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Department Generated Correspondence (Y)

**DEPARTMENT OF PLANNING**  
*Plan Making and Urban Renewal*

*For decision*

**DRAFT GREAT LAKES LOCAL ENVIRONMENTAL PLAN 1996**  
**(AMENDMENT NO 36) FORSTER PALMS STAGE 5B – PENDING LEP**

**PURPOSE**

- To convert the draft Great Lakes LEP 1996 (Amendment No 36) from a pending LEP to a planning proposal under the current Part 3 of the *EP&A Act 1979*.

**RECOMMENDATION**

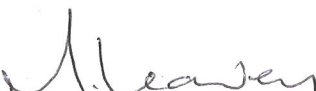
- That the Deputy Director General:
  - as delegate of the Director General under clause 12(2) of the *EP&A Regulation 2000*, **declare** that the former plan making provisions cease to apply to draft Great Lakes LEP 1996 (Amendment No 36);
  - as delegate of the Minister under clause 122(2) of Schedule 6 of the *EP&A Act 1979*, **declare** that all conditions precedent up to s.57(8) of the *EP&A Act 1979* are dispensed with for the making of the draft Great Lakes LEP 1996 (Amendment No 36); and
  - **sign** the attached letter, if approved.

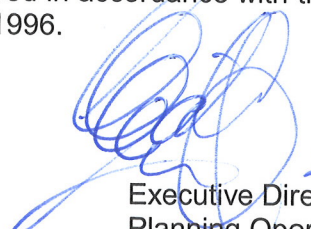
**CURRENT POSITION**

- The draft Great Lakes LEP 1996 (Amendment No 36) seeks to rezone land at South Forster that has been identified as a release area by the Mid North Coast Regional Strategy.
- Great Lakes Council has requested that the draft LEP be converted into a planning proposal under the current Part 3 process and that the plan making steps prior to s.57(8) be dispensed with.
- Council states that it is unable to meet the 1 July 2010 pending LEP deadline.
- Converting the draft LEP into a planning proposal is supported by the Regional Team because it could help achieve the Mid North Coast Regional Strategy's housing targets.
- Given the considerable effort that has already been devoted to this area over recent years and the pending resolution of outstanding issues, commencement of the planning proposal at s.57(8) is supported.

**BACKGROUND**

- The Council resolved to make its s69 submission to the Minister under delegated authority in March 2010. Lodgement has been delayed pending finalisation of a VPA for the site.
- The planning proposal submitted in support of Council's request adequately addresses the requirements of the Department's *A Guide to Preparing Planning Proposals*.
- The resulting LEP would not be prepared in accordance with the *Standard Instrument Order 2006* as it would amend the Great Lakes LEP 1996.

  
Regional Director  
Hunter & Central Coast 24/6/10

  
Executive Director  
Planning Operation 25.6.10.

Contact Officer: Gary Oakey  
Hunter & Central Coast Region  
Phone: 49042709

  
Deputy Director General  
Plan Making & Urban Renewal  
As delegate of the Minister and the Director General 28/6/10

**FOR  
DEPUTY DIRECTOR  
GENERAL'S  
SIGNATURE  
IF APPROVED**

Contact: Paul Maher  
Phone: 4904 2719  
Fax: 4904 2701

Mr Alex Caras  
Manager Strategic Planning  
Planning and Environmental Services  
PO Box 450  
FORSTER NSW 2428

Our ref: 10/10701  
Your ref: SP LEP 36

Dear Mr Caras,

**Pending LEP – Draft Great Lakes Local Environmental Plan 1996 (Amendment No 36)**

I refer to your letter dated 29 April 2010, requesting a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') for the draft Great Lakes LEP 1996 (Amendment No 18) that had previously been exhibited by Council.

I am writing to notify you that I have determined (as the delegate of the Director General) under clause 12(2) of the *Environmental Planning and Assessment Regulation 2000* that the former LEP plan-making provisions cease to apply to the draft LEP. The current provisions of Part 3 of the EP&A Act now apply.

Furthermore I have, as the delegate for the Minister for Planning, determined under clause 122 (2) of Schedule 6 to the EP&A Act to dispense with all the conditions precedent up to section 57(8) of the EP&A Act for the making of this draft LEP.

Council is encouraged to finalise the LEP within 6 months of the week following the date of this letter. Council's request for the Department to draft and finalise the LEP should be made 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 section 54(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 Mr Paul Maher of the Department's Hunter & Central Coast Regional Team on 49042719.

Yours sincerely,



28/6/10

Tom Gellibrand  
Deputy Director General  
Plan Making & Urban Renewal  
(as delegate of the Minister and the Director General)

**FOR  
DEPUTY DIRECTOR  
GENERAL  
SIGNATURE  
IF APPROVED**