

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

Our ref: IRF23/732

Dear Ms Cameron

**Planning proposal PP-2022-3016 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 rezone land for residential and conservation purposes at 1377 Hue Hue Road, Wyee.

As delegate of the Minister for Planning and Public Spaces, 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. To achieve the many public interest intentions of the plan, new developments will have to be different. There needs to be greater diversity of housing to improve choice and affordability.

This will be the second planning proposal in the Wyee area proposing an R2 Low Density Residential zone with minimum lot size and height of building controls comparable with adjoining existing urban areas. I believe these two proposals represent missed opportunities for more diverse housing choice beyond single detached housing on blocks on around 450 square meters.

There is merit in this case of not seeking a more optimal density and land use permissibility for 15-minute neighbourhoods and housing choice as the site is on the fringe of the Wyee West Structure and Precinct Area Plan. However, just like this proposal, there are further lands to the west of this site zoned RU2 Rural Landscape. If these lands were also rezoned to an urban zone this site would no longer be on the fringe.

I wish to plainly state our position, any future rezonings west of this site need to demonstrate how they would meet the land use permissibility for 15-minute neighbourhoods and corresponding optimal density and housing choice. The preference is for this to be done via a holistic update to the Wyee West Structure and Precinct Plan.

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 , including 1.1 Implementation of Regional Plans, 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.1 Flooding, 4.3 Planning for Bushfire Protection and 9.1 Rural Zones. 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 its local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 9 June 2024. 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.

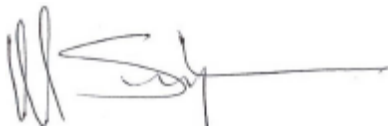
Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to [mapinstrument.drafting@dpie.nsw.gov.au](mailto:mapinstrument.drafting@dpie.nsw.gov.au). The relevant Department of Planning and Environment team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination.

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, 2021) 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 Glenn Hornal to assist you. Mr Hornal can be contacted on 4345 4409.

Yours sincerely

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

25 August 2023

**Dan Simpkins**  
**Director, Central Coast and Hunter**  
**Planning and Land Use Strategy**

Encl: Gateway determination