



## Gateway Determination

**Planning proposal (Department Ref: PP\_2019\_LAKEM\_001\_00):** reclassification of various sites from community land to operational land, rezoning of various sites and amendment of planning controls for these sites.

I, the Acting Executive Director, Regions 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* (the Act) that an amendment to the Lake Macquarie Local Environmental Plan (LEP) 2014 to reclassify eight sites from community land to operational land, rezone six sites and amend associated planning controls for these sites should proceed subject to the following conditions:

1. Prior to community consultation, the proposal is to be amended as follows:
  - (a) further details are required for Item 8 including:
    - i) details of the endangered ecological community (EEC) present on the site and proposed mitigation measures;
    - ii) justification for the proposed RE1 Public Recreation zone rather than an environmental zone given the EECs present on-site;
  - (b) further details are required for Item 9 including:
    - i) justification as to why the site is no longer required for public open space and an assessment against Council's open space criteria; and
    - ii) details on the biodiversity values of the site, particularly for the E2 Environmental Conservation-zoned land.
2. The Secretary's approval under section 9.1 Ministerial Direction 6.2 Reserving Land for Public Purposes (for Items 8 and 9) is required prior to community consultation.
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, Industry and Environment 2016).
4. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act to comply with the requirements of relevant section 9.1 Directions:
  - Subsidence Advisory NSW; and
  - NSW Rural Fire Service.

Each public authority 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 time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 13<sup>th</sup> day of August 2019.



**Monica Gibson**  
**Acting Executive Director, Regions**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Public Spaces**