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| **20DP002** | General administrative amendment to Lake Macquarie Local Environmental Plan 2014 |

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| **Key focus area** | Unique landscape  Connected communities  Diverse economy |
| **Objective** | *Unique landscape*  Natural environments are protected and enhanced  We have vibrant town centres and villages  New development and growth complements our unique character and sense of place  *Connected communities*  We are proud of our City’s heritage and cultures  Our community responds and adapts to change  *Diverse economy*  We have an adaptable and diverse economy |
| **File** | F2019/00945/05 |
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| **Responsible manager** | Wesley Hain |

# Executive summary

Regular ‘housekeeping’ amendments are undertaken on *Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014),* to address administrative errors, anomalies and inaccurate property descriptions that have been identified. This report seeks Council’s resolution to request a Gateway Determination from the Department of Planning, Industry and Environment in respect of the Planning Proposal and to undertake the process to amend *LMLEP 2014*.

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| Recommendation Council:   1. requests a Gateway Determination from the Department of Planning Industry and Environment, pursuant to the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*, in relation to the Planning Proposal in Attachment 1; 2. requests the use of delegations in respect of the Minister for Planning’s plan making function under section 3.36 of the *EP&A Act 1979* for the Planning Proposal. 3. undertakes consultation with State Government agencies and service authorities in accordance with the Gateway Determination; 4. places the Planning Proposal on exhibition, subject to the outcome of the Gateway Determination; 5. notifies stakeholders and affected landowners of the Gateway Determination and public exhibition period, as required; 6. makes the Plan, provided no objections are received during the public exhibition period. |

# Discussion

The *LMLEP 2014* came into effect on 10 October 2014. Council staff regularly prepare a ‘housekeeping’ amendment to address administration errors, anomalies and changes to property descriptions and to ensure *LMLEP 2014* remains up to date.

This draft ‘housekeeping’ amendment to *LMLEP 2014* has been prepared and seeks to:

* Alter land use zone, minimum lot size and height of building maps to rectify boundary misalignments that have been identified due to approved subdivision development at a number of properties in Cooranbong, Teralba, Valentine and Wyee Point. Land reservation acquisition mapping will also be removed from properties at Teralba that have already been dedicated to Council. Affected properties are listed as Items 1 – 4 in the attached Planning Proposal;
* Remove land reservation acquisition from a number of properties throughout the City already acquired by Council or other Government agencies. Affected properties are listed as Items 6 - 13 in the attached Planning Proposal;
* Amend the Foreshore Building Line from 12m to 26m for 1, 3 and 5 Grant Road, Coal Point to correct an error that occurred during the preparation of *LMLEP 2014*. This amendment is responding to a request from the owner of 3 Grant Road. Affected properties are listed as Item 14 in the attached Planning Proposal;
* Amend property descriptions for heritage listed sites at Cardiff South, amend heritage mapping at Speers Point Park and include new heritage item known as the Dora Creek road (former rail) bridge into Schedule 5 Environmental Heritage of *LMELP 2014*. Affected properties are listed as Items 15 – 17 in the attached Planning Proposal; and
* Update the Urban Release Area map to remove properties that have made satisfactory arrangements to contribute to State public infrastructure and have prepared a development control plan at properties in Warners Bay. Affected properties are listed as Item 18 in the attached Planning Proposal.

# Community engagement and internal consultation

Consultation has occurred with Council’s Integrated Planning, Development Assessment and Certification, and Asset Management departments regarding the draft amendment.

Consultation has also occurred with landholders and State government agencies associated with affected properties within the draft amendment. This consultation obtained consent from landholders, while confirming the proposed amendments to affected properties were correct.

The Gateway Determination will outline further consultation requirements, including Government agencies to be consulted and public exhibition timeframes.

# Key considerations

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| **Economic impact** | * Facilitating delivery of housing and commercial development through rectifying zone boundary misalignments within approved residential and commercial subdivisions. |
| **Environment** | * Aligning zone boundaries to property boundaries to be consistent with approved subdivisions. This includes changing the boundary of an Environmental Conservation Zoned area to reflect a biodiversity offset lot that has been dedicated to Council. * Rectifying a Foreshore Building Line anomaly will reduce flooding and visual amenity impacts. |
| **Community** | * Conserving and protecting the heritage significance of the Dora Creek road (former rail) bridge and Speers Point Park. |
| **Civic leadership** | * Ensuring that *LMLEP 2014* is accurate and up-to-date helps Council and other stakeholder make informed decisions. |
| **Financial** | * There are no financial implications with the proposed changes to the *LMLEP 2014*, apart from Council staff time undertaking the LEP amendment. |
| **Infrastructure** | * There are no infrastructure implications for Council due to this Planning Proposal. The Dora Creek road (former rail) bridge is owned and managed by Transport for NSW (former Roads and Maritime Service). Consultation with this agency advised no objections to the listing. If the bridge is listed as a heritage item in *LMLEP 2014*, any future works to the bridge will require a heritage assessment to be undertaken. |
| **Risk and insurance** | * The preparation of an amendment to *LMLEP 2014* is a regular Council activity governed by the provisions of the *EP&A Act 1979*. * The level of risk attached to this activity is minimised by following the *EP&A Act 1979* and *Environmental Planning and Assessment Regulation 2000* as well as Council’s Amending Local Environmental Plan Procedure. |

# Legislative and policy considerations

Environmental Planning and Assessment Act 1979

Lake Macquarie Local Environmental Plan 2014

# Attachments

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| 1. | Draft Planning Proposal - General Administrative Amendment to LMLEP 2014 - Under Separate Cover |  | D09399409 |