

Planning Proposal

Administrative Amendment to LMLEP 2004 (Sustainable Generating Works)

Local Government Area Lake Macquarie City

Name of Draft LEP: Lake Macquarie Local Environmental Plan 2004
(Administrative Amendment)

Part 1 – Objective of the Planning Proposal

To include in Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004) provisions regarding sustainable generating works.

Part 2 – Explanation of the Provisions

The amendment proposes the following minor changes to LMLEP 2004:

Amendment Applies To	Explanation of the Provision
Clause 15 – General controls for land within zones	‘Sustainable Generating Works’ is proposed to be included in the land use table as development requiring consent in the 5 Infrastructure, 6(1) Open Space, 4(2) Industrial (General) and 4(3) Industrial (Urban Services) zones. The inclusion of Sustainable Generating Works in the 5 Infrastructure, 6(1) Open Space, 4(2) Industrial (General) and 4(3) Industrial (Urban Services) zones will provide for the installation of sustainable energy generation plants, such as wind turbines in these zones. Previously, only traditional forms of energy generation works were permissible within the 5 Infrastructure zone and no such works were permissible in the 6(1) Open Space, 4(2) Industrial (General) and 4(3) Industrial (Urban Services) zones. The addition of this use in these zones is considered consistent with the objectives of these zones.

Part 3 – Justification for the Provisions

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

The amendment will allow sustainable generating works in a greater number of zones and is in alignment with the Discussion Papers issued by the Department of Planning (the DoP) for Renewable Energy Generation – Small Wind Turbines and Solar Power, which have recently been on exhibition to facilitate sustainable energy production.

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

The Discussion Papers for Renewable Energy Generation – Small Wind Turbines and Solar Power propose complying and exempt development provisions for small wind turbines and solar energy electricity works. The planning proposal will amend Lake Macquarie Local Environmental Plan to make ‘Sustainable Generating Works’ permissible with consent in the 5 Infrastructure, 6(1) Open Space, 4(2) Industrial (General) and 4(3) Industrial (Urban Services) zones.

3. Is there a net community benefit?

The proposal will provide a form of sustainable energy generation and will result in an overall net community benefit.

4. 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 Lower Hunter Regional Strategy outlines Sustainability Criteria that rezoning proposals should adhere to in the region. In respect of natural resources, the Lower Hunter Regional Strategy identifies limits should not be exceeded, environmental footprints should be minimised, and the demand for energy should not place unacceptable pressure on infrastructure capacity. Whilst the amendment is administrative in nature, these principles will be adhered to by allowing sustainable energy generation.

5. Is the planning proposal consistent with the local council’s community strategic plan, or other local strategic plan?

Council’s Lifestyle 2020 Strategy provides the long-term direction for the overall development of the City and is a tool for managing private and public development in Lake Macquarie. This planning proposal is consistent with the aims of the Lifestyle 2020 Strategy by maximising opportunities for environmental enhancement and sustainability.

6. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

The planning proposal is consistent with the following relevant State Environmental Planning Policies (SEPPs). The amendment proposes the inclusion of 'Sustainable Generating Works' in the land use table as development requiring consent in the 5 Infrastructure, 6(1) Open Space, 4(2) Industrial (General) and 4(3) Industrial (Urban Services) zones.

SEPP	Objective	Consistent	
SEPP (Infrastructure) 2007	Aims to more efficiently facilitate the delivery of infrastructure through the establishment of consistent planning provisions for infrastructure and services.	Yes	The Discussion Paper on Renewable Energy Generation - Solar Power if adopted, would update existing solar power provisions in SEPP (Infrastructure) 2007. The planning proposal is consistent with the provisions proposed by the discussion paper by allowing 'Sustainable Generating Works' in a greater range of zones in Lake Macquarie Local Environmental Plan 2004.
SEPP (Exempt and Complying Development Codes) 2008	Aims to provide streamlined assessment processes for development that complies with specified development standards	Yes	The Discussion Paper on Renewable Energy Generation - Small Wind Turbines if adopted would update existing windmill provisions in SEPP (Exempt and Complying Development Codes) 2008. The planning proposal is consistent with the provisions proposed by the discussion paper by allowing 'Sustainable Generating Works' in a greater range of zones in Lake Macquarie Local Environmental Plan 2004.

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

The planning proposal is considered consistent with all relevant Ministerial Directions. The proposal will allow 'Sustainable Generating Works' with consent in the 5 Infrastructure, 6(1) Open Space, 4(2) Industrial (General) and 4(3) Industrial (Urban Services) zones and will not alter any zone boundaries.

Relevant section 117 Directions include:

- 1.1 - Business and Industrial Zones as 'sustainable generating works' will be made permissible in the Industrial zones, however the amendment is minor in nature and consistent with this direction.
- 6.3 – Site Specific Provisions as the amendment will allow sustainable generating works to be carried out, however the proposal is considered consistent with this direction, as it will allow this use in a number of zones.

8. *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?*

There will be no potential for loss of vegetation deemed environmentally valuable as a result of the proposal. Any environmental impacts as a result of proposals for 'Sustainable Generating Works' would be assessed as part of the development application process.

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

Positive environmental effects are anticipated as a result of the proposal by allowing renewable energy generating uses in a greater range of zones. However, any potential negative impacts associated with the installation of 'Sustainable Generating Works' such as noise and visual impacts would be assessed as part of the development application process.

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

Potential social impacts associated with 'Sustainable Generating Works' such as visual and noise impacts would need to be assessed as part of the development application process. The proposal will create greater opportunity for the renewable energy sector providing positive social and economic impacts.

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

The proposal does not warrant changes to the delivery of public infrastructure to the area. The amendment will allow the generation of renewable energy.

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

The requirement for consultation with State and Commonwealth public authorities will be undertaken if directed by the DoP.

Part 4 – Details of Community Consultation

There has been no previous public consultation regarding this planning proposal. Council will consult with the public as directed by the DoP, however Council wishes for this amendment to proceed in a timely manner.