

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

Our ref: IRF22/1485

Dear Ms Cameron

Planning proposal PP-2021-5696 to amend *Lake Macquarie Local Environmental Plan 2014*

I am writing in response to the planning proposal Council forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend height and minimum lot size development standards, additional permitted uses boundaries and introduce an additional local provision for subdivision of certain developments at North Wallarah Peninsula.

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

While not a final plan, the Department has completed an assessment of the planning proposal against the draft Hunter Regional Plan 2041. In particular, assessing the merits against the objectives to create a 15-minute region and nimble neighbourhoods of diverse housing.

The benefit of R1 General Residential zone under the *Lake Macquarie Local Environmental Plan 2014* is the clear zone objective to enable other land uses that provide facilities or services to meet the day to day needs of residents.

Currently this includes land uses permissible with consent for centre-based child care facilities, markets, neighbourhood shops and restaurants and cafes. Given the limited ability for safe and convenient walking and cycling to nearby centres at Swansea and Caves Beach, it is unfortunate these land uses don't also include business premises, neighbourhood shops and supermarkets, education establishments and health services facilities. All would be considered day to day needs consistent with the zone objective.

The draft regional plan also recognises that in order to achieve the many public interest intentions of the draft plan, new developments will have to be different. There needs to be greater diversity of housing to improve affordability.

Neighbourhoods need to become more nimble to accommodate different demographics. Neighbourhoods should support people to grow older in communities they know and allow people to stay in communities they grew up in as kids. Rigid and difficult to change planning controls limit these choices. In this case, the proposed reduction in height of buildings may limit the ability for more diverse housing choices to be provided in future as the community grows and evolves.

I appreciate the planning proposal was submitted to Council prior to exhibition of the draft Hunter Regional Plan 2041. However, these matters should be considered in the planning proposal prior to public exhibition.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act 1.4 Site Specific Provisions is justified in accordance with the terms of the direction. No further approval is required in relation to this direction.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act 4.3 Planning for Bushfire Protection and 4.6 Mine Subsidence and Unstable Land. 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.

The proposed local environmental plan (LEP) is to be finalised on or before 27 May 2023. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning and Environment.

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.

Should you have any enquiries about this matter, I have arranged for Mr Glenn Horal, Senior Planning Officer, Central Coast and Hunter Region to assist you. Mr Horal can be contacted on 4345 4409.

Yours sincerely



11/10/2022

Dan Simpkins

**Director, Central Coast and Hunter Region
Planning and Land Use Strategy**

Encl: Gateway determination