



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

Our ref: PP_2016_LAKEM_004_00 (16/14125)
Your ref: RZ/6/2016

Dear Mr Bell

Planning proposal to amend Lake Macquarie Local Environmental Plan 2014

I am writing in response to your Council's letter dated 28 October 2016 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to rezone 89 Toronto Road and part of 87, 116 and 118 Toronto Road and 29 Rens Street, Booragul to rectify the zoning of the land and apply a minimum lot size. In addition, the planning proposal intends to remove the land reservation acquisition layer from part of 116 and 118 Toronto Road and 29 Rens Street.

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.

In relation to S117 Direction 6.2 Reserving Land for Public Purposes, Council should be satisfied that the applicable lands are no longer required to be reserved for road widening purposes. To determine consistency with this Direction further consultation is required with NSW Roads and Maritime Services.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Directions 4.2 Mine Subsidence and Unstable Land, 4.4 Planning for Bushfire Protection and 6.2 Reserving Land for Public Purposes. Council should ensure this occurs prior to the plan being made.

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 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 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 Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Claire Swan of the Department's regional office to assist you. Ms Swan can be contacted on (02) 4904 2714.

Yours sincerely

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

23/11/2016

Monica Gibson

**Director Regions, Hunter and Central Coast
Planning Services**

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2016_LAKEM_004_00): to rezone 89 Toronto Road and part of 87, 116 and 118 Toronto Road and 29 Rens Street, Booragul, to rectify the zoning of the land and apply a minimum lot size. In addition, the planning proposal will remove the land reservation acquisition layer from part of 116 and 118 Toronto Road and 29 Rens Street, Booragul.

I, the Director Regions, Hunter and Central Coast 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* (the Act) that an amendment to the Lake Macquarie Local Environmental Plan (LEP) 2014 to rezone land at Toronto Road and Rens Street, Booragul should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, update the planning proposal to refer to S117 Direction 5.10 Implementation of Regional Plans.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 14 days; and.
 - (b) the relevant 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 (Department of Planning & Environment 2016).
3. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979* and/or to comply with the requirements of relevant S117 Directions:
 - Transport for NSW - Roads and Maritime Services (S117 Direction 6.2 Reserving Land for Public Purposes).
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land).

The public authorities are 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. Once consultation is undertaken with the relevant public authorities, and information is provided, Council is to update its consideration of S117 Directions.

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 *Environmental Planning and Assessment Act 1979*. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.



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

Dated 23rd day of November 2016

Monica Gibson
Director Regions, Hunter and Central
Coast
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* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_LAKEM_004_00	Planning proposal to rezone 89 Toronto Road and part of 87, 116 and 118 Toronto Road and 29 Rens Street, Booragul, to rectify the zoning of the land and apply a minimum lot size. In addition, the planning proposal removes the land reservation acquisition layer from part of 116 and 118 Toronto Road and 29 Rens Street, Booragul.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*" (Department of Planning & Environment 2016).

Dated 23rd November 2016



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

Delegate of the Minister for Planning