

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2018_MCOAS_004_00): to amend the Great Lakes Local Environmental Plan 2014 to facilitate the development of a highway service centre and subdivision at 9844 Pacific Highway, Bulahdelah.

I, the Deputy Secretary, Local Government, Planning and Policy at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 11 July 2019 for the proposed amendment to the Great Lakes Local Environmental Plan 2014 as follows:

1. Delete:

"I, the Group Deputy Secretary, Planning and Assessment at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to the Great Lakes Local Environmental Plan 2014 to facilitate development of a highway service centre at 9844 Pacific Highway, Bulahdelah should not proceed for the following reasons:

1. the planning proposal is inconsistent with the RMS Pacific Highway Service Centre Policy and Council's Great Lakes Highway Service Centre Strategy;
2. the planning proposal is inconsistent with the Hunter Regional Plan 2036, specifically Direction 4 – Enhance inter-regional linkages to support economic growth and Direction 20 – Revitalise existing communities; and
3. the planning proposal is inconsistent with section 9.1 Direction 5.4 Commercial and Retail Development along the Pacific Highway, North Coast and Direction 5.10 Implementation of Regional Plans, and the inconsistency is not justified."

2. Insert the following:

The amendment to the Great Lakes Local Environmental Plan 2014 to facilitate development of a highway service centre and subdivision at 9844 Pacific Highway, Bulahdelah should proceed subject to the following conditions:

1. The planning proposal should be amended, prior to exhibition, to incorporate the following:
 - (a) the Independent Planning Commission's advice dated 31 January 2020; and
 - (b) details of the draft planning agreement outlining the proposed street improvements including landscaping, additional facilities and

infrastructure for RV/caravans, a business assistance package and local promotions of the area.

2. A local heritage impact statement is to be prepared prior to exhibition. It should assess the visual impacts of the highway service centre and associated signage on the heritage significance of the former Alum Mine (local heritage item) and the Bulahdelah Mountain heritage conservation area.
3. 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Transport for NSW;
 - Heritage Council of NSW;
 - Karuah Local Aboriginal Land Council;
 - NSW Rural Fire Service;
 - Water Services Division of Council;
 - service providers including Telstra, NBN and TransGrid/Essential Energy; and
 - Bulahdelah Chamber of Commerce.

Each public authority/organisation 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.

5. The planning agreement outlining the proposed street improvements and other benefits shall be executed with Council before the planning proposal is finalised.
6. 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).

7. The time frame for completing the LEP is to be 18 months following the date of the altered Gateway determination.

Dated 20th day of March 2020.



Tim Hurst
Deputy Secretary, Local Government,
Planning and Policy
Planning and Assessment
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces