

Newcastle LEP 2012 – Minimum lot sizes (MLS) for certain split zones and community title schemes

Proposal Title : **Newcastle LEP 2012 – Minimum lot sizes (MLS) for certain split zones and community title schemes**

Proposal Summary : **The planning proposal seeks to insert a clause into LEP 2012 to manage MLS for certain split-zoned land and to insert E2 Environmental Conservation and E3 Environmental Management zones into the community title scheme clause to restrict fragmentation of those zones.**

PP Number : **PP_2014_NEWCA_008_00** Dop File No : **14/13467**

Proposal Details

Date Proposal Lodged with DOP : **08-Aug-2014** Date Proposal Uploaded to Public Website : **02-Sep-2014**

Proposal Assessment

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

Agencies Requested to Consult : **None**

Gateway Determination

Decision Date : **03-Sep-2014** Gateway Determination : **Passed with Conditions**

Due Date of LEP : **10-Jun-2015**

Implementation

Implementation Start Date : **10-Sep-2014** Exhibition Duration : **15**

Agency consultation consistent with recommendation : **No**

If No, comment : **No consultation with agencies required by Gateway.**

Agency Objections : **No**

If Yes, comment : **Nil as above**

Documentation consistent with Gateway : **Yes**

If No, comment : **DOCUMENTATION CONSISTENT WITH GATEWAY.**

The planning proposal seeks to insert clause 4.1b minimum subdivision lot sizes for certain split zones; and to amend existing clause 4.1AA Minimum subdivision lot size for community title schemes.

PUBLIC PARTICIPATION

The Planning Proposal was exhibited for a total of 14 days in accordance with the Gateway Determination from 7 to 21 October 2014 and two submissions were received.

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The issues raised in the submissions relate to concerns that the amendment would reduce protection of environmentally sensitive areas in terms of subdivision. This however is not the effect of the amendment as it will allow subdivision of the developable area in accordance with MLS map and will require the residual environmental zoned land to be attached within the same title of an appropriately sized lot in the development zone. It is intended that the development zoned land will accommodate a potential dwelling.

Similarly, the amendment to clause 4.1AA Minimum subdivision lot size for community title schemes will allow the same protection to environmental zones with regard to community title subdivision.

S117 DIRECTIONS AND STATE POLICIES

The Planning Proposal is consistent with the Ministers S117 Directions and State policies.

PARLIAMENTARY COUNSEL OPINION

Legal drafting of the instrument was requested on 24 March 2015.

Council was formally consulted on the draft LEP pursuant to s59(1) of the EP&A Act on 23 April 2015. Council agreed with the instrument on 27 April 2015.

The PC Opinion was issued on 29 April 2015. There has been no change to the draft instrument since the PC Opinion was issued.

It is recommended that the Plan be made.

LEP Assessment

Date Received from RPA : **12-Mar-2015**

LEP Determination

DatePublishNotification

Date sent to Parliamentary Council to Draft LEP : **23-Mar-2015**

Determination Date : **05-May-2015**

Determination Decision : **Approved**

Notification Date : **08-May-2015**