



Our ref: PP_2013_LAKEM_011 (13/11841)
Your ref: RZ/6/2013

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

Att: Angel Troke

Dear Mr Bell

Planning Proposal to amend Lake Macquarie Local Environmental Plan 2004 or Draft Lake Macquarie LEP 2013

I refer 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 rezone the Charlton Christian College site from 10 Investigation to 2(1) Residential and 7(2) Conservation (Secondary); and rezone part of the railway corridor from 10 Investigation to 5 Infrastructure and 7(2) Conservation (Secondary).

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.

Please note that additional information will be required to determine whether or not the inconsistency with s117 Direction 4.2 Flood Prone Land is justifiable and this matter will need to be addressed prior to the proposal being finalised. In addition consistency with s117 Directions 1.3 Mining, Petroleum Production & Extractive Industries, 4.2 Mine Subsidence and Unstable Land and 4.4 Planning for Bushfire Protection, cannot be determined until after consultation with relevant agencies. Council is reminded that any minor inconsistencies with s117 Directions need to be agreed to prior to the plan being submitted to be made.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan. Council's cooperation in completing the attached reporting template and returning it to the Department to assist in tracking progress of the proposal would be appreciated.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office at least 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

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 section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any questions regarding this matter, please contact Susan Blake of the Department's Newcastle office on 4904 2700.

Yours sincerely



Michael Leavey
Regional Director
Hunter & Central Coast Region

13/8/13

Gateway Determination

Planning Proposal (Department Ref: PP_2013_LAKEM_011_00): to rezone Lot 1 DP 882105 at 43 Fassifern Road, Fassifern and Lot 4 DP 926559 at 18 Tucker Close, Fassifern for residential, infrastructure and conservation purposes.

I, the Regional Director of the Hunter & Central Coast Region at the 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 (LEP) 2004 to Lake Macquarie LEP 2013 to rezone the Charlton Christian College site from Investigation to part Residential and Conservation; and rezone part of the railway corridor from Investigation to Infrastructure and Conservation should proceed subject to the following conditions:

1. 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 & Infrastructure 2013)* and must be made publicly available for a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
2. Additional information regarding the proposal's inconsistency with s117 direction 4.3 Flood Prone Land, is required to be included as part of the Planning Proposal. This information may include, but is not limited to, a copy of the flood affected area overlain by the proposed residential zoning.
3. Consultation is required with the following public authorities, prior to exhibition, to comply with the requirements of relevant S117 Directions:
 - Department of Primary Industries (S117 Direction – 1.3 Mining, Petroleum Production & Extractive Industries)
 - Mine Subsidence Board (S117 Direction – 4.2 Mine Subsidence and Unstable Land)
 - Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - RailCorp
 - Office of Environment and Heritage
 - Roads and Maritime ServicesEach 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.
5. Council is to demonstrate the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare an initial site contamination report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition.
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 **9 months** from the week following the date of the Gateway determination.

Dated 13th day of August 2013.



Michael Leavey
Regional Director
Hunter & Central Coast Region
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Lake Macquarie City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_LAKEM_011_00	Planning Proposal to rezone Lot 1, DP 882105 at 43 Fassifern Road, Fassifern and Lot 4, DP 926559 at 18 Tucker Close, Fassifern for part residential, infrastructure and conservation purposes.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 13 August 2013

Michael Leavey
Regional Director
Hunter & Central Coast Region
Department of Planning and Infrastructure