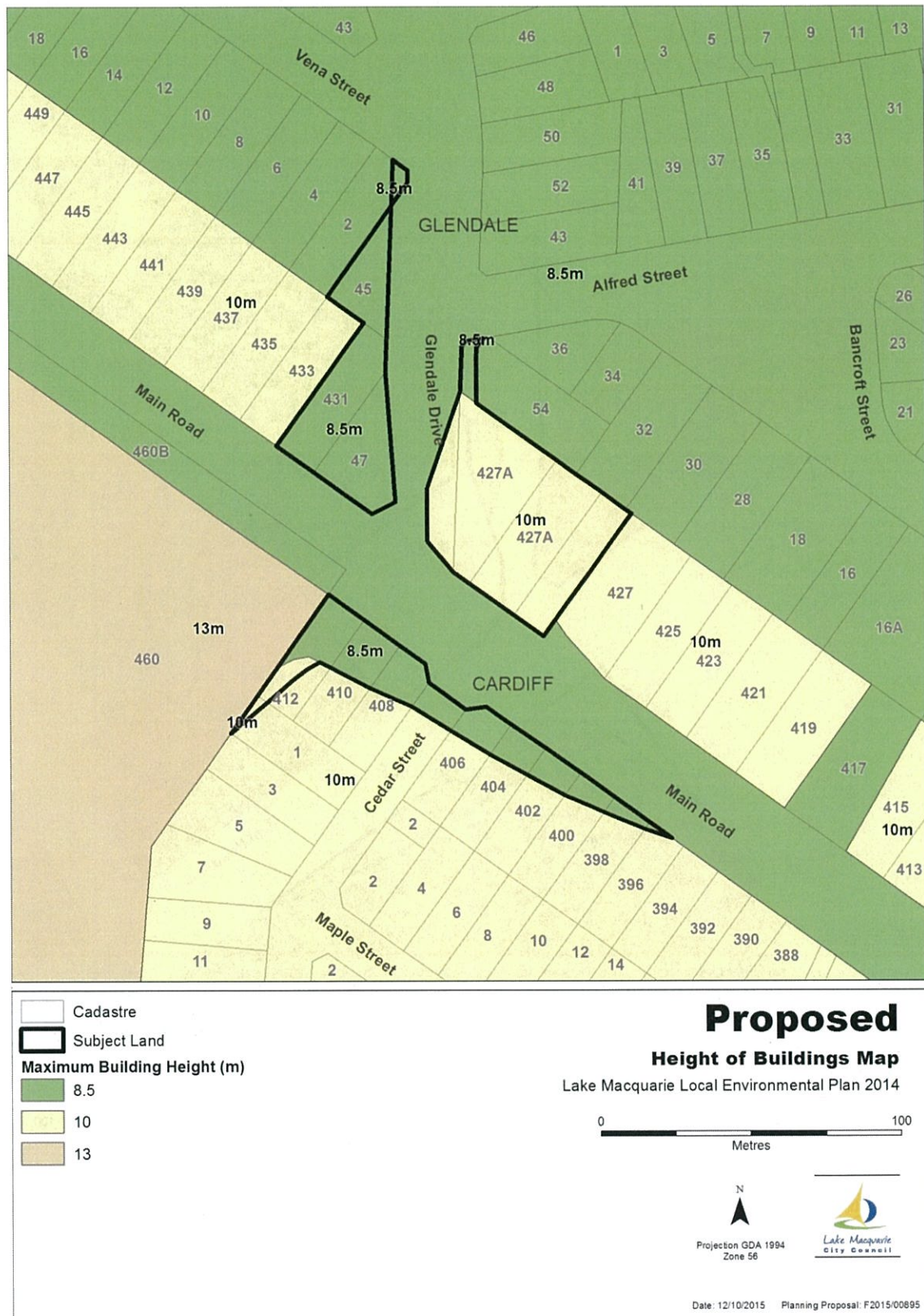
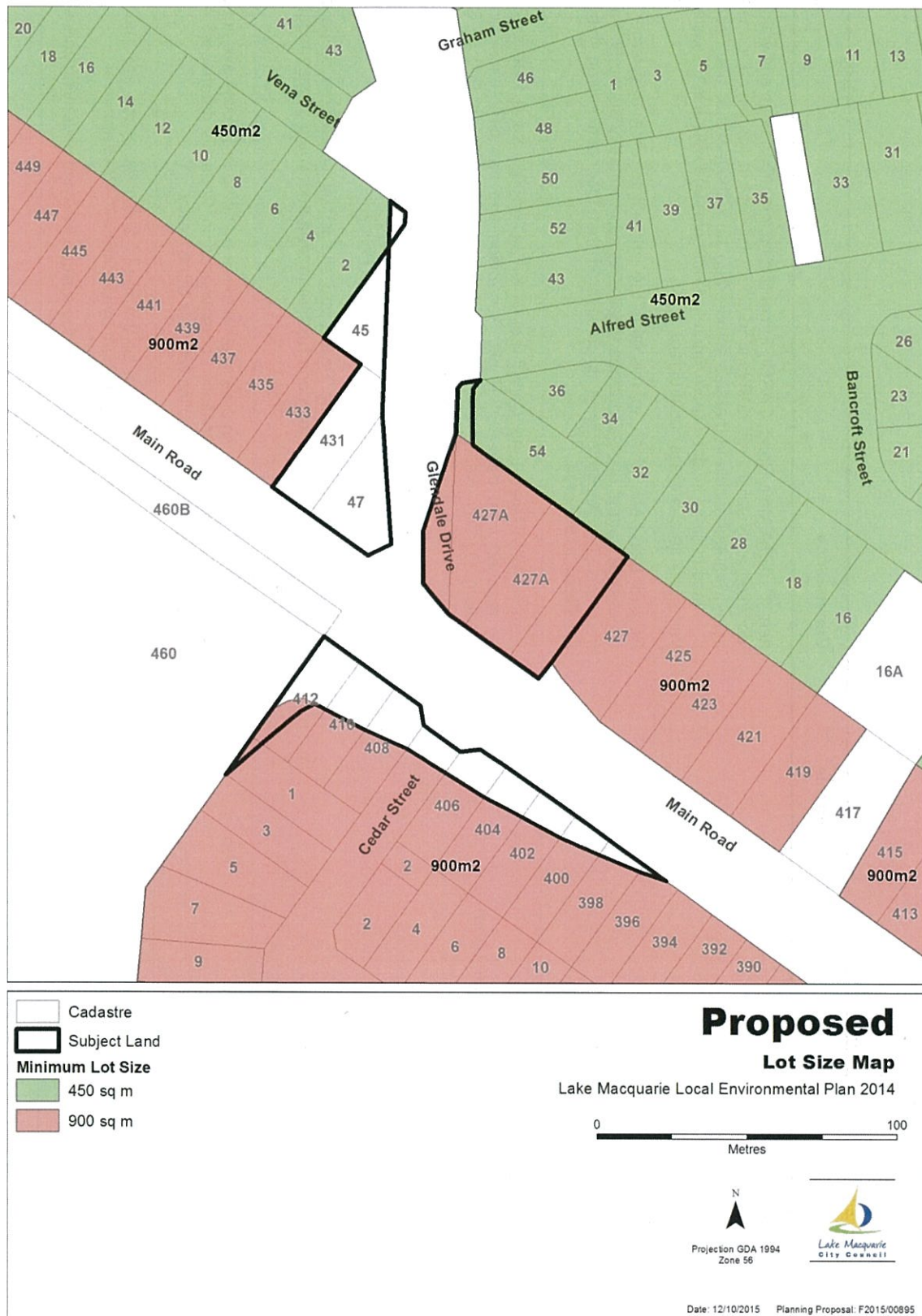


Figure 9 – Existing Lot Size map



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	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. 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.
State Environmental Planning Policy No 32-Urban Consolidation (Redevelopment of Urban Land)	Yes	Item 1 - 427A Main Road, Cardiff (Lot 11 & 12 DP 10580 & 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. This satisfies the aims and objectives of the Policy. 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.
State Environmental Planning Policy No 55 – Remediation of Land	No	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.
State Environmental Planning Policy (Infrastructure) 2007	No	The works on the realignment of the roads and intersection are under separate application and are being carried out by Council with RMS approval. This planning proposal is looking at the residue land and underlying zones only.

ANNEX C – MINISTERIAL DIRECTION ASSESSMENT

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	Items 16, 17 & 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. 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 (< 1 %).
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	-
2. Environment and Heritage		
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	-
3. Housing, Infrastructure and Urban Development		
3.1 Residential zones	Yes	The reclassification and rezoning of this planning proposal will allow the release of

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
		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. Accordingly, it is considered that the planning proposal is consistent with the objectives of this ministerial direction.
3.2 Caravan Parks and Manufactured Home Estates	N/A	-
3.3 Home Occupations	N/A	-
3.4 Integrating Land Use and Transport	Yes	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. This is discussed within Part 3 – Section B (4) of the Planning Proposal.
3.5 Development Near Licensed Aerodromes	N/A	-
3.6 Shooting Ranges	N/A	-
4. Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	
4.2 Mine Subsidence and Unstable Land	Yes	The land the subject of the Planning Proposal is identified within a Mine Subsidence District. Consultation with the Mine Subsidence Board will be undertaken following receipt of the Gateway Determination to comply with the requirements of this direction.
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

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
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.		
5. Regional Planning		
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	-
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	It is considered that the planning proposal is consistent with the objectives of this ministerial direction.

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
6.2 Reserving Land for Public Purposes	Yes	All Items - The land the subject of the Planning Proposal 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. 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 is considered to be consistent with the ministerial direction.
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.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	-

ANNEX D – COUNCIL RESOLUTIONS

Council Minute Item

Action

Ordinary Council Meeting

28/09/2015

TRIM Ref: D07575603

Subject: LMTI Residue Land Amendment - Lake Macquarie Local
Environmental Plan 2014

**Date to be
Completed by:** 28/09/2015

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:

171

Moved. Cr. Johnston

Seconded. Cr. Adamthwaite

- A. Council authorises the commencement of action to prepare a Planning Proposal to rezone and/or reclassify land identified in Table A shown coloured on Attachment 1.
- B. Council authorises the notification of Council's resolution, and submits a Planning Proposal pursuant to Section 55 of the Environmental Planning & Assessment Act (EP&A) 1979, to the Department of Planning & Environment (DoPE).
- C. Upon receipt of DoPE's Gateway Determination under section 56 of the EP&A Act 1979, and in accordance with DoPE's direction, Council authorises the exhibition of the Planning Proposal.
- D. Council authorises notification of the public hearing, in a local newspaper, in accordance with section 29 of the Local Government Act 1993. A further report to Council shall be submitted to consider any submissions received through the public notification period or public hearing of the Planning Proposal.
- E. Council authorises a road closure application for the lands identified in Table B as shown hatched on Attachment 1.
- F. Council commences the public consultation process in accordance with Crown Lands procedure for Council road closure applications, and shall advise Council if any submissions are received, and if none are received shall forward the application to Crown Lands for determination of the road closure.
- G. Upon notification in the Government Gazette of the reclassification and rezoning of land identified in Table A (actions A-D above) and the road closures identified in Table B (actions E & F above) Council shall consolidate the land and closed roads into two larger lots, prior to sale.
- H. Subject to G above, Council shall determine a price by valuation for the sale of the land.

- I. Council authorises the listing of the land for sale by auction with the agent for the locality at a reserve price determined by valuation (action H above), and authorises all contract documentation for each or either of the negotiated sale transactions where the negotiated sale price is not less than 90% of the respective reserve prices are executed under its Common Seal.
- J. Subject to the completion of the realignment of Glendale Drive and associated road works, Council shall dedicate the land identified in Table C as road pursuant to section 9(1) or section 10 of the Roads Act 1993.
- K. Subject to completion of all of the above, Council authorises the execution of the plan of road closure, plan of consolidation, contract, transfer and associated documentation, for the sale of the land under its Common Seal.

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. Adamthwaite
 Cr. Denton
 Cr. Griffith
 Cr. Langford
 Cr. Pauling
 Cr. Paxinos
 Cr. W Harrison
 Cr. J Harrison
 Cr. Dawson
 (carried)

Against the Motion

(Carried)

End

*The minutes of Ordinary Council Meeting on 28/09/2015 is located in TRIM folder titled
 'GOVERNANCE - COUNCIL MEETINGS - Minutes and Agenda - Council Agendas &
 Minutes – PDF*

**15SP080 LMTI Residue Land Amendment – Lake Macquarie Local
Environmental Plan 2014**

Council Ref: F2015/00895 – D07575603

Report By: Statutory Property Officer – Joanne Marshall

Précis:

The subject parcels of Council-owned land have been found to be residue land and/or require zoning changes to reflect the correct use of the land after Section One Stage One construction of the Lake Macquarie Transport Interchange (LMTI) is completed. This land requires the following actions:

- i) Preparation of a Planning Proposal to reclassify and rezone the land identified in Table A;
- ii) Commence the Road Closure process for land identified in Table B; and
- iii) Dedicate some of the land as Road identified in Table C.

Once the land has been reclassified, rezoned and the roads closed, Council will need to consolidate some of these parcels into larger lots prior to the sale of the land. Council's consent is also being sought to the sale of that land, at a price to be determined by valuation, closer to the time of sale of the land.

Recommendation:

- A. Council authorises the commencement of action to prepare a Planning Proposal to rezone and/or reclassify land identified in Table A shown coloured on Attachment 1.
- B. Council authorises the notification of Council's resolution, and submits a Planning Proposal pursuant to Section 55 of the Environmental Planning & Assessment Act (EP&A) 1979, to the Department of Planning & Environment (DoPE).
- C. Upon receipt of DoPE's Gateway Determination under section 56 of the EP&A Act 1979, and in accordance with DoPE's direction, Council authorises the exhibition of the Planning Proposal.
- D. Council authorises notification of the public hearing, in a local newspaper, in accordance with section 29 of the Local Government Act 1993. A further report to Council shall be submitted to consider any submissions received through the public notification period or public hearing of the Planning Proposal.
- E. Council authorises a road closure application for the lands identified in Table B as shown hatched on Attachment 1.
- F. Council commences the public consultation process in accordance with Crown Lands procedure for Council road closure applications, and shall advise Council if any submissions are received, and if none are received shall forward the application to Crown Lands for determination of the road closure.
- G. Upon notification in the Government Gazette of the reclassification and rezoning of land identified in Table A (actions A-D above) and the road closures identified in Table B (actions E & F above) Council shall consolidate the land and closed roads into two larger lots, prior to sale.

- H. Subject to G above, Council shall determine a price by valuation for the sale of the land.
- I. Council authorises the listing of the land for sale by auction with the agent for the locality at a reserve price determined by valuation (action H above), and authorises all contract documentation for each or either of the negotiated sale transactions where the negotiated sale price is not less than 90% of the respective reserve prices are executed under its Common Seal.
- J. Subject to the completion of the realignment of Glendale Drive and associated road works, Council shall dedicate the land identified in Table C as road pursuant to section 9(1) or section 10 of the Roads Act 1993.
- K. Subject to completion of all of the above, Council authorises the execution of the plan of road closure, plan of consolidation, contract, transfer and associated documentation, for the sale of the land under its Common Seal.

Background:

Since the late 1950's Council has slowly been acquiring land around the intersection of Main Road and Glendale Drive Cardiff for road widening purposes. Most of this land was made Operational Land with changes to the Local Government Act in 1993, or upon acquisition, and accordingly can now be sold or redeveloped.

Reclassification of 427A Main Road Cardiff

The land to the east of the intersection, 427A Main Road Cardiff, was not listed as Operational Land in 1993, and therefore by default is now Community Land. Community Land cannot be sold or redeveloped, and accordingly requires reclassification to Operational Land.

This land was originally subdivided as the Cardiff Garden Homes Estate in 1921 under Deposited Plan (DP) 10580, Lots 11 & 12 are still under this original DP. These lots were transferred to Council in 1957 as a land exchange with the Diocese of Church of England for road widening purposes. Around the same time, the adjoining land at Lot 1 DP 1132785 (being part of Lot 10 DP 10580) was also acquired for road widening and drainage purposes.

All Other Land

The land to the west of the intersection was subdivided in 1920 under DP 11032 and the land owned by Council was acquired for road widening purposes and was correctly classified as Operational Land. Similarly, the land to the south of the intersection was subdivided in 1950 under DP 22637. The Council-owned land was also acquired for road widening purposes and was correctly classified as Operational Land.

Proposal:

Construction has now commenced on Stage One Section 1 of the Lake Macquarie Transport Interchange (LMTI). The expansion and relocation of the LMTI intersection of Glendale Drive and Main Road Cardiff, affects a large number of properties which Council has acquired.

The tables below outline the various actions that need to be taken for each individual parcel of land:

Table A – Land to be Reclassified and/or Rezoned

Property Address	Real Property Description	Action
427A Main Road CARDIFF	Lot 11 & 12 DP 10580 Lot 1 DP 1132785	Reclassify & Rezone from part RE1 & SP2 to R3 Medium Density Residential
2C Vena Street GLENDALE	Lot 11 DP 1208800	Rezone site from R2 to SP2 Infrastructure
45 Glendale Drive GLENDALE	Lot 34 DP 659638	Rezone whole of site from R2 to SP2 Infrastructure
47 Glendale Drive GLENDALE	Lot 1 DP 656808	Rezone whole of site from R3 to SP2 Infrastructure
431 Main Road GLENDALE	Lot 200 DP 625381	Rezone whole of site from R3

		to SP2 Infrastructure
Part of Road Reserve within Glendale Drive GLENDALE	Refer to Map Attachment 1 Area A	Rezone from SP2 to R2 Low Density Residential
Part of Road Reserve within Glendale Drive GLENDALE	Refer to Map Attachment 1 Area B	Rezone from SP2 to R3 Medium Density Residential
396C Main Road CARDIFF	Lot 91 DP 1208799	Rezone from R3 to SP2 Infrastructure
398 Main Road CARDIFF	Lot 8 DP 22637	Rezone from R3 to part R3 Medium Density Residential & part SP2 Infrastructure
400 Main Road CARDIFF	Lot 7 DP 22637	Rezone from R3 to part R3 Medium Density Residential & part SP2 Infrastructure
402 Main Road CARDIFF	Lot 6 DP 22637	Rezone from R3 to part R3 Medium Density Residential & part SP2 Infrastructure
404 Main Road CARDIFF	Lot 5 DP 22637	Rezone from R3 to part R3 Medium Density Residential & part SP2 Infrastructure
406 Main Road CARDIFF	Lot 4 DP 22637	Rezone from R3 to part R3 Medium Density Residential & part SP2 Infrastructure
408 Main Road CARDIFF	Lot 3 DP 22637	Rezone from R3 to part R3 Medium Density Residential & part SP2 Infrastructure
410 Main Road CARDIFF	Lot 2 DP 22637	Rezone from part R3 & part B4 Mixed Use to part R3 Medium Density Residential & part SP2 Infrastructure
412 Main Road CARDIFF	Lot 1 DP 22637	Rezone from part R3 & part B4 Mixed Use to part R3 Medium Density Residential & part SP2 Infrastructure
1 Cedar Street CARDIFF	Lot 101 DP 24882	Rezone from part R3 & part B4 Mixed Use to whole R3 Medium Density Residential
Part of Road Reserve within Cedar Street CARDIFF	Refer to Map Attachment 1 Area C	Rezone from R3 to SP2 Infrastructure

Land to be used as roadway, road reserve or vehicular access to these roads shall be zoned SP2 Infrastructure.

All other land is now considered to be residue land and surplus to Council needs. This land shall be zoned Residential either R2 – Low Density, or R3 – Medium Density, in accordance with the adjoining land zoning.

Table B – Roads to be Closed:

Part of Road Reserve within Glendale Drive GLENDALE	Refer to Map Attachment 1 Area A
Part of Road Reserve within Glendale Drive GLENDALE	Refer to Map Attachment 1 Area B
Part of Road Reserve within Cedar Street CARDIFF	Refer to Map Attachment 1 Area C

Due to the relocation of some of the roads in the area, some of the land now covered by road will no longer be required, and accordingly these road areas need to be closed under the Roads Act 1993. These areas will be rezoned residential (see Table A).

Table C – Land to be Dedicated as Road:

Property Address	Real Property Description	Section of Roads Act to Dedicate Land as Road
2C Vena Street GLENDALE	Lot 11 DP 1208800	10
45 Glendale Drive GLENDALE	Lot 34 DP 659638	10
47 Glendale Drive GLENDALE	Lot 1 DP 656808	10
431 Main Road GLENDALE	Lot 200 DP 625381	10
396C Main Road CARDIFF	Lot 91 DP 1208799	10
398 Main Road CARDIFF	Part Lot 8 DP 22637	9(1)
400 Main Road CARDIFF	Part Lot 7 DP 22637	9(1)
402 Main Road CARDIFF	Part Lot 6 DP 22637	9(1)
404 Main Road CARDIFF	Part Lot 5 DP 22637	9(1)
406 Main Road CARDIFF	Part Lot 4 DP 22637	9(1)
408 Main Road CARDIFF	Part Lot 3 DP 22637	9(1)
410 Main Road CARDIFF	Part Lot 2 DP 22637	9(1)
412 Main Road CARDIFF	Part Lot 1 DP 22637	9(1)
7 Cedar Street CARDIFF	Lot 98 DP 24882	10
9 Cedar Street CARDIFF	Lot 97 DP 24882	10

Land to be used as roadway, road reserve or vehicular access to these roads will need to be dedicated as roads under the Roads Act 1993. If part of the lot is being used for road, then the road dedication will be implemented under Section 9 of the Roads Act when a Plan of Subdivision is created. If the whole of a lot is required for

road, then section 10 of the Roads Act 1993 is used, and the road is dedicated by publication in the Government Gazette.

Once the above actions have been carried out in accordance with Tables A, B and C above, then the residue land (zoned residential), will be consolidated into two lots and offered for sale by public auction.

Consultation:

As part of the process to determine if the reclassification and rezoning actions should commence, the matters are submitted to Council's Rezoning Advisory Panel (RAP). RAP consists of representatives from relevant Council departments and considers proposals based on the expertise of each department, and the merits of the proposal. Individual remarks are recorded and included in reports pertaining to the proposed reclassification, giving a balanced overview of the matter.

The land for reclassification and rezoning at 427A Main Road Cardiff was considered by RAP at its meeting on 14 August 2014 where the following comments were made:

- It was noted that the land was a former quarry, and advice needed to be sought as to whether the Community Planning Department requires the land for public purposes.

COMMENT: Historical records show that the site was used as a Council depot (not quarry) after its acquisition in 1957. Community Planning have also indicated that the land is not required for future public recreational needs for the area.

- The Transportation Planning Department is required to confirm that RMS does not need the land for the LMTI intersection upgrade.

COMMENT: The land is subject to Stage One Section One of the LMTI intersection upgrade. These plans have now been finalised and construction has now begun.

- In general, it was noted that if a proposal was prepared that addresses all the site constraints (e.g. a joint rezoning/DA application) RAP is not likely to have a concern with the proposal.
- The Property & Business Development Department has advised that the land is likely to have limited development potential by itself, however, adjacent land owners may wish to buy and develop the land if it was zoned for residential purposes.

COMMENT: As a result of this Council has also identified 417 Main Road and 16A Bancroft Street for possible reclassification, rezoning and sale along with the current site. Community Planning Department staff have identified this land as surplus to Council's needs. However, these sites contain an open drainage channel and are identified as flood prone land. Council's Ecosystems Enhancement Coordinator and Subdivision Engineer indicated that these sites were unsuitable for redevelopment due to their flooding impacts.

Implications:

Policy Implications:

The proposed reclassifications and rezoning are 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 reclassification, rezoning and consolidation into larger lots of the residue lands, will help to kick start redevelopment and revitalisation of the area, demonstrating that multi-unit housing is viable in the area on larger sized lots.

Environmental Implications:

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

The land proposed for reclassification, 427A Main Road Cardiff, has not been identified as flood liable or contaminated land. It has been identified under Council’s mapping system as being partly cleared vegetation and accordingly is partly bushfire prone and partly within the buffer zone.

Due to the small-scale nature of the proposed reclassification and rezoning it is considered unnecessary to prepare an environmental study for the land.

Social Implications:

The proposed reclassification and rezoning will largely have positive social and economic benefits for the community in that it will:

- Enable and/or facilitate the future development of land for residential purposes consistent with its strategic intent outlined within the Lower Hunter Regional Strategy and Lifestyle 2030;
- Enable a larger site to be developed on a prominent gateway location to kick start higher density residential development for the area as outlined within the Lower Hunter Regional Strategy and Lifestyle 2030; and
- Enable the sale of Council-owned land that has been identified as surplus to its needs that will generate funds to assist in delivery of LMTI Stage 1.

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

Infrastructure Asset Implications:

Council’s Asset Management Department staff have raised no objection to the proposal, and are currently carrying out the preliminary work required for the LMTI relocation of Glendale Drive.

Financial Implications:

Net proceeds from the sale of the consolidated land are proposed to be applied to the LMTI Project.

Risk and Insurance Implications:

The level of risk associated with the preparation of a Planning Proposal and a Road Closure application are minimised by following due processes under the relevant

Acts and Council procedures. These actions are covered by Council's professional indemnity insurance as a standard activity.

Rectifying the classification anomalies associated with Council's roads will reduce Council's exposure to risk.

Options:

1. To proceed as recommended and commence the following actions:

- a) Preparation of a Planning Proposal to reclassify and rezone each property identified in Table A;
- b) Commence the Road Closure process for land identified in Table B;
- c) Upon relocation of Glendale Drive dedicate the land as Road identified in Table C; and
- d) Upon completion of a) & b) above, value, consolidate and sell the englobo sites for residential redevelopment.

This option is favoured as sale of the residue land will assist further stages of the LMTI project.

2. To proceed as recommended and commence the following actions:

- a) Preparation of a Planning Proposal to reclassify and rezone each property identified in Table A;
- b) Commence the Road Closure process for land identified in Table B;
- c) Upon relocation of Glendale Drive dedicate the land as Road identified in Table C; and
- d) Upon completion of a) & b) above, Council prepare a development application for future residential development of the two newly created lots.

This option is not favoured. Although Council may receive a higher sale price for the residue land with development application approval, it will take longer before it is presented for sale, and the funds are required to assist the LMTI project.

3. To retain any of the lands as Community Land and Operational Land. This option is not favoured as all lands have been identified as surplus to Council's needs and Council needs the fiscal return to Council to finance the LMTI project.

Conclusion:

The subject parcels of Council-owned land have been found to be residue land after Section One Stage One construction of the Lake Macquarie Transport Interchange (LMTI) is completed. Accordingly, these lands now need to be reclassified, rezoned and the roads opened or closed. Council will need to consolidate these parcels into two larger residential lots prior to the sale of the land. Council's consent to the sale of that land, at a price to be determined by valuation, closer to the time of sale of the land is also required.

ANNEX E – CHANGES TO SCHEDULE 4 OF LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2014

Lake Macquarie Local Environmental Plan 2014

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
Cardiff	
427A Main Road, Cardiff	Lot 11 & 12 DP 10580 & Lot 1 DP 1132785

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Nil		

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

