



Planning & Infrastructure

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Our ref: PP_2012_LAKEM_009_00 (12/13530)
Your ref: RZ/02/2008

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

Dear Mr Bell,

Planning proposal to amend the Lake Macquarie Local Environmental Plan 2004

I am writing in response to your Council's letter dated 25 July 2012 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 (LEP) 2004 to rezone land at Speers Point for residential and conservation purposes.

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.

Council should ensure that the 'explanation of provisions' section of the planning proposal clearly explains how Council intends to amend either the Lake Macquarie LEP 2004 or the draft Lake Macquarie LEP 2012 depending on timing.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 1.2 Rural Zones are of minor significance. No further approval is required in relation to these Directions.

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 NSW 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 James Shelton of the regional office of the department on 02 4904 2700.

Yours sincerely,

SHaddad
Sam Haddad
Director-General

21/9/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_LAKEM_009_00): to amend Lake Macquarie Local Environmental Plan 2004 to rezone land at Speers Point for residential and conservation purposes.

I, the Director-General, 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 rezone Lot 1, DP 557315 and, part of Lot 21, DP 790637 from 4(1) Industrial Zone, 1(1) Rural (Production) and 7(2) Conservation (Secondary) to 2(1) Residential and 7(2) Conservation (Secondary) 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 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)*.
2. No consultation is required with 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 21st day of September 2012.


Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure