



## Gateway Determination

**Planning proposal (Department Ref: PP\_2019\_LAKEM\_005\_00):** to allow 'shops' and 'food and drink premises' as an additional permitted use at 393 Pacific Highway, Belmont North

I, the Director, Central Coast and Hunter Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Lake Macquarie Local Environmental Plan (LEP) 2014 to allow 'shops' and 'food and drink premises' as an additional permitted use at 393 Pacific Highway, Belmont North should proceed subject to the following conditions:

1. Prior to exhibition, Council is to update the planning proposal to include:
  - (a) community consultation and project timeline details per the Department's *A guide to preparing planning proposals*;
  - (b) the findings of additional economic analysis that considers potential impacts on existing centres; and
  - (c) the proposed floor space limit for 'food and drink premises'.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - Transport for NSW (Roads and Maritime Services)
  - NSW Rural Fire Service
  - Subsidence Advisory NSW.

Each public authority/organisation 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.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 18<sup>th</sup> day of November 2019.



**Greg Sullivan**  
**Director, Central Coast and Hunter**  
**Region**  
**Planning and Assessment**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Public Spaces**