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Our ref: PP_2013_LAKEM_016_00 (13/17914)
Your ref:

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 2004

I am writing in response to your Council's letter dated 25 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 rezone land in the suburbs of Speers Point, Whitebridge and Coal Point, and amend the permissibility of child care centres.

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 inconsistencies with S117 Direction 2.1 Environment Protection Zone 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. No further approval is required in relation to these Directions.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

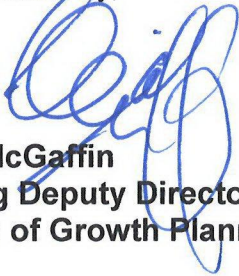
The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

In regards to the rezoning of certain sites at Speers Point from 7(2) Conservation (Secondary) to 2(1) Residential, Council is encouraged to consider the environmental attributes of the land and further investigate the appropriateness of this or any other zoning to better conserve the environmental integrity of the land.

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, I have arranged for Mr Ken Phelan of the Department's regional office to assist you. Mr Phelan can be contacted on (02) 4904 2700.

Yours sincerely,



23.12.13

Neil McGaffin
Acting Deputy Director General
Office of Growth Planning & Delivery

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2013_LAKEM_016_00): to rezone numerous sites at Speers Point and Whitebridge and amend the acquisition layer and Land Use Tables.

I, the Acting Deputy Director General, Office of Growth Planning & Delivery 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:

- remove 13 Whitelocke Street, Coal Point from the acquisition layer;
- include 'childcare centres' as permissible with consent in 6(2) Tourism and Recreation Zone;
- remove 'childcare centres' as permissible with consent in 4(1) Industrial Core Zone; and
- rezone 2 sites in Spears Point from 7(2) Conservation (Secondary) to 2(1) Residential and rezone 2 sites at Whitebridge from 2(1) Residential to 7(2) Conservation (Secondary)

should proceed subject to the following conditions:

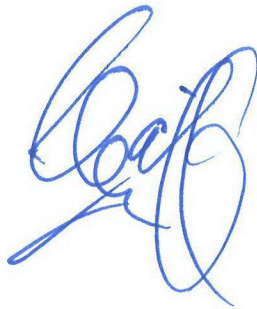
1. Prior to public exhibition, amendments to Council's Land Reservation Acquisition Map reflecting the removal of 13 Whitelocke Street, Coal Point is to be prepared and included with the planning proposal for the purposes of public exhibition.
2. Prior to public exhibition, Council is to update the planning proposal to demonstrate compliance with the requirements of State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land.
3. 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 **14 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).
4. 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)
 - Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - Roads and Maritime Services

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 above consultation with public authorities has been undertaken, Council is to update the planning proposal to reflect the outcomes of the work and consultation undertaken prior to exhibition.

5. 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).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 23rd day of December 2013.



Neil McGaffin
Acting Deputy Director General
Office of Growth Planning & Delivery
Department of Planning and
Infrastructure

Delegate of the Minister for Planning
and Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Lake Macquarie Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_LAKEM_016_00	Planning proposal to: • remove 13 Whitelocke Street, Coal Point from the acquisition layer; • include 'childcare centres' as permissible with consent in 6(2) Tourism and Recreation Zone; • remove 'childcare centres' as permissible with consent in 4(1) Industrial Core Zone; and • rezone 2 sites in Spears Point from 7(2) Conservation (Secondary) to 2(1) Residential and rezone 2 sites at Whitebridge from 2(1) Residential to 7(2) Conservation (Secondary)

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 23 December 2013

Neil McGaffin
Acting Deputy Director General
Office of Growth Planning & Delivery

