

Planning Proposal

Administrative Amendment to LMLEP 2004 (Various Amendments)

Local Government Area Lake Macquarie City

Name of Draft LEP: Lake Macquarie Local Environmental Plan 2004 (Administrative Amendment)

Part 1 – Objective of the Planning Proposal

To include in Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004) provisions regarding street banners, correct various minor discrepancies in the LMLEP 2004 maps and instrument, minor spot rezonings and the addition of heritage items.

Part 2 – Explanation of the Provisions

The amendment proposes the following minor changes to the LMLEP 2004 map and instrument:

Amendment Applies To	Explanation of the Provision
Clause 19 Development for the purpose of a mine	The Map showing Areas of Future Open Cut Mining Potential has been superseded by Map 1 of SEPP (Mining, Petroleum Production and Extractive Industries) 2007. Map 1 is available through Council's website.
Clause 24 Subdivision	Clause 24(8) has been amended to enable the subdivision of 10 Investigation zoned land in cases where subdivision will solely result in the creation of public land for land community purposes.
Schedule 1 – Exempt Development	The development type, 'Real Estate Signs', has been included as exempt development to allow the erection of 'open house' and 'auction today' signs on the days of the event. The development type, 'Banners', has been included as exempt development in zones 3(1), 3(2), 4(1), 4(2), 5, and 6. The amendment is a result of Lake Macquarie City Council's Banners Policy, adopted 8 March 2010. The Policy establishes requirements for the erection of banners on existing poles within road reserves.
Schedule 3 – Reclassification of Community Land as Operational Land	Minor amendments have been made to the Schedule to recognise new lots, which have been created as a result of subdivision.

Amendment Applies To	Explanation of the Provision
Schedule 4 – Heritage items other than of indigenous origins and including potential archaeological sites	Amended 'Property description' column header to 'Parcel description' to recognise that a property address may be made up of several parcels of land. New heritage items have been added to the Schedule due to their local heritage significance. Minor amendments have been made to the address and property descriptions of various heritage items. Address details have been amended due to subdivision or misidentification. Heritage items CH-13, 'Wallarah House', and CH-16, 'Catherine Hill Bay Colliery Railway', have been removed from the Schedule due to their inclusion in State Environmental Planning Policy (Major Projects) 2005 (Amendment No. 26) - South Wallarah Peninsula Site Heritage Map. Heritage item BL-01, 'Fisherman's Cottage', has been removed from the Schedule as a result of demolition.
Schedule 5 – Natural heritage items	'Property description' column header has been amended to 'Parcel description', to recognise that a property address may be made up of several parcels of land.
Schedule 6 – Places or potential places of Aboriginal heritage significance	'Property description' column header has been amended to 'Parcel description', to recognise that a property address may be made up of several parcels of land.
Schedule 7 – Additional development allowed on certain land	Minor amendments have been made to the Schedule to recognise new lots, which have been created as a result of subdivision. It is proposed to add subdivision of land to enable construction of the Wallsend to Glendale cycleway corridor as an additional use.
Schedule 8 – Land subject to special development requirements	Minor amendments have been made to the Schedule to recognise new lots, which have been created as a result of subdivision.
Schedule 9 – Consent to development subject to special requirements	Minor amendments have been made to the Schedule to recognise new lots, which have been created as a result of subdivision.
Schedule 11 – Restricted development	Minor amendments have been made to the Schedule to recognise new lots, which have been created as a result of subdivision.

Amendment Applies To	Explanation of the Provision
Maps	Acquisition layers have been removed from the LEP maps in cases where parcels of land have been acquired by Council. In cases where land in the City is zoned 9 Natural Resources or 7(2) Conservation (Secondary) and is under National Parks control, the amendment proposes to rezone that land 8 National Park. Refer to land identified in Attachment 1 to this document. The administrative amendment proposes to rezone land at: 1: George Booth Drive, Seahampton from 5 Infrastructure to 2(1) residential as it is no longer required by the RTA for road widening purposes. 2: No. 3 Bank Street, Cardiff from 6(1) Open Space to 2(2) Residential (Urban Living) as it is no longer required for open space purposes and remove the acquisition layer.

Part 3 – Justification for the Provisions

1. Is the planning proposal a result of any strategic study or report?

This Planning Proposal is not the result of a strategic study or report. The amendments included in this Proposal have been identified by Council staff and other stakeholders over several years and are considered minor in nature.

The amendment regarding 'banners' is a result of Lake Macquarie City Council's 'Banner Policy', adopted 8 March 2010. The Policy establishes requirements for the erection of banners on existing poles within road reserves.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

From time to time, it is necessary for Council to conduct a general amendment to its Local Environmental Plan to ensure that the instrument and maps remain current, accurate, and effective. The objective of this administrative amendment is to correct a range of minor inaccuracies and omissions that have been identified by stakeholders over several years. Council considers conducting an administrative amendment to LMLEP 2004 to be the most appropriate way of achieving this outcome.

3. Is there a net community benefit?

The Proposal will ensure that the LMLEP 2004 instrument and maps remain current, accurate, and effective.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Lower Hunter Regional Strategy recognises the importance of identifying and protecting the Region's historic cultural places, precincts and landscapes, which contribute to the Lower Hunter's unique sense of place. The Strategy also encourages increased housing density in-and-around centres and resource and energy efficiency.

The administrative amendment proposes to add additional heritage items and update property details associated with heritage items to LMLEP 2004. The amendment also will also permit a minor increase in housing stock in an existing urban area, and encourage the use of wind-generated power.

5. Is the planning proposal consistent with the local council's Community Strategic plan, or other local strategic plan?

Council's Lifestyle 2020 Strategy provides the long-term direction for the overall development of the City and is a tool for managing private and public development in Lake Macquarie. This Planning Proposal is consistent with the goals of Lifestyle 2020 in relation to:

- Providing the community with realistic expectations about the future development patterns of the City.
- Developing an attractive urban setting for the City.
- Managing the City's heritage in a way that protects the value of these resources and enhances the City's character.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with the following relevant State Legislation. The amendment proposes various minor changes to the LEP maps and schedules.

SEPP	Objective	Consistent	
SEPP (Infrastructure) 2007	Aims to more efficiently facilitate the delivery of infrastructure through the establishment of consistent planning provisions for infrastructure and services.	Yes	The administrative amendments are minor in nature and will not warrant changes to the delivery of infrastructure.
SEPP (Exempt and Complying Development Codes) 2008	Aims to provide streamlined assessment processes for development that complies with specified development standards	Yes	The administrative amendments proposed in this review are consistent with this SEPP.
SEPP 64 Advertising and Signage	Aims to ensure that signage is compatible with the desired amenity and visual character of an area, and provides effective communication in suitable locations.	Yes	The Administrative Amendment relates to temporary advertising structures, such as banners on street side poles and real estate 'open house' and 'auction today' signs. The proposed amendments are consistent with SEPP 64.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with the following relevant Ministerial Directions. The amendment proposes various minor changes the LEP maps and schedules.

Ministerial Direction	Objective	Consistent	
1.1 Business and Industrial Zones	This direction promotes employment growth in suitable locations.	Yes	The amendment is administrative and does not propose to increase or decrease the amount of employment land available in the Lake Macquarie Local Government area. The amendment will allow signage in Business and Industrial zones.
1.3 Mining, Petroleum, Production and Extractive Industries	This direction aims to ensure regionally significant reserves of coal, other minerals, petroleum and extractive industries are not compromised by inappropriate development.	Yes	The proposal will not restrict the extraction of natural resources, it will merely change the map of future open cut mining potential to be consistent with SEPP (Mining, Petroleum Production and Extractive Industries) 2007.
2.1 – Environmental Protection Zones	The direction requires that a draft LEP contain provisions to facilitate the protection of environmentally sensitive land	Yes	The only instance where the amendment proposes to rezone environmentally sensitive land is to zone the land National Park.

2.2 – Coastal Protection	The direction requires a draft LEP to include provisions that give effect to and are consistent with the NSW Coastal Policy, Coastal Design Guidelines, & the NSW Coastal Management Manual, where the draft LEP applies to land in the coastal zone.	Yes	The proposed minor rezonings are outside the coastal zone. The proposed zone boundary adjustments only reflect the correct location of State Forests and National Parks land. The administrative provisions are consistent with the provisions of the NSW Coastal Policy, Coastal Design Guidelines & the NSW Coastal Management Manual
2.3 – Heritage Conservation	The direction requires that a draft LEP include provisions to facilitate the protection and conservation of aboriginal and European heritage items	Yes	Additional heritage items will be conserved as a result of the administrative amendment.
2.4 – Recreation Vehicle Areas	The direction restricts a draft LEP from enabling land to be developed for a recreation vehicle area.	Yes	The draft amendment does not propose any recreation vehicle areas.
3.1 – Residential Zones	The direction requires a draft LEP to include provisions that encourage the provision of housing.	Yes	The proposed rezoning at Cardiff will allow additional housing in an existing urban area.
3.2 – Caravan Parks and Manufactured Home Estates	The direction requires a draft LEP to maintain provisions and land use zones that allow the establishment of Caravan Parks and Manufactured Home Estates.	Yes	The proposal will not affect provisions relating to Caravan Parks or Manufactured Home Estates.
3.3 – Home Occupations	The direction requires that a draft LEP include provisions to ensure that Home Occupations are permissible without consent.	Yes	The amendment will not affect provisions relating to home occupations, and will retain the provisions of the principal LEP in this regard.

3.4 – Integrating Land Use and Transport	The direction requires consistency with State policy in terms of positioning of urban land use zones.	Yes	As part of the amendment minimal residential development is proposed in an existing urban area at Bank Street, Cardiff, as well as a realignment of a residential zone boundary at George Booth Drive, Seahampton. These changes are only minor in nature and are considered consistent with the direction.
5.1 – Implementation of Regional Strategies	The direction requires a draft amendment to be consistent with the relevant State strategy that applies to the Local Government Area.	Yes	The draft amendment is consistent with the strategic direction set by the Lower Hunter Regional Strategy.
6.1 – Approval and Referral Requirements	The direction prevents a draft amendment from requiring concurrence from, or referral to, the Minister or a public authority.	Yes	The draft amendment will be consistent with this requirement.
6.2 – Reserving Land for Public Purposes	The direction aims to facilitate land for the provision of public services as well as to remove reservations of land for public purposes where the land is no longer required for acquisition. The direction states that a draft LEP shall not create, alter, or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning.	Yes	The amendment will remove acquisition layers over a number of properties where Council has already acquired the land. In addition, the acquisition layer over 3 Bank Street, Cardiff will be removed and the property will be rezoned for residential use, as Council no longer requires this land for open space use. The approval of the Director – General or delegate will be sought.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There will be no potential for loss of vegetation deemed environmentally valuable as a result of the proposal.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No environmental effects are anticipated as a result of the LEP administrative Amendment.

10. How has the planning proposal adequately addressed any social and economic effects?

The Proposal will ensure that the LMLEP 2004 instrument and maps remain current, accurate, and effective. Possible social and economic impacts of the additional heritage listings should be minimal as the listings are supported by the relevant land owners.

11. Is there adequate public infrastructure for the planning proposal?

The amendment does not warrant changes to the delivery of public infrastructure to the area.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The requirement for consultation with State and Commonwealth public authorities will be undertaken if directed by the DoP.

Part 4 – Details of Community Consultation

There has been no previous public consultation regarding this planning proposal. Council's preference is for a minimum public exhibition period of 28 days.