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Our ref: PP_2011_LAKEM_006_00 (10/04143)

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 previously set aside for a bypass from 5 Infrastructure to a combination of residential, urban centre, tourism, conservation and environmental and to remove the acquisition layer on the land.

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 to rezone a corridor of land previously set aside for a bypass from 5 Infrastructure to 2(1) Residential, 2(2) Residential (Urban Living), 3(1) Urban Centre (Core), 6(2) Tourism and Recreation, 7(1) Conservation (Primary), 7(2) Conservation (Secondary) and 7(3) Environmental (General) and to remove the acquisition layer on the land.

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 the draft Lake Macquarie LEP 2011 is awaiting the issue of a revised s.65 certificate. Although it is anticipated that the planning proposal will be finalised prior to the notification of Council's Principal Plan, the planning proposal should include the proposed zones under the Standard Instrument and provide a brief explanation of the relationship to the amendment to Lake Macquarie LEP 2004. Council should also consider incorporating the amendment into its Standard Instrument following exhibition, if timing permits.

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 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 Amy Blakley of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Gellibrand', with a long horizontal stroke extending to the right.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

18/4/11

Gateway Determination

Planning Proposal (Department Ref: PP_2011_LAKEM_006_00): to rezone land previously set aside for a bypass from 5 Infrastructure to a combination of residential, urban centre, tourism, conservation and environmental and to remove the acquisition layer on the land.

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 a corridor of land previously set aside for a bypass from 5 Infrastructure to 2(1) Residential, 2(2) Residential (Urban Living), 3(1) Urban Centre (Core), 6(2) Tourism and Recreation, 7(1) Conservation (Primary), 7(2) Conservation (Secondary) and 7(3) Environmental (General) and to remove the acquisition layer on the land 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 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)*.
2. No consultation is required with State or Commonwealth public authorities under Section 56(2)(d) of the EP&A Act.
3. 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).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

18th

day of

April

2011.



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