

Ms Morven Cameron
Chief Executive Officer
Lake Macquarie City Council
Box 1906
Hunter Regional Mail Centre
NSW 2310

Our ref: PP-2021-4683 (IRF22/756)

Dear Ms Cameron

Planning proposal PP-2021-4683 to amend Lake Macquarie Local Environmental Plan 2014

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 5 April 2022 in respect of the planning proposal to amend *Lake Macquarie Environmental Plan 2014* to rezone 18 Gosford Road, Wyee from RU2 Rural Landscape to R2 Low Density Residential, reduce the minimum lot size from 20 ha to 450m² and identify the site as an urban release area.

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

As delegate of the Secretary, I have agreed that any inconsistency with section 9.1 Ministerial direction 9.1 Rural Zones is justified by a strategy approved by the Planning Secretary, namely the *Hunter Regional Plan 2036* and *Greater Newcastle Metropolitan Plan 2036*.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Ministerial directions including 4.3 Planning for Bushfire Protection and 8.1 Mining, Petroleum Production and Extractive Industries. Council should ensure this occurs prior to the LEP being made.

Considering the nature of the planning proposal I have determined Council may exercise local plan-making authority functions in relation to the planning proposal.

Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to mapinstrument.drafting@dpie.nsw.gov.au. The relevant Department of Planning and Environment team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the Gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Yours sincerely,

A handwritten signature in black ink that reads "W Oxley". The signature is written in a cursive, flowing style.

29/04/2022

William Oxley
Acting Director, Central Coast and Hunter
Planning & Land Use Strategy

Encl: Gateway determination