

Gateway Determination

Planning proposal (Department Ref: PP-2021-4570): *To undertake additional permitted uses at 56-76 Mandalong Road, Morisset*

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 2014* to undertake additional permitted uses at 56-76 Mandalong Road, Morisset should proceed subject to the following conditions:

1. Prior to exhibition, the planning proposal is to be updated to:
 - (a) amend the objectives or intended outcomes for the proposed additional permitted uses to:
 - i. be consistent with terminology of the Standard Instrument – Principle Local Environmental Plan;
 - ii. clarify the proposed total floor area restrictions for each use; and
 - iii. include the rationale for the floor area restrictions in managing potential impacts on nearby centres.
 - (b) amend the explanation of provisions to align with condition 1(a) and to address the NSW Government's employment zones reforms.
 - (c) include a traffic and transport study that includes consideration of:
 - i. traffic generation associated with the additional permitted uses;
 - ii. whether private vehicle trips can be reduced through supporting the efficient and viable operation of public transport services or improving opportunities for walking or cycling in the area; and
 - iii. the safety and efficiency of the State road network in the area including access to the site from Mandalong Road and the capacity and operation of the M1 Pacific Motorway Interchanges.
 - (d) incorporate any findings of the review of the Morisset strategic centre, including relevant supporting technical studies.
 - (e) include analysis for consistency with the *State Environment Planning Policy (Koala Habitat Protection) 2021*.
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); and

- (c) public exhibition is required to commence within **11 months** following the date of the Gateway determination.
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:
- Subsidence Advisory NSW;
 - Rural Fire Service;
 - Transport for NSW; and
 - Hunter Water Corporation.

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 Ministerial directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The timeframe for completing the local environmental plan is **15 months** following the date of the Gateway determination.

Dated 18th day of November 2021.



Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Assessment
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces