

Gateway Determination

Planning proposal (Department Ref: PP_2018_LAKEM_003_00): to change the maximum allowable building height for multiple land parcels in Charlestown town centre and Lake Macquarie Airport.

I, the Director Regions, Hunter at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 change the maximum allowable building height for multiple land parcels in Charlestown town centre, Charlestown Square and Lake Macquarie Airport should proceed subject to the following conditions:

1. Prior to public exhibition, forward the updated planning proposal to the Department's Regional Office to;
 - a. Determine the surveyed heights of the Charlestown Square site;
 - b. Update provisions in the planning proposal (Map 6) to remove reference to 100+m (RL) and replace with the surveyed height(s) after survey;
 - c. Include street numbers 4, 6, 8, 10, 12, and 14 Marie Street, Charlestown in the Charlestown town centre amendment; and
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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities to comply with the requirements of relevant section 9.1 Directions:
 - Subsidence Advisory NSW regarding consistency with Section 9.1 Direction 4.2
 - NSW Rural Fire Service regarding consistency with Section 9.1 Direction 4.4
 - Civil Aviation Safety Authority
 - Airservices Australia



- NSW Emergency Services

Each public authority 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 **6 months** following the date of the Gateway determination.

Dated 14th day of August 2018.

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

Delegate of the Minister for Planning