

Mr Glenn Handford
Interim General Manager
MidCoast Council
PO Box 450
FORSTER NSW 2428

Att: Alexandra Macvean

Dear Mr Handford,

Planning Proposal to amend Great Lakes Local Environmental Plan 2014

I am writing in response to your Council's letter dated 1 December 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 require residential accommodation in certain circumstances, to be designed in accordance with the Livable Housing Design Guidelines and to provide flexibility between zone boundaries.

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.

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.

Council should consider whether it should adopt the standard model clause 5.3 Development near zone boundaries for the Great Lakes Local Environmental Plan 2014 instead of apply it to just eight (8) development precincts identified on the Flexible Zone Boundary Area Maps. If Council decides to proceed with identifying only a few future development precincts, it needs to explain why these sites have been identified compared to other potential release areas.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 questions regarding this matter, I have arranged for Mr Trent Wink from the Hunter office to assist you. Mr Wink can be contacted on (02) 49042716.

Yours sincerely,

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

25/1/2017

Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services

Gateway Determination

Planning Proposal (Department Ref: PP_2017_MCOAS_002_00): to require residential accommodation in certain circumstances, to be designed in accordance with the Livable Housing Design Guidelines and to provide flexibility between zone boundaries.

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 Great Lakes Local Environmental Plan (LEP) 2014 to encourage more adaptable housing and to provide flexibility in future subdivision layouts should proceed subject to the following conditions:

1. Prior to undertaking community consultation, amend the Planning proposal as follows:
 - (a) amend part 1 Objectives and Intended Outcomes to explain that the requirement to be designed in accordance with the Livable Housing Design Guidelines only applies to development utilising the bonus height and floor space ratio provisions or residential accommodation proposed in the R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre and B2 Local Centre zones; and
 - (b) amend the title of the Livable Housing Design Guidelines to include the date of publication;
 - (c) amend Part 2 Explanation of Provisions to explain why the eight (8) development precincts have been identified on the Flexible Zone Boundary Area Maps compared to other potential release areas; and
 - (d) update Appendix E and explain how the planning proposal is consistent with the Minister's S117 Direction 5.10 Implementation of Regional Plans.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Planning & Infrastructure 2013)* 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 LEPs (Planning & Infrastructure 2013)*.
3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. The NSW Rural Fire Service 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. Council may also consult any other utility service provider as deemed necessary.
4. 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).

5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 25th day of January 2017.

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

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

MidCoast 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_2017_MCOAS_002_00	Planning proposal to require residential accommodation in certain circumstances, to be designed in accordance with the Livable Housing Design Guidelines and to provide flexibility between zone boundaries for mapped urban release areas..

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 25th January 2017

A handwritten signature in black ink, appearing to read "Monica Gibson".

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