

Lake Macquarie LEP 2014 Amendment to rezone North Cooranbong School Site

Proposal Title : **Lake Macquarie LEP 2014 Amendment to rezone North Cooranbong School Site**

Proposal Summary : **To rezone the identified North Cooranbong School site from SP2 Infrastructure to R2 Low Density Residential and apply a 450m2 Minimum Lot Size, to provide flexibility in the precise location of the school in the future.**

PP Number : **PP_2015_LAKEM_011_00** Dop File No : **15/17572**

Proposal Details

Date Planning Proposal Received : **07-Dec-2015** LGA covered : **Lake Macquarie**

Region : **Hunter** RPA : **Lake Macquarie City Council**

State Electorate : **LAKE MACQUARIE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : **Lot 2 Sec 6 DP 3533, Lot 7 Sec 6 DP 3533, Lot 743 DP 1204699**

DoP Planning Officer Contact Details

Contact Name : **Ken Phelan**

Contact Number : **0249042705**

Contact Email : **ken.phelan@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Matthew Hill**

Contact Number : **0249210498**

Contact Email : **mphil@lakemac.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Regional Strategy : **Lower Hunter Regional Strategy** Consistent with Strategy : **Yes**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : Land currently zoned SP2 Infrastructure in anticipation of the school's development is 2.72ha in area whereas the North Cooranbong Concept Plan and associated VPA requires an area of 3ha. The 'shortfall' of 2831.08m² could be made-up from adjoining land zoned R2 Low Density Residential within which zone 'school' is permissible with consent.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : 'to amend Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014) to rezone the subject land to facilitate the dedication of 3ha for a school'

Also to apply a 450m² minimum lot size development standard over the whole of the land such that the residual of land can be readily used for residential development.

It is further noted that a height of building control, 8.5m in this residential zone, is not proposed. It is noted that across the road, in the B1 and R3 neighbourhood centre, the height of building is 10m.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The property description in the planning proposal site includes Lot 743 DP 1204699 however this is not recognised by the NSW land information system. The proposal property description should be reviewed and amended if necessary prior to exhibition.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

Inspection of the mine subsidence district maps indicates that the site lies within the West Lakes Mine Subsidence District which may require special foundation designs for larger school structures with advice from the NSW Mine Subsidence Board. Referral to the Board is conditioned.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

There is no mapping applying an appropriate Height of Building control commensurate with the scale of school buildings. Council has indicated that they will consult with the Department of Education and Communities regarding an appropriate height limit.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

A period of 14 days exhibition is proposed which is agreed as being consistent with guidelines for this minor proposal.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The Lake Macquarie SI LEP (LMLEP 2014) was gazetted on 12 September 2014.

Assessment Criteria

Need for planning proposal :

The proposal will allow flexibility in the precise location of the school within the North Cooranbong Release Area consistent with Practice Note PN 10-001 – Zoning for Infrastructure in LEPs. Which states 'it is unnecessary to set aside land to be zoned 'special use' for a new school. Public schools are automatically permitted within residential and

Consistency with strategic planning framework :

business zones under the Infrastructure SEPP'. A Voluntary Planning Agreement ensures the 3ha will be dedicated for a school upon the creation of the 900th residential lot within the estate.

Lower Hunter Regional Strategy-

Making provision for public school services is consistent with the regional strategy. The site is identified for the provision of public education services in an Urban Release Area (URA) under the Lake Macquarie LEP 2014.

State Environmental Planning Policies (SEPP)

SEPP (Infrastructure) 2007-

Both the current and proposed zones are prescribed in the SEPP as zones within which 'school' is permissible with consent and so the proposal is consistent.

Section 117 Ministerial Directions

Direction 3.1- Residential Zones

The proposal is inconsistent with this Direction insofar as the proposal is not intended to facilitate housing in rezoning the land from SP2 to R2 Low Density Residential. Residual land peripheral to the school site could however yield more housing than under a scenario where an excess of school land is held pending school construction. The proposal states that housing yield will however be the same as under the approved Concept Plan for North Cooranbong.

It is recommended that the Delegate accept the degree of inconsistency as being of a minor nature.

Direction 4.2 - Mine Subsidence and Unstable Land

The site lies within the West Lakes Mine Subsidence District, although the proposed school was considered as part of the concept plan, advice from the NSW Mine Subsidence Board is required under this direction. Referral to the Board is conditioned.

Direction 4.4- Planning for Bushfire Protection

The proposal is inconsistent with this Direction in that it is located in a high-risk bushfire prone area. The Direction therefore applies and so the proposal should be referred to the NSW Rural Fire Commissioner to be consistent with this Direction.

Direction 5.1 Implementation of Regional Strategies

The proposal is consistent with the strategic direction set by the Lower Hunter Regional Strategy in that it will facilitate orderly and economic development within a strategically positioned growth area.

Environmental social economic impacts :

Environmental, Social and Economic Outcomes

This administrative rezoning will not impact these outcomes subject to the VPA demonstrating that it will securely deliver the dedication of the school site regardless of this zoning change.
In this regard Council should be required to exhibit the VPA concurrently with this planning proposal.

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Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Department of Education and Communities
NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **The site is a dedication for a public school however this rezoning does not change the obligation to dedicate the site as a VPA is in place.**

Documents

Document File Name	DocumentType Name	Is Public
Report - 15STRAT059 - Planning Proposal to Rezone Land For North Cooranbong School Site - City Strategy Committee - 9 November 2015 (2).pdf	Proposal	Yes
Planning Proposal - North Cooranbong School Site Rezoning - 28 September 2015.docx	Proposal	Yes
4650_COM_HOB_006A_020_20140625.pdf	Map	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies**

Additional Information : **The planning proposal should be supported on the basis that the following conditions are to apply:**

1. Council is to confirm the relevant lot description and make any necessary amendments prior to exhibition.

2. Council exhibit the North Cooranbong Concept Plan and associated Voluntary Planning Agreement, which requires the dedication of the land as a school site, so as to demonstrate that the delivery of the school site is secured notwithstanding this change of zone from RE2 to R2.

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal 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 local environmental plans (Department of Planning and Infrastructure 2013).

4. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant section 117 Directions:

- ☐ • Department of Education and Communities (height of building)
 - NSW Rural Fire Service (direction 4.4)
- ☐ • Mine Subsidence Board (direction 4.2)

The government agencies are 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. This should occur prior to community consultation. Once the consultation is undertaken, and information is provided, Council is to update its consideration of S117 Direction 4.4 Planning for Bushfire Protection.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

In the covering letter, Council should be advised of the following:-

- Council may use the Minister's Plan-Making delegation;
- the Secretary should agree that inconsistency with section 117 Direction 3.1- Residential Zones is of minor significance

Supporting Reasons :

While Council requested a 6 month period for finalisation of the proposal this only allowed time until submission of the plan for making. To allow for legal and notification processes the completion period should be 9 months so as to be due in September 2016.

Signature:



Printed Name:

BEN HOLMES

Date:

6/1/16