

Ms Morven Cameron
CEO
Lake Macquarie City Council
Box 1906
Hunter Region Mail Centre NSW 2310

Att: Angel Troke

Dear Ms Cameron,

Planning Proposal PP_2017_LAKEM_009_00 to amend Council Local Environmental Plan 2014

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 22 January 2018 in respect of the Planning Proposal to rezone various sites throughout the LGA.

As delegate of the Minister for Planning, I have now determined the Planning Proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the Planning Proposal's inconsistencies with Section 117 Directions 2.1 Environmental Protection Zones, 3.1 Residential Zones and 6.2 Reserving Land for Public Purposes are justified in accordance with the terms of the Direction. In relation to Section 117 Direction 6.2 Reserving Land for Public Purposes, for sites 2 to 9, I have agreed to the reduction of land for public purposes on the basis that the land characteristics and existing uses on the sites are not suitable for recreation purposes and is more suitable for the proposed zones.

Council will need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant Section 117 Directions 4.2 Mine subsidence and unstable land, 4.4 Planning for bushfire protection and additional sites in relation to 6.2 Reserving Land for Public Purposes. Council should ensure this occurs prior to community consultation.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that

Council has requested to be issued with delegation for this planning proposal.

I have considered Council's request for delegation and determined not to issue an authorisation due to the extent of Council owned land within the proposal.

The amending Local Environmental Plan (LEP) is to be finalised within 18 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 and Environment to draft and finalise the LEP should be made 8 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 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr James Shelton to assist you. Mr Shelton can be contacted on (02) 4904 2713.

Yours sincerely



16/2/2018
Monica Gibson
Director Regions, Hunter
Planning Services

Encl:

Gateway Determination