

Ms Morven Cameron
Chief Executive Officer
Lake Macquarie City Council
Box 1906
Hunter Regional Mail Centre
NSW 2310

Our ref: IRF22/4129

Dear Ms Cameron

Planning proposal PP-2022-2522 to amend Lake Macquarie Local Environmental Plan 2014

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to increase building heights and remove the additional permitted use that allows dwellings on part of the site at Raffertys Resort.

As delegate of the Minister for Planning and Homes, I have determined the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

The *Hunter Regional Plan 2041* is the updated land use plan prepared under the Act for the Lake Macquarie Local Government Area. The planning proposal includes an assessment against the former regional plan. An assessment against the relevant strategies and objective performance outcomes needs to be undertaken to determine consistency with the *Hunter Regional Plan 2041*.

I believe Council needs to seriously consider a consistent approach to ensuring large structures on the Lake Macquarie foreshore achieve design excellence through the *Lake Macquarie Local Environmental Plan 2014*. This proposal for a height of 36.5 meters and corresponding proposal for Trinity Point for a height of 34 meters demonstrate increasing desire for large tourism developments on the foreshore. Given the spectacular beauty of the lake, I believe a requirement for design excellence set in the local environmental plan need not be prescriptive, create complexity or unnecessary. Now would be the time to act.

I have agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act 4.5 Acid Sulfate Soils is justified in accordance with the terms of the direction.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act 1.1 Implementation of Regional Plans, 4.1 Flooding, 4.2 Coastal Management; 4.3 Planning for Bushfire Protection, 4.6 Mine Subsidence and Unstable Land, and 5.1 Integrating Land Use and Transport. Council should ensure this occurs prior to the LEP being made.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 27 March 2014. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning and Environment.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the Gateway determination.

Should you have any enquiries about this matter, I have arranged for Mark Parker to assist you. Mr Parker can be contacted on 9995 5286.

Yours sincerely

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

24 March 2023

Dan Simpkins

**Director, Central Coast and Hunter
Local and Regional Planning**

Encl: Gateway determination