

**Submission
No 306**

**INQUIRY INTO PLANNING PROCESS IN NEWCASTLE
AND THE BROADER HUNTER REGION**

Organisation: Lake Macquarie City Council

Date received: 27/10/2014



22 October 2014

Legislative Council
Select Committee on the Planning Process in Newcastle and the Broader
Hunter Region
Parliament House
Macquarie Street
SYDNEY 2000

Dear Mr Nile

Subject: Council Response Regarding Inquiry into the Planning Process in Newcastle and the broader Hunter Region

The nature of the inquiry regarding the "Whitebridge development site" in the terms of reference provided by the Select Committee on the Planning Process in Newcastle and the Boarder Hunter Region, specify the "Whitebridge development plan in Lake Macquarie". In this regard, it is unclear whether the inquiry seeks to investigate DA/1774/2013 or whether it seeks to investigate the rezoning process, which was a precursor to DA/1774/2013, or some other matter. To facilitate your investigation a summary and status of both the rezoning and current development application are provided as follows.

The land the subject of DA 1774/2013 is identified as 142 – 146 Dudley Road Whitebridge and 2 – 4 Kopa Street Whitebridge (Lot 1 – 3 DP 436503, Lot 1 – 3 DP 349377, Lot 4 DP 663765 and Lot 2 – 3 DP 26039). The land was formerly owned by NSW Roads and Maritime Services, as a future road corridor known as the East Charlestown bypass. In 2006 the East Charlestown Bypass was abandoned as the corridor was no longer required for arterial road purposes. The RTA then requested Council to prepare a Local Environmental Plan (LEP) amendment to rezone the land, to reflect that the corridor was no longer required for infrastructure. An outline of the rezoning process is provided below.

20 September 2006	Roads and Traffic Authority (RTA) write to inform Council that the Minister for Roads has decided to abandon the Belmont and East Charlestown Bypass (B&EC Bypass), a proposal that was first identified in the 1950s, copy provided at Annexure 1.
15 January 2007	RTA writes to formally ask Council to rezone the former B&EC Bypass Corridor land so that it is no longer identified as a proposed road corridor in LMLEP 2004.
1 December 2008	Council resolves to rezone the former corridor, north of Dudley Road, Whitebridge, to the Newcastle City Council boundary,

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"Quality Lifestyle"

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	pursuant to a section 54 report to the Council, copy attached at Annexure 2. The rezoning is being staged as Urban Growth NSW owns substantial holdings along the alignment of the former corridor south of Dudley Road and would like to undertake detailed investigation on the land's potential for urban development.
12 October 2010	Section 65 Certificate to exhibit the draft Local Environmental Plan (LEP) amendment is received. Detailed investigations for Stage 1 land were completed in September and Council staff request a s65 certificate from the Department of Planning to allow exhibition of the draft LEP amendment. Council staff had delegation to seek the certificate without proceeding back to Council for a resolution.
20 October 2010 to 30 November 2010	Draft LEP amendment publically exhibited in accordance with the <i>Environmental Planning and Assessment Act 1979</i> . State and Federal MP's were notified according to standard procedure of the exhibition of the rezoning. The only letters from State and Federal MP's came from Jill Hall (Member for Shortland) and Matthew Morris (Member for Charlestown) on behalf of Mr S Abrahams about the zone of his property at 42 Lonus Avenue Whitebridge.
18 April 2011	Amendment converted to a Planning Proposal and Gateway Determination issued.
2 September 2011	Amendment to Lake Macquarie Local Environmental Plan 2004 made in accordance with the Planning Proposal.

Subsequent to the rezoning of the land, Council staff were approached for formal pre-lodgement meetings. Council staff undertook two formal pre-lodgement meetings (23 July 2013 and 12 September 2013) with the proponent prior to lodgement of the development application on 21 November 2013. The development application has a nominated capital investment value of \$23 million, which triggers, under Schedule 4 of the *Environmental Planning and Assessment Act 1979*, determination by the Hunter and Central Coast Joint Regional Planning Panel (JRPP) with assessment by Council staff. A timeline of the pre-lodgement and development application process to date is provided below.

Development application, DA/1774/2013, process and status:

23 July 2013	Pre-lodgement meeting held at Lake Macquarie Council with Council officers and the proponent (Simon Livingston, Wade Morris, Kim Gerrish, Penny Solman, Graeme Holmes and Helen Mansfield), a copy of the meeting notes is attached as Annexure 3.
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27 July 2013	Minutes of pre-lodgement meeting emailed to Wade Morris.
12 September 2013	Second pre-lodgement meeting held at Lake Macquarie Council with Council officers and the proponent (Simon Livingston, Wade Morris, Matthew Watson, Penny Solman, Kim Gerrish, John Carr and Helen Mansfield). A copy of the meeting record is attached as Annexure 4.
17 September 2013	Minutes of pre-lodgement meeting emailed to Wade Morris.
21 November 2013	Development application (DA/1774/2013) electronically lodged with Council.
21 November 2013	Registration of application on Joint Regional Planning Panel (JRPP) website.
29 November 2013	Notification of application to adjoining and adjacent properties, this included letters being sent to over 400 properties. Extended period for notification provided to allow for the Christmas / New Year period, with the notification letter advising of end date of 15 January 2014.
2 December 2013	Letter to NSW Department of Planning (Newcastle office) advising of development and providing an exhibition copy of documentation for display.
2 December 2013	Letter to JRPP attaching a copy of the development application.
2 December 2013	Notification sign placed on site – at Dudley Road frontage and Kopa Street frontage.
2 December 2013	Integrated referral letter sent to Mine Subsidence Board.
2 December 2013	Referral to Roads and Maritime Services under State Environmental Planning Policy (Infrastructure) 2007.
2 December 2013	Referral to interested government agencies, including Ausgrid, Hunter Water Corporation, and NSW Police.
9 December 2013	Council meeting resolves to prepare a Councillor submission to the JRPP and request extension of time to 12 February 2014 for submissions from the community.
13 December 2013	Email to JRPP seeking advice concerning Council's resolution requesting an extension of time for submissions from the community.
16 December 2013	Internal referral requests sent.
16 December 2013	Email response from JRPP secretariat approving extension of notification period to 12 February 2014.

17 December 2013	Councillor briefing session providing development application overview and opportunity for Councillors to identify matters to be raised in the Councillor submission. This process is undertaken independently of the DA assessment using separate staff to coordinate each activity.
17 January 2014	Complete set of documentation made available to the community at Charlestown library.
12 February 2014	End of notification period, over 400 submissions received
13 February 2014	Briefing session with Hunter Central Coast JRPP, notes are attached as Annexure 5.
24 February 2014	Council resolution to endorse and submit a submission for consideration by the assessing officer as part of the report to the JRPP, a copy of the Council resolution is attached as Annexure 6.
4 March 2014	Letter sent requesting comment from NSW Rural Fire Service.
5 March 2014	Letter received from Mine Subsidence Board refusing to issue General Terms of Approval for development but requesting additional information from the applicant, a copy is attached as Annexure 7.
12 March 2014	Development presented to SEPP 65 Panel for comment.
11 April 2014	Formal notification of request for information from applicant, seeking redesign of development having regard to Mine Subsidence Board comments, community involvement and Council staff comments.
1 May 2014	Email to Councillors advising of application status, a copy is attached as Annexure 8.
9 July 2014	Draft revised development scheme presented to SEPP 65 Panel for comment.
22 August 2014	Amended and revised development application package submitted to Council.
27 August 2014	Notification of modified application to adjoining and adjacent properties, with notification to end 12 September 2014. Over 600 letters / emails were sent to people who previously responded to the notification and those people previously notified.
27 - 28 August 2014	Internal referral requests sent.
29 August 2014	Integrated referral letters sent to Mine Subsidence Board and NSW Rural Fire Service.

29 August 2014	Letter sent to NSW Department of Planning seeking concurrence under SEPP1, copy is attached as Annexure 9.
29 August 2014	Referral to interested government agencies, including Ausgrid, Hunter Water Corporation, and NSW Police.
2 September 2014	Letter received from Mine Subsidence Board refusing to issue General Terms of Approval for development but requesting additional information from the applicant.
3 September 2014	Email to Councillors advising of receipt of amended plans.
8 September 2014	Email to applicant advising of Mine Subsidence Board non-issue of General Terms of Approval and request for information.
8 September 2014	Email to Councillors advising of extension of time for notification period to 26 September 2014.
26 September 2014	End of notification period, with over 170 submissions received.
8 October 2014	Revised development scheme presented to SEPP 65 Panel for comment, a copy of the SEPP 65 meeting minutes are attached as Annexure 10.
9 October 2014	Re-briefing session with Hunter Central Coast JRPP, a copy of the briefing notes are attached as Annexure 11.
Current Status	The application is under assessment by Council officers awaiting additional information from the applicant regarding Mine Subsidence Board concerns.

Yours sincerely

Morven Cameron
Acting General Manager