

Lake Macquarie LEP 2004 (Amendment 85) - Zone Amendments & Permissibility of Childcare Centres

Proposal Title :	Lake Macquarie LEP 2004 (Amendment 85) - Zone Amendments & Permissibility of Childcare Centres		
Proposal Summary :	The planning proposal seeks to make minor zone amendments in the suburbs of Speers Point, Whitebridge and Coal Point. The acquisition layer will be removed from the site at Coal Point. The proposal also seeks to amend the zones in which childcare centres are permissible.		
PP Number :	PP_2013_LAKEM_016_00	Dop File No :	13/19782

Planning Team Recommendation

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

- S.117 directions :
- 1.1 Business and Industrial Zones
 - 2.1 Environment Protection Zones
 - 2.2 Coastal Protection
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 4.1 Acid Sulfate Soils
 - 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 with conditions:**

1. The planning proposal should be finalised as an LEP within 6 months. A 6 month time-frame is recommended based on Council's projected timeline and because of the relative minor nature of the planning proposal.

2. A 14 day community consultation exhibition period is recommended because of the relative minor nature of the planning proposal.

3. Consultation with relevant State authorities and agencies are listed below:

- * Mine Subsidence Board (to determine consistency with s117 Direction - 4.2 Mine Subsidence and Unstable Land)
- * Rural Fire Service (to determine consistency with s117 Direction 4.4 Planning for Bushfire Protection)
- * Roads and Maritime Services

Prior to undertaking public exhibition, Council is to amend the Planning Proposal, if necessary, to take into consideration any comments made.

4. The Director General (or delegate) agree with the following section 117 Direction inconsistency - 2.1 Environment Protection Zone; as the inconsistency with the terms of the s117 Direction is of minor significance. In relation to s117 Direction - 6.2 Reserving Land for Public Purposes, the DG agrees to the reduction of the land for public purposes on the basis of the land's small size, current use, and alternative acquisition site. Consistency with s117 Direction - 3.1 Residential Zones, 4.2 Mine Subsidence and Unstable Land and 4.4 Planning for Bushfire Protection will need to be clarified following consultation and/or exhibition.

5. Council provide advice that the land is suitable for the permitted uses/purposes within a residential zone for the purposes of SEPP 55.

6. Council has identified a site in Coal Point that will be removed from Council's Land Reservation Acquisition map under draft LM LEP 2013. A map reflecting this amendment needs to be included in the planning proposal for exhibition purposes.

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Supporting Reasons :

7. Council exercise their plan making delegations under section 59(1) of the EP&A Act. However, if there is an unresolved Agency objection, Council is unable to use their delegations.

* Lake Macquarie has identified the need for this administrative amendment to meet the operational needs of Council and make zoning amendments.

* Council has identified in the PP a 6 month timeframe to complete the PP.

* The PP is relatively minor in nature, consequently it is considered appropriate to delegate the plan making function to Council. However, it is noted that Roads and Maritime Services, as an owner of subject land, has raised concerns with the rezoning of Part of 16A, and Part of 24A Lonus Avenue, Whitebridge from 2(1) Residential to 7(2) Conservation (Secondary) which needs to be resolved.

Panel Recommendation

Recommendation Date : **19-Dec-2013**

Gateway Recommendation :

Panel

Recommendation :

The Planning Proposal Should proceed subject to the following conditions:

1. Prior to public exhibition, amendments to Council's Land Reservation Acquisition Map reflecting the removal of 13 Whitelocke Street, Coal Point is to be prepared and included with the planning proposal for the purposes of public exhibition.

2. Prior to public exhibition, Council is to update the planning proposal to demonstrate compliance with the requirements of State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land.

3. 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 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 LEPs (Department of Planning & Infrastructure 2013).

4. 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)
- Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Roads and Maritime Services

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.

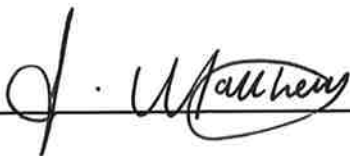
Once the above consultation with public authorities has been undertaken, Council is to update the planning proposal to reflect the outcomes of the work and consultation undertaken prior to exhibition.

5. 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).

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

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Signature:

A handwritten signature in black ink, appearing to read 'J. Matthews', written over a horizontal line.

Printed Name:

JAMES MATTHEWS

Date:

23 / 12 / 13