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Department Generated Correspondence (Y)

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Our ref: PP_2012_LAKEM_001_00 (11/05974)
Your ref:

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

Dear Brian,

Re: Planning Proposal to rezone land in the vicinity of George Booth Drive, Edgeworth for a number of purposes.

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 for the following purposes:

- rezone land south of George Booth Drive, Edgeworth from 10 Investigation to a mix of 2(1) Residential, 2(2) Residential (Urban Living) and 7(1) Conservation (Primary) zones;
- rezone land north of George Booth Drive, Edgeworth from 2(2) Residential (Urban Living) to B4 Mixed Use Zone and to rectify zone and lot boundary inconsistencies adjacent to the Town Centre site;
- identify land south of George Booth Drive, Edgeworth as an Urban Release Area.

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 noted that Council has yet to finalise its Standard Instrument LEP. Council should exhibit the draft planning proposal clearly identifying how the planning proposal will amend both the existing Lake Macquarie LEP 2004 and the draft SI Lake Macquarie LEP.

The planning proposal is intended to provide for mixed use development in the Edgeworth area, including potential employment and retail development. Council is encouraged to consider the future development of this area in the context of the broader retail and centres hierarchy for the area. Council should prepare additional material which considers the role of this future planned centre in the context of the provision of retail and employment opportunities in the LGA. Council should discuss this issue further with the Department's Regional Planning Team prior to commencing exhibition of the planning proposal.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 2.3 Heritage Conservation and 4.1 Acid Sulfate Soils are of minor significance. No further approval is required in relation to these Directions.

In regards to the planning proposal's inconsistencies with S117 Direction 1.3 Mining, Petroleum Production & Extractive Industries, Council is to consult with the Director General of the NSW Department of Primary Industries prior to undertaking community consultation and take into account any comments made as per the requirements of the Local Planning Direction.

In regards to the planning proposal's inconsistencies with S117 Direction 2.1 Environmental Protection Zones, it is noted that the site is identified as an urban investigation area in both the Lower Hunter Regional Strategy and the Newcastle-Lake Macquarie Western Corridors Planning Strategy. As the planning proposal will potentially impact on a number of Threatened Species and may result in the loss of significant vegetation, Council is to consult with the NSW Office of Environment and Heritage / Environment Protection Authority prior to undertaking community consultation and take into account any comments made as per the requirements of the Local Planning Direction.

In regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of the Local Planning Direction.

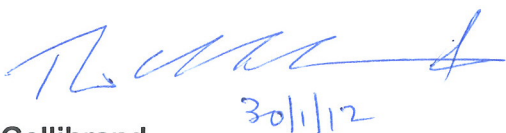
In regards to the planning proposal's inconsistencies with S117 Direction 4.2 Mine Subsidence and Unstable Land, Council is to consult with the relevant Mine Subsidence Board prior to undertaking community consultation and take into account any comments made as per the requirements of the Local Planning 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'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 2709.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2012_LAKEM_001_00): *rezone land in the vicinity of George Booth Drive, Edgeworth for a number of purposes.*

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:

- rezone land south of George Booth Drive, Edgeworth for low and medium density residential development, and conservation of environmentally sensitive areas;
- rezone land north of George Booth Drive, Edgeworth to support the commercial core area of the emerging Pambulong Forest Town Centre and rectify zone and lot boundary inconsistencies adjacent to the Town Centre site;
- identify land south of George Booth Drive, Edgeworth as an Urban Release Area, should proceed subject to the following conditions:

1. Council should exhibit the planning proposal with sufficient information to inform the community how the planning proposal will amend both the existing Lake Macquarie LEP 2004 and the draft SI Lake Macquarie LEP.
2. Council shall undertake further investigations to examine the role and size of the expansion of the future Pambulong centre and its relationship in terms of the retail hierarchy for the Edgeworth and Glendale catchments. The Planning Proposal should be updated prior to exhibition. Council should liaise with the Department's Regional Planning team to agree on the scope of additional required information.
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:
 - NSW Department of Primary Industries (Minerals and Petroleum)
 - Mine Subsidence Board
 - NSW Rural Fire Service
 - Awabakal Local Aboriginal Land Council
 - Office of Environment and Heritage/Environmental Protection Authority
 - 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.

5. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
6. Council is to consult with the Director General of the NSW Department of Primary Industries prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 1.3 Mining, Petroleum Production & Extractive Industries.
7. Council is to consult with the Chief Executive Officer of the NSW Office of Environment and Heritage / Environment Protection Authority prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 2.1 Environmental Protection Zones.
8. 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).
9. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 30th day of January 2012.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure