

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

Our ref: IRF23/1650

Dear Ms Cameron

Planning proposal PP-2023-745 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) and additional information received on 23 May 2023 to amend the Land Zoning Map to rezone the site at 87 Oakdale Road, Gateshead from C3 Environmental Management to E4 General Industrial and to amend the Height of Buildings and Minimum Lot Size Maps.

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.

In April last year, I amended the Gateway determination for the previous planning proposal lodged for the site to not proceed as that proposal had not been able to progress to public exhibition after 12 months. This was due to additional site investigations that were needed to address Aboriginal cultural heritage, contamination and bushfire matters.

Please be aware that if there are similar delays with progressing this planning proposal the Department may take a similar action.

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.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act: 5.1 Integrating Land Use and Transport and 7.1 Employment Zones are justified in accordance with the terms of the 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: 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.3 Planning for Bushfire Protection and 4.6 Mine Subsidence and Unstable Land are unresolved and will require justification. Council should ensure this occurs prior to public exhibition.

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 14 July 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. 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.

Should you have any enquiries about this matter, I have arranged for Rachel Murray to assist you. Ms Murray can be contacted on 4927 3191.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dan Simpkins', followed by a horizontal line extending to the right.

23 August 2023

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

Encl: Gateway determination