



Planning



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Department Generated Correspondence (Y)

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Our ref: PP_2010_LAKEM_003_00 (10/13191)
Your ref: F2010/00104

Mr Brian Bell
General Manager
Lake Macquarie City Council
Box 1906
HUNTER REGION MAIL CENTRE NSW 2310

Dear Mr Bell

Re: Planning Proposal to include "Sustainable Generating Works" as a permissible use in the Infrastructure, Open Space and 4(2) & 4(3) Industrial Zones in Lake Macquarie Local Environmental Plan 2004

I am writing in response to the Council's letter dated 14 July 2010 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 by including "Sustainable Generating Works" as a permissible use within the 5 Infrastructure, 6(1) Open Space, 4(2) Industrial (General) and 4(3) Industrial (Urban Services) 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.

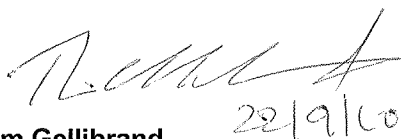
The decision to allow this planning proposal to proceed is based on the fact that the current Lake Macquarie Local Environmental Plan (2004) already contains a definition of Sustainable Generating Works and permits this form of development in certain zones. Nevertheless, as the Standard Instrument LEP does not define this type of development, Council will need to consider how best to address this issue in its Comprehensive Plan.

The amending Local Environmental Plan (LEP) is to be finalised within 6 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 Amy Blakley of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,



22/9/10

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_LAKEM_003_00): to include "Sustainable Generating Works" as a permissible use in the 5 Infrastructure, 6(1) Open Space, 4(2) Industrial (General) and 4(3) Industrial (Urban Services) zones in the Lake Macquarie Local Environmental Plan 2004.

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 include "Sustainable Generating Works" as a permissible use in the 5 Infrastructure, 6(1) Open Space, 4(2) Industrial (General) and 4(3) Industrial (Urban Services) 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the Aboriginal Land Council under section 56(2)(d) of the EP&A Act. This authority is to be provided with a copy of the planning proposal and any relevant supporting material. It is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. It may request additional information or additional matters to be addressed in the planning proposal.
3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 22nd day of September 2010.



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