



Ms Morven Cameron
CEO
Lake Macquarie City Council
Box 1906
HUNTER REGION MAIL CENTRE NSW 2310

Dear Ms Cameron

Planning proposal PP_2019_LAKEM_001_00 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* (the Act) in respect of the planning proposal to reclassify community land to operational land at various sites.

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.

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistencies with the section 9.1 Directions listed below are justified in accordance with the terms of the Directions:

- 1.1 Business and Industrial Zones (Item 6);
- 2.2 Coastal Management (Item 8);
- 3.1 Residential Zones (Item 8);
- 4.1 Acid Sulfate Soils (Items 1, 4, 6, 8 and 9);
- 4.2 Mine Subsidence and Unstable Land (Items 1, 3, 4, 5, 7 and 10);
- 4.3 Flood Prone Land (Items 4 and 9);
- 4.4 Planning for Bushfire Protection (Items 2, 3, 4 and 7); and
- 6.2 Reserving Land for Public Purposes (Items 3, 6, 7 and 10).

No further approval is required in relation to these Directions.

In relation to section 9.1 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction and creation of land for public purposes for Items 3, 6, 7 and 10. However, as a condition of the Gateway determination, further information and justification are required for Items 8 and 9 and Council should ensure this occurs prior to public exhibition.

The proposal is inconsistent with the following section 9.1 Directions:

- 2.1 Environment Protection Zones (Item 9);
- 2.2 Coastal Management (Item 9);
- 4.2 Mine Subsidence and Unstable Land (Items 6 and 9);
- 4.4 Planning for Bushfire Protection (Items 6, 9 and 10);
- 5.10 Implementation of Regional Plans (Item 9); and
- 6.2 Reserving Land for Public Purposes (Items 8 and 9).

Council may still need to obtain the agreement of the Secretary to comply with the requirements of these Directions. Council should ensure this occurs before the plan is made.

The proposal requests that the public reserve status of Item 8 be removed. As the site is classified as operational land, it is Council's responsibility to undertake this function via the appropriate procedures established by NSW Land Registry Services. Should Council require any further information in relation to the procedures involved, I recommend you obtain further independent legal advice.

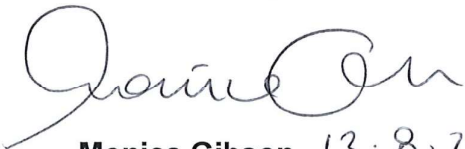
I have considered the nature of Council's planning proposal and have determined not to condition the Gateway for Council to be authorised as the local plan-making authority as the proposal is for the reclassification of land and will involve the discharge of interests.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The state government is committed to reducing the time taken to complete LEPs 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 James Shelton to assist you. Mr Shelton can be contacted on 4904 2713.

Yours sincerely



Monica Gibson 13.8.2019
Acting Executive Director, Regions

Encl: Gateway determination