



Mr Glenn Handford
General Manager
Great Lakes Council
PO Box 450
FORSTER NSW 2428

Our ref: PP_2015_GLAKE_005 (15/08967)
Your ref: SP-PP-24

Att: Rebecca Underwood

Dear Mr Handford,

Planning Proposal to amend Great Lakes Local Environmental Plan 2014

I am writing in response to 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 insert new clauses, and amend existing clauses relating to subdivision within the Great Lakes Local Environmental Plan 2014.

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 that the planning proposal's inconsistencies with the relevant S117 Directions. Consultation is required with the NSW Rural Fire Service to determine the consistency with the S117 Direction 4.4 Planning for Bushfire Protection.

It is noted that the Department is presently preparing an amendment to the State Environmental Planning Policy (Exempt and Complying Codes) 2008 in relation to minor boundary realignments. Should this amendment meet the intention of Council's proposed clause, Council may consider whether the clause is required when drafting the planning proposal.

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. 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 week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department 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.

Attached for your assistance is a simplified guide to the plan making process and reporting requirements to ensure that the LEP Tracking System is kept updated.

Should you have any questions regarding this matter, I have arranged for Ms Susan Blake from the Hunter office to assist you. Ms Blake can be contacted on (02) 4904 2720.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Rowland', written in a cursive style.

27 August 2015

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Gateway Determination

Planning Proposal (Department Ref: PP_2015_GLAKE_005): to insert new clauses, and amend existing clauses relating to subdivision within the Great Lakes Local Environmental Plan 2014.

I, the General Manager, Hunter and Central Coast Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Great Lakes Local Environmental Plan (LEP) 2014 to insert new clauses relating to boundary realignment, minimum subdivision lot sizes for certain split zones, amend the existing ecological protection subdivision clause, and amend clause 4.1A – Exceptions to minimum lot size for certain residential development, within the Zone RU5 Village of Smiths Lake, 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 (Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Planning & Infrastructure 2013)*.
2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. NSW Rural Fire Service 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.
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 27th day of August 2015.



David Rowland
General Manager
Hunter and Central Coast Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Great Lakes Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2015_GLAKE_005_00	Planning proposal to insert new clauses into Great Lakes Local Environmental Plan 2014 relating to boundary realignment, minimum subdivision lot sizes for certain split zones, amend the existing ecological protection subdivision clause, and amend clause 4.1A – Exceptions to minimum lot size for certain residential development, within the Zone RU5 Village of Smiths Lake .

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 27 August 2015

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services
Department of Planning and Environment