

Planning Proposal

Amendment No. 71 to Lake Macquarie Local Environmental Plan 2004 and proposed Amendment to Draft Lake Macquarie Local Environmental Plan 2012

Zoning of land at Kelton and Veronica Streets Cardiff for a public park.

Local Government Area: Lake Macquarie

Name of Draft LEP: Lake Macquarie Local Environmental Plan 2004 (Amendment No. 71) and Draft Amendment 'Cardiff Town Park' to Draft Lake Macquarie Local Environmental Plan 2012.

Maps and Photos:

- Attachment 1 – Locality Map
- Attachment 2 – Aerial Photo and current Lake Macquarie LEP 2004 zones for the site.
- Attachment 3 – Proposed zoning and acquisition under Lake Macquarie LEP 2004
- Attachment 4 – Proposed zoning and acquisition under draft Lake Macquarie LEP 2012.

Part 1 – Objective of the Planning Proposal

The objective of the Planning Proposal is to amend *Lake Macquarie Local Environmental Plan 2004* (LMLEP 2004) and Draft *Lake Macquarie Local Environmental Plan 2012* (Draft LMLEP 2012) by rezoning 0.38ha of land between Veronica and Kelton streets in the Cardiff town centre, from 3(1) Urban Centre to 6(1) Open Space, and applying an acquisition layer to the same land for the provision of a future public park.

Part 2 – Explanation of the Provisions

The amendment proposes the following changes to LMLEP 2004:

Amendment Applies To	Explanation of the Provision
Map	It is proposed to rezone 0.38ha of land being: Lot 8 Sec B DP 10159, Lot 6-7 Sec B DP 10159, Lot 15 DP 618640, Lot A and B DP 387969, Lot 8 DP 3783, Lot 1 DP 547543 and Lot 2 DP 547543, and Lot 6 DP 3783 from 3(1) Urban Centre to 6(1) Open Space, and apply an acquisition layer (LMCC the responsible authority) to the same land.
Dictionary	Amend the definition of <i>the map</i> by adding Lake Macquarie Local Environmental Plan 2004 (Amendment No 71)

The Planning Proposal would result in the following changes to Draft Lake Macquarie LEP 2012 (Council's Standard Instrument LEP):

Amendment Applies To	Explanation of the Provision
LMLEP 2012 Standard Instrument – Land Zoning Map (LNZ_011)	Amend the land zoning map to apply the Local Open Space (RE1) zone to the subject land.
LMLEP 2012 Standard Instrument – Land Reservation Map (LRZ_011)	Amend the land reservation map to identify the subject land for LMCC Acquisition RE1.
LMLEP 2012 Standard Instrument – Minimum Lot Size Map (LSZ_011)	Minimum lot sizes would no longer apply to this site.
LMLEP 2012 Standard Instrument – Building Height Map (HOB_011)	Maximum building heights would no longer apply to this site.

Part 3 – Justification for the Provisions

A. Need for the planning proposal

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

The planning proposal is not the result of a strategic study or report.

The redevelopment of the Woolworths site has resulted in the need for a good quality passive and active recreation area or centralised Town Square to be provided by Council for the residents of Cardiff. This planning proposal is seeking to rezone an area to provide a centralize town park.

The Urban Structure Plan for Glendale Cardiff prepared by Dickson Rothschild in 2005 identified the need for a centralised Town Square in Cardiff. Specifically, the Urban Structure Plan states

“Even with Harry Ford Reserve, Cardiff lacks a centralized public space that can function as a focal point of community activities, that is easily accessible, that is suitable for passive recreation and has good safety and amenity.” Additionally, *“Higher building heights and density around the perimeter of the town square will promote usage of the open space, casual surveillance of all areas for safety, and a sense of enclosure and civic space.”*

The proposed park would service the Cardiff town centre and the Main Road renewal corridor, which is identified for economic and/or housing renewal and intensification, in the Lower Hunter Regional Strategy.

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

In order to achieve the community and recreation planning aims for the site Council considered;

Option 1

Amend LMLEP 2004 to include a clause enabling public recreation uses on the subject land.

This was rejected as it would not make clear Council's intention to acquire and develop the land for public park.

Option 2

Amend LEP2004 to rezone the subject land from 3(1) Urban Centre to 6(1) Open Space and designate the subject land for acquisition by LMCC. This option is preferred as it provides a clear planning intent for the long term use of the land.

2. Is there a net community benefit?

The proposal will result in a net community benefit by providing a local park for residents and workers to relax, exercise and meet close to jobs, shops and transport. The provision of outdoor passive and active recreation spaces assists with providing a quality lifestyle for residents and workers. The importance of a town park in Cardiff will increase over time with increasing levels of urbanization, and population growth.

Additionally, a Net Community Benefit Test has been undertaken and provided below.

Net Community Benefit Test

Criteria	Planning Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?	The proposed park is located within the Cardiff Town Centre. Cardiff is identified as a renewal corridor identified for economic and/or housing intensification, in the Lower Hunter Regional Strategy. The site is also within 400m of a rail station and the main retail strip. The proposal is compatible with agreed state and regional strategic directions for development in the area.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The proposed park would service the Cardiff Town Centre and a renewal corridor, which has been identified for economic and housing renewal and intensification, in the Lower Hunter Regional Strategy. The proposal is compatible with agreed regional strategic direction for development in the area.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The proposal seeks to rezone and reclassify land to enable the provision of a public park. No other land acquisition is anticipated in the centre. It is not likely that the proposal will set a precedent in the area. The amendment will change the development expectations of landholders. However, this matter has previously been the subject of community and landowner consultation.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	A previous rezoning and road closure was required to facilitate development of a supermarket and specialty shops fronting the main street of Cardiff. The process resulted in the loss of a public open space area within the road reserve. This proposal seeks to reinstate the public park in a more suitable location with better facilities.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The LEP will result in a loss of land zoned 3(1) Urban Centre. However, there is currently a surplus of commercial zoned land in Cardiff with substantial areas that are

Criteria	Planning Comment
	underdeveloped. The proposed park would likely increase the development appeal of land adjacent to the subject land.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The proposal will not result in the loss of residential zoned land or impact housing supply and affordability.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	Water, electricity and gas utilities are available. Existing roads and road reserves provide access to the site. Both frontages have public footpaths. Buses operate along Main Road which is 100m to the south and Cardiff rail station is within 400m of the site. The proposed park location has been determined to have the best pedestrian and cyclist connection and access.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The subject proposal seeks to provide public recreation close to the town centre facilities of Cardiff.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The state government has recently invested money to upgrade the Cardiff Town Centre Streetscape. The provision of a future public park within the town centre will build on this investment.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The land is not constrained by environmental factors or required for environmental conservation.
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The proposed public park will significantly improve urban amenity for town centre visitors and workers and for occupants of surrounding commercial or mixed use development in the 3(1) Urban Centre zone.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal will not provide any retail or commercial premises.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	The proposal would improve the amenity of an existing centre that has been identified for population growth in the future. The proposal will provide a high quality recreation space within the town centre of Cardiff.

Criteria	Planning Comment
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The proposal would provide a public park to replace an open space area that has been recently developed. If the amendment does not proceed the town centre would have no public recreation area.

B. Relationship to strategic planning framework

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

The proposed park is located within the Cardiff Town Centre. Cardiff is identified as part of the Glendale-Cardiff renewal corridor in the Lower Hunter Regional Strategy. The site is also within 400m of a rail station and the main retail strip.

The proposal would be consistent with the LHRS to the extent that it would:

- Improve resident, visitor and worker amenity within one of the Region's centres.
- Facilitate the concentration of activities within a centre and close to a rail station.

The proposed rezoning and acquisition supports the LHRS Neighbourhood Planning Principles by ensuring the Cardiff centre has open space that is both recreational space and green space.

2. Is the planning proposal consistent with the local council's Community Strategic plan, or other local strategic plan?

The proposed rezoning supports the following strategic directions of Council's Lifestyle 2020 strategic plan as follows:

5.2 A well serviced and equitable city – the proposal will provide future public open space within the Cardiff centre, within 100m of a local bus route and within 400m of the Cardiff rail station.

5.3 A well designed and liveable city – the proposal will provide public recreation space and facilities once developed as a park.

2. Is the planning proposal consistent with applicable state environmental planning policies?

An assessment has been undertaken to determine the level of consistency the proposal has with relevant State Environmental Planning Policies (SEPPs). The assessment is provided below.

SEPPs	Relevance	Implications
SEPP 19 – Bushland in Urban Areas	Aims to prioritise the conservation of bushland in urban areas, and requires consideration of aims in preparing a draft amendment	The subject land does not contain any vegetation recognised as urban bushland. The proposal seeks to make the land available for a public park in the future.

SEPPs	Relevance	Implications
SEPP 44 – Koala Habitat Protection	Aims to encourage the proper conservation and management of areas of natural vegetation that provide koala habitat.	No koala habitat or potential koala habitat has been identified on the sites.
SEPP 55 – Remediation of Land	Aims to establish planning controls and provisions for the remediation of contaminated land	A preliminary assessment of possible contamination within the subject site did not identify contamination of an extent that would render it unsuitable for use as a public park. However, appropriate investigations and remediation should be carried out where necessary, prior to development consent being granted.
SEPP (Infrastructure) 2007	Aims to provide a consistent planning regime for the delivery of infrastructure. It also provides provision for consultation and assessment.	Development resulting from the proposal can be adequately serviced with existing infrastructure.
SEPP (Mining, Petroleum Production and Extractive industries) 2007	The SEPP aims to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources. The SEPP provides that development for the purpose of petroleum production and extractive industries may be carried out with development consent on land on which development for the purposes of agriculture or industry may be carried out (with or without development consent).	Neither agriculture nor industry are permissible (with or without development consent) in the Public Recreation Zone. The proposed zoning would be inconsistent with the aims of the SEPP but the inconsistency is considered to be of minor significance given the limited area of the site.
Draft SEPP 66 – Integration of Land Use and Transport	This policy aims to ensure that urban structure, building forms, land use locations, development designs, subdivision and street improve accessibility to housing, employment and services by walking, cycling and public transport. In relation to rezoning land for residential development, the local environmental plan should include provisions that: encourage an average gross residential density of at least 15 dwellings per hectare and support the achievement of viable public	The proposed rezoning would facilitate acquisition of 0.33 ha of land for a public park. The site is readily accessible from Cardiff rail station and bus routes on Main Road.

SEPPs	Relevance	Implications
	transport thresholds, and ensure development of the land will result in subdivision designs and layouts that encourage and are supportive of walking, cycling and the use of public transport.	

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

An assessment has been undertaken to determine the level of consistency the proposal has with relevant Ministerial Directions. The assessment is provided below.

Ministerial Direction	Relevance	Implications
1.1 - Business and Industrial Zones	Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	Inconsistent: This proposal reduces the area of existing business zoned land, and will reduce the total potential floor space area for employment uses. However the proposal will facilitate the replacement of a former public reserve area. A centrally located public recreation space will also provide incentive for private investment on the form of redevelopment. . The proposal is inconsistent with the direction but the inconsistency is considered to be of minor significance given the limited area of the site. The concurrence of the director general of the DoPI will be requested for this minor inconsistency.
1.3 – Mining, Petroleum Production and Extractive Industries	Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Extractive industry is not a permissible use in the proposed Public Recreation zone. This is inconsistent with the direction but the inconsistency is considered to be of minor significance given the limited area of the site.
2.3 – Heritage Conservation	Aims to conserve items of environmental heritage by requiring a draft LEP to include provisions to facilitate the protection and conservation of	No items of environmental heritage have been identified on the subject site. The proposal is consistent with the direction.

Ministerial Direction	Relevance	Implications
	Aboriginal and European heritage items.	
3.4 Integrating Land Use and Transport	The aim of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	The proposal provides for public recreation uses located close to existing road and transport infrastructure. The site is within 100m of the Cardiff town centre and 400m of the Cardiff rail station. The proposal is consistent with this direction.
4.1- Acid sulphate Soils	Aim to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.	The site has not been identified as containing ASS. Therefore, the proposal is consistent with this direction.
4.2 – Mine Subsidence and Unstable Land	Aims to ensure development is appropriate for the potential level of subsidence. The direction requires consultation with the Mine Subsidence Board where a draft LEP is proposed for land within a mine subsidence district.	Comments would be sought from the Mine Subsidence Board as part of the consultation phase. The proposal is consistent with this direction.
4.3- Flood prone land	Aims to ensure that development of flood prone land is consistent with the NSW Government Flood Prone Land Policy and the Principles of the Floodplain Development Manual 2005, and to ensure that the provision of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	The site is not flood prone. The proposal is consistent with this direction.
5.1 – Implementation of Regional	Aims to give legal effect to regional strategies, by requiring draft LEPs to be consistent with relevant strategies. The direction	The planning proposal provides a public recreation area within a renewal corridor identified in the

Ministerial Direction	Relevance	Implications
Strategies	requires a draft amendment to be consistent with the relevant State strategy that applies to the Local Government Area.	Lower Hunter Regional Strategy. The proposal is consistent with this direction.
6.1 – Approval and Referral Requirements	Prevents a draft LEP from requiring concurrence from, or referral to, the Minister or a public authority unless approval is obtained from the Minister and public authority concerned. Also restricts the ability of a Council to identify development as designated development without the Director General's agreement.	The draft amendment does not require concurrence from, or referral to, the Minister or a public authority. The planning proposal is consistent with this direction.
6.2 – Reserving Land for Public Purposes	Aims to facilitate the reservation of land for public purposes, and to facilitate the removal of such reservations where the land is no longer required for acquisition. A Council must seek the Minister's or public authority's agreement to create, alter or reduce existing zonings or reservations in an LEP. A Council can also be requested to rezone or remove a reservation by the above.	The draft amendment proposes to reserve land for public purposes. The land would be zoned 6(1) Public Open Space to reflect its intended future use as a park, and the proposal identifies Council (LMCC) as the relevant acquiring authority for the land. The land would be acquired under Division 3 of Part 2 of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> . Council is seeking the approval of the Director-General of the Department of Planning to reserve the land. The proposal is consistent with this direction.
6.3 – Site Specific Provisions	Aims to reduce restrictive site specific planning controls where a draft LEP amends another environmental planning instrument in order to allow a particular development proposal to proceed. Draft LEPs are encouraged to use existing zones rather than have site specific exceptions.	The amendment does not propose any site specific zones or planning provisions. The proposal is consistent with this direction.

C. Environmental, social and economic impact

1. **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 subject land is within the town centre of Cardiff and have been utilised for residential purposes. No critical habitat, threatened species, populations or ecological communities or

habitats have been identified on the sites and therefore the likelihood of affecting these is minimal.

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

The proposed LEP amendment will result in a town park. The future public recreation facility will go through a thorough design process, which will address any adverse additional environmental impacts.

No other environmental effects are anticipated as a result of the LEP amendment.

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

Extensive consultation and investigation has been conducted into the best location for a park in the town centre of Cardiff. During this process Council undertook extensive community consultation in 2007 following closure of the previous Harry Ford Park (located within the Main Road road reserve).

The annual population growth rate in the Cardiff Planning District between 1996 and 2006 averaged 1.95%, which was two and a half times the growth rate of the Lake Macquarie Local Government Area as a whole. Population Age profiles indicate the Cardiff area has a higher than average proportion of older residents. There has also been considerable private sector investment in Cardiff recently with the development the new Woolworths shopping centre which includes a supermarket and a range of specialty stores. Provision of a public park would provide incentive for retail, office or mixed use commercial-residential development on adjacent sites and provide some economic benefits to the town centre.

The provision of a local park would result in social benefits for local residents and workers including; providing a place to relax, exercise and meet close to jobs, shops and transport. The provision of outdoor passive and active recreation spaces assists with providing a quality lifestyle for residents and workers. The importance of a town park in Cardiff will increase over time with increasing levels of urbanisation, density, and population growth.

D. State and Commonwealth interests

1. Is there adequate public infrastructure for the planning proposal?

Investigations show that there will be adequate existing urban infrastructure to service the proposed Public Recreation zoning, including roads, stormwater, electricity, water and sewer.

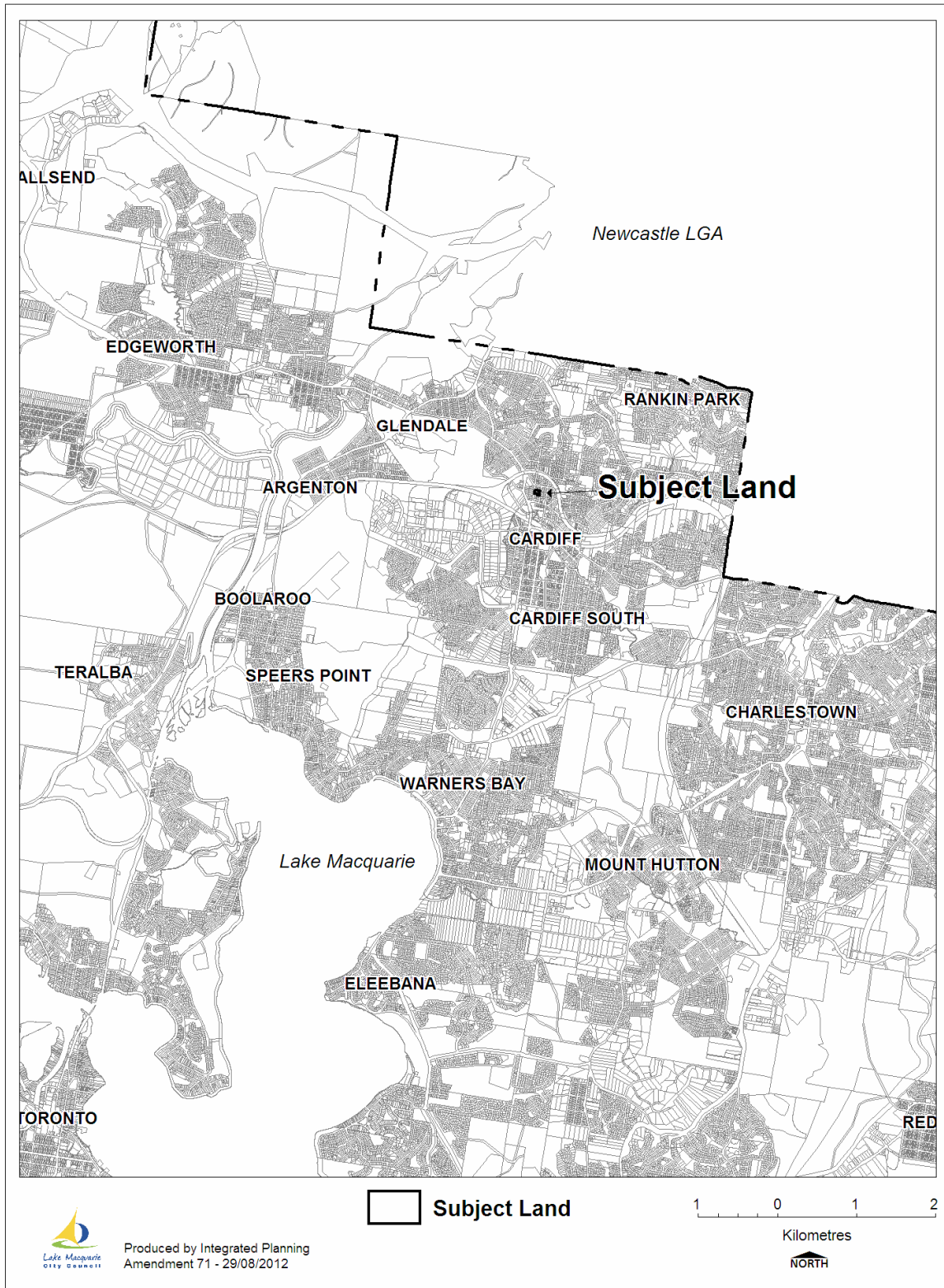
2. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Relevant authorities have not been consulted at this stage. Consultation with relevant public authorities will be undertaken in accordance with the Gateway determination.

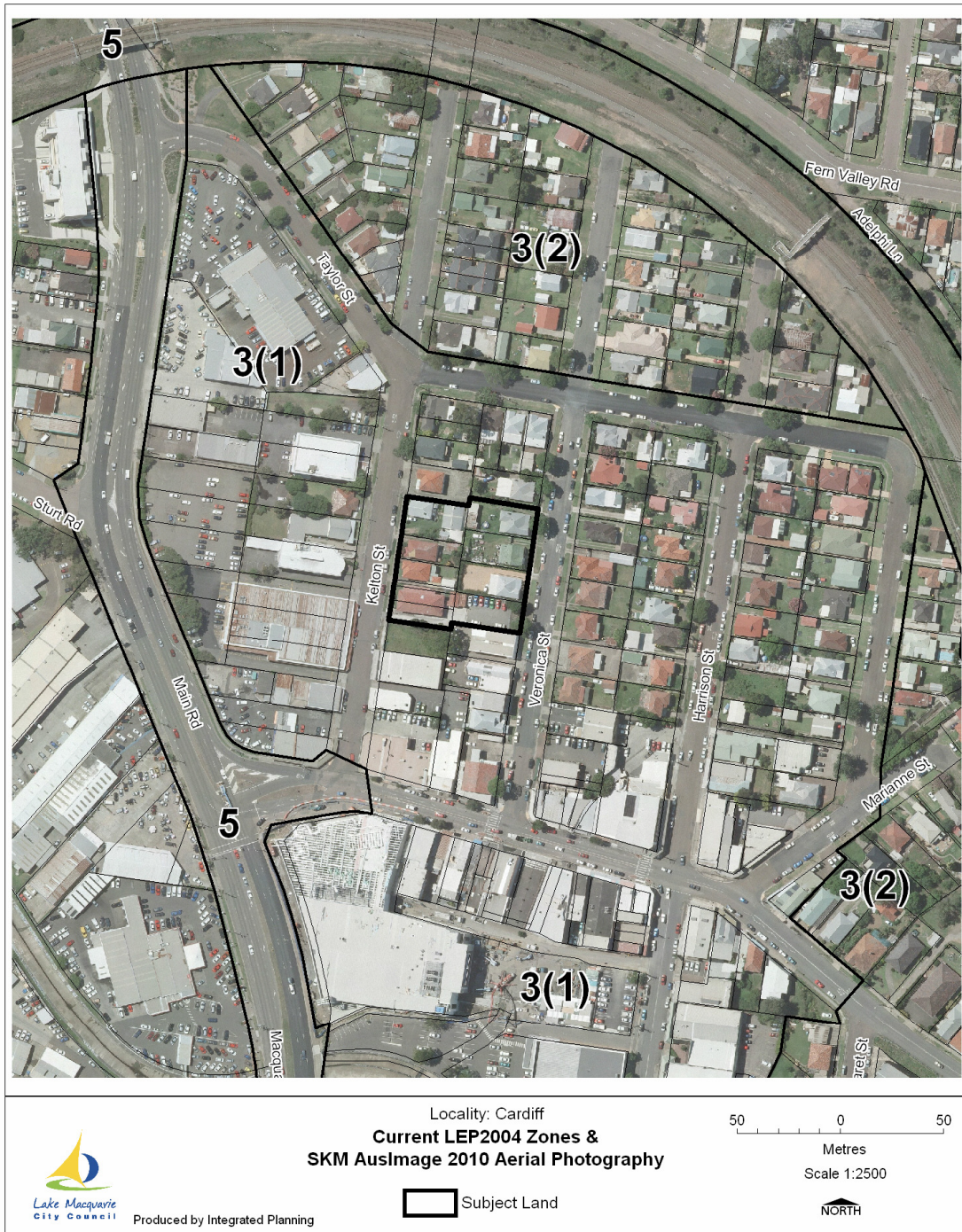
Part 4 –Details of Community Consultation

It is considered that a 28 day public exhibition period is warranted. However, the planning proposal will be exhibited in accordance with the Gateway determination when received.

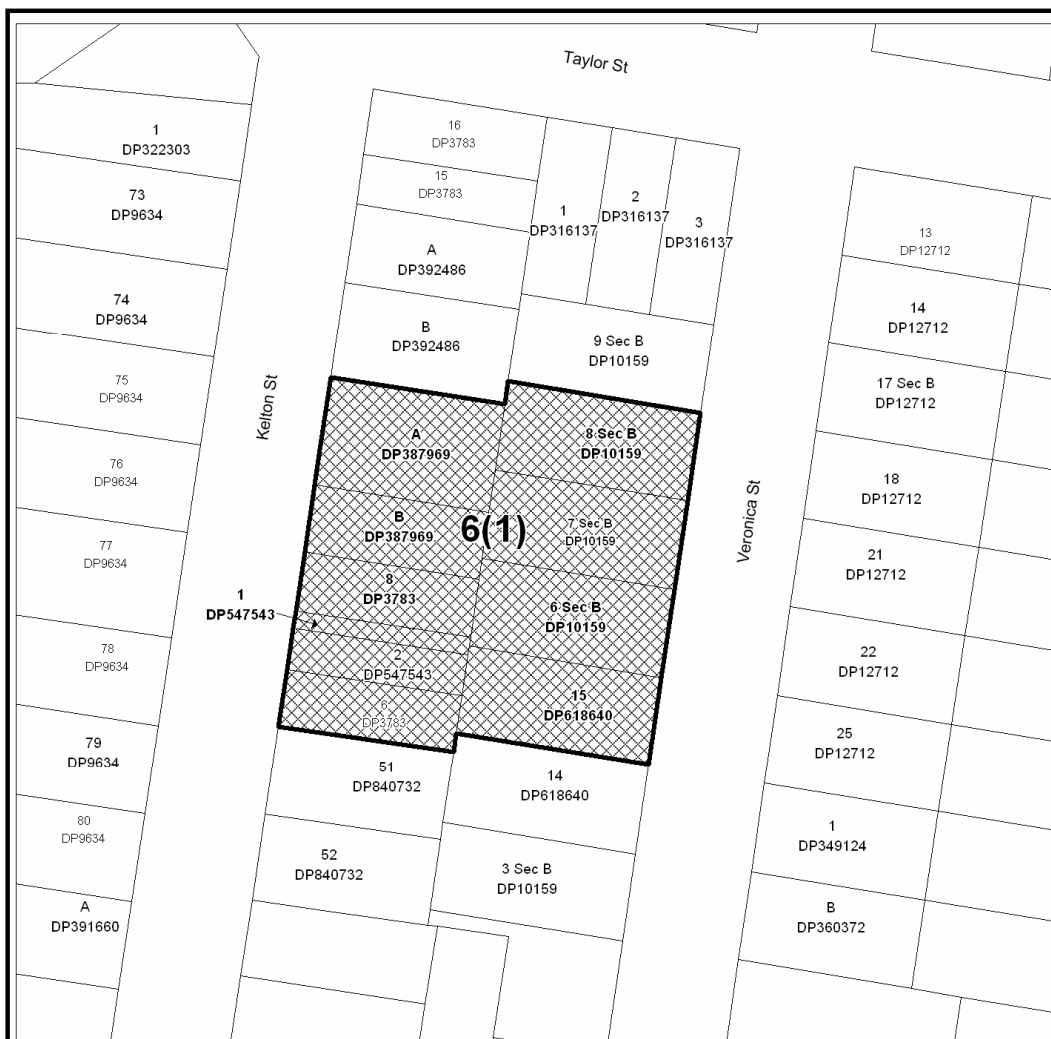
Attachment 1- Locality Map



Attachment 2 – Aerial photo and current Lake Macquarie LEP 2004 zones for the site



Attachment 3- Proposed zoning and acquisition under LMLEP 2004



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NORTH CAROLINA STATE UNIVERSITY

Metres
Scale 1:1000

LOCALITY **Cardiff**

6(1) Zone 6 (1) Open Space Zone

 Acquisition (LMCC)

ENVIRONMENTAL PLANNING & ASSESSMENT ACT , 1979

CITY OF LAKE MACQUARIE

SHEET 1 of 1

**LAKE MACQUARIE LOCAL ENVIRONMENTAL
PLAN 2004 (DRAFT AMENDMENT NO 71)**



Lake Macquarie
City Council

DRAWN BY GH DATE 28/08/2012

PLANNING OFFICER	LL
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FILE NO. COUNCIL	DEPT. of PLANNING
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CERTIFICATE ISSUED
UNDER SEC. 65 EPA ACT

DATE

STATEMENT OF RELATIONSHIP WITH OTHER PLANS
AMENDS THE LAKE MACQUARIE
LOCAL ENVIRONMENTAL PLAN 2004

CERTIFIED IN ACCORDANCE
WITH THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT
1979, AND REGULATIONS.

GENERAL MANAGER

PUBLISHED ON NSW LEGISLATION WEBSITE ON

Attachment 4- Proposed zoning and acquisition under draft LMLEP 2012.

