

Planning Proposal

Rezoning of North Cooranbong School Site

Draft Amendment No. X to Lake Macquarie Local Environmental Plan (LMLEP) 2014

Local Government Area:	Lake Macquarie City Council (LMCC)						
Name of Draft LEP:	Lake Macquarie Local Environmental Plan (LMLEP) 2004 (Draft Amendment No. X) and Draft Amendment to Draft Lake Macquarie Local Environment Plan 2013						
Subject Land:	Lot 2 Sec 6 DP 3533, Lot 7 Sec 6 DP 3533, Lot 743 DP 1204699						
Land Owner:	Australasian Conference Association Limited						
Applicant:	Johnson Property Group						
Folder Number:	RZ/6/2015						
Date:	6 January 2016						
Author:	Matthew Hill - Senior Strategic Land Use Planner						
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Part 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of the Planning Proposal is to amend Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014) to rezone the subject land to facilitate the dedication of 3ha for a school.

Part 2 – EXPLANATION OF PROVISIONS

The proposed objective will be achieved by amending the LMLEP 2014 by:

Amendment Applies to	Explanation of provision
Land Zoning Map	Rezone the subject land from SP2 Infrastructure to R2 Low Density Residential
Lot Size Map	Apply 450m ² to the subject land

Part 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

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

The Planning Proposal is not the result of a strategic study or report. The North Cooranbong Concept Plan and associated Voluntary Planning Agreement included a 3ha site to be dedicated for the purpose of establishing a school. During the subdivision design phase, the proponent has discovered that the intended land, currently zoned SP2 Infrastructure, comprises 2.72ha. The Planning Proposal seeks to rectify this anomaly and to rezone the subject land in accordance with Practice Note 10-001 – Zoning for Infrastructure in LEPs as requested by the Department of Education and Communities (DEC), as well as to provide flexibility in the location of the school site.

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

In order to achieve the intended outcome the following options were considered:

Option 1

The first option considered was to do nothing. This would have resulted in the 3ha being dedicated for the school comprising SP2 Infrastructure and some R2 Low Density Residential. Both of these zones are prescribed under the Infrastructure SEPP and would permit the use of the land for a school.

Early indications during the subdivision design phase highlight the possibility that the eventual subdivision of the land may not precisely correspond with the zone layout. This would result in some of the SP2 Infrastructure land falling outside the 3ha dedicated school site. This would be problematic as the land would be limited in terms of other uses.

Additionally, DEC have requested the subject land be zoned in accordance with Practice Note PN 10-001 – Zoning for Infrastructure in LEPs. The Practice Note states in zoning land for an infrastructure 'special use' the adjoining zone should be adopted where it is a prescribed zone pursuant to the Infrastructure SEPP. Additionally, the Practice Note 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 business zones under the Infrastructure SEPP*'. For the North Cooranbong school site, this means adopting the R2 Low Density Residential zone instead of the SP2 Infrastructure zone, which is supported by DEC.

Option 2

The preferred option is to rezone the subject land from SP2 Infrastructure to R2 Low Density Residential in accordance with the Practice Note. The R2 Low Density Residential zone is

also a prescribed zone for Educational Establishments under the Infrastructure SEPP and is consistent with existing zones applying to the adjoining land. This provides some flexibility in the precise location of the 3ha school site resulting from subdivision of the land, while a Voluntary Planning Agreement ensures the 3ha will be dedicated for a school upon the creation of the 900th residential lot within the estate.

Section B – Relationship to Strategic Planning Framework

2. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Lower Hunter Regional Strategy (LHRS)

The primary purpose of the LHRS is to ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing and employment needs of the Region's population until 2031. The LHRS works with the Regional Conservation Plan to ensure that the future growth of the Lower Hunter makes a positive contribution to the protection of sensitive environments and biodiversity.

The proposal is administrative only. Given the school site has been approved through the Concept Plan and associated Voluntary Planning Agreement, the Planning Proposal will not alter the development potential of the site.

3. *Is the planning proposal consistent with a council's local strategy or other local strategic plan?*

Lifestyle 2030 Strategy (LS2030)

The Lifestyle 2030 Strategy (LS2030) provides the long-term direction for the overall development of the City and is a long-range land use strategic plan and policy document. The subject land is within an intensification corridor which is continuing to experience growth and development. The school will contribute to meeting the needs of this growing community.

4. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

The Planning Proposal is consistent with the following relevant State Environmental Planning Policies (SEPPs) outlined in Table 1 below.

Table 1: Assessment of the Planning Proposal against relevant SEPPs

SEPP	Relevance	Implications
SEPP (Infrastructure) 2007	The Infrastructure SEPP sets a range of prescribed zones in which development for the purpose of an educational establishment is permissible with consent.	The adjoining land is zoned R2 Low Density Residential which is a prescribed zone. The Planning Proposal seeks to apply this zone to the subject land to provide some flexibility in designing the subdivision layout. This is also consistent with the application of land use zones for infrastructure purposes in Practice Note 10-001.

5. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 (2) directions)?*

An assessment of the Planning Proposal and its consistency against the applicable Ministerial Directions is provided at Table 2 below.

Table 2: Consistency with applicable Section 117(2) Ministerial Directions

Ministerial Direction	Objective/s	Consistency / Comment
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Ministerial Direction	Objective/s	Consistency / Comment
1.1 Business and Industrial Zones	(a) Encourage employment growth in suitable locations, (b) Protect employment land in business and industrial zones, and (c) Support the viability of identified strategic centres.	N/A
1.2 Rural Zones	Protect the agricultural production value of rural land.	N/A
1.3 Mining, Petroleum Production and Extractive Industries	Ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	N/A
2.1 Environment Protection Zones	Protect and conserve environmentally sensitive areas.	N/A
2.2 Coastal Protection	Implement the principles in the NSW Coastal Policy.	N/A
2.3 Heritage Conservation	Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	N/A
2.4 Recreation Vehicle Areas	Protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	N/A
3.1 Residential Zones	(a) Encourage a variety and choice of housing types to provide for existing and future housing needs, (b) Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) Minimise the impact of residential development on the environment and resource lands.	The Planning Proposal is not consistent with the Direction, as it does not facilitate housing. However, the purpose of the Planning Proposal is to rezone the current SP2 Zone to R2 Low Density, which will facilitate the delivery of the school site. This amendment will not alter the agreed lot yield approved under the Concept Plan.
3.2 Caravan Parks and Manufactured Home Estates	(a) Provide for a variety of housing types, and (b) Provide opportunities for caravan parks and manufactured home estates.	N/A
3.3 Home Occupations	Encourage the carrying out of low-impact small businesses in dwelling houses.	N/A

Ministerial Direction	Objective/s	Consistency / Comment
3.4 Integrating Land Use and Transport	Ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	N/A
3.5 Development Near Licensed Aerodromes	(a) Ensure the effective and safe operation of aerodromes, and (b) Ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) Ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	N/A

Ministerial Direction	Objective/s	Consistency / Comment
3.6 Shooting Ranges	(a) Maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) Reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) Identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	N/A
4.1 Acid Sulfate Soils	Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	N/A
4.2 Mine Subsidence and Unstable Land	Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	N/A
4.3 Flood Prone Land	(a) Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , and (b) Ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	N/A
4.4 Planning for Bushfire Protection	(a) Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) Encourage sound management of bush fire prone areas.	The Planning Proposal is not consistent with this Direction. However, whilst the site is located within a bushfire prone area, the proposed zoning amendment will not remove the requirement for development of the land to adhere to the Planning for Bushfire Protection 2006 Guidelines. The subject land is also located in an area earmarked for future urban development.
5.1 Implementation of Regional Strategies	Give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The Planning Proposal is consistent with the strategic direction set by the LHRS in that it will facilitate orderly and economic development within a strategically positioned growth area.

Ministerial Direction	Objective/s	Consistency / Comment
6.1 Approval and Referral Requirements	Ensure that LEP provisions encourage the efficient and appropriate assessment of development.	N/A
6.2 Reserving Land for Public Purposes	(a) Facilitate the provision of public services and facilities by reserving land for public purposes, and (b) Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	N/A
6.3 Site Specific Provisions	Discourage unnecessarily restrictive site specific planning controls.	N/A

Section C – Environmental, Social and Economic Impact

6. *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 planning proposal?*

The LEP amendment is administrative only, and will not affect the development outcomes contained within the approved Concept Plan and Voluntary Planning Agreement.

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

There are no other likely environmental effects as the proposal is administrative only and will not alter development outcomes.

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

The LEP amendment will not alter development outcomes on the land, however, the facilitation of the delivery of a school will contribute to the meeting the educational services needed as growth continues in the area.

Section D – State and Commonwealth Interests

9. *Is there adequate public infrastructure for the planning proposal?*

Public infrastructure will be delivered through the development of the broader estate in alignment with the approved Concept Plan.

10. *What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?*

The proponent has provided a letter from the Department of Education and Communities, which outlines its requirements for the subject land. These include the delivery of the 3ha site following creation of the 900th residential lot, and application of a land use zone in accordance with Practice Note PN10-001. The Planning Proposal is consistent with these requirements.

Following the Gateway determination being issued, the Department of Education and Communities will be consulted directly by Council.

Part 4 – MAPPING



 Subject Land

Locality

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Kilometres

N
Projection GDA 1994
Zone 56



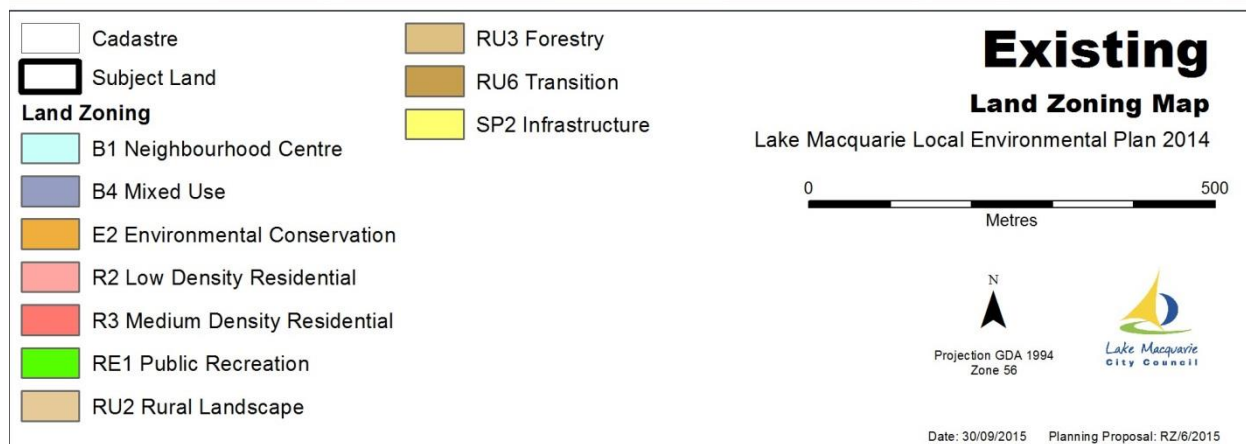
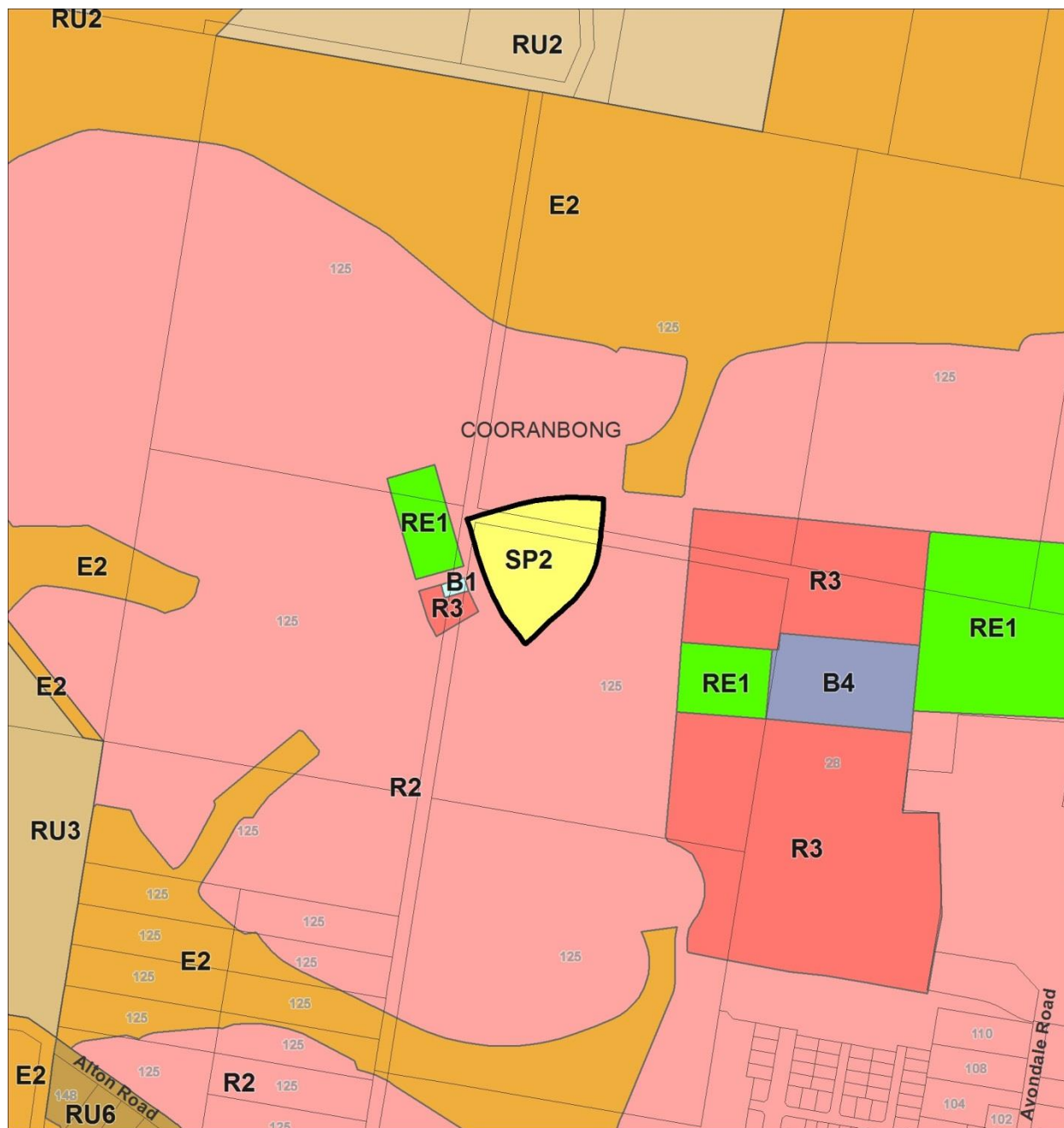
Base Map Credits:

Date: 30/09/2015 Planning Proposal: RZ/6/2015

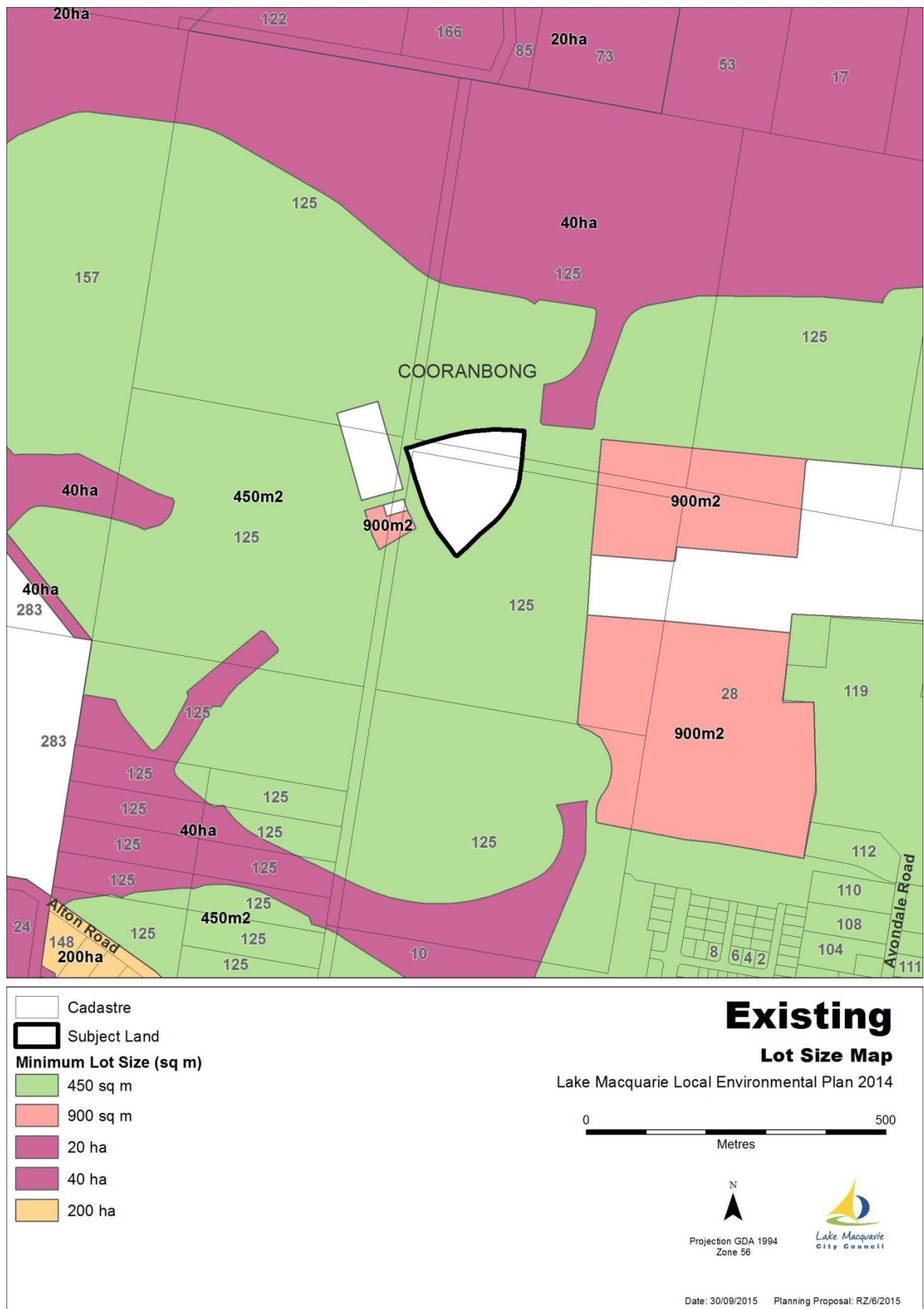
Map 1 – Locality



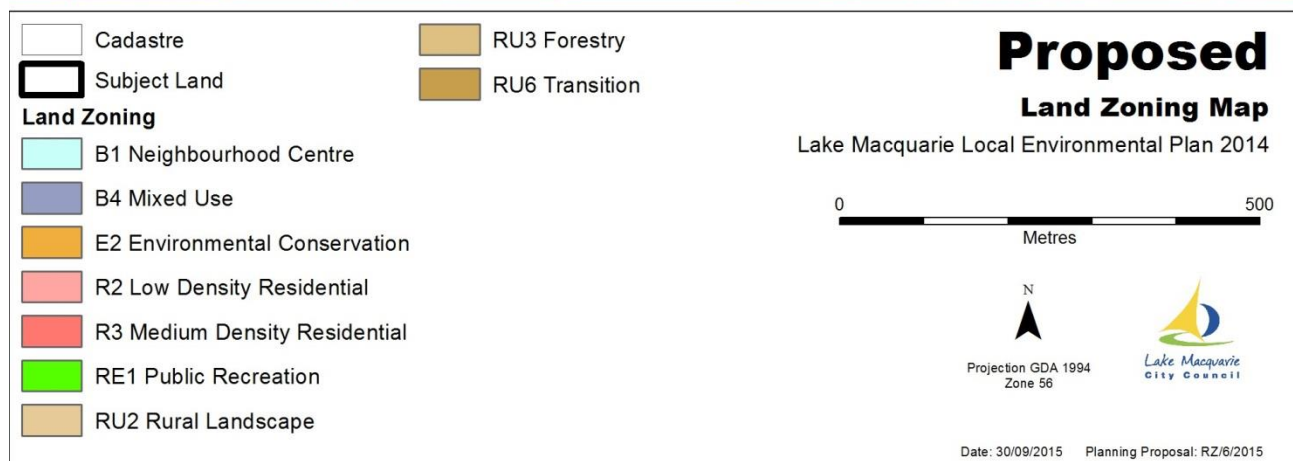
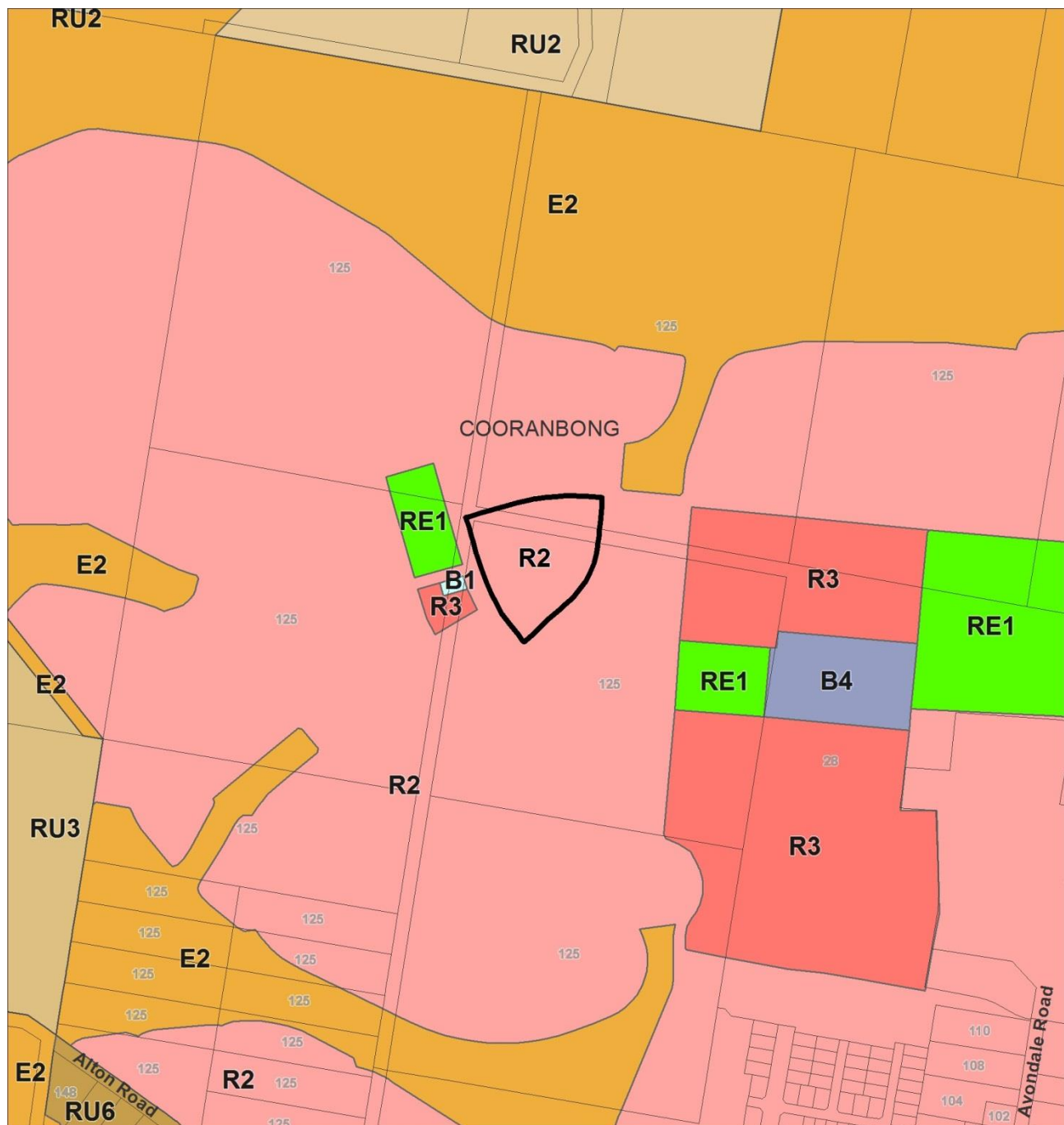
Map 2 – Aerial Photograph



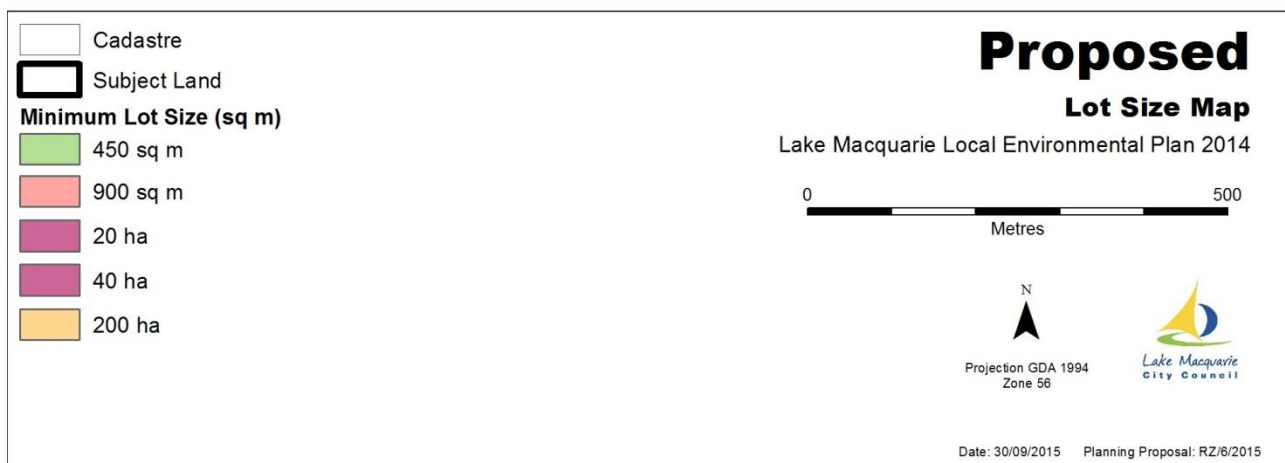
Map 3 – Existing Zones



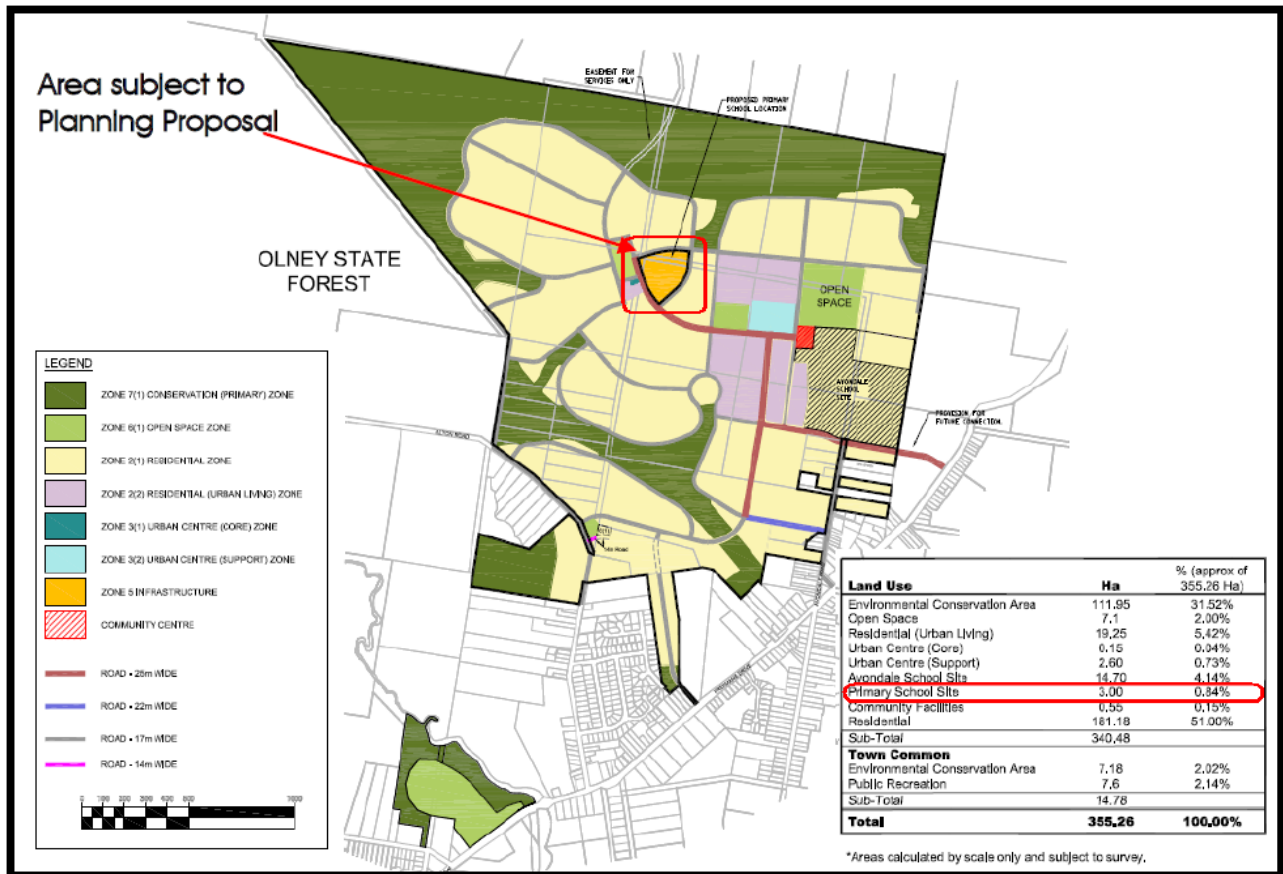
Map 4 – Existing Lot Size



Map 5 – Proposed Zones



Planning Proposal – - RZ/6/2015 - D07575752



Map 7 – Approved Concept Plan

Part 5 – COMMUNITY CONSULTATION

Given the Planning Proposal is administrative in nature and does not proposed to alter use of the land or built outcomes, it is intended that public exhibition will be for a period of 14 days.

Part 6 – PROJECT TIMELINE

Action	Timeframe
Anticipated commencement date (date of Gateway determination)	December 2015
Anticipated timeframe for completion of required technical information	Nil
Timeframe for government agency consultation (pre exhibition)	21 days
Public exhibition (commencement and completion dates)	14 days
Date of Public hearing (if required)	Nil
Consideration of submissions	1 week
Timeframe for government agency consultation (post exhibition if required)	21 days
Post exhibition planning proposal consideration / preparation	1 week
Submission to Department to finalise LEP	May 2016
Date RPA will make Plan (if delegated)	June 2016
Date RPA will forward to the Department for notification (if not delegated)	June 2016