



Office of the Director General

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

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

Our ref: PP_2012_LAKEM_010_00 (12/16955)
Your ref:

Dear Mr Bell,

Gateway review of a planning proposal to amend Lake Macquarie Local Environmental Plan (LEP) 2004 or draft Lake Macquarie LEP 2013

I am writing in response to Council's request dated 3 January 2013 for a revised Gateway determination in respect of the planning proposal (PP_2012_LAKEM_010_00) to reclassify land at Ada Street, Cardiff from 'community' to 'operational' and permit medical centre, shop and car park as additional permitted uses for the subject land.

As delegate of the Minister for Planning and Infrastructure, I have now considered Council's request for a revised Gateway determination and have decided to support this request under s56(7) of the Environmental Planning and Assessment Act 1979 (the EP&A Act) to ensure that the development in this instance is not unnecessarily delayed. A revised Gateway determination is attached.

I have also agreed the planning proposal's inconsistency with S117 Direction 6.3 Site Specific Provisions is of minor significance. No further approval is required in relation to this Direction.

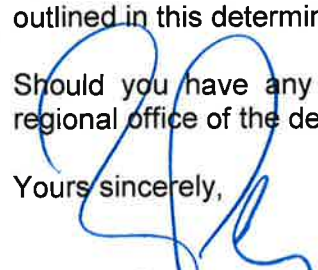
As advised in the original Gateway determination Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the Department's Practice note *PN09-003, Classification and reclassification of public land through a local environmental plan*.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the revised Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. 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 NSW 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 Ben Holmes of the regional office of the department on 02 4904 2700.

Yours sincerely,


Richard Pearson
A/Director General

8/3/13

Revised Gateway Determination

Planning proposal (Department Ref: PP_2012_LAKEM_010_00): to permitted additional uses and reclassify land at Ada Street, Cardiff.

I, the Acting Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(7) of the EP&A Act that an amendment to Lake Macquarie Local Environmental Plan (LEP) 2004 or draft Lake Macquarie LEP 2013 to permit as additional permitted uses medical centre, shop and car park at Lot 22 DP 245962 and part Lot 21 DP 245962 and reclassify part Lot 21 DP 245962 from 'community' to 'operational' land should proceed subject to the following conditions:

1. Prior to commencing public exhibition, Council is to:
 - (a) address the Director-General's requirements relating to the reclassification of public land consistent with section 5.5.4 of *A Guide to Preparing LEPs*, which includes advising whether the planning proposal extinguishes any interests;
 - (b) update the 'explanation of provisions' within the planning proposal to correctly identify the part of Schedule 4 of draft LEP 2013 which is to be amended, should there be interests to be extinguished.
 - (c) include a project timeline, consistent with Section 2.6 Part 6 of the *A Guide to Preparing Planning Proposals*. The project timeline is to provide a mechanism to monitor the progress of the planning proposal; and
 - (d) combine planning proposals for draft amendment 70 and 73 and progress the rezoning and reclassification of the subject land as one planning proposal.
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 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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Infrastructure 2012).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - 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, and given at least 21 days to comment on the 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).



Planning & Infrastructure

5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the revised Gateway determination.

Dated

8

day of

March

2013.


Richard Pearson
A/Director General
Delegate of the Minister for Planning and
Infrastructure