

Anthony Farrell
Acting General Manager
Lake Macquarie Council
BOX 1906
Hunter Region Mail Centre NSW 2310

Dear Mr Farrell,

Proposed Section 73A Amendment - PP_2017_LAKEM_002_00 – to amend Lake Macquarie Local Environmental Plan 2014

I am writing in response to Council's request for a Gateway determination under Section 73A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) received on 13 July 2017 and additional information received 31 July 2017 in respect of the Local Environmental Plan (LEP) amendment to correct errors in Schedule 5 - Environmental Heritage at various sites in Lake Macquarie.

The assessment determined that 18 of the amendments should proceed under Section 73A. The remaining 5 amendments do not meet the criteria for Section 73A, but I encourage Council to prepare a Planning Proposal for these matters. The Gateway determination includes a condition listing the items that have been removed.

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

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's LEP amendment and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending LEP is to be finalised within 3 months of the date of the Gateway determination. As it has been determined that this is a minor amendment, Council is to request Parliamentary Counsel's Office commence drafting the instrument as soon as practicable. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 EP&A 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 Ms Corrine Manyweathers to assist you. Ms Manyweathers can be contacted on (02) 4345 4404.

Yours sincerely



24/8/2017

Monica Gibson

**Director Regions, Hunter
Planning Services**

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template