

Our ref: PP_2015_LAKEM_003

Mr Brian Bell
General Manager
Lake Macquarie City Council
Box 1906
Hunter Region Mail Centre
NSW 2310

Att: Matthew Hill

Dear Mr Bell,

Planning Proposal to amend Lake Macquarie Local Environmental Plan 2014

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to introduce a new local provision that will permit with consent, a manufactured home as a principal dwelling, where a dwelling house is permissible with consent.

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.

Council may still need to obtain the department's approval to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The Minister delegated plan making powers to councils in October 2012. 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 9 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 Katrine O'Flaherty from the Hunter office to assist you. Ms O'Flaherty can be contacted on (02) 4904 2710.

Yours sincerely,

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

5 May 2015

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Gateway Determination

Planning Proposal (Department Ref: PP_2015_LAKEM_003): to introduce a new local provision relating to manufactured housing.

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 Lake Macquarie Local Environmental Plan (LEP) 2014 to introduce a new local provision that will permit with consent, a manufactured home as a principal dwelling, where a dwelling house is permissible with consent, should proceed subject to the following conditions:

1. Prior to public exhibition Council is to update the Planning Proposal to clarify where a manufactured home may be considered either by zone or site and to include the clause as drafted by Parliamentary Counsel.
2. Prior to public exhibition Council is to update the Planning Proposal to clarify that consent will still be required for the installation of manufactured Homes consistent with the Local Government Act and Regulations, until the relevant Local Approvals Policy is finalised.
3. Prior to public exhibition Council is to update the Planning Proposal to clarify that LEP development standards and local development controls that apply to a dwelling house within the LGA also apply to a manufactured home.
4. Prior to public exhibition Council is to update the Planning Proposal to clarify that a manufactured home cannot be considered a 'dwelling house' under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
5. Prior to public exhibition under section 56(2)(d) of the EP&A Act and in respect to relevant s117 directions, consultation is required with;
 - (a) the NSW Rural Fire Service.
 - (b) the Mine Subsidence Board

These agencies 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.

6. 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 (Department of Planning & Environment 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 (Department of Planning & Environment 2013).

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 9 months from the week following the date of the Gateway determination.

Dated 5th day of May 2015.



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

Delegate of the Minister for Planning