

Planning Proposal – Zone Anomalies and Childcare Centres

Local Government Area	Lake Macquarie City
Name of Draft LEP:	Lake Macquarie Local Environmental Plan 2004 (Amendment No. 85) <i>Draft Amendment to Draft Lake Macquarie Local Environmental Plan 2013 – Zone Anomalies and Childcare Centres</i>
Subject Land:	• 41 (Lot 21 DP 771139) and Part 43 Thompson Road (Part Lot 1 DP 335312), Speers Point • Part 16A (Part Lot 482 DP 555741) and Part 24A (Part Lot 2 DP 569371) Lonus Avenue, Whitebridge • 13 Whitelocke Street, Coal Point (Lot 8 DP24645)
Owner:	• 41 Thompson Road, Speers Point - Mrs J Ward • 43 Thompson Road, Speers Point - Mr A B Watson and Mrs M N Watson • 16A and 24A Lonus Avenue, Whitebridge – Roads and Maritime Service • 13 Whitelocke Street, Coal Point - Mr R Jones and Mrs J M Jones
Applicant:	Council initiated
Maps and Photos:	<u>41 and Part 43 Thompson Road, Speers Point:</u> • Locality Map • Aerial and Current Zoning • Draft Lake Macquarie LEP 2013 Zoning • Proposed Zoning – Lake Macquarie LEP 2004 • Proposed Zoning – Draft Lake Macquarie LEP 2013 • Proposed Minimum Lot Size – Draft Lake Macquarie LEP 2013 • Proposed Height of Building – Draft Lake Macquarie LEP 2013

	<u>Part 16A and 24A Lonus Avenue, Whitebridge:</u> • Locality Map • Aerial and Current Zoning • Draft Lake Macquarie LEP 2013 Zoning • Proposed Zoning – Lake Macquarie LEP 2004 • Proposed Zoning – Draft Lake Macquarie LEP 2013 • Proposed Minimum Lot Size – Draft Lake Macquarie LEP 2013 • Proposed Height of Building – Draft Lake Macquarie LEP 2013 <u>13 Whitelocke Street, Coal Point:</u> • Locality Map • Aerial and Current Zoning • Draft Lake Macquarie LEP 2013 • Proposed Zoning – Lake Macquarie LEP 2004 • Proposed Zoning – Draft Lake Macquarie LEP 2013 • Proposed Minimum Lot Size – Draft Lake Macquarie LEP 2013 • Proposed Height of Building – Draft Lake Macquarie LEP 2013
Attachments	Attachment 1 - Evaluation Criteria for the Delegation of Plan Making Functions Attachment 2 – Environmental Constraints

Part 1 – Objective of the Planning Proposal

The objective of this Planning Proposal is to amend *Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004)* and *Draft Lake Macquarie Local Environmental Plan 2013 (Draft LMLEP 2013)* to correct minor zone anomalies in the suburbs of Speers Point, Whitebridge and Coal Point.

The planning proposal also seeks to amend the zones in which childcare centres are permissible within the LMLEP 2004 and Draft LMLEP 2013.

Part 2 – Explanation of the Provisions

The amendment proposes the following changes to *Lake Macquarie Local Environmental Plan 2004*:

Amendment Applies to:	Explanation of Provision:
Instrument – Clause 15 - General Controls for Land Within Zones - Land Use Table 6(2) Tourism and Recreation Zone 4(1) Industrial (Core) Zone	The planning proposal will: • insert 'childcare centres' as permissible only with development consent in the 6(2) Tourism and Recreation zone. • Delete 'childcare centres' as permissible only with development consent in the 4(1) Industrial (Core) zone.
Map	The planning proposal will rezone: • 0.70 hectares at 41 and Part 43 Thompson Road, Speers Point from 7(2) Conservation (Secondary) to 2(1) Residential. • 0.24 hectares at Part 16A and Part 24A Lonus Avenue Whitebridge from 2(1) Residential to 7(2) Conservation (Secondary). • 0.06 hectares at 13 Whitelocke Street, Coal Point from 7(2) Conservation (Secondary) to 2(1) Residential and removal of acquisition layer.
Dictionary	Amend the definition of <i>the map</i> by adding Lake Macquarie Local Environmental Plan 2004 (Amendment No 85)

Council requests delegations for the plan making functions under section 59 of the *EP&A Act 1979*. The Evaluation Criteria for the Delegation of Plan Making Functions is contained in Attachment 1.

The Planning Proposal would result in the following changes to Draft *Lake Macquarie LEP 2013* (Council's Standard Instrument LEP):

Amendment Applies to:	Explanation of Provision:
Instrument – Land Use Table RE2 Private Recreation IN1 General Industrial	The planning proposal will amend the Land Use Table to: • Add 'childcare centres' as permitted with consent in the RE2 Private Recreation zone. • Add 'childcare centres' as prohibited in the IN1 General Industrial zone.
Land Zoning Map	The planning proposal will rezone: • 0.70 hectares at 41 and Part 43 Thompson Road, Speers Point from E2 Environmental Conservation to R2 Low Density Residential. • 0.24 hectares at Part 16A and Part 24A Lonus Avenue Whitebridge from R2 Low Density Residential to E2 Environmental Conservation. • 0.06 hectares at 13 Whitelocke Street, Coal Point from E2 Environmental Conservation to R2 Low Density Residential.
Lot Size Map	Minimum lot sizes would correspond to the proposed zoning as follows: R2 – 450m ² and E2- 40ha.
Height of Buildings Map	Height of buildings would correspond to the proposed zoning as follows: R2 – 8.5m and E2 – 5.5m
Land Reservation Acquisition Map	Removal of acquisition from 13 Whitelocke Street, Coal Point

Part 3 – Justification for the Provisions

A. NEED FOR THE PLANNING PROPOSAL

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

The Planning Proposal is not a result of a strategic study or report. However, the amendments are minor in nature and are to correct zone anomalies and amend the zones in which childcare centres are permissible. These anomalies relate to:

- Rezoning properties at 41 and 43 Thompson Road and 13 Whitelocke Street, Coal Point from 7(2) Conservation (Secondary) to 2(1) Residential zone to reflect

that these properties lie within established residential areas and currently contain residential dwellings.

- Rezoning part of 16A and 24A Lonus Avenue, Whitebridge from 2(1) Residential to 7(2) Conservation (Secondary) to reflect this land has ecological constraints and limited development potential.

The planning proposal will also add 'childcare centres' as permissible development within the 6(2) Tourism and Recreation zone in the LMLEP 2004 and the RE2 Private Recreation zone in Draft LMLEP 2013 to broaden the zones in which childcare centres can be located with minimal land use conflicts.

The planning proposal will remove 'childcare centres' as permissible from the 4(1) Industrial (Core) zone in the LMLEP 2004 and the IN1 General Industrial zone in the Draft LMLEP 2013 to prevent potential land use conflicts and ensure the retention of industrial land for industrial uses.

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

A Planning Proposal to change the land use zones applying to the sites is the only way the properties can be rezoned to reflect the current use of the land and rectify the zone anomalies.

The planning proposal is the only way that the LEP can be amended to change the zones in which childcare centres are permissible.

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 zone changes are minor in nature, however are considered consistent with the Lower Hunter Regional Strategy. The zone changes will not affect housing targets identified in the Lower Hunter Regional Strategy given the minor nature of the proposed changes and that the properties at Speers Point and Coal Point already contain dwellings and that the properties at Whitebridge have limited development potential due to geotechnical, bushfire and ecological constraints. The areas subject to this planning proposal are not within any identified centre or corridor identified in the Lower Hunter Regional Strategy.

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

41 and 43 Thompson Road, Speers Point and 13 Whitelocke Street, Coal Point

The proposal to change these properties from 7(2) Conservation (Secondary) to 2(1) Residential is considered consistent with Council's Lifestyle 2030 Strategy. The zone change reflects the current residential use of the land. The zone changes are minor in nature, however are considered consistent with Strategic Direction 3 - A well designed adaptable and liveable city and outcome 3.19 - There is a diversity of lot sizes and housing to meet users' needs. The properties are not within a regional centre or town centre, however are nearby to neighbourhood centres.

Part16A and Part 24A Lonus Avenue, Whitebridge

The proposal to rezone part of 16A and 24A Lonus Avenue, Whitebridge to conservation is considered consistent with the following strategic direction and outcomes in Council's Lifestyle 2030 Strategy:

Strategic Direction 1 – A City Responsive to the Environment

Outcome 1.1 - Biodiversity connectivity and conservation areas are identified, protected and enhanced with the major elements shown schematically on the *Green Systems Map* and the *Urban Structure Map*.

Outcome 1.2 - Biodiversity values are protected and managed.

The area forms part of a corridor connecting to Glenrock State Conservation area.

Childcare Centres

The addition of childcare centres to the private recreation zone and removal from the general industrial zone is consistent with Strategic Direction 6.1 of Council's Lifestyle 2030 Strategy – A City Responsive to the wellbeing of its residents and consistent with Council's Community Strategic Plan 2013-2023.

3. 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.

SEPP	Relevance	Comment
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 planning proposal seeks to recognise with a residential zoning that the properties at Coal Point and Speers Point contain existing residential housing. The planning proposal also seeks to recognise the existence of bushland on the property at Whitebridge and rezone this to conservation to strengthen the corridor connecting to Glenrock State Conservation Area. The proposal is consistent with this direction.
SEPP 44 - Koala Habitat Protection	Aims to encourage the proper conservation and management of areas of natural vegetation that provide koala habitat.	No flora and fauna investigations have been undertaken but given the current use of the land and the locality of the land, it is unlikely that the vegetation would consist of koala habitat. The properties at Coal Point and Speers Point currently contain residential houses and the properties at Whitebridge will be changed to a conservation zone. This proposal is consistent with this SEPP.

SEPP	Relevance	Comment
SEPP 55 – Remediation of Land	Establishes planning controls and provisions for the remediation of contaminated land.	No contamination investigations have been undertaken. However, the planning proposal deals with zone anomalies to reflect the current use of the land. The properties at Coal Point and Speers Point contain existing dwellings. The properties at Whitebridge will be changed from residential to conservation, which will restrict development on these parcels. Site inspection revealed that there is unlikely to be any contamination on these properties. The property most at risk of contamination is the property at Thompson Road, Speers Point given its locality to the former Pasminco Lead Contamination Grid. However, it is not identified on Council's Contaminated Land Register or as part of this Grid. Council's current Development Control Plan has adequate planning controls in place if development does occur in areas to ensure that contamination issues are addressed.
SEPP 71- Coastal Protection	This SEPP ensures that development in the NSW coastal zone is appropriate and suitably located to ensure that there is a consistent and strategic approach to coastal planning and management.	The planning proposal does impact some land within the coastal zone. However, the properties at Coal Point and Speers Point that are within the coastal zone already contain dwellings. The zone change will reflect the current use of these properties.

4. 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
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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	The planning proposal seeks to remove 'childcare centres' as permissible development within the 4(1) Industrial (Core) zone in the Lake Macquarie LEP 2004 and in the IN1 General Industrial zone in the draft Lake Macquarie LEP 2013. Childcare centres will still be permissible within the 4(2) Industrial (General) zone and 4(3) Industrial (Urban Services) zone in LMLEP 2004 and in the IN2 Light Industrial zone in Draft LMLEP 2013. This amendment will ensure that the General Industrial zone will support and protect industrial lands for industrial uses and minimise potential conflicts with industrial uses on childcare centres. The planning proposal is consistent with the objectives of this direction to protect employment land in industrial zones.
1.2 - Rural Zones	Aims to protect the agricultural production value of rural land.	The proposal does not impact on rural zones.
1.3 – Mining, Petroleum and Extractive Industries	The direction requires consultation with the Director-General of the Department of Primary Industries where a draft LEP will restrict extractive resource operations.	The proposal will not impact on the extraction of coal, other mineral resources, petroleum and extractive materials.
1.4 - Oyster Aquaculture	Aims to ensure that Priority Oyster Aquaculture Areas.	Not relevant. No oyster aquaculture areas are impacted.
1.5 - Rural Lands	Aims to protect the agricultural production value of rural land.	Does not apply to Lake Macquarie.

Ministerial Direction	Relevance	Implications
2.1 – Environmental Protection Zones	The direction requires that a draft LEP contain provisions to facilitate the protection of environmentally sensitive land	The proposal will seek to rezone the properties at Lonus Avenue, Whitebridge to conservation, which is consistent with this direction. Inconsistent: The proposal will seek to rezone properties at Whitelocke Street, Coal Point and Thompson Road, Speers Point from conservation to residential to reflect their current use as residential properties. Whilst this direction outlines that a planning proposal must not reduce the environmental protection standards that apply to the land, the land in its current use does not constitute an environmentally sensitive area and the proposal is considered of minor significance with minimal to no environmental impacts. Concurrence from the Director General of Department of Planning will be sought at Gateway determination.
2.2 - Coastal Protection	This direction aims to implement the principles in the NSW Coastal Policy	The properties at Speers Point and Coal Point are within the coastal zone. The proposed rezoning is considered consistent with the NSW Coastal Policy and consistent with the current use of the site.
2.3 – Heritage Conservation	The direction requires that a draft LEP include provisions to facilitate the protection and conservation of aboriginal and European heritage items.	The rear of 43 Thompson Road, Speers Point and 16A and 24A Lonus Avenue, Whitebridge are identified as being within a Sensitive Aboriginal Cultural Landscape area. The proposed rezoning does not affect these areas, which will be maintained in a conservation zoning.
2.4 – Recreation Vehicle Areas	The direction restricts a draft LEP from enabling land to be developed for a recreation vehicle area.	This Planning Proposal does not propose any recreation vehicle areas and is consistent with this Direction.

Ministerial Direction	Relevance	Implications
3.1- Residential Zones	The direction requires a draft LEP to include provisions that facilitate housing choice, efficient use of infrastructure, and reduce land consumption on the urban fringe.	The proposal will seek to rezone properties at Whitelocke Street, Coal Point and Thompson Road, Speers Point to residential to reflect their current use. Inconsistent: The proposal will seek to rezone 0.24 hectares at Lonus Avenue, Whitebridge from residential to conservation. This is inconsistent with this direction as it outlines that a planning proposal must not contain provisions, which will reduce the permissible residential density of land. However, it is considered that the proposal is consistent with the objective of this direction 'to minimise the impact of residential development on the environment and resource land'. The inconsistency is considered of minor significance as only a small area of land is affected which has restricted development potential. Concurrence from the Director General of Department of Planning will be sought at Gateway determination
3.2 – Caravan Parks and Manufactured Home Estates	The direction requires a draft LEP to maintain provisions and land use zones that allow the establishment of Caravan Parks and Manufactured Home Estates.	The LEP is not proposing caravan parks or manufactured home estates. The proposal is considered consistent with this direction.
3.3 – Home Occupations	The direction requires that a draft LEP include provisions to ensure that Home Occupations are permissible without consent.	The proposal does not change provisions relating to Home Occupation. This use is still permissible without consent.
3.4 – Integrating Land Use and Transport	The direction requires consistency with State policy in terms of positioning of urban land use zones.	The proposal will rectify the zones of the site in accordance with their current use. The planning proposal is considered consistent with this direction.

Ministerial Direction	Relevance	Implications
4.1 Acid Sulfate Soils	Aim to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils	The properties at Thompson Road, Speers Point and Coal Point contain Class 5 Acid Sulfate Soils, which are soils within 500 metres of adjacent Class 1,2,3,or 4 land, which are likely to lower the watertable below one metre AHD on adjacent Class 1,2,3 or 4 land.
4.2 – Mine Subsidence and Unstable Land	The direction requires consultation with the Mine Subsidence Board where a draft LEP is proposed for land within a mine subsidence district.	The sites are within a proclaimed Mine Subsidence District. The rezoning will reflect the current use of the site and consultation would have occurred at the development application stage with the Mine Subsidence Board for the properties that contain residential dwellings. The proposal is considered consistent with this direction. Council will consult with the Mine Subsidence Board if directed by the Gateway Determination.
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 proposal does not impact on flood prone land.

Ministerial Direction	Relevance	Implications
4.4 – Planning for Bushfire Protection	The direction applies to land that has been identified as bushfire prone, and requires consultation with the NSW Rural Fire Service, as well as the establishment of Asset Protection Zones.	The properties are all classed as bushfire prone land. The proposed zone changes will reflect the current use of the properties with a change to a residential zone for properties already containing a dwelling and a change to conservation for the undeveloped Lonus Avenue, Whitebridge site. Consultation with the NSW Rural Fire Service will be undertaken if directed by the Gateway Determination.
5.1 – Implementation of Regional Strategies	The direction requires a draft amendment to be consistent with the relevant State strategy that applies to the Local Government Area.	The LEP amendment is considered consistent with the Lower Hunter Regional Strategy.
6.1 – Approval and Referral Requirements	The direction prevents a draft amendment from requiring concurrence from, or referral to, the Minister or a public authority.	The proposal does not require concurrence from or referral to the Minister or a public authority.
6.2 – Reserving Land for Public Purposes	The direction prevents a draft LEP from altering available land for public use.	Approval Required: The planning proposal does seek to remove the acquisition layer from 13 Whitelocke Street, Coal Point and rezone this property from conservation to residential. The property is not required by Council for public purposes. The property is part of the Coal Point ridgeline, which Council has identified the need to protect and conserve for public purposes. However, the adjoining property is still marked for acquisition to allow access to this ridgeline. Approval is required by the Director-General of the Department of Planning and Infrastructure to remove this acquisition layer.
6.3 - Site Specific Provisions	Aims to reduce restrictive site-specific planning controls where a draft LEP amends another	The amendment does not propose site-specific zones or planning provisions. The proposal is consistent with this Direction.

Ministerial Direction	Relevance	Implications
	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.	

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 planning proposal will have positive environmental impacts for the Lonus Avenue, Whitebridge site. No impacts are expected from the rezoning of the other sites as the zone change will reflect the current use of the sites for existing residential use.

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

The planning proposal is unlikely to have any other adverse environmental effects. An analysis of site constraints is included in Attachment 2 – Environmental Constraints. A summary of the site constraints for each property is contained below:

41 and Part 43 Thompson Road, Speers Point

The properties have some geotechnical constraints with a T3 Geotechnical zone. If the properties were to be further subdivided, geotechnical assessment would be necessary to ensure that slope stability issues are addressed.

The sites contain a small amount of existing vegetation on the site identified as a partially cleared remnant corridor.

The sites have constraints including being identified as being bushfire prone, being within the coastal zone and containing Class 5 acid sulfate soils.

The properties already contain residential dwellings. Any future subdivision of the land would require these constraints to be addressed further at development application stage. Council's DCP has adequate controls to ensure any potential impacts are addressed.

16A and 24A Lonus Avenue, Whitebridge

16A and 24A Lonus Avenue, Whitebridge have the following constraints:

- The sites are classed as T1 and T3 Geotechnical zones, meaning that there is a higher risk of slope stability issues.
- Part of these properties are classed as a corridor of remnant native vegetation.
- They are bushfire prone.
- Access to the sites is restricted.

- The sites are only of 15-20m width.

These constraints will restrict the development potential of these lots. Given these constraints, a conservation zone is warranted. This will add to the conservation corridor connecting to Glenrock State Conservation area.

13 Whitelocke Street, Coal Point

The site has the following constraints:

- The property is within a T3 Geotechnical zone.
- The rear of the property contains a small section of a corridor of remnant native vegetation.
- The property is classed as bushfire prone land, is within the coastal zone and contains Class 5 Acid Sulfate soils.

The property already contains a residential dwellings.. Given the size of the parcel, it is unlikely that further subdivision would occur.

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

Social

There are minimal social implications from the rezoning. The rezoning will give certainty to the owners of the Coal Point and Speers Point properties of the residential zoning of their properties.

In relation to the removal of childcare centres from the 4(1) Industrial (Core) zone, the proposal will have positive social impacts by minimising potential land use conflicts from industrial use including noise, traffic and air quality impacts on childcare centres.

The inclusion of childcare centres in the 6(2) Tourism and Recreation zone in the LMLEP 2004 and in the RE2 Private Recreation zone in the draft LMLEP 2013 will have positive social impacts by expanding the zones in which childcare centres are permissible. There are considered to be minimal land use conflicts between childcare centres and other uses permissible in the private recreation zone. These recreation zones currently allow similar community uses such as community facilities and educational establishments. Childcare centres will not be permissible in the SP3 Tourist zone in the LMLEP 2013 minimising potential impacts on tourist areas within the Lake Macquarie LGA.

Economic

The proposal will have positive economic impacts to Council by removing the acquisition liability to purchase 13 Whitelocke Street, Coal Point.

Rezoning of land at 16A and 24A Lonus Avenue, Whitebridge from residential to conservation may reduce the market value of this land (which is owned by the Roads and Maritime Services), however planning staff consider the development potential of the site to be marginal due to bushfire and ecological constraints and poor site access.

The removal of childcare centres from the 4(1) Industrial (Core) zone will ensure the objectives of this zone are maintained by supporting and protecting industrial land for industrial use and ensuring land is retained for employment use. Childcare centres will still be permissible within the light industrial and business park zones.

D. STATE AND COMMONWEALTH INTERESTS

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

The proposal is unlikely to result in an increased need for public infrastructure. The proposal seeks to correct zone anomalies and rectify inconsistency in existing zoning patterns. The planning proposal will rezone residential dwellings to residential and existing bushland to conservation.

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

State and Commonwealth public authorities will be consulted in accordance with the Gateway determination when received. Given that the zone anomalies are minor in nature, only limited consultation with authorities is recommended. Council believes consultation with the Roads and Maritime Service (RMS) and Mine Subsidence Board should occur. Some initial consultation has occurred with RMS on this proposal as outlined below.

This section will be updated once further consultation occurs with government agencies following the Gateway determination.

Roads and Maritime Response – 19 July 2013

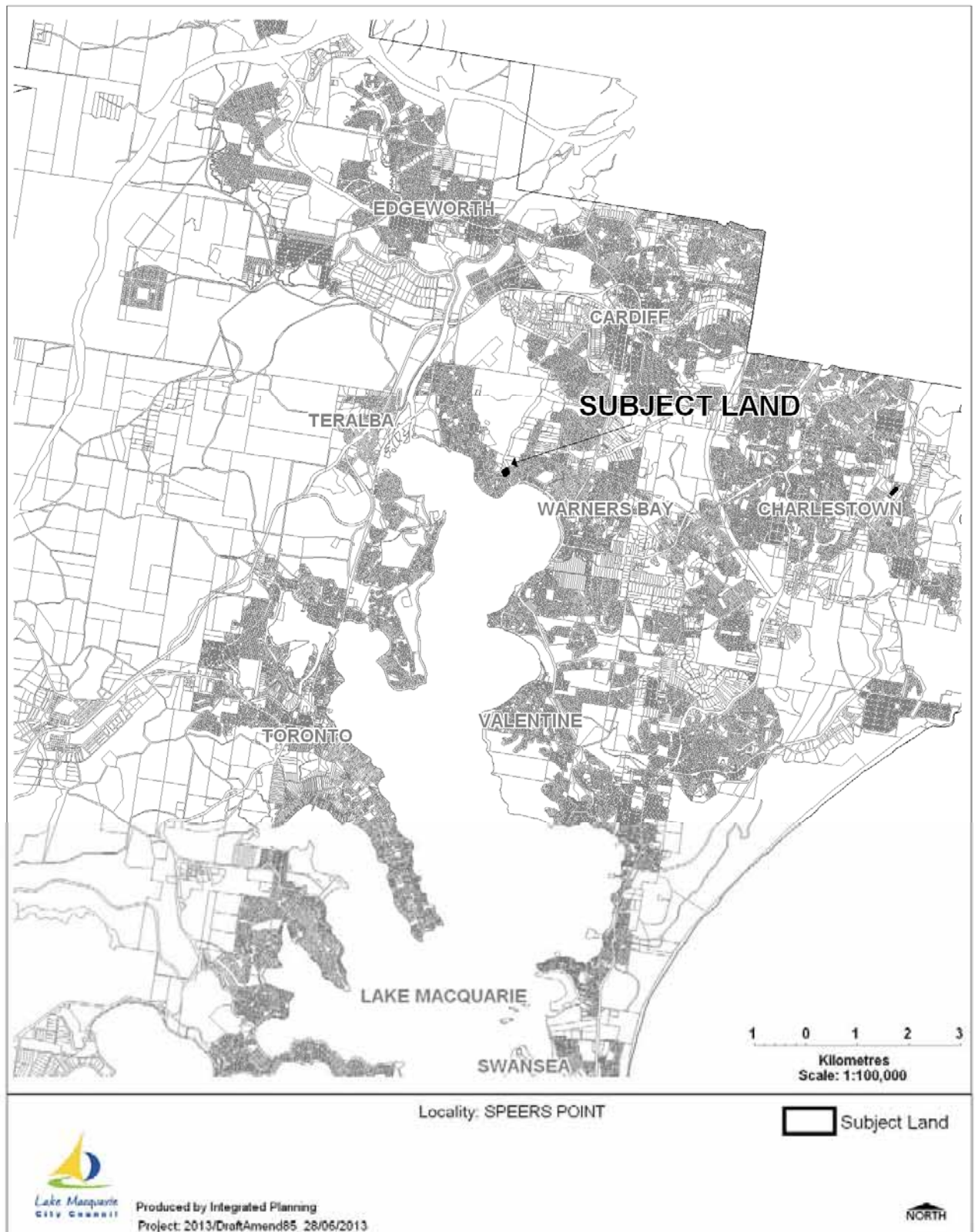
Council has initially consulted with the RMS over the rezoning of land at Lonus Avenue, Whitebridge at Part 16A and Part 24A Lonus Avenue, Whitebridge. The RMS response outlined that whilst they generally support Council's objective to protect land that is environmentally important, the RMS objects to the proposed rezoning of land. RMS advised that this land has always had a residential zoning and the recent rezoning of the former proposed road corridor (East Charlestown Bypass) never affected the part of the lots proposed to be rezoned as they were outside of the former road reservation.

The RMS also noted there has been no change to the use of the land to warrant the proposed zoning and that any zone change that benefited the adjoining privately owned land would be of concern to the RMS. RMS will work closely with Council to achieve a suitable outcome.

Part 4 – Mapping

41 and Part 43 Thompson Road, Speers Point

Locality Map – 41 and Part 43 Thompson Road, Speers Point



Aerial Photo and Current Zoning Map – 41 and Part 43 Thompson Road, Speers Point



Locality: SPEERS POINT

EXTRACT FROM EXISTING LMCC LEP2004 ZONINGS
SKM AusImage 2010 Aerial Photography

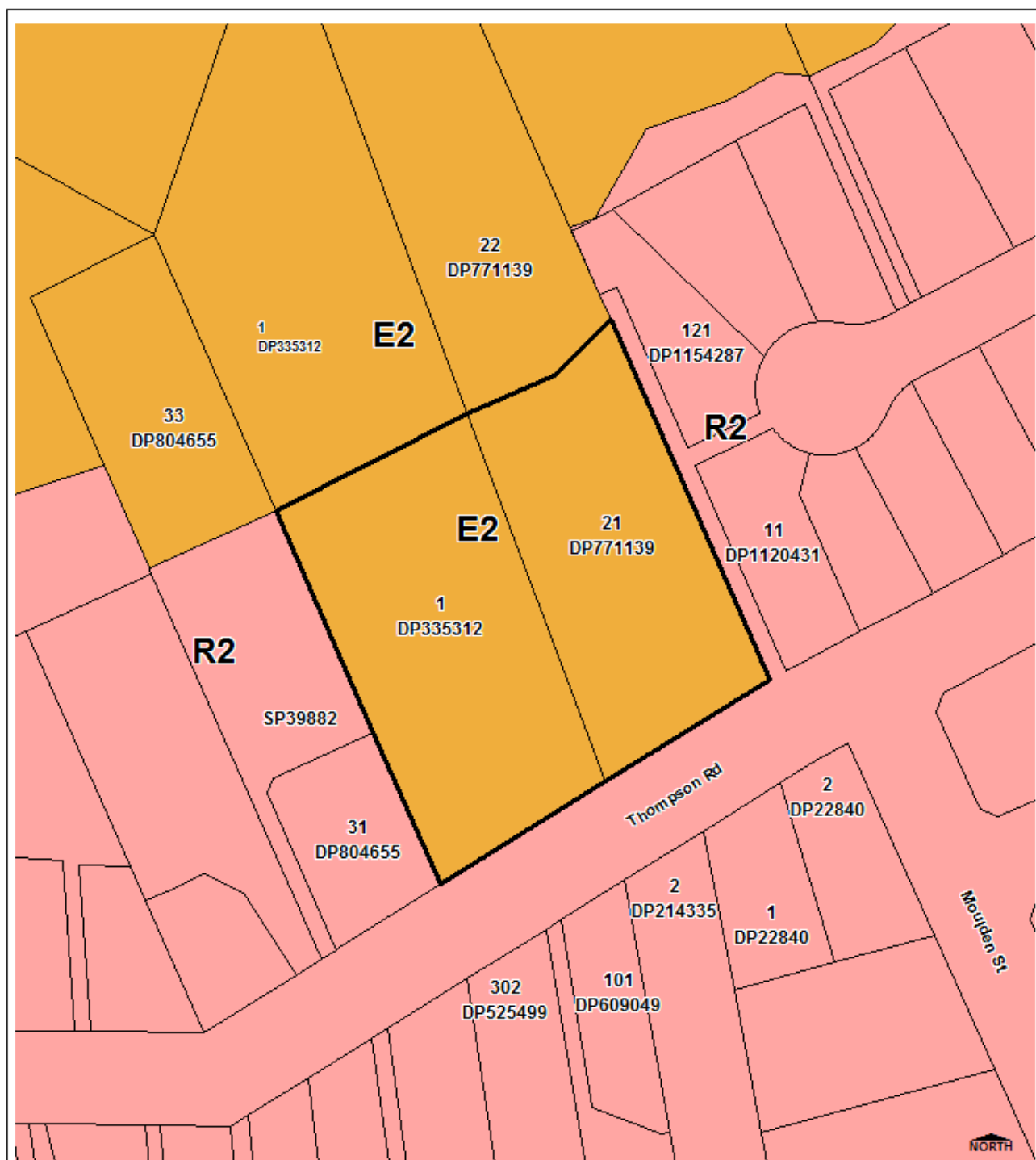
 Subject Land

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 Metres
 Scale: 1:1,200



Produced by Integrated Planning
 Project: 2013/DraftAmend85 28/06/2013

**Draft Lake Macquarie LEP 2013 Zone – 41 and Part 43 Thompson Road,
Speers Point**



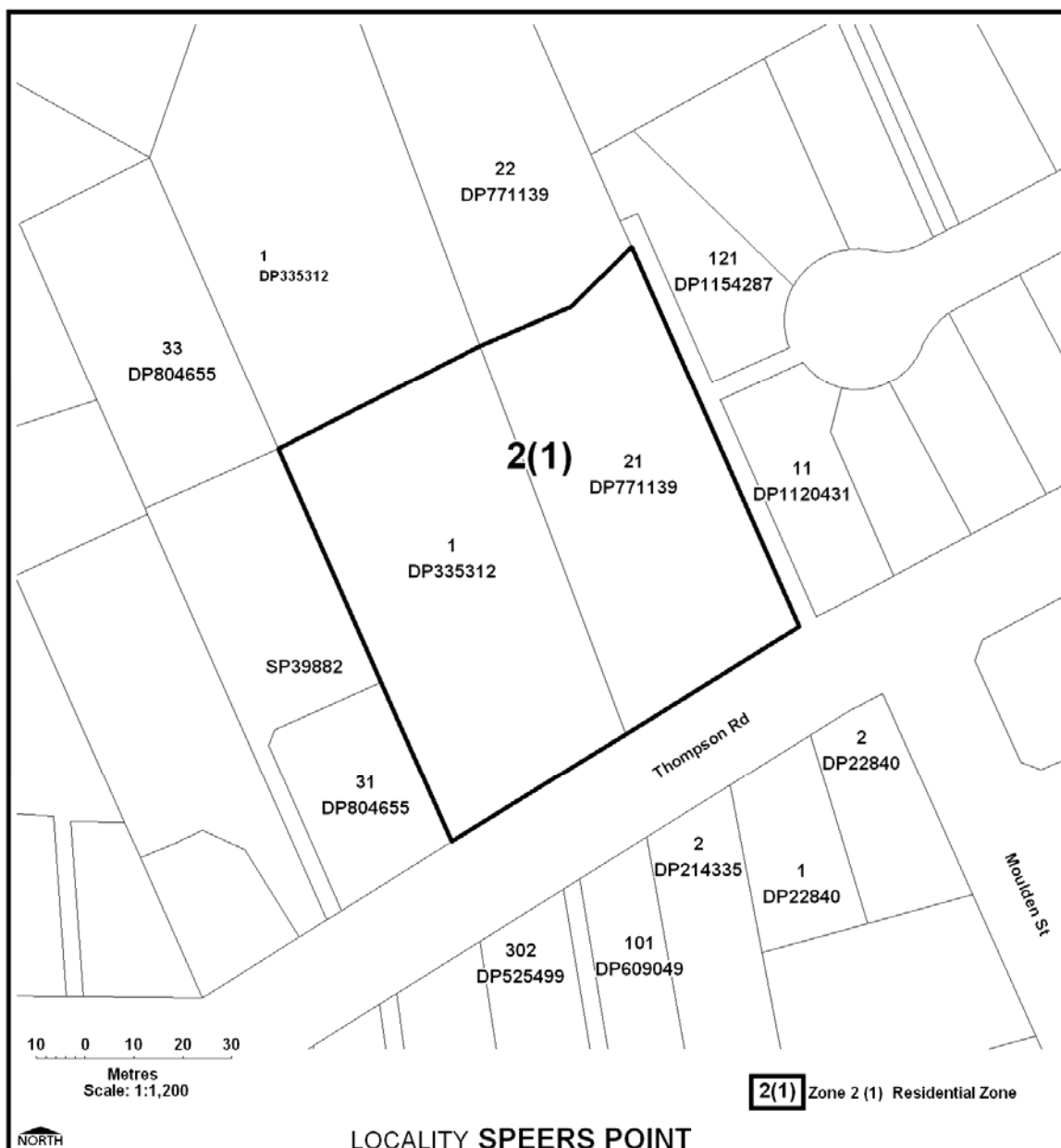
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Project: 2013/DraftAmend85 28/06/2013

Locality: SPEERS POINT
Draft Lake Macquarie LEP 2013

 Subject Land

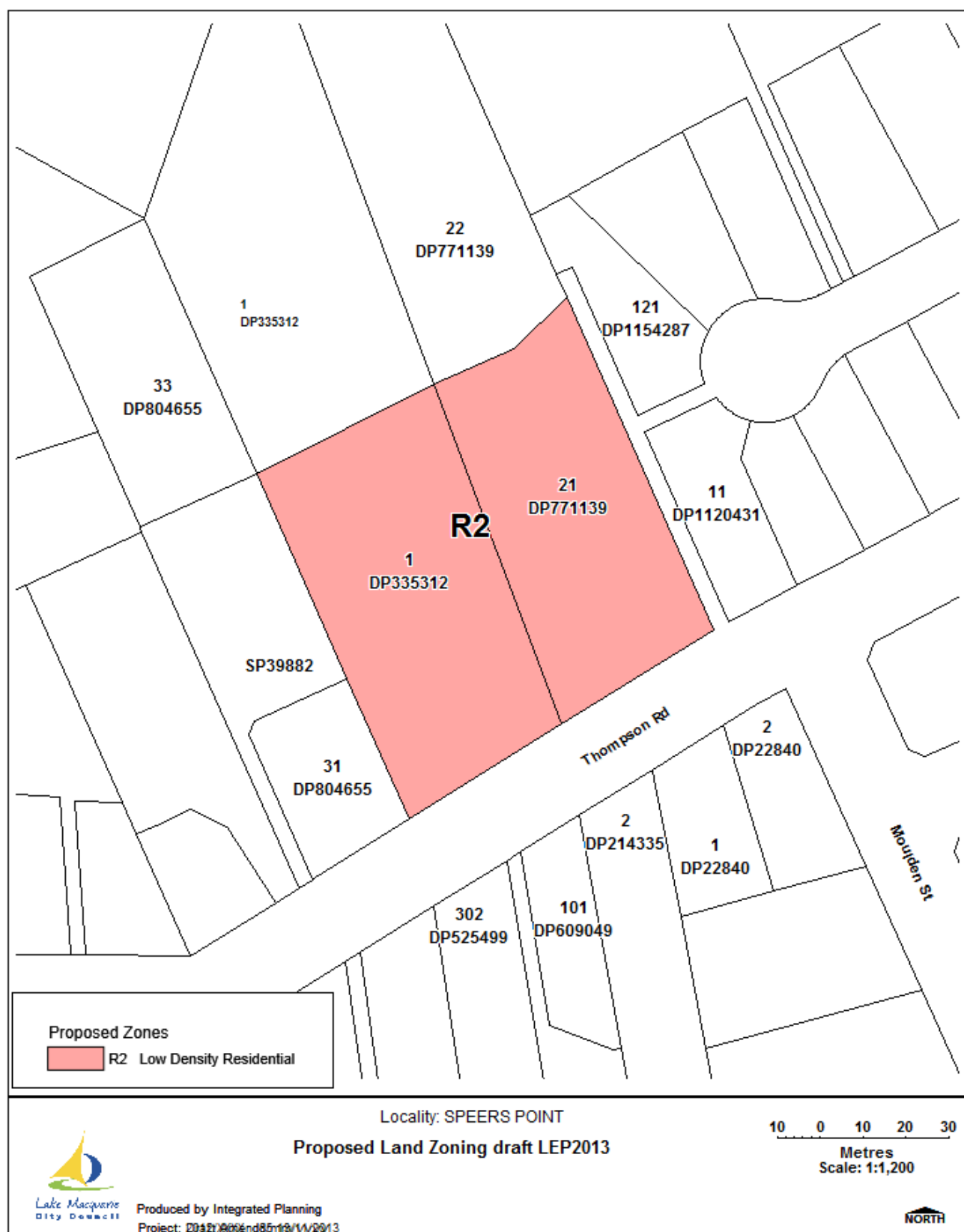
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Proposed Zone – Lake Macquarie LEP 2004 – 41 and Part 43 Thompson Road, Speers Point – Draft Amendment No. 85



		ENVIRONMENTAL PLANNING & ASSESSMENT ACT , 1979 CITY OF LAKE MACQUARIE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 (DRAFT AMENDMENT NO 85)		SHEET 1 of 3	
DRAWN BY J.B.		DATE 28/06/2013		STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
PLANNING OFFICER A.T.					
FILE NO. COUNCIL XXXXXXXX		DEPT. of PLANNING XXXXXXXX		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.	
GATEWAY DETERMINATION ISSUED UNDER SEC. 56 EPA ACT		DATE dd/mm/yyyy		GENERAL MANAGER DATE	
PUBLISHED ON NSW LEGISLATION WEBSITE ON					

**Proposed Zone – Draft Lake Macquarie LEP 2013 – 41 and Part 43
Thompson Road, Speers Point**



Proposed Minimum Lot Size – Draft Lake Macquarie LEP 2013 – 41 and Part 43 Thompson Road, Speers Point



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Project: 2012/006 and 2013/001

Maximum Building Height (m)

8.5

Locality: SPEERS POINT

Proposed Height of Building draft LEP2013

10 0 10 20 30
Metres
Scale: 1:1,200

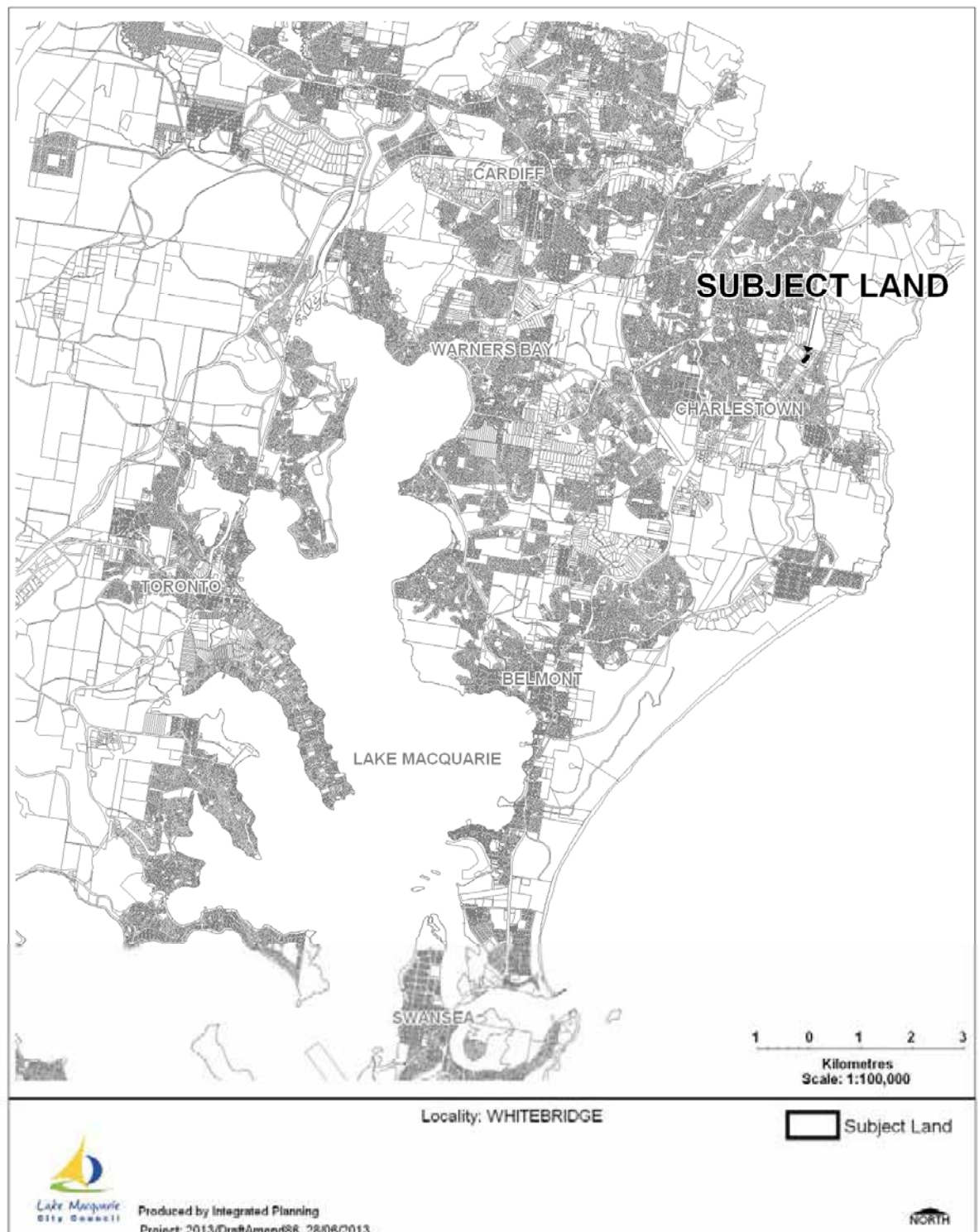
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Project: DP12/006 and DP13/11/0013

Lake Macquarie City Council

NORTH

Part 16A and Part 24A Lonus Avenue, Whitebridge

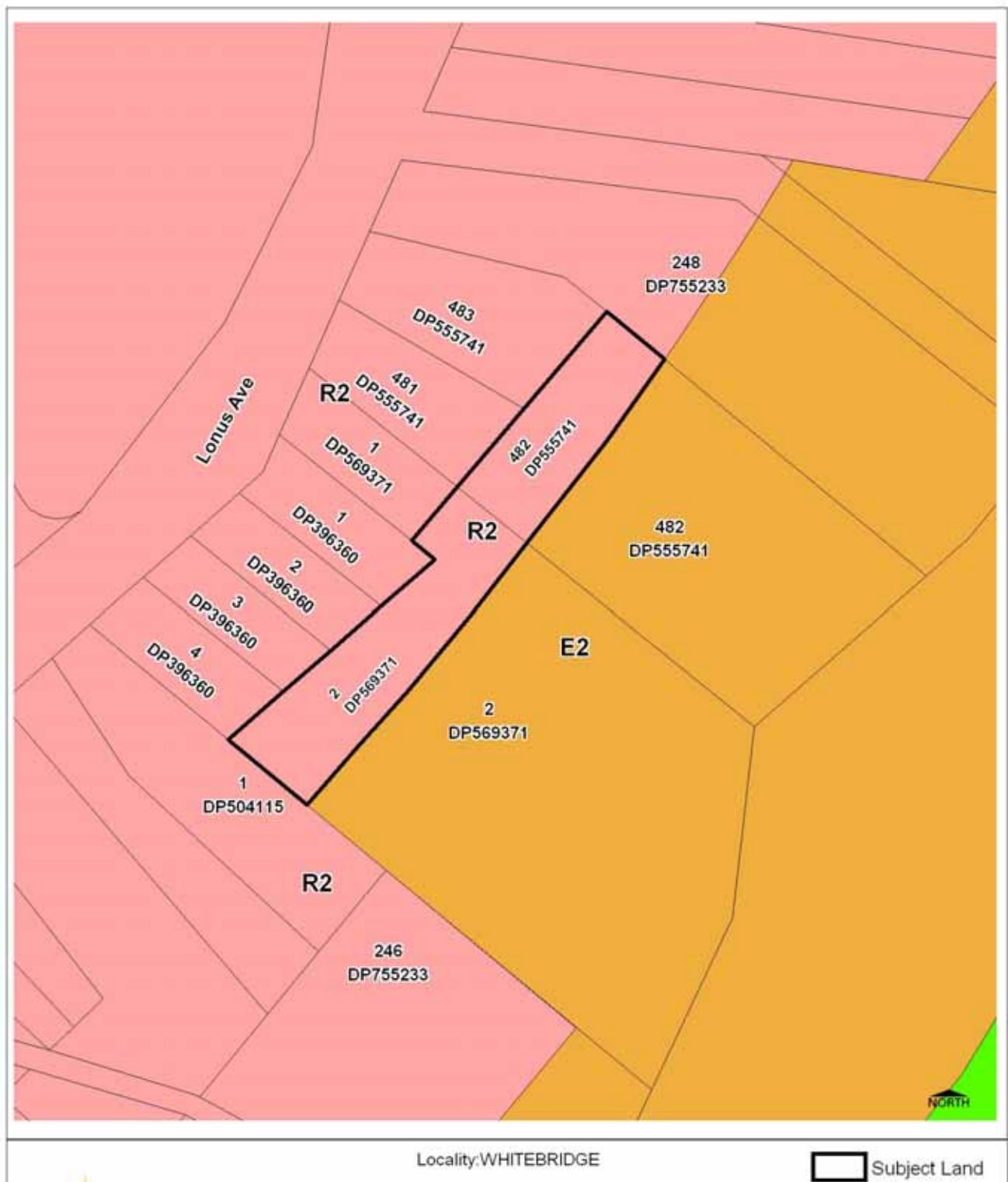
Locality Map – Part 16A and Part 24A Lonus Avenue, Whitebridge



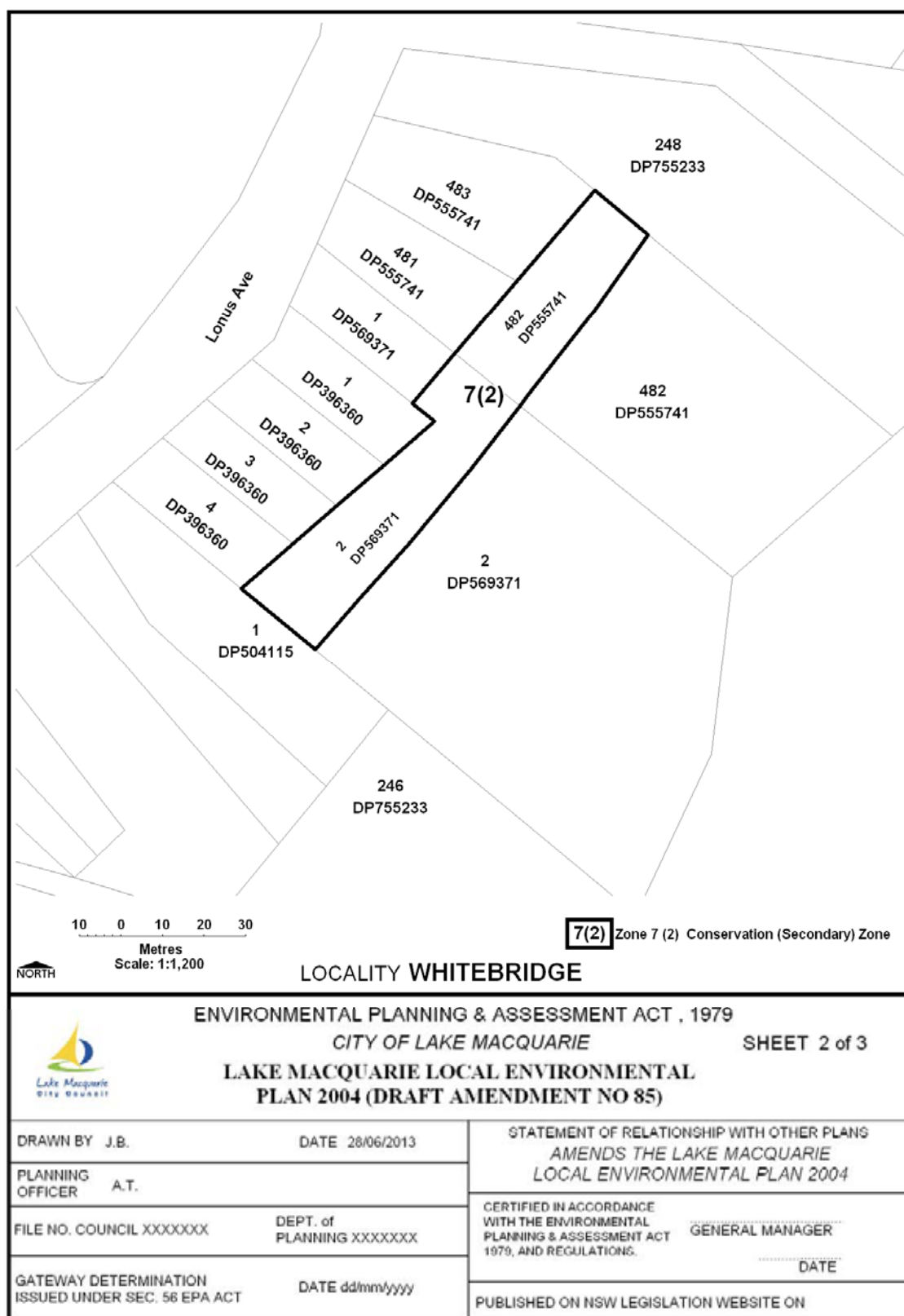
Aerial Photo and Current Zoning Map – Part 16A and Part 24A Lonus Avenue, Whitebridge



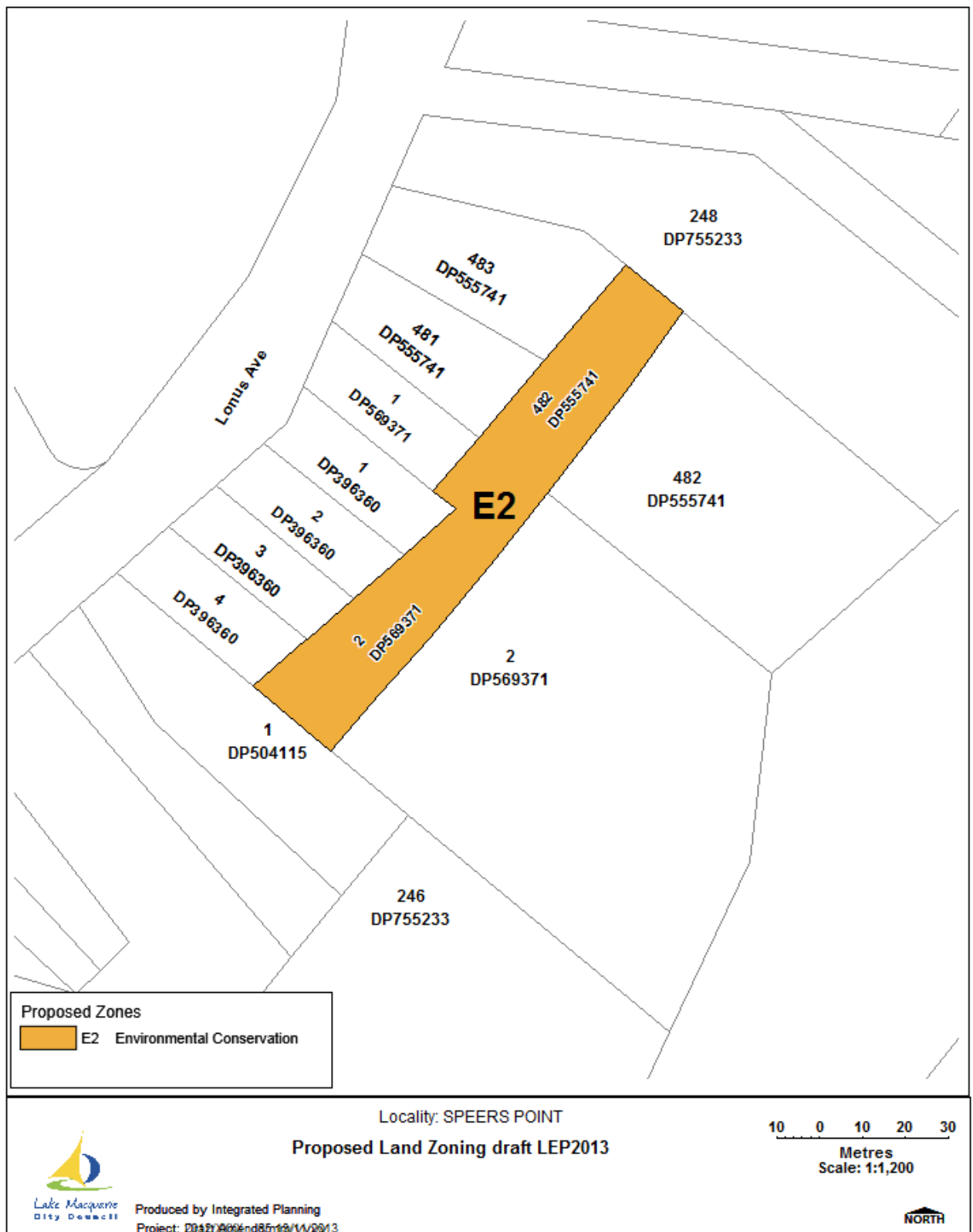
Draft Lake Macquarie LEP 2013 Zone – Part 16A and Part 24A Lonus Avenue, Whitebridge



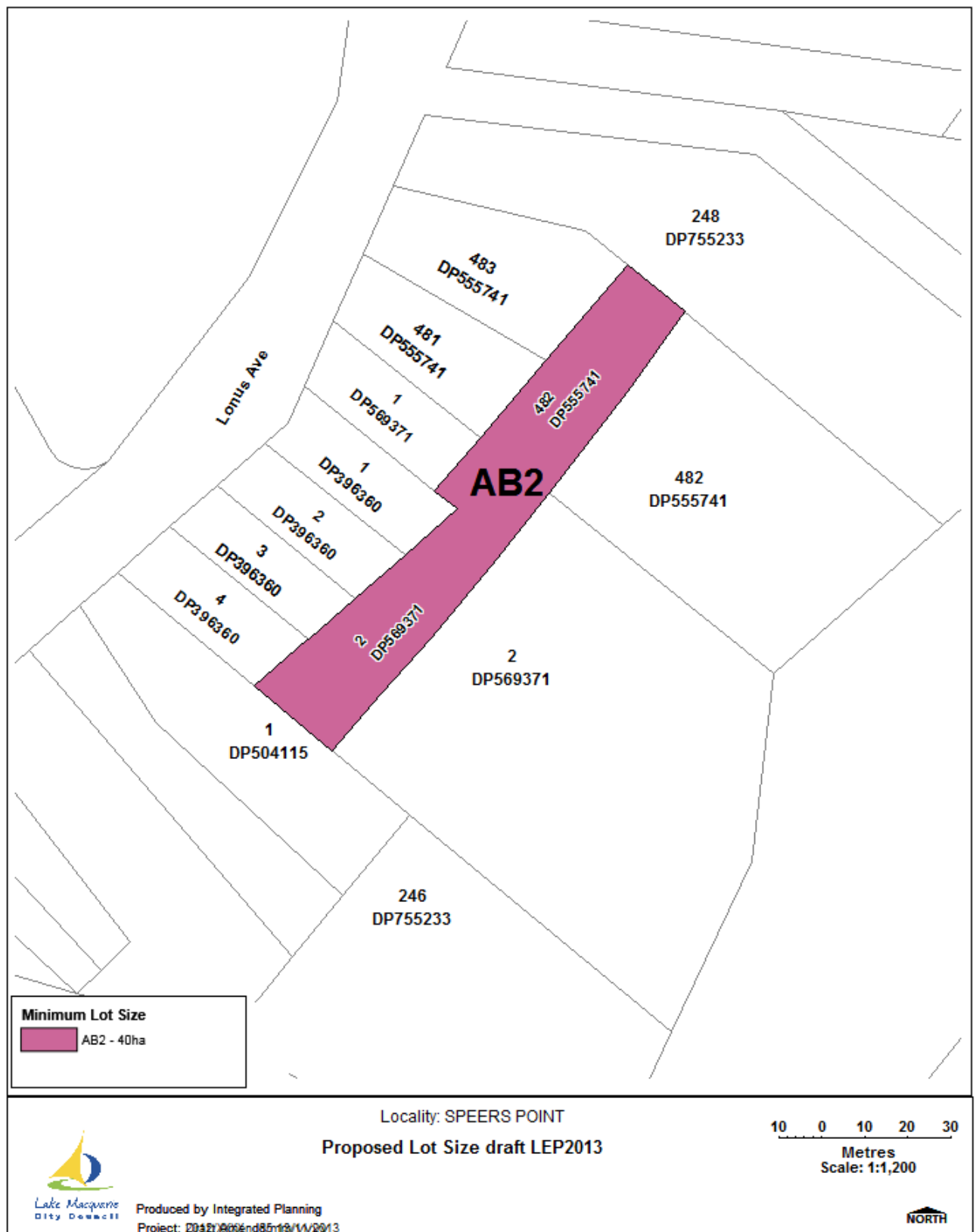
Proposed Zone – Lake Macquarie LEP 2004 – Part 16A and 24A Lonus Avenue, Whitebridge – Draft Amendment No. 85



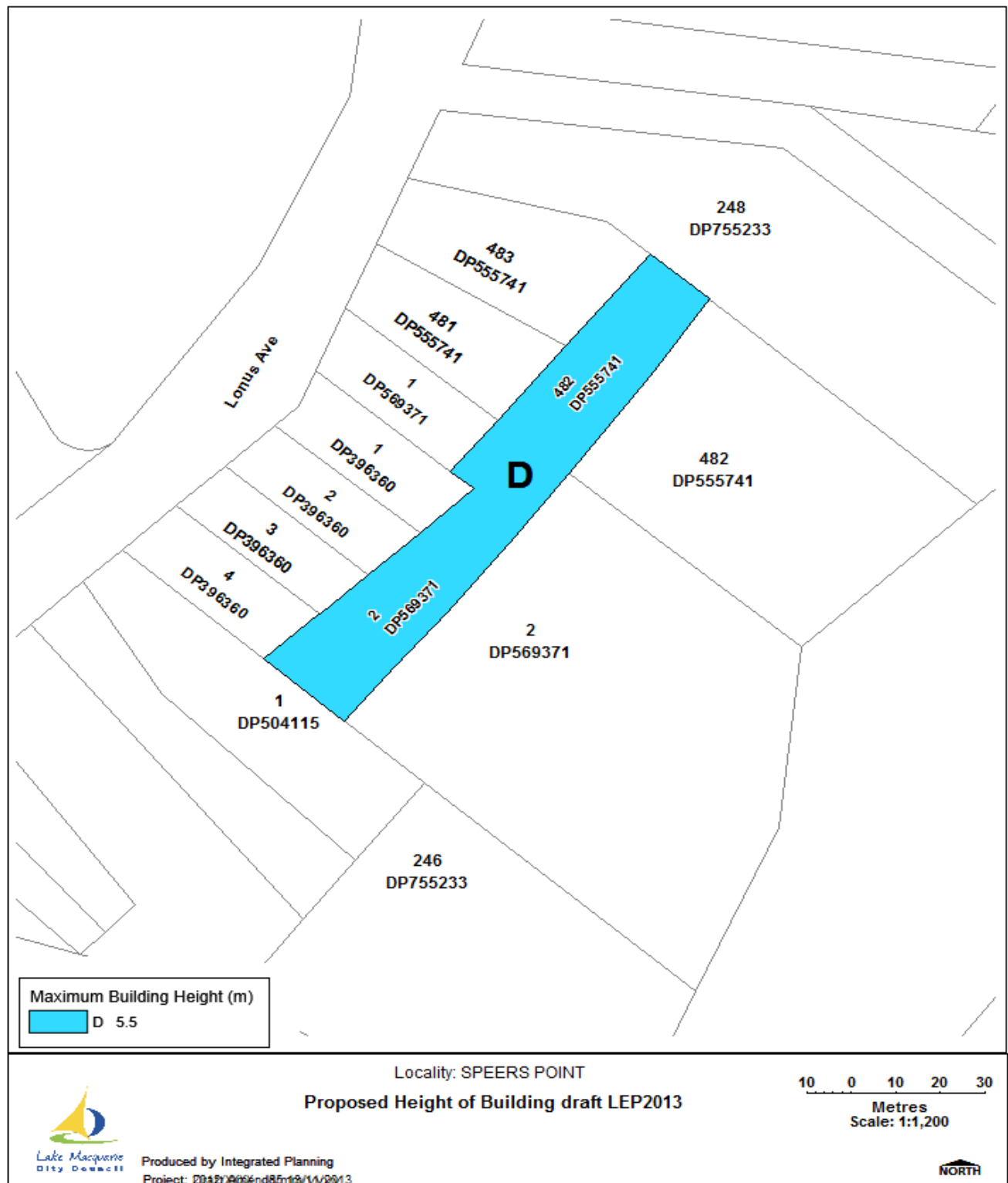
**Proposed Zone – Draft Lake Macquarie LEP 2013 – Part 16A and 24A
Lonus Avenue, Whitebridge**



**Proposed Minimum Lot Size Map – Draft Lake Macquarie LEP 2013 –
Part 16A and 24A Lonus Avenue, Whitebridge**

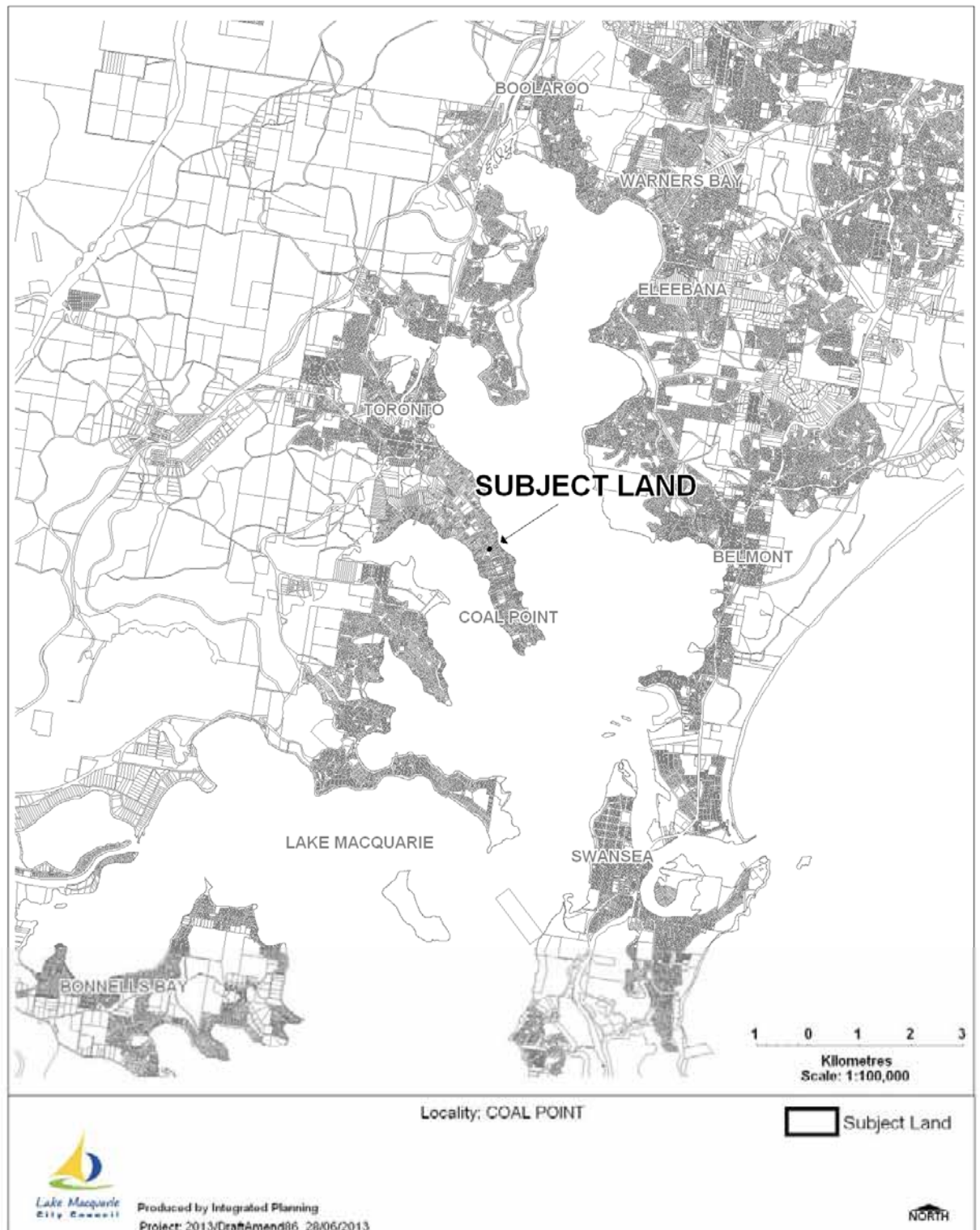


**Proposed Height of Building Map – Draft Lake Macquarie LEP 2013 –
Part 16A and 24A Lonus Avenue, Whitebridge**



13 Whitelocke Street, Coal Point

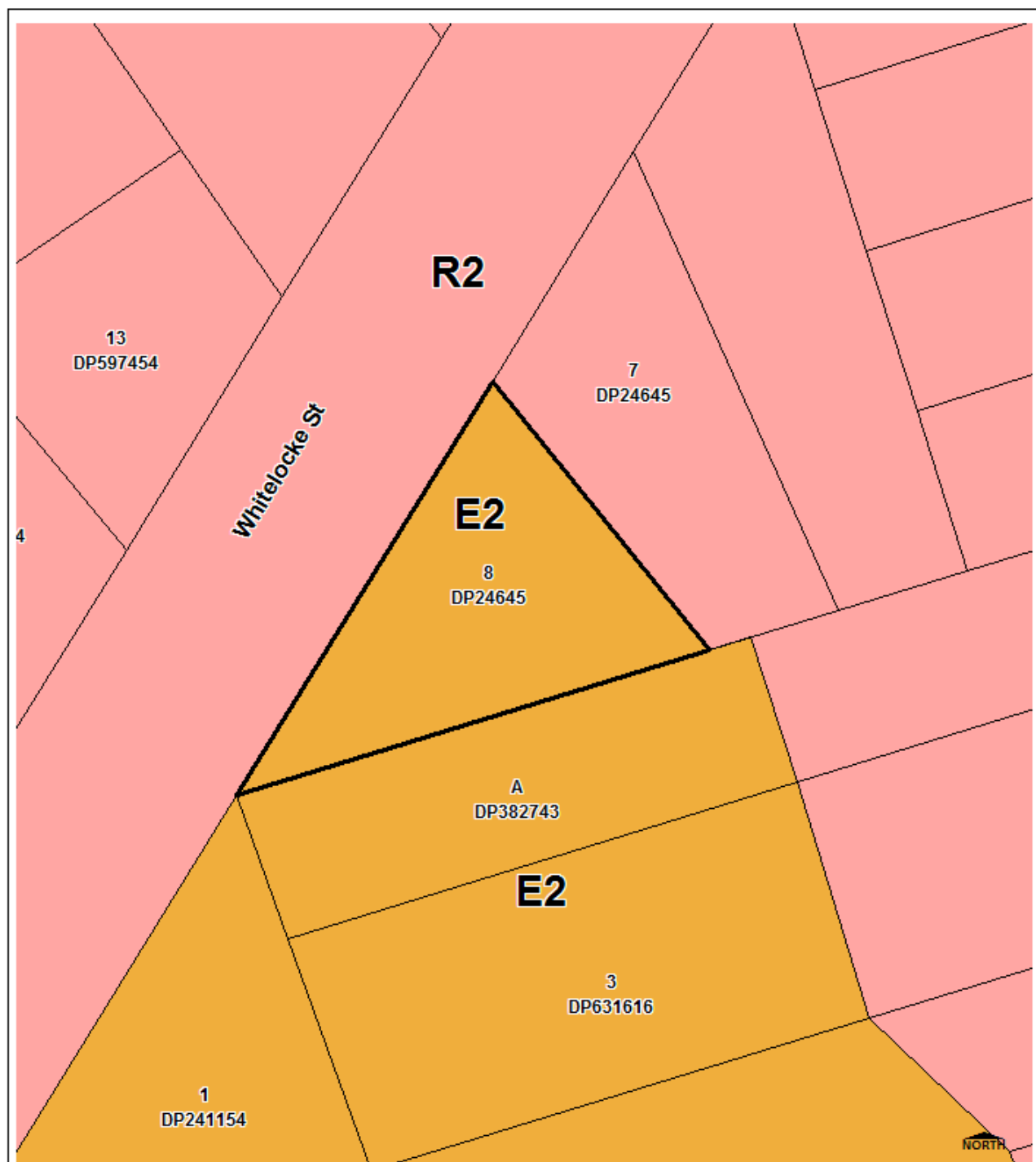
Locality Map – 13 Whitelocke Street, Coal Point



Aerial Photo and Current Zoning – 13 Whitelocke Street, Coal Point



Draft Lake Macquarie LEP 2013 – 13 Whitelocke Street, Coal Point



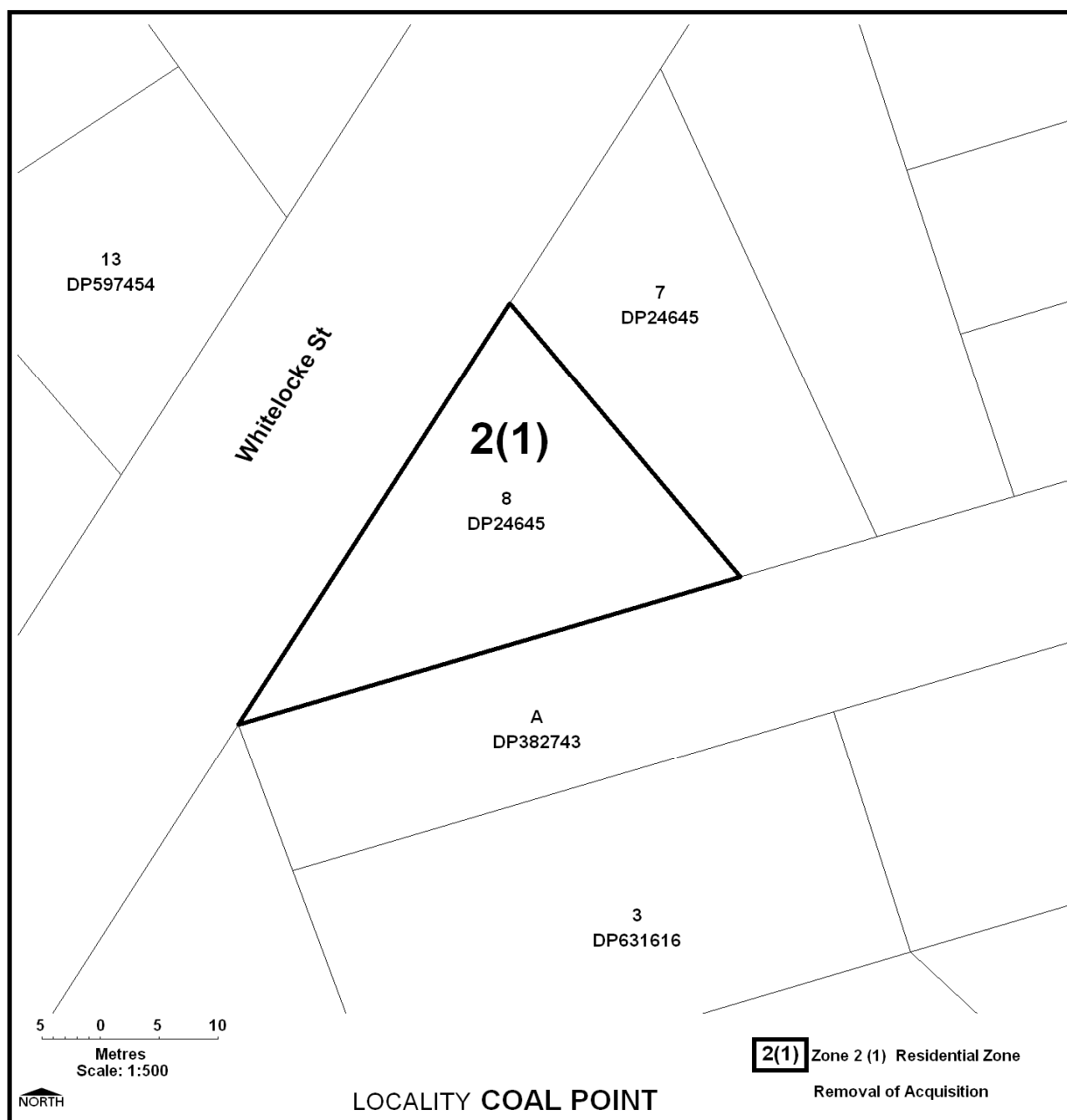
Produced by Integrated Planning
Project: 2013/DraftAmend88 28/06/2013

Locality: COAL POINT
Draft Lake Macquarie LEP 2013

 Subject Land

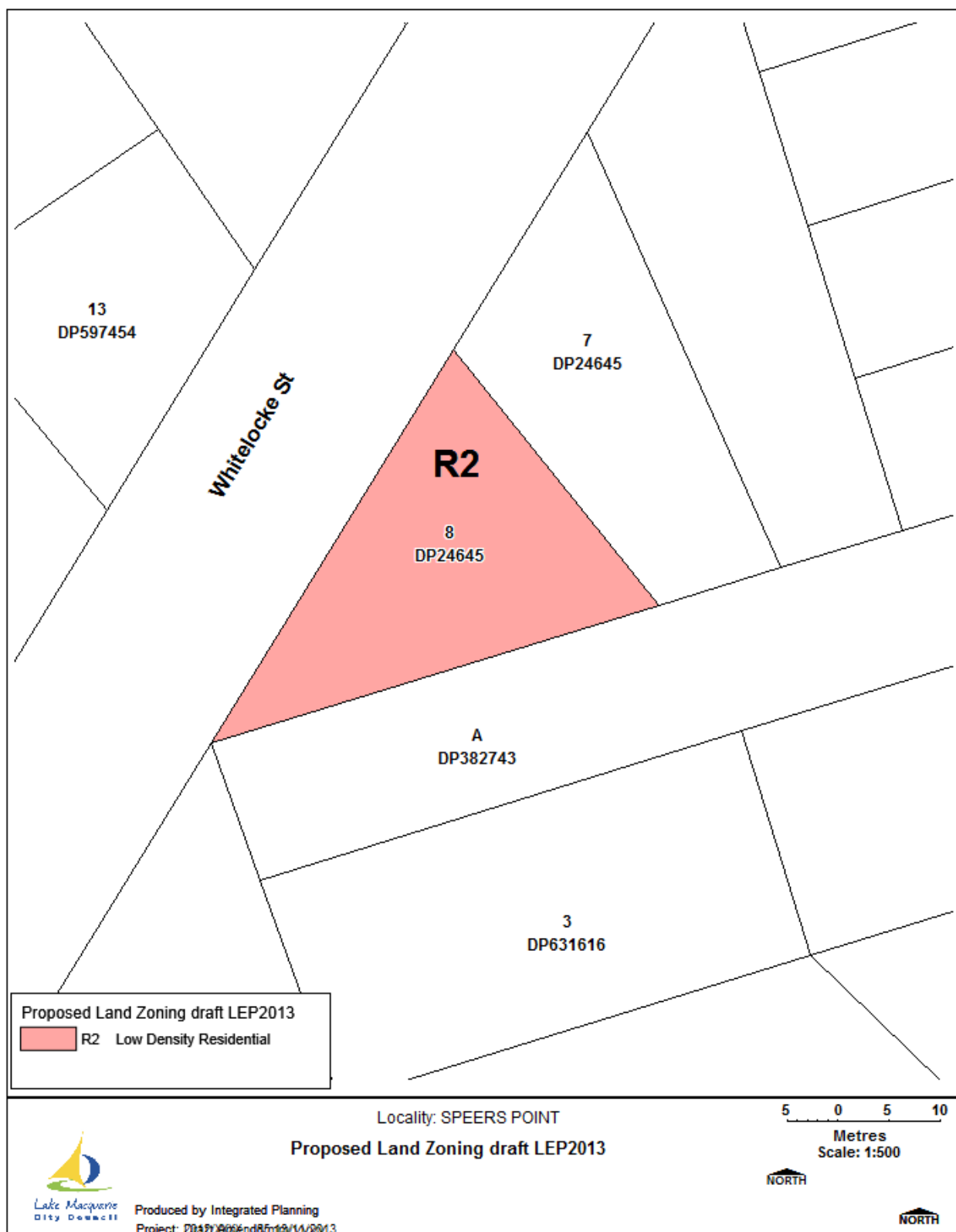
10 0 10 20 30
Metres
Scale: 1:1,200

Proposed Zone – Lake Macquarie LEP 2004 – 13 Whitelocke Street, Coal Point – Draft Amendment No.85

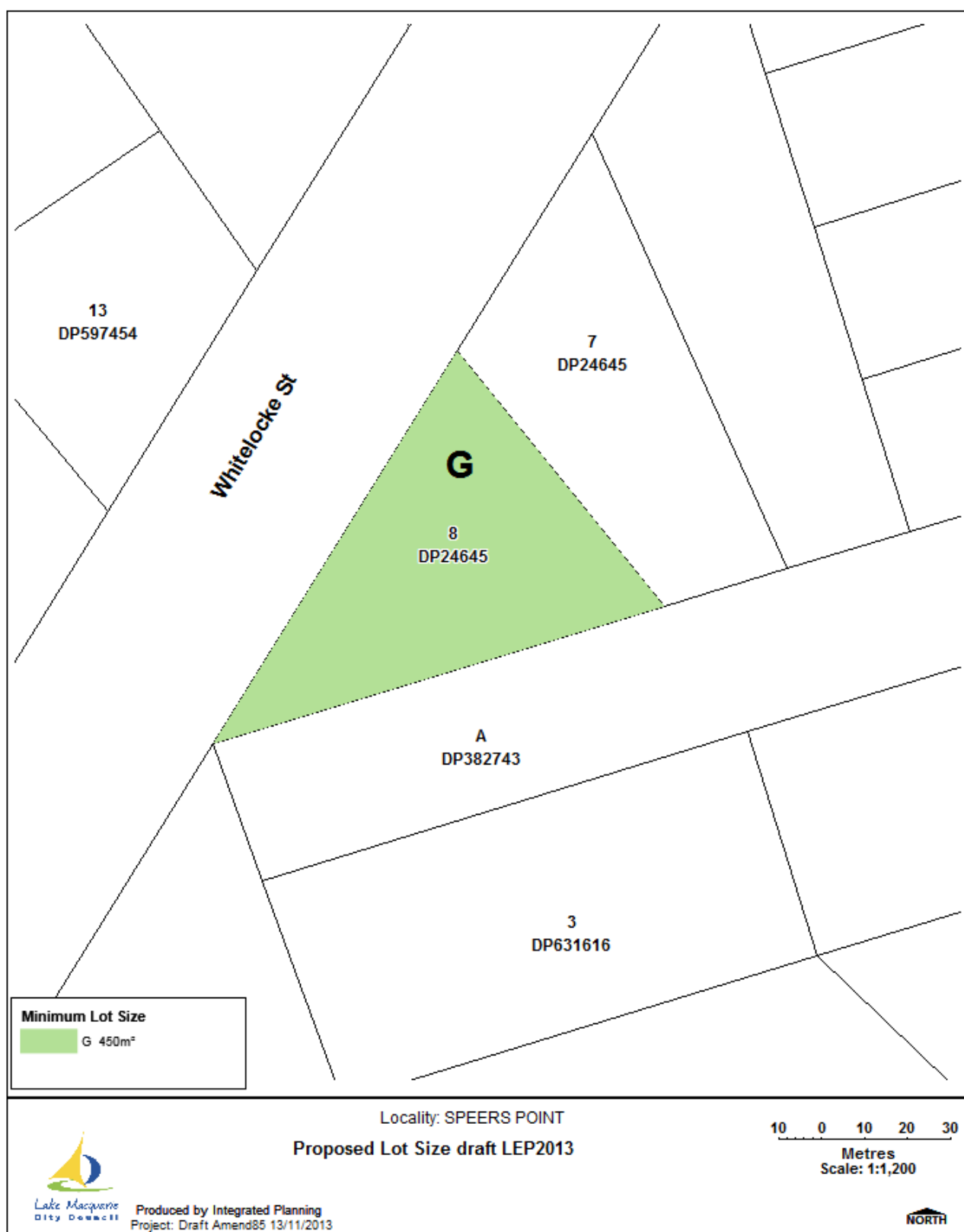


		ENVIRONMENTAL PLANNING & ASSESSMENT ACT , 1979 CITY OF LAKE MACQUARIE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 (DRAFT AMENDMENT NO 85)		SHEET 3 of 3	
DRAWN BY J.B. PLANNING OFFICER A.T.		DATE dd/mm/yyyy		STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
FILE NO. COUNCIL XXXXXXXX		DEPT. of PLANNING XXXXXXXX		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.	
GATEWAY DETERMINATION ISSUED UNDER SEC. 56 EPA ACT		DATE dd/mm/yyyy		GENERAL MANAGER DATE	
PUBLISHED ON NSW LEGISLATION WEBSITE ON					

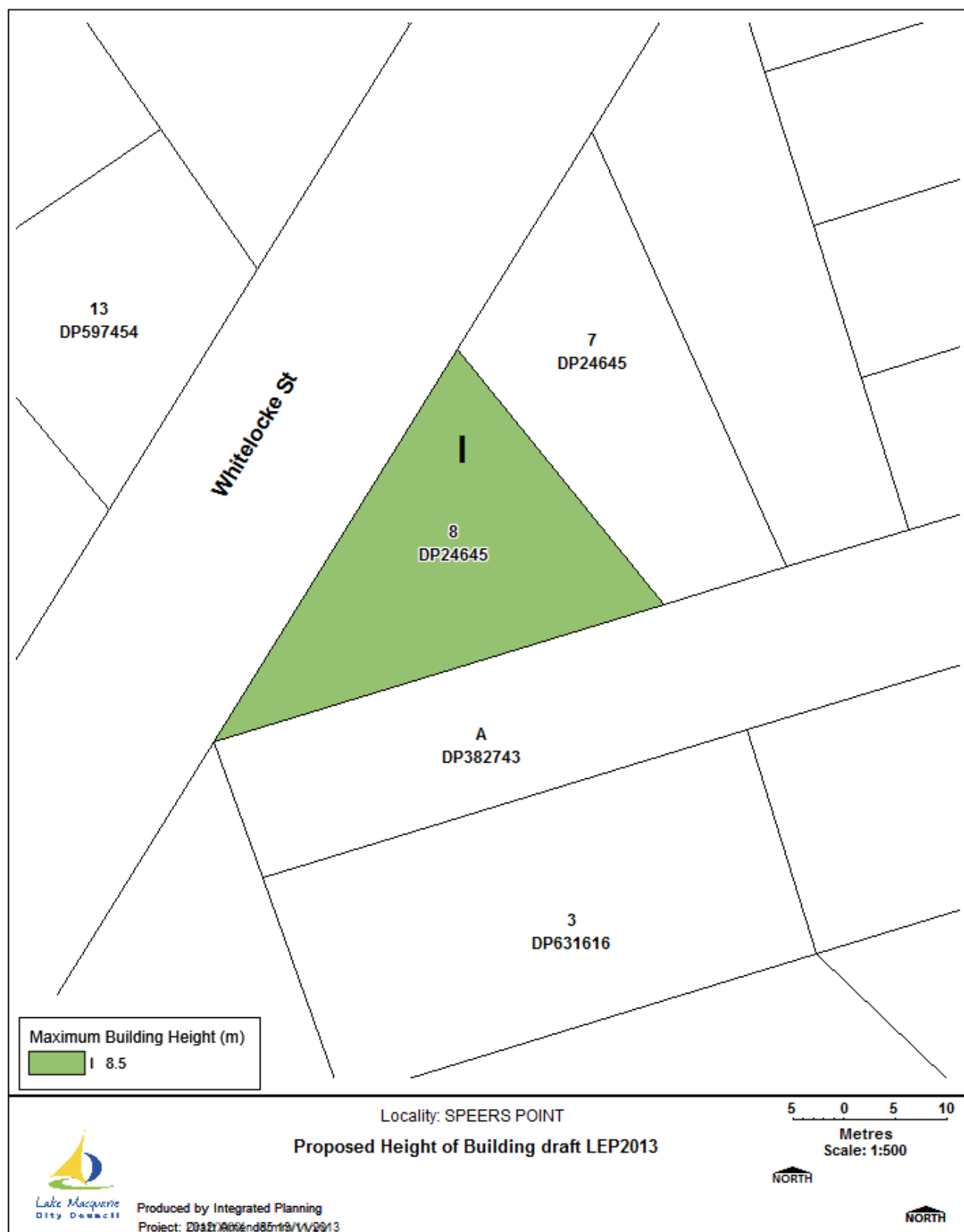
Proposed Zone – Draft Lake Macquarie LEP 2013 – 13 Whitelocke Street, Coal Point



Proposed Minimum Lot Size – Draft Lake Macquarie LEP 2013 – 13 Whitelocke Street, Coal Point



Proposed Height of Building – Draft Lake Macquarie LEP 2013 – 13 Whitelocke Street, Coal Point



Part 6 – Project Timeline

The project timeline would be updated post Gateway Determination and is subject to the requirements of the Gateway Determination. A preliminary timeline is provided below.

Task	Timeframe
Commencement Date – Gateway Determination	January 2014
Timeframe for completion of technical information	No further technical information is likely required.
Government Agency Consultation	February 2014
Commencement and Completion Dates for Public Exhibition Period	February 2014
Dates for Public Hearing	Not likely required
Timeframe for Consideration of Submissions	March 2014
Timeframe for the consideration of a proposal post exhibition	April 2014
Submission to DoPI to finalise LEP	May 2014
Anticipated date RPA to finalise the plan (if delegated)	June 2014
Anticipated date RPA will forward to DoPI for notification	June 2014

ATTACHMENT 1 – Evaluation Criteria for the Delegation of Plan Making Functions

Local Government Area: Lake Macquarie City

Name of draft LEP: Lake Macquarie Local Environmental Plan 2004 (Amendment No. 85) and Draft Amendment to Draft Lake Macquarie Local Environmental Plan 2013 – Zone Anomalies and Permissibility of Childcare Centres.

Address of Land (if applicable):

41 (Lot 21 DP 771139) and Part 43 Thompson Road (Part Lot 1 DP 335312), Speers Point

Part 16A (Part Lot 482 DP 555741) and Part 24A (Part Lot 2 DP 569371) Lonus Avenue Whitebridge

13 Whitelocke Street, Coal Point (Lot 8 DP24645)

Intent of draft LEP: The objective of this Planning Proposal is to amend *Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004)* and *Draft Lake Macquarie Local Environmental Plan 2013 (Draft LMLEP 2012)* to correct minor zone anomalies in the suburbs of Speers Point, Whitebridge and Coal Point.

The planning proposal also seeks to amend the zones in which childcare centres are permissible within the LMLEP 2004 and Draft LMLEP 2013.

Additional Supporting Points/Information:

- Planning Proposal prepared by Lake Macquarie City Council

Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is to attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	YIN			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N			
Heritage LEPs	YIN			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	N			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		NA		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		NA		

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?	N			
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		NA		
Is the planning proposal proposed to rectify an anomaly in a classification?	N			
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		NA		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		NA		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		NA		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		NA		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?	N			
Spot Rezonings	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	Y			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		NA		

Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).	N			

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.

Attachment 2 – Environmental Constraints

41 and Part 43 Thompson Road, Speers Point

Property description	41 (Lot 21 DP 771139) and Part 43 Thompson Road (Part Lot 1 DP 335312), Speers Point
Owners	Mrs J Ward (41 Thompson Road, Speers Point) Mr A B Watson and Mrs M N Watson (43 Thompson Road, Speers Point)
	 Figure 1: Aerial Photo
Current Zone – LMLEP 2004	The properties are currently zoned 7(2) Environmental Conservation.  Figure 2: LMLEP 2004 Zones
Draft LMLEP	The properties will be zoned E2 Environmental Conservation in the

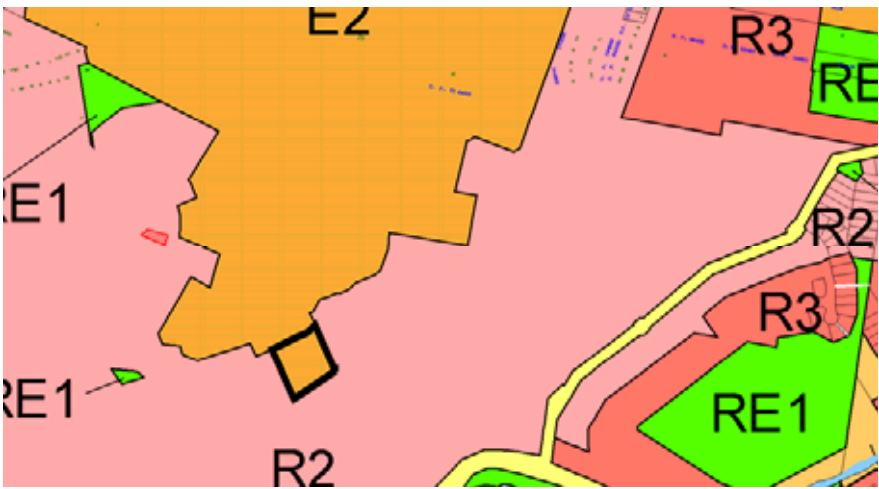
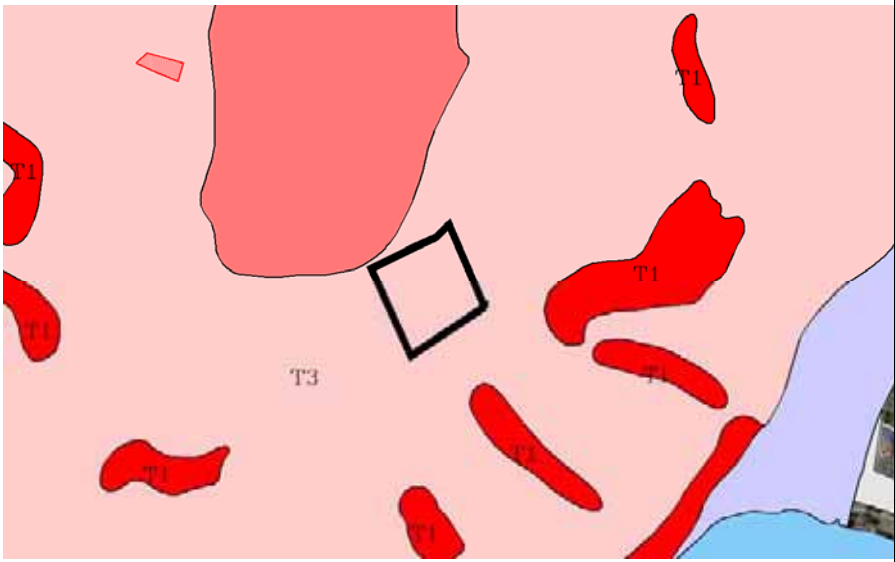
2013	draft LMLEP 2013  Figure 3: Draft LMLEP 2013 Zones
Area	0.7032 ha
Proposed Zone – LMLEP 2004	2(1) Residential
Proposed Zone – dLMLEP 2013	R2 Low Density Residential
Geotechnical Zone	The properties are within the T3 Geotechnical zone. The rear of the properties that will remain in the conservation zone are within the T2 Geotechnical zone.  Figure 4: Geotechnical Zones
Topography	The properties slope upwards towards the rear of the lot. The rear of the properties proposed to be retained in the conservation zone is steep leading up towards Munibung Hill.

	 Figure 5: Contours - 2m
Bushfire	 Figure 6: Bushfire Prone Land Map The subject sites are classed as bushfire prone land. The properties contains a small amount of bushfire vegetation category 1 and bush fire vegetation buffer (100 and 30m).
Ecological	The sites are predominately cleared of vegetation containing existing dwellings and associated structures. The rear section of part of 43 Thompson Road contains some vegetation classed as a corridor of partially cleared remnant native vegetation. The majority of the corridor will continue to remain in the conservation zone.



Figure 7: Native Vegetation and Corridors Map

Acid Sulphate Soils

The site contains Class 5 Acid Sulfate - soils within 500m of works within 500 metres of adjacent Class 1,2,3,or 4 land, which are likely to lower the watertable below one metre AHD on adjacent Class 1,2,3 or 4 land.

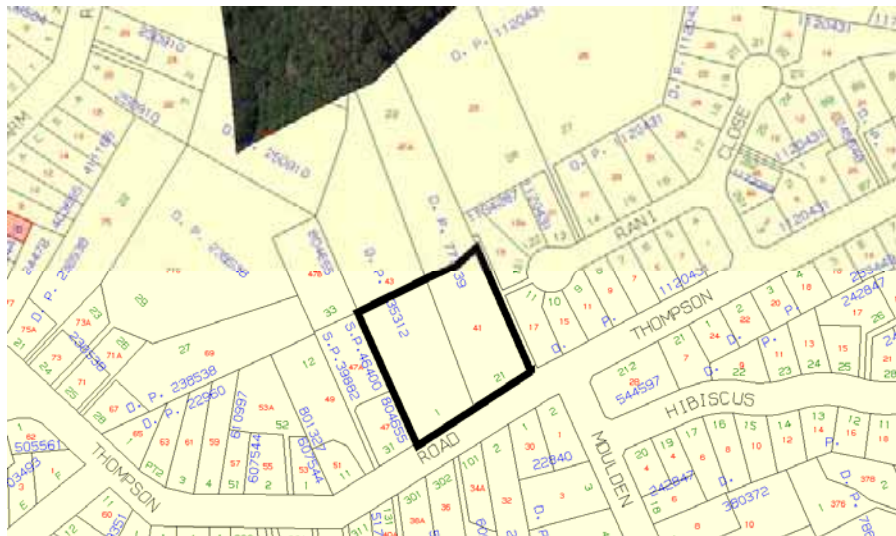


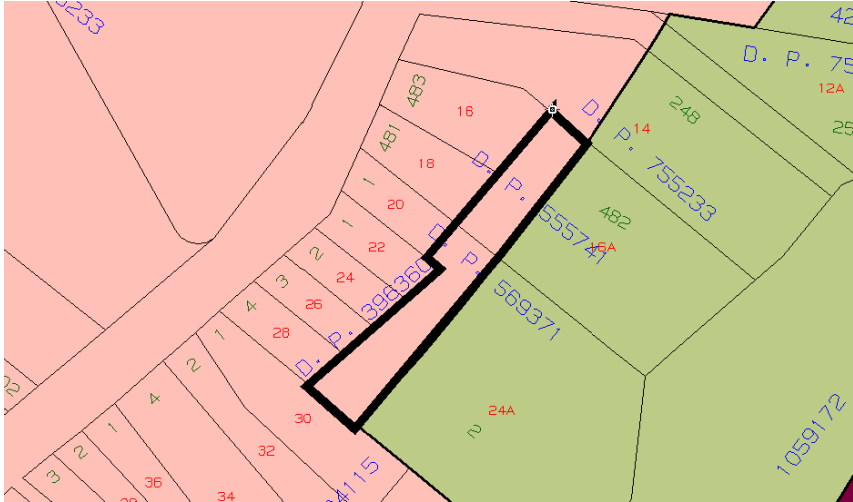
Figure 8: Acid Sulfate Soils

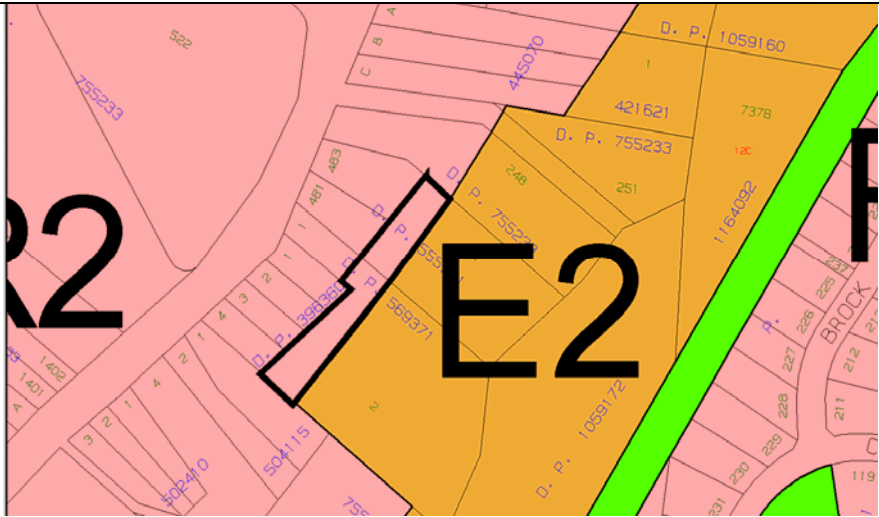
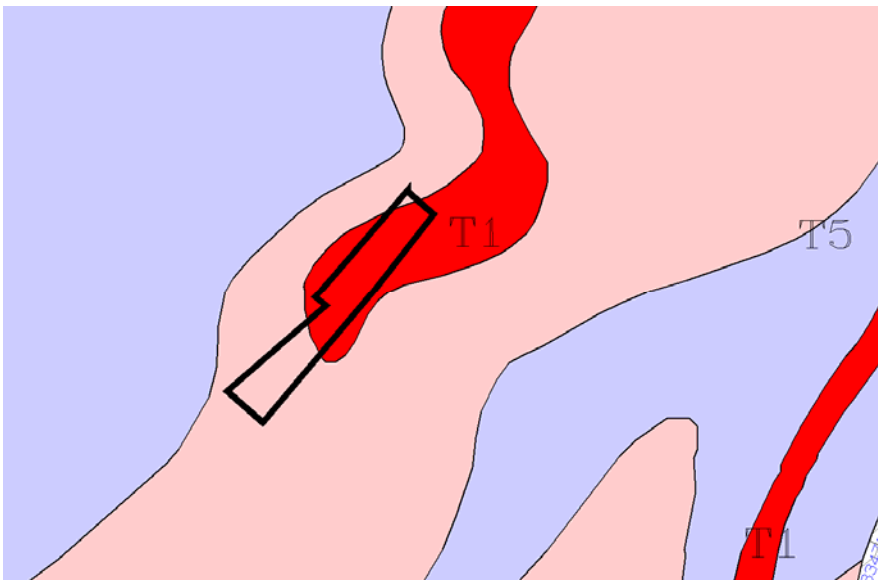
Coastal Zone	The properties are located within the Coastal Zone.  Figure 9: Coastal Zone Map
Contaminated Land	The site is outside of the contaminated land layer.  Figure 10: Contaminated Land Map
Flood Prone Land	The subject site is not identified as flood prone.
Heritage	The rear of 41 and Part 43 Thompson Road, Speers Point are identified as Sensitive Aboriginal Cultural Landscapes. The proposed rezoning does not affect these areas, which will be maintained in the conservation zoning.

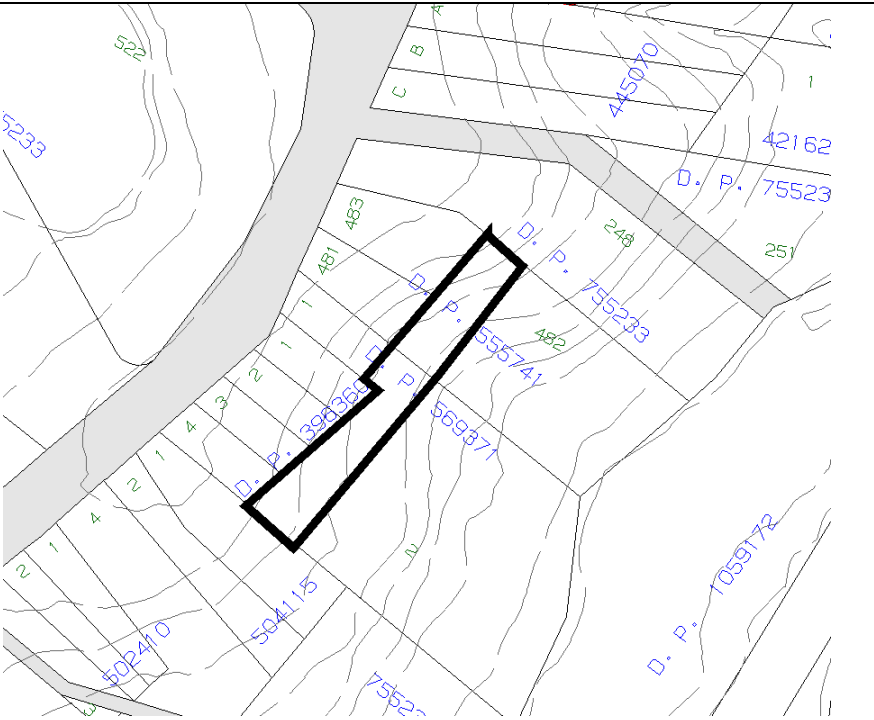


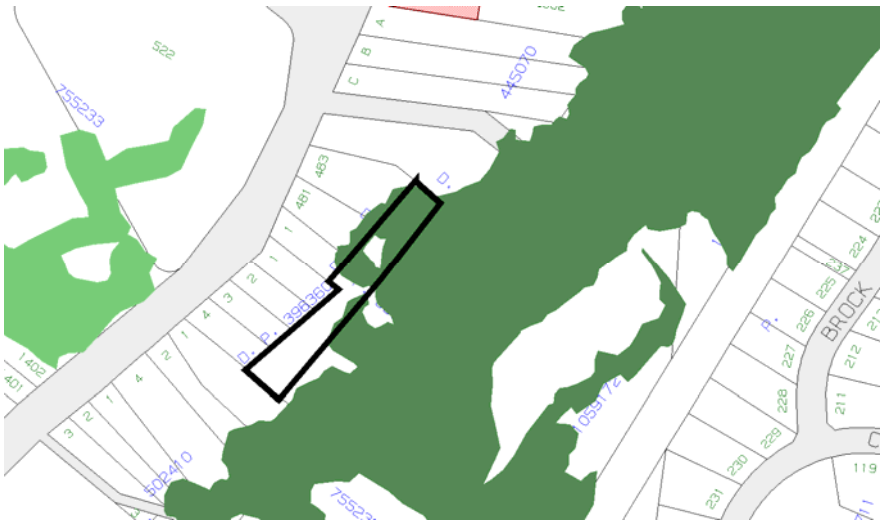
Figure 11: Sensitive Aboriginal Cultural Landscape

Part 16A and Part 24A Lonus Avenue, Whitebridge

Property description	Part 16A (Part Lot 482 DP 555741) and Part 24A (Part Lot 2 DP 569371) Lonus Avenue, Whitebridge
Owners	Roads and Maritime Service
	 Figure 1 - Aerial Photo
Current Zone – LMLEP 2004	The properties are currently zoned 2(1) Residential.  Figure 2 - LMLEP 2004 Zones
Draft LMLEP 2013	The properties will be zoned R2 Low Density Residential in the draft LMLEP 2013.

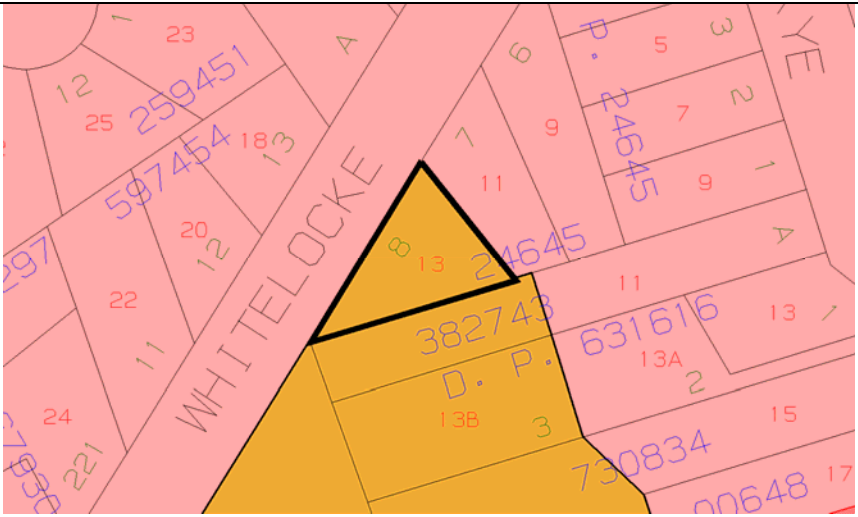
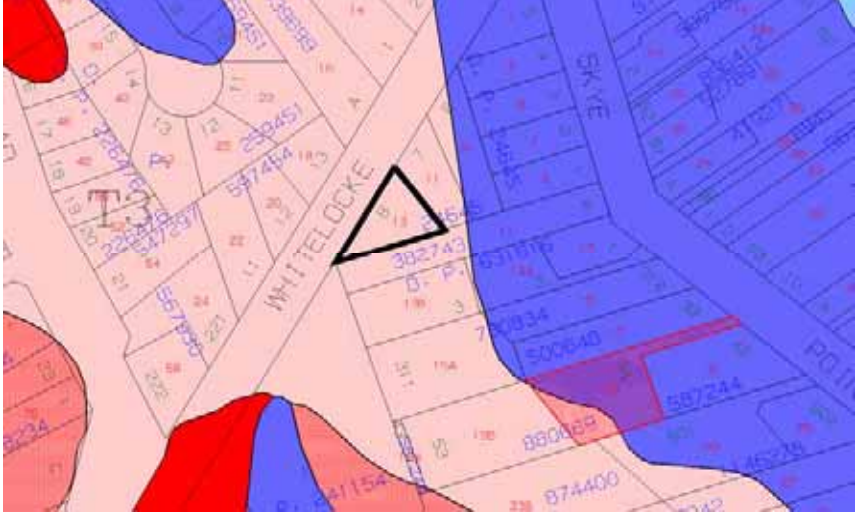
	 Figure 3 - Draft LMLEP 2013 Zones
Area	0.242 ha
Proposed Zone – LMLEP 2004	7(2) Conservation (Secondary)
Proposed Zone – dLMLEP 2013	E2 Environmental Conservation
Geotechnical Zone	16A Lonus Avenue largely comprises a T1 geotechnical zone. 24A Lonus Avenue contains T1 and T3 geotechnical zones. The T1 geotechnical zones recognise a higher risk of instability.  Figure 4 - Geotechnical Zones
Topography	The properties slope downwards towards the rear of the lot.

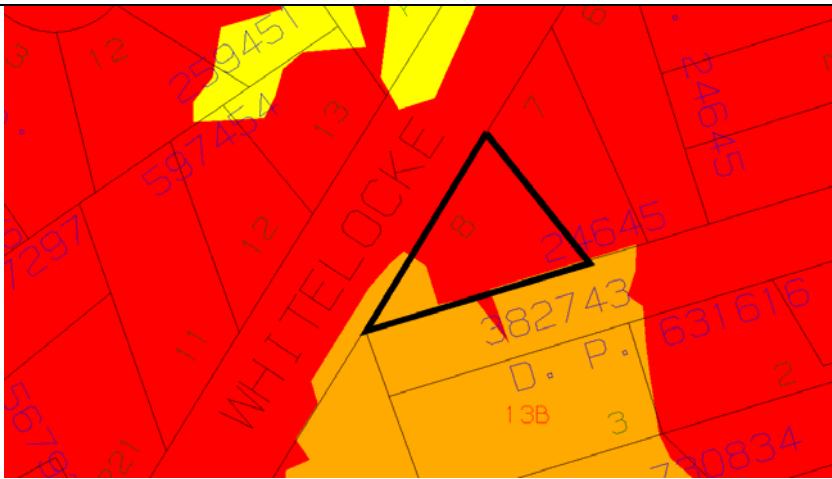
	 Figure 5 - Contours - 2m
Bushfire	 Figure 6 - Bushfire Prone Land Map The subject sites are classed as bushfire prone land. The properties contains a small amount of bushfire vegetation category 1 with the majority of the site containing bush fire vegetation buffer (100 and 30m).

Ecological	The site contains vegetation classed as a corridor of remnant native vegetation. This corridor connects through to Glenrock State Conservation Area.  Figure 7 - Native Vegetation and Corridors Map
Acid Sulphate Soils	The properties do not contain acid sulphate soils.
Coastal Zone	The properties are not located within the Coastal Zone.
Contaminated Land	The site is outside of the Contaminated land layer.
Flood Prone Land	The site is not identified as flood prone.
Heritage	The rear of 16A and 24A Lonus Avenue, Whitebridge are identified as a Sensitive Aboriginal Cultural Landscapes. The proposed rezoning does not affect these areas, which will be maintained in the conservation zoning.  Figure 8 - Sensitive Aboriginal Cultural Landscape

13 Whitelocke Close, Coal Point

Property description	13 Whitelocke Street, Coal Point - Lot 8 DP24645
Owners	Mr R Jones and Mrs J M Jones
	 Figure 1 - Aerial Photo
Current Zone – LMLEP 2004	The property is currently zoned 7(2) Environmental (Conservation) with an acquisition layer identified over this parcel.  Figure 2 - LMLEP 2004 Zones
Draft LMLEP 2013	The property will be zoned E2 Environmental Conservation in the draft LMLEP 2013.

	 Figure 3 - Draft LMLEP 2013 Zones
Area	0.064 ha
Proposed Zone – LMLEP 2004	2(1) Residential and removal of acquisition layer.
Proposed Zone – dLMLEP 2013	R2 Low Density Residential and removal of acquisition layer.
Geotechnical Zone	The property is within the T3 Geotechnical zone.  Figure 4 - Geotechnical Zones

Topography	
Bushfire	 Figure 6 - Bushfire Prone Land Map The subject site is classed as bushfire prone land. The property contains a small amount of bushfire vegetation category 1 and largely consists of bush fire vegetation buffer (100 and 30m).
Ecological	The site is predominately cleared of vegetation containing an existing dwelling house. The rear section of part of the property contains some vegetation classed as a corridor of remnant native vegetation.

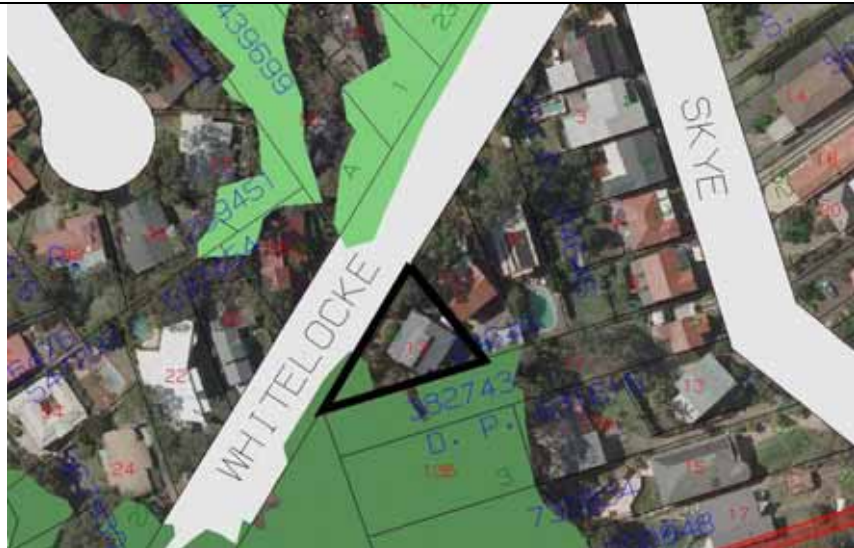


Figure 7 - **Native Vegetation and Corridors Map**

Acid Sulphate Soils

The site contains Class 5 Acid Sulfate - soils within 500m of works within 500 metres of adjacent Class 1,2,3,or 4 land, which are likely to lower the watertable below one metre AHD on adjacent Class 1,2,3 or 4 land.

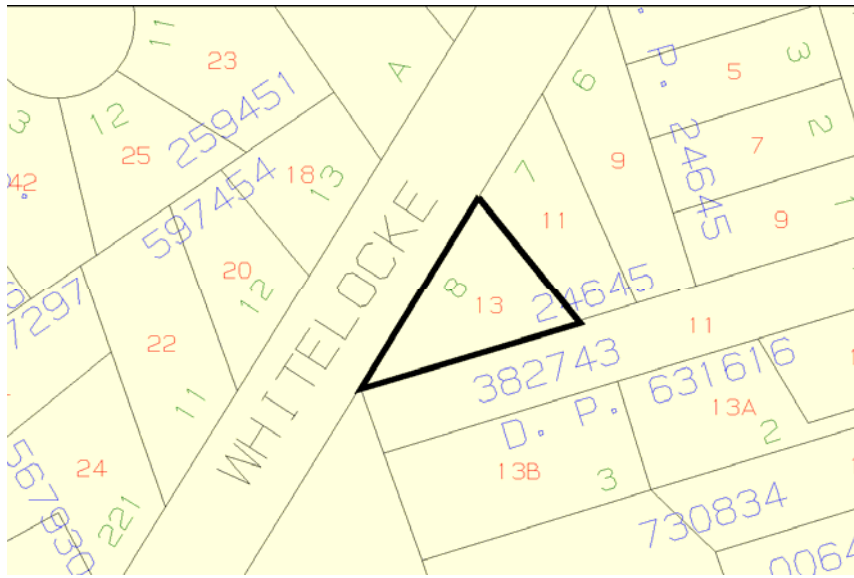


Figure 8 - **Acid Sulfate Soils**

