



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

Our ref: PP_2015_LAKEM_012 (15/17574)

Att: Mr Matthew Hill

Dear Mr Bell

Planning proposal to amend Lake Macquarie Local Environmental Plan 2014

I am writing in response to your Council's email dated 2 December 2015, 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 rezone land and permit development for the purposes of a shop with development consent, at 389-391 Pacific Highway, Belmont North.

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.

I have also agreed that the planning proposal's inconsistency with S117 Directions 4.1 Acid Sulfate Soils and 6.3 Site Specific Provisions is of minor significance. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary's delegate to comply with the requirements of relevant S117 Directions - 3.4 Integrating Land Use and Transport, 4.2 Mine Subsidence and Unstable Land, and 4.3 Flood Prone Land. Council should ensure this occurs prior to the plan being made.

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. 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 6 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 queries in regard to this matter, I have arranged for Susan Blake from the Hunter office to assist you. Ms Blake can be contacted on (02) 49042720.

Yours sincerely,

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29-01-2016

Ashley Albury
Acting Director Regions
Hunter and Central Coast
Planning Services

Gateway Determination

Planning proposal (Department Ref: PP_2015_LAKEM_012_00): to rezone land, and permit development for the purposes of a shop with development consent, at 389-391 Pacific Highway, Belmont North.

I, the Acting Director Regions, Hunter and Central Coast, 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 rezone land at 389-391 Pacific Highway Belmont North; and insert a clause in Schedule 1- Additional Permitted Use, to permit development for the purposes of a shop with development consent, should proceed subject to the following conditions:

1. Prior to the planning proposal being placed on public exhibition, Council is advised to:
 - a. remove reference to the draft local environmental plan by updating the front page to reflect the current Lake Macquarie Local Environmental Plan 2014;
 - b. remove reference to drawings that show details of the development proposal in accordance with clause 5 of S117 Direction, 6.3 Site Specific Provisions. However they may be included in the exhibition material as part of the accompanying development application.
2. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows:
 - a. the Planning Proposal be made publicly available for a minimum 28 days.
 - b. the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing LEPs (Department of Planning & Infrastructure 2013)
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
 - NSW Roads and Maritime Service (S117 Direction 3.4 Integrating Land Use and Transport)The public authorities are to be provided with a copy of the Planning Proposal and any relevant supporting material. The public authorities are to be given at least 21 days to comment on the proposal. Council should, following receipt of advice from the public authorities, update its consideration of S117 Directions in the planning proposal, as required.
4. The Secretary's delegate agrees to the following section 117 Direction inconsistency – 4.1 Acid Sulfate Soils and 6.3 Site Specific Provisions, as the inconsistency with the S117 Direction is of minor significance.
5. A flood assessment is to be undertaken to the satisfaction of Council to determine the flooding impacts on the land, and determine consistency with S117 Direction 4.3 Flood Prone Land. Council should update its consideration of S117 Directions 4.3 Flood Prone Land in the planning proposal, as required.

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 submission if reclassifying land).

7. Council exercise their plan-making delegations under section 59(1) of the EP&A Act.

8. The time-frame for completing the LEP is to be 6 months following the Gateway Determination.

Dated 29th day of January 2016.

A handwritten signature in black ink, appearing to read 'Ash. Albury', with a long, sweeping horizontal stroke extending to the right.

Ashley Albury
Acting Director Regions
Hunter and Central Coast
Planning Services
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_2015_LAKEM_012_00	Planning proposal to rezone land, and permit development for the purposes of a shop with development consent, at 389-391 Pacific Highway, Belmont North.

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 29th January 2016



Ashley Albury
Acting Director Regions
Hunter and Central Coast Region
Planning Services
Department of Planning and Environment