

Planning Proposal

Draft Amendment No. 68 to Lake Macquarie Local Environmental Plan 2004 – Administrative Amendment

Local Government Area	Lake Macquarie City
Name of Draft LEP:	Draft Amendment No. XX to Lake Macquarie Local Environmental Plan 2004 - Administrative Amendment

Part 1 – Objective of the Planning Proposal

To amend the Lake Macquarie Local Environmental Plan (LMLEP) 2004 in relation to a number of administrative amendments including correcting various minor discrepancies relating to property descriptions and addresses within the LMLEP 2004.

Part 2 – Explanation of the Provisions

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

Amendment Applies To	Explanation of the Provision
Schedule 3 – Classification & reclassification of public land as operational land	Minor amendment has been made to an address of a property. Address detail has been amended due to incorrect numbering.
Schedule 4 – Heritage items other than indigenous origins and including potential archaeological sites.	Minor amendments have been made to the address and property descriptions of various heritage items. Address details have been amended due to subdivision or changes to the addressing system.
Schedule 7 - Additional development allowed on certain land.	Minor amendments have been made to the property descriptions. Address details have been amended to reflect subdivisions that have occurred.
Schedule 8 - Land subject to special development requirements.	Minor amendments have been made to the property descriptions. Address details have been amended to reflect subdivisions that have occurred or an administrative error.
Schedule 9 – Consent to development subject to special requirements	Minor amendments have been made to the address and property descriptions. Address details have been amended to reflect subdivision or due to an administrative error.
Schedule 11 – Restricted development	A minor amendment has been made to an address. Address detail has been amended due to incorrect numbering.

Attachment 1 further outlines the detail and justification for these amendments.

Some minor changes outlined within this Planning Proposal have been incorporated into Draft Lake Macquarie LEP 2012 as follows:

Amendment Applies to	Explanation of Provision
Schedule 5 – Environmental Heritage	All heritage items listed within this Planning Proposal will appear correctly as an item of heritage or an archaeological site.
Schedule 1 – Additional Permitted Uses Sub clause 3 - Use of Certain land in the vicinity of Rafferty’s Road Cam’s Wharf	No change required to the property description as Cam’s Wharf identified within “Cam’s Wharf Area 1” on the <i>Additional Permitted Uses Map</i>
Part 7 Additional Local Provisions Item 7.15 Land at Boolaroo	Land at the former Pasminco Cockle Creek Smelter site and former Incitec Pivot Fertilizer site at Boolaroo has been incorporated as Item 7.15 and the property description needs to be changed given identified errors.

The following will not appear within Draft Lake Macquarie LEP 2012 as land within:

- Schedule 3 – Macquarie Hills locality has been reclassified;
- Schedule 7 – Item 7 is currently being developed;
- Schedule 8 – Items 4 and 5 as development control plans have been completed;
- Schedule 9 – Item 2 as controls no longer required.

Part 3 – Justification for the Provisions

A. Need for the planning proposal

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 and are considered minor in nature.

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

Council is proposing a general administrative amendment to LMLEP 2004 to ensure that the instrument is current, accurate, and effective.

Given the number of minor inaccuracies that have accumulated over the last few years (such as incorrect property descriptions) it is considered the most effective manner in which to correct the inaccuracies in the instrument.

3. Is there a net community benefit?

The proposal will ensure that the LMLEP 2004 instrument remains current, accurate, and effective. The changes are all administrative in nature.

B. Relationship to strategic planning framework

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 is a strategic planning framework to guide the sustainable growth of the lower Hunter over the next 25 years. This administrative amendment will not conflict with this main objective of the Plan.

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 strategic directions for the overall development of the City and is a tool for managing expected population and employment growth in Lake Macquarie. This administrative amendment to LMLEP 2004 will ensure that the instrument is up to date and effective to achieve the desired outcomes of these directions.

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

The planning proposal includes a range of minor changes to the LEP schedules and is consistent with the relevant State Environmental Planning Policies (SEPP) as detailed below:

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.	The administrative amendments are minor in nature and will not affect 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.	The administrative amendments are minor in nature and will not affect the assessment of Exempt or Complying Development.
SEPP (Mining, Petroleum Production and Extractive Industries)	Aims to provide for the proper management and development of mineral, petroleum and extractive material resources.	The administrative amendments are minor in nature and will not affect the management and development of mineral, petroleum and extractive industries.
SEPP No.55 – Remediation of Lands	Aims to provide statewide controls for remediation of contaminated lands.	The administrative amendments are minor in nature and will not affect the management of contaminated lands.

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 to the LEP 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.
1.2 – Rural Zones	This direction protects the agricultural production value of rural lands.	Yes	The amendment is administrative and does seek to rezone any rural zoned lands.
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.
2.1 - Environmental Protection Zones	The direction requires that a draft LEP contain provisions to facilitate the protection of environmentally sensitive land.	Yes	The proposal does not seek to rezone any existing areas that are zoned for environmental protection.
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	The proposal will ensure that existing heritage items are correctly identified.
3.1 - Residential Zones	The direction requires a draft LEP to include provisions that encourage the provision of housing.	Yes	The proposed rezoning does not identify any further residential lands.
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.

Ministerial Direction	Objective	Consistent	
<u>6.2 Reserving Land for Public Purposes</u>	This 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 proposal does not alter or reduce existing zonings or reservations for public purposes as 127 Macquarie Road Macquarie Hills is zoned for Residential purposes and has previously been reclassified under LMLEP Amendment No.55.

C. Environmental social and economic impact

- 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 this 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 this LEP administrative Amendment.

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

The Proposal will ensure that LMLEP 2004 remains current, accurate, and effective.

D. State and Commonwealth interests

- 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?**

Given that the amendment is minor in nature consultation with relevant government Authorities will be undertaken once the proposal has been given a Gateway determination.

Part 4 – Details of Community Consultation

The Planning Proposal will be placed on exhibition for a period of 14 days to ensure the planning process remains transparent or as advised by the Gateway determination.

Additional Consultation

Council requests that as part of the Gateway determination the requirement for further agency or public consultation be waived.

Attachment 1- Details and Justification

Draft Amendment No. XX to LMLEP 2004 - Administrative Amendment

Schedule 3 Classification and reclassification of public land as operational land

Part 2 Land classified, or reclassified, as operational land—interests changed

Schedule 3 Part 2

Column 1 Locality	Column 2 Description	Column 3 Trusts etc not discharged	Reason for Amendment
Macquarie Hills Omit: 424 Macquarie Road Insert: 127 Macquarie Road	No change to LMLEP 2004	No change to LMLEP 2004	The property address has been renumbered by Council as there is already another 121 Macquarie Road with the same postcode. Re-numbering will reduce any confusion.

Schedule 4 - Heritage items other than of indigenous origins and including potential archaeological sites

Part 1 Heritage items other than of indigenous origins:

Schedule 4 Part 1

Item No	Significance	Item	Address	Property Description	Reason for Amendment
AW-05 No change to LMLEP 2004	No change to LMLEP 2004	No change to LMLEP 2004	Omit 4 Wilton Rd Insert: 154 Wilton Road	No change to LMLEP 2004	Part of rural addressing program
DL-03 No change to LMLEP 2004	No change to LMLEP 2004	No change to LMLEP 2004	No change to LMLEP 2004	Omit: Lots 1, 2 and 3, Section D, DP 2657 Insert: Lot 3, Section D, DP 2657 and Lot 11, DP 1150274	Subdivision - consolidation of lots
PF – 01 No change to LMLEP 2004	No change to LMLEP 2004	No change to LMLEP 2004	No change to LMLEP 2004	Omit: Pt Lot 135, DP 755233 Lot 103, DP 755233 Lot 102, DP 755233 Insert: Lot 135, DP 1151226	Incorrect property description
RM – 12A No change to LMLEP 2004	No change to LMLEP 2004	No change to LMLEP 2004	No change to LMLEP 2004	Omit: Lot 446, DP 1138964 Insert: Lot 466 , DP 1138964	Incorrect property description (lot number)
TA – 16 No change to LMLEP 2004	No change to LMLEP 2004	No change to LMLEP 2004	No change to LMLEP 2004t	Omit: Lot 1, DP 780614 Insert: Lot 102, DP1131669	Subdivision of land
TT-12 No change to LMLEP 2004	No change to LMLEP 2004	No change to LMLEP 2004	Omit: 66 The Boulevarde Insert: 66- 74 The Boulevarde	Omit: Lot B, DP 390795 Insert: Lot 1, DP 1154114	Subdivision – consolidation of lots and incorrect street number

Part 2 – Potential archaeological sites other than of indigenous origins:
Schedule 4 Part 2

Item No	Significance	Item	Address	Property Description	Reason for Amendment
BN – 01 No change to LMLEP 2004	No change to LMLEP 2004	Omit: Former John Darling Colliery Insert: Archaeological Site – Former John Colliery	No change to LMLEP 2004	Omit: Lots 2–8, DP 1038830 Lots 1–5, 7–9, 12–14 and 16–18, DP 270530 Lots 201–223, 225 and 226, DP 1136649 Lots 1 and 2, DP 1153652 Lots 301–330, DP 1148102 Lots 501–505, DP 1156100 Insert: Lots 2–8, DP 1038830 Lots 1–5, 7–9, 12–14, 16–17, 19-20, 22 and 23-25 , DP 270530 Lots 201–207, 209-221, 223 , 225 and 226, DP 1136649 Lots 1 and 2, DP 1153652 Lots 301–330, DP 1148102 Lots 501–505, DP 1156100 Lots 1-2, DP 1159382	Subdivision of land Identify the site as a potential archaeological site so as to distinguish it from Item BN-01 within Schedule 4 Part 1.

Schedule 7 - Additional development allowed on certain land

Item No	Column 1	Column 2	Reason for Amendment
5	Omit: Land in the vicinity of Rafferty's Road Cam's Wharf, shown in Deposited Plan Nos DP 270043, DP 285138, DP 285268, DP 285325, DP 285410, DP 285518, DP 285546, DP 285579, DP 285636. Insert: Land in the vicinity of Rafferty's Road Cam's Wharf, shown in Deposited Plan Nos DP 270043, DP 285138, DP 285268, DP 285325, DP 285410, DP 285518, DP 285546, DP 285579, DP 285636, DP 285635, DP 285675, DP 286308.	No change to LMLEP 2004	Subdivision of land
7	Omit: So much of the land in the vicinity of Minmi Road, Cameron Park Drive and George Booth Drive, Edgeworth, in Lots 3 and 4, DP 1134639 and Lot 5100, DP 1153452 as is within Zone 7 (2) and is not the subject of acquisition by the Council. Insert: So much of the land in the vicinity of Minmi Road, Cameron Park Drive and George Booth Drive, Edgeworth, in Lots 3 and 4 DP 1134639, Lot 4111, DP 1156756, Lot 2400, DP 1161455, and Lot 5400, DP 1168690 as is within Zone 7(2) and is not subject of acquisition by the Council.	No change to LMLEP 2004	Subdivision of land

Schedule 7 - Additional development allowed on certain land

Item No	Column 1	Column 2	Reason for Amendment
17	Omit: Land at the former Pasminco Cockle Creek Smelter site off Main Road, Boolaroo, being Part Lot 201, DP 805914 and Lot 21, DP 251322, as shown edged heavy black and lettered “2 (2)” on the map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 21)”. Insert: Land at the former Pasminco Cockle Creek Smelter site off Main Road, Boolaroo, Lot 2, DP 1127713 and Lot 21, DP 251322, as shown edged heavy black and lettered “2 (2)” on the map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 21)”.	No change to LMLEP 2004	Subdivision of land

Schedule 8 - Land Subject to Special Development Requirements

Item No	Column 1	Column 2	Reason for Amendment
4	Omit: Land at Macquarie Hills, fronting Lawson Road, being Lots 101–131, DP 1081010, Lots 11–12, DP 1053624 and Lot 23, DP 1077488. Insert: Land at Macquarie Hills fronting Lawson Road, being Lot 101-131, DP 1081010, Lots 11-12, DP 1053624, Lots 201-228, 230, DP 1132272 and Lots 301-330, DP 1162784.	No change to LMLEP 2004	Subdivision of land
5	Omit: Land at Bonnells Bay, fronting Fishery Point Road and Station Street, being Lot 43, DP 876821, Lot 1, DP 1086630 and Lot 7068, DP 1021263 Insert: Land at Bonnells Bay, fronting Fishery Point Road and Station Street, being Lot 43, DP 876821, Lots 100-133, DP 1171789 and Lot 7068, DP 1021263.	No change to LMLEP 2004	Subdivision of land

Schedule 8 - Land Subject to Special Development Requirements

Item No	Column 1	Column 2	Reason for Amendment
10	Omit: Land at the former Pasminco Cockle Creek Smelter site and the former Incitec Pivot Fertilizer site at Boolaroo, being: (a) Part Lot 201, DP 805914 and Lot 21, DP 251322, as shown edged heavy black and lettered "2 (2)" and "3 (2)" on the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 21)", and (b) Part Lot 1, DP 523781, Lot 1 and Part Lot 2, DP 1127713 and Part Lot 1, DP 225720, lettered "2 (1)", "2 (2)", "B4" and "7 (2)" on the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 57)". Insert: Land at the former Pasminco Cockle Creek Smelter site and the former Incitec Pivot Fertilizer site at Boolaroo, being: (a) Lot 2, DP 1127713, and Lot 21, DP 251322, as shown edged heavy black and lettered "2 (2)" and "3 (2)" on the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 21)", and (b) Part Lot 1, DP 523781, Part Lot 2, DP 1127713 and Part Lot 1, DP 225720, lettered "2 (1)", "2 (2)", "B4" and "7 (2)" on the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 57)".	No change to LMLEP 2004	Subdivision of land Administrative error

Schedule 9 - Consent to development subject to special requirements

Item No	Column 1	Column 2	Reason for Amendment
2	Omit: Land at Cameron Park, being Lots 105–109 and 112–113 and 118, DP 1016351, Lots 202–206 and 210–216, DP 1070348, Lots 1151–1152, DP 1070457, Lot 789, DP 1071617, Lots 301–304, 308–312, 317–320, 326–329 and 336, DP 1089554, Lot 100, DP 1102166, Lot 1, DP 1113107, SP 79436, Lots 103–104, DP 1049681, SP 79911, Lot 3, DP 1128456, Lot 3300, DP 1134814, Lots 2000 and 2001, DP 1144842 and Lot 3000, DP 1141675, Stenhouse Drive, Kalinya Close, Farragher Way, Billbrooke Close, Cameron Park Drive, Cameron Park, being land in Zone 4 (1). Insert: Land at Cameron Park, being Lots 105–109 and 112–113 and 118, DP 1016351, Lots 202–206 and 210–216, DP 1070348, Lots 1151–1152, DP 1070457, Lot 789, DP 1071617, Lot 304, 308–312, 317–320, 326–329 and 336, DP 1089554, Lot 100, DP 1102166, Lot 1, DP 1113107, SP 79436, Lots 103–104, DP 1049681, SP 79911, Lot 3, DP 1128456, Lot 3300, DP 1134814, Lots 2000 and 2001, DP 1144842 Lot 3000, DP 1141675 and Lots 3001–3002 DP 1156454 Stenhouse Drive, Kalinya Close, Farragher Way, Billbrooke Close, Cameron Park Drive, Cameron Park, being land in Zone 4 (1).	No change to LMLEP 2004	Subdivision of land

Schedule 9 - Consent to development subject to special requirements:

Item No	Column 1	Column 2	Reason for Amendment
4	Omit: Land at the former Pasminco Cockle Creek Smelter site and the former Incitec Pivot Fertilizer site at Boolaroo, being: (a) Part Lot 201, DP 805914 and Lot 21, DP 251322, as shown edged heavy black and lettered "2 (2)" and "3 (2)" on the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 21)", and (b) Part Lot 1, DP 523781, Lots 1 and 2, DP 1127713 and Part Lot 1, DP 225720, lettered "2 (1)", "2 (2)", "B4", "4 (2)" and "7 (2)" on the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 57)". Insert: a) Lot 2, DP 1127713 and Lot 21, DP 251322, as shown edged heavy black and lettered "2 (2)" and "3 (2)" on the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 21)", and (b) Part Lot 1, DP 523781, Lot 2, DP 1127713 and Part Lot 1, DP 225720, lettered "2 (1)", "2 (2)", "B4", "4 (2)" and "7 (2)" on the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 57)".	No change to LMLEP 2004	Subdivision of land Administrative error

Schedule 11 Restricted development

Item No	Column 1	Column 2	Reason for Amendment
2	Omit: Land at Macquarie Hills, being Lot 41, DP 1132840, 121 Macquarie Road Insert: Land at Macquarie Hills, being Lot 41, DP 1132840, 127 Macquarie Road	No change to LMLEP 2004	The property address has been renumbered by Council as there is already another 121 Macquarie Road with the same postcode. Re-numbering will reduce any confusion.