

Amendment 68 - Lake Macquarie LEP 2004 - Administrative Amendment

Proposal Title : **Amendment 68 - Lake Macquarie LEP 2004 - Administrative Amendment**

Proposal Summary : **The purpose of the Planning Proposal is to make administrative changes to the Lake Macquarie LEP 2004 correcting various minor discrepancies within the LEP Schedules relating to property descriptions and addresses.**

PP Number : **PP_2012_LAKEM_004_00** Dop File No : **12/07891**

Proposal Details

Date Planning Proposal Received : **06-May-2012** LGA covered : **Lake Macquarie**

Region : **Hunter** RPA : **Lake Macquarie City Council**

State Electorate : **LAKE MACQUARIE** Section of the Act : **73A - Minor Matter**

LEP Type : **73A**

Location Details

Street : **Various addresses**

Suburb : **Various addresses** City : **Various addresses** Postcode :

Land Parcel : **Various**

DoP Planning Officer Contact Details

Contact Name : **Susan Blake**

Contact Number : **0249042709**

Contact Email : **susan.blake@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Anne Moore**

Contact Number : **0249210492**

Contact Email : **amoore@lakemac.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Lower Hunter Regional Strategy** Consistent with Strategy : **Yes**

Amendment 68 - Lake Macquarie LEP 2004 - Administrative Amendment

MDP Number :	Date of Release :	
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots : 0	No. of Dwellings (where relevant) :	0
Gross Floor Area : 0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **Council resolved at its City Strategy Meeting on 10 April 2012 to send the Planning Proposal to the Department of Planning & Infrastructure requesting a Gateway Determination to enable amendments to Lake Macquarie LEP 2004 pursuant to section 54 of the Environmental Planning & Assessment Act (EP&A Act).**

Additional information was requested from Council on 9 & 16 May 2012 to complete the adequacy assessment. Council responded on 15 & 17 May 2012.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives satisfactorily outlines the intended outcomes of the Planning Proposal (PP) ie. to amend the Lake Macquarie LEP 2004 (LM LEP 2004) to correct various minor discrepancies relating to property descriptions and addresses, minor errors and misdescriptions.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The PP aims to amend the various schedules within the LM LEP 2004:**

- 1. Schedule 3 - correct an error in describing the street address**
- 2. Schedule 4 - correct property descriptions including address, Lot/DPs due to Council's rural addressing program and subdivision of land**
- 3. Schedule 7 - correct property descriptions including address, Lot/DPs due to subdivision**
- 4. Schedule 8 - correct property descriptions including address, Lot/DPs due to subdivision and an administrative error**
- 5. Schedule 9 - correct property descriptions including address, Lot/DPs due to subdivision and an administrative error**
- 6. Schedule 11 - correct an error in describing the street address**

Council proposes to use section 73A of the EP&A Act to process the LEP amendment.

Amendment 68 - Lake Macquarie LEP 2004 - Administrative Amendment

Section 73A allows for an expedited LEP amendment where the proposed changes correct an obvious error, misdescription or address matters that are of a consequential, transitional or other minor nature.

Council has identified in the PP, changes that will be incorporated into the draft Lake Macquarie LEP 2012. It is noted that some of the items will not appear in the draft Lake Macquarie LEP 2012 or will appear in a different format/location in the draft LEP schedules:

- * 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 are no longer required.

This amendment will occur prior to Council's Principal LEP. Council considers that this PP is an interim measure to ensure the existing LEP remains updated and accurate.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

5.1 Implementation of Regional Strategies

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

Council has not provided any maps as this is an administrative amendment with no changes proposed in the LEP schedules needing amended maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The Council has proposed 14 days for public consultation.

Given the minor nature of the amendment, including correcting various minor discrepancies relating to property descriptions and addresses, minor errors and misdescriptions, it is recommended that public consultation is not required.

The Gateway determines community consultation requirements under s56(2)(c) and 57 of the EP&A Act.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **Sufficient information has been provided to assess the proposal in preparation of the Gateway Determination.**

Proposal Assessment

Principal LEP:

Due Date : **December 2012**

Comments in relation to Principal LEP : **Council has recently received the third section 65 certificate for draft Lake Macquarie LEP 2012.**

Due to the minor nature of the PP and its proposed procedure to be expedited as a section 73A matter, this PP will occur prior to the implementation of the Principal Plan.

Assessment Criteria

Need for planning proposal : **Council resolved on 10 April 2012 to prepare a draft amendment to LM LEP 2004 to rectify minor discrepancies relating to property descriptions and addresses, minor errors and misdescriptions.**

Many of the incorrect descriptions have resulted from subdivision of the land, with the LEP still reflecting the old property descriptions. Council has indicated that an administrative amendment is necessary to ensure the document remains updated and accurate.

Consistency with strategic planning framework : **Lower Hunter Regional Strategy (LHRS)
The PP is an administrative amendment correcting existing items identified in the Schedules of LM LEP 2004. Therefore the PP is not inconsistent with the objectives and outcomes of the LHRS.**

**State Environmental Planning Policies
Council identified the following SEPPs:
SEPP (Infrastructure) 2007
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Mining Petroleum Production and Extractive Industries) 2007
SEPP 55 - Remediation of Land**

The PP is an administrative amendment being minor in nature, and will not affect the consistency with the SEPPs.

**Section 117 Directions
Council identified the following s117 Directions:
1.1 Business and Industrial Zones
1.2 Rural Zones
1.3 Mining, Petroleum Production and Extractive Industries
2.1 Environment Protection Zones
2.3 Heritage Conservation
3.1 Residential Zones
5.1 Implementation of Regional Strategies
6.2 Reserving Land for Public Purposes**

The PP is an administrative amendment being minor in nature, and will not affect the consistency with the section 117 directions.

Amendment 68 - Lake Macquarie LEP 2004 - Administrative Amendment

Environmental social
economic impacts :

As the PP is administrative in nature, Council has identified there will be no additional environmental, social or economic impacts as a consequence of this proposal.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **Nil**

Timeframe to make LEP : **3 Month** Delegation : **DG**

Public Authority
Consultation - 56(2)(d)

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required.:

If Other, provide reasons :

Identify any internal consultations, if required :

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
LMCC_City_Strategy_Committee_Meeting_10_April_2012.pdf	Proposal	Yes
Planning_Proposal_Amendment_No_68_Lake_Macquarie_LEP_2004.pdf	Proposal	Yes
Planning_Proposal_Lake_Macquarie_Request_for_Gateway.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.2 Rural Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**

5.1 Implementation of Regional Strategies

6.2 Reserving Land for Public Purposes

Additional Information :

1. Support the Planning Proposal.

2. The Planning Proposal proceed as a matter under section 73A of the Environmental Planning & Assessment Act 1979.

It is noted that under section 73A(1) an amending environmental planning instrument may be made under this Part without compliance with the provisions of this Part relating to the conditions precedent to the making of the instrument, if it meets any one or more of the conditions indicated in section 73A(1)(a)-(c). Consequently the following points are recommended for this PP:

*** No community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979.**

*** No consultation is required with the public authorities under section 56(2)(d) of the Environmental Planning & Assessment Act 1979.**

*** There are no further matters required to be addressed by the Director-General's delegate under section 117 directions.**

*** No public hearing is required under section 56(2)(e) of the Environmental Planning & Assessment Act 1979.**

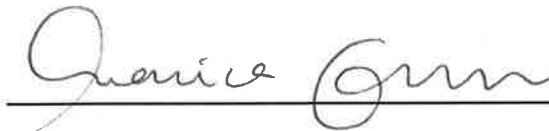
3. The timeframe to complete the LEP is 3 months from the date of the Gateway Determination.

Supporting Reasons :

Section 73A (EP&A Act) allows for an expedited LEP amendment where the proposed changes correct an obvious error, misdescription, address matters that are of a consequential, transitional or other minor nature. The matters being reviewed under Lake Macquarie LEP 2004 (Amendment 68) satisfies this section of the EP&A Act.

If the PP does not proceed as a section 73A (EP&A Act) matter, it is recommended that no community or public authority consultation is required, and that the PP completion timeframe is 3 months.

Signature:



Printed Name:

Monica Gibson

Date:

18 May 2012