

Planning Proposal

Amendment No. 77 to Lake Macquarie Local Environmental Plan 2004 and proposed Amendment to Draft Lake Macquarie Local Environmental Plan 2012

Minor Zone Boundary Adjustment - Pasminco – 13A Main Road, Boolaroo

Local Government Area:	Lake Macquarie City
Name of Draft LEP:	Lake Macquarie Local Environmental Plan 2004 (Amendment No. 77) and Draft Amendment '13A Main Road, Boolaroo' to Draft Lake Macquarie Local Environmental Plan 2012.
Subject Land:	Part 13A Main Road, Boolaroo Part Lot 3 in subdivision of Lot 21 DP 251322 and Lot 2 DP 1127713.
Maps and Photos:	Attachment 1 – Locality Map Attachment 2 – Aerial Photo Attachment 3 – Current Zoning - Lake Macquarie LEP 2004 Attachment 4 – Zoning – Draft Lake Macquarie LEP 2012 Attachment 5 – Draft Amendment No. 77 to Lake Macquarie LEP 2004 Attachment 6 – Proposed Zoning – Draft Lake Macquarie LEP 2012

Part 1 – Objective of the Planning Proposal

The objective of the planning proposal is to make minor zone boundary adjustments on the former Pasminco site at Boolaroo to ensure the zone boundaries match lot and road boundaries. The zone boundary adjustments are required because of changes to the location and alignment of the roundabout and Munibung Road extension due to detailed design.

Part 2 – Explanation of the Provisions

The amendment proposes the following changes to Lake Macquarie LEP 2004:

Amendment Applies To	Explanation of the Provision
Map	The planning proposal will rezone: • small sections of land from 2(2) Residential (Urban Living) and B4 Mixed Use zone 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.

Amendment Applies To	Explanation of the Provision
	small sections of land from 3(2) Urban Centre (Support) zone to 2(2) Residential (Urban Living). The amendment will rezone approximately 513m² of 3(2) Urban Centre (Support) zoned land.
Dictionary	Amend the definition of <i>the map</i> by adding Lake Macquarie Local Environmental Plan 2004 (Amendment No 77)

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 7.

The Planning Proposal would result in the following changes to Draft Lake Macquarie LEP 2012 (Council's Standard Instrument LEP):

Amendment Applies To	Explanation of the Provision
LMLEP 2012 Standard Instrument – Land Zoning Map (LNZ_011)	Amend the land zoning map to rezone: - small sections of land from R3 Medium Density Residential zone to B4 Mixed Use zone. - small sections of land from B4 Mixed Use zone to R3 Medium Density Residential zone.
LMLEP 2012 Standard Instrument – Minimum Lot Size Map (LSZ_011)	Minimum lot sizes would correspond to proposed zoning as follows: R3 – 450m ² . No minimum lot size is proposed for the B4 Mixed Use zone.
LMLEP 2012 Standard Instrument – Building Height Map (HOB_011)	Maximum building heights would correspond to proposed zoning as follows: R3 – 10m and B4 – 13m.

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 the result of a strategic study or report. The former Pasminco Cockle Creek Smelter site at Boolaroo was rezoned in two stages in 2010 and 2011 respectively. The former Pasminco site was rezoned from its 4(1) Industrial (General) zone to a mixture of residential, employment and conservation zones.

Since the rezoning of the former Pasminco Cockle Creek Smelter site, detailed subdivision and road design has occurred on the proposed extension of Munibung Road. The detailed road design for Munibung Road has resulted in a lot and road boundary that does not align with the zone boundary as the intersection type has changed from a proposed signalised intersection to a roundabout.

The LEP amendment is consistent with the original intention for Munibung Road to form the boundary between residential and employment zones.

This amendment is also needed to avoid issues with the assessment and determination of future development applications.

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

It is considered that the planning proposal is the only way to achieve the intended outcome, which is to make minor zone boundary adjustments to ensure the zone boundaries match lot and road boundaries due to the change in road alignment for Munibung Road and the change of intersection design.

Section 73A of the *Environmental Planning and Assessment Act 1997* - Expedited Amendments of Environmental Planning Instruments outlines three criteria that can be used for minor amendments:

- (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 inconsequential, transitional, machinery or other minor nature,
- (c) deal with matters that the Minister considers 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.

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 *EP&A Act 1979* subject to the Gateway determination.

3. Is there a net community benefit?

The planning proposal is minor in nature, however the consequence of proceeding with the amendment will ensure that future development applications can be determined for the employment land without issues associated with permissibility in different zones, which would provide a net community benefit for employment in the area. An assessment of the proposal with the Net Community Benefit Test is contained below.

Net Community Benefit Test

Criteria	Planning Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?	The planning proposal is a minor zone boundary adjustment. The amendment is to rectify zone boundaries following the rezoning of the former Pasminco site from industrial to a mix of employment and residential uses. The Lower Hunter Regional Study recognised the former Pasminco site as employment land as it was prepared prior to the rezoning of the Pasminco site. The Pasminco site is opposite the Cockle Creek train station and is well located in terms of bus and train services. Council's Lifestyle 2030 Strategy recognises it as part of a growth and expansion corridor, which is located between Cardiff and West Wallsend and encompasses part of Main Road, Boolaroo. The amendment is of a minor nature, however it is considered consistent with the strategic direction for development in the area.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The amendment is not located in a strategic centre or corridor nominated by the Lower Hunter Regional Strategy. The site is within 3km by road from Glendale, identified in the Lower Hunter Regional Strategy as an Emerging Major Regional Centre.

Criteria	Planning Comment
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The proposal seeks to rezone a small area of land to align zone boundaries with the lot boundaries consistent with the intended redevelopment of the site. It is not likely that the proposal will set a precedent in the area.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Other spot rezonings have been considered in the area. The amendment is a minor zone boundary adjustment and is not likely to have any significant impacts.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The LEP will result in an overall small increase in employment zoned land. The zone boundary adjustment will ensure that a development application for a permanent employment generating use can be determined.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The proposal will rezone a small section of 2(2) Residential (Urban Living) zoned land to 3(2) Urban Centre (Support) zone. The portion of residential land is not suitable for residential use due to its location. Munibung Road was intended to be the boundary between employment and residential uses. A small area of land will be rezoned to residential. The amendment will not have a negative impact on the supply of housing or affordable housing.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	Water, electricity and gas utilities are available. Main Road, Boolaroo provides access to the site. The proposed extended Munibung Road will also serve the site. Cockle Creek train station is immediately opposite and the site has regular bus services.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The site is well serviced by public transport including bus and rail networks. The site is also located close to employment and residential areas. The proposal is a minor zone boundary adjustment.

Criteria	Planning Comment
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	No. The amendment is very minor in nature. Impacts on infrastructure have been assessed as part of previous LEP amendments of the former Pasminco site.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The land is not constrained by environmental factors or required for environmental conservation. The land has previously been used for heavy industrial purposes and has been remediated and is devoid of vegetation.
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The former Pasminco site was rezoned in two stages in 2010 and 2011 respectively. This rezoned the site to a mixture of residential and commercial zones. When the site was rezoned, Munibung Road was planned to separate the employment and residential uses. Due to a change in intersection type, the alignment of the proposed extended Munibung Road has been altered and there are discrepancies between zone and lot boundaries. This amendment will seek to ensure that the amenity of the area to be developed is maintained by rezoning the small slithers of land in an incompatible zone.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal is a minor zone boundary adjustment, however it will increase the area of employment zoned land, which allows for retail and commercial premises.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	The amendment is minor, however the redevelopment of the former Pasminco site will include a mix of uses, including employment and residential.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	If the amendment does not proceed, it would limit the capacity for development applications to be determined and accordingly limit the intended redevelopment of the former

Criteria	Planning Comment
	Pasminco site for employment uses.

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 Lower Hunter Regional Strategy identifies the site as employment land given its previous industrial use. The proposal is for a minor zone boundary adjustment, however will facilitate employment uses which will assist fulfilling the employment targets of the Lower Hunter Regional Strategy.

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

Lifestyle 2030 Strategy

Council's Lifestyle 2030 identifies the following for Pasminco:

- The redevelopment of the former Pasminco Cockle Creek Smelter site will also provide an opportunity for large scale urban redevelopment.
- The redevelopment of the Pasminco site will provide additional employment land.

The former Pasminco site falls within the growth and expansion corridor, which is located generally between Cardiff and West Wallsend on George Booth Drive.

The zone adjustment is considered consistent with the Lifestyle 2030 Strategy as it will allow for the redevelopment of the Pasminco site and adjust the zone boundaries to be consistent with the proposed road boundaries.

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.

SEPPs	Relevance	Implications
SEPP 19 – Bushland in Urban Areas	Aims to prioritise the conservation of bushland in urban areas, and requires consideration of	The subject land does not contain any vegetation recognised as urban bushland as the site is

SEPPs	Relevance	Implications
	aims in preparing a draft amendment	devoid of vegetation due to previous industrial and remediation activities.
SEPP 44 – Koala Habitat Protection	Aims to encourage the proper conservation and management of areas of natural vegetation that provide koala habitat.	No koala habitat or potential koala habitat has been identified on the sites.
SEPP 55 – Remediation of Land	Aims to establish planning controls and provisions for the remediation of contaminated land	The site has previously been used for the former Pasminco Cockle Creek Lead Smelter. The site was given remediation approval on 27 February 2007 under Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> and has been in the process of remediation. 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.
SEPP (Infrastructure) 2007	Aims to provide a consistent planning regime for the delivery of infrastructure. It also provides provision for consultation and assessment.	Development resulting from the proposal can be adequately serviced with existing infrastructure.
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	The site is within the Coastal Zone as defined on the Coastal Zone Maps for Lake Macquarie. The site does not have direct access to the foreshore and is only marginally

SEPPs	Relevance	Implications
	planning and management.	visible from Lake Macquarie. The rezoning will not affect the beach environment or coastal management strategies. The proposal is only a small zone boundary alignment and the proposal is consistent with this SEPP.

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

The proposal has been assessed against relevant Ministerial Directions. The assessment is provided below. The proposal is considered consistent with most section 117 Directions, however there is a minor inconsistency with Direction 1.1 – Business and Industrial Zones and Direction 3.1 – Residential Zones as small areas of employment land will be rezoned to residential and small areas of residential land will be rezoned to employment uses. The proposed amendment is very minor in nature and will not impact on the employment or housing capacity of the site. The concurrence of the Director General of the DoPI for these minor inconsistencies is requested.

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 proposal seeks to rezone small sections of residential land to employment. In this regard, the proposal is consistent with this direction as the boundary adjustment will result is a slight increase to allow employment generating uses with a proposal for a Hardware store on the site. The proposal also seeks to rezone a small area of employment land to residential. In this regard, the proposal is inconsistent with this direction, which states that a planning proposal must not reduce the total potential floor space area for employment uses in business zones. However the amendment is

Ministerial Direction	Relevance	Implications
		very minor in size and will not impact on the employment capacity of the site.
1.3 – Mining, Petroleum Production and Extractive Industries	Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	The NSW Department of Primary Industries (Minerals) and Mine Subsidence Board (MSB) previously advised in the past rezoning application for the former Pasminco site that they had no objection to the rezoning providing underground mining is permissible with development consent.
2.2 – Coastal Protection	This direction aims to implement the principles in the NSW Coastal Policy.	The land lies within the coastal zone and this direction applies. The amendment is a minor zone boundary adjustment and will not have any impacts on the coastal zone.
2.3 – Heritage Conservation	Aims to conserve items of environmental heritage by requiring a draft LEP to include provisions to facilitate the protection and conservation of Aboriginal and European heritage items.	The site adjoins the heritage items of the Former Laboratory Building (BR16), as well as heritage items RT - 02 Speers Point Steam Tram Line and RT-03 Great Northern Railway. However, the proposal does not affect land on which these items are located and the proposal is consistent with this direction. The development design will need to consider the significance of these heritage items.
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 rezoning proposal seeks to rezone some medium density residential land to an employment zone to ensure the zone boundaries align with the lot boundaries due to a changed road alignment. In this regard, the proposal is

Ministerial Direction	Relevance	Implications
		inconsistent with this direction. However, the zone change is minor, involves a very small area of land, and will not reduce the dwelling yield for the area.
3.4 Integrating Land Use and Transport	The aim of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	The proposal seeks to rezone small sections of land to ensure zone and lot boundaries are consistent. The location is directly opposite the Cockle Creek train station and the site is well serviced in terms of public transport by rail and bus. The proposal is consistent with this direction as it will provide employment opportunities with good access to public transport.
4.1- Acid sulphate Soils	Aim to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.	Part of the subject land has the potential for Class 5 Acid Sulphate Soil. Class 5 Acid Sulphate Soils are defined as 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. The planning proposal is a minor zone boundary adjustment and is considered of minor significance that will not

Ministerial Direction	Relevance	Implications
		increase the likelihood of exposing potential acid sulphate soils.
4.2 – Mine Subsidence and Unstable Land	Aims to ensure development is appropriate for the potential level of subsidence. The direction requires consultation with the Mine Subsidence Board where a draft LEP is proposed for land within a mine subsidence district.	The site is within a proclaimed Mine Subsidence district pursuant to section 15 of the <i>Mine Subsidence Compensation Act 1961</i> . Previous consultation has occurred with the Mine Subsidence Board (MSB) regarding the rezoning of the former Pasminco site and they raised no objection to the proposed rezoning of the whole site. There are former mine workings known under the former Pasminco site, however workings are not located under the rezoning site. The MSB approval would be required for any subdivision or the erection of improvements subsequent to the rezoning.
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 site is not flood prone. The proposal is consistent with this direction.
5.1 – Implementation of Regional Strategies	Aims to give legal effect to regional strategies, by requiring draft LEPs to be consistent with relevant strategies. The direction	This direction requires a proposal to be consistent with the Lower Hunter Regional Strategy. The proposal is considered

Ministerial Direction	Relevance	Implications
	requires a draft amendment to be consistent with the relevant State strategy that applies to the Local Government Area.	consistent with this direction as it will facilitate employment growth in the region.
6.1 – Approval and Referral Requirements	Prevents a draft LEP from requiring concurrence from, or referral to, the Minister or a public authority unless approval is obtained from the Minister and public authority concerned. Also restricts the ability of a Council to identify development as designated development without the Director General's agreement.	The draft amendment does not require concurrence from, or referral to, the Minister or a public authority. The planning proposal is consistent with this direction.
6.3 – Site Specific Provisions	Aims to reduce restrictive site specific planning controls where a draft LEP amends another 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.	The amendment does not propose any site specific zones or planning provisions. The proposal is consistent with this direction.

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 site has a long history of previous use for heavy industrial purposes. The site has been subject to recent remediation, which has included the removal of vegetation on the site and the removal of contaminated soil to facilitate remediation. Given the disturbance to the site, there is unlikely to be any threatened species, populations or ecological communities on the site.

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

The former Pasminco site was previously contaminated with heavy metals. Remediation approval was issued on 27 February 2007 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 in accordance with the Part 3A approval and the *Contaminated Land Management Act 1997*.

There are no other likely environmental effects as a result of the planning proposal as the proposal is a minor zone boundary adjustment and the site has previously been heavily disturbed and remediated.

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

The planning proposal is a minor zone boundary adjustment, however positive economic impacts are envisaged when the site is ultimately developed.

The amendment will ensure that Munibung Road acts to separate the employment and residential areas. Future development will need to ensure that any scenic and noise impacts from employment generating activities are minimised on nearby residential areas. Council's current Pasminco Area Plan contains provisions to ensure these impacts are considered. Further assessment of the social and economic impacts will occur at development application stage.

D. State and Commonwealth interests

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

The site is well serviced in terms of access to public infrastructure. The site is serviced with access to Main Road, Boolaroo and in the future will be accessible from the proposed extended Munibung Road. The site is opposite Cockle Creek train station. The site is serviced by all relevant utility infrastructure including water, sewer, electricity and telecommunications.

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

Relevant authorities have not been consulted at this stage. Given that the proposal is for a minor zone boundary adjustment to align with the originally intended zone boundaries, no consultation with government agencies is considered warranted. Consultation has occurred previously with government agencies when the former Pasminco site was rezoned from industrial to a mix of residential and employment uses.

Whilst Council does not believe consultation is necessary, consultation requirements directed from the Gateway determination will be followed.

Part 4 - Mapping

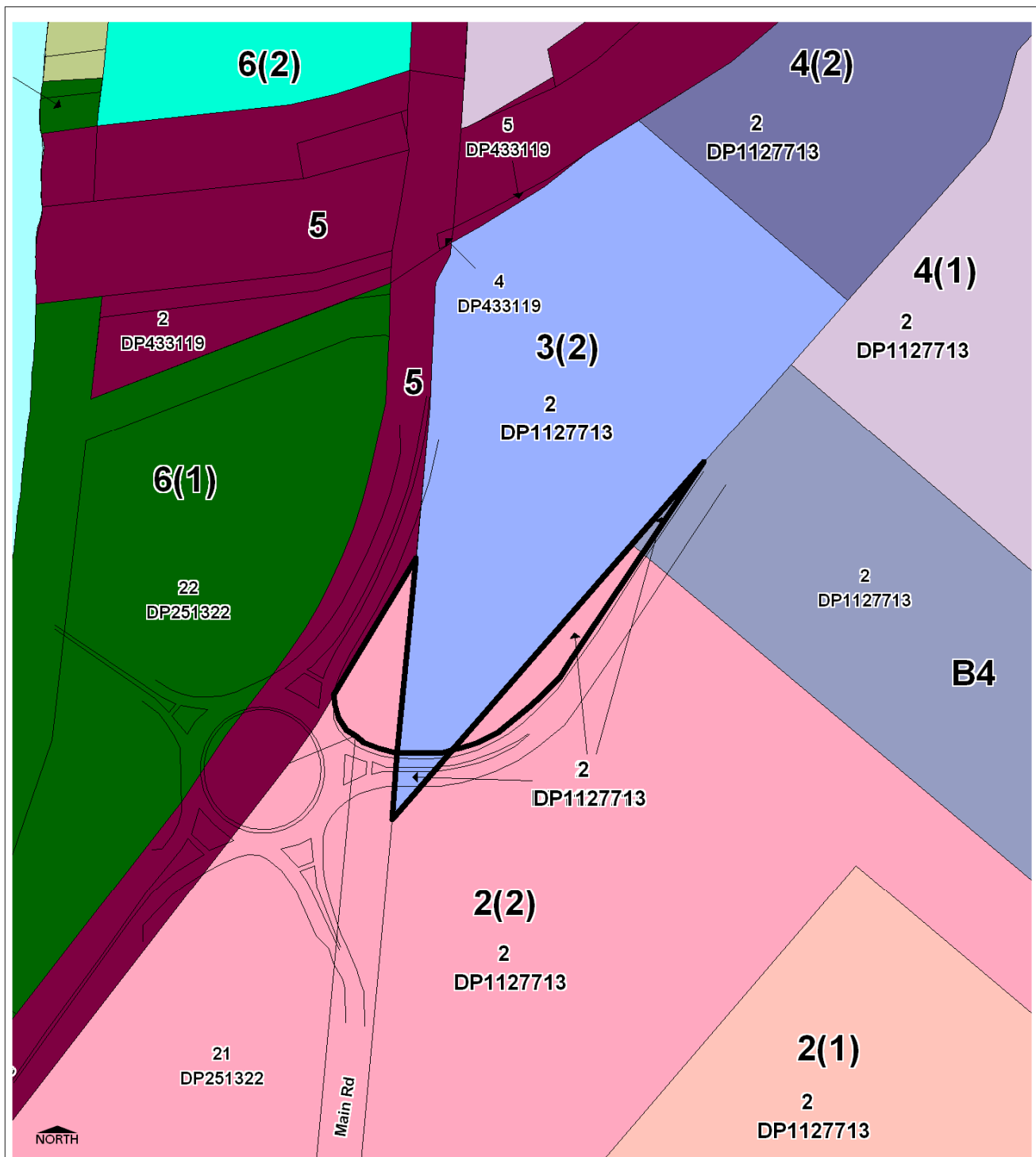
Attachment 1- Locality Map



Attachment 2 – Aerial Photo



Attachment 3 - Current Zoning - LMLEP 2004



Locality: BOOLAROO

Subject Land

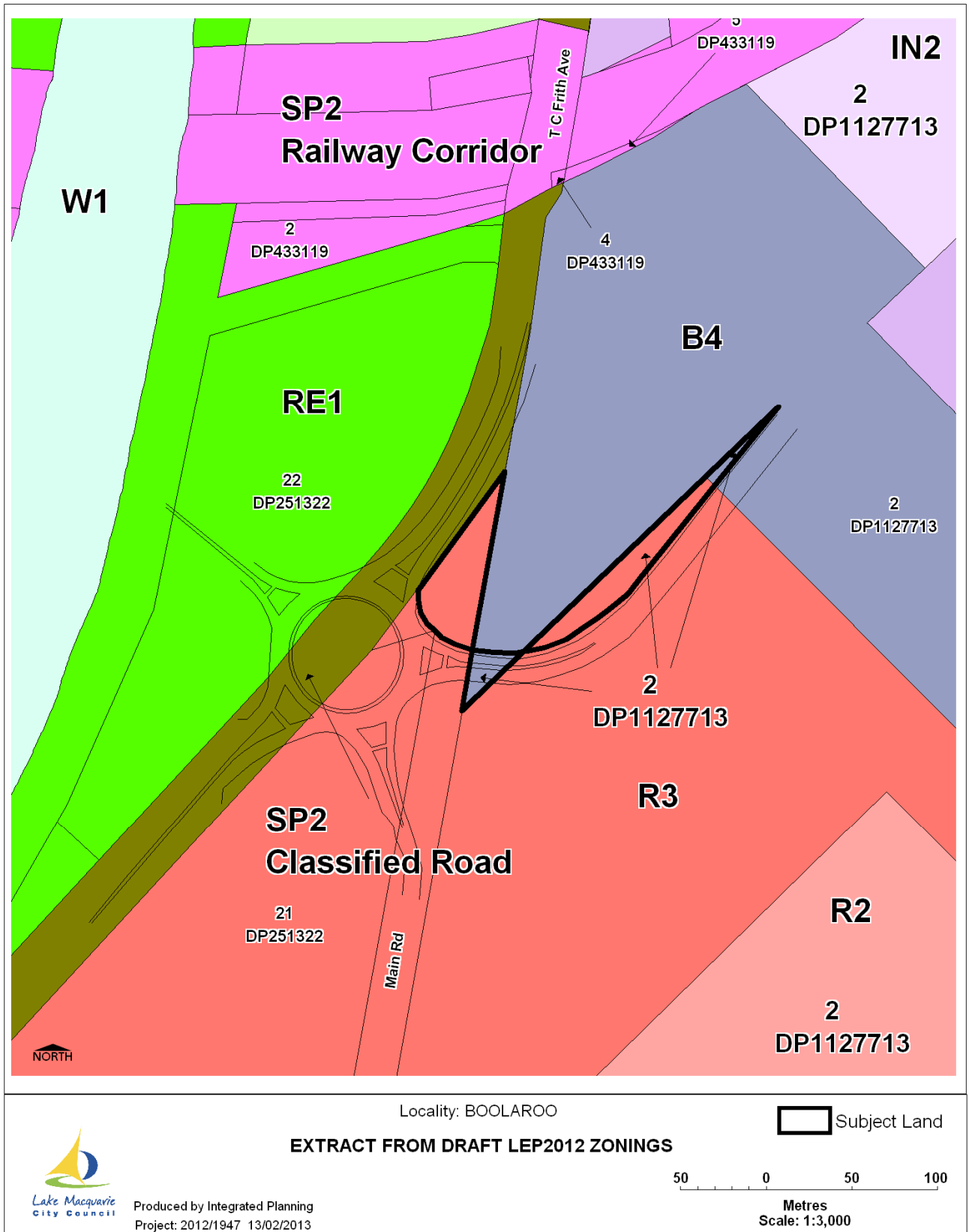
EXTRACT FROM EXISTING LMCC LEP2004 ZONINGS



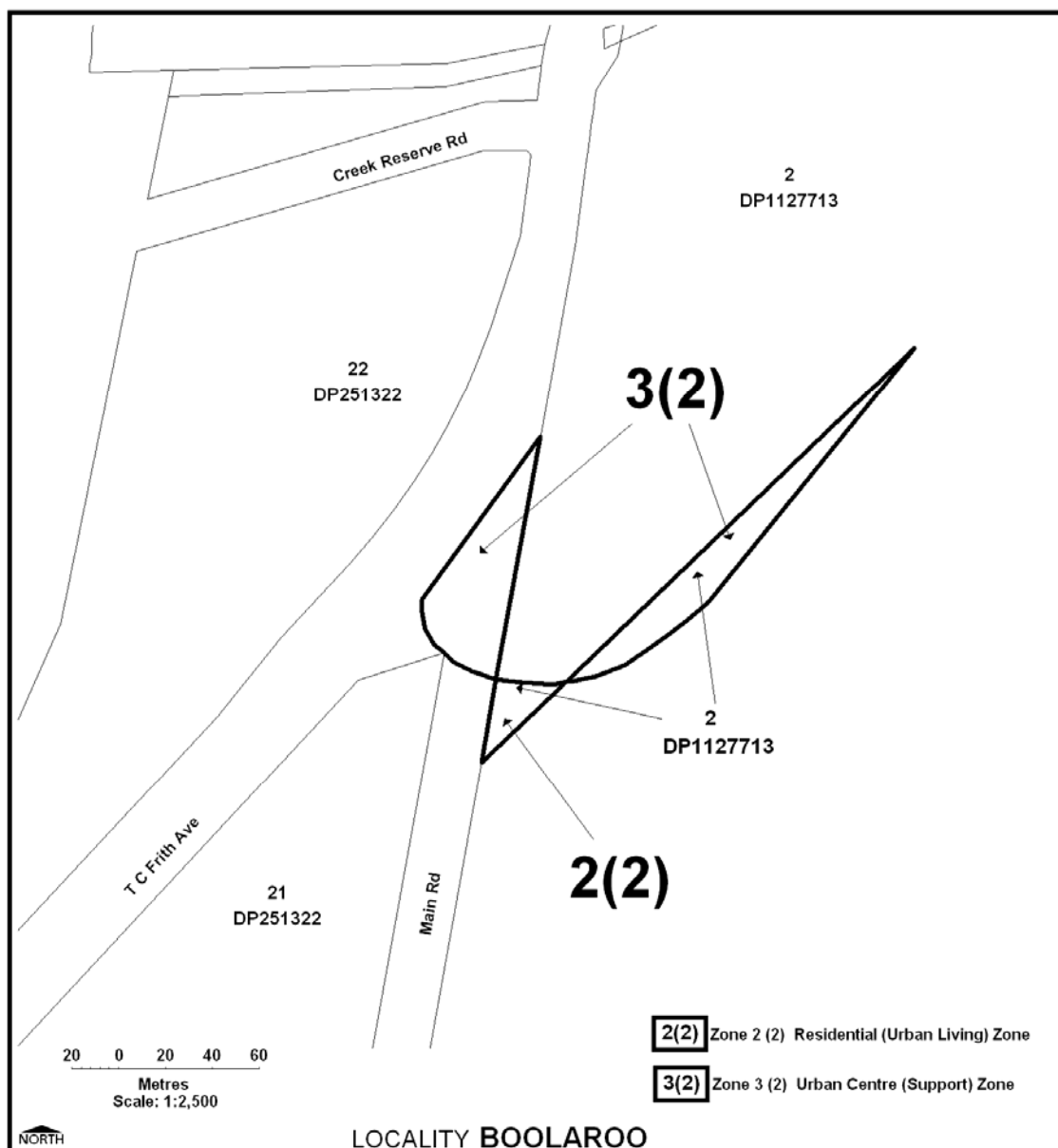
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Project: 2012/1947 13/02/2013

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Attachment 4 - Zoning - Draft Lake Macquarie LEP 2012

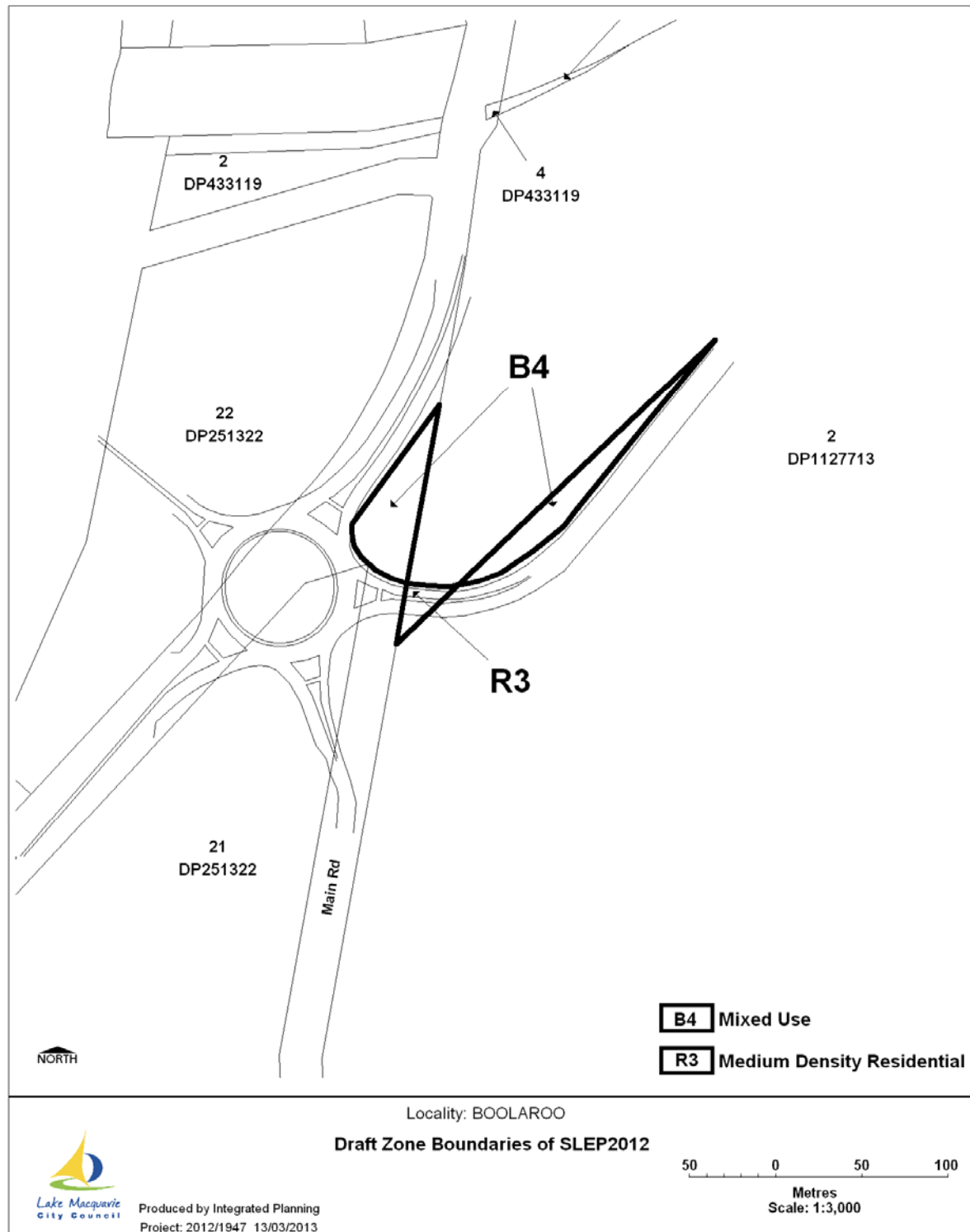


Attachment 5- Proposed Zoning – Draft Amendment No. 77 to Lake Macquarie LEP 2004



		ENVIRONMENTAL PLANNING & ASSESSMENT ACT , 1979 CITY OF LAKE MACQUARIE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 (DRAFT AMENDMENT NO 77)		SHEET 1 of 1
DRAWN BY J.B.		DATE 08/03/2013		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.
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT		DATE dd/mm/yyyy		GENERAL MANAGER DATE
PUBLISHED ON NSW LEGISLATION WEBSITE ON				

Attachment 6 - Proposed Zoning – Draft Lake Macquarie LEP 2012



Part 5 - Details of Community Consultation

The planning proposal will be exhibited in accordance with the Gateway determination.

Section 57 of the *Environmental Planning and Assessment Act (EP&A) 1979* outlines that the Gateway determination can determine a matter does not require community consultation if it is considered consistent with Section 73A of the *EP&A Act 1997* - Expedited Amendments of Environmental Planning Instruments. Section 73A outlines three criteria that can be used for minor amendments:

- (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 an inconsequential, transitional, machinery or other minor nature,
- (c) deal with matters that the Minister considers 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.

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 *EP&A Act 1979* subject to the Gateway determination. Given the minor nature of the amendment, community consultation is not considered warranted as it will not impact on any residents and will have no environmental implications. However, if community consultation is deemed warranted by the Gateway determination, Council believes community consultation should be kept to a minimum and not be exhibited for longer than 14 days.

Part 6 – Project Timeline

The project timeline would be completed post Gateway Determination and is subject to the requirements of the Gateway Determination.

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

ATTACHMENT 7 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area: Lake Macquarie City

Name of draft LEP: Lake Macquarie Local Environmental Plan 2004 (Amendment No. 77) and Draft Amendment '13A Main Road, Boolaroo' to Draft Lake Macquarie Local Environmental Plan 2012.

Address of Land (if applicable): Part 13A Main Road, Boolaroo
Part Lot 3 in subdivision of Lot 21 DP 251322 and Lot 2 DP 1127713.

Intent of draft LEP: The objective of the planning proposal is to make minor zone boundary adjustments on the former Pasminco site at Boolaroo to ensure the zone boundaries match lot and road boundaries. The zone boundary adjustments are required because of changes to the location and alignment of the roundabout and Munibung Road extension due to detailed design.

Additional Supporting Points/Information: Planning Proposal

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	
	YIN	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?	Y			
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?	N			
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).	Y			

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.