



Mr Glen Handford  
Interim General Manager  
Mid-Coast Council  
PO Box 450  
FORSTER NSW 2428

Our ref: PP\_2016\_MCOAS\_003 (17/01684)  
Your ref: SP-PP-28

Att: Alexander 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 9 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 rezone E2 Environmental Land to RE2 Private Recreation, reduce the minimum lot size, and amend the floor space ratio for 3.4ha of land to facilitate expansion of a caravan park.

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.

I have also agreed the planning proposal's inconsistency with S117 Direction 3.4 Integrating Land Use and Transport is of minor significance. No further approval is required in relation to this Direction.

Consultation with the Office of Environment and Heritage is required to determine consistency with Direction 2.1 Environment Protection Zones. Consultation is also required regarding the preliminary bio-banking calculation report, the validity of previous environmental studies and investigations, and if the site is located within a proposed regional biodiversity corridor. OEH should also be requested to reconfirm its position regarding the potential for the proposed biodiversity offsets to be added to the NSW national parks and reserve system.

Council may still 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.

It is suggested that exhibition of the planning agreement for the dedication of land for permanent protection occurs concurrently with the planning proposal. This will assist the community in understanding the proposal.

The amending Local Environmental Plan (LEP) is to be finalised within 18 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 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 Dylan Meade from the Hunter office to assist you. Mr Meade can be contacted on (02) 4904 2718 or [dylan.meade@planning.nsw.gov.au](mailto:dylan.meade@planning.nsw.gov.au).

Yours sincerely,

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

6/2/2017

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

## Gateway Determination

**Planning proposal (Department Ref: PP\_2017\_MCOAS\_003):** to rezone E2 Environmental Land to RE2 Private Recreation, reduce minimum lot size, and amend floor space ratio for land at Blueys Beach

I, the Director Regions, Hunter and Central Coast 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 E2 Environmental Land to RE2 Private Recreation, reduce minimum lot size, and amend floor space ratio for land at Blueys Beach should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is to seek approval from Newcastle Office of the Department of Planning and Environment that the updated planning proposal:
  - (a) responds adequately to comments from the Office of Environment and Heritage regarding S117 Direction 2.1 Environment Protection Zones, the suitability of previous environmental studies, and preliminary bio-banking calculation;
  - (b) addresses the inconsistency with S117 Direction 4.1 Acid Sulfate Soils by providing justification that there are no significant adverse environmental impacts posed by acid sulfate soils or undertakes a study as required by the direction;
  - (c) addresses the inconsistency with S117 Direction 4.3 Flood Prone Land by providing further information of the flood risk associated with this site including mapping or undertakes a study as required by the direction;
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 (Department of 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:
  - Office of Environment and Heritage (2.1 Environment Protection Zones)
  - NSW Rural Fire Service (4.4 Planning for Bushfire Protection)

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 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 **18 months** from the week following the date of the Gateway determination.

Dated 6<sup>th</sup> day of February 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**