



Ms Morven Cameron  
CEO  
Lake Macquarie City Council  
Po Box 1906  
Hunter Regional Mail Centre  
SPEERS POINT NSW 2310

Dear Ms Cameron

**Planning proposal PP\_2020\_LAKEM\_004\_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 rezone part of 405 Cessnock Road, Ryhope, known as the Lake Macquarie Memorial Park, from E3 Environmental Management zone to RU2 Rural Landscape zone.

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.

On 17 April 2020, the Minister for Planning and Public Spaces approved the removal clause 6 from State Environmental Planning Policy 55 – Remediation of Land and transfer the requirements to section 9.1 direction – Remediation of Contaminated Land. As such, the planning proposal should be updated prior to exhibition to address consistency with this section 9.1 direction.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of the following section 9.1 directions:

- 2.1 Environmental Protection Zones,
- 2.3 Heritage Conservation,
- 2.6 Remediation of Contaminated Land,
- 4.2 Mines Subsidence and Unstable Land,
- 4.4 Planning for Bushfire Protection, and
- 5.10 Implementation of Regional Plans.

Council should ensure this occurs prior to the plan being made.

It is noted Council has requested to be authorised as the local plan-making authority. I have considered the nature of the planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

The NSW 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 Ken Phelan to assist you. Mr Phelan can be contacted on 4904 2705.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dan Simpkins', with a long horizontal line extending to the right.

27/04/2020

**Dan Simpkins**  
**Director, Central Coast and Hunter Region**  
**Planning and Assessment**

Encl: Gateway determination  
Authorised plan-making reporting template