

Amendment 50 - Lake Macquarie LEP 2004 - Ramsgate Estate, Wyee Point

Proposal Title : **Amendment 50 - Lake Macquarie LEP 2004 - Ramsgate Estate, Wyee Point**

Proposal Summary : **The Planning Proposal aims to amend the Lake Macquarie LEP 2004 to:**

- 1. Rezone 37.15ha of land to facilitate the urban development and biodiversity conservation of a paper subdivision known as Ramsgate Estate, Wyee Point.**
- 2. Reclassify 71 allotments from community to operational land to facilitate the appropriate development of the site.**
- 3. Remove 44 allotments from the Land Acquisition Map within Lake Macquarie LEP 2004.**
- 4. Insert a new provision within Schedule 8 - Land Subject to Special Development Requirements. This includes preparation of a Development Control Plan (DCP) including a Structure Plan for the site.**
- 5. Include Ramsgate Estate, Wyee Point as an Urban Release Area in accordance with clause 62.**

PP Number : **PP_2011_LAKEM_010_00**

Dop File No :

10/06609-1

Planning Team Recommendation

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

S.117 directions :

- 1.3 Mining, Petroleum Production and Extractive Industries**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.2 Mine Subsidence and Unstable Land**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**

Additional Information : **It is recommended that:**

- 1. The Planning Proposal be supported.**
- 2. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows:**
 - (a) the Planning Proposal be made publicly available for 28 days;**
 - (b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 4.5 of a Guide to Preparing LEPs (Department of Planning 2009)**
- 3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:**
 - * NSW Department of Primary Industries (Minerals & Petroleum)**
 - * Mine Subsidence Board**
 - * NSW Rural Fire Service**
 - * Office of Environment & Heritage / Environment Protection Authority**
 - * Roads & Maritime Services**

*** Hunter Water Corporation**

4. The Director General (or delegate) agree with the following section 117 Direction inconsistencies - 2.3 Heritage Conservation, as appropriate conservation mechanisms are being incorporated into the LEP amendment; 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land and 6.3 Site Specific Provisions, as the inconsistencies are of minor significance; and 5.1 Implementation of Regional Strategies, as the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

Consultation is required with the NSW Department of Primary Industries (Minerals and Petroleum), The Mine Subsidence Board, and NSW Rural Fire Service to determine consistency with section 117 Directions - 1.3 Mining, Petroleum Production & Extractive Industries; 4.2 Mine Subsidence and Unstable Land; and 4.4 Planning for Bushfire Protection respectively.

Further investigation and consultation with the Office of Environment and Heritage / Environment Protection Agency is required to ensure that mechanisms are incorporated to determine consistency with section 117 Direction - 2.1 Environment Protection Zones.

After public exhibition and the public hearing, further consultation with the Department of Planning & Infrastructure is to be undertaken to assess and determine consistency with section 117 direction 6.2 Reserving Land for Public Purposes.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. this does not discharge Council from any obligation it may otherwise have to conduct a public hearing.

6. The time frame for completing the LEP is 12 months from the date of the Gateway Determination.

Supporting Reasons :

Lake Macquarie City Council in coordination with the proponent has undertaken a comprehensive Local Environmental Study that has identified zones and land uses incorporating a mixture of residential, environmental living and conservation of environmentally sensitive land. Biodiversity and environmental offset matters will be examined as part of the rezoning process to ensure appropriate mechanisms are undertaken to balance the residential and environmental assets of the development.

Panel Recommendation

Recommendation Date : **02-Feb-2012**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Due to the timing of Council's principal LEP being exhibited soon, this planning proposal is to proceed as both an amendment to the current Lake Macquarie LEP 2004 and to the draft principal LEP 2012. All exhibition material, including maps (ie FSR, Height of Buildings, Minimum Lot Size and zoning), should be prepared to clearly identify to the community how the planning proposal will amend both instruments. Council should liaise with the Department's Regional Planning Team further in relation to the material that should be prepared and placed on exhibition prior to proceeding to exhibition.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
3. In relation to Section 117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service and amend the planning

proposal (if necessary) to take into consideration any comments prior to undertaking exhibition of the planning proposal.

4. In relation to Section 117 Direction 1.3 Mining, Petroleum Production & Extractive Industries Council is to consult with the NSW Department of Primary Industries (Minerals and Petroleum) and amend the planning proposal (if necessary) to take into consideration any comments prior to undertaking exhibition of the planning proposal.

5. In relation to Section 117 Direction 4.2 Mine Subsidence and Unstable Land, Council is to consult with the Mine Subsidence Board and amend the planning proposal (if necessary) to take into consideration any comments prior to undertaking exhibition of the planning proposal.

6. Further consultation is also required with the NSW Office of Environment and Heritage /Environmental Protection Agency to ensure that appropriate environmental management measures are incorporated into the planning proposal in accordance with Section 117 Direction 2.1 Environmental Protection Zones. Any amendments required to the planning proposal as a result of this consultation should be made prior to the commencement of public exhibition.

7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- NSW Department of Primary Industries (Minerals and Petroleum)
- Mine Subsidence Board
- NSW Rural Fire Service
- Office of Environment and Heritage / Environmental Protection Agency
- Roads and Maritime Services
- Hunter Water Corporation

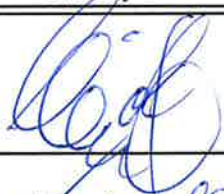
Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

8. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

9. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:

Printed Name:


Neil McGiffin

Date:

6.2.12