

25 July 2012

The Regional Manager
NSW Department of Planning
Hunter Regional Office
PO Box 1226
Newcastle NSW 2300

Dear Sir / Madam

Subject: Notification - Preparation of Draft Amendment No. 69 to Lake Macquarie Local Environmental Plan 2004 - Request for Gateway Determination to Lake Macquarie City Council to exhibit the plan.

Location: 1A Raymond Street, Speers Point - Lot 1 DP 557315 and Lot 21 DP 790637

I refer to the draft amendment, number 69, and request the Department's authorisation to proceed to exhibition. Council had received Written Authorisation to Exercise Delegation in 2008 however; changes in legislative processes now require Council to submit the draft plan to the Department for a Gateway Determination.

Background:

Council resolved at its meeting on 13 October 2008 to prepare a draft amendment to the Lake Macquarie LEP for land at the former Speers Point Quarry, to rezone the land from 4(1) Industrial (Core), 7(2) Conservation (Secondary), and 1(1) Rural (Production) to a mixture of land use zones to facilitate urban development and conservation.

On 16 December 2008, the Department of Planning advised council to proceed with the preparation of the draft LEP for the subject land. The Department directed Council to comply with Sections 57 and 61 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and provided Council with specifications for the preparation of a Local Environmental Study (LES). The LES was prepared by consultants RPS and completed in January 2012.

Council on 20 January 2009 undertook Agency consultation pursuant to s.62 and s.34A of the EP&A Act, during the preparation of the draft LEP.

Please forward this notification and attached information to your LEP Review Panel for determination and the Department's authorisation to proceed to exhibition.

The following documents are provided in support of this submission:

Council Ref	Details
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RZ/02/2008 Doc No	Report to Council seeking certification and exhibition of the draft plan
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Our Ref: RZ/02/2008

Request for Section 65 Certificate to Lake Macquarie City Cou.DOC

– D02552127

D02471343	Copy of section 62 Agency consultation responses
Pt of D02552127	Summary of section 62 responses and Council's comments – (refer to consultation section of council report)
D02605436	Draft Local Environmental Plan Map No.69 for the Director's Certification in accordance with the Environmental Planning and Assessment Act 1979
D02484591	Planning Proposal
D02598336	Council Minute

Should you require further information, please contact me on 4921 0509.

Yours faithfully

Gabriele Calcagno
Senior Strategic Planner
Integrated Planning Department

Enclosure - Section 54(4) Notification Advice Cover Sheet

Section 54(4) Notification Advice

Cover Sheet

Local Government Area: Lake Macquarie City Council
Name of Draft LEP: LMLEP No. 69
Address of Land (if applicable): 1A Raymond Street, Speers Point
Maps & Aerial Photos: Attached (refer to Planning Proposal appendices)

PURPOSE OF LEP:

- The purpose of the LEP is to rezone the land from 4(1) Industrial (Core), 7(2) Conservation (Secondary), and 1(1) Rural (Production) to a mixture of land use zones to facilitate urban development and conservation.
- The current Quarry site and zoned as 4(1) Industrial (Core), has exhausted its resource and is no longer viable. The quarry location is strategically placed and in close proximity to Speers Point and surrounding local villages and Town Centres. A rezoning of the land to include residential use will provide for infill housing in close proximity to those existing villages and towns' services and facilities, and is consistent with Council's Lifestyle 2020 Strategy and the Lower Hunter Regional Strategy.
- A Local Environmental Study (LES) concludes that the land could be rezoned to accommodate both residential uses and environmental outcomes. The draft LEP proposes that the land be rezoned from 4(1) Industrial (Core), 7(2) Conservation (Secondary), and 1(1) Rural (Production) to Zone 2(1) Residential Zone and balance 7(2) Conservation (Secondary),
- Section 62 Agency consultation has occurred during the preparation of the LES, and are attached for information. Further consultation will occur as a component of any future exhibition period.

JUSTIFICATION FOR LEP:

- There have been a number of preliminary planning studies commissioned by Lake Macquarie City Council (LMCC) for the subject land. These include the Munibung Hill Development Control Study and subsequent Munibung Hill Development Control Plan (DCP) in 1989. The subject land has also been the subject of a Draft land use strategy prepared by Dixon Rothschild and URS in 2005, on behalf of the Lake Macquarie Council.
- The proposal will provide additional housing as growth in the region occurs consistent with the projections within the Lower Hunter Regional Strategy and will generate additional jobs for the local community during the construction phase of the development.

The investigations within the LES provide a balanced evaluation of the possible development and conservation options, and form a sound basis for decision making over the site.

Key findings of the LES:

- *Approximately 11 hectares of land on the site will be available for residential development, which could include small lot housing, with approximately 69 Hectares of the site being zoned environmental protection.*
- *Appropriate landscaping and strict built form requirements will be necessary to ensure future development responds appropriately to the site within its environmental context.*
- *Opportunity to create an expanded Munibung Hill park including a network of pedestrian trails over the greater Munibung Hill area accessible from the east, west and south which has not been possible previously.*
- *Future development will require geotechnical, drainage, cultural heritage, and visual investigations to ensure all future impacts are identified and managed.*
- *The on-going management of the conservation areas will require investigation and the identification of options going forward.*

The implications of not proceeding with the LEP would render the existing land to retain the current Industrial zone, which is incompatible with residential uses in the immediate vicinity.

In conclusion, the attached Planning Proposal provides a thorough analysis of the strategic merit of the draft rezoning and the relevant s.117 Ministerial Directions and SEPPS and where inconsistent justified during investigation and consultation stages.

The proposal is consistent with the Lower Hunter Regional Strategy, Council's Strategic 2020 Lifestyle Strategy, and draft 2030 Lifestyle Strategy in providing residential development in close proximity to the local centre of Speers Point, and town centres of Warners Bay, Cardiff, and Glendale.