

**City Strategy Committee Meeting
10 April 2012**

12STRAT010 Planning Proposal to Amend Lake Macquarie Local Environmental Plan 2004 - Draft Administrative Amendment

Council Ref: F2012/00294 - D02431652
Report By: Strategic Planner - Anne Moore

Précis:

This report seeks a Council resolution to initiate an administrative amendment to correct minor discrepancies relating to property descriptions and street addresses within certain Schedules of Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004).

It is intended to use section 73A of the *Environmental Planning and Assessment Act 1979* to expedite this minor amendment. However, it is still necessary to prepare a Planning Proposal and seek Gateway Determination from DoPI to progress the amendment.

Recommendation:

Council:

- A. Resolves to prepare a draft administrative amendment to Lake Macquarie Local Environmental Plan 2004 in accordance with the provisions of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.
- B. Forwards the Planning Proposal (Attachment 1) to the Department of Planning and Infrastructure for Gateway Determination.
- C. Undertakes consultation with State government agencies and service authorities if so directed by the Department of Planning and Infrastructure.
- D. Resolves to place the Planning Proposal on exhibition if required by the Gateway Determination.
- E. Resolves to request the Minister for Planning to publish the LEP amendment, following any consultation required by the Gateway Determination, if there are no changes proposed to the Planning Proposal.

Background:

Integrated Planning has identified a number of requests to correct incorrect property descriptions and street addresses within LMLEP 2004. Many of the incorrect descriptions have resulted from subdivision of land, with the LEP still reflecting the old property descriptions. An administrative amendment to LMLEP 2004 is necessary to ensure the document remains updated and accurate.

Proposal:

It is proposed that Council resolve to prepare an administrative amendment to LMLEP 2004 to correct minor discrepancies relating to property descriptions and street addresses within Schedules 3, 4, 7, 8, 9, and 11. The details of the proposed changes can be found in the Planning Proposal in Attachment 1. Address details need to be changed due to subdivisions, incorrect numbering, or an administrative error that has occurred.

It is proposed to use section 73A of the *EP&A Act* to process the LEP amendment. Section 73A of the *EP&A Act* allows for an abbreviated LEP amendment where the proposed changes are inconsequential, or to correct an obvious error or mis-description.

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Consultation:

Internal consultation was unnecessary. The changes outlined in the Planning Proposal at Attachment 1 have been identified by various Council departments.

Consultation with relevant government agencies will be undertaken as required by the Gateway Determination.

Implications:

Policy Implications:

Lake Macquarie Local Environmental Plan 2004

This administrative amendment to LMLEP 2004 will ensure that the document remains up to date and accurate. The changes are all administrative in nature and therefore the Planning Proposal remains consistent with the aims and objectives of LMLEP 2004.

Draft Lake Macquarie Standard Instrument Local Environmental Plan (draft LMLEP 2012)

This draft administrative amendment proposes minor changes to property descriptions and have and will be incorporated into draft LMLEP 2012.

Lifestyle 2020 Strategy

The draft administrative amendment is consistent with the aims and objectives of the Lifestyle 2020 Strategy in that it will ensure that the instrument is current and effective to achieve the long term directions of the Strategy.

Draft Lifestyle 2030 Strategy

The draft administrative amendment is consistent with the core values of Lifestyle 2030 in that it will ensure the instrument is current and effective to allow implementation of the of the main strategic directions.

Lower Hunter Regional Strategy (LHRS)

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 the objectives of the LHRS.

State Environmental Planning Policies

The Planning Proposal for this administrative amendment to LMLEP 2004 is consistent with all relevant State Environmental Planning Policies as outlined within the Planning Proposal in Attachment 1.

Section 117 Directions

The Planning Proposal for this administrative amendment is consistent with all relevant Section 117 Directions as outlined within the Planning Proposal in Attachment 1.

Environmental Implications:

There are no environmental impacts resulting from the Planning Proposal.

Social Implications:

There are no social implications resulting from the Planning Proposal.

Financial Implications:

There will be no specific financial implications for Council apart from staff resources being involved in the processing of the LEP amendment in accordance with Council's LEP

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amendment process. Council will cover the costs associated with the processing of the LEP amendment, as the amendment is minor in nature and involves corrections to property descriptions and street addresses within various Schedules of LMLEP 2004.

Risk and Insurance Implications:

It is considered there is negligible risk or insurance implications to Council with the processing of this proposed administrative amendment. The preparation of an administrative amendment to LMLEP 2004 is a standard task undertaken by Council officers and is dictated by the provisions of the *EP&A Act*. The level of risk attached to this task is further alleviated by following the process incorporated into the *EP&A Act*, the *Environmental Planning and Assessment Regulation* and Council's procedure for amending a Local Environmental Plan.

Options:

1. Resolve to proceed with the administrative amendment to LMLEP 2004 and forward the Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination. This is the recommended option.
2. Resolve to make amendments to the Planning Proposal prior to forwarding to the Department of Planning and Infrastructure for Gateway Determination. This is not recommended as changes to the Planning Proposal may mean it cannot be processed under s73A of the *EP&A Act*.
3. Resolve not to proceed with the administrative amendment to LMLEP 2004. This is not recommended, as LMLEP 2004 is currently inaccurate in the identification of certain parcels and will remain so if the amendment does not proceed.

Conclusion:

This administrative amendment to Lake Macquarie Local Environmental Plan 2004 is to ensure Council's statutory planning instrument is up to date and accurate.

It is recommended that Council supports the preparation of this administrative amendment to LMLEP 2004 pursuant to section 73A of the *Environmental Planning and Assessment Act 1979* to expedite this minor amendment.

Manager - Integrated Planning - Sharon Pope

Attachments:

1. Planning Proposal - Administrative Amendment to LMLEP 2004 D02475339

