

Ms Morven Cameron  
Chief Executive Officer  
Lake Macquarie City Council  
Box 1906  
HUNTER REGION MAIL CENTRE NSW 2310

Dear Ms Cameron

**Planning Proposal [PP\_2017\_LAKEM\_008\_008] to amend Lake Macquarie 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 28 November and 14 December 2017 in respect of the Planning Proposal to remove 14 sites identified for acquisition by Council and rezone and make changes to development standards for five of these sites.

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 inconsistency with Section 117 Direction 3.1 Residential Zone for item 10, 27 Tirral Street Charlestown is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Council will still 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 6.2 Reserving Land for Public Purposes (and the reduction of land for public purposes). In relation to Direction 6.2, Council should ensure this occurs after Council has considered any submissions received from 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 the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

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 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

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

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized, cursive script.

**25/1/2018**

**Monica Gibson**

**Director Regions, Hunter  
Planning Services**

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