

Gateway Determination

Planning proposal (Department Ref: PP-2022-3061): to rezone several lands parcels within and surrounding the Charlestown strategic centre.

I, the Director, Central Coast and Hunter at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Lake Macquarie Local Environmental Plan 2014* to unlock development capacity, promote good quality design and a vibrant Charlestown strategic economic centre should proceed subject to the following conditions:

1. The planning proposal should be updated prior to public exhibition to
 - (a) remove any references in the planning proposal to the Hunter Regional Plan 2036 and replace it with an assessment against the *Hunter Regional Plan 2041*;
 - (b) provide an assessment of the broader implications of removing Clause 7.10(6) for the entire B4 Mixed Use zone throughout the Local Government Area; and
 - (c) include urban design analysis demonstrating the 3D massing and visual analysis for the proposal and the proposed amendments to the Charlestown Town Centre Area Plan.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 28 days;
 - (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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021); and
 - (c) public exhibition is to commence by **5 May 2023**.
3. 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 of applicable directions of the Minister under section 9 of the Act:
 - Subsidence Advisory NSW
 - Transport for NSW
 - NSW Rural Fire Service
 - Hunter Water Corporation
 - Department of Education
 - Hunter New England Local Health District

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 14 days to comment on the proposal.

4. 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).
5. 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:
 - (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.
6. The LEP should be completed on or before **20 January 2024**.

Dated 25 day of January 2023.

A handwritten signature in blue ink, appearing to read 'Dan Simpkins', followed by a long horizontal line.

Dan Simpkins
Director, Central Coast and Hunter
Department of Planning and Environment

Delegate of the Minister for Planning and Homes