

Gateway Determination

Planning proposal (Department Ref: PP-2022-3016): to rezone land for residential and environmental conservation purposes at 1377 Hue Hue Road, Wyee.

I, the Director, Central Coast and Hunter at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, 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 rezone land for residential and environmental conservation purposes at 1377 Hue Hue Road, Wyee should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
 - 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.
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 20 days; and
 - (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).
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. Consultation is required prior to public exhibition with the following public authorities and government agencies:
 - NSW Rural Fire Service
 - Biodiversity and Conservation Division
 - Heritage NSW
 - Hunter Water

- Department of Primary Industries
- Jemena.

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.

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 9 June 2024.

Dated 25 day of August 2023.



Dan Simpkins
Director, Central Coast and Hunter
Planning, Land Use, Strategy and Housing
Department of Planning and Environment

Delegate of the Minister for Planning and
Homes