

Draft Lake Macquarie LEP 2004 (Amendment No 81)

Proposal Title : **Draft Lake Macquarie LEP 2004 (Amendment No 81)**

Proposal Summary : **To rezone a small parcel of land adjoining the existing Morisset urban area from 10 Investigation zone to 2(1) Residential zone.**

PP Number : **PP_2013_LAKEM_009_00** Dop File No : **13/10416**

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**
- 2.2 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**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**

Additional Information : **The Planning Proposal should proceed with conditions:**

- 1. Council be advised that the Department supports Council's preferred Option 3 for progressing the planning proposal and to minimise any potential future impacts on the Squirrel Glider habitat corridor through subsequent development assessment.**
- 2. Council be advised that draft zoning maps (consistent with the Department's technical mapping requirements) need to be prepared specific to the proposed site rezoning, prior to the proposal being placed on public exhibition. Zoning map sets should be prepared for amendments to both LEP 2004 and draft LEP 2013.**
- 3. The planning proposal should be finalised as an LEP within 9 months. A 9 month time-frame is recommended because of the relative minor nature of the planning proposal.**
- 4. A 14 day Community consultation exhibition period is recommended because of the relative minor nature of the planning proposal. Consultation with relevant State authorities and agencies listed below should take place concurrently.**
 - Mine Subsidence Board.**
 - Roads and Maritime Services.**
 - Rural Fire Service.**
 - Department of Primary Industries - Minerals and Petroleum.**

- Supporting Reasons :
5. Council prepare a project plan and be given plan-making delegations.
 1. The site is located within the existing Morisset urban area identified by the Regional Strategy. The proposal accords with the key Strategy objective to increase housing provided in existing urban areas.
 2. The proposal will enable a land use change from a redundant Energy Australia Crew Depot to a low density residential use, compatible with the surrounding predominantly single residential dwelling use.
 3. The proposal is consistent with Council's Lifestyle 2030 Strategy, is within Morisset Growth Expansion Corridor and also identified in the Morisset Structure Plan as a potential urban release area, subject to the resolution of biodiversity issues.
 4. The proposal will provide for infill residential development in proximity to existing urban services and facilities. Any potential environmental impacts can be adequately addressed at development application stage. It is therefore considered that the proposal will on balance have positive environmental, social and economic impacts and that there is an overall public benefit in it proceeding.

Panel Recommendation

Recommendation Date : **04-Jul-2013**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The planning proposal should proceed subject to the following conditions:**

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include existing and proposed land zoning maps, and lot size and height of buildings maps (where applicable) under Lake Macquarie LEP 2004 and draft Lake Macquarie LEP 2013. Maps are to be at an appropriate scale and clearly identify the subject site.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to include a project timeline, consistent with Section 2.6 Part 6 of the A Guide to Preparing Planning Proposals. The project timeline is to provide a mechanism to monitor the progress of the planning proposal.
3. 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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 14 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Roads and Maritime Services
 - Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - NSW Trade and Investment – Minerals and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

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 (for example, in response to a submission or if reclassifying land).

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

Signature:

M. Selman

Printed Name:

MEU SELMAN

Date:

9/7/13