



Mr Brian Bell
General Manager
Lake Macquarie City Council
PO Box 1906
HUNTER REGIONAL MAIL CENTRE NSW 2310

Our ref: PP_2014_LAKEM_001_00 (14/13787)
Your ref: n/a

Att: Wes Hain

Dear Mr Bell,

Planning Proposal to amend Lake Macquarie Local Environmental Plan 2014

I am writing in response to your Council's letter dated 13 August 2014 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 resolve the deferred matter at Warners Bay Town Centre.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistency with S117 Direction 4.1 Acid Sulfate Soils is of minor significance. No further approval is required in relation to this Direction.

It is noted that a parts of the Warners Bay town centre are identified in the *Lake Macquarie Waterway Flood Risk Management Study and Plan* as being subject to flooding and projected sea level inundation. It is recommend the planning proposal be updated prior to exhibition to explain to the community how expected increases in flood and inundation risk can be managed given the planning proposal enables more intensive development in the Warners Bay town centre. The planning proposal should also be updated in relation S117 Direction 4.3 Flood Prone to justify the inconsistency with clause 5(c) in permitting a significant increase in the development of land in a flood planning area. Further approval may be required in relation to this Direction.

It is understood that Council has an interest in a number of parcels within the Warners Bay town centre which are subject to this planning proposal. To ensure openness and transparency in the process, the exhibition should include a brief written statement of Council's interest in the land. Although the proposal does not reclassify land, it is suggested that the Department's practice note PN09-003 be used as a guide in preparing the written statement.

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 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. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the

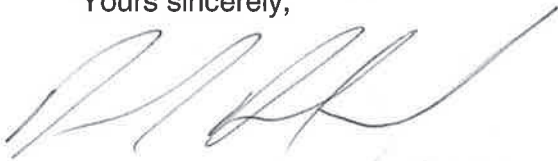
projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

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 Dylan Meade from the Hunter office to assist you. Mr Meade can be contacted on (02) 4904 2718.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'D Rowland', with a long, sweeping horizontal line extending to the right.

David Rowland
General Manager
Hunter and Central Coast Region
Housing, Growth and Economics

5 Sept. 2014.

Gateway Determination

Planning Proposal (Department Ref: PP_2014_LAKEM_001_00): to resolve the deferred matter at Warners Bay Town Centre.

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 resolve the deferred matter at Warners Bay Town Centre 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 following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Mine Subsidence Board (S117 Direction 4.2 - Mine Subsidence and Unstable Land)
 - NSW Rural Fire Service (S117 Direction 4.4 - Planning for Bushfire Protection)
 - 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, and given at least 21 days to comment on the proposal. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.
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 **12 months** from the week following the date of the Gateway determination.

Dated 5th day of September 2014.



David Rowland
General Manager
Hunter and Central Coast Region
Housing, Growth and Economics
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_2014_LAKEM_001_00	Planning proposal to resolve the deferred matter at Warners Bay Town Centre.

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 5 SEPT. 2014

David Rowland
General Manager
Hunter and Central Coast Region
Housing, Growth and Economics
Department of Planning and Environment