



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_007_00 (11/06558)

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 12.85ha of land at Cardiff South from 10 Investigation (Urban/conservation), 6(2) Tourism and Recreation Zone, 6 (1) Open Space Zone, 5 Infrastructure Zone and 2(1) Residential Zone to 2(1) Residential Zone, 2 (2) Residential (Urban Living) Zone and 7(3) Environmental (General) 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 12.85ha of land at Cardiff South (Lot 1 DP 788892, Lot 2 DP788892, Lot A DP 398188) from 10 Investigation (Urban/conservation), 6(2) Tourism and Recreation Zone, 6 (1) Open Space Zone, 5 Infrastructure Zone and 2(1) Residential Zone to 2(1) Residential Zone, 2 (2) Residential (Urban Living) Zone and 7(3) Environmental (General) 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.

The Department has determined this site is to be identified as an urban release area and is to be included in the draft Lower Hunter Special Infrastructure Contributions. Therefore, a 'satisfactory arrangements' clause in relation to state infrastructure is required to be added to the planning proposal. The planning proposal is to explain that the subject land is identified as an urban release area and is therefore subject to Infrastructure contributions. Further guidance should be included on the application of the draft Hunter State Infrastructure Contributions Scheme and the proposed satisfactory arrangements clause, to ensure the community are fully informed.

It is noted that there is an inconsistency between the proposed location of the 2(2) Residential (Urban Living) Zone on the draft Zoning Map at Appendix 4 and the location of proposed medium density development on the proposed structure plan at Appendix 5 of the planning proposal. Council is to clarify this inconsistency prior to the commencement of community consultation.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 3.2 Caravan Parks and Manufactured Homes and Estates, 4.3 Flood Prone Land, 6.3 Site Specific Provisions 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 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,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

2/6/11

Gateway Determination

Planning Proposal (Department Ref: PP_2011_LAKEM_007_00): to rezone 12.85ha of land at Cardiff South from 10 Investigation (Urban/conservation), 6(2) Tourism and Recreation Zone, 6 (1) Open Space Zone, 5 Infrastructure Zone and 2(1) Residential Zone to 2(1) Residential Zone, 2 (2) Residential (Urban Living) Zone and 7(3) Environmental (General) Zone.

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 12.85ha of land at Cardiff South (Lot 1 DP 788892, Lot 2 DP788892, Lot A DP 398188) from 10 Investigation (Urban/conservation), 6(2) Tourism and Recreation Zone, 6 (1) Open Space Zone, 5 Infrastructure Zone and 2(1) Residential Zone to 2(1) Residential Zone, 2 (2) Residential (Urban Living) Zone and 7(3) Environmental (General) Zone should proceed subject to the following conditions:

1. The subject land is to be identified as an urban release area and therefore a satisfactory arrangements clause in relation to state infrastructure is to be included in the planning proposal.
2. Council is to clarify the inconsistency between the proposed location of the 2(2) Residential (Urban Living) Zone on the draft Zoning Map at Appendix 4 and the location of proposed medium density development on the proposed structure plan at Appendix 5 prior to the commencement of community consultation.
3. 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)*.
4. 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.

5. 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).



6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 12th day of June 2011.

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