

### Lake Macquarie LEP 2004 (Amendment 74) - Reclassification of various sites from Community to Operational

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|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------|
| Proposal Title :   | Lake Macquarie LEP 2004 (Amendment 74) - Reclassification of various sites from Community to Operational                                                                                                                                                                                                   |               |          |
| Proposal Summary : | The proposal seeks to reclassify eight parcels of land in the Lake Macquarie LGA from Community land to Operational. This will enable sale of six parcels and road dedication of the two other parcels. The proposal also seeks to rezone two of these parcels at Glendale from open space to residential. |               |          |
| PP Number :        | PP_2013_LAKEM_006_00                                                                                                                                                                                                                                                                                       | Dop File No : | 13/09277 |

### Planning Team Recommendation

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

S.117 directions : **3.2 Caravan Parks and Manufactured Home Estates  
4.2 Mine Subsidence and Unstable Land  
4.4 Planning for Bushfire Protection  
6.2 Reserving Land for Public Purposes**

Additional Information : **The planning proposal 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 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).
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - NSW Rural Fire Service
  - Mine Subsidence Board

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
3. In relation to the rezoning of land at 5 and 7 Glendon Crescent, Glendale, Council is to consult with:
  - (a) the Mine Subsidence Board as per the requirements of S117 Direction 4.2 Mine Subsidence and Unstable Land, and
  - (b) the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
4. 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).
5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

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It is recommended that the Minister's Delegate agree that the proposal's inconsistency with Section 117 Directions 3.2 Caravan Parks and Manufactured Home Estates and 6.2 Reserving Land for Public Purposes are of minor significance.

Supporting Reasons : The proposal is supported as it will result in the reclassification of land to enable road dedications to occur, and for the sale of underutilised Council facilities supported by a Strategy.

**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. 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).

2. 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.

3. A public hearing is not required to be held into the matter under section 56(2)(e) of the EP&A Act. However, a public hearing is required to be held into the matter in accordance with the department's practice note PN09-003, as the planning proposal involves a reclassification of land from community to operational.

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

Signature:



Printed Name:

NEIL SIMON

Date:

14/6/13