

Lake Macquarie LEP 2004 and Draft Lake Macquarie LEP 2013 – Amendment No. 84 – Killingworth paper subdivision.

Proposal Title : Lake Macquarie LEP 2004 and Draft Lake Macquarie LEP 2013 – Amendment No. 84 – Killingworth paper subdivision.

Proposal Summary : The planning proposal seeks to rezone land including a paper subdivision from an investigation zone to residential and conservation zones.

PP Number : PP_2013_LAKEM_014_00 **Dop File No :** 13/14875

Planning Team Recommendation

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

S.117 directions :

- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.1 Environment Protection Zones
- 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
- 6.2 Reserving Land for Public Purposes

Additional Information :

1. 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 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
2. 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:
 - Rural Fire Service
 - Department of Trade & Investment, Regional Infrastructure & Services Division of Resources and Energy
 - Awabakal Local Aboriginal Council
 - Office of Environment & Heritage
 - Mine Subsidence Board

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.
3. 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).
4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.
5. Prior to undertaking public exhibition, Council is to amend the planning proposal to identify the subject site as an Urban Release Area.
6. The planning proposal is to clarify the required provisions under draft LEP 2013 required to protect the land as Environmentally Sensitive Land.
7. Amend the planning proposal to remove the reference to amending SEPP (Exempt & Complying Development Code) 2008.

Supporting Reasons :

1. The planning proposal will resolve an ongoing paper subdivision issue.
2. Additional population will support an existing, adjoining village

3. The development should proceed subject to resolution of a satisfactory biodiversity offset.
4. Although significant work and consultation has been undertaken on this site, additional consultation is recommended to address any changes in circumstances and should not delay the process excessively.

Panel Recommendation

Recommendation Date : **10-Oct-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 update the planning proposal to:
 - a) identify the subject land as an Urban Release Area, to ensure satisfactory arrangements are in place for State infrastructure provision;
 - b) clarify the provisions to be included in draft Lake Macquarie LEP 2013 to allow for the protection of the subject land as environmentally sensitive land;
 - c) remove reference to amending State Environmental Planning Policy (SEPP) Exempt and Complying Development Codes 2008. Identifying the land as environmentally sensitive land will exclude the application of complying development under the General Housing Code of the SEPP; and
 - d) ensure the planning proposal addresses the Director-General's requirements relating to the reclassification of public land consistent with section 5.5.4 of A Guide to Preparing LEPs.
 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 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).
 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 or demonstrate consistency with relevant S117 Directions:
 - Hunter Water Corporation
 - Awabakal Local Aboriginal Land Council (S117 Direction 2.3 Heritage Conservation)
 - Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - Office of Environment and Heritage (S117 Directions 2.1 Environment Protection Zones and 2.3 Heritage Conservation)
 - NSW Trade and Investment – Mineral Resources and Energy - Regional Infrastructure and Services Division (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 under section 56(2)(e) of the EP&A Act. However, a public hearing is required to be held into the matter in accordance with the department's practice note PN09-003, as the planning proposal involves a reclassification of land from community to operational.
 5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has

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requested to be issued with delegation for this planning proposal. Council's request to be
issued with plan making delegation should be supported.

Signature:

S. Miller

Printed Name:

Sabina Miller

Date:

14 Oct 2013