

Planning Proposal

Local Government Area Lake Macquarie City

Name of Draft LEP: Draft Amendment No. 48 to the Lake Macquarie
Local Environmental Plan 2004

Subject Land: 742c Main Road Edgeworth – lot A1 DP 420093
21 Elsdon Street Redhead – part lot 100 DP 609787
19 Grattoir Place Toronto – part lot 11 DP 1066866
17a Valentine Crescent Valentine – lot 1 DP 510699
9 David Street Wangi Wangi – lot PT1 DP 525994

Maps: Aerial maps of each property attached at end of proposal

Part 1- Objective of the Planning Proposal

To remove restrictions associated with a Community classification, to allow the land to be sold, or developed and sold. The land at Valentine is being reclassified to Operational land to remove restrictions associated with leasing the land.

Part 2- Explanation of Provisions

The proposal will amend Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004) by reclassifying community land to operational land, and rezoning some land as follows:

- Reclassification from Community Land to Operational Land, lot A1 DP 420093 (742c Main Road Edgeworth),
- Reclassification from Community Land to Operational Land, and rezone from 6(1) Open Space to 6(2) Tourism and Recreation, part lot 100 DP 609787 (21 Elsdon Street Redhead),
- Reclassification from Community Land to Operational Land, and rezone from 6(1) Open Space to 4(2) Industrial (General), part lot 11 DP 1066866 (19 Grattoir Place Toronto),
- Reclassification from Community to Operational land, lot 1 DP 510699 (17a Valentine Crescent Valentine), and
- Reclassification from Community Land to Operational Land, and rezone from 6(1) Open Space to 2(1) Residential, lot PT1 DP 525994 (9 David Street Wangi Wangi).

Part 3 – Justification for the Provisions

Proposal Summaries

Edgeworth – The land is Council owned and has an area of approximately 1378m². It adjoins land leased to Edgeworth Bowling Club and has road frontage. It was previously used as a playground but this use was discarded due to its location. The land was previously zoned 6(a) Open Space but was rezoned to 2(2) Residential (Urban Living) in the 2004 Lake Macquarie Local Environmental Plan. The land is surplus to Council's needs and the Club has requested to purchase the land.

Redhead – The land is Council owned and has an area of approximately 5900m². It is currently leased for use as a youth refuge. The property has been listed as having Local Heritage Significance so cannot be demolished. Its location is ideal for the refuge due to its relative isolation, and the lessee has requested to purchase the property to secure its use as a refuge. The land is currently zoned 6(1) Open Space but cannot retain this zoning if sold. It is proposed to rezone the land to 6(2) Tourism and Recreation to retain its community use.

Toronto – The land is Council owned and has an area of approximately 2241m². The land forms a small part of a proposed new industrial subdivision. The land is currently zoned 6(1) Open Space but cannot retain this zoning if part of the industrial subdivision. It is proposed to rezone the land to 4(2) Industrial inline with the rest of the proposed industrial subdivision.

Valentine – The land is Council owned, has an area of approximately 7602.3m² and is leased to Valentine Bowling Club. The lease is for a term of 21 years, being the longest lease term allowable on Community Land. The Club has a bank loan for renovations to the club house, and is forced to pay back the loan over the term of the lease. The Club has requested the lease term be increased to relieve the financial pressure.

Wangi Wangi – The land is Council owned and has an approximate area of 1827m². It is currently used as vehicular access to the rear of nine adjoining properties, some of which have approved garages that require formal access through the Community land. Permanent vehicular access is not allowable over Community land and the land is being reclassified to rectify this situation. Once the access details are formalised, it is proposed to sell the residue land which is surplus to Council's needs and inappropriate as open space. The land is currently zoned 6(1) Open Space but cannot retain this zoning if sold. It is proposed to rezone the land to 2(1) Residential to facilitate sale of the residue land.

Section A - Need for the Planning Proposal

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

No studies have been undertaken into the proposed reclassification and rezoning of the subject properties.

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

Community land cannot be sold. Therefore, to enable sale of the land it must be reclassified to Operational land under the Environmental Planning and Assessment Act 1979. As the land in each case was not dedicated to Council in accordance with section 94 contributions, the land cannot be reclassified under the Local Government Act 1993. The land at Valentine is subject to a 21 year lease and that lease term can only be greater if the land is reclassified to Operational land.

3. Is there a net community benefit?

Edgeworth – the land is not utilised as community land but if sold to the Bowling Club, will form part of a non-profit organisation that provides activities for the community. Proceeds of the sale will be used to improve community facilities.

Redhead – the land is currently used as a refuge and will continue to be used as a refuge if sold. Proceeds of the sale will be used to improve community facilities.

Toronto – the land is not currently utilised as community land. If the land forms part of the industrial subdivision it will benefit the local community commercially, including jobs and increased commercial activity.

Valentine – the purpose of the reclassification is to release the financial burden on the Bowling Club. This would have a community benefit as the club provides community activities.

Wangi Wangi – the land is currently underutilised, being used as informal vehicular access only. Reclassification of the land and resultant creation of formal road plus sale of residue land will produce funds able to be used to improve community facilities.

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)?

1. Infrastructure Provision

The planning proposal does not necessitate any changes to infrastructure provision. All infrastructure is currently available and accessed by the subject properties..

2. Access

No changes are proposed to the existing provision of access.

3. Housing Diversity

The subject planning proposal does not generate any additional need for housing, the existing level of housing provision will not change as a result of the proposal.

4. Employment Lands

The proposal maintains the existing level of subregional employment related land that is currently available.

5. Avoidance of Risk

The subject proposal will not increase the likelihood of risk occurring in the subject area.

6. Natural Resources

The subject proposal will increase the utilisation of natural resources, no changes will occur to the existing status quo.

7. Environmental Protection

The proposal will maintain the existing biodiversity on the subject sites, as at this point no development is proposed.

8. Quality and Equity in Services

No changes to service provision are proposed.

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

Council's Lifestyle 2020 Strategy provides the long term direction for the overall development of the City and is a tool for managing private and public development in Lake Macquarie. The five sites have not been identified in any specific plans of management contained within Lifestyle 2020 but are consistent with the vision

contained within Lifestyle 2020. The subject proposal is consistent with the strategic directions contained within Lifestyle 2020 and achieves sustainability, equity, efficiency and livability by enabling better utilisation of the parcels of land. Furthermore the proposal is consistent with the requirements of Lake Macquarie City Council Local Environmental Plan 2004 by promoting balanced development that will enable better utilisation of the subject sites.

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

The following SEPPs are relevant to Lake Macquarie City Council

Title of State Environmental Planning Policy	Applicable	Consistent	Reason for inconsistency
SEPP 1-Development Standards	NO	Not applicable	
SEPP 4-Development without consent and miscellaneous exempt and complying	No	Not applicable	
SEPP 6-Number of storeys in a building	No	Not applicable	
SEPP 14-Coastal wetlands			
SEPP 15- Rural landsharing communities	No	Not applicable	
SEPP 19- Bushland in Urban areas	No	Not applicable	
SEPP 21-Caravan parks	No	Not applicable	
SEPP 22-Shops and commercial premises	No	Not applicable	
SEPP 26-Littoral rainforest	No	Not applicable	
SEPP 30-Intensive Agriculture	No	Not applicable	
SEPP 32-Urban consolidation	No	Not applicable	
SEPP 33-Hazardous and offensive development	No	Not applicable	
SEPP 40- Manufactured home estates	No	Not applicable	
SEPP 44- Koala Habitat protection	No	Not applicable	
SEPP 50-Canal Estate Development	No	Not applicable	
SEPP 55-Remediation of land	No	Not	

		applicable
SEPP 62-Sustainable agriculture	No	Not applicable
SEPP 64-Advertising and signage	No	Not applicable
SEPP 65-Design quality of residential flat buildings	No	Not applicable
SEPP 70-Affordable housing	No	Not applicable
SEPP 71-Coastal protection	Yes	Consistent
SEPP (BASIX)	No	Not applicable
SEPP (Exempt and complying)	No	Not applicable
SEPP(Seniors and people with disabilities)	No	Not applicable
SEPP (Infrastructure)	No	Not applicable
SEPP (Major Projects)	No	Not applicable
SEPP (Mining)	No	Not applicable
SEPP (temporary structures	No	Not applicable

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

Section 117 Ministerial Directions Checklist (as per DoP website#)

1. Employment and resources

	Applicable	Consistent	Reason for inconsistency
1.1 Business and Industrial zones	No	Not applicable	
1.2 Rural zones	No	Not applicable	
1.3 Mining, petroleum production and extractive industries	No	Not applicable	
1.4 Oyster aquaculture	No	Not applicable	
1.5 Rural lands	No	Not applicable	

2. Environment and heritage

	Applicable	Consistent	Reason for inconsistency
2.1 Environmental Protection zones	No	Not applicable	
2.2 Coastal protection	No	Not applicable	
2.3 Heritage protection	No	Not applicable	
2.4 recreation vehicle areas	No	Not applicable	

3. Housing infrastructure and urban development

	Applicable	Consistent	Reason for inconsistency
3.1 Residenital zones	Yes	Yes- no significant change to the existing.	
3.2 Caravan Parks and manufactured homes estates	No	Not applicable	
3.3 Home occupations	No	Not applicable	
3.4 Integratnig land use and transport	No	Not applicable	
3.5 development near licensed airodromes	No	Not applicable	

4. Hazard and Risk

	Applicable	Consistent	Inconsistency
4.1 Acid Sulfate soils	Yes	Yes- no changes to existing.	
4.2 Mine subsidence and unstable land	No	Not applicable	
4.3 Flood prone land	Yes	Yes- no change to existing	
4.4 Planning for Bush Fire Protection	Yes	Yes- no change to existing	

5. Regional Planning

	Applicable	Consistent	Inconsistency
5.1 Implementation of regional strategies	No	Not applicable	

5.2 Sydney drinking Water Catchments	No	Not applicable
5.3 farmland of state and regional significance on NSW Far North Coast	No	Not applicable
5.4 Commercial and retail development along the Pacific Hwy, North Coast	No	Not applicable
5.5 Development in the vicinity of Ellalong, Paxton and Milfield	No	Not applicable
5.8 Sydney City Airport: Badgerys Creek	No	Not applicable

6. Local plan making

	Applicable	Consistent	Inconsistency
6.1 Approval and referral requirements	Yes	Yes	
6.2 reserving land for public purposes	Yes	Yes- The subject properties are surplus to Council requirements	
6.3 Site specific purposes	No	Not applicable	

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?

The majority of land that forms the planning proposal is either cleared, or already developed and the premises utilised. Site inspections have been carried out to determine if significant flora or fauna exists on the land. It has been determined that there is little significant flora and fauna and there will be no noticeable adverse effects.

The land at Toronto contains a potentially small area of wetland and remnant vegetation, and the western boundary adjoins a cemetery. The area of potential wetland and the western boundary will form a vegetated buffer/corridor and will be protected from development.

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 at Edgeworth adjoins Cocked Hat Creek and an area the length of the creek will be retained by Council as a buffer zone., being a riparian corridor and is to include a sediment control device.

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

The economic effects are minimal. The land that is proposed to be sold will generate sale proceeds which will be used to improve community facilities.

The social effects are also minimal. The land at Toronto, Edgeworth, and Wangi Wangi is not utilised as community land so provides no social benefit currently. The land at Redhead and Valentine is used for community benefit already as a refuge and a bowling club and these uses will not change.

11. If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

The proposed reclassification of lands does not involve the extinguishment of any interests in the land. The subject parcels of land are proposed for reclassification due to expressed need for the parcels of land to be utilised for other purposes.

Section D – State and Commonwealth Interests

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

The proposal will not put added demand on existing infrastructure as each parcel of land is in an existing developed area with adequate services already provided. The land at Toronto is part of a new industrial subdivision with new infrastructure already planned.

13. Details of the community consultation that is to be undertaken on the planning proposal.

Council proposes that the planning proposal be exhibited consistent with the requirements of section 57 of the Environmental Planning and Assessment Act 1979 (EP & A Act) and section 29 of the Local Government Act 1993 and/or any other requirements as determined by the Gateway under section 56 of the EP & A Act.

14. The concurrence of the landowner, where the land is not owned by the relevant planning authority.

Lake Macquarie City Council is the owner of the subject parcels of land.