

Lake Macquarie LEP 2004 Amendment No. 80: 5 Birkwood Close, Charlestown

Proposal Title : **Lake Macquarie LEP 2004 Amendment No. 80: 5 Birkwood Close, Charlestown**

Proposal Summary : **This PP seeks to rezone 1.532 hectares of land from 6(1) Open Space to 2(1) Residential**

PP Number : **PP_2013_LAKEM_007_00** Dop File No : **13/09386-1**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions :

- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.2 Mine Subsidence and Unstable Land**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**

Additional Information :

- 1. That Council amend the planning proposal prior to exhibition and re-submit it to the Regional Office for review prior to exhibition, to include comment in relation to;**
 - The availability of open space within the area and its adequacy to provide for the needs of residents despite the loss of this site.
 - The consistency of the PP with s117 direction 3.2 Caravan Parks and Manufactured Home Estates and 36 Manufactured Home Estates.

2. That a contamination study be undertaken to the satisfaction of council prior to the rezoning being completed.

3. That Council consult with the MSB and NSW RFS prior to public exhibition.

4. That Council investigate the biodiversity value of vegetation on site and amend the boundary of the zone if necessary prior to finalising the PP.

5. That Council be given delegations for the completion of the LEP amendment.

Supporting Reasons : **Proceed to facilitate the development of an infill opportunity following clarification that the land zoned for public recreation is surplus to needs for accessible neighbourhood open space.**

Panel Recommendation

Recommendation Date : **13-Jun-2013**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The planning proposal should proceed subject to the following conditions:**

- 1. Prior to undertaking public exhibition, Council is to update the planning proposal to include a project timeline, consistent with Section 2.6 Part 6 of the A Guide to Preparing**

Planning Proposals. The project timeline is to provide a mechanism to monitor the progress of the planning proposal.

2. To demonstrate consistency to justify any inconsistency with S117 Direction 2.1 Environment Protection Zones, additional information regarding the biodiversity values of the vegetation on the subject land is to be placed on public exhibition with the planning proposal. If necessary, Council is to amend the proposed zone boundary on the subject land, prior to undertaking public exhibition.

3. To demonstrate consistency to justify any inconsistency with S117 Direction 6.2 Reserving Land for Public Purposes, Council is to place on public exhibition additional information regarding the availability of open space in the area and the adequacy of existing open space to meet the needs of the current and future population, given the reduction of open space proposed as part of this planning proposal.

4. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions and other relevant documents:

- 4.3 Flood Prone Land
- 4.1 Acid Sulfate Soils
- 3.2 Caravan Parks and Manufactured Home Estates
- State Environmental Planning Policy (SEPP) 36 - Manufactured Home Estates

5. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.

6. 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 must be made publicly available for a minimum of 28 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 LEPs (Department of Planning & Infrastructure 2013).

7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)

Each public authority 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.

8. 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).

9. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:

M. Seaton

Printed Name:

MEK Seaton

Date:

18/6/13