

Ms Morven Cameron
Chief Executive Officer
Lake Macquarie City Council
Box 1906
Hunter Regional Mail Centre
NSW 2310

Our ref: IRF22/4008

Dear Ms Cameron

Planning proposal PP-2022-3695 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) on 18 October 2022 to rezone land to B4 Mixed Use and RE1 Public Recreation and increase building heights at 144 and 146 Munibung Road, Boolaroo. It also corrects various mapping anomalies to confirm the boundaries of the SP1 Special Activities zone (remediation-containment cell).

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.

The *Hunter Regional Plan 2041* is the updated land use plan prepared under the Act for the Lake Macquarie Local Government Area. The planning proposal includes an assessment against the former regional plan. An assessment against the relevant strategies and objective performance outcomes needs to be undertaken to determine consistency with the *Hunter Regional Plan 2041*.

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 4.2 Coastal Management and 4.5 Acid Sulfate Soils 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 being 1.1 Implementation of Regional Plans, 4.6 Mine Subsidence and Unstable Land, 5.1 Integrating Land Use and Transport and 5.2 Reserving Land for Public Purposes. Council should ensure this occurs prior to the LEP being made.

Considering the nature of the planning proposal and the public landholdings to which it applies, I have determined not to delegate local plan-making authority functions.

The proposed local environmental plan (LEP) is to be finalised on or before 22 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 within 10 months of the date of the Gateway.

Should you have any enquiries about this matter, I have arranged for Mark Parker, Principle Planning Officer, Central Coast and Hunter to assist you. Mr Parker can be contacted on 02 9995 5286.

Yours sincerely

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

3 February 2023

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

Encl: Gateway determination