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Department Generated Correspondence (Y)

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Our ref: PP_2011_LAKEM_008_00 (11/12318)

Your ref: RZ/1/2007

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 35 ha of land from 10 Investigation and 5 Infrastructure zone to 2(1) Residential and 7(1) Conservation (Primary)

I am writing in response to your Council's letter dated 21 June 2011 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 35 ha of land from 10 Investigation and 5 Infrastructure zone to 2(1) Residential and 7(1) Conservation (Primary).

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

The Department considers it is essential that the issue of potential environmental offsets for this site is resolved in a satisfactory manner prior to the planning proposal proceeding to exhibition. Further consultation with the Office of Environment and Heritage is therefore required to satisfactorily resolve this matter, taking into consideration site specific outcomes as well as broader environmental management outcomes on adjoining land.

Council should also seek to work cooperatively with adjoining landowners to ensure that the issue of environmental offsets is considered in a holistic manner within the broader local context. It is understood that there is currently an application being considered by the Department's Major Projects Team in relation to land adjoining the subject site. Council is encouraged to liaise with the Department to ensure that the issue of environmental offsets is considered in this broader context. To assist with these discussions, Council is encouraged to contact Mr Matthew Daniels, Director of the Department's Project Delivery Unit on (02) 9228 6342 who will be able to assist with this process.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 2.1 Environmental Protect Zones and 4.3 Flood Prone Land are not of a minor nature and further work is required to justify the proposal's inconsistency with these Directions. Following resolution of issues surrounding the provision of environmental offsets for the site, a thorough assessment of the proposal against all relevant S117 Directions is to be undertaken and included with the proposal for exhibition purposes.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway Determination. Council is to resolve issues related to the provision of environmental offsets for the site within 6 months of the week following the date of the Gateway Determination. Exhibition of the planning proposal is not to commence until the issue of site specific environmental offsets is satisfactorily resolved. 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 Blakely of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,



Tom Gellibrand 1/8/11
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_LAKEM_008_00): to rezone 35 ha of land from 10 Investigation and 5 Infrastructure zone to 2(1) Residential and 7(1) Conservation (Primary).

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 35 ha of land from 10 Investigation and 5 Infrastructure zone to 2(1) Residential and 7(1) Conservation (Primary) should proceed subject to the following conditions:

1. Council is to liaise with the Office of Environment and Heritage to resolve issues surrounding site specific environmental offsets prior to proceeding with exhibiting the 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* 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)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Roads and Traffic Authority
 - Office of Environmental and Heritage

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.

4. Community consultation is not to commence until the issue of environmental offsets is resolved to the satisfaction of the Department.
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 **18 months** from the week following the date of the Gateway determination.

Dated 1st day of August 2011.

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