1 Introduction

Lake Macquarie Local Environmental Plan (LMLEP) 2014 provides the statutory framework for land use planning in the majority of the Lake Macquarie Local Government Area (LGA). The assessment of Rezoning/LEP amendments is completed by Integrated Planning (IP) Staff, and occurs within the framework provided by legislation, the NSW Department of Planning and Environment’s (DoPE) strategic planning directions, and Council’s adopted land use strategies and policies. Staff require certain information to be able to consider the strategic merits of a request.

Initial consultation with council staff will provide the applicant with an idea of the issues that need to be addressed in the LEP amendment request. It is advisable for the formal LEP amendment request to be prepared by a qualified town planning consultant.

If the Rezoning/LEP amendment request is considered to have merit, staff prepare what is known as a Planning Proposal for consideration by Council. The Planning Proposal outlines the proposed changes to the LEP and provides strategic justification for these changes, including supporting documentation, such as maps, property descriptions, photos and the like.

If Council resolves to proceed with the Planning Proposal, it is then forwarded to the NSW DoPE’s LEP Review Panel for a “gateway determination”. Council staff refer to the NSW Department of Planning and Environment’s ‘A Guide to Preparing Planning Proposals’, when preparing a Planning Proposal. A copy of the Guide is available on the NSW DoPE’s website at:


1.1 Requirements

Information submitted in support of a Rezoning/LEP amendment request needs to address the following:

Part 1 – Objective of the Rezoning/LEP Amendment Request
This is a concise statement setting out the intended outcomes of the Rezoning/LEP amendment request.

Part 2 – Explanation of the requested changes
Part 2 explains how the LEP will be amended, for example the zone applying to the land is changed, or additional uses are identified as being permitted on a particular site.

Part 3 – Justification for the requested changes
Part 3 provides the justification for the objectives, outcomes and provisions of the requested LEP Amendment, and the process intended to implement them. It sets out the case for changing the zones and/or LEP controls. The level of justification will reflect the level of impact the LEP amendment will potentially have. The justification will need to address the questions listed in Sections A to D below:
Section A - Need for the Rezoning /LEP Amendment

1. Is the request a result of any strategic study or report?
In this section, note any strategic study or report that supports the request. If the request resulted from a study or report, detail the key findings with a brief explanation.

2. Is the request the best means of achieving the objectives or intended outcomes, or is there a better way?
Outline any other mechanisms available to address the need for the amendment and why these are not preferred.

Section B – Relationship to Strategic Planning Framework

3. Is the request consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft strategies)?
Outline how the request complies with the Hunter Regional Plan 2036 (HRP) and/or other relevant State government strategies (such as Western Corridor Planning Strategy). Rezoning requests not identified in the LHRS as a future development area, need to address how it will meet the Threshold Sustainability Criteria outlined in Appendix 1 of the LHRS.

4. Is the request consistent with Council’s Community Strategic plan, or other local strategic plan?
This section should detail how the request addresses Council’s 10 Year Community Plan, Lifestyle 2030 Strategy (LS2030), and LMLEP 2014.

LS2030 Strategic Directions
Provide sufficient detail to demonstrate that the request will be responsive to the environment; contribute to a well-serviced and equitable community; contribute to a well-designed and liveable community; contribute to the progress and prosperity of Lake Macquarie, and contribute to an efficient and accessible movement system.

LS2030 Core Values
Sufficient details are to be provided demonstrating the request is consistent with the core values of sustainability, equity, efficiency, and liveability. This requires demonstration that the request will:

- integrate environmental, economic, social and cultural elements so as to ensure Lake Macquarie’s resources are respected, preserved, enjoyed and utilised in a sustainable manner both for current and future generations,
- contribute to the distribution and improvement of access to employment, housing, urban services, community facilities, environmental quality and recreation, and provides for a range of lifestyle opportunities to suit all members of the community.
- contribute to a land use structure that provides a comprehensive approach to the design of movement networks, open space and water management systems within a wide range of living, employment and leisure opportunities, capable of adapting over time as the community changes.
- contribute to the development of a well designed, attractive, and functional land use structure that will result in a diverse, accessible, compatible, and vibrant community that supports security, safety, identity, historic continuity, and cultural diversity.

LS2030 Strategic Plan Maps and Intent Statements
The Strategic Plan Maps identify the preferred pattern of development for the City and form a graphic description of how LS2030’s Aims and Directions will be achieved. The request is to demonstrate it is consistent with the intent of each of the Strategic Plan Maps.
**LMLEP 2014**

*Demonstrate* through sufficient detail that the request is consistent with the Objectives of LMLEP 2014 and to achieve development of land that is in accordance with the principles of ecologically sustainable development by promoting balanced development of the land, and implementing LS2030.

5. **Is the request consistent with applicable State Environmental Planning Policies (SEPPs)?**

This should include an assessment of potentially applicable SEPPs and details that demonstrate the request is consistent with relevant SEPPs.

6. **Is the request consistent with applicable Ministerial Directions (s.117 directions)?**

This should include an assessment of relevant s117 Ministerial Directions and sufficient detail to demonstrate that the request is consistent with the relevant s117 Ministerial Directions. If there are any inconsistencies, why these are justified.

**Section C – Environmental, Social and Economic Impact**

7. **Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the request?**

It may not be known at this stage whether threatened species or habitats will be impacted. The report should note whether there are potential impacts on species and habitats. Further investigation would occur should Council and the DoPE’s Gateway Determination resolve to proceed with the amendment. This further investigation will identify whether the request would adversely affect such species and habitats.

8. **Are there any other likely environmental effects as a result of the request and how are they proposed to be managed?**

A summary of the potential impacts of the request on the environment is to be provided. This should include positive and negative impacts. Where negative impacts are likely, proposed methods of amelioration need to be specified. A concise overview of the potential effects of the request on the character of the local environment needs to be presented. This must take into account factors such as alterations to traffic, visual changes, changes in topography, alteration to natural drainage etc.

This section will be updated once further studies and technical investigations occur, should Council and the Gateway Determination resolve to proceed with the amendment.

9. **How has the request adequately addressed any social and economic effects?**

A summary of the potential impacts of the request on the social and economic environment is required. This should include impacts on adjoining and nearby land uses, demographic changes and potential employment projections and social impacts. The request must demonstrate that any potential negative impacts can be appropriately ameliorated.

This section will be updated to incorporate the outcome of further studies and technical investigations, should Council and the Gateway Determination resolve to proceed with the amendment.

**Section D – State and Commonwealth Interests**

10. **Is there adequate public infrastructure for the request?**

Sufficient details are to be provided to demonstrate that infrastructure and facilities are available to service the outcomes of the request. Alternatively, it should be demonstrated that capacity is available for their provision and that initial inquiries indicate availability in a timely manner.

Infrastructure to be considered include water, sewerage, roads, railway, buses and electricity. Facilities to be considered include open space and recreation, community facilities, education and health care. Should the request potentially place additional demand on public infrastructure, this section will be developed further following consultation with the public authorities (providing Council and the Gateway Determination resolve to proceed with the proposal).
1.2 Other Issues for Consideration in the Request

If Council resolves to proceed with a Planning Proposal, it will be forwarded to the NSW DoPE for a Gateway Determination. If the Gateway Determination identifies that the proposal should proceed, the determination will set out details on required studies, government agency consultation and community consultation. Council is also responsible for undertaking any studies or technical investigations required to adequately assess the planning proposal. These studies will be prepared at the proponent’s expense.

A Planning Proposal may be amended prior to finalisation, to incorporate recommendations from technical studies, the views of relevant State and Commonwealth authorities, and community consultation.

NB. This Guide should be read in conjunction with Council’s Rezoning/LEP Amendment Request Information Sheet. These documents reflect the requirements of the Environmental Planning and Assessment Act 1979 and the Council Policy on the rezoning process.

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