

Amendment 66 - Lake Macquarie LEP 2004 – 667 Pacific Highway & 31 Alick St, Belmont

Proposal Title :	Amendment 66 - Lake Macquarie LEP 2004 – 667 Pacific Highway & 31 Alick St, Belmont		
Proposal Summary :	This Planning Proposal aims to rezone land at 667 Pacific Highway and 31 Alick Street Belmont from Zone 6(2) Tourism and Recreation Zone to Zone 2(1) Residential Zone to rectify an historical zoning anomaly to enable the continued use of the site for residential purposes.		
PP Number :	PP_2012_LAKEM_003_00	Dop File No :	12/03616

Planning Team Recommendation

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

S.117 directions : **4.1 Acid Sulfate Soils**
 4.3 Flood Prone Land
 4.4 Planning for Bushfire Protection

Additional Information : **It is recommended that:**

1. Support the Planning Proposal.

2. Due to the timing of Council's principal LEP being exhibited soon, this planning proposal is to proceed as both an amendment to the current Lake Macquarie LEP 2004 and to the draft principal LEP 2012. All exhibition material, including maps (ie. Height of Buildings, Minimum Lots Size and Zoning), should be prepared to clearly identify to the community how the planning proposal will amend both instruments. Council should liaise further with the Department's Regional Team in relation to the material that should be prepared and placed on exhibition prior to proceeding to exhibition.

3 . Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows:

- (a) the Planning Proposal be made publicly available for 14 days;**
- (b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 4.5 of A guide to preparing LEPs (Department for Planning 2009)**

4. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act:

*** NSW Rural Fire Service**

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material. The public authority is to be given at least 21 days to comment on the proposal, 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.

5. The Director General's delegate may agree that the planning proposal's inconsistencies with s117 Directions -

- 4.1 Acid Sulfate Soils, as the provisions of the PP that are inconsistent are in accordance with cl. 8(b) are of minor significance, and**
- 4.3 Flood Prone Land, as under cl. 9(a) the Planning Proposal has considered the draft Lake Macquarie Waterway Flood Risk Study and Management Plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, and as the subject lands have existing residential dwellings located on the site, and any future development will need to consider these flood prone land requirements, under cl. 9(b) the inconsistencies are considered of minor significance.**

Consequently, if the Director General agrees to these inconsistencies, no further approval will be required in relation to the s117 Directions.

6. In relation to s117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service and amend the planning proposal (if necessary) to take into consideration any comments prior to undertaking exhibition of the planning proposal.

7. 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.

7. The time frame for completing the LEP is 6 months from the date of the Gateway Determination.

Supporting Reasons :

This PP is a minor amendment which rectifies an historical zoning error. The site is presently used for residential purposes with dwellings constructed on the subject land. The subject land adjoins an existing established residential zone.

Panel Recommendation

Recommendation Date : 22-Mar-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. The planning proposal is to proceed as an amendment to both the Lake Macquarie LEP 2004 and the draft principal Lake Macquarie LEP 2012. The exhibition material, including relevant maps (eg. Height of Buildings, Floor Space Ratio and Minimum Lot Size), must clearly show to the community how the planning proposal will amend both instruments.

2. 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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

3. Under section 56(2)(d) of the EP&A Act consultation is required with the NSW Rural Fire Service.

This 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.

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 6 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

GARINO

Date:

29.3.12