



## Planning & Infrastructure

### Office of the Director General

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

Contact: Dylan Meade  
Phone: (02) 4904 2700  
Fax: (02) 4904 2701  
Email: [Dylan.Meade@planning.nsw.gov.au](mailto:Dylan.Meade@planning.nsw.gov.au)  
Postal: PO Box 1226, Newcastle NSW 2300

Our ref: PP\_2012\_LAKEM\_011\_00 (12/18223)  
Your ref:

Dear Mr Bell,

### Planning proposal to amend either Lake Macquarie Local Environmental Plan (LEP) 2004 or draft Lake Macquarie LEP 2012

I am writing in response to your Council's letter dated 13 November 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 or draft Lake Macquarie LEP 2012 to facilitate the development of a highway service centre and shop at Cooranbong.

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.

Council is currently progressing planning proposal PP\_2012\_LAKEM\_006\_00 for a highway service centre for the southern travel lane for the F3 Freeway. It is noted that Council intends to exhibit the two planning proposals together. The department supports this approach.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 2.1 Environmental Protection 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 to meet the 12 month timeframe. 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 NSW 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 Dylan Meade of the regional office of the department on 02 4904 2700.

Yours sincerely,

  
Sam Haddad  
Director General

30/11/2012

## Gateway Determination

**Planning proposal (Department Ref: PP\_2012\_LAKEM\_011\_00):** to amend either Lake Macquarie Local Environmental Plan (LEP) 2004 or draft Lake Macquarie LEP 2012 to facilitate development of a Highway Service Station and Shop.

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 Schedule 7 Additional Development Allowed on Certain Land under the Lake Macquarie Local Environmental Plan (LEP) 2004 or Schedule 1 Additional Permitted Uses under draft Lake Macquarie LEP 2012 to include 'highway service centre' and 'shop not exceeding 250m<sup>2</sup>' at Lot 4 DP 264501, Cooranbong should proceed subject to the following conditions:

1. Council has identified additional information regarding water and wastewater infrastructure, drainage and hydrology, traffic and transport, contamination, soils and erosion hazards, ecology and landscape and visual character 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 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. 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)*.
4. 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
  - Transport for NSW – Roads and Maritime Services
  - Mine Subsidence Boards

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.

5. 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.



6. 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).
7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 30<sup>th</sup> day of November 2012.

SHaddad

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