



Mr Brian Bell
General Manager
Lake Macquarie City Council
Box 1906
HUNTER REG MAIL CTR NSW 2310

Our ref: PP_2013_LAKEM_013_00 (13/15470)
Your ref: F2013/00804

Att: Andrejs Rubenis

Dear Mr Bell,

Planning Proposal to amend Lake Macquarie Local Environmental Plan (LEP) 2004 and draft Lake Macquarie LEP 2013

I refer to Council's letters dated 10 September, and 10 October 2013 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") in respect of the planning proposal to: reclassify various sites a Cardiff Heights, New Lambton Heights, Warners Bay, Glendale, Edgeworth, and Charlestown; and rezone various sites at Edgeworth and Charlestown; and, if the proposal amends Lake Macquarie LEP 2013, to amend associated development standards applying to the subject lands.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed that the planning proposal's inconsistency with S117 Direction 4.1 Acid Sulfate Soils is of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes because there is an adequate supply of open space and the sites involved are of a small size. No further approval is required in relation to these Directions.

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions 4.2 Mine Subsidence and Unstable Land and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the department's practice note *PN09-003, Classification and reclassification of public land through a local environmental plan*. Because the proposal involves Council owned land, I have elected not to issue Council with delegations to finalise this plan.

The amending LEP is to be finalised within 9 months. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the department to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any questions regarding this matter, please contact Susan Blake of the Department's Newcastle office on 4904 2700.

Yours sincerely,

 1/11/13

Michael Leavey
Regional Director
Hunter & Central Coast Region
Planning Operations and Regional Delivery

Gateway Determination

Planning Proposal (Department Ref: PP_2013_LAKE M_013_00): to reclassify, rezone and amend the development standards for land in Lake Macquarie LGA.

I, the Regional Director, Hunter & Central Coast Region at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Lake Macquarie Local Environmental Plan (LEP) 2004 or draft Lake Macquarie LEP 2013 to:

- a) reclassify Lot 41 DP 556474 at Cardiff Heights, Lot 42 DP 556474 at New Lambton Heights, Part of Lot 31, DP 718196 at Warners Bay, Lot 12 DP 567707 at Glendale, Lot 102 DP 241213 Edgeworth, and Part of Lot 22 DP 249304, and Part of Lot 100 DP 706965 at Charlestown;
- b) rezone land at 88 Neilson Street Edgeworth, and 11 Luprena Close Charlestown, for residential purposes, and land at 320 Pacific Highway Charlestown for tourism and recreation purposes; and
- c) if the proposal amends Lake Macquarie LEP 2013, to amend associated development standards applying to the subject lands,

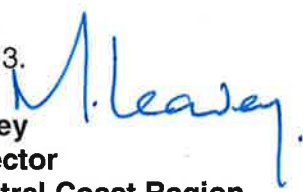
should proceed subject to the following conditions:

1. 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 **28 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)*.
2. 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:
 - NSW Rural fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)

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. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.
3. 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).
4. The timeframe for completing the LEP is to be **9 months**.

5. Council amend the Planning Proposal prior to exhibition to clarify the amount of land that is to be reclassified, and for which public reserve status will be removed, for 11 Luprena Close, Charlestown.

Dated 1st day of November 2013.


Michael Leavey
Regional Director
Hunter & Central Coast Region
Planning Operations and Regional
Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and
Infrastructure