



Planning



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Department Generated Correspondence (Y)

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Our ref: PP_2011_LAKEM_002_00 (10/17858)

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

Dear Mr Bell,

Re: Planning Proposal to rezone the former Pasminco Cockle Creek Smelter site and the Incitec Pivot Fertilizer site, Boolaroo from Industrial and Conservation to Residential, Mixed Use, Industrial and Conservation zones.

I am writing in response to your Council's letter 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 amend the Lake Macquarie Local Environmental Plan 2004 to rezone the former Pasminco Cockle Creek Smelter site and the Incitec Pivot Fertilizer site (as identified on the map at Appendix 4 of the planning proposal) from 4(1) Industrial (Core) and 7(2) Conservation (Secondary) to 2(1) Residential, 2(2) Residential (Urban Living), B4 Mixed Use, 4(2) Industrial (General) and 7(2) Conservation (secondary) Zones.

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

Council are to continue consultation with the Department of Environment, Climate Change and Water regarding the proposal's remediation strategies, the construction of the on-site contamination cells, contaminated soil materials and impacts on flora, fauna and threatened species.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 2.1 Environmental Protection Zones, are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (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 s54(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 James Shelton of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Gellibrand', with a stylized flourish at the end.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

20/2/11

Gateway Determination

Planning Proposal (Department Ref: PP_2011_LAKEM_002_00): to rezone the former Pasminco Cockle Creek Smelter site and the Incitec Pivot Fertilizer site, Boolaroo from Industrial and Conservation to Residential, Mixed Use, Industrial and Conservation zones.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Lake Macquarie Local Environmental Plan 2004 to rezone the former Pasminco Cockle Creek Smelter site and the Incitec Pivot Fertilizer site (as identified on the map at Appendix 4 of the planning proposal) from 4(1) Industrial (Core) and 7(2) Conservation (Secondary) to 2(1) Residential, 2(2) Residential (Urban Living), B4 Mixed Use, 4(2) Industrial (General) and 7(2) Conservation (secondary) Zones 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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Environment, Climate Change and Water

This public authority is to be provided with a copy of the planning proposal and any relevant supporting material. The public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. This public authority may request additional information or additional matters to be addressed in the planning proposal.
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** from the week following the date of the Gateway determination.

Dated 20th day of February 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning