

Gateway Determination

Planning Proposal (Department Ref: PP_2017_LAKEM_008_00): to remove 14 sites identified for acquisition by Council and rezone and make changes to development standards for five of these sites.

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 remove 14 sites identified for acquisition by Council and rezone and make changes to development standards for five of these sites should proceed subject to the following conditions:

1. Update the Planning Proposal to include:
 - a. Replace reference to 16 sites throughout the PP to 14 sites (for example Locality map page 23);
 - b. For items 11, 12 and 14 – consideration of the appropriateness of this site for E2 zone considering:
 - i. the Department's 2009 LEP Practice Note (PN 09-002) on Environmental Protection Zones;
 - ii. the size of the proposed zone;
 - iii. the fragmentation and lot pattern;
 - iv. the topography and likelihood of development; and
 - v. the isolated location in relation to other E2 or E1 zoned land and other options for protection of the native vegetation.

This consideration should include the comments of the Office of Environment and Heritage.

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**;
 - (b) consultation should include specific notification of affected land owners; and
 - (c) 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).



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3. Consultation is required with the following public authorities under section 56(2)(d) of the Act to comply with the requirements of relevant Section 117 Directions:
 - Subsidence advisory NSW (Direction 4.2 - Mine Subsidence and Unstable Land) for sites 10, 12, 13 and 14.
 - NSW Rural Fire Service (Direction 4.4 - Planning for Bushfire Protection) for sites 10, 11, 12, 13 and 14.

In addition, consultation with the Office of Environment and Heritage is required for Items 11 and 14 in relation to the site appropriateness for a E2 Environmental Conservation zone given its attributes and urban context.

4. Council will still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant Section 117 Directions 6.2 Reserving Land for Public Purposes and the reduction of land for public purposes. Council should ensure this occurs after Council has considered any submissions received from community consultation.
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 **12 months** following the date of the Gateway determination.

Dated 25th day of January 2018.

Monica Gibson
Director Regions, Hunter
Planning Services
Department of Planning and
Environment
Delegate of the Minister for Planning