

19 July 2011

Department of Planning
P O Box 1226
NEWCASTLE NSW 2300

Attention: Susan Blake

Dear Susan

Subject: Request for Gateway Determination - Administrative Amendment - Draft Amendment No 52 to Lake Macquarie Local Environmental Plan 2004

I write to request a Gateway determination for a Planning Proposal to make an administrative amendment to the Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004). The amendment is to be known as Lake Macquarie LEP Draft Amendment No. 52.

This LEP amendment commenced under the former plan-making provisions of the *EP&A Act 1979*. As a result of changes to the *EPA & A Act 1979* that occurred following commencement of draft Amendment No. 52, the proposed amendment is now formatted as a Planning Proposal (see Attachment 1).

Council resolved at its meeting on 13 October 2008 (08STRAT056) and 27 January 2009 (09STRAT004), to prepare administrative amendments to LMLEP 2004 pursuant to the then Section 54 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. On 23 February 2009 (09STRAT015), Council resolved to prepare an amendment to LMLEP 2004 to include 11 additional heritage items.

The amendments contained in all three Council reports were combined into one amendment and comprise the following changes:

- a) amend Schedule 4, 7 and 8 to reflect the current address and title details of properties listed within the respective schedules, and to remove properties where development is complete;
- b) amend Schedule 4 to insert eleven (11) additional heritage items;
- c) rezone 5 Banks Street Cardiff from 6(1) Open Space to 2(2) Residential (Urban Living);
- d) rezone 122 Ocean Street Dudley from 2(2) Residential (Urban Living) to 3(2) Urban Centre (Support) zone;
- e) rezone 7, 7A, 7B, 7C and 7D Park Street Belmont North from 2(1) Residential (Urban living) to 6(1) Open Space;
- f) remove the Council acquisition layer from properties where it is deemed no longer necessary for Council to acquire, or where Council now owns the property;
- g) apply zones to lands at Catherine Hill Bay, South Wallarah Peninsula, which were transferred from Wyong Shire Council; and
- h) amend the LMLEP 2004 zoning map to delineate the area affected by the SEPP (Major Development) Amendment (State Significant Sites – South Wallarah Peninsula) at Catherine Hill Bay.

The draft LEP amendment No. 52 was placed on public exhibition from 1 November 2010 until 29 November 2010. Five (5) submissions were received and the following changes were made to the Planning Proposal:

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Our Ref: RZ/1/2007 Your Ref:

- inclusion of a new map showing the land at South Buttaba Hills identified in Schedule 8 Item 1. This overcomes two objections that were received during public exhibition and clarifies the area subject to Schedule 8 Item 1.
- Removal of matters that have now been addressed in Draft Amendment No. 55 which was published on 10 June 2011.
- Map changes to indicate that the zoning of certain land at Catherine Hill Bay is now dealt with in SEPP (Major Development) Amendment (State Significant Sites – South Wallarah Peninsula) 2010, rather than SEPP (Major Development) 2005 (Amendment No. 26).

Council has also received recent confirmation from the Office of environment supporting the addition of the 11 heritage items on Schedule 4.

Consultation Requirements

Council requests that Department of Planning recognise the consultation work and public exhibition that have already occurred and waive any requirement for further exhibition.

Would you please forward the attached Planning Proposal and supporting information to Gateway for determination.

Should you require further information, please contact me on 4921 0764

Yours faithfully

Susie Young
Senior Strategic Planner
Integrated Planning Department

Attachments:

1. Planning Proposal (dated 18 July 2011)
2. Council Report and Resolution (13 October 2008)
3. Council Report and Resolution (27 January 2009)
4. Council Report and Resolution (23 February 2009)
5. Office of Environment and Heritage comments (29 October 2009 and 11 July 2011)
6. Copy of submissions:
 - i. DECCW (5 November 2011)
 - ii. RTA (6 December 2011)
 - iii. Owners of Lot 101 DP1125604 (23 November 2011)
 - iv. Owners of Lot 102 DP1128515 (25 November 2011)
 - v. Resident Submission