

Tag B – s.59 Assessments Five Planning Proposals to be included in the draft LEP

1. Speers Point Quarry; 1a Raymond Street, Speers Point (PP_2012_LAKEM_009)

PROPOSAL

The planning proposal aims to rezone approximately 11 hectares of a former quarry site to facilitate low density urban development, with the 69 hectare balance of the site to remain within an environmental protection zone. The subject site is located on the elevated portions of Munibung Hill, a prominent landmark in Lake Macquarie LGA. The site adjoins residential land to the south and west. The former Pasminco site, which has recently been rezoned for residential purposes, adjoins the subject site to the north.

This planning proposal is a result of a number of studies commissioned by Lake Macquarie City Council for the subject land. These included the Munibung Hill Development Control Study, a draft land use strategy (2005) and a Local Environmental Study (2012). The studies determined the amount of land suitable for residential development and identified the ongoing site management constraints.

Key concerns of both the Local Environmental Study and raised through community consultation was the protection of visual amenity and aboriginal cultural heritage values of the site. A Development Control Plan will be prepared to address site constraints such as the provision of an effective visual buffer/corridor, asset protection zones, stabilisation of quarry walls, cultural heritage protection and the decontamination of development areas.

GATEWAY DETERMINATION

The Minister's delegate determined on 21 September 2012 that an amendment to the Lake Macquarie LEP 2004 or the draft Lake Macquarie LEP 2012 should proceed.

TIME FRAME

The Gateway Determination required completion of the planning proposal by 28 June 2013 (9 months).

Two Gateway Determination extensions were granted for the planning proposal on the basis the planning proposal was being amended to better reflect the development opportunities and constraints of the site. The planning proposal was due for completion 28 June 2014.

AGENCY CONSULTATION

Consultation was undertaken with relevant agencies pursuant during development of the planning proposal. Agencies raised issues regarding biodiversity retention, contamination, environmental impacts, protection of watercourses, accessibility, traffic, infrastructure, Aboriginal and European heritage, and scenic visual impact. Hunter Water advised that a developer funded servicing strategy would be required for any local upgrades to the water system.

The subsequent planning proposal responded to these concerns and the Gateway Determination issued 21 September 2012 determined that no further consultation was required.

All issues raised have been adequately addressed by Council for the rezoning; other outstanding matters will appropriately be addressed during subdivision approval.

PUBLIC PARTICIPATION

In accordance with the Gateway Determination issued 21 September 2012, the planning proposal was exhibited for 28 days from 3 November to 3 December 2012. Three submissions were received during the exhibition period, including a 23 signature petition. Concerns were raised in regards to biodiversity loss, heritage impacts, visual amendment impacts, public access, vehicle access and traffic. Council has adequately addressed the issues raised through amendment to the proposal and outstanding issues will be resolved through the preparation of the development control plan and subsequent development assessment.

PUBLIC HEARING

The Gateway Determination did not require a public hearing to be held into the matter by any person or body under section 56(2)(e) of the *Environmental Planning and Assessment Act 1979*.

CHANGES MADE TO THE PLANNING PROPOSAL AFTER EXHIBITION

Based on a revised Visual Assessment Study, community and agency consultation and discussions with the proponent, the land proposed to be zoned R2 Low Density Residential in the exhibited planning proposal has been reduced in size and is now proposed to be zoned E4 Environmental Living. This better reflects the nature of the site and will limit code complying residential development in this visually sensitive and heritage significant site. The minimum lot size and essential nature of the residential development will however remain the same. This change is considered to reflect submissions made on the plan and is not considered by Council to warrant re-exhibition.

CONSISTENCY WITH STATE POLICIES AND S.117 DIRECTIONS

The planning proposal is considered consistent with applicable State Environmental Planning Policies (SEPPs).

The Gateway Determination issued 21 September 2012 advised that the inconsistencies with s117 Directions 1.1 Business and Industrial Zones and 1.2 Rural Zones are of minor significance, with no further approval required for these directions. The planning proposal is consistent with all other s117 Directions.

COUNCIL DELEGATION

Council did not have delegation to complete this LEP amendment and resolved to finalise the Planning Proposal on 12 May 2014, Council requested drafting on 28 May 2014. Inclusion within the draft LEP and finalisation at this point in time will avoid any further delays.