

Gateway Determination

Planning proposal (Department Ref: PP_2020_LAKEM_003_00): 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.

I, the Director, Central Coast and Hunter Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to the *Lake Macquarie Local Environmental Plan 2014* should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is to amend the planning proposal to:
 - a) include a draft vegetation management plan that outlines the management and revegetation requirements for lands zoned E2 Environmental Conservation;
 - b) update Part 3, Section 3 assessment to consider:
 - a. *State Environmental Planning Policy (Koala Habitat Protection) 2019*; and
 - b. *State Environmental Planning Policy 55 - Remediation of Land*;
 - c) update Part 3, Section 4 assessment of the section 9.1 Ministerial directions to address the new Direction 2.6 Remediation of Contaminated Land; and
 - d) update the relevant sections after receiving the outstanding geotechnical assessment for No.18 Winterlake Road, Warners Bay.
2. Prior to undertaking community consultation, Council is to consult with the Department of Planning, Industry and Environment (Biodiversity Conservation Division) 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*.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and to comply with the requirements of relevant section 9.1 Directions:

- Department of Planning, Industry and Environment (Geoscience Division)
- Department of Planning, Industry and Environment (Biodiversity Conservation Division)
- NSW Rural Fire Service
- Subsidence Advisory NSW
- Hunter Water Corporation

Each public authority/organisation 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.

5. 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 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).
6. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the 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 section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.

7. The time frame for completing the LEP is to be **12 Months** following the date of the Gateway determination.

Dated 22 day of June 2020.

A handwritten signature in black ink, appearing to read 'Dan Simpkins', with a long horizontal line extending to the right.

Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Assessment
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces