



Planning & Environment

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

Our ref: PP_2016_LAKEM_002_00 (16/11183)
Your ref: F2015/01746

Attn: Joanne Marshall

Dear Mr Bell,

Planning proposal to amend Lake Macquarie Local Environmental Plan 2014

I am writing in response to your Council's letter dated 17 August 2016 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 amend the Land Reservation Acquisition Map to include 32 Yambo Street Morisset.

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 Direction 6.2 Reserving Land for Public Purposes, I have agreed that any inconsistency with the terms of the direction is of minor significance. The proposal is consistent with Council's strategic work and will result in public benefit. No further approval is required in relation to this Direction.

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 EP&A 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', with a stylized, cursive script.

8/9/2016

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_002_00): to amend the Land Reservation Acquisition Map to include 32 Yambo Street, Morisset.

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 EP&A Act that an amendment to the Lake Macquarie Local Environmental Plan (LEP) 2014 to amend the Land Reservation Acquisition Map to include 32 Yambo Street, Morisset 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 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 Mine Subsidence Board under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

The Mine Subsidence Board 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 6 months from the week following the date of the Gateway determination.

Dated 8 September 2016.



Monica Gibson
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_2016_LAKEM_002_00	Planning proposal to amend the Land Reservation Acquisition Map to include 32 Yambo Street, Morisset

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 8 September 2016



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