



Contact: Susan Blake  
Phone: (02) 4904 2700  
Fax: (02) 4904 2701  
Email: Susan.Blake@planning.nsw.gov.au  
Postal: PO Box 1226, Newcastle NSW 2300

Our ref: PP\_2011\_LAKEM\_004\_00 (10/24852)

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 1.21ha of land at Lot 75 DP 755242, Awaba Street, Morriston from 10 Investigation Zone to 2(1) Residential, 2(2) Residential (Urban Living) and 7(1) Conservation (Primary) Zone**

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 1.21ha of land being Lot 75 DP 755242, Awaba Street, Morriston from 10 Investigation Zone to 2(1) Residential Zone and 2(2) Residential (Urban Living) Zone and 7(1) Conservation (Primary) Zone.

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 draft Lake Macquarie LEP 2011 is awaiting the issue of a revised s.65 certificate. Although it is anticipated that the planning proposal will be finalised prior to the notification of Council's Principal Plan, the planning proposal should include the proposed zones under the Standard Instrument and provide a brief explanation of the relationship to the amendment to Lake Macquarie LEP 2004 to ensure the community is properly informed.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries 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 6 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,



18/4/11

**Tom Gellibrand**  
**Deputy Director General**  
**Plan Making & Urban Renewal**

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2011\_LAKEM\_004\_00):** to rezone 1.21ha of land at Lot 75 DP 755242, Awaba Street, Morriston from 10 Investigation to 2(1) Residential, 2(2) Residential (Urban Living) and 7(1) Conservation (Primary).

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 1.21ha of land being Lot 75 DP 755242, Awaba Street, Morriston from 10 Investigation to 2(1) Residential, 2(2) Residential (Urban Living) and 7(1) Conservation (Primary) 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 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)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - NSW Office of Water
  - 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.
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 **6 months** from the week following the date of the Gateway determination.

Dated

18<sup>th</sup>

day of

April

2011.



**Tom Gellibrand**  
**Deputy Director General**  
**Plan Making & Urban Renewal**