



Office of the Director General

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

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

Dear Mr Bell,

Planning proposal to amend Lake Macquarie Local Environmental Plan 2004

I am writing in response to Council's request for 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 (LEP) 2004 to reclassify land from 'community' land to 'operational' land and include 'medical centre' as an additional permitted use for land at Ada Street, Cardiff.

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

The intended outcome to permit a medical centre and associated car parking on the subject land is supported. However, the inclusion of items as 'additional permitted uses' is not supported in preference to using zoning and land use permissibility in the Land Use Tables of Council's LEP. Council is to progress the matter by rezoning the land to an appropriate zone. Council should consider a zone equivalent to that under Council's Standard Instrument LEP that would facilitate the approval of the proposed use under the Infrastructure SEPP, such as the 2(2) Residential Urban Living zone. Council is to amend the planning proposal accordingly prior to the commencement of public exhibition.

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*.

In regards to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land used for public purposes. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 to meet the 12 month timeframe. 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 Trent Wink of the regional office of the department on 02 4904 2700.

Yours sincerely,



Sam Haddad
Director General

28/11/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_LAKEM_010_00): to amend Lake Macquarie Local Environmental Plan 2004 to reclassify land from 'community' land to 'operational' land and include 'medical centre' as an additional permitted use for land at Ada Street, Cardiff.

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 either the Lake Macquarie Local Environmental Plan (LEP) 2004 or the draft Lake Macquarie LEP 2012 to permit Medical centre, shop and associated car parking 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. The inclusion of 'development for the purpose of a medical centre, shop, and associated car parking' as additional permitted uses is not supported in this instance. Council is to rezone the land to an appropriate zone and amend the planning proposal accordingly prior to the commencement of public exhibition.
2. Prior to commencing public exhibition, Council is to:
 - (a) prepare a map that clearly identifies land to be reclassified at 60 Ada Street, Cardiff;
 - (b) ensure the part of 60 Ada Street, Cardiff being reclassified is rezoned to the same zone proposed for 52 Ada Street, Cardiff; and
 - (c) combine the two planning proposals for draft amendment 70 and 73 and progress the rezoning and reclassification of the subject land as one planning proposal.
3. 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)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Mine Subsidence Board
 - NSW Rural Fire Service
 - 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.



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

Dated 28th day of November 2012.

SHaddad

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