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

Our ref: PP_2012_LAKEM_006_00 (10/17732)
Your ref:

Dear Mr Bell,

Planning proposal to amend Lake Macquarie Local Environmental Plan (LEP) 2004 and the draft Lake Macquarie LEP 2012

I am writing in response to your Council's letter dated 1 August 2012 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 (LEP) 2004 and draft Lake Macquarie LEP 2012 to facilitate the development of a highway service centre and shop at Corranbong.

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 strongly recommends Council considers amending the planning proposal to permit 'highway service centres' in the 1(1) Rural (Production) Zone under Lake Macquarie LEP 2004 and RU2 Rural Landscape zone under Lake Macquarie LEP 2012 as a means of achieving the desired outcome. Council may wish to strengthen the zone objectives to further clarify the role and function of these zones.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 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 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 following agency consultation. 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 James Shelton of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,


Sam Haddad
Director-General

23/8/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_LAKEM_006_00): to amend the Lake Macquarie Local Environmental Plan (LEP) 2004 and draft Lake Macquarie LEP 2012.

I, the Director General, Department of Planning and Infrastructure 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 (LEP) 2004 and draft Lake Macquarie LEP 2012 to facilitate development of a highway service centre and shop at Corranbong should proceed subject to the following conditions:

1. It is noted that Council has identified that additional information regarding Aboriginal heritage, land contamination and geotechnical assessment, noise and vibration and flooding and hydrology is to be provided to support the planning proposal. Council is to include this information as part of the public exhibition material.
2. Prior to placing the planning proposal on public exhibition, Council is to update the planning proposal to include proposed height of buildings and additional permitted uses maps for the site under the draft Lake Macquarie LEP 2012. The maps should clearly identify the subject site and are to be placed on public exhibition with the planning proposal.
3. Council is to consult with the Mine Subsidence Board in accordance with Section 117 Direction 4.2 Mine Subsidence and Unstable Land and amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
4. Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
5. 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)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service
 - Office of Environment and Heritage
 - Department of Primary Industries (Minerals and Petroleum)
 - Hunter Water Corporation
 - Mine Subsidence Board
 - Transport for NSW (Roads and Maritime Services)

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.

7. 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).
8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

23rd

day of

August

2012.



Sam Haddad

Director-General

Delegate of the Minister for Planning and
Infrastructure