

PLANNING PROPOSAL

Final 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**

Final Version

Local Government Area:	Lake Macquarie City Council (LMCC)
Name of Draft LEP:	Draft Amendment F2015/01746 to Lake Macquarie Local Environment Plan 2014
Subject Land:	32 Yambo Street Lot 2 DP 809113 <i>(Refer to Appendix 1 for further details)</i>
Land Owners:	32 Yambo Street – privately owned
Applicant:	Lake Macquarie City Council (LMCC)
Department of Planning and Environment reference number:	PP_2016_LAKEM_002_00
Council Reference Number:	F2015/01746
Date:	December 2016
Author:	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:

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

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

Column 1	Column 2
Land	Development
Zone B3 Commercial Core and marked “Community facilities”	Community facilities

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 (219m²) 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:

Address	Owner	Current Use	Method to acquire
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
- Awabakal Aboriginal Land Council

have been undertaken in accordance with the Gateway Determination, and no objections have been raised (see Annex I).

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 has been undertaken in accordance with the requirements of the Gateway Determination, section 57 of the *Environmental Planning and Assessment Act 1979*, section 29 of the *Local Government Act 1993* and the Department's LEP guideline "A guide to preparing local environmental plans" (April 2013).

Consultation with Public Authorities/Groups

The following public authorities/groups have been consulted – Mine Subsidence Board and Awabakal Aboriginal Land Council.

No objections were received in relation to the Planning Proposal (See Annex I). No response was received from the Awabakal Aboriginal Land Council, and the requirements of the Mine Subsidence Board will be applied at Development Application stage for the construction of the building.

Exhibition

The planning proposal was exhibited for a minimum of 14 days from 19 September to 10 October 2016 in accordance with section 2.5 of the Department's LEP guideline. The exhibition was advertised in a free local newspaper and on Council's website. In addition, any identified affected landowners and adjoining landowners were notified of the proposal.

One submission was received during the public exhibition period. This has been summarized and addressed in the report to Council dated 14 November 2016 currently before Council.

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	November/December 2016
Submission to Department	January 2017
Notification of Plan Made	February 2017

ANNEX A - MAPS

Figure 1 – Locality map



Figure 2 – Aerial map

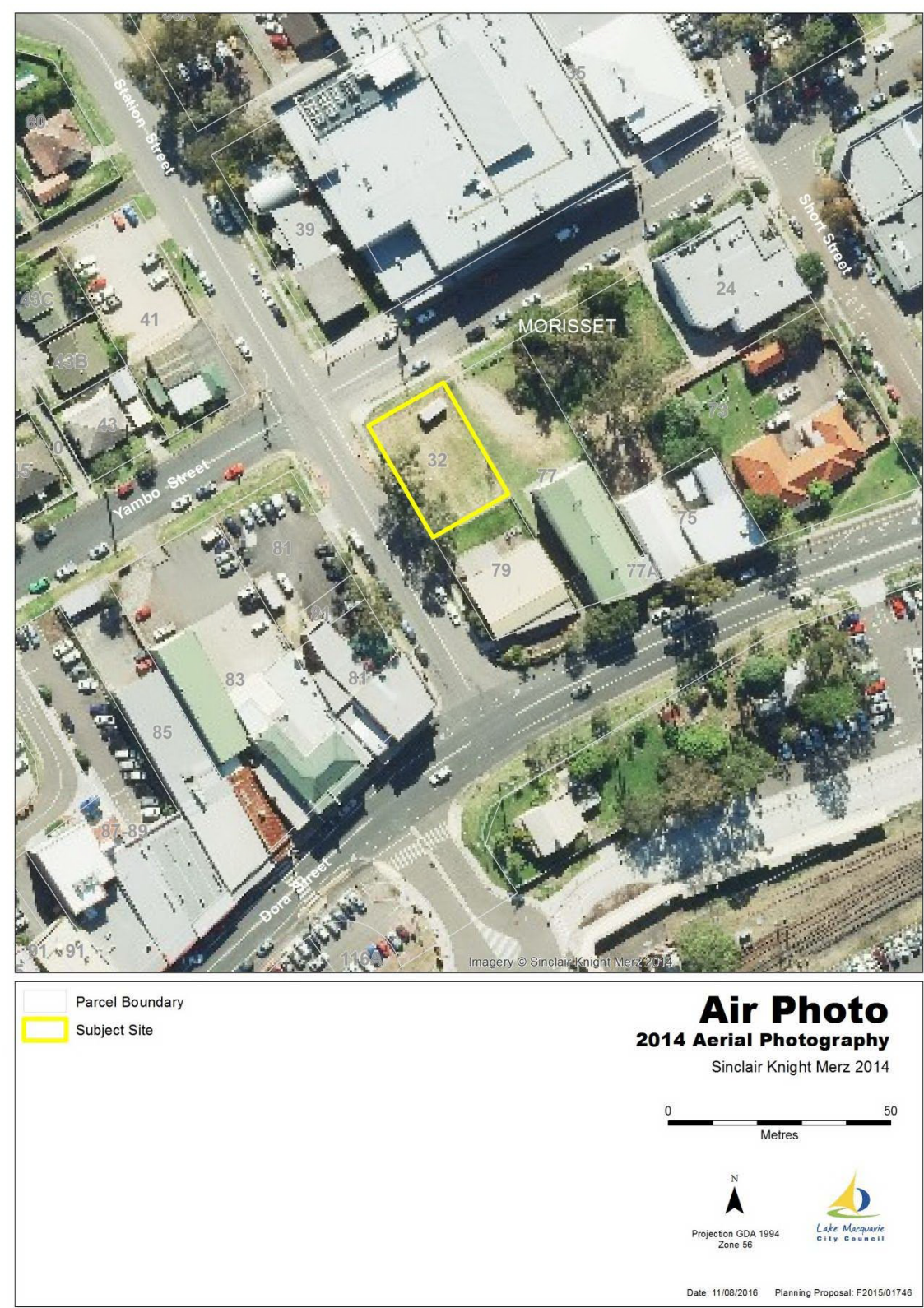


Figure 3 – Existing Land Reservation Acquisition map

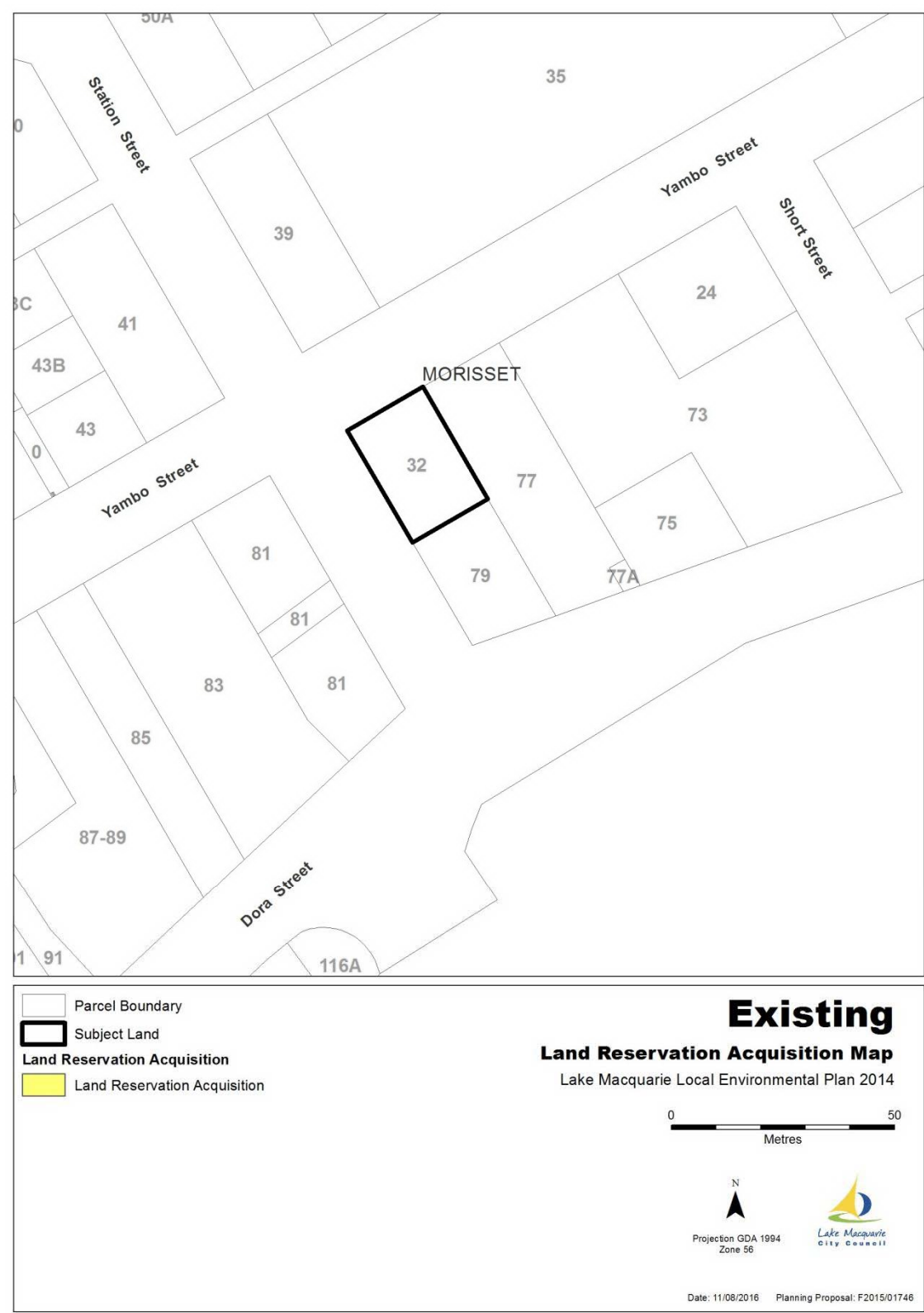


Figure 4 – Proposed Land Reservation Acquisition map

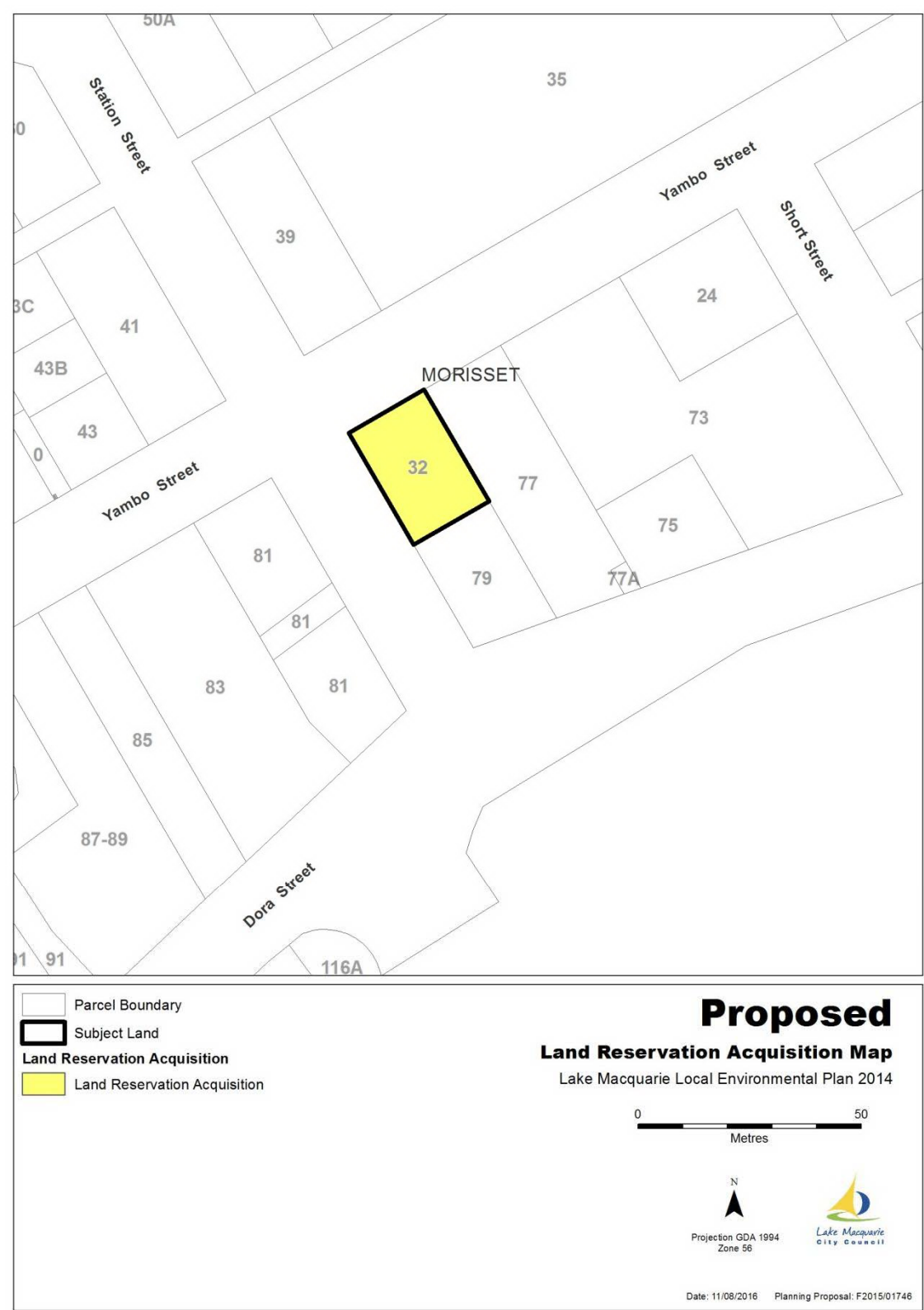
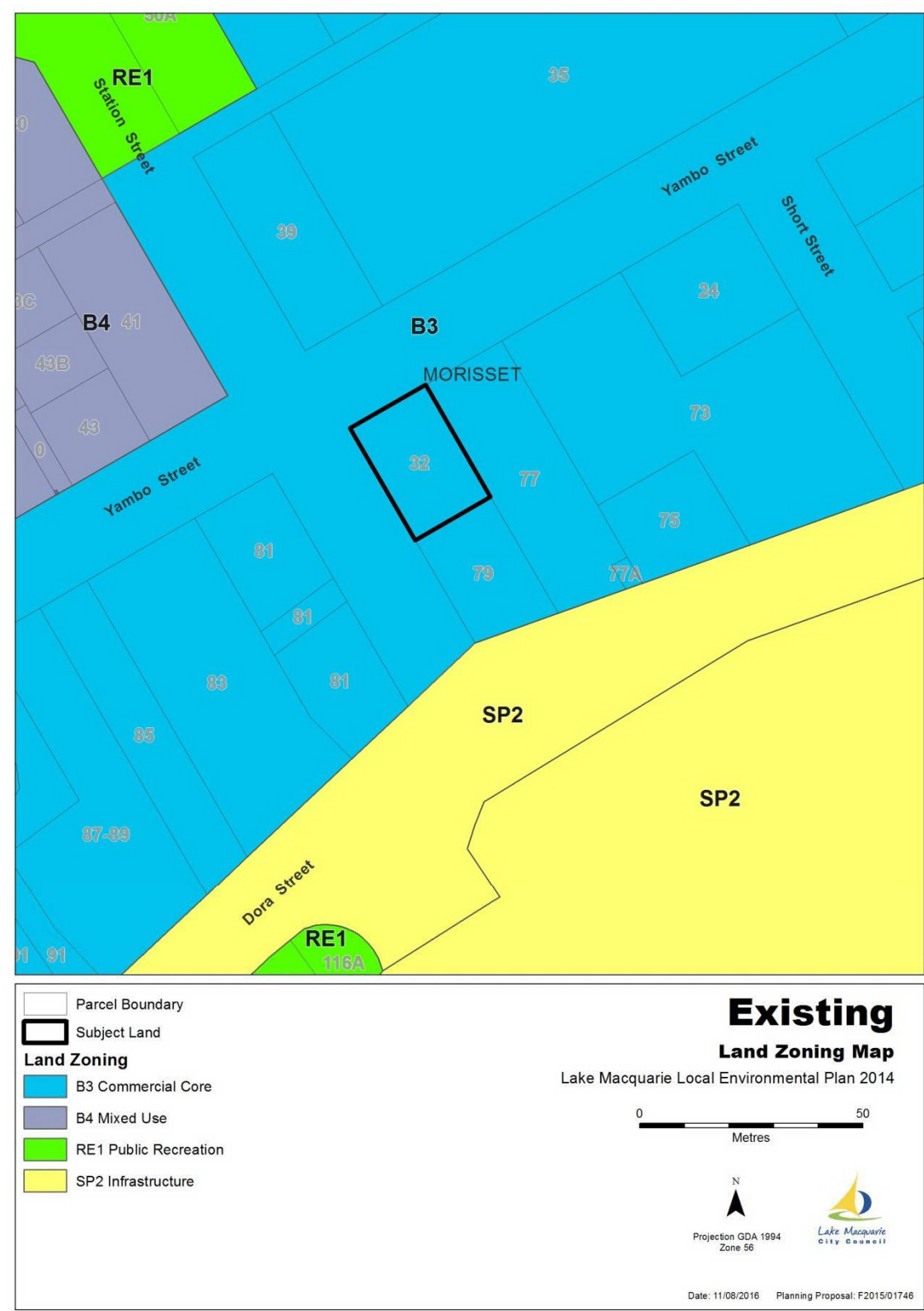


Figure 5 – Existing Land Zoning map



ANNEX B – SEPP ASSESSMENT

Planning Proposal's Assessment against Applicable SEPPs

SEPP	Applicable	Consistency
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
1. Employment and Resources		
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	-
2. Environment and Heritage		
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

Ministerial Direction	Applicable	Consistency
3. Housing, Infrastructure and Urban Development		
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	-
4. Hazard and Risk		
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 has been undertaken. The requirements of the Board will be applied at Development Application stage for the construction of the building. Accordingly, the planning proposal has complied with the requirements of this direction.
4.3 Flood Prone Land	N/A	
4.4 Planning for Bushfire Protection	N/A	-

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
5. Regional Planning		
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	-
6. Local Plan Making		
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. It is considered minor in nature and has been supported by the Gateway Determination. Accordingly, the proposal is consistent with the ministerial direction.

Planning Proposal's assessment against Ministerial Directions

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

ANNEX D – COUNCIL RESOLUTIONS

Council Minute Item

Action

Ordinary Council Meeting

28/11/2016

TRIM Ref: D08070402

Subject: Morisset (32 Yambo Street) - Proposed Inclusion of Land within Land Reservation Acquisition Map - Amendment to Lake Macquarie Local Environmental Plan 2014

Date to be Completed by: 28/11/2016

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:

45

Moved. Cr. Gilbert
Seconded. Cr. Harrison

A. That Council:

- i. considers the submissions received from the landowner and one public authority during the public exhibition period; and
- ii. endorses the amendment to the Lake Macquarie Local Environmental Plan 2014, as contained in Attachment 4, if after consideration of A(i), it is agreed that Council proceeds with the amendment.

B. Council requests the Office of the Parliamentary Counsel, under Council's delegation provided by the Minister for Planning under section 59 of the Environmental Planning & Assessment Act 1979, to draft the legal instrument to give effect to the amendment to the planning proposal.

C. After negotiation and agreement of the final wording of the instrument with the Office of the Parliamentary Counsel, Council makes the Plan pursuant to the Minister's delegated authority.

D. Council provides public notice of its decision in accordance with statutory requirements.

E. A report to be submitted to Council within one month of finalisation of the LEP amendment, addressing the matter of acquisition by compulsory process.

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

For the Motion

Cr. Fraser
Cr. Adamthwaite
Cr. Langford

Against the Motion

Cr. Pauling
Cr. Harrison
Cr. Baker
Cr. Belcher
Cr. Buckley
Cr. Cubis
Cr. Gilbert
Cr. Grigg
Cr. Jones
Cr. Shultz
(carried)

(Carried)

End

*The minutes of Ordinary Council Meeting on 28/11/2016 is located in TRIM folder titled
'GOVERNANCE - COUNCIL MEETINGS - Minutes and Agenda - Council Agendas & Minutes -
PDF Version'*

**City Strategy Committee Meeting
14 November 2016**

**16STRAT049 Morisset (32 Yambo Street) – Proposed Inclusion of Land within
Land Reservation Acquisition Map – Amendment to Lake Macquarie
Local Environmental Plan 2014**

Council Ref: F2015/01746 – D08070402

Report By: Statutory Property Officer – Joanne Marshall

Précis:

Council nominates land it has an interest in acquiring for public purpose by inclusion of such land on the Land Reservation Acquisition map (LRA) map.

The process to place items on the LRA map is to prepare a Planning Proposal to make an amendment to the Lake Macquarie Local Environmental Plan (LMLEP) 2014. If Council supports the Planning Proposal, it is then forwarded to the Department of Planning and Environment (DP&E) for Gateway determination. If approved, the Gateway approval will specify the requirements for public exhibition, and whether Council has delegation to determine the proposed amendment to the Local Environmental Plan.

Council considered a report on the proposed inclusion of 32 Yambo Street, Morisset, within the LRA Map, on 8 August 2016 (16STRAT034), whereby it resolved to proceed with the Planning Proposal and place it on public exhibition.

The DoPE issued Gateway Determination on 8 September 2016 with the requirement for 14 days public exhibition, and provided written authority for Council to exercise its delegation in respect to this plan.

The Plan was exhibited from 19 September to 10 October 2016. One public submission and one government agency submission was received during this time.

This report is to consider the submissions received, and to determine whether to make the Plan under section 59 of the Environmental Planning and Assessment (EP&A) Act 1979.

Recommendation:

- A. That Council:
 - i. considers the submissions received from the landowner and one public authority during the public exhibition period; and
 - ii. endorses the amendment to the Lake Macquarie Local Environmental Plan 2014, as contained in Attachment 4, if after consideration of A(i), it is agreed that Council proceeds with the amendment.
- B. Council requests the Office of the Parliamentary Counsel, under Council's delegation provided by the Minister for Planning under section 59 of the Environmental Planning & Assessment Act 1979, to draft the legal instrument to give effect to the amendment to the planning proposal.
- C. After negotiation and agreement of the final wording of the instrument with the Office of the Parliamentary Counsel, Council makes the Plan pursuant to the Minister's delegated authority.
- D. Council provides public notice of its decision in accordance with statutory requirements.

Background:

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 at 32 Yambo Street; however, the owners have rejected the previous offers made by Council to purchase the land. Accordingly, it is now proposed 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:

Type of land shown on Map	Authority of the State
Zone B3 Commercial Core and marked "Community facilities"	Council

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

Column 1	Column 2
Land	Development
Zone B3 Commercial Core and marked "Community facilities"	Community facilities

Consultation:

Council resolved on 8 August 2016 (16STRAT034) to proceed with the Planning Proposal, and to commence the public consultation process required for this application to proceed. In accordance with the Gateway Determination, the Planning Proposal was to be exhibited for a minimum of 14 days.

An advertisement was published in the Newcastle Herald on 17 September 2016 and in the Lakes Mail on 22 September 2016. Consultation letters were sent to public/government authorities and adjoining owners were notified of the Planning Proposal.

The notification and statutory advertising period has now closed and one public submission was received.

As the land is not yet in Council's ownership, and the submissions received did not request it, a Public Hearing is not required.

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 officers' 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 held on 3 December 2015 where the following comment was made:

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

Public/Government Authorities Submissions

In accordance with the Gateway Determination, the Mine Subsidence Board was consulted in respect to the proposal. No objection was raised to the draft amendment to LMLEP 2014, and they requested that architectural plans be submitted to them for consideration. This will be done at Development Application stage.

A letter was also sent to the Awabakal Land Council but no response has been received.

Public Submissions

One public submission was received from the current landowner of 32 Yambo Street (see Attachment 3).

The submission raised the following concerns:

- "We recognised this site as a 'one off' key corner position.... We saw this site as strategically placed as an ideal location for the eventual expansion and relocation of our business "

The landowner states an intention to expand their family business onto this site in the future and have passed up the opportunity to accept another site. Council's records show that the landowner also owns two other commercial sites within the Morisset Centre (with 200m of the subject site).

Council's records also show the owner previously obtained a Development Approval for 32 Yambo Street to construct four new shops in 1991 however, it did not proceed.

- “We see this as incredibly unfair and bordering on autocracy, given our past preparedness to negotiate the sale of the subject land to Council”.

Over the past four years, Council has negotiated with the owners of the vacant land on several occasions; despite accepting Council’s offer in 2014, the owners withdrew their acceptance and rejected further offers made by Council to purchase the land. At no time during these negotiations has the owner presented an independent valuation for what they consider the land to be worth.

There are sufficient funds in the Section 94 Morisset Development Contribution Plan to fund this proposed acquisition.

Implications:

Policy Implications:

The proposed Planning Proposal has been advertised and notified to all affected parties and authorities in accordance with the Gateway Determination, DP&E’s Guide to Preparing LEP’s and the Environmental Planning & Assessment Act 1979.

The Planning Proposal does not contravene any Council policies. It 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.

Environmental Implications:

It is not envisaged that adding this parcel to the LRA Map will have any environmental impacts as the site is currently cleared.

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 acquisition of the sites when redevelopment is ready to commence; and
- upon completion, deliver enhanced community facilities and services to the residents of the Morisset and surrounding areas.

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.

The site is ideal for Council’s proposed Town Square project as Council owns the adjoining site and is currently in negotiations for the other adjoining sites. It provides a thoroughfare between Morisset station and the main retail precincts.

Infrastructure Asset Implications:

Council’s Asset Management staff have raised no objections 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 (capital) implications envisaged are minimal, as acquisition of the land by Council is planned to be funded through the Section 94 Morisset Development Contributions plan. Council's intention to develop a "town square" and community facilities on the site will generate long term recurrent financial obligations which will require further assessment when the development is imminent.

Once the land has been placed on the LRA map and, if the owners wish to commence negotiations, Council will be required to consider acquisition arrangements.

Risk and Insurance Implications:

Should the site 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 is actively working with this group to develop a design that maximises the agreement between the parties.

The level of risk associated with the preparation of a Planning Proposal application is 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 the property if it is 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 identified the subject land as being important for the proposed development of the new library and town square facility to be provided in the Morisset town centre. Accordingly, now that the statutory advertising period is complete, Council's approval is required to proceed with the final Planning Proposal (see Attachment 4) (for inclusion of the land on the LRA map), to request the Parliamentary Counsel's opinion, and then make the Plan pursuant to the Minister's delegated authority.

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:

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

Cr. Fraser
Cr. Johnston

Against the Motion

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

(Carried)

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 (219m²) 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:

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

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

Column 1	Column 2
Land	Development
<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:

3. 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.

4. 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:

Type of land shown on Map	Authority of the State
<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:

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

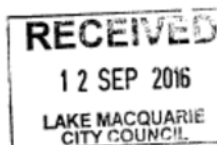
ANNEX F – MORISSET TOWN CENTRE AREA PLAN

ANNEX G – MORISSET DEVELOPER CONTRIBUTIONS PLAN

ANNEX H – GATEWAY DETERMINATION



**Planning &
Environment**



Contact: Amy Blakely
Phone: (02) 49042723
Email: amy.blakely@planning.nsw.gov.au

Mr Brian Bell
General Manager
Lake Macquarie City Council
Box 1906 HRMC NSW 2310

Our ref: PP_2016_LAKEM_002_00 (16/11183)
Your ref: F2015/01746

Attn: Joanne Marshall

Dear Mr Bell,

Planning proposal to amend Lake Macquarie Local Environmental Plan 2014

I am writing in response to your Council's letter dated 17 August 2016 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Land Reservation Acquisition Map to include 32 Yambo Street Morisset.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed that any inconsistency with the terms of the direction is of minor significance. The proposal is consistent with Council's strategic work and will result in public benefit. No further approval is required in relation to this Direction.

Plan making powers were delegated to councils by the Minister in October 2012. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway determination. Council's request to draft and finalise the LEP should be made to the Department of Planning and Environment 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Hunter and Central Coast Region – Central Coast Office - Level 3 107-109 Mann Street (PO Box 1148)
Gosford NSW 2250 Phone: 02 4348 5000 Website: planning.nsw.gov.au

Should you have any queries in regard to this matter, I have arranged for Ms Amy Blakely of the Department's regional office to assist you. Ms Blakely can be contacted on (02) 4904 2723.

Yours sincerely,



8/9/2016

Monica Gibson

**Director Regions, Hunter and Central Coast
Planning Services**

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Delegated plan making reporting requirements
Plan making process post gateway – for delegated matters

Hunter and Central Coast Region – Central Coast Office - Level 3 107-109 Mann Street (PO Box 1148)
Gosford NSW 2250 Phone: 02 4348 5000 Website: planning.nsw.gov.au



Planning & Environment

Gateway Determination

Planning proposal (Department Ref: PP_2016_LAKEM_002_00): to amend the Land Reservation Acquisition Map to include 32 Yambo Street, Morisset.

I, the Director Regions, Hunter and Central Coast at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Lake Macquarie Local Environmental Plan (LEP) 2014 to amend the Land Reservation Acquisition Map to include 32 Yambo Street, Morisset should proceed subject to the following conditions:

1. 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 local environmental plans (Planning & Environment 2016)* 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 local environmental plans (Planning & Environment 2016)*.
2. Consultation is required with the Mine Subsidence Board under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

The Mine Subsidence Board 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 consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.
3. 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).
4. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Dated 8 September 2016.

Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Lake Macquarie City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_LAKEM_002_00	Planning proposal to amend the Land Reservation Acquisition Map to include 32 Yambo Street, Morisset

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 8 September 2016

A handwritten signature in black ink, appearing to read 'Monica Gibson'.

Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services
Department of Planning and Environment

Delegated plan making reporting requirements

(Attachment 5 from "A guide to preparing local environmental plans)

Notes:

- The department will fill in the details of Table 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the Department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department with the RPA's request to have the LEP notified

Table 1 – To be completed by the Department

Stage	Date/Details
Planning Proposal Number	PP_2016_LAKEM_002_00
Date Sent to Department under s56	17 August 2016
Gateway determination date	8 September 2016

Table 2 – To be completed by the RPA

Stage	Date/Details
Dates draft LEP exhibited	
Date of public hearing (if held)	
Date sent to PCO seeking Opinion	
Date Opinion received	
Date Council Resolved to Adopt LEP	
Date LEP made by GM (or other) under delegation	
Date sent to Department requesting notification (hunter@planning.nsw.gov.au)	
Brief Description of Purpose of planning proposal	

Table 3 – To be completed by the Department

Stage	Date/Details
Notification Date and details	

Additional relevant information:

PP_2016_LAKEM_002_00 (16/11183)

PLAN MAKING PROCESS POST GATEWAY – FOR DELEGATED MATTERS

1. Post Exhibition Review

- Any unresolved s117 directions must be finalised before progressing with LEP
- If planning proposal is revised, council is to email a copy of the revised proposal to the regional planning team - centralcoast@planning.nsw.gov.au under Section 58(2) of the Act prior to requesting LEP to be made.
- If changes to planning proposal are substantial then may no longer be authorised by the Gateway determination and a Gateway amendment may be required before LEP is made. Councils are encouraged to contact regional planning team to seek advice before finalising the LEP under delegation.

2. Legal Drafting of the LEP

- Council's request to draft and finalise the plans should be made as soon as possible to ensure timeframes are met. Council should upload the maps and GIS data directly to the department's portal site (<https://data.planningportal.nsw.gov.au/help>).
- Once uploaded Council should email centralcoast@planning.nsw.gov.au and advise maps are available for checking. Any questions about uploading can be directed to gis@planning.nsw.gov.au.
- Unless otherwise negotiated the department will only undertake a technical review of any maps, to ensure they comply with LEP mapping technical guidelines.
- No maps or mapping/GIS data is to be sent directly to PCO.
- The request for legal drafting should be sent to PCO at parliamentary.counsel@pco.nsw.gov.au including the planning proposal, a copy of the gateway determination and details of any change to the proposal arising from the gateway determination. The name and contact details of the council contact officer should also be supplied.
- A copy of the request to PCO should also be forwarded to the department for administrative purposes only – centralcoast@planning.nsw.gov.au

3. Making of the draft LEP s59

- Council's delegate resolves to finalise the LEP by signing the instrument (see example below).
- If council's delegate decides not to make plan or defer a matter, council should liaise with regional team for assistance.
- Council must also notify PCO if plan not proceeding

4. Notification of LEP

- Council advises and requests the department to make the plan, email request to centralcoast@planning.nsw.gov.au and the following documents to be provided for notification
 1. Signed LEP - which includes full name of LEP and PCO file reference
 2. Signed map cover sheet and associated maps,
 3. Name and position of the delegate who signed the LEP and date,
 4. Completed Attachment 5 - delegated plan making reporting template,
 5. Copy of council's assessment (s 59 report) which is usually the council report/minutes
 6. PC opinion
- Request to centralcoast@planning.nsw.gov.au by Tuesday of the week will enable notification by Friday.

Example of signature front page

Fred Smith
General Manager

PP_2016_LAKEM_002_00 (16/11183)

ANNEX I –SUBMISSIONS

PUBLIC AUTHORITIES:

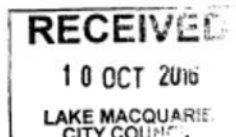


**Subsidence
Advisory NSW**

117 Bull Street, Newcastle West NSW 2302
Tel 02 4908 4300 | www.subsidence.nsw.gov.au
24 Hour Emergency Service: Free Call 1800 248 083

FN95-01914L0
TENQ16-14790L1
YOUR REF: F2015/01746

LAKE MACQUARIE CITY COUNCIL
BOX 1906
HUNTER REGIONAL
MAIL CENTRE NSW 2310



Dear Ms Marshall

LOT 2 DP 809113 NO 32 YAMBO ST MORISSET

This property is located within a proclaimed Mine Subsidence District. The purpose of a District is to prevent damage through surface development controls that take account of the risk of damage by subsidence from old, current and future mining.

As a guide to persons intending to erect improvements on this property, Subsidence Advisory NSW has adopted the following surface development guidelines subject to these improvements being erected on reinforced concrete footings and/or slabs to comply with AS 2870. The following improvements are limited to a maximum length of 30 metres and maximum width of 18 metres.

1. Single or two storey timber or steel framed improvements clad with weatherboards or other similar materials.
2. Single or two storey brick veneer improvements.
3. Full masonry and other types of improvements will be considered for this property under Subsidence Advisory NSW 'Graduated Guidelines for Residential Construction'. The improvements will be subject to length restriction and may require engineering design. Details of the requirements may be obtained from the Subsidence Advisory NSW's technical staff.

Architectural plans submitted to Subsidence Advisory NSW for approval must show the location and detailing of articulation/control joints in brickwork to comply with the requirements of the Building Code of Australia and best building practices.

Should the application not comply with the Surface Development Guideline it will be assessed on its merit.

If you intend to subdivide or to alter or build improvements on this property, you need Subsidence Advisory NSW approval. During planning and design of proposed improvements, applicants should consult with our staff.

Yours sincerely

A handwritten signature in black ink that reads 'Richard Pickles'.

**Richard Pickles
District Manager**

5 October 2016
Contact phone no: (02) 4908 4353

G 8 (Auto) Sept 2016

PUBLIC SUBMISSION:

26th September 2016

The General Manager
Lake Macquarie City Council
Box 1906, HRMC NSW 2310

Dear Sir,

Subject: Notice of Public Exhibition – Inclusion of Land within Land Reservation Acquisition Map – Amendment to LMLEP 2014 - 32 Yambo St Morisset Lot 2 DP 809113

We wish to object to the Planning Proposal seeking to amend LMLEP 2014 as currently notified and advised in your letter to us dated 14th September 2016.

We are the owners of the land the subject of the Planning Proposal, having purchased the land in 1991 because of its unique position, and at the time, paid a premium price compared to other available sites within the Morisset Town Centre. As experienced commercial Estate Agents we recognized this site as a 'one off' key corner position, adjacent to the railway station and library, and located on a main arterial intersection. We saw this site as strategically placed as an ideal location for the eventual expansion and relocation of our business, [REDACTED]

We understand and acknowledge the Council's interest in the subject land for future community facilities, and accept that the community's interests and needs must at times come before private interests, and in the current circumstances, our own interests and needs. However at what cost and at what point in time?

In January 2014 we accepted an offer from Council to purchase our land, subject to an executed contract "within a reasonable time frame." We did so in the basis that at that time, an opportunity arose which would have presented us with an acceptable alternative to our current site, and on which we would have been able to pursue and meet our own business and personal needs. However, Council did not proceed within a reasonable time frame, and the alternate site was no longer available. As we did not receive any further correspondence from the Council or any advice to the contrary, we assumed there was no further interest in our land by Council. We therefore continued with our plans to build an office to house our growing family business employing twelve local people, and this has been the catalyst for recently appointing a town planner to prepare and submit a Development Application for the subject land. We are disappointed that this action on our part appears to have been the basis for the preparation of the Planning Proposal to amend the LMLEP.

We have reviewed the relevant clauses in the LMLEP 2014 and Council's most recent letter. Our understanding is that in the event that the Planning Proposal proceeds, it will result in the land being reserved for future acquisition by the council for community purposes. Further, it will have the effect of rendering our intended development of our land as development to which the Council cannot grant consent. We interpret this reservation of

the land as a form of deferred "compulsory acquisition" due to the fact that we would be unable to use our land but must continue to pay rates until such time as the Council decides to acquire the land for "community facilities." We see this as incredibly unfair and bordering on autocracy, given our past preparedness to negotiate the sale of the subject land to the council.

We ask that you please consider our position, as we have paid significantly higher rates due to the zoning of the land, and have sacrificed lost opportunity costs over twenty years to work toward our long term vision to develop the site as a part of our superannuation and future business growth plan. The Planning Proposal and its implications are a direct threat to our business presence, and our alternatives are now extremely limited. We are now presented with the issues of considering relocation to an inferior position, a likely and unanticipated future Capital Gains Tax debt, and no certainty as to the point in time at which Council will exercise its right to purchase our land.

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Yours Faithfully