

Mr Steve Embry  
Acting General Manager  
MidCoast Council  
PO Box 450  
FORSTER NSW 2428

Dear Mr Embry

**Planning Proposal PP\_2018\_MCOAS\_001\_00 to amend Great Lakes Local Environmental Plan 2014**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on date 2 March 2018 in respect of the planning proposal to rezone 13 sites for conservation purposes and to realign the zone boundary of a property at the corner of Macwood and Matthew roads Smiths Lake.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, to the planning proposal's inconsistency with section 9.1 Directions (1.2 Rural Zones and 3.1 Residential Zones) and consider them justified in accordance with the terms of the Direction. In relation to section 9.1 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the land can continue to provide public benefit when zoned E3 Environmental Management. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant section 9.1 Directions including 1.3 Mining Petroleum Production and Extractive Industries, 2.3 Aboriginal Heritage Conservation and 4.4 Planning for Bushfire Protection, Council should ensure this occurs prior to community consultation.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of 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 of Planning and Environment.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Paul Maher to assist you. Mr Maher can be contacted on 02 4904 2719.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized, cursive script.

**23/3/2018**

**Monica Gibson**

**Director Regions, Hunter  
Planning Services**

Encl: Gateway Determination  
Local plan-making authority reporting template