

Ms Movren Cameron
Chief Executive Officer
Lake Macquarie City Council
Box 1906
RMC NSW 2310

Dear Ms Cameron,

Planning Proposal PP_2017_LAKEM_003_00 to amend Lake Macquarie Local Environmental Plan 2014

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) 18 August 2017 in respect of the Planning Proposal to amend land identified on Council's Land Reservation Acquisition map and rezone the subject land for urban uses.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the Planning Proposal's inconsistency with Section 117 Direction 1.1 Business and Industrial Zones and 3.1 Residential Zones is justified in accordance with the terms of the Direction. In relation to Section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes as the parts of the subject site are no longer required for a road extension and flood mitigation works. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant Section 117 Directions 4.3 Flood Prone Land and 4.4 Planning for Bushfire. Council should ensure this occurs prior to community consultation.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the date of the Gateway determination. As it has been determined that this is a minor amendment, Council is to request Parliamentary Counsel's Office commence drafting the instrument as soon as practicable. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 further enquiries about this matter, I have arranged for Ms Corrine Manyweathers to assist you. Ms Manyweathers can be contacted on (02) 4645 4404.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized, cursive script.

25/9/2017

Monica Gibson

**Director Regions, Hunter
Planning Services**

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template

Gateway Determination

Planning Proposal (Department Ref: PP_2017_LAKEM_003_00): to amend land identified on Council's Land Reservation Acquisition map and rezone the subject land to B2 Local Centre and R3 Medium Density Residential.

I, the Director Regions, Hunter at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under Section 56(2) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) that an amendment to the Lake Macquarie Local Environmental Plan (LEP) 2014 to amend land in Mount Hutton identified on Council's Land Reservation Acquisition Map and rezone the subject land to B2 Local Centre and R3 Medium Density Residential should proceed subject to the following conditions:

1. Council is to update the planning proposal prior to community consultation to:
 - Remove reference to Section 117 Direction 5.1 Implementation of Regional Strategies and correct the reference to refer to Section 117 Direction 5.10 Implementation of Regional Plans;
 - Address inconsistencies with Section 117 Direction 4.3 Flood Prone Land;
 - Address inconsistencies with Section 117 Direction 4.4 Planning for Bushfire Protection; and
 - Ensure that the Planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zones.
2. Community consultation is required under Sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities under Section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Office of Environment and Heritage; and
 - NSW Rural Fire Service



Each public authority/organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. 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).
5. The timeframe for completing the LEP is to be **6 months** following the date of the Gateway determination.
6. The final LEP maps shall be prepared in accordance with the requirements of the Department's "Standard Technical Requirements for Spatial Datasets and Maps" Vers: 1.0 November 2015.

Dated 25th day of September 2017.

Monica Gibson
Director Regions, Hunter
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Lake Macquarie City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_LAKEM_003_00	Planning proposal to amend land identified on Council's Land Reservation Acquisition map and rezone the subject land to B2 Local Centre and R3 Medium Density Residential.

In exercising the Minister's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 25th September 2017

Monica Gibson
**Director Regions, Hunter
Planning Services
Department of Planning and Environment**

**Delegate of the Secretary
of the Department of Planning and Environment**

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2017_LAKEM_003_00
Date Sent to DP&E under s56	21 September 2017
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	25 September 2017

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: