

Mr Glenn Handford
General Manager
Great Lakes Council
PO Box 450
Forster NSW 2428

Our ref: PP_2015_GLAKE_002_00 (15/05237)
Your ref: SP-PP-09

Att: Ms Alexandra Macvean

Dear Mr Handford

Planning proposal to amend Great Lakes Local Environmental Plan 2014

I am writing in response to Council's letter dated 13 March 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 approximately 351 hectares of rural land at Charlotte Bay for large environmental protection, residential and private recreation purposes. This is to facilitate the protection and enhanced management of a significant area of environmentally sensitive land, providing habitat and corridor linkages between the Booti Booti, Myall Lakes and Wallingat National Parks and to grow and support the existing Charlotte Bay, Pacific Palms and Smiths Lake communities.

It is noted that the planning proposal is to be progressed in conjunction with a voluntary planning agreement (VPA) between landowners and Council to provide for the dedication of high value ecological land in order to protect these lands into perpetuity. Council is advised to also liaise closely with the Office of Environment and Heritage and the Department to assess the potential for the land to be dedicated for addition to the National Parks estate.

Given the potential for broader public benefits, the Proposal has been supported and as delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination. Council are encouraged to progress work on their Growth Management Strategy and adopt a strategic approach to growth in their LGA in the future.

Because a number of studies and investigations need to be undertaken and the planning proposal amended and sent to the Department and the Office of Environment and Heritage for comment, prior to exhibition, I have elected not to issue Council with delegations to finalise this plan. Council may need to obtain the agreement of the Secretary to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The amending Local Environmental Plan (LEP) is to be finalised within 24 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the amended planning proposal as soon as possible after the completion of the necessary studies and investigations. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 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 Brian Murphy from the Hunter office to assist you. He can be contacted on (02) 4904 2712.

Yours sincerely,

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

28 April 2015

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Gateway Determination

Planning proposal (Department Ref: PP_2015_GLAKE_002_00): to rezone land at Charlotte Bay in Great Lakes LGA.

I, the General Manager, Hunter and Central Coast Region at 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 Great Lakes Local Environmental Plan (LEP) 2014 to rezone land at Charlotte Bay from RU2 Primary Production to part R2 Low Density Residential, E2 Environmental Conservation, E3 Environmental Management and RE2 Private Recreation as described in Council's Proposal, should proceed subject to the following conditions:

1. The Proposal should be amended, prior to exhibition, to incorporate the:
 - recommendations of the required additional studies / investigations (see below);
 - recommendations of relevant government agencies and to update consideration of relevant s117 directions - 1.3 Mining Petroleum Production and Extractive Industries, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulphate Soils, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection and SEPP 44 Koala Habitat Protection and SEPP 55 Remediation of Land;
 - draft LEP Land Zoning, Lot Size and Height of Buildings maps consistent with the Department's mapping requirements for LEPs; and
 - the use of E1 National Parks zone, if land is to be dedicated to National Parks estate.

Copies of the amended Proposal should be provided to the Department and OEHL for information and comment prior to exhibition.

2. The following studies / investigations are to be undertaken prior to exhibition:
 - Ecological assessment, including an assessment of potential Koala habitat and the need for a Koala plan of management to be prepared, prior to any development being approved;
 - Cultural Heritage assessment;
 - Preliminary contamination assessment, consistent with the requirements of SEPP 55.
 - Bushfire hazard assessment;
 - Flood Assessment;
 - Access Transport Strategy;
 - Integrated water management strategy; and
 - Utility Services Assessment (water /sewer, electricity and telecommunications).

Council should consider the findings of these investigations in amending the Proposal and preparing the draft LEP maps, prior to public exhibition and submitting the final Proposal for approval.

3. 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 Proposal must be made publicly available for a minimum 28 days. A 28 day exhibition is supported because the local significance of the proposal.
 - (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).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and / or to comply with the requirements of relevant s117 Directions:
- Office of Environment and Heritage regarding the zone boundaries for environmental protection lands and the associated VPA. Council should also liaise closely with the NSW National Parks and Wildlife Service about the potential for these lands to be dedicated for addition to the National Park estate;
 - Office of Environment and Heritage regarding the assessment of Aboriginal Heritage;
 - Rural Fire Service of NSW regarding s117 direction 4.4 Planning for Bushfire Protection;
 - DPI regarding s117 direction 1.3 Mining Petroleum Production and Extractive Industries;
 - Roads and Maritime Services regarding the access transport strategy;
 - Roads and Maritime Services, Department of Education, Fire and Rescue, NSW Police and Ambulance Service of NSW regarding State infrastructure requirements; and
 - Mid Coast Water, Essential Energy and Telstra regarding Utility Services Assessment.

Each public authority is to be provided with a copy of the Proposal and any relevant supporting material, and 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 and SEPPs in the Proposal, as required.

5. 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).
6. The Proposal is not to be finalised until an agreement is in place for the in perpetuity protection of the environmental land.
7. The time-frame for completing the LEP is to be **24 months** from the week following Gateway Determination. A 24 month time-frame has been provided because of the need for Council to undertake the identified studies / investigations, amend the Proposal and resolve and exhibit the planning agreement.

Dated 28th day of April 2015.



David Rowland
General Manager
Hunter and Central Coast Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning