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Department Generated Correspondence (Y)

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Our ref: PP_2011_LAKEM_009_00 (10/16341)
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 amend Lake Macquarie LEP 2004 to address a number of administrative matters

I am writing in response to your Council's letter dated 19 July 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 address a number of administrative matters

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 is currently finalising its draft comprehensive Standard Instrument LEP for exhibition purposes. Council is encouraged to consider including the amendments proposed as part of this planning proposal in its comprehensive LEP.

As a minimum Council is required to exhibit this planning proposal:

- Identifying the current and proposed zones for all sites covered in this planning proposal under the existing LEP and the proposed zones under draft comprehensive Standard Instrument LEP.
- Providing details relating to the minimum lot size, FSR and building height controls that will apply to these lots under the draft comprehensive SI LEP.
- Ensuring that the Heritage Schedule in the draft Standard Instrument LEP is updated to reflect the proposed additions identified in this planning proposal;
- Ensuring that the land reservation acquisition map reflects the matter identified in this planning proposal

This will ensure that the community is aware of how the subject sites will be zoned under both instruments and may negate the need for Council to prepare a subsequent planning proposal in the event that the comprehensive LEP is notified prior to the finalisation of this planning proposal.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 6.2 Reserving Land for Public Purposes are of minor significance. No further approval is required in relation to this Direction.

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 Susan Blake of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,



Tom Gellibrand 29/8/11
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_LAKEM_009_00): to address a number of administrative matters under Lake Macquarie Local Environmental Plan 2004

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 address a number of administrative matters under *Lake Macquarie Local Environmental Plan 2004* being:

1. Amending Schedule 4 to add eleven (11) new heritage items and update existing heritage item property descriptions as a result of subdivision, and the implementation of the rural property addressing system.
2. Remove existing Item 8 from Schedule 7 - Additional development allowed on certain lands, as the subdivision is complete.
3. Amend existing Item 1, Schedule 8 because Council has indicated there is incorrect identification of the subject land, and there has been consolidation of land, subdivision of part of the land, and completion of the requirements of Schedule 8 on other parts of the land.
4. Rezone 5 Banks Street, Cardiff, from Zone 6(1)Open Space Zone to Zone 2(2)Residential (Urban Living) Zone.
5. Rezone 122 Ocean Street, Dudley, from Zone 2(2) Residential (Urban Living) Zone to Zone 3(2) Urban Centre (Support) Zone.
6. Rezone 7, 7A, 7B, 7C & 7D Park Street, Belmont North, from Zone 2(1) Residential (Urban Living) Zone to Zone 6(1) Open Space Zone.
7. Remove land from Council's land reservation acquisition map where land has already been acquired, or is no longer deemed as required by Council.
8. Apply zoning layer (zones) to lands at Catherine Hill Bay and South Wallarah Peninsula which were transferred from Wyong LGA to Lake Macquarie LGA.
9. Amend the zone map to delineate the area affected by Schedule 3 - State Significant Sites, Part 14 - South Wallarah Peninsula Site, of SEPP (Major Development) 2004.

should proceed subject to the following conditions:

1. Council is to exhibit the planning proposal:
 - Identifying the current and proposed zones for all sites proposed to be rezoned under this planning proposal under its existing LEP and the current and proposed zones under its draft comprehensive Standard Instrument LEP.
 - Providing details relating to the minimum lot size, FSR and building height controls that will apply to the lots to be rezoned under its draft comprehensive SI LEP.
 - Ensuring that the Heritage Schedule in its draft Standard Instrument LEP is updated to reflect the proposed additions identified in this planning proposal.
 - Ensuring that the land reservation acquisition map of its draft Standard Instrument LEP reflects the matter identified in this 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 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:

- Office of Environment and Heritage (on heritage matters)

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. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 29th day of August 2011.



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