

# PLANNING PROPOSAL

Gateway Version

**Inclusion of Land within Land Reservation Acquisition Map at**

**32 Yambo Street MORISSET  
(Lot 2 DP 809113)**

**Amendment to  
Lake Macquarie Local Environmental Plan 2014**

**Prepared by  
LAKE MACQUARIE CITY COUNCIL**



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**Planning Proposal**  
**32 Yambo Street MORISSET**

**Draft Amendment F2015/01746 to Lake Macquarie Local Environmental  
Plan 2014**

**Gateway Version**

<b>Local Government Area:</b>	Lake Macquarie City Council (LMCC)
<b>Name of Draft LEP:</b>	Draft Amendment F2015/01746 to Lake Macquarie Local Environment Plan 2014
<b>Subject Land:</b>	32 Yambo Street Lot 2 DP 809113 <i>(Refer to Appendix 1 for further details)</i>
<b>Land Owners:</b>	32 Yambo Street – privately owned
<b>Applicant:</b>	Lake Macquarie City Council (LMCC)
<b>Department of Planning and Environment reference number:</b>	
<b>Council Reference Number:</b>	F2015/01746
<b>Date:</b>	September 2016
<b>Author:</b>	Joanne Marshall – Statutory Property Officer

## Part 1 – OBJECTIVES OR INTENDED OUTCOMES

Council wishes to provide a new library and community facilities in order to revitalise the Morisset Town Centre. It has carried out the Morisset Town Centre Area Plan and the Morisset Developer Contributions Plan, which identifies several vacant parcels of land in the centre of the study area as being ideal for the location of a future Town Square.

Council now wishes to place one of these parcels of land on the Land Reservation Acquisition (LRA) map in Lake Macquarie Local Environmental Plan 2014, which requires Council to amend the plan and to prepare this Planning Proposal.

## Part 2 – EXPLANATION OF PROVISIONS

The Planning Proposal seeks to amend the Lake Macquarie Local Environmental Plan (LMLEP) 2014 as follows:

- i. Add the subject lands to the Land Reservation Acquisition Map
- ii. Amend the table in clause 5.1 to include the following:

<b>Type of land shown on Map</b>	<b>Authority of the State</b>
<i>Zone B3 Commercial Core and marked “Community facilities”</i>	<i>Council</i>

- iii. Amend the table in clause 5.1A to include the following:

<b>Column 1</b>	<b>Column 2</b>
<b>Land</b>	<b>Development</b>
<i>Zone B3 Commercial Core and marked “Community facilities”</i>	<i>Community facilities</i>

## 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?

Council adopted a broad Structure Plan for Morisset in November 2008. The Morisset Area Plan was then adopted (January 2012) to provide objectives and controls for development within the town centre, and the Morisset Developer Contributions Plan adopted (November 2012) to identify possible funding.

The subject parcels of land are identified in the Morisset Town Centre Area Plan and the Morisset Developer Contributions Plan as a suitable location for a future Town Square. Please see Annex F and G for copies of these documents.

The Morisset Town Centre Area Plan identifies the following:

- Morisset currently lacks any central public place;
- The proposed Town Square is centrally located close to rail and bus interchange services; and
- Development sites surrounding the Town Square provide an opportunity for mixed-use development such as office space, community facilities, function rooms, entertainment facilities, cafes and retail space.

The site for the proposed Town Square (although not identified within the Area Plan) is also considered a suitable location for the following reasons:

- It is located midway between the two major supermarket developments of Coles and Woolworths; and
- The sites are currently vacant blocks of land.

Council owns all the land to the east of Station Street (except 32 Yambo Street), between Newcastle Street and Dora Street. Some of this land contains the existing library building, which has been identified as being too small (219m<sup>2</sup>) for the projected growth of the Morisset area.

The acquisition of the subject land would enable Council to provide a future town square development, which would contain a new and larger library, and community meeting spaces. The Morisset Town Centre Area Plan and the Morisset Developer Contributions Plan has identified five parcels of land as being the ideal location for the new Morisset Town Square development. These parcels of land are as follows:

79 Dora Street	Old Morisset Post Office	Council acquired in 2015.
77 & 77A Dora Street	Morisset Memorial Hall & Literary Institute	Owned by Trustees of Morisset Memorial Hall & Literary Institute. A heritage assessment study has been undertaken to ensure the heritage value of the hall is reflected appropriately within the proposed development.
73 Dora Street	Vacant land at rear of Police Station	Discussions commenced with Crown Lands.
32 Yambo Street	Vacant land	Privately owned.

It is also envisaged that the Morisset Memorial Hall, which is heritage listed and identified as part of this site, would be accommodated as part of the community facilities to be provided within the new town square development. Council has recently completed a Heritage Assessment Study on the Memorial Hall. The project group for this study consisted of Council staff and community representatives from the Memorial Hall.

Over the past four years, Council has approached the owners of the vacant land, however the owners have rejected the previous offers made by Council to purchase the land. Accordingly, Council now wishes to place this land on its Land Reservation Acquisition Map, to indicate Council's desire to purchase and develop this land as part of the future town square development.

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 amendment is considered the best means of achieving the intended outcome for this property. Council has made several attempts to negotiate with the owner of the land to acquire their property, however has been unsuccessful.

By adding the land to the LRA Map in LMLEP 2014, this will ensure that:

- the land is identified for future community uses;

- the owner is prohibited from developing the land for other uses; and
- the owner is allowed to request that Council purchase the land at any point-of-time in the future, should they want to sell the land.

Adding the land to the LRA map will not result in compulsory acquisition of the land, however, will not preclude Council from undertaking this action. In addition, the land does not require rezoning as community facilities and commercial premises are permitted under the existing B3 Commercial Core zone.

## **Section B – Relationship to Strategic Planning Framework**

### 3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

#### (a) Does the proposal have strategic merit?

##### *Lower Hunter Regional Strategy*

The proposal is consistent with the Lower Hunter Regional Strategy 2006 which identifies Morisset as an emerging Major Regional Centre. These centres are expected to grow and take on the role of major centres in the future.

By Council identifying the subject land within the LRA map in LMLEP 2014, this will ensure that Council can develop the Morisset Town Centre Plan when the land has been acquired, and the formulation of the Town Square will enable a cohesive approach to revitalising and tying together the Morisset centre.

#### (b) Does the proposal have site specific merit and is it compatible with the surrounding land uses?

The Morisset commercial centre has grown around the Morisset railway station which is located to the south of Dora Street. Traditionally this shopping centre was ribbon development along the northern side of Dora Street with the railway station and car parking to the south. In more recent years both Coles and Woolworths have constructed super market complexes which now segregates the commercial area into three distinct sections, Coles, Woolworths and the old ribbon shopping strip along the northern side of Dora Street.

The land slopes from the north-west corner rising to the south-east, making pedestrian access uninviting between the various sections.

Under both the Lower Hunter Regional and Lifestyle 2030 strategies, the Morisset commercial centre is projected to become a new regional centre with an additional 16,080 residents into the area. In order to accommodate a larger library and revitalise the commercial area, the Council proposes to develop a new Town Centre to try to tie the existing commercial enterprises together and provide new community facilities for the area.

The Morisset Town Square development identified in the Morisset Town Centre Area Plan and the Morisset Developer Contributions Plan, contains the following sites and their uses:

<b>Address</b>	<b>Owner</b>	<b>Current Use</b>	<b>Method to acquire</b>
77a & 77 Dora Street	Morisset Memorial Hall & Literary Institute Inc	Front of site for hall use, rear is vacant,	Discussions underway

Lot 1 & 2 DP 590896			used for car parking	between Council and the Trust Committee
79 Dora Street Lot 1 DP 809113	Lake Macquarie Council	City	Contains vacant Post Office building	Already owned by LMCC
32 Yambo Street Lot 2 DP 809113	Privately owned		Vacant land	To be placed on LRA Map in LMLEP 2014
73 Dora Street Lot 7325 DP 1141789	NSW Police – Crown Land		Rear of site fronting Yambo Street vacant. Front of site (Dora St) Police Station – not part of proposal	Negotiations between Council and Crown Lands

The rear of two of these sites (73, 77 and 77a Dora Street), and the whole of 32 Yambo Street are vacant. These vacant sites are located in the centre of the B3 Commercial Core zone with unlikely propositions of developments due to their current community use status. The redevelopment of this land in its central location, is seen as the best location for the proposed Morisset Town Centre development.

4. *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 proposal is consistent with the strategic plan maps in the LS2030.

The land is situated in the centre of the Morisset commercial area, with Morisset being identified as a Regional growth centre for the area.

One of the strategic outcomes that LS2030 seeks to achieve is the implementation of the Morisset Structure Plan (Outcome 3.4, p15). The Structure Plan identifies the need to provide larger, multipurpose community facilities in centrally located places where people naturally tend to congregate. The proposed acquisition layer would ensure Council has access to a large, centrally located development area for community facilities, consistent with the principles provided in the Structure Plan.

Another of the strategic outcomes of LS2030 is to improve the amenity of the centres located on main roads, including Morisset (Outcome 3.9, p 15). The provision of a community facility on Yambo Street would help to focus pedestrian movements on Yambo Street rather than the busier Dora Street, which has heavy car traffic. Community facilities would help to improve the amenity of the centre.

The site is not identified in the Green System map as having any significant environmental features.

5. 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 *Appendix B*.

6. 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 *Appendix C*.

### **Section C – Environmental, Social and Economic Impact**

7. 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 land the subject of this proposal has not been identified as containing critical habitat or threatened species, populations or ecological communities, or their habitats, and is considered highly unlikely due to the land being within the centre of the Morisset commercial area.

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

The land the subject of this proposal has not been identified as containing any other natural hazards such as flooding, land slip or bushfire hazards. These are all identified within Lake Macquarie Local Environmental Plan 2014.

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

The proposal will largely have positive social and economic benefits for the community as outlined within question 3(b) of this report. By including the subject land within the LRA Map, Council will have first option to acquire the land if the owner wishes to sell, or can compulsorily acquire it, if and when Council decide to proceed with the Town Centre development.

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

### **Section D – State and Commonwealth Interests**

10. 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.

11. What are the views of State and Commonwealth Public Authorities consulted?

Consultation with the following government agencies:

- Mine Subsidence Board

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 *Appendix 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* and the Department's LEP guideline "A guide to preparing local environmental plans" (April 2013).

The planning proposal is proposed to be exhibited for 14 days in accordance with section 5.5.2 of the Department's LEP guideline. The planning proposal is considered to be 'low' impact for the following reasons:

- It is consistent with the pattern of surrounding land use zones and/or land uses;
- It is consistent with the strategic planning framework;
- Presents no issues with regard to infrastructure servicing;
- It is not a principle LEP; and
- It does not reclassify public land.

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.

## Part 6 – Project Timeline

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

Task	Timeline
Gateway Determination	September 2016
Public Exhibition (14 days)	October 2016
Consideration of submissions & prepare report to Council	November 2016
Report to Council post exhibition	December 2016
Submission to Department	January 2017
Notification of Plan Made	February 2017

# ANNEX A - MAPS

Figure 1 – Locality map



Subject Land

**Locality**

0 2  
Kilometres

N

Projection GDA 1994  
Zone 56

Lake Macquarie  
City Council

Base Map Credits:

Date: 11/08/2016 Planning Proposal: F2015\_01746

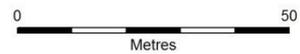
Figure 2 – Aerial map



- Parcel Boundary
- Subject Site

## Air Photo 2014 Aerial Photography

Sinclair Knight Merz 2014



Date: 11/08/2016 Planning Proposal: F2015/01746

Figure 3 – Existing Land Reservation Acquisition map

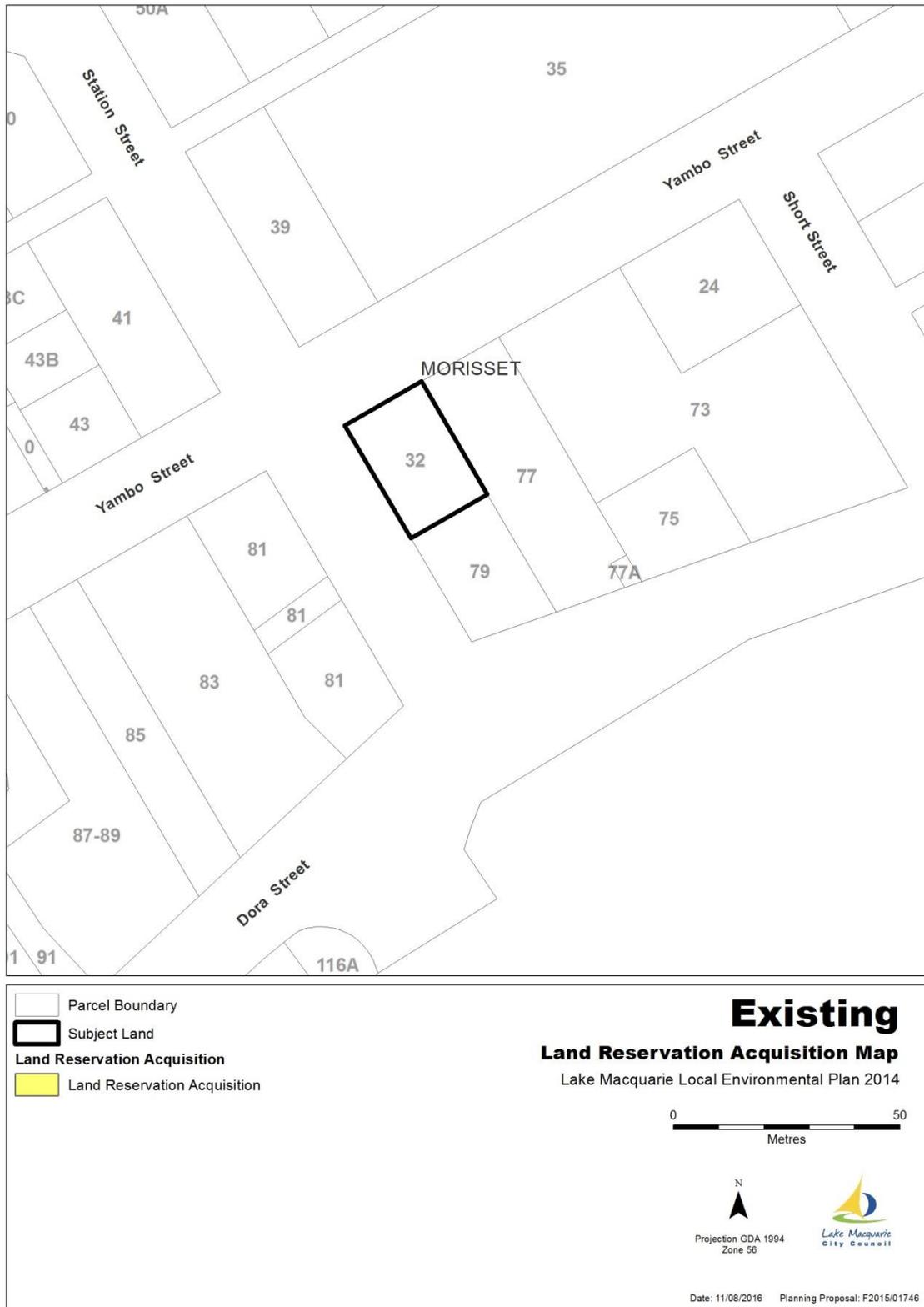


Figure 4 – Proposed Land Reservation Acquisition map

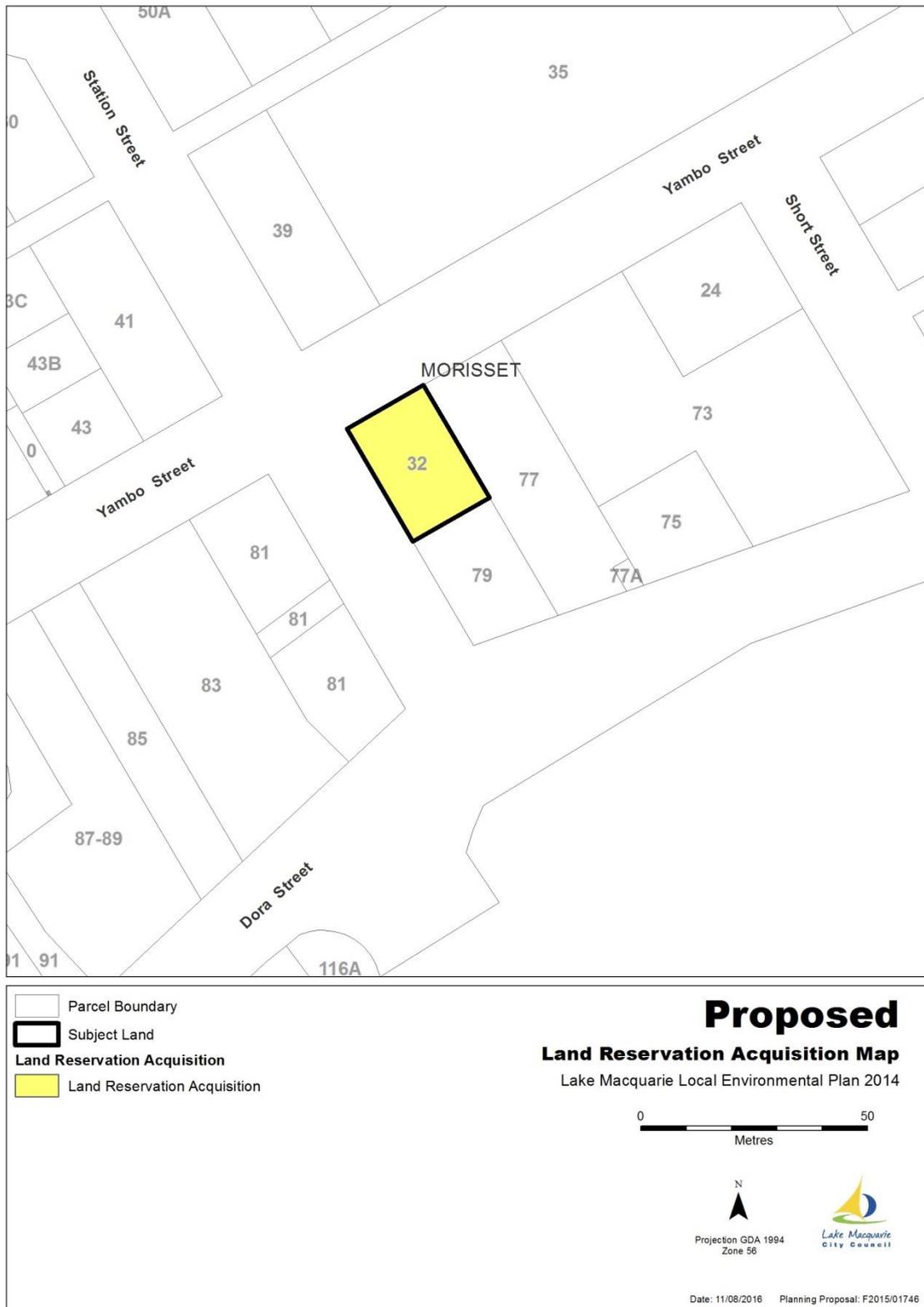
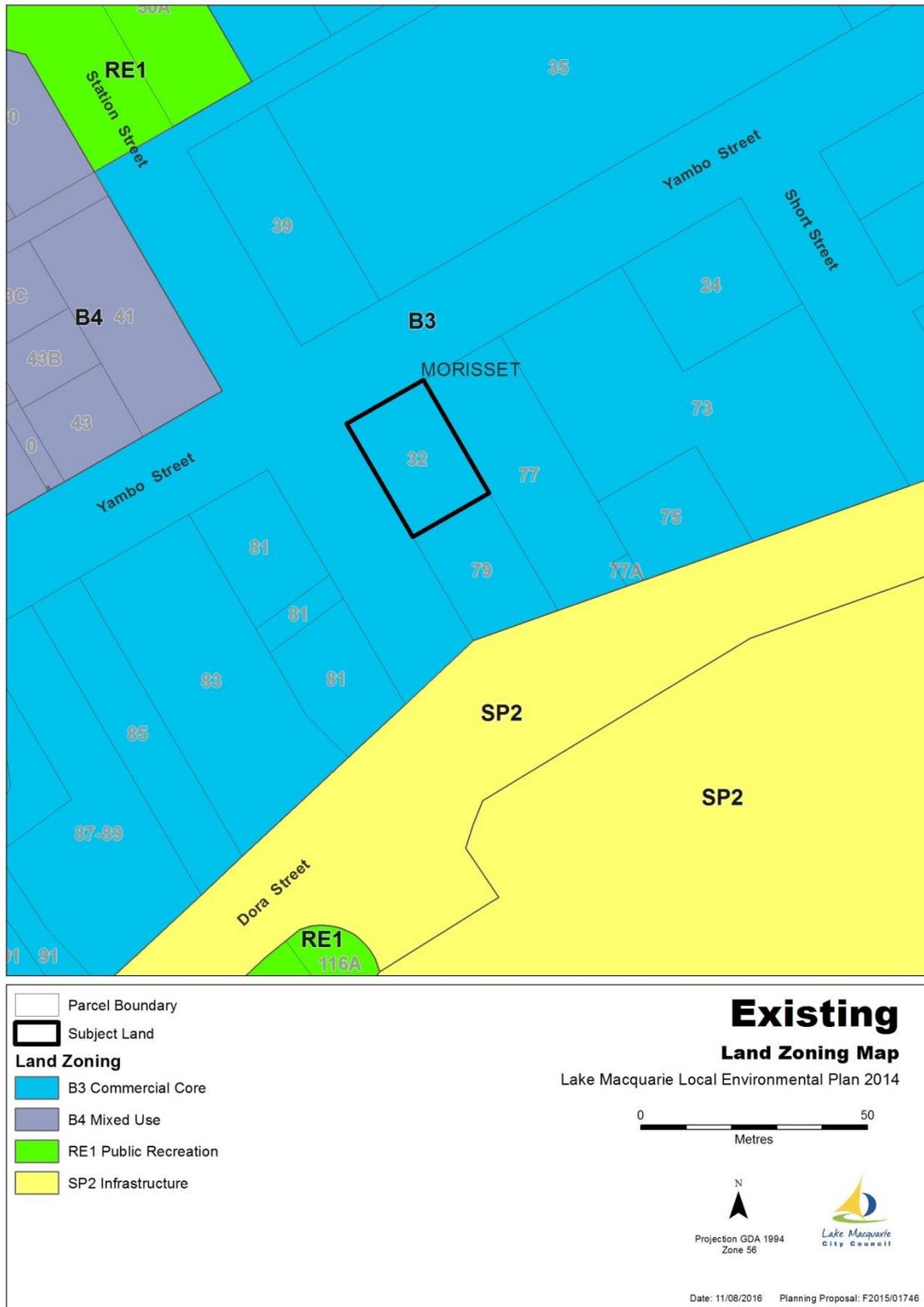


Figure 5 – Existing Land Zoning map



## ANNEX B – SEPP ASSESSMENT

### *Planning Proposal's Assessment against Applicable SEPPs*

<b>SEPP</b>	<b>Applicable</b>	<b>Consistency</b>
State Environmental Planning Policy No 19—Bushland in Urban Areas	N/A	The land and surrounding area relating to the Planning Proposal is denude of all vegetation and ground cover (other than grass), or covered by existing buildings. Accordingly this SEPP does not apply.
State Environmental Planning Policy No 32-Urban Consolidation (Redevelopment of Urban Land)	N/A	The proposal only involves including land on the Land Reservation Acquisition (LRA) Map. If Council does acquire this land, then it will be developed in accordance with the relevant zoning and the provisions of this SEPP will not apply.
State Environmental Planning Policy No 55 – Remediation of Land	N/A	The land and surrounding area relating to the Planning Proposal is vacant and/or is used for community purposes. There is no indication that the land has previously had uses that are likely to have contaminated the land. Accordingly this SEPP does not apply.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Yes	The proposal only involves including land on the Land Reservation Acquisition (LRA) Map. The zoning and development controls shall remain the same and accordingly is considered to be consistent with the SEPP.
State Environmental Planning Policy (Infrastructure) 2007	Possibly	The proposal only involves including land on the Land Reservation Acquisition (LRA) Map. The final uses and design of the new Town Centre may require assessment under this SEPP, but this will be determined once the land has been acquired.

## ANNEX C – MINISTERIAL DIRECTION ASSESSMENT

*Planning Proposal's assessment against Ministerial Directions*

Ministerial Direction	Applicable	Consistency
<b>1. Employment and Resources</b>		
1.1 Business and Industrial Zones	Yes	The land the subject of the planning proposal is located within an existing B3 Commercial Core zoned land, and so this ministerial direction applies. The proposal only involves including land on the Land Reservation Acquisition (LRA) Map. The zoning boundaries, zone and development controls shall remain the same and accordingly is considered to be consistent with this ministerial direction.
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	-
<b>2. Environment and Heritage</b>		
2.1 Environment Protection Zones	N/A	-
2.2 Coastal Protection	N/A	-
2.3 Heritage Conservation	Yes	The proposal only involves including land on the Land Reservation Acquisition (LRA) Map. Although one of the sites (77 & 77A Dora Street) contains an item listed under the Environmental Heritage Schedule of LMLEP 2014, the planning proposal does not propose changing that listing, nor the existing provisions that apply to heritage considerations under that LEP. Therefore, the planning proposal is considered to be consistent with this ministerial direction.
2.4 Recreation Vehicle Area	N/A	-

*Planning Proposal's assessment against Ministerial Directions*

<b>Ministerial Direction</b>	<b>Applicable</b>	<b>Consistency</b>
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential zones	Yes	The subject land is zoned B3 Commercial Core which permits residential flat buildings and shop top housing, under the planning proposal the zone will remain the same. The addition of this land to the LRA map is considered to be of minor significance and 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 outlined within the planning proposal is of minor significance and consistent with the objectives of this ministerial direction.
3.5 Development Near Licensed Aerodromes	N/A	-
3.6 Shooting Ranges	N/A	-
<b>4. Hazard and Risk</b>		
4.1 Acid Sulfate Soils	N/A	
4.2 Mine Subsidence and Unstable Land	Yes	The subject land is identified within the West Lake 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	N/A	-
<b>5. Regional Planning</b>		

*Planning Proposal's assessment against Ministerial Directions*

<b>Ministerial Direction</b>	<b>Applicable</b>	<b>Consistency</b>
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	-
<b>6. Local Plan Making</b>		
6.1 Approval and Referral Requirements	Yes	It is considered that the planning proposal is consistent with the objectives of this ministerial direction.
6.2 Reserving Land for Public Purposes	N/A	The Planning Proposal is to place land on the Land Reservation Acquisition layer, for library and community facilities. Therefore, the proposal is consistent with the ministerial direction.
6.3 Site Specific Provisions	N/A	The Planning Proposal will not change the zone of the site or the land surrounding the subject site. No site specific provisions or development standards in addition to

*Planning Proposal's assessment against Ministerial Directions*

Ministerial Direction	Applicable	Consistency
those already contained within the LEP will be applied.		
<b>7. Metropolitan Planning</b>		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	-

## ANNEX D – COUNCIL RESOLUTIONS

### *Council Minute Item*

#### *Action*

City Strategy Committee

8/08/2016

**TRIM Ref:** D07940851

**Subject:** Morisset (Yambo Street) - Amendment to Lake Macquarie Local Environmental Plan 2014 - Include land in Land Reservation Acquisition Layer

**Date to be Completed by:** 22/08/2016

#### *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:**

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30

Moved. Cr. Dawson  
Seconded. Cr. W Harrison

- A. Council authorises the commencement of action to prepare a Planning Proposal, for the inclusion of Lot 2 DP 809113 (32 Yambo Street, Morisset) in the Land Reservation Acquisition map, for the purpose of library and community facilities within the new Morisset Town Square development by Council;
- B. Council authorises the notification of Council's resolution, and submits a Planning Proposal pursuant to section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to the Department of Planning & Environment.
- C. Upon receipt of the Department of Planning & Environment's Gateway Determination under section 56 of the EP&A Act 1979, and in accordance with the Department of Planning & Environment's direction, Council authorises the exhibition of the Planning Proposal.
- D. If submissions are received in respect to C above, then a further report to Council shall be submitted to consider such submissions.
- E. If no submissions are received in respect to C above, and no variations are proposed, then the Planning Proposal shall be submitted to the Minister (or his delegate) in accordance with the Gateway determination and section 59 of the Environmental Planning and Assessment Act 1979.

In accordance with Section 375A of the Local Government Act 1993 a division took place.

For the Motion

Against the Motion

Cr. Fraser  
Cr. Johnston  
Cr. Coghlan  
Cr. Adamthwaite  
Cr. Griffith  
Cr. Langford  
Cr. Pauling  
Cr. W Harrison  
Cr. J Harrison  
Cr. Dawson  
(carried)

(Carried)

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*End*

*The minutes of City Strategy Committee on 8/08/2016 is located in TRIM folder titled  
'GOVERNANCE - COUNCIL MEETINGS - Minutes and Agenda - Council Agendas & Minutes  
- PDF Version'*

**16 STRAT034 Morisset (Yambo Street) – Amendment to Lake Macquarie Local Environmental Plan 2014 – Include land in Land Reservation Acquisition Layer**

Council Ref: F2015/01746 – D07940851

Report By: Statutory Property Officer – Joanne Marshall

**Précis:**

The railway was the focus for the township of Morisset, which dates back to 1887, with Dora Street becoming the traditional ribbon-shopping strip running along the ridgeline parallel to the railway line. Other businesses sprung up adhoc, behind this between Dora and Newcastle Streets creating the commercial centre. Today, as pedestrians flow out of the railway and bus stations into the commercial centre, they are drawn either westward visually to the Woolworths supermarket centre, or north by a gentle slope down Station Street to the current small Council library. The Coles supermarket centre is located behind the library, but accessed from Yambo Street.

Under both the Lower Hunter Regional and Lifestyle 2030 Strategies, the Morisset commercial precinct is forecast to become a new regional centre with an additional 16,080 residents into the area. In order to accommodate a larger library and revitalise the commercial area, the Council proposes to develop a new Town Centre to tie the existing commercial enterprises (Coles, Woolworths & Dora Street) together and provide new community meeting spaces for the area.

Council has completed the Morisset Town Centre Area Plan and the Morisset Developer Contributions Plan, which identifies five parcels of land in the centre of the study area that will be required for these community facilities, see Attachment 1. One of these parcels of land is already owned by Council (79 Dora Street), one by Crown Lands (rear of Police Station), and two of these parcels (77 & 77A Dora Street) contain the Morisset Memorial Hall which is in Community ownership. The remaining parcel located at 32 Yambo Street is in private ownership, and is currently vacant.

Council has commenced discussions with the Crown and the Morisset Memorial Hall regarding the project. Council has also approached the owner of the vacant parcel however; agreement has not been reached on a price.

It is now proposed to place this remaining parcel of land on the Land Reservation Acquisition (LRA) map in Lake Macquarie Local Environmental Plan 2014 (LMLEP), which requires Council to amend the plan and prepare a Planning Proposal for submission to the Department of Planning and Environment for consideration.

**Recommendation:**

- A. Council authorises the commencement of action to prepare a Planning Proposal, for the inclusion of Lot 2 DP 809113 (32 Yambo Street, Morisset) in the Land Reservation Acquisition map, for the purpose of library and community facilities within the new Morisset Town Square development by Council;
- B. Council authorises the notification of Council's resolution, and submits a Planning Proposal pursuant to section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to the Department of Planning & Environment.
- C. Upon receipt of the Department of Planning & Environment's Gateway Determination under section 56 of the EP&A Act 1979, and in accordance with the Department of Planning & Environment's direction, Council authorises the

exhibition of the Planning Proposal.

- D. If submissions are received in respect to C above, then a further report to Council shall be submitted to consider such submissions.
- E. If no submissions are received in respect to C above, and no variations are proposed, then the Planning Proposal shall be submitted to the Minister (or his delegate) in accordance with the Gateway determination and section 59 of the Environmental Planning and Assessment Act 1979.

**Background:**

In order to assist the Morisset commercial centre to accommodate an estimated increase of 16,080 residents projected under the Lower Hunter Regional Plan and satisfy employment and service needs, Council has investigated providing a new town square on the block bounded by Dora, Station, Short and Yambo Streets. The land is identified in the Morisset Area Plan and the Morisset Developer Contributions Plan for future library and community facilities.

Council owns all the land to the east of Station Street (except 32 Yambo Street), between Newcastle Street and Dora Street. Some of this land contains the existing library building, which has been identified as being too small (219m<sup>2</sup>) for the projected growth of the Morisset area.

The acquisition of the subject land would enable Council to provide a future town square development, which would contain a new and larger library, and community meeting spaces. The Morisset Town Centre Area Plan and the Morisset Developer Contributions Plan has identified five parcels of land as being the ideal location for the new Morisset Town Square development. These parcels of land are as follows:

79 Dora Street	Old Morisset Post Office	Council acquired in 2015.
77 & 77A Dora Street	Morisset Memorial Hall & Literary Institute	Owned by Trustees of Morisset Memorial Hall & Literary Institute. A heritage assessment study has been undertaken to ensure the heritage value of the hall is reflected appropriately within the proposed development.
73 Dora Street	Vacant land at rear of Police Station	Discussions commenced with Crown Lands.
32 Yambo Street	Vacant land	Privately owned.

It is also envisaged that the Morisset Memorial Hall, which is heritage listed and identified as part of this site, would be accommodated as part of the community facilities to be provided within the new town square development. Council has recently completed a Heritage Assessment Study on the Memorial Hall. The project group for this study consisted of Council staff and community representatives from the Memorial Hall.

Over the past four years, Council has approached the owners of the vacant land, however the owners have rejected the previous offers made by Council to purchase

the land. Accordingly, Council now wishes to place this land on its Land Reservation Acquisition Map, to indicate Council's desire to purchase and develop this land as part of the future town square development.

### **Proposal:**

The proposal seeks to amend the Lake Macquarie Local Environmental Plan (LMLEP) 2014 as follows:

- Add the subject land to the Land Reservation Acquisition Map
- Amend the table in clause 5.1 to include the following:

<b>Type of land shown on Map</b>	<b>Authority of the State</b>
<i>Zone B3 Commercial Core and marked "Community facilities"</i>	<i>Council</i>

- Amend the table in clause 5.1A to include the following:

<b>Column 1</b>	<b>Column 2</b>
<b>Land</b>	<b>Development</b>
<i>Zone B3 Commercial Core and marked "Community facilities"</i>	<i>Community facilities</i>

### **Consultation:**

#### Internal:

As part of the process to include the land within the LRA map, this matter was submitted to the relevant Council departments at an internal meeting. Council officer advice was recorded and included in reports pertaining to the proposed amendment to the LEP.

The land identified for acquisition at 32 Yambo Street was considered by Council officers at a meeting on 3 December 2015 where the following comment was made:

"In general, no objections to the proposal were raised."

#### External:

Over the past four years, Council has approached the owners of the vacant land (at 32 Yambo Street), with previous offers made by Council to purchase the land being rejected. Negotiations are still ongoing; however, Council considers it appropriate to place the land on the LRA map in order to facilitate this project and properly signal Council's intention.

The Morisset Memorial Hall committee were consulted during the concept design stage of the Town Square development. A Heritage Assessment Study has recently been completed indicating that the Hall is of local significance. This will be considered in all future designs for the proposed building. A Heritage Impact Statement will also be required for future designs.

Now that refurbishment of the Morisset Police Station has been completed, separate negotiations have commenced with Crown Lands in respect to the rear part of 73 Dora Street.

## **Implications:**

### ***Policy Implications:***

The proposal will provide progress towards Council being able to provide revitalisation of the Morisset Town Centre, which is identified as an emerging major regional centre within the Lower Hunter Regional Strategy.

The proposed action will enable delivery of the proposed community facility as identified in the Morisset Town Centre Area Plan and Morisset Developer Contributions Plan, both of which have been endorsed by Council.

The latest draft Plan for Growing Hunter City (Department of Planning and Environment), does not apply as it only extends as far south as Toronto on the western side of Lake Macquarie. Council has made a submission to the Department of Planning & Environment to reinstate Morisset back into this state planning document, as it is included in earlier state regional planning documents.

### ***Environmental Implications:***

It is not envisaged that adding these parcels on the LRA Map will have any environmental impacts.

### ***Social Implications:***

By adding the land to the LRA Map in LMLEP 2014, this will:

- Identify the land for future community uses;
- Allow the owner to request that Council purchase the land at any point-of-time in the future, should they want to sell the land.
- Facilitate Council's eventual acquisition of the sites required when redevelopment is ready to commence;
- Upon completion, deliver enhanced community facilities and services to the residents of the Morisset and surrounding areas

The Morisset Memorial Hall (77 & 77A Dora Street) has heritage significance, which has been identified under LMLEP 2014. A heritage assessment study has recently been completed which indicates the hall has local significance. Council will now consider this heritage study when preparing plans for the new town square, however this action can occur concurrently with the Planning Proposal for the adjoining land being placed on the LRA map.

If Council does not place the land on the LRA map, and agreement with the owners is not reached, the size and layout of the proposed Town Square development would be compromised.

### ***Infrastructure Asset Implications:***

Council's Asset Management department staff have raised no objection to the proposal, and it is envisaged that adding the land on the LRA map will not have any infrastructure asset implications.

Council will be responsible for the longer term asset maintenance of the proposed facility upon completion, should acquisition and redevelopment of the precinct proceed in the future.

### ***Financial Implications:***

The financial implications envisaged are minimal, as acquisition of the land by Council will be funded through the Section 94 Morisset Development Contributions plan.

Once the land has been placed on the LRA map and if the owners wish to commence negotiations, then a further report to Council will be submitted, based on the land valuation to be given at that time.

### ***Risk and Insurance Implications:***

Should the sites not be included on the LRA map, Council faces the risk of not being able to reach agreement with the owner and therefore not be able to deliver the proposed library and community facility already identified in Council's planning documents.

Community concerns have also been raised in relation to the Memorial Hall. Council are actively working with this group to develop an eventual design that achieves a mutually agreeable outcome.

The level of risk associated with the preparation of a Planning Proposal 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.

### **Options:**

1. To proceed as recommended to prepare a Planning Proposal for placing the subject land on the LRA map and amending clause 5.1 & 5.1A of the LMLEP.

This option is favoured as it ensures that Council gets the opportunity to purchase the land when it becomes available or by compulsory acquisition if required.

2. To do nothing.

This option is not preferred as Council may not be successful in acquiring properties if they are listed on the open market, and the owners may seek to improve their land by Development Application or construction, which will increase the cost burden to Council if and when the land becomes available.

### **Conclusion:**

Council has prepared and adopted the Morisset Town Centre Area Plan and the Morisset Developer Contributions Plan, which identifies certain land for incorporation within a new revitalised town centre, with the future town square to be placed off Yambo Street including a new library and community facilities.

Council's existing land holdings in the precinct have been considered however are too small to enable a facility sufficiently sized for the projected growth of the Morisset area. The acquisition of the subject land would enable Council to provide a future town square development, which would contain a new and larger library and community facilities.

Accordingly, Council now wishes to place the land (32 Yambo Street) on the LRA map in LMLEP 2014, which requires Council to amend the plan and prepare a Planning Proposal for submission to the Department of Planning and Environment for consideration.

By adding the land to the LRA Map in LMLEP 2014, this will:

- Identify the land for future community uses;
- Allow the owner to request that Council purchase the land at any point-of-time in the future, should they want to sell the land.
- Facilitate Council's eventual acquisition of the sites required when redevelopment is ready to commence;
- Upon completion, deliver enhanced community facilities and services to the residents of the Morisset and surrounding areas

Adding the land to the LRA map will not result in compulsory acquisition of the land at this stage, however, will not preclude Council from undertaking this action in the future. In addition, the land does not require rezoning as community facilities and commercial premises are permitted under the existing B3 Commercial Core zone.

Manager Property & Business Development – Kate Cramp

## ANNEX E – CHANGES TO CLAUSE 5.1 & 5.1A OF LAKE MACQUARIE LEP 2014

The Planning Proposal seeks to amend the Lake Macquarie Local Environmental Plan (LMLEP) 2014 as follows:

- i. Add the subject land to the Land Reservation Acquisition Map
- ii. Amend the table in clause 5.1 to include the following:

<b>Type of land shown on Map</b>	<b>Authority of the State</b>
<i>Zone B3 Commercial Core and marked “Community facilities”</i>	<i>Council</i>

- iii. Amend the table in clause 5.1A to include the following:

<b>Column 1</b>	<b>Column 2</b>
<b>Land</b>	<b>Development</b>
<i>Zone B3 Commercial Core and marked “Community facilities”</i>	<i>Community facilities</i>

## **ANNEX F – MORISSET TOWN CENTRE AREA PLAN**

## **ANNEX G – MORISSET DEVELOPER CONTRIBUTIONS PLAN**