

Attachment 1: Summary of Compliance

As per the requirements of the LEP Making Guidelines 2023, the proposed LEP map only amendment for 1377 Hue Hue Road Wyee has satisfied the following items:

1. Evidence all Gateway conditions have been satisfied

1	<p>The planning proposal is to be updated to:</p> <ul style="list-style-type: none"> demonstrate consistency with the Hunter Regional Plan 2041, including strategy 3.1, strategy 5.3, strategy 6.3, strategy 6.4 and strategy 7.5 or the relevant performance outcomes. correct the error in the explanation of provisions that refers to a 'rural production' zone that doesn't exist under the Lake Macquarie Local Environmental Plan 2014 and replace with RU2 Rural Landscape; include in the explanation of provisions that the Height of Buildings Map is to be updated to apply a maximum building height of 5.5 meters to the C2 Environmental Conservation zone. 	<ul style="list-style-type: none"> Satisfied, the planning proposal report has been updated (pages 7-10) to demonstrate consistency and performance criteria assessment for the relevant Hunter Regional Plan strategic objectives. Satisfied, the planning proposal has been updated to refer to the correct land use zones. Satisfied, the planning proposal has been updated to note that the height limit of the existing C2 Environmental Conservation zone will remain 5.5m.
2	<p>Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:</p> <p>(a) the planning proposal is categorised as standard as described in the <i>Local Environmental Plan Making Guidelines</i> (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 days; and</p> <p>(b) the planning proposal 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 <i>Local Environmental Plan Making Guidelines</i> (Department of Planning and Environment, 2021).</p>	<p>1 a) Satisfied, planning proposal was exhibited from 01 May till 29 May 2024.</p> <p>1b) Satisfied. The planning proposal was exhibited with the relevant information on Council's Shape Lake Mac webpage in accordance with the requirements of the LEP Making Guidelines.</p>
3	<p>Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements</p>	<p>Satisfied, all the specified agencies were consulted prior to public exhibition and the relevant s9.1</p>

	<p>of applicable directions of the Minister under section 9 of the Act. Consultation is required prior to public exhibition with the following public authorities and government agencies:</p> <ul style="list-style-type: none"> • NSW Rural Fire Service • Biodiversity and Conservation Division • Heritage NSW • Hunter Water • Department of Primary Industries • Jemena. <p>Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.</p>	<p>Ministerial Directions were resolved during the process.</p> <p>A copy of the planning proposal was provided to all agencies.</p>
4	<p>A public hearing is not required to be held into the matter by any person or body under section 3.34(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).</p>	Noted.
5	<p>The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:</p> <ul style="list-style-type: none"> a) the planning proposal authority has satisfied all the conditions of the gateway determination; b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and c) there are no outstanding written objections from public authorities. 	<ul style="list-style-type: none"> a) Satisfied b) Satisfied, see section 2 below. c) Satisfied
6	<p>(altered condition) The local environmental plan should be completed on or before 13 December 2024.</p>	Noted

2. Evidence relevant section 9.1 Directions have been addressed

s9.1 Ministerial Directions 4.1 Flooding

An Integrated Water Management report was provided by the proponent which was reviewed by Council staff and Biodiversity Conservation Division (BCD) to assess compliance with s9.1 Ministerial Direction 4.1 Flooding and the Flood Risk Management Manual 2023.

BCD advised that the provided Integrated Water Management report was not consistent with the subdivision layout as shown in the planning proposal and needed to be amended. The agency also advised that the report needed to further demonstrate compliance with the *s.91 Ministerial Direction 4.1 Flooding and the Flood Risk Management Manual 2023*. An updated report was prepared to the satisfaction of BCD and no further objections were raised.

On 16 April 2024, BCD issued their referral determination and noted that there were no further objections.

s9.1 Ministerial Directions 4.3 Bushfire

NSW RFS were consulted during the agency consultation stage to review the bushfire threat assessment report prepared by the proponents consultant. RFS requested that the bushfire threat assessment be updated to be consistent with the conceptual layout shown in the planning proposal. A revised bushfire report was prepared to the satisfaction of RFS to address the relevant provisions of Planning for Bushfire Protection 2019 and s9.1 Ministerial Directions.

On the 08 February 2024, NSW RFS issued their referral determination and noting there were no further objections.

s9.1 Ministerial Directions 9.1 Rural Zones

The planning proposal is inconsistent with this direction as it aims to rezone rural zoned land (RU2 Rural Landscape) to a residential zone (R2 Low Density Residential).

However, the land is identified as a future growth area in the Local Strategic Planning Statement and Hunter Regional Plan. Moreover, the site is strategically well located for housing, as it is located close to existing infrastructure, services, and public transport.

Furthermore, the site is isolated from other rural land by conservation land, residential land, and the Motorway. It is therefore considered that the loss of approximately 3.2ha of rural zoned land in an isolated location is of minor significance.

3. Evidence that public exhibition occurred for the required period and all agencies were consulted in accordance with the Gateway determination

Satisfied, both Agency and Public consultation took place as per the issued gateway determination conditions. For further details refer to Attachments 2 and 3 of the finalisation documents.