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Mr Brian Bell  
General Manager  
Lake Macquarie City Council  
Box 1906 HRMC NSW 2310

Our ref: PP\_2016\_LAKEM\_003\_00 (16/11781)  
Your ref: RZ/1/2016

Attn: Adam Kennedy

Dear Mr Bell,

### **Planning proposal to amend Lake Macquarie Local Environmental Plan 2014**

I am writing in response to your Council's email dated 12 September 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend Schedule 1, Additional Permitted Uses to apply to land at Pacific Highway Belmont North and Bluebell Street, Belmont.

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.

In relation to S117 Directions 4.1 Acid Sulphate Soils and 4.3 Flood Prone Land, I have agreed that any inconsistency with the terms of the directions are of minor significance. No further approvals are required in relation to these Directions.

Plan making powers were delegated to councils by the Minister 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 6 months of the week following the date of the Gateway determination. Council's request to draft and finalise the LEP should be made to the Department of Planning and Environment 6 weeks prior to the projected publication date.

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 Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Amy Blakely of the Department's regional office to assist you. Ms Blakely can be contacted on (02) 4904 2723.

Yours sincerely,

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

**4/11/2016**

**Monica Gibson**

**Director Regions, Hunter and Central Coast  
Planning Services**

Encl: Gateway Determination  
Written Authorisation to Exercise Delegation  
Delegated plan making reporting requirements  
Plan making process post gateway – for delegated matters



## Gateway Determination

**Planning proposal (Department Ref: PP\_2016\_LAKEM\_003\_00):** to amend Schedule 1 Additional Permitted Uses to apply to land at Pacific Highway, Belmont North and Bluebell Street, Belmont.

I, the 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 Act that an amendment to the Lake Macquarie Local Environmental Plan (LEP) 2014 to amend Schedule 1 Additional Permitted Uses to apply to land at Pacific Highway, Belmont North and Bluebell Street, Belmont 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 (the Act) as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans (Planning & Environment 2016)* 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 local environmental plans (Planning & Environment 2016)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the Act:
  - Mine Subsidence Board (direction 4.2)
  - NSW Rural Fire Service (direction 4.4)

The public authorities 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. 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 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 6 months from the week following the date of the Gateway determination.

Dated 4<sup>th</sup> November 2016

**Monica Gibson**  
Director Regions, Hunter and Central Coast  
Planning Services  
Department of Planning and Environment

**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:

<b>Number</b>	<b>Name</b>
PP_2016_LAKEM_003_00	Planning proposal to amend Schedule 1 Additional Permitted Uses to apply to land at Pacific Highway, Belmont North and Bluebell Street, Belmont

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 4<sup>th</sup> November 2016



**Monica Gibson**  
**Director Regions, Hunter and Central Coast**  
**Planning Services**  
**Department of Planning and Environment**

## Delegated plan making reporting requirements

(Attachment 5 from “A guide to preparing local environmental plans)

**Notes:**

- The department will fill in the details of Table 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the Department’s publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department with the RPA’s request to have the LEP notified

**Table 1 – To be completed by the Department**

Stage	Date/Details
Planning Proposal Number	PP_2016_LAKEM_003_00
Date Sent to Department under s56	12 August 2016
Gateway determination date	<b>4 November 2016</b>

**Table 2 – To be completed by the RPA**

Stage	Date/Details
Dates draft LEP exhibited	
Date of public hearing (if held)	
Date sent to PCO seeking Opinion	
Date Opinion received	
Date Council Resolved to Adopt LEP	
Date LEP made by GM (or other) under delegation	
Date sent to Department requesting notification (hunter@planning.nsw.gov.au)	
Brief Description of Purpose of planning proposal	

**Table 3 – To be completed by the Department**

Stage	Date/Details
Notification Date and details	

**Additional relevant information:**

# **PLAN MAKING PROCESS POST GATEWAY – FOR DELEGATED MATTERS**

## **1. Post Exhibition Review**

- Any unresolved s117 directions must be finalised before progressing with LEP
- If planning proposal is revised, council is to email a copy of the revised proposal to the regional planning team - [centralcoast@planning.nsw.gov.au](mailto:centralcoast@planning.nsw.gov.au) under Section 58(2) of the Act prior to requesting LEP to be made.
- If changes to planning proposal are substantial then may no longer be authorised by the Gateway determination and a Gateway amendment may be required before LEP is made. Councils are encouraged to contact regional planning team to seek advice before finalising the LEP under delegation.

## **2. Legal Drafting of the LEP**

- Council's request to draft and finalise the plans should be made as soon as possible to ensure timeframes are met. Council should upload the maps and GIS data directly to the department's portal site (<https://data.planningportal.nsw.gov.au/help>).
- Once uploaded Council should email [centralcoast@planning.nsw.gov.au](mailto:centralcoast@planning.nsw.gov.au) and advise maps are available for checking. Any questions about uploading can be directed to [gis@planning.nsw.gov.au](mailto:gis@planning.nsw.gov.au).
- Unless otherwise negotiated the department will only undertake a technical review of any maps, to ensure they comply with LEP mapping technical guidelines.
- No maps or mapping/GIS data is to be sent directly to PCO.
- The request for legal drafting should be send to PCO at [parliamentary.counsel@pco.nsw.gov.au](mailto:parliamentary.counsel@pco.nsw.gov.au) including the planning proposal, a copy of the gateway determination and details of any change to the proposal arising from the gateway determination. The name and contact details of the council contact officer should also be supplied.
- A copy of the request to PCO should also be forwarded to the department for administrative purposes only – [centralcoast@planning.nsw.gov.au](mailto:centralcoast@planning.nsw.gov.au)

## **3. Making of the draft LEP s59**

- Council's delegate resolves to finalise the LEP by signing the instrument (see example below).
- If council's delegate decides not to make plan or defer a matter, council should liaise with regional team for assistance.
- Council must also notify PCO if plan not proceeding

## **4. Notification of LEP**

- Council advises and requests the department to make the plan, email request to [centralcoast@planning.nsw.gov.au](mailto:centralcoast@planning.nsw.gov.au) and the following documents to be provided for notification
  1. Signed LEP - which includes full name of LEP and PCO file reference
  2. Signed map cover sheet and associated maps,
  3. Name and position of the delegate who signed the LEP and date,
  4. Completed Attachment 5 - delegated plan making reporting template,
  5. Copy of council's assessment (s 59 report) which is usually the council report/minutes
  6. PC opinion
- Request to [centralcoast@planning.nsw.gov.au](mailto:centralcoast@planning.nsw.gov.au) by Tuesday of the week will enable notification by Friday.

Example of signature front page


Fred Smith
General Manager