

Removal of Belmont to Valentine Road Corridor

Proposal Title : **Removal of Belmont to Valentine Road Corridor**

Proposal Summary : **Remove acquisition layer from 14 Halyard Way, 10 Hill Street and 35 Macquarie Drive along Valentine-Belmont road corridor reservation.
Rezone 14 Halyard Way from 5 Infrastructure Zone and 6(1) Open Space Zone to 7(2) Conservation (Secondary) Zone, Lake Macquarie LEP, 2004.**

PP Number : **PP_2013_LAKEM_015_00** Dop File No : **13/17914**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions : **2.1 Environment Protection Zones
4.2 Mine Subsidence and Unstable Land
4.4 Planning for Bushfire Protection
6.2 Reserving Land for Public Purposes**

Additional Information : **The Planning Proposal should proceed with conditions:**

1. The planning proposal should be finalised as an LEP within 6 months. A 6 month time-frame is recommended because of the relative minor nature of the planning proposal.

2. A 14 day community consultation exhibition period is recommended because of the relative minor nature of the planning proposal.

3. Consultation with relevant State authorities and agencies is listed below:

*** Mine Subsidence Board (to determine consistency with s117 Direction - 4.2 Mine Subsidence and Unstable Land)**

*** Rural Fire Service (to determine consistency with s117 Direction 4.4 Planning for Bushfire Protection)**

Prior to undertaking public exhibition, Council is to amend the Planning Proposal, if necessary, to take into consideration any comments made.

4. Council should consider the provisions of SEPP 55 and confirm that the proposal is consistent with the SEPP. Council is to amend the Planning Proposal to reflect this consideration.

5. Council's request to exercise their plan making delegations under section 59(1) of the EP&A Act is supported.

The Director General (or delegate) agrees, in relation to s117 direction 6.2 Reserving Land for Public Purposes, to the reduction of the land for public purposes on the basis of the land no longer being required for a road.

Supporting Reasons : **The proposal facilitates translation of the land into the Standard Instrument LEP in a manner which retains the ability to consider one of the sites for seniors housing.**

The PP relieves Council of land acquisition responsibility and costs along a local road corridor no longer considered necessary.

Council are encouraged to exhibit extracts of the Green Point-Floraville Wildlife Study, 1992 and the Cycling Strategy 2012 and the written correspondence regarding the abandonment of the road corridor signed by the Minister for Roads with the PP.

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Panel Recommendation

Recommendation Date : 19-Dec-2013

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include a Site Identification Map, which is at an appropriate scale and clearly identifies the subject lands.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 14 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
- Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

Once the above consultation with public authorities has been undertaken, Council is to update the planning proposal to reflect the outcomes of the work and consultation undertaken prior to exhibition.

Note: Council may still need to obtain the agreement of the Director General to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Plan Making Delegations:

The Minister delegated his plan making powers to councils in October 2012. Council has requested to be issued with delegation for this planning proposal. Council's request to be issued with plan making delegation should be supported.

Signature:



Printed Name:

JAMES MATTHEWS

Date:

17/01/14