

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

Our ref: PP-2022-2811(IRF22/3345)

Dear Ms Cameron

Planning proposal PP-2022-2811 to amend *Lake Macquarie Local Environmental Plan 2014*

I am writing in response to the planning proposal Council has forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) received on 20 September 2022 in respect of the planning proposal to reclassify and rezone land at various sites.

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.

I have also agreed, as delegate of the Secretary, the inconsistencies of the planning proposal with applicable directions of the Minister under section 9.1 of the Act 1.1 Implementation of Regional Plans; 3.1 Conservation Zones; 4.2 Coastal Management; 4.4 Remediation of Contaminated Land; 4.5 Acid Sulfate Soils; 5.1 Integrating Land Use and Transport; 6.1 Residential Zones; 7.1 Business and Industrial Zones; and 9.1 Rural Zones are justified in accordance with the terms of the directions.

No further approval is required in relation to these directions.

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 4.3 Planning for Bushfire Protection; 4.6 Mine Subsidence and Unstable Land; and 5.2 Reserving Land for Public Purposes.

In relation to directions 4.3 Planning for Bushfire Protection; and 4.6 Mine Subsidence and Unstable Land Council is to advise the Department after consultation with NSW Rural Fire Service and Subsidence Advisory NSW and before the LEP is finalised.

In relation to direction 5.2 Reserving Land for Public Purposes, Council is required to address the reduction in zonings and reserves for public purposes in accordance with the direction. This is to occur prior to public consultation. I will consider whether to agree to the reduction of land for public purposes after Council has conducted its public hearing/s for reclassification of land.

I have determined not to authorise Council to be the local plan-making authority. The proposed rezoning and reclassification of land zoned RE1 Public Recreation will require the extinguishing of interests in the land and removal of public reserve status for public lands and will therefore require the approval of the Governor.

The amending local environmental plan (LEP) is to be finalised on or before 1 December 2023. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

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.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2022) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Mark Parker, Senior Planning Officer, Central Coast and Hunter to assist you. Mr Parker can be contacted on 9995 5286.

Yours sincerely

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

29/11/2022

Dan Simpkins
Director, Central Coast and Hunter Region
Local and Regional Planning

Encl: Gateway determination