

## Gateway Determination

**Planning proposal (Department Ref: PP-2021-468):** to rezone 18 Gosford Road, Wyee from RU2 Rural Landscape to R2 Low Density Residential, reduce the minimum lot size from 20ha to 450m<sup>2</sup> and identify the site as an urban release area.

I, the Acting Director, Central Coast and Hunter Region at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Lake Macquarie Local Environmental Plan 2014* to rezone 18 Gosford Road, Wyee from RU2 Rural Landscape to R2 Low Density Residential, reduce the minimum lot size from 20ha to 450m<sup>2</sup> and identify the site as an urban release area should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - (a) address the findings of the additional ecological assessments including habitat tree and species surveys; and
  - (b) reference all relevant and current section 9.1 Ministerial directions and State Environmental Planning Policies.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition of the planning proposal is to commence by 1 August 2022.

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
  - NSW Rural Fire Service
  - Biodiversity Conservation Division
  - Crown Lands
  - Transport for NSW – Roads and Sydney Trains
  - Hunter Water Corporation
  - Central Coast Council
  - NSW Mining, Exploration and Geoscience

Consultation is also required with the following organisations

- Jemena Gas

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 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 3.34(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 Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
  - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
6. The LEP should be completed on or before 20 January 2023.

Dated 29<sup>th</sup> day of April 2022.



**William Oxley**  
**Acting Director, Central Coast and Hunter**  
**Region**  
**Planning & Land Use Strategy**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning and**  
**Homes**