

## Gateway Determination

***Planning Proposal (Department Ref: PP\_2017\_LAKEM\_009\_00): to rezone various sites throughout the LGA not required for public recreation purposes from RE1 Public Recreation to various zones and to correct some zoning anomalies.***

I, the Director Regions, Hunter, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Lake Macquarie Local Environmental Plan (LEP) (2014) to rezone various sites throughout the LGA not required for public recreation purposes from RE1 Public Recreation to various zones and to correct some zoning anomalies should proceed subject to the following conditions:

1. Update the planning proposal:
  - a. Add all agency and land owner consultation.
  - b. Item 1 to confirm if part of Wakefield Road is to be included in the proposal.
  - c. Item 17 to provide details for each separate lot in this item regarding future dwelling entitlements.
  - d. Include supporting documentation as part of the proposal such as the relevant recreation needs studies and reports.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the relevant planning 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and / organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
  - Subsidence Advisory NSW (S.117 Direction 4.2 – item 2 Nords Wharf)

- NSW Rural Fire Service (S.117 Direction 4.4) for:
    - item 2 Nords Wharf;
    - item 16 Tingira Heights;
    - item 17 Eraring; and
    - item 18 Belmont North
  - 4. Council is to further consult with the following land owners in relation to 117 Direction 6.2 Reserving Land for Public Purposes:
    - the Department of Industry and Biraban Local Aboriginal Land Council in relation to the site at 2 Campview Road, Morisset.
    - The relevant Local Aboriginal Land Council for Item 19 that includes the Butterfly Caves.
    - Hunter Water Corporation in relation to items 10 and 13.
- Each public authority/organisation 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 56(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 timeframe for completing the LEP is to be **18 months** following the date of the Gateway determination.

Dated 16<sup>th</sup> day of February 2018.



**Monica Gibson**  
**Director Regions, Hunter**  
**Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**