

Rezoning land from industrial to business at 57 Thomas Street, Edgeworth

Proposal Title : Rezoning land from industrial to business at 57 Thomas Street, Edgeworth

Proposal Summary : The Planning Proposal (PP) would rezone lot 10 DP 791439 being 57 Thomas St, Edgeworth, from 4(2) Industrial (General) to 3(1) Urban Centre (Core) in the Lake Macquarie LEP 2004.

If the PP is finalised after the draft comprehensive LEP is finalised, the site would be rezoned from IN1 General Industrial to B1 Neighbourhood Centre.

PP Number : PP_2013_LAKEM_005_00 **Dop File No :** 13/09244

Planning Team Recommendation

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

S.117 directions :

- 1.1 Business and Industrial Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements

Additional Information : The following conditions are recommended:

- undertake a preliminary contamination assessment per SEPP 55;
- consult with DPI (Minerals) and update s117 direction consistency consideration for direction 1.3 Mining, Petroleum Production and Extractive Industry;
- consult with MSB and update s117 direction consistency with direction 4.2 Mine Subsidence and Unstable Land;
- in addition to the agencies identified above, also consult with the RMS and Transport for NSW;
- 9 month completion timeframe;
- 14 day community consultation; and
- no public hearing is required.

It is recommended that the Gateway delegate plan-making functions to Council for this PP because the matter is of local significance.

It is recommended that the DG's delegate agree that the PP's inconsistency with s117 directions 1.1 Business and Industrial Zones is of minor significance.

Supporting Reasons : The Gateway letter could suggest that Council consider whether the noise and visual assessment studies are necessary at this stage or could be adequately addressed at the DA stage.

Panel Recommendation

Recommendation Date : 06-Jun-2013 **Gateway Recommendation :** Passed with Conditions

Panel Recommendation : The planning proposal should proceed subject to the following conditions:

1. 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.
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:

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(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

3. 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:

- Transport for NSW
- Roads and Maritime Services
- Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
- NSW Department of Primary Industries – Minerals and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)

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.

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

Signature:



Printed Name:

JEFF HORN

Date:

07/06/13