

Office of the Director General

Mr Glenn Handford
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Our ref: PP_2012_GLAKE_003_00 (12/16541)
Your ref:

Dear Mr Handford,

Planning proposal to amend Great Lakes Local Environmental Plan (LEP) 1996

I am writing in response to your Council's request for 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 Great Lakes Local Environmental Plan (LEP) 1996 to rezone land at Boomerang Drive, Pacific Palms for private recreation and environmental protection 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.

It is noted that the landowner has agreed to enter into a Voluntary Planning Agreement (VPA) with Great Lakes Council and the Office of Environment and Heritage. Council is encouraged to exhibit the VPA with the planning proposal to ensure the community is clear as to how 6ha for high value ecological land will be dedicated and transferred to the Office of Environment and Heritage.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 2.1 Environmental Protection Zones and 5.1 Implementation of Regional Strategies 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 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible to meet the 12 month timeframe. 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 Brian Murphy of the regional office of the department on 02 4904 2700.

Yours sincerely,

SHaddad

Sam Haddad
Director General

8/12/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_GLAKE_003_00): to amend the Great Lakes Local Environmental Plan (LEP) 1996 to rezone land for commercial and environmental protection 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 rezone land at Lot 1 DP 653396, Lot 83 DP 753168 and Lot 427 DP 861736 Boomerang Drive, Pacific Palms from 1(c) Future Urban Investigation Zone to 7(a1) Environmental Protection and 5(a) Special Uses – Caravan Park under the Great Lakes Local Environmental Plan (LEP) 1996 should proceed subject to the following conditions:

1. It is noted that the draft Great Lakes LEP 2012 is at an advanced stage. To ensure the planning proposal can proceed, Council should include the proposed draft LEP as an amendment to Council's Standard Instrument LEP in addition to the Great Lakes LEP 1996. Council is to amend the 'explanation of provisions' section of the planning proposal prior to the commencement of public exhibition.
2. Prior to commencing public exhibition, Council is to amend the planning proposal to include a map at an appropriate scale that shows the proposed zones to achieve Council's intended outcomes for the subject site under both the Great Lakes LEP 1996 and draft Great Lakes LEP 2012. A copy of these maps is to be forwarded to the regional team.
3. Council is to give consideration to the need to amend the draft Great Lakes LEP 2012 Lot Size Map for the small lot proposed to be retained in private ownership.
4. 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)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - NSW Rural Fire Service
 - Mid Coast Water

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.



6. 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).
7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 8th day of December 2012.

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