

Lake Macquarie LEP 2014- Reclassification of Council owned land from Community to Operational Land

Proposal Title : **Lake Macquarie LEP 2014- Reclassification of Council owned land from Community to Operational Land**

Proposal Summary : **The Planning Proposal (the proposal) relates to one Council owned parcel of land, and one privately owned parcel of land within the Lake Macquarie LGA. The proposal seeks to:**

1) Reclassify Part of Lot 2, DP 1182441 (2C T C Frith Avenue Boolaroo) from community land to operational land; and

2) Classify Part of Lot 1, DP 1182331 (1A Main Road Boolaroo) to community land.

PP Number : **PP_2015_LAKEM_004_00** Dop File No : **15/03803**

Proposal Details

Date Proposal Lodged with DOP : **27-Feb-2015** Date Proposal Uploaded to Public Website : **05-Mar-2015**

Proposal Assessment

Is Public Hearing Required by PAC? **No**

Agencies Requested to Consult : **Mine Subsidence Board**

Gateway Determination

Decision Date : **04-Mar-2015** Gateway Determination : **Passed with Conditions**

Due Date of LEP : **11-Dec-2015**

Implementation

Implementation Start Date : **11-Mar-2015** Exhibition Duration : **35**

Agency consultation consistent with recommendation : **Yes**

If No, comment :

Agency Objections : **No**

If Yes, comment :

Documentation consistent with Gateway : **Yes**

If No, comment :

GATEWAY DETERMINATION
On 4 March 2015 the Regional Director, Hunter & Central Coast as the Minister's delegate determined under section 56(2) of the EP&A Act that the Planning Proposal PP_2015_LAKEM_004_00 should proceed subject to conditions.

TIMEFRAME
The Minister's delegate provided a 9 month timeframe for completing the Planning Proposal being due 11 December 2015.

PARLIAMENTARY COUNSEL OPINION

A final PC Opinion was issued on the 25 September 2015. Council was formally consulted on the draft LEP pursuant to s.59(1) of the EP&A Act on 6 October 2015. Council confirmed on 7 October 2015 that it was satisfied that the draft LEP met the intentions of the Planning Proposal.

PUBLIC PARTICIPATION

The draft LEP was exhibited from 21 March to 24 April 2015. No written submission were received.

In accordance with section 52(d) of the EP&A Act, Lake Macquarie Council was required to undertake agency consultation with the Mine Subsidence Board to comply with relevant S.117 Directions. This is discussed below. There are no unresolved agency objections. Council also consulted with the Awabakal Aboriginal Land Council, and no objection was received.

It is considered that Council has satisfactorily completed agency and public consultation as per the Gateway Determination.

PUBLIC HEARING

The Gateway Determination did not require a public hearing to be held into the matter by any person or body under section 56(2) of the EP&A Act. The planning proposal involves reclassification of land from community to operational land, therefore in accordance with the Local Government Act, a public hearing was held on 2 June 2015. No members of the public attended the hearing, and no feedback was received in relation to this proposal.

CHANGES MADE TO THE PLANNING PROPOSAL AFTER EXHIBITION

The Planning Proposal was updated to reflect public participation and exhibition details, however there has been no change to the objectives or intent of the Planning Proposal post exhibition.

CONSISTENCY WITH STATE POLICIES AND S.117 DIRECTIONS

The proposal is considered consistent with all relevant State Environmental Planning Policies (SEPPS).

Consultation was required from the Mine Subsidence Board to comply with S.117 Direction 4.2 Mine Subsidence and Unstable Land. Their submission noted that any proposed subdivision or erection of improvements on site will need to seek the Board's approval, however this can be addressed at the development assessment stage.

In relation to S.117 Direction 6.2 Reserving Land for Public Purposes, the Minister's delegate agreed at the Gateway Determination to the reduction of land for public purposes. There are no unresolved S.117 Directions.

GOVERNOR'S APPROVAL

The Governor's approval was required for the application of clause 5.2(5) of the LM LEP 2014. The Minister for Planning signed the briefing note on 14 December 2015, and forwarded the EXCO package to the Executive Council Secretariat of the Department of Premier and Cabinet. The Minute Paper for the Executive Council permitting the reclassification of community land as operational land was signed on 16 December 2015.

CONCLUSION

It is recommended that the Planning Proposal proceed, to enable the Plan to be

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made.

Council has complied with the conditions of the Gateway Determination and the provisions of the Environmental Planning and Assessment Act, and the Planning Proposal PP_2015_LAKEM_004 is supported. A PC Opinion has been issued and there has been no change to the LEP since the PC Opinion was issued.

LEP Assessment

Date Received from RPA : **17-Aug-2015**

LEP Determination

DatePublishNotification

Date sent to Parliamentary Council to Draft LEP : **01-Sep-2015**

Determination Date :

Determination Decision :

Notification Date :