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Our ref: PP_2011_LAKEM_010_00 (10/06609-1)
Your ref:

Mr Brian Bell
General Manager
Lake Macquarie City Council
Box 1906
HUNTER REG MAIL CTR NSW 2310

Dear Mr Bell,

Re: Planning proposal to make various amendments to the Lake Macquarie LEP 2004 in relation to an area known as Ramsgate Estate, Wyee Point.

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 make the following amendments to the Lake Macquarie LEP 2004:

1. Rezone 37.15ha of land to facilitate the urban development and biodiversity conservation of a paper subdivision known as Ramsgate Estate, Wyee Point.
2. Reclassify 71 allotments from community to operational land to facilitate appropriate development.
3. Remove 44 allotments from the Land Acquisition Map within Lake Macquarie LEP 2004.
4. Insert a new provision within Schedule 8 - Land Subject to Special Development Requirements. This includes preparation of a Development Control Plan (DCP) including a Structure Plan for the site.
5. Include Ramsgate Estate, Wyee Point as an Urban Release Area in accordance with clause 62.1 of the Lake Macquarie LEP 2004.

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 Council's Standard Instrument principal LEP is expected to be placed on public exhibition shortly. Due to the forthcoming exhibition of Council's principal LEP, this planning proposal is to proceed as both an amendment to the current Lake Macquarie LEP 2004 and to the draft principal LEP 2012. All exhibition material including maps (ie FSR, Height of Buildings, Minimum Lot Size and zoning), should be prepared to clearly identify to the community how the planning proposal will amend both instruments. Council should liaise with the Department's Regional Planning Team further in relation to the material that should be prepared and placed on exhibition prior to proceeding to exhibition.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 2.3 Heritage Conservation, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land, 5.1 Implementation of Regional Strategies, and 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

In relation to Section 117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service and amend the planning proposal (if necessary) to take into consideration any comments prior to undertaking exhibition of the planning proposal.

In relation to Section 117 Direction 1.3 Mining, Petroleum Production & Extractive Industries Council is to consult with the NSW Department of Primary Industries (Minerals and Petroleum) and amend the planning proposal (if necessary) to take into consideration any comments prior to undertaking exhibition of the planning proposal.

In relation to Section 117 Direction 4.2 Mine Subsidence and Unstable Land, Council is to consult with the Mine Subsidence Board and amend the planning proposal (if necessary) to take into consideration any comments prior to undertaking exhibition of the planning proposal.

Further consultation is also required with the NSW Office of Environment and Heritage /Environmental Protection Agency to ensure that appropriate environmental management measures are incorporated into the planning proposal in accordance with Section 117 Direction 2.1 Environmental Protection Zones.

Council is also to provide additional information following completion of public exhibition and the public hearing required for the reclassification component of the planning proposal in relation to the planning proposal's consistency with Section 117 Direction 6.2 Reserving Land for Public Purposes.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the Department's Practice note *PN09-003, Classification and reclassification of public land through a local environmental plan*.

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 after the initial consultation required to satisfy relevant Section 117 Directions. 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,


Sam Haddad
Director General

16/2/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2011_LAKEM_010_00): to make various amendments to the Lake Macquarie LEP 2004 in relation to an area known as Ramsgate Estate, Wyee Point.

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 achieve the following outcomes:

1. Rezone 37.15ha of land to facilitate the urban development and biodiversity conservation of a paper subdivision known as Ramsgate Estate, Wyee Point.
2. Reclassify 71 allotments from community to operational land to facilitate appropriate development.
3. Remove 44 allotments from the Land Acquisition Map within Lake Macquarie LEP 2004.
4. Insert a new provision within Schedule 8 - Land Subject to Special Development Requirements. This includes preparation of a Development Control Plan (DCP) including a Structure Plan for the site.
5. Include Ramsgate Estate, Wyee Point as an Urban Release Area in accordance with clause 62.1 of the Lake Macquarie LEP 2004.

should proceed subject to the following conditions:

1. Due to the timing of Council's principal LEP being exhibited soon, this planning proposal is to proceed as both an amendment to the current Lake Macquarie LEP 2004 and to the draft principal LEP 2012. All exhibition material, including maps (ie FSR, Height of Buildings, Minimum Lot Size and zoning), should be prepared to clearly identify to the community how the planning proposal will amend both instruments. Council should liaise with the Department's Regional Planning Team further in relation to the material that should be prepared and placed on exhibition prior to proceeding to exhibition.
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. In relation to Section 117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service and amend the planning proposal (if necessary) to take into consideration any comments prior to undertaking exhibition of the planning proposal.
4. In relation to Section 117 Direction 1.3 Mining, Petroleum Production & Extractive Industries Council is to consult with the NSW Department of Primary Industries (Minerals and Petroleum) and amend the planning proposal (if necessary) to take into consideration any comments prior to undertaking exhibition of the planning proposal.

5. In relation to Section 117 Direction 4.2 Mine Subsidence and Unstable Land, Council is to consult with the Mine Subsidence Board and amend the planning proposal (if necessary) to take into consideration any comments prior to undertaking exhibition of the planning proposal.
6. Further consultation is also required with the NSW Office of Environment and Heritage /Environmental Protection Agency to ensure that appropriate environmental management measures are incorporated into the planning proposal in accordance with Section 117 Direction 2.1 Environmental Protection Zones. Any amendments required to the planning proposal as a result of this consultation should be made prior to the commencement of public exhibition.
7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Department of Primary Industries (Minerals and Petroleum)
 - Mine Subsidence Board
 - NSW Rural Fire Service
 - Office of Environment and Heritage / Environmental Protection Agency
 - Roads and Maritime Services
 - Hunter Water Corporation

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.

8. 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).
9. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 16th day of February 2012.



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