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Department Generated Correspondence (Y)

Contact: Amy Blakely

Phone: (02) 4904 2700

Fax: (02) 4904 2701

Email: Amy.Blakely@planning.nsw.gov.au

Postal: PO Box 1226, Newcastle NSW 2300

Our ref: PP_2011_LAKEM_003_00 (10/16051)

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 160ha of land at Wyee from rural and conservation zones to residential and conservation zones, to remove an acquisition layer and to reclassify 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 160ha of land at Wyee from 1(1) Rural Production, 5 Infrastructure, 6(1) Open Space, 7(1) Conservation (Primary), 7(2) Conservation (Secondary) and 7(5) Environmental (Living) to 2(1) Residential, 2(2) Residential (Urban Living) 6(1)_Open Space, 7(1) Conservation (Primary), 7(2) Conservation (Secondary) and 7(5) Environmental (Living), to remove an acquisition layer on Lot 429, DP 755242 and to reclassify Lot 430, DP 755242 from 'community' to 'operational' 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.

Council is to advance discussions with the Office of Environment and Heritage, Department of Premier and Cabinet (formerly the Department of Environment, Climate Change and Water) and reach agreement prior to exhibition of the planning proposal. Council is to resolve issues relating to the provision of environmental offsets within 6 months of the week following the date of the Gateway Determination. In the event that agreement is not reached within the required timeframe, consideration will be given to recommending that the planning proposal not proceed further.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 Blakely 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 flourish extending to the right.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

6/5/11

Gateway Determination

Planning Proposal (Department Ref: PP_2011_LAKEM_003_00): to rezone 160ha of land at Wyee from rural and conservation zones to residential and conservation zones, to remove an acquisition layer and to reclassify 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 160ha of land at Wyee from 1(1) Rural Production, 5 Infrastructure, 6(1) Open Space, 7(1) Conservation (Primary), 7(2) Conservation (Secondary) and 7(5) Environmental (Living) to 2(1) Residential, 2(2) Residential (Urban Living) 6(1) Open Space, 7(1) Conservation (Primary), 7(2) Conservation (Secondary) and 7(5) Environmental (Living), to remove an acquisition layer on Lot 429, DP 755242 and to reclassify Lot 430, DP 755242 from 'community' to 'operational' land should proceed subject to the following conditions:

1. Council is to resolve issues relating to the provision of environmental offsets with the Office of Environment and Heritage within 6 months of the week following the date of the Gateway Determination.
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

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 **12 months** from the week following the date of the Gateway determination.

Dated

6th

day of

May

2011.



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