

4. Cardiff Town Park (PP_2012_LAKEM_012)

PROPOSAL

The Planning Proposal aims to rezone 0.38ha of 3(1) Urban Centre Core zoned land to RE1 Public Recreation for a town park and identify the land for acquisition.

The proposal has arisen from the redevelopment of the nearby Woolworth's site which involved the purchase from Council of an existing park to enable consolidation. The proposed new park is to be located on land more central to the business zone, in a quieter mid-block location, offering better public amenity and potentially stimulating revitalisation. This is consistent with the Lower Hunter Regional Strategy that identifies the Glendale-Cardiff corridor for economic growth and housing renewal and intensification.

GATEWAY DETERMINATION

The Minister's delegate determined on 10 December 2012 that an amendment to the Lake Macquarie LEP 2004 or the draft Lake Macquarie LEP 2012 should proceed.

TIMEFRAME

The Gateway Determination required completion of the planning proposal by 17 December 2013 (12 months). An extension to time was granted on 13 February 2014 allowing for an additional 6 months to finalise the amendment as part of draft LEP 2014. The Planning Proposal was due for completion by 17 June 2014.

AGENCY CONSULTATION

Consultation was undertaken with relevant agencies in relation to the relevant s117 directions. Neither agency raised any objection to the proposal.

PUBLIC PARTICIPATION

In accordance with the Gateway Determination issued 10 December 2012, the planning proposal was exhibited for 28 days from 4 March to 1 April 2013. One public submission was received in response to the exhibition. This submission supported the creation of a park but raised concerns regarding its ongoing management and security. Council has indicated that it will consider and plan for these issues in the future design of the park. This is considered appropriate.

PUBLIC HEARING

The Gateway Determination did not require a public hearing to be held into the matter by any person or body under section 56(2) of the *Environmental Planning and Assessment Act 1979*.

CHANGES MADE TO THE PLANNING PROPOSAL AFTER EXHIBITION

Clause 5.1A Development on land intended to be acquired for public purposes of the draft LEP was included and applies to the proposal post exhibition. This clause limits future development on the land, except where it is consistent with the objectives of the acquisition, in this case local open space. This ensures that owner initiated acquisition provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* operate as intended. This is consistent with Council's intent as exhibited but was unable to be achieved under the existing LEP 2004 due to the variety of uses permissible within the zone. Under LEP 2004, even if an owner initiated acquisition Council could decline to acquire the land because of these uses. This change reflects Councils intent and therefore Council consider that it does not warrant re-exhibition.

CONSISTENCY WITH STATE POLICIES AND S117 DIRECTIONS

This planning proposal is considered consistent with applicable State Environmental Planning Policies (SEPP's).

The Gateway Determination issued 10 December 2012 advised that the reduction of land for public purposes was approved by the then Director-General's delegate and the proposal was therefore consistent with s117 direction 6.2 Reserving land for public purposes. It also advised that the inconsistency with s117 direction 1.1. Business and Industrial Zones was agreed due to its minor significance.

Consultation was undertaken with relevant agencies in relation to the relevant s117 directions and as required by the Gateway. Neither the Mine Subsidence Board nor the former NSW Department of Primary Industries - Mining and Petroleum raised any objections.

COUNCIL RESOLUTION S58

Council did not have delegation for this Plan and requested the drafting of the LEP amendment in June 2013. However due to the nature of council's existing open space zone and the extent of uses permissible within it, the Department could not legally support identifying the land for acquisition at that time. Council decided to delay the rezoning of the land until it could also be identified for acquisition to avoid uncertainty for landowners.