



Planning

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Our ref: N09/00130
Your ref: F2007/02154

Mr Brian Bell
General Manager
Lake Macquarie City Council
Box 1906
HRMC NSW 2310

Dear Mr Bell,

Re: Planning Proposal for reclassification and rezoning of various properties that have been assessed as surplus to Council's needs

I am writing in response to your Council's letter dated 23 September 2009 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 Lake Macquarie Local Environmental Plan 2004 to reclassify and rezone various properties that have been assessed as surplus to Council's needs.

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 Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act I am satisfied that the planning proposal is in a form that can be made available for community consultation.

Within the exhibition material, Council is to fully explain the reasons for the reclassifications and rezonings, its disposal strategy and the intended future use of the subject lands.

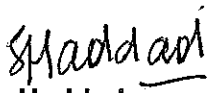
The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination.

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.

I have formed the opinion that the inconsistency with the section 117 Direction 6.2 Reserving Land for Public Purposes is justifiable as the draft plan and its provisions are justified by a planning proposal prepared in support of the proposed land uses which gives consideration to the objective of this direction.

Should you have any queries in regard to this matter please contact Amy Blakely in the Department's regional office at Newcastle. Ms Blakely can be contacted on telephone (02) 4904 2705.

Yours sincerely,


Sam Haddad
Director-General

17/11/2009

Gateway Determination

Planning Proposal (Department ref: N09/00130): To reclassify and rezone the following properties which have been assessed as surplus to Council's needs:

- 42 Illawarra Avenue, Cardiff
- 8a Edward Street, Fennell Bay
- 21a George Street, Holmesville
- 38 Alison Street, Redhead
- 20 & 22 Summerhayes Road, Wyee

I, the Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment of the Lake Macquarie Local Environmental Plan 2004 to reclassify and rezone various properties that have been assessed as surplus to Council's and the communities' needs should proceed subject to the following conditions:

1. Council is to include in the public exhibition material justification for the proposed reclassifications/rezonings, including an analysis of the open space lands which demonstrates that they are surplus to Council's needs.
2. 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 not classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning 2009) and therefore 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).
3. No consultation is required with State or Commonwealth public authorities under section 56(2)(d) of the EP&A Act.
4. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act; noting that a public hearing is still required to be held under section 29 of the Local Government Act.
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 17th day of November 2009.



Sam Haddad
Delegate for the Minister for Planning