



Ms Morven Cameron
CEO
Lake Macquarie City Council
PO Box 1906
Hunter Regional Mail Centre
SPEERS POINT NSW 2310

Dear Ms Cameron

Planning proposal to amend Lake Macquarie 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* and additional information received on 21 May 2020 in respect of the planning proposal to rezone land from E2 Environmental Conservation to R2 Low Density Residential and E4 Environmental Living at No. 40 Rayford Street, 16,17 &19 Daydawn Avenue and 18 Winterlake Road, Warners Bay.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination. There are updates required to the planning proposal prior to it being exhibited for community consultation.

Council requires the Secretary's approval for the inconsistency with section 9.1 Ministerial direction 2.1 - Environment Protection Zones. Consultation with the Department of Planning, Industry and Environment (Biodiversity Conservation Division) is required prior to exhibition on the adequacy of the draft vegetation management plan and whether the rezoning proposal needs to satisfy any other requirements of the *Biodiversity Conservation Act 2016*.

On 17 April 2020, the Minister for Planning and Public Spaces approved the removal clause 6 from *State Environmental Planning Policy 55 - Remediation of Land* and transfer requirements to section 9.1 Ministerial direction 2.6 Remediation of Contaminated Land. As such, the planning proposal should be updated prior to exhibition.

On 1 March 2020, the SEPP 44 was repealed and replaced with *State Environmental Planning Policy (Koala Habitat Protection) 2019*. The *State Environmental Planning Policy (Koala Habitat Protection) 2019* includes a new definition for 'core koala habitat', two maps to help protect koalas across NSW, and the most up-to-date tree species data. As such, the planning proposal should be updated prior to exhibition.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Ministerial directions:

- 1.3 – Mining, Petroleum Production and Extractive Industries,
- 2.3 – Heritage Conservation, and
- 4.4 Planning for Bushfire Protection.

Council should ensure this occurs prior to the plan being made.


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.

Council's request to draft and finalise the local environmental plan should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

The NSW Government is committed to reducing the time taken to complete local environmental plans 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 enquiries about this matter, I have arranged for Mr Trent Wink to assist you. Mr Wink can be contacted on 4904 2716.

Yours sincerely



22/06/2020

Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Assessment

Encl: Gateway determination
Authorised plan-making reporting template