

Gateway Determination

Planning proposal (Department Ref: PP-21-7170): Rezone Part Lot 303 DP 1099114 to R2 Low Density Residential and C2 Environmental Conservation, with associated changes to development controls.

I, the Director, Central Coast and Hunter at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Great Lakes Local Environmental Plan 2014* to rezone Part Lot 303 DP 1099114 to R2 Low Density Residential and C2 Environmental Conservation, with associated changes to development controls, should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal should be updated to:
 - (a) include details in the planning proposal of the bulk earthworks Development Application and how it addressed flooding on the site; and
 - (b) remove the indicative subdivision plan to be consistent with section 9.1 Ministerial direction 1.4 Site Specific Provisions.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) and 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021).
3. 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).
4. Consultation is required with the Biodiversity Conservation Division under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act.

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

5. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority 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 applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The LEP should be completed on or before 31 March 2023.

Dated 5th day of July 2022.



Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Land Use Strategy
Department of Planning and Environment

Delegate of the Minister for Planning and
Homes