

**Amendment 60 - Lake Macquarie LEP 2004 – George Booth Drive, Edgeworth**

Proposal Title : **Amendment 60 - Lake Macquarie LEP 2004 – George Booth Drive, Edgeworth**

Proposal Summary : **This Planning Proposal aims to rezone land south of George Booth Drive, Edgeworth for low and medium density residential development, and conservation of environmentally sensitive areas. This Proposal also aims to rezone land north of George Booth Drive to support the commercial core area of the emerging Pambulong Forest Town Centre and rectify zone and lot boundary inconsistencies adjacent to the Town Centre site.**

PP Number : **PP\_2012\_LAKEM\_001\_00**      Dop File No : **11/05974**

**Planning Team Recommendation**

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

- S.117 directions :
- 1.1 Business and Industrial Zones**
  - 1.3 Mining, Petroleum Production and Extractive Industries**
  - 2.1 Environment Protection Zones**
  - 2.3 Heritage Conservation**
  - 2.4 Recreation Vehicle Areas**
  - 3.1 Residential Zones**
  - 3.2 Caravan Parks and Manufactured Home Estates**
  - 3.3 Home Occupations**
  - 3.4 Integrating Land Use and Transport**
  - 4.1 Acid Sulfate Soils**
  - 4.2 Mine Subsidence and Unstable Land**
  - 4.3 Flood Prone Land**
  - 4.4 Planning for Bushfire Protection**
  - 5.1 Implementation of Regional Strategies**
  - 6.2 Reserving Land for Public Purposes**
  - 6.3 Site Specific Provisions**

Additional Information : **It is recommended that:**

- 1. Support the Planning Proposal.**
- 2. The PP will need to further examine the intent and purpose of the rezoning for commercial expansion of the future Pambulong centre to zone B4 Mixed Use, and identify appropriate planning provisions.**
- 2. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows:**
  - (a) the Planning Proposal be made publicly available for 28 days;**
  - (b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 4.5 of A guide to preparing LEPs (Department for Planning 2009)**
- 3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:**
  - \* NSW Department of Primary Industries (Minerals & Petroleum)**
  - \* Mine Subsidence Board**
  - \* NSW Rural Fire Service**
  - \* Awabakal Local Aboriginal Land Council**
  - \* Office of Environment and Heritage / Environment Protection Authority**
  - \* Roads and Maritime Services**

4. The Director General (or delegate) agree with the following section 117 Direction inconsistencies – 2.3 Heritage Protection and 4.1 Acid Sulfate Soils as the inconsistency with the terms of the s117 Direction are of minor significance

Consultation is required with the NSW Department of Primary Industries (Minerals and Petroleum), the Mine Subsidence Board and NSW Rural Fire Service to determine consistency with section 117 Directions – 1.3 Mining, Petroleum Production & Extractive Industries; 4.2 Mine Subsidence and Unstable Land; and 4.4 Planning for Bushfire Protection respectively. Further investigation and consultation with the Office of Environment and Heritage / Environment Protection Authority is required to ensure that mechanisms are incorporated to determine consistency with s117 Direction - 2.1 Environment Protection Zones.

5. 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.

6. The timeframe for completing the LEP is 12 months from the date of the Gateway Determination

Supporting Reasons :

Lake Macquarie City Council in coordination with the proponent has undertaken a comprehensive Local Environmental Study that has identified zones and land uses incorporating a mixture of residential, commercial uses and conservation of environmentally sensitive land. The subject land is identified within the State and local planning strategies as a 'proposed urban area' and will positively support the housing and economic growth and development within the immediate are and the Cardiff and Glendale region. Biodiversity and environmental offset matters will be examined as part of the rezoning process to ensure appropriate mechanisms are undertaken to balance the residential and environmental assets of the development.

#### Panel Recommendation

Recommendation Date : 19-Jan-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council should exhibit the planning proposal with sufficient information to inform the community how the planning proposal will amend both the existing Lake Macquarie LEP 2004 and the draft SI Lake Macquarie LEP.
2. Council shall undertake further investigations to examine the role and size of the expansion of the future Pambulong centre and its relationship in terms of the retail hierarchy for the Edgeworth and Glendale catchments. The Planning Proposal should be updated prior to exhibition. Council should liaise with the Department's Regional Planning team to agree on the scope of additional required information.
3. 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).
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - NSW Department of Primary Industries (Minerals and Petroleum)
  - Mine Subsidence Board
  - NSW Rural Fire Service
  - Awabakal Local Aboriginal Land Council
  - Office of Environment and Heritage/Environmental Protection Authority

- **Roads and Maritime Services**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

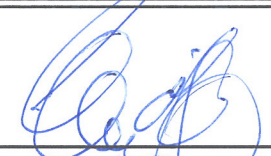
6. Council is to consult with the Director General of the NSW Department of Primary Industries prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 1.3 Mining, Petroleum Production & Extractive Industries.

7. Council is to consult with the Chief Executive Officer of the NSW Office of Environment and Heritage / Environment Protection Authority prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 2.1 Environmental Protection Zones.

8. 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).

9. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



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Printed Name:

*Neil McGiffin*

Date:

*27.1.12*