

Draft Lake Macquarie LEP 2004 (Amendment No 78)

Proposal Title : **Draft Lake Macquarie LEP 2004 (Amendment No 78)**

Proposal Summary : **To rezone a small parcel of land fronting Lake Macquarie from 6(2) Tourism and Recreation Zone to 2(1) Residential zone.**

PP Number : **PP_2013_LAKEM_003_00** Dop File No : **13/07882**

Planning Team Recommendation

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

S.117 directions :

- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.2 Mine Subsidence and Unstable Land**
- 4.3 Flood Prone Land**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**

Additional Information : **The Planning Proposal should proceed with conditions:**

1. The Director General's delegate approved the minor inconsistency with s117 Direction 4.3 Flood Prone Land.

2. Council be advised that the Department notes Council's advice regarding flooding impacts and requirements for future development. The Director General's delegate has therefore approved the minor inconsistency with s117 Direction 4.3 Flood Prone Land.

3. Council be advised that draft zoning maps (consistent with the Department's technical mapping requirements) need to be prepared specific to the proposed site rezoning, prior to the proposal being placed on public exhibition. Zoning map sets should be prepared for amendments to both LEP 2004 and draft LEP 2012.

2. Council be advised it's requirement for a phase 1 contamination survey to be undertaken prior to exhibition of the draft LEP and consistent with SEPP 55 is concurred with.

3. The planning proposal should be finalised as an LEP within 12 months. A 12 month time-frame is recommended because of the need to undertake a site contamination survey prior to the draft LEP being placed on exhibition.

4. Consistent with Council's request community consultation should be undertaken for a 28 day exhibition period. Consultation with relevant State authorities and agencies as identified by Council, should take place concurrently.

Although Council could be advised to focus its agency consultation to the most relevant agencies only including, physical service providers, Mine Subsidence Board, Roads and Maritime Services and the Local Aboriginal Land Council, Traditional Aboriginal Owners Corporation and OEH (heritage) as part of the site falls within the Lake Macquarie Sensitive Aboriginal Landscape map.

6. Council be given plan-making delegations.

- Supporting Reasons :
1. The site is located within the existing urban area identified by the Regional Strategy. The proposal accords with the key Strategy objective to increase housing provided in existing urban areas.
 2. The proposal will enable a land use change from a non-viable marine repair and servicing use to a low density residential use, compatible with the surrounding predominantly single residential dwelling use.
 3. As advised by Council the proposal accords with the Lake Macquarie Waterway Flood Risk Management Study (prepared in accordance with the NSW Floodplain Development Manual and Flood Risk Management Guide in that it will not result in an intensification of development on the site.

Panel Recommendation

Recommendation Date : **23-May-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to provide existing and proposed land zoning maps (and, if required, other relevant maps) under Lake Macquarie LEP 2004 and draft Lake Macquarie LEP 2012. Maps provided are to be at an appropriate scale and clearly identify the subject site.
2. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
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 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).
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:
 - Roads and Maritime Services
 - Office of Environment and Heritage
 - Local Aboriginal Land Council
 - Traditional Aboriginal Owners Corporation
 - Energy Australia
 - Telstra
 - Hunter Water Corporation
 - Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)

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.
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.

Signature:

M. Simon

Printed Name:

NEIL SIMON

Date:

28/5/13