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Our ref: PP\_2013\_LAKEM\_006\_00 (13/09277)

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

Dear Mr Bell,

**Planning proposal to amend Lake Macquarie Local Environmental Plan (LEP) 2004 or draft Lake Macquarie LEP 2013**

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal (Amendment No. 74) to reclassify 8 sites within the Lake Macquarie local government area from 'community' to 'operational' land and rezone land at 5 and 7 Glendon Crescent, Glendale from 6(1) Open Space to 2(1) Residential under Lake Macquarie Local Environmental Plan (LEP) 2004 or rezone the land to R2 Low Density Residential and apply a 450sqm minimum lot size and 8.5m maximum building height to the land under draft Lake Macquarie LEP 2013.

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 the planning proposal's inconsistency with S117 Direction 3.2 Caravan Parks and Manufactured Home Estates 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 on the basis of the lands small size, current use and zoning. No further approval is required in relation to these Directions.

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*.

The amending LEP is to be finalised within 12 months of the week following the date of the Gateway determination. 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 queries in regard to this matter, please contact Dylan Meade of the regional office of the department on 02 4904 2700.

Yours sincerely,



**Neil McGaffin**  
**Executive Director**  
**Rural and Regional Planning**  
**Planning Operations and Regional Delivery**

14.6.13

## Gateway Determination

**Planning proposal (Department Ref: PP\_2013\_LAKEM\_006\_00):** to reclassify various sites from 'community' to 'operational' land and rezone land at Glendale for residential purposes.

I, the Executive Director, Rural and Regional Planning 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 to reclassify 8 sites within the Lake Macquarie local government area from 'community' to 'operational' land and rezone land at 5 and 7 Glendon Crescent, Glendale from 6(1) Open Space to 2(1) Residential or rezone the land to R2 Low Density Residential and apply a 450sqm minimum lot size and 8.5m maximum building height to the land under draft Lake Macquarie LEP 2013 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 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:
  - Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
  - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)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.
3. A public hearing is not required to be held into the matter under section 56(2)(e) of the EP&A Act. However, a public hearing is required to be held into the matter in accordance with the department's practice note PN09-003, as the planning proposal involves a reclassification of land from community to operational.
4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 14th day of June 2013.



**Neil McGaffin**  
Executive Director  
Rural and Regional Planning  
Planning Operations and Regional Delivery  
Department of Planning and Infrastructure

**Delegate of the Minister for Planning and Infrastructure**