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

Our ref: PP\_2017\_LAKEM\_001\_00 (16/15910)  
Your ref: F2015/01746

Attn: Joanne Marshall

Dear Mr Bell,

**Planning proposal to amend Lake Macquarie Local Environmental Plan 2014 (2016 Housekeeping Amendment)**

I am writing in response to your Council's letter dated 11 January 2017 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 reclassify various sites from community land to operational land, and rezone one site at Charlestown.

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. No further approval is required in relation to this Direction.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the department's practice note PN16-001 Classification and reclassification of public land through a local environmental plan. As directed within PN 16-001, the practice note is required to be included in the public exhibition package.

Plan making powers were delegated to councils by the Minister in October 2012. Because the proposal contains Council owned land, and requires approval from the Governor to extinguish interests, I have decided not to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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.

**23/1/2017**

**Monica Gibson**

**Director Regions, Hunter and Central Coast  
Planning Services**

Encl: Gateway Determination  
Delegated plan making reporting requirements  
Plan making process post gateway – for delegated matters

# Gateway Determination

**Planning proposal (Department Ref: PP\_2017\_LAKEM\_001\_00): 2016 Housekeeping Amendment**

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 (2016 Housekeeping Amendment) should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, update the planning proposal to refer to S117 Direction 5.10 Implementation of Regional Plans.
2. 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 must be made publicly available for a minimum of **28 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)*.
3. 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:
  - Subsidence Advisory NSW (s117 Direction 4.2 Mine Subsidence and Unstable Land)
  - NSW Rural Fire Service (s117 Direction 4.4 Planning for Bushfire Protection)

The public authorities are 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.

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 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).
5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 23<sup>rd</sup> January 2017.



**Monica Gibson**  
**Director Regions, Hunter and Central Coast**  
**Planning Services**  
**Department of Planning and Environment**  
**Delegate of the Minister for Planning**