

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

Our ref: IRF23/582

Dear Ms Cameron

**Planning proposal PP-2022-3152 to amend Lake Macquarie Local Environmental Plan 2014.**

I am writing in response to the planning proposal Council forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) on 22/02/2023 in respect of the planning proposal to amend the zone boundaries, height of buildings and minimum lot sizes for Watagan Park Town Centre.

The *Hunter Regional Plan 2041* is seeking a mix of densities and proposed desired dwelling density targets to support people who want to live and work locally and who seek to get around without being dependent on private vehicles.

These sites are considered a general urban context, with a desired density of 50 dwellings per hectare. While six storey development is counter to the intent of more human-scale built form set out in the regional plan, a greater concern would exist if the planning proposal was intending an urban outcome substantially below the optimal density. Consequently, the Department is supportive of building heights greater than four stories.

Given the uniform traditional allotments that current surround the proposed town centre, there is merit in considering opportunities to increase the density and diversity of housing that may be delivered in the remainder of the undeveloped stages of the urban release area. This would need to consider the provision of public open space, active transport and infrastructure if pursued.

As delegate of the Minister for Planning and Public Spaces, I have determined the above planning proposal should proceed subject to the conditions in the enclosed gateway determination.

In relation to section 9.1 Ministerial direction 5.2 Reserving Land for Public Purposes, I have agreed to the reduction and creation of land for public purposes on the basis that these are minor zone boundary adjustments to conform with approved park and subdivision boundaries.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable direction of the Minister under section 9.1 of the Act, 4.3 Planning for Bushfire Protection. 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 8 May 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) 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 Mr 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 black ink, appearing to read 'Dan Simpkins', followed by a long horizontal line extending to the right.

8 May 2023

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

Encl: Gateway determination