



qB185481

12/03124

Department Generated Correspondence (Y)

Contact: Dylan Meade
Phone: (02) 4904 2700
Fax: (02) 4904 2701
Email: Dylan.Meade@planning.nsw.gov.au
Postal: PO Box 1226, Newcastle NSW 2300

Our ref: PP_2012_LAKEM_002_00 (12/01813)
Your ref: F2011/00899

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

Dear Bell,

Re: Planning Proposal to reclassify land at Cardiff and Glendale from Community to Operational land

I am writing in response to your Council's letter dated 12 January 2012 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 reclassify land at Cardiff and Glendale from Community to Operational land.

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

Council is to consult with Transport for NSW – Roads and Maritime Services prior to undertaking community consultation for the planning proposal and take into account any comments made.

It is recommended that Council improve the exhibition maps to show the subject land in a broader context within the Cardiff and Glendale areas. Council should make the changes prior to consultation with Transport for NSW – Roads and Maritime Services and public exhibition of the planning proposal.

It is possible that Council's principal LEP will be finalised before finalisation of this planning proposal. Considering uncertainty around the timing of the draft Lake Macquarie LEP 2012, the Department recommends the planning proposal proceed as both an amendment to 'Schedule 3 – Reclassification of Community to Operational Land' of the Lake Macquarie LEP 2004 **and** an amendment to 'Schedule 4 – Classification and reclassification of public land' of the Draft Lake Macquarie LEP 2012.

Council is reminded of its obligations for exhibiting and conducting a public hearing when reclassifying land from 'community' to 'operational' land as per the Department's LEP Practice Note PN-003.

The Director General's delegate has also agreed that the planning proposal is consistent with all relevant S117 Directions. No further approval is required in relation to these Directions.

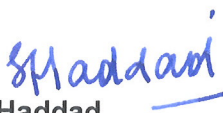
The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal as soon as possible following the recommended map changes and consultation with Transport for NSW – Roads and Maritime Services. 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 Dylan Meade of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,


Sam Haddad
Director-General
20/2/2012.

Gateway Determination

Planning Proposal (Department Ref: PP_2012_LAKEM_002_00): to reclassify land at Cardiff and Glendale from Community to Operational land.

I, the Deputy Director General, Plan Making & Urban Renewal 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 2004 to reclassify land at Cardiff and Glendale from Community to Operational land should proceed subject to the following conditions:

1. Council must make changes to the exhibition maps to show the subject land in a broader context within the Cardiff and Glendale areas. Council must make the changes prior to consultation with Transport for NSW – Roads and Maritime Services and before the planning proposal goes on public exhibition.
2. Council should consider progressing the planning proposal as an amendment to 'Schedule 3 – Reclassification of Community to Operational Land' of the Lake Macquarie LEP 2004 **and** an amendment to 'Schedule 4 – Classification and reclassification of public land' of the Draft Lake Macquarie LEP 2012.
3. Council is to be aware of its obligations for exhibiting and conducting a public hearing when reclassifying land from 'community' to 'operational' land as per the Department's LEP Practice Note PN-003.
4. 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)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Transport for NSW – Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority 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. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
6. 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).
7. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.



Planning & Infrastructure

Dated

20th

day of

February

2012.

SHaddad

Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure