

Lake Macquarie LEP 2004 Draft Amendment No.77 13A Main Road,

Proposal Title : Lake Macquarie LEP 2004 Draft Amendment No.77 13A Main Road,

Proposal Summary : This proposal seeks to rationalise zone boundaries to those of a new road and lot boundaries following roundabout construction on part of the former Pasminco Cockle Creek Smelter site, corner of Main Road and Munibung Road, Boolaroo

PP Number : PP_2013_LAKEM_004_00 Dop File No : 13/ 08528

Proposal Details

Date Planning Proposal Received :	17-May-2013	LGA covered :	Lake Macquarie
Region :	Hunter	RPA :	Lake Macquarie City Council
State Electorate :	LAKE MACQUARIE	Section of the Act :	73A - Minor Matter
LEP Type :	Housekeeping		

Location Details

Street : Main Road

Suburb : Boolaroo City : Lake Macquarie Postcode : 2284

Land Parcel : Part 13A Main Road, Boolaroo; Part Lot 3 in subdivision of Lot 21 DP 251322 and Lot 2 DP 1127713

DoP Planning Officer Contact Details

Contact Name : Ken Phelan

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RPA Contact Details

Contact Name : Angel Troke

Contact Number : 0249210333

Contact Email : council@lakemac.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Lower Hunter Regional Strategy	Consistent with Strategy :	Yes

MDP Number :	Date of Release :	
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots : 0	No. of Dwellings (where relevant) :	0
Gross Floor Area : 0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
 If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
 If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **Minor zone boundary adjustment to accommodate changed road boundaries due to construction of a roundabout rather than the previous plan for a signalised intersection:**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal seeks to amend the Lake Macquarie LEP 2004 to rezone:**

- Small sections of land from 2(2) Residential (Urban Living) and B4 Mixed Use zones to 3(2) Urban Centre (Support) Zone. The amendment will rezone approximately 5,114m2 of 2(2) Residential (Urban Living) and B4 Mixed Use zoned land.
- Small sections of land from 3(2) Urban Centre (Support) zone to 2(2) Residential (urban Living). The amendment will rezone approximately 513m2 of Urban Centre (Support) zoned land.

In terms of the Lake Macquarie LEP 2013 the proposal entails:

- Small sections of land rezoned from R3 Medium Density Residential to B4 Mixed Use, and,
- Small sections rezoned from B4 Mixed Use zone to R3 Medium Density Residential zone.

The planning proposal is not considered to have any significant adverse impact on the environment or adjoining land and accordingly Council believes the amendment could be processed under section 73A of the Environmental Planning and Assessment Act, 1979-

'Expedited Amendments of Environmental Planning Instruments subject to Gateway determination'

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones
1.3 Mining, Petroleum Production and Extractive Industries
2.1 Environment Protection Zones
2.2 Coastal Protection
2.3 Heritage Conservation
3.1 Residential Zones
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
6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas
SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP No 71—Coastal Protection
SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

N/A

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

14 days proposed by Council- agreed, in view of the minor nature of the zone boundary adjustments

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : December 2013

Comments in relation to Principal LEP : Lake Macquarie LEP 2013 is expected to be submitted in June, 2013.

This proposal, though minor, seeks to amend both the Lake Macquarie Local Environmental Plan, 2004 and Draft Lake Macquarie LEP 2013.

Assessment Criteria

Need for planning proposal :

Reconfiguration of the interchange design will create new physical features in the urban landscape to which zone boundaries should correspond for clarity in future development assessment.

Consistency with strategic planning framework :

The planning proposal is consistent with:

- State Environmental Planning Policies
- Section 117 Directions.
- Lower Hunter Regional Strategy

The proposal has been assessed against the provisions of Council's Biodiversity Planning Policy and Guidelines for LEP Rezoning Proposals. The site is devoid of vegetation due to previous heavy industrial uses and remediation of the site and no implications on biodiversity are anticipated.

Particularly relevant to SEPP 55 is the land remediation strategy for this wider area:

•SEPP 55- Remediation of Land-

The former Pasminco site was granted remediation approval under Part 3A of the Environmental Planning and Assessment Act 1979 and remediation works have occurred on the site. The former Pasminco site is being remediated in stages. The areas subject to this amendment are nearing the completion stage of remediation works. Areas subject to this planning proposal will not be developed until remediation is complete and a Site Audit Statement is issued stating that the site has been remediated to allow the intended residential and business uses.

Environmental social economic impacts :

Transport Infrastructure:

- The proposal will ensure that the small areas of residual land remaining after highway works are completed will be appropriately accessed via a major zone
- This will prevent mixing of local residential traffic with commercial traffic on local roads.

Environmental Impacts:

- Inclusion of small land areas within larger zones facilitates appropriate setbacks from this major intersection/ large roundabout.

- Respective zones can have appropriate edge treatments to a major public road and at the gateway to a large brownfield redevelopment site.

Social Impacts:

- Disturbance, severance and road-user risk would be reduced by the proposal proceeding. The proposal will not adversely impact the Boolaroo Heritage Precinct.

Economic Impacts:

- Consolidation of space left over after engineering works into larger adjoining zones maximises the development potential of each zone even though the land areas involved are small.

Governance:

- It is noted that the strategic plans giving rise to the road intersection upgrade have been

subject to extensive earlier public consultation (see Adequacy- Background above).
 •The proposal is unlikely to generate significant public interest as costs and benefits are marginal and so an exhibition period of 14 days is considered appropriate.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Attachment 1 - Planning Proposal - Minor Zone Boundary Adjustment - 13A Main Road ~ report to Council on 22 April 2013.obr	Proposal	No
Letter to Department of Planning and Infrastructure requesting a Gateway ~ 13A Main Road Boolaroo.obr	Proposal Covering Letter	No

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**

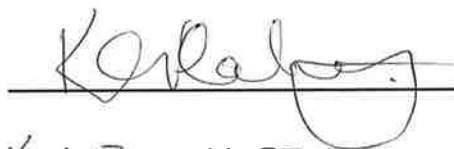
4.2 Mine Subsidence and Unstable Land
4.3 Flood Prone Land
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions

Additional Information : That the Planning Proposal proceed through the Gateway subject to conditions:

- 1)The planning proposal and amended maps be exhibited for a period of 14 days
- 2)The planning proposal be referred to Transport for NSW (Roads and Maritime Services)

Supporting Reasons : 1) To ensure the exhibition period is commensurate with the low impact and limited extent of the planning proposal
2)To ensure that appropriate provision is made for regional road management and maintenance in light of the changed zonings around the intersection.

Signature:



Printed Name:

K. O'FLAHERTY.

Date:

25-4-2013