



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

Our ref: PP_2012_LAKEM_003_00 (12/03616)

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 land at 667 Pacific Highway and 31 Alick Street Belmont from Zone 6(2) Tourism and Recreation to Zone 2(1) Residential Zone.

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 and the draft Lake Macquarie principal LEP 2012 to rezone land used for tourism and recreation purposes at 667 Pacific Highway and 31 Alick Street Belmont to land zoned for Residential use.

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.

It is possible that Council's principal LEP will be finalised before the notification of this planning proposal. The Department therefore requires that the planning proposal proceed as both an amendment to the current Lake Macquarie LEP 2004 and the draft principal Lake Macquarie LEP 2012. Council should liaise with the Department's Regional Team in relation to how the planning proposal will amend both instruments and how this information will be accurately exhibited to the community.

Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, take into account any comments made and amend the planning proposal (if necessary) as per the requirements of S117 Direction 4.4 Planning for Bushfire protection.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 4.1 Acid Sulphate Soils and 4.3 Flood Prone Land 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 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 Susan Blake of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,



Sam Haddad
Director-General

2/4/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_LAKEM_003_00): to rezone land at 667 Pacific Highway and 31 Alick Street Belmont from Zone 6(2) Tourism and Recreation Zone to Zone 2(1) Residential Zone

I, the Director General, 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 2004 to rezone land at 667 Pacific Highway and 31 Alick Street Belmont from Zone 6(2) Tourism and Recreation Zone to Zone 2(1) Residential Zone should proceed subject to the following conditions:

1. The planning proposal is to proceed as an amendment to both the Lake Macquarie LEP 2004 and the draft principal Lake Macquarie LEP 2012. The exhibition material, including relevant maps (eg. Height of Buildings, Floor Space Ratio and Minimum Lot Size), must clearly show to the community how the planning proposal will amend both instruments.
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 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)*.
3. Under section 56(2)(d) of the EP&A Act consultation is required with the NSW Rural Fire Service.

This 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.

4. 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).
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated

2nd day of April

2012.


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