

# Draft Planning Proposal – Catherine Hill Bay Heritage Conservation Area

## Draft Amendment RZ/XX/2020 to Lake Macquarie Local Environmental Plan (LMLEP) 2014

Local Government Area:	Lake Macquarie City Council (LMCC)
<b>Name of Draft LEP:</b>	Lake Macquarie Local Environmental Plan (LMLEP) 2014 (Draft Amendment RZ/XX/2020)
<b>Subject Land:</b>	<p>The subject land for the proposed amendment are:</p> <ul style="list-style-type: none"> <li>the Catherine Hill Bay State Listed Heritage Conservation Area, (Cultural Precinct) labelled “C4” - the heritage residential villages of Catherine Hill Bay and Middle Camp.</li> </ul> <p>The Conservation areas are located on the LMLEP 2014 Heritage Map and in Schedule 5 Part 2 in LMLEP 2014.</p> <p><b>Note:</b> the subject lands do not include the Munmorah State Conservation Area adjoining the State Listed Item 01828 or the Urban Release Area North of Middle Camp (refer to figure 1).</p>
<b>Tables:</b>	<p>Table 1: Proposed changes to the LMLEP 2014 Map and Instrument</p> <p>Table 2: Comparison of the Planning Proposal to relevant SEPPs</p> <p>Table 3: Consistency with applicable Section 9.1 Ministerial Directions</p>

<p><b>Attachments:</b></p>	<p><b>Attachment 1</b> – Locality Map</p> <p><b>Attachment 2</b> - Aerial</p> <p><b>Attachment 3</b> –Catherine Hill Bay - Existing Lot Size Map</p> <p><b>Attachment 4</b> –Catherine Hill Bay - Proposed Lot Size Map</p> <p><b>Attachment 5</b> –Catherine Hill Bay – Existing Height of Buildings Map</p> <p><b>Attachment 6</b> –Catherine Hill Bay - Proposed Height of Buildings Map</p> <p><b>Attachment 7</b> - Aerial</p> <p><b>Attachment 8</b> – Middle Camp - Existing Lot Size Map</p> <p><b>Attachment 9</b> – Middle Camp - Proposed Lot Size Map</p> <p><b>Attachment 10</b> – Middle Camp – Existing Height of Buildings Map</p> <p><b>Attachment 11</b> – Middle Camp - Proposed Height of Buildings Map</p> <p><b>Attachment 12</b> – Review /gap analysis of Heritage Assessment Conservation Plan for Catherine Hill Bay” by Architectural Projects Pty Ltd (1996)</p>
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## Part 1 – Objectives or Intended Outcome

The planning proposal seeks to introduce additional provisions to protect heritage values in Catherine Hill Bay and Middle Camp within the State Listed Catherine Hill Bay Heritage Conservation Area.

## Part 2 – Explanation of Provisions

The proposed outcome will be achieved by including a new local provision to Part 7 of LMLEP 2014 (Heads of Consideration) and/or specific changes to relevant clauses in LMLEP 2014 that:

1. confirms the objectives of the clause, which is to minimise the impacts of urban development in the State Listed Catherine Hill Bay Heritage Conservation Area.
2. confirms that the clause only applies to the Catherine Hill Bay State Conservation Area labelled “C4” on the LMLEP 2014 Heritage Map and Schedule 5 Part 2 in LMLEP 2014 as described below and specifically:
  - land within the R2 Low Density Residential zone and part of the E2 Environmental Conservation zone for the Catherine Hill Bay village, and land within the R2 Low Density Residential zone for Middle Camp.
3. includes a Heads of Consideration that calls on a draft Development Control Plan (LMDCP) for:
  - encouraging appropriate development which avoids a negative impact on the State heritage listing or surroundings;
  - guidance on type, bulk, height, scale and subdivision provisions of development in the State Listed area; and
  - provision of on-site waste water treatment to Council’s satisfaction.

Table 1 outlines the changes proposed to the LMLEP 2014 Map and Instrument under this Planning Proposal.

**Table 1: Proposed changes to the LMLEP 2014 map and instrument**

Amendment Applies to:	Explanation of Provision	Reason for Change
Instrument Part 7 – Additional Local provisions New Clause - Heads of Consideration	Development on certain land at the (State Listed Heritage Conservation Area) labelled “C4” on the Catherine Hill Bay Heritage Map.  (1) This clause applies to Zone R2 Low Density Residential land and Zone E2 Environmental Conservation within the State Listed Heritage Conservation Area,  (2) The objective of this clause is to ensure that development in Zone R2 Low Density Residential and Zone E2	This clause has been included to ensure that the Heritage Conservation requirements of the State Listed Conservation Area are provided in the Council LMLEP so that the LMDCP guidelines can be called up when development is proposed.  Specifically, to control the impacts of some development types i.e.

	<p>Environmental Conservation does not have an adverse impact on the State Listed Heritage Conservation Area of Catherine Hill Bay including Middle Camp, be visually intrusive or create a negative visual or environmental outcome to the surrounding area.</p> <p>(3) Development consent must not be granted to development for the purposes of Dual occupancies, Secondary dwellings or Semi-detached dwellings unless the consent authority is satisfied:</p> <ul style="list-style-type: none"> <li>a) the development will not have an adverse impact on the site or surrounding Heritage Conservation Area, and</li> <li>b) the type, bulk, scale and size of the development is appropriate for the location, and</li> <li>c) the development is consistent with the controls and design criteria specified in the Catherine Hill Bay Heritage Conservation Area DCP, and</li> <li>d) The development is able to provide on-site waste water treatment to Council's satisfaction.</li> </ul> <p>(4) Development consent must not be granted to development for the purposes of subdivision unless the lot meets the minimum lot size on the lot size map, and</p> <p>(5) the subdivision is in accordance with the controls of the DCP</p>	<p>Dual occupancy (detached), Secondary dwellings or Semi-detached dwellings to maintain and not be inconsistent with the heritage conservation character and environmental outcome of the surrounding area.</p> <p>Additionally, an increase to the lot size to avoid further subdivision to maintain the heritage character and historic subdivision patterns of the area.</p>
Part 4 Principal development standards - Clause 4.1 - Minimum subdivision lot size	<p>Clause 4.1 (1)(d) - Insert after the words ...<i>environmental capability</i> – cultural heritage, and conservation heritage status.</p>	<p>Insertion of additional wording to the Principal development standards to ensure that the cultural heritage, and conservation heritage status of the heritage area are considered as</p>

		a component of future development.
<p>Clause 4.1 A – Exceptions to minimum subdivision lot size for certain residential development</p> <p>Changes to objectives, dual occupancy and semi-detached provisions</p> <p>or</p> <p>Add new subclause (5)</p>	<p>Clause 4.1A(2) - Insert after the words <i>...or Zone R2 Low Density Residential</i> - (except the State Listed Heritage Conservation Area Catherine Hill Bay “C4”) and before the words - <i>that is both of the following...</i></p> <p>Clause 4.1A(3) - Insert after the words <i>Despite clauses 4.1 and 4.1AA</i>, - (except the State Listed Heritage Conservation Area Catherine Hill Bay “C4”) and before the words - <i>development consent...</i></p> <p>Clause 4.1A(4) - Insert after the words <i>Despite clause (3)</i>, (except the State Listed Heritage Conservation Area Catherine Hill Bay “C4”) and before the words - <i>development consent...</i></p> <p><u>Alternative to clause change – add new subclause</u></p> <p>(5) Despite Clause 4.1A, this clause does not apply to Zone R2 Low Density Residential land within the State Listed Heritage Conservation Area Catherine Hill Bay “C4”.</p>	<p>Insertion of additional wording to Exceptions to minimum subdivision lot size for certain residential development in Zone R2 Low Density Residential to ensure that the current exemptions do not apply to the State Listed Heritage Conservation Area as these controls allow for lot sizes which are below the minimum lot size of 450 square metres. This includes subdivision into 3 lots or more, that each have frontage to a road and development of dual occupancy (detached only) and semi-detached dwelling provisions.</p>
<p>Clause 4.1C - Exceptions for subdivisions involving battle-axe lots or corner lots in certain zones</p> <p>or</p> <p>Add new subclause (6)</p>	<p>Clause 4 1C(2) - Insert after the words <i>Despite clause 4.1</i>, - (except the State Listed Heritage Conservation Area Catherine Hill Bay “C4”) and before the words - <i>if a subdivision...</i></p> <p>Clause 4 1C (3) Insert after the words <i>Despite clause 4.1</i>, - (except the State Listed Heritage Conservation Area Catherine Hill Bay “C4”) and before the words - <i>if a subdivision...</i></p> <p><u>Alternative to clause change – add new subclause</u></p> <p>(6) This clause does not apply to Zone R2 Low Density Residential land within the State Listed Heritage Conservation Area Catherine Hill Bay “C4”.</p>	<p>Insertion of additional wording to the current controls to avoid battle-axe lots being development which would be in conflict with the current subdivision pattern of the Heritage Conservation Area.</p>

Building Height Map - R2 Low Density Residential Zone.	<p>The building height controls are proposed to be altered as follows:</p> <p>(Item 1- Locality Map) Catherine Hill Bay – 4.5m (refer to attachments 1 &amp; 6);</p> <p>(Item 2- Locality Map) Middle Camp – 5m (refer to attachments 2 &amp; 11)</p>	Changes to Height of Building controls - currently 8.5 metres in the R2 Low Density Residential zone for Catherine Hill Bay and Middle Camp; and for the E2 Environmental Conservation zone – currently 5.5 metres in Catherine Hill Bay - to be consistent with the current single storey heritage character of the mining buildings of the Heritage Conservation Area. If the current building heights are not respected then inappropriate development will continue to take place in this Heritage Conservation Area.
Building Height Map - E2 Environmental Conservation Zone	(Item 1- Locality Map) Catherine Hill Bay – 4.5m (refer to attachments 1 & 6).	
Lot Size Map - R2 Low Density Residential Zone	(Items 1 and 2- Locality Map) The minimum lot size for subdivision is proposed to be increased from 450m <sup>2</sup> to 1,000m <sup>2</sup> (refer to attachments 4 and 9).	Change to the current minimum subdivision lot size of 450 square metres in the R2 Low Density Residential zone to avoid future subdivision below this minimum to protect the historic subdivision patterns of the Heritage Conservation Area. Specifically, as there is not potable water or sewerage reticulation in the area to deal with increased outfall onto the adjoining E2 Environmental Conservation areas and the adjoining E1 National Parks and Wildlife land.

## Part 3 – Justification

### SECTION A - NEED FOR THE PLANNING PROPOSAL

#### 1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

Council's adopted Local Strategic Planning Statement (LSPS) identifies the South East Growth Area between Caves Beach and North Wallarah as one of four key growth areas and includes Catherine Hill Bay. The LSPS states that for Catherine Hill Bay sensitive development occurs within the State Heritage-Listed conservation area whilst retaining its character. Action 5.3 of the LSPS provides for the following:

*Complete an amendment of the Lake Macquarie Local Environmental Plan and Development Control Plan for the Catherine Hill Bay Heritage Conservation Area to manage development in the historic Catherine Hill Bay and Middle Camp*

The Planning Proposal is not the result of any current strategic heritage study or report. A Heritage Study which included Catherine Hill Bay and the Middle Camp Areas was prepared for the City of Lake Macquarie in 1993.

A "Heritage Assessment Conservation Plan for Catherine Hill Bay" was also prepared by Architectural Projects Pty Ltd in 1996. The Department of Planning Industry and Environment (DPIE) and Heritage NSW have indicated that a Gap Analysis and review of this Conservation Plan would be an acceptable approach to satisfy the absence or a current Heritage Study for the areas of Catherine Hill Bay and Middle Camp, the subject of the draft LMLEP and LMDCP amendments.

The gap analysis and review of the Conservation Plan has been undertaken by Council's Heritage Support Officer, as provided in Attachment 12. This review report has found that there are no significant gaps to be resolved that cannot be satisfied by the proposed draft LMLEP and draft Catherine Hill Bay Area Plan amendments.

The review has been prepared in accordance with the *NSW Heritage Manual* (1996), the *Australia ICOMOS Burra Charter* (2013) and *The Conservation Plan* (CMP) by James Semple Kerr (2000), and with reference to the *Conservation Management Plan (CMP) Assessment Checklist* prepared by the Heritage Council of NSW (2003).

To give effect to the draft LMDCP Catherine Hill Bay Heritage Conservation Area (CHBHCA) Plan, a Local Environmental Plan amendment is required to ensure that certain development standards and uses are modified.

Background:

*Catherine Hill Bay Cultural Precinct* (CHBCP) [listing no. 01828] is a State Listed heritage item within the Catherine Hill Bay Heritage Conservation Area which covers the villages of Catherine Hill Bay and Middle Camp (refer to figure 1). The affected area is primarily a low density residential zoned area on lots of approximately 1,000m<sup>2</sup> and adjoins E2 Environmental Conservation and E1 National Parks and Reserves land. The E1 National Parks and Reserves land adjoining to the west of Catherine Hill Bay has not been included with this Planning Proposal as it is currently non-gazetted land vested with the Minister of the National Parks and Wildlife. Should the land be disposed of at some future date then a further Planning Proposal may need to be considered at that time.

The character of the area is derived from its historical origins as workers cottages from the mining era during the late 1800's to early 1900's. This unique character is also evident in its interrelationship of buildings, spaces, topography, landscape settings and land uses. Catherine Hill Bay's sense of place and its significance

results from a streetscape pattern of similar looking cottages, of a similar size and materials, set on individual lots in the same manner and includes its stunning natural bushland and coastal setting and historical and social values.

Historically, there has been a Site-Specific Exemption (SSE) applying to the CHBCP. This exemption permitted Council to assess minor development applications. However, the SSE relies on the provisions of the now superseded Lake Macquarie Development Control Plan (LMDCP) No. 1. The former Office of Environment and Heritage (OEH) confirmed that as Lake Macquarie LMDCP 2014 has superseded LMDCP No. 1, the SSE is no longer in force. In short, the Heritage Division has advised that exemptions under the Heritage Act for the CHBCP have been rescinded (therefore, Council does not have delegation to assess development applications). As a result, Council's Development Assessment and Certification (DAC) Department currently assess all applications within the CHBCP as Integrated Development. This requires referrals to Heritage NSW, which lengthens the approval process and includes additional costs to the applicant. The draft Planning Proposal and revised draft Catherine Hill Bay (CHB) Area Plan presents an opportunity to reinstate the SSE.

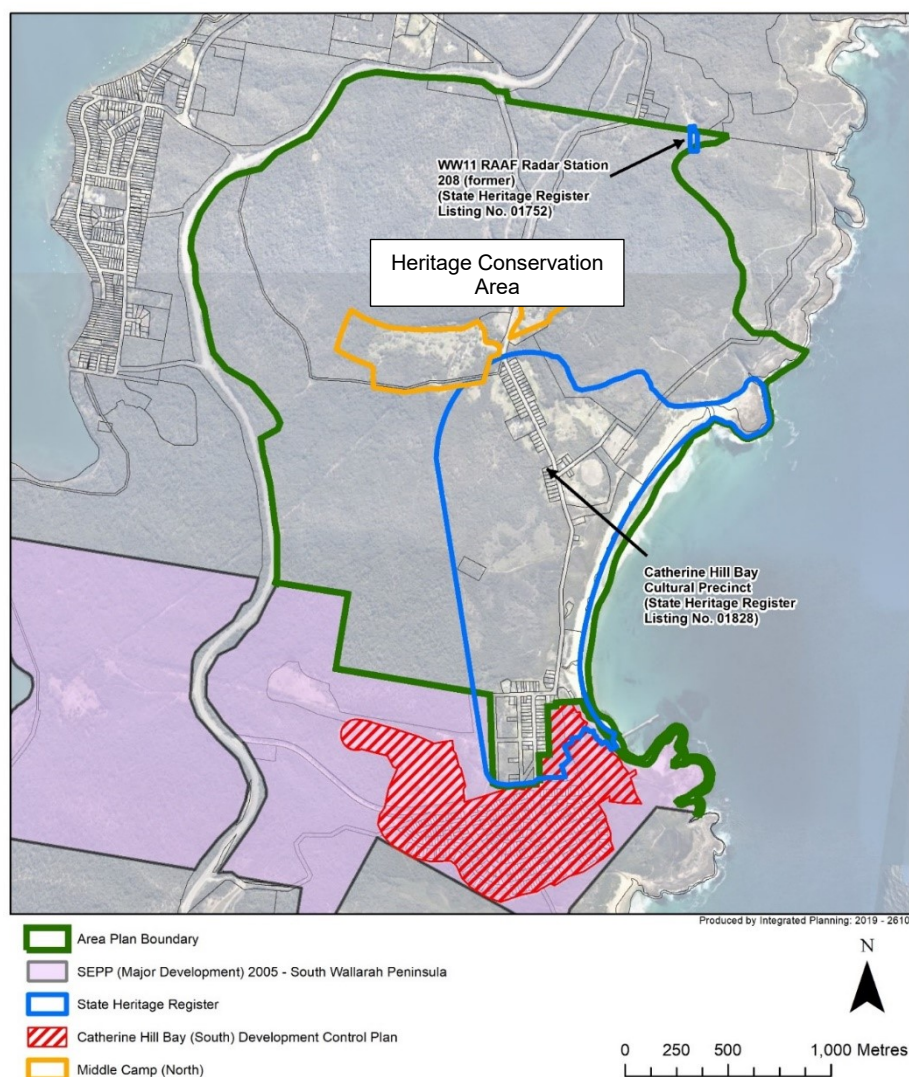
It is anticipated that preparing the draft LMDCP Catherine Hill Bay Area Plan in accordance with the Heritage Council's approved methodology and addressing concerns raised about particular development types may enable reinstatement of the Site-Specific Exemption, and the need for an Integrated Development process.

If approved, the draft LMDCP Catherine Hill Bay Area Plan will reduce the need for referrals to Heritage NSW under s60 of the *Heritage Act 1977* and enable Council to undertake a full assessment of the heritage impact of most proposals within the *Catherine Hill Bay Cultural Precinct*.

The proposed LMLEP 2014 amendment is required to protect the heritage values of the State Listed Cultural Precinct and give council some level of authority in approving development applications within the Heritage Conservation Area.

Development on land to the south of Catherine Hill Bay (known as "Beaches") is currently covered by the Catherine Hill Bay (South) Development Control Plan produced by the Department of Planning and Infrastructure in 2012. Subdivision and development of new housing (some 200 lots) on land to the north of Middle Camp (shown at Figure 1 as Middle Camp North - formerly known as Coal and Allied land) is subject to the consent issued by the Planning Assessment Commission 12 July 2012 (Concept Approval - Application No. 10\_0089 (refer to Figure 1)).





**Figure 1- Extent of the State Heritage Listings, Middle Camp (North) and SEPP (Major Development) Amendment (State Significant Sites- South Wallarah Peninsula) 2010**

**2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Council considered a number of LMLEP Amendment options for the subject sites before concluding that the Planning Proposal is the best means of achieving the objectives and intended outcomes for the Catherine Hill Bay Heritage Conservation Area. The LMLEP Amendment options considered are described below.

**Option 1 – No change to the current land use provisions**

Consideration was given to not change the current zone or land use provisions within LMLEP 2014 however, there is the potential for the continued erosion of the intent and objectives of what a State Listed Precinct should provide for.

The proposed draft LMDCP Catherine Hill Bay Area Plan for the Catherine Hill Bay Heritage Conservation Area which was previously exhibited in 2013, (to replace the current CHBHC Area LMDCP 2014), provided objectives and controls which are not compatible with the current land use provisions in LMLEP 2014. Additionally, the proposed controls in the draft CHB Area Plan have no statutory affect under the current LMLEP 2014.

To give statutory effect to the issues drawn to council's attention by Heritage NSW and from public submissions at the time of the former draft LMDCP's exhibition, an alternate means of providing permissibility needs to be considered.

The land use provisions within Zone R2 Low Density Residential under LMLEP 2014 permit uses and development standards which are not compatible with the State Listed Precinct including clauses in LMLEP and current Development Control Provisions in the LMDCP Area Plan for Catherine Hill Bay.

These matters include:

- For the R2 Low Density Residential Zone – permitting dual occupancy (detached), attached dwellings, semi-detached dwellings, inappropriate height of buildings and subdivision provisions.
- For the E2 Environmental Conservation Zone – inappropriate height of buildings provisions.

In respect of the height of buildings, the LMLEP 2014 provides a maximum building height of 8.5 metres in Zone R2 Low Density Residential for Catherine Hill Bay and Middle Camp, and 5.5 metres in Zone E2 Environmental Conservation for Catherine Hill Bay. Due to the single storey nature of the existing building stock of the two villages it is intended to reduce the Height of Buildings to be more consistent with the Miners cottages in the two villages.

The potential subdivision of existing residential lots into 2 lots in the R2 Low Density Residential zone is also problematic, as the minimum lot size is 450m<sup>2</sup>. Currently, the area of the residential lots for the two villages of Catherine Hill Bay and Middle Camp are some 1,000m<sup>2</sup> in area. Should subdivision of existing lots to accommodate an additional residential lot in separate ownership occur, it would change the character of the villages and also add significant pressure to existing services given the lack of infrastructure for water and sewer to the lots. This concern is also applicable to provisions in Part 4 of the current LMLEP 2014 which has provisions which allow subdivision to a lot size of 200m<sup>2</sup> for dual occupancies detached and three or more lots which have frontage to a road.

The current lots have septic systems in place and rely on water tanks for potable drinking water. Therefore, further subdivision to create lots of 200-450m<sup>2</sup> is likely to make on-site wastewater treatment and stormwater disposal difficult. Although the use of chemical toilets may be feasible in some circumstances, there may be other environmental and ecological issues which would need to be addressed because of the location of the R2 zoned land being located adjoining E2 Environmental zoned land and E1 National Parks and Nature Reserves zoned land.

Therefore, it is considered that no change to the current land use provisions is not the preferred outcome as this will provide for continued erosion of the heritage significance of the Heritage Conservation Area.

Additionally, the proposed draft CHB Area Plan will have objectives and controls that have no statutory effect under LMLEP 2014 and therefore an LMLEP amendment is also required.

#### Option 2 – Rezone the subject land to another zone to restrict particular uses from being permissible in the zone

Given the location of the subject villages (generally adjoining Environmental and National Park land), and issues surrounding permissible residential landuses, including additional subdivision potential of existing residential lots, consideration

was given to a differing zone such as an Environmental zone for the villages of Catherine Hill Bay and Middle Camp.

An Environmental zone such as Zone E3 Environmental Management or Zone E4 Environmental Living would enable a reduction of some incompatible uses and ensure that the heritage character and qualities of the State Listed area are not compromised by inappropriate development.

Environmental zones provide for landuses which would normally be associated with land which have scientific, ecological, cultural or aesthetic qualities. Whereas a residential zone is normally located within an urban environment.

However, the residential zones in Catherine Hill Bay and Middle Camp have existed since LMLEP 1984. Therefore, to reduce the current zone entitlements by back zoning to a more restrictive zone would be inconsistent with s.9.1 Ministerial Direction – subclause 3.1 Residential Zones. A draft LEP shall :- *not contain provisions which will reduce the permissible residential density of land.*

This is not the preferred option as the residential zones have been in place for a number of years and there are other mechanisms available for consideration.

Option 3 – retain the current zones and provide changes to specific clauses within the land use table objectives and subdivision provisions of the LMLEP 2014.

As previously discussed, the character of the area is derived from its historical origins as workers cottages from the mining era during the late 1800's to early 1900's. This unique character is also evident in its interrelationship of buildings, spaces, topography, landscape settings and land uses. Catherine Hill Bay's sense of place and its significance results from a streetscape pattern of similar looking cottages, of a similar size and materials, set on individual lots in the same manner and includes its stunning natural bushland and coastal setting and historical and social values.

To facilitate and maintain the unique character, it is proposed that a Local Clause – Heads of Consideration for the Catherine Hill Bay Heritage Conservation Area, in tandem with specific clause changes within Part 4 Principal development standards, would enable the existing provisions to apply to the whole LGA with the exception of the State Listed Item - Catherine Hill Bay Cultural Precinct. It is also proposed to change the Height of Buildings Map to reflect the historic heights and cultural fabric of the two villages. The proposed height of buildings for Zone R2 Low Density Residential and Zone E2 Environmental Conservation is intended to be changed to 4.5m for Catherine Hill Bay and be a maximum height of one storey, and for Middle Camp 5.0 metres and be a maximum height of one storey.

The proposed changes to the provisions in LMLEP 2014 including the Height of Buildings is necessary because the current height of 8.5 metres allows buildings of two to three storeys which is inconsistent with the heritage character, existing streetscape, landscape setting and heritage values of the two villages.

The current LMLEP 2014 also has provisions which allow subdivision to a lot size of 200m<sup>2</sup> for dual occupancies detached and three or more lots which have frontage to a road. This is of concern as it would change the historic subdivision pattern and character of the historic villages. Additionally, the current lots have septic systems in place and rely on water tanks for potable drinking water. Therefore, further subdivision to create lots of 200-450m<sup>2</sup> is likely to make on-site wastewater treatment and stormwater disposal difficult. Also, there are environmental considerations to take account of because the lots adjoin E2 Environmental Zoned land and E1 National Parks and Nature Reserves zoned land.

The proposed changes would enable protection to the State Listed Cultural Precinct and is arguably necessary to achieve a more appropriate and considered outcome for this unique heritage area of the Local Government Area (LGA). It would not be possible to exclude specific land uses from the current LMLEP zones as the uses are permissible subject to a merit assessment. However, an Additional Local Clause to the LMLEP which calls up the draft Heritage Conservation CHB Area Plan would enable merit assessment of more compatible landuses within the sensitive location of the two heritage villages.

It is argued that without the proposed changes to LMLEP 2014 and LMDCP 2014, the heritage character and values of Catherine Hill Bay and Middle Camp will continue to be eroded by inappropriate development.

The proposed LMLEP amendment is required to protect the heritage values of the State Listed Cultural Precinct and give council some level of authority in approving development applications within the Heritage Conservation Area.

This is the **preferred** LMLEP 2014 Amendment option.

## **SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

### Hunter Regional Plan 2036

The primary purpose of the Hunter Regional Plan (HRP) is to ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing and employment needs of the Region's population until 2036. The HRS introduces a 'green grid' to link open space, natural areas and recreation facilities, to ensure that the future growth of the Lower Hunter makes a positive contribution to the protection of sensitive environments and biodiversity and is supported by the following Vision, Goals, Directions and Actions:

The proposal will be consistent with the Vision statement as recommended changes in the draft Planning Proposal and draft Catherine Hill Bay Area Plan will directly respond to the Vision particularly in maintaining and sustaining "*the distinctive character and heritage of their areas*".

The proposal would be consistent with *Action 1.1* of the HRP by enhancing and ensuring the identity of communities specifically the small villages of Catherine Hill Bay and Middle Camp villages. The proposal would be consistent with *Goal 3* of the HRP by enabling the protection of the built heritage values of the two villages and of the conservation area generally, and enable the revitalisation of communities to thrive which is also consistent with the values and integrity of the State Listed Cultural Precinct.

The proposal would be consistent with *Direction 19* of the HRP by promoting development that would enable the appropriate re-use of existing heritage buildings to attract tourism and help sustain local economies, and enable enhancing the main street of the two villages of Catherine Hill Bay and Middle Camp for renewed vitality and character.

The proposal is considered consistent with *Action 19.2* of the HRP as Council's Heritage Support Officer has provided a review of the "Heritage Assessment Conservation Plan for Catherine Hill Bay" by Architectural Projects Pty Ltd (1996)

and found that there are no significant gaps to be resolved that cannot be satisfied by the proposed draft LMLEP and draft CHB Area Plan amendments.

The proposal would be consistent with *Action 21.1* of the HRP by promoting development that respects the landscape attributes and the character of the metropolitan area, towns and villages.

The proposal would be consistent with *Direction 26* of the HRP as growth will be supported by plans that collect contributions toward the cost of enabling and supporting infrastructure.

The proposal is consistent with the Hunter Regional Plan.

#### Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan (GNMP) sets out strategies and actions that will drive sustainable growth across Lake Macquarie City area. The Plan also helps to achieve the vision set in the Hunter Regional Plan 2036.

The Catherine Hill Bay area is part of the Metro Frame and is supported by the following Strategies:

*Strategy 6* of the GNMP promotes opportunities to develop cultural tourism experiences in villages such as Catherine Hill Bay.

*Strategy 7* of the GNMP presents opportunities to develop cultural tourism experiences in Catherine Hill Bay.

*Strategy 10* of the GNMP - Action 10.1 at dot point 3 - promotes innovative approaches to the creative re-use of heritage places, ensuring good urban design preserves and renews historic buildings and places.

*Strategy 11* of the GNMP seeks to - identify, protect and celebrate Aboriginal cultural heritage, historic heritage and maritime heritage.

The proposal is consistent with the Greater Newcastle Metropolitan Plan.

#### **4. Will the Planning Proposal give effect to the council's endorsed local strategic planning statement, or other endorsed local strategy or strategic plan?**

#### Lake Macquarie City Community Strategic Plan

The Lake Macquarie City Community Strategic Plan (CSP) 2030 guides the future direction of Lake Macquarie City for the next 10 years, and shares the vision and aspirations for the future of Lake Macquarie and sets out the community's long-term plan.

The proposal is consistent with Council's Community Strategic Plan's Vision and Values. In particular, the Value statement of "Unique Landscape" a place where the natural environment (bushland, coast, lake and mountains) are protected and enhanced; new development and growth complements our unique character and sense of place; our existing urban centres are the focus of our urban growth, and the Value statement of "Connected Communities" we are proud of our City's heritage and cultures.

#### Lake Macquarie Local Strategic Planning Statement

The Lake Macquarie Local Strategic Planning Statement (LSPS) sets the long-term vision for land use planning in the City in collaboration with the community.

It includes strategic actions that reinforce global, national and regional plans, including the Hunter Regional Plan and the Greater Newcastle Metropolitan Plan.

The Local Strategic Planning Statement identifies the south east between Caves Beach and North Wallarah as one of four key growth areas. Each growth area has a set of priorities and principles which have various actions, timeframes and responsibilities attached. Catherine Hill Bay is located in the South East Growth Area where it is envisaged that sensitive development occurs within the State Heritage Listed Precinct whilst retaining its character. It is an area that includes development in an urban release area of some 200 residential lots (to the north of the Middle Camp heritage village around Colliery Road) where several heritage and Archaeological Listed sites exist, and a developing urban area known as Coastal Hamlets to the south of Catherine Hill Bay heritage village township.

A key challenge identified in the LSPS is to establish a robust basis by which vibrant local character can be protected into the future whilst at the same time establishing a framework for new development within the City. This Planning Proposal seeks to achieve this balance.

The relevant Principles, Planning Priority and Actions within the LSPS follows:

Principles:

- Promote innovative approaches to the adaptive re-use of heritage places and buildings
- Protect and conserve the natural, built and Aboriginal cultural heritage of Lake Macquarie

*Planning Priority 5 – A city of progress and play, where people come together in natural and vibrant public spaces*

Action 5.3 states:

*Complete an amendment of the Lake Macquarie Local Environmental Plan and Development Control Plan for the Catherine Hill Bay Heritage Conservation Area to manage development in the historic Catherine Hill Bay and Middle Camp.*

This Planning Proposal is consistent with the LSPS and the Principles, Planning Priority 5 and Action 5.3 as stated above.

#### The Lake Macquarie Housing Strategy 2020

The Lake Macquarie Housing Strategy aims to deliver a diverse mix of affordable and sustainable housing supply close to services, facilities and infrastructure to meet the growing population's housing needs.

The Catherine Hill Bay and Middle Camp heritage villages have limited infrastructure services including a sealed main road access (Flowers Drive), a hotel (Catho pub), surf lifesaving club, cemetery and electrical power connection. Also, subject to future site investigations, it is intended that a proposed community building will replace the former Bowling Club which has recently been demolished. There are no sewer or stormwater connections and limited internet throughout the area. The two villages are effectively a living historic record (workers cottages) of the mining era late 1800's to early 1900's. However, unsympathetic development has occurred in the recent past and without suitable statutory controls will make the continued existence of the villages untenable.

For development in the South East Growth Area, which contains the Catherine Hill Bay heritage area, the Housing Strategy envisages:

- *Sensitive development within the Catherine Hill Bay area*
- *New residential housing in the North Wallarah area, and*
- *Completion of the Murrays Beach and Nords Wharf developments*

The Housing Strategy has five housing priorities and supporting objectives. The priorities give effect to the strategies, objectives and actions of the Hunter Regional



and Greater Newcastle Metropolitan Plans. They are informed by evidence-based analysis, and technical reports and studies. The priorities for housing over the next 15-20 years are supported by the actions outlined in the strategy. The development of housing in Catherine Hill Bay and Middle Camp is not a priority in the Strategy. A key priority is to facilitate infill near jobs and services by:

- Prioritising the delivery of housing within areas mapped as having a high liveability rating and within the existing urban footprint.
- Providing housing supply, choice and affordability, in areas with more access to jobs, services and public transport.
- Ensuring infill development is sensitive to the character of existing places.

The Catherine Hill Bay Heritage Conservation Area is not an area which is mapped as having a high liveability rating or being affordable, and although has an urban footprint is not located near services or facilities, access to jobs and has limited public transport (bus).

The Housing Strategy indicates that Lake Macquarie has frequently released the highest number of detached dwellings over the past ten years when compared to Cessnock, Maitland, Newcastle and Port Stephens with large greenfield subdivisions in Cooranbong, West Wallsend, Cameron Park, Catherine Hill Bay, Wallarah Peninsula, Nords Wharf, Morisset and Wyee.

The Greater Newcastle Metropolitan Plan (GNMP) requires that the local housing strategy includes targets that contribute to realising the 40 per cent greenfield and 60 per cent infill housing split across the Greater Newcastle area by 2036. Infill development has the strongest supply potential, with infill having the potential to provide 63-76 per cent of housing supply, representing significant shifts from current housing supply i.e. from detached dwellings.

According to the Housing Strategy, development opportunities will not become constrained in the future (11–20 year period) if infill development shifts to be a more dominant supply to meet the infill development requirements of the GNMP. Shifting the main focus from developing greenfield sites and detached housing in Lake Macquarie to supporting more infill development, upholds Council's Local Strategic Planning Statement's priorities and the objectives of the GNMP. Currently in the development pipeline there are more than 719 medium density dwellings (predominantly townhouses) in the suburbs of Cameron Park, Cardiff and Charlestown which have been submitted and determined including projects under construction, with 1,124 apartments focused in local centres, including Cardiff, Charlestown and Warners Bay. This shift aims to ensure the best use of land and infrastructure, for robust local economies, job creation and sustainability. Estimates within the Housing Strategy show that supply can meet demand to 2040.

Additionally, the Council's Urban Development Programme (UDP) indicates that there are some 500 lots available for future development in the greenfield areas of Catherine Hill Bay, Nords Wharf, and North Wallarah. Also, for the North Wallarah area there are several hundred additional lots which are not a component of the UDP programme which are currently being assessed.

Therefore, based on the analysis provided with the Housing Strategy there is no lack of housing supply or choice outside of the Heritage Conservation Area and villages of Catherine Hill Bay and Middle Camp.

The proposed draft LMLEP and LMDCP amendments would be consistent with the Lake Macquarie Housing Study as it would ensure that appropriate development is provided for in this important State Listed Cultural Precinct whilst enabling a broader development profile to the remainder of the LGA.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

The Proposal is compared to the provisions of the relevant SEPPs in Table 2 below.

**Table 2: Comparison of the Planning Proposal to relevant SEPPs**

SEPP	Relevance	Implications
<b>SEPP 19 — Bushland in Urban Areas</b>	This SEPP applies to land in Lake Macquarie.	The proposal would be <b>consistent</b> with the SEPP as no changes are proposed with the extent of the current residential area or potential development within the existing E2 Environmental Conservation Area.
<b>SEPP 44—Koala Habitat Protection</b>	The SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline	The proposal would be <b>consistent</b> with this SEPP as there are no Koala sites in proximity to this proposal and there are no changes proposed that would affect existing Koala populations.
<b>SEPP – (Affordable Rental Housing) 2009</b>	The SEPP does not apply to development that is on land that contains a heritage item that is identified in an environmental planning instrument, or on the State Heritage Register under the Heritage Act 1977 (refer to Clause 10 (1) (b)).	The proposal is considered <b>consistent</b> with the SEPP
<b>SEPP 70- Affordable Housing (revised schemes)</b>	Applies to the State. Promotes the delivery and maintenance of affordable housing through an affordable housing contribution scheme.	The Lake Macquarie Housing Strategy has signalled a review of development contributions to ensure funding is available to supply and service increasing population in infill areas and that development contributions in greenfield areas are commensurate in its delivery of Affordable housing for the LGA.  The proposal is considered <b>consistent</b> with the SEPP.
<b>SEPP - (Coastal Management) 2018</b>	The SEPP applies to the whole area including the Residential zoned land within the Coastal Zone.	The proposal is considered <b>consistent</b> with the SEPP. The proposal is located in the Coastal Environmental Area and the Coastal Use Area. The proposed changes to the LMLEP and draft CHB Area Plan 2014 seek to reduce visual and environmental impacts to and from the current residential and environmental footprint. These impacts will be further addressed during assessment of future Development Applications.  The Proposal is consistent with the objects of the Coastal Management Act 2016 and relevant coastal management areas.
<b>SEPP – (Exempt and Complying Development Codes) 2008</b>	Pursuant to Clause 1.16 (1A) (a) of the Codes SEPP, Exempt development only applies if an exemption has been granted	The proposal is considered <b>consistent</b> with this SEPP.



	under s.57 (2) of the Heritage Act 1977. The SEPP does not apply to Complying development to an Item Listed on the State Heritage Register under the Heritage Act 1977.	
<b>SEPP – (Housing for Seniors or People with a Disability) 2004</b>	The SEPP does not apply to a listing on the State Heritage Register under the Heritage Act 1977.	The proposal is considered <b>consistent</b> with this SEPP.

6. Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

An assessment of the Planning Proposal against the applicable Ministerial Directions is provided in Table 3. The table addresses whether the Proposal is consistent with 'what a relevant planning authority must do' if a direction applies.

**Table 3: Consistency with applicable Section 9.1 Ministerial Directions**

<b>Ministerial Direction &amp; Relevance</b>	<b>What a relevant planning authority must do if this direction applies</b>	<b>Consistency / Comment</b>
<b>1.3 Mining, Petroleum Production and Extractive Industries</b>	Ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Council has been made aware that there is a consolidated coal lease that affects the north west corner of the Catherine Hill Bay Precinct CCL706 (1973 Act) Holder: GREAT SOUTHERN ENERGY PTY LTD Grant date: 24 Jan 1990 Expiry date: 29 Apr 2022 Council will consult with Resource and Energy if the proposal proceeds.
<b>2.1 Environment Protection Zones</b>	Protect and manage coastal areas of NSW.	The proposal is <b>consistent</b> with this Direction. The proposal does not include provisions that would reduce the protection and conservation of environmentally sensitive areas.

<p><b>2.2 – Coastal Management</b></p> <p>This direction applies to the coastal zone.</p>	<p>A Planning Proposal must include provisions that give effect to and are consistent with relevant NSW Government coastal policy.</p> <p>In particular:</p> <p>(4) must include provisions that give effect to and are consistent with:</p> <p>(a) the objects of the <i>Coastal Management Act 2016</i> and the objectives of the relevant coastal management areas;</p> <p>(b) the NSW Coastal Management Manual and associated Toolkit;</p> <p>(c) NSW Coastal Design Guidelines 2003; and</p> <p>(d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the <i>Coastal Protection Act 1979</i> that continues to have effect under clause 4 of Schedule 3 to the <i>Coastal Management Act 2016</i>, that applies to the land.</p> <p>(5) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:</p> <p>(a) within a coastal vulnerability area identified by the <i>State Environmental Planning Policy (Coastal Management) 2018</i>; or</p> <p>(b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:</p> <p>(i) by or on behalf of the relevant planning authority and the planning proposal authority, or</p> <p>(ii) by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</p> <p>(6) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by the <i>State Environmental Planning Policy (Coastal Management) 2018</i>.</p> <p>(7) A planning proposal for a Local Environmental Plan may propose to amend the following maps, including increasing or</p>	<p>Although the study lands are located within the coastal zone, the proposal would be <b>consistent</b> with this Direction as the Proposal will not enable increased development or more intensive land use. It is intended that certain development types including Dual occupancy (Detached) and subdivision below the minimum lot size will not be provided for within Zone R2 Low Density Residential because of its heritage conservation status. Any future development proposal (DA) would be consistent with the requirements of:</p> <p><i>(4) What a planning proposal authority must do if this direction applies.</i></p> <p>The proposal includes provisions that give effect to and are consistent with:</p> <p>(a) the objects of the <i>Coastal Management Act 2016</i> and the objectives of the relevant coastal management areas - <b>Consistent</b></p> <p>(b) the NSW Coastal Management Manual and associated Toolkit – there are no changes to a coastal management programme (CMP) for the area - <b>Consistent</b></p> <p>(c) NSW Coastal Design Guidelines 2003 – there are no designs or changes to the existing urban subdivision footprint - <b>Consistent</b>;</p> <p>(d) the Lake Macquarie Coastal Zone Management Plan – there are no proposed development within the Coastal Zone Management Plan – this would be a DA issue for future development - <b>Consistent</b>.</p> <p>The proposal is <b>consistent</b> with the objects of the Coastal Management Act 2016; the Coastal Management Manual and associated Toolkit; NSW Coastal Design Guidelines and relevant Coastal Zone Management Plan;</p> <p>(5) The proposal does not rezone land to enable increased development or more intensive land-use on land:</p> <p>(a) within a coastal vulnerability area identified by the <i>State Environmental Planning Policy (Coastal Management) 2018</i>; or</p> <p>(b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:</p> <p>(6) The proposal does not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by the <i>State Environmental Planning Policy (Coastal</i></p>
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	<p>decreasing the land within these maps, under the <i>State Environmental Planning Policy (Coastal Management) 2018</i>: (a) Coastal wetlands and littoral rainforests area map; (b) Coastal vulnerability area map; (c) Coastal environment area map; and (d) Coastal use area map.</p> <p>Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the <i>Coastal Protection Act 1979</i> that continues to have effect under clause 4 of Schedule 3 to the <i>Coastal Management Act 2016</i>.</p>	<p><b>Management) 2018 - Consistent</b></p> <p>(7) The proposal does not propose to amend Maps associated with:</p> <ul style="list-style-type: none"> <li>(a) Coastal wetlands and littoral rainforests area map;</li> <li>(b) Coastal vulnerability area map;</li> <li>(c) Coastal environment area map; and</li> <li>(d) Coastal use area map.</li> </ul> <p><b>Consistent with all of the above.</b></p>
<p><b>2.3 – Heritage Conservation</b></p> <p>This direction aims to conserve areas, objects and places of environmental heritage significance and indigenous heritage significance</p>	<p>Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>The proposal is <b>consistent</b> with this Direction as it will enable appropriate protection of Listed heritage items and an area of environmental heritage significance being a State Listed Cultural Precinct.</p> <p>The provisions in the LMLEP amendment are designed to ensure that the State Listed Heritage character and qualities of the State Listed Precinct are not compromised by development which would normally be associated with a residential zone within an urban environment and not a residential zone surrounded by Zone E2 Environmental Conservation and Zone E1 National Park land.</p>

<p><b>2.6 – Remediation of contaminated land</b></p>	<p>This direction applies to:</p> <p>...</p> <p>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</p> <p>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p> <p>A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land specified in paragraph (2) if the inclusion of the land in that zone would permit a change of use of the land, unless:</p> <p>(a) the planning proposal authority has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p> <p>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.</p>	<p>The land surrounding the Residential area being Lot 6 DP 1180181 Mine Camp Road, Catherine Hill Bay is noted on Council's GIS as being Contaminated or Potentially Contaminated Land (primarily the Heritage Conservation Area) surrounding the residential villages. The residential land has no Contamination Notation.</p> <p>The proposal is <b>consistent</b> with the Direction as no changes are proposed with the extent of the current residential area.</p>
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<p><b>3.1 - Residential Zones</b></p>	<p>(1) (a) Encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) Minimise the impact of residential development on the environment and resource lands.</p> <p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>5 (b) not contain provisions which will reduce the permissible residential density of land.</p> <p>(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>...</p> <p>(d) of minor significance.</p>	<p>The proposal is <b>inconsistent</b> with 4(a) of this Direction as the proposal will limit development to single storey dwellings, secondary dwellings and attached development to be consistent with the existing heritage character and current height limits of the Miners cottages of the Catherine Hill Bay and Middle Camp villages.</p> <p>However, the Concept Approval 10_0089 Catherine Hill Bay, Middle Camp Concept Plan provides for a 222-lot residential subdivision (Urban Release Area) immediately to the north of this proposal as a negotiated outcome with the Minister for Planning and Infrastructure in 2012 to enable the effective conservation of the remainder of the Heritage Conservation Area. Because of this component of the original Concept Plan, it is considered that the proposal would be consistent with the provisions of the Direction 2.3 Heritage Conservation i.e. to conserve the integrity of the Heritage Conservation Area. In this context, the inconsistency with 4(a) is considered to be of minor significance.</p> <p>The proposal would be <b>consistent</b> with objective 4(b) as there is limited infrastructure available on these sites i.e. no water or sewer connections. There are however, electricity connections and some formed roads in the area.</p> <p>The proposal would be <b>consistent</b> with objective 4(c) as no further land for housing and associated urban development is proposed</p> <p>as the limitations on development types including further subdivision apart from dual occupancy (attached) will minimise further impact of residential development on the environment to those areas already impacted.</p> <p>In respect of 5(a) The proposal would be <b>consistent</b> with this objective as the LMLEP at Clause 7.21 requires that essential services are provided to the satisfaction of council.</p> <p>In respect of 5(b) the proposed LMLEP amendment is <b>inconsistent</b> with this provision. However, Council's Heritage Support Officer has provided a gap analysis and review of the Heritage Assessment Conservation Plan for Catherine Hill Bay" prepared by Architectural Projects Pty Ltd in 1996 as provided in Attachment 12. This review report has found that there are no significant gaps to be resolved that cannot be satisfied by the proposed draft LMLEP and draft CHB Area Plan amendments.</p> <p>The provisions in the LMLEP amendment are designed to ensure that the State Listed Heritage character and qualities of</p>
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		<p>the State Listed Precinct are not compromised by development which would normally be associated with a residential zone within an urban environment and not a residential zone surrounded by Zone E2 Environmental Conservation and Zone E1 National Park land. The Lake Macquarie Housing Study 2020 provides relevant details of the location and potential development opportunities for Greenfield and Infill land adjoining the Heritage villages of Catherine Hill Bay and Middle Camp. In this context, the inconsistency is also considered to be of minor significance.</p> <p>Given the location and issues that the planning proposal seeks to resolve, it is considered that the inconsistencies with the Direction are of minor significance.</p>
<p><b>3.4 – Integrating Land Use and Transport</b></p> <p>The direction requires consistency with State policy in terms of positioning of urban land use zones.</p>	<p>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. This provision would apply to a rezoning to a business or industrial zone, not to an additional permitted use for a service station and a rezoning to private recreation (RE2). Recreational land is generally not considered to be urban land by the Department of Planning and Environment.</p>	<p>The proposal is <b>consistent</b> with this Direction as the planning proposal does not change the location of zones for urban purposes and is consistent with Improving Transport Choice and the Right place for Business and Services. It is an existing small urban residential (village) located in an area with minimal transport infrastructure apart from a train/bus combination service from Newcastle 3-4 times per day Monday to Saturday. There is no intensification of uses proposed.</p> <p>The proposal will alter some land use provisions to exclude the Catherine Hill Bay Cultural Precinct within the Heritage Conservation Area and reduce some of the current residential urban uses. The proposal is consistent with the Hunter Regional Plan and the Greater Newcastle Metropolitan Plan for future development of the Heritage Conservation Area.</p>
<p><b>4.1 – Acid Sulfate Soils</b></p> <p>The direction applies to land that has been identified as containing potential Acid Sulfate Soils (ASS)</p>	<p>Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>(4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p> <p>(5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with: (a) the Acid Sulfate Soils Model LEP in the</p>	<p>The proposal is considered to be <b>consistent</b> with this Direction.</p> <p>The urban areas of the proposal are shown as not assessed on the DPIE NSW Acid Sulfate Soils Risk SEED Maps and identified as Class 5 Acid Sulfate Soils on the Council's GIS Maps.</p> <p>The proposal does not propose intensification of land uses on land identified as having the probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.</p> <p>Future DA's will need to be consistent with the requirements Acid Sulfate Planning Guidelines identified as Acid Sulfate Soils during DA assessment.</p>

	<p>Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or</p> <p>(b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.</p> <p>(6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.</p> <p>(7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).</p>	
<p><b>4.2 – Mine Subsidence and Unstable Land</b></p> <p>This seeks to prevent damage associated with mine subsidence</p>	<p>Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p>	<p>The site is within a proclaimed Mine Subsidence district pursuant to section 15 of the Mine Subsidence Compensation Act 1961. This direction requires consultation with Subsidence Advisory NSW for amendments to the LMLEP within a Mine subsidence district. Council will consult the Subsidence Advisory NSW if the proposal proceeds.</p>
<p><b>4.3 – Flood Prone Land</b></p> <p>Development of flood prone land should be consistent with the NSW Government's Flood Prone Land Policy</p>	<p>This direction applies when a relevant planning authority prepares a planning proposal that creates, removes, or alters a zone or a provision that affects flood prone land.</p>	<p>The proposal is considered to be <b>consistent</b> with this Direction as no intensification of landuses are proposed in Zone R2 Low Density Residential land and the land is not affected by Flood Prone land on the Flood Prone Map.</p> <p>However, Parts of Zone E2 Environmental Conservation land – 41 Flowers Drive Lot 4 DP 1180181, 28 Clark Street Lot 9 DP 1180181, 34 Clark Street Lot 100 DP 1180181 will be affected by Flooding. If developed these lots will need to be</p>

		consistent with a flood risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005.
<b>4.4 – Planning for Bushfire Protection</b> This direction applies to bushfire prone land	(a) Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) Encourage sound management of bush fire prone areas.	The proposal is considered to be <b>consistent</b> with this Direction as the residential area is identified as Vegetation Buffer in the Lake Macquarie Bushfire Prone land map. However, the E2 Environmental Conservation Area in Catherine Hill Bay is Category 1 vegetation. A referral may be necessary to ensure that any future development within the E2 Zone would be consistent with the requirements of NSW Planning for Bush Fire Protection provisions. Consultation with the Commissioner of the NSW Rural Fire Service would occur following receipt of a Gateway determination under section 3.34 of the Act, and prior to undertaking community consultation.
<b>5.10 - Implementation of Regional Strategies</b>	Give legal affect to the vision, land use strategy, goals, directions and actions contained in Regional Plans	The proposal is considered to be <b>consistent</b> with relevant directions within the Hunter Regional Plan 2036, as previously outlined in Direction 3.1 Residential Zones.
<b>6.1 – Approval &amp; Referral Requirements</b> The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The proposal is considered <b>consistent</b> with this Direction as it seeks to support and give statutory effect to a LMDCP which minimises concurrence with Heritage NSW. Currently Lake Macquarie Council does not have delegation to approve applications for heritage items within the Catherine Hill Bay Cultural Precinct. The proposal will ensure LMLEP 2014 provisions are consistent with provisions in the draft Area Plan. Consistency will facilitate obtaining the Site Specific Exemption that Council seeks to regain and implementing those delegations.
<b>6.3 - Site Specific Provisions</b>	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The proposal is considered inconsistent with 4(c) by imposing development standards related to minimum lot sizes and building heights, that are in addition to those already contained in LMLEP 2014. However, it is considered that the provisions of the planning proposal are of minor significance. The proposal will only apply to the existing residential villages of Catherine Hill Bay and Middle Camp Cultural Precinct within the Heritage Conservation Area and will affect approximately 100 properties. Opportunities for more intensive development are already limited under the current LMLEP 2014 provisions and the requirement for concurrence of Heritage NSW. The additional minimal restrictions will have only a minor impact on the potential development in the area.



		Proposed changes to the current LMLEP 2014 clauses i.e. provide an Additional Local Clause (Heads of Consideration) to Part 7 - Catherine Hill Bay and Middle Camp Heritage Conservation Area to call up a draft CHB Area Plan, and specific clauses within Part 4 Principal development standards, would enable the existing provisions to continue to apply to the whole LGA with the exception of the State Listed Item - Catherine Hill Bay Cultural Precinct. These proposed changes would ensure that more appropriate development occurs to protect the integrity of the historic villages within the State Listed conservation area of Catherine Hill Bay.
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## SECTION C- ENVIRONMENTAL, SOCIAL, AND ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Proposal?

The proposal will not affect land which contains any habitat. The proposal is intended to provide specific controls to ensure that the existing historic villages will continue to blend and be part of the Heritage Conservation Area. The proposal will also help to ensure that the landscape qualities and design of the former mining villages will not be compromised by new contemporary building forms which are not in keeping with the heritage qualities including built form of the area.

8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No none (see above). However, if an LMLEP amendment is not pursued then the possibility of harm to the environment could occur given the potential permissibility of subdivision of the existing lots into 2 or more lots because of the absence of water and sewer infrastructure for the two villages.

### Mines Subsidence

The site is located within a Mine Subsidence District and consultation is required with Subsidence Advisory NSW as part of this Amendment and as part of any future DA.

9. Has the Planning Proposal adequately addressed any social and economic effects?

Having surety of what development controls apply to the historic villages of Catherine Hill Bay and Middle Camp will ensure the social and economic well-being of the area and of its residents. Should the proposal not go ahead it will continue to allow inappropriate development which in term would have a social and economic impact on the heritage conservation area of Catherine Hill Bay.

## SECTION D - STATE AND COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the Planning Proposal?

There is no current sewer or water infrastructure connected to the villages of Catherine Hill Bay or Middle Camp. There will be no additional foreseeable water

or sewerage impacts on the current private systems as a consequence of the proposed LMLEP amendment. The subject lands are not part of an Urban Release Area.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

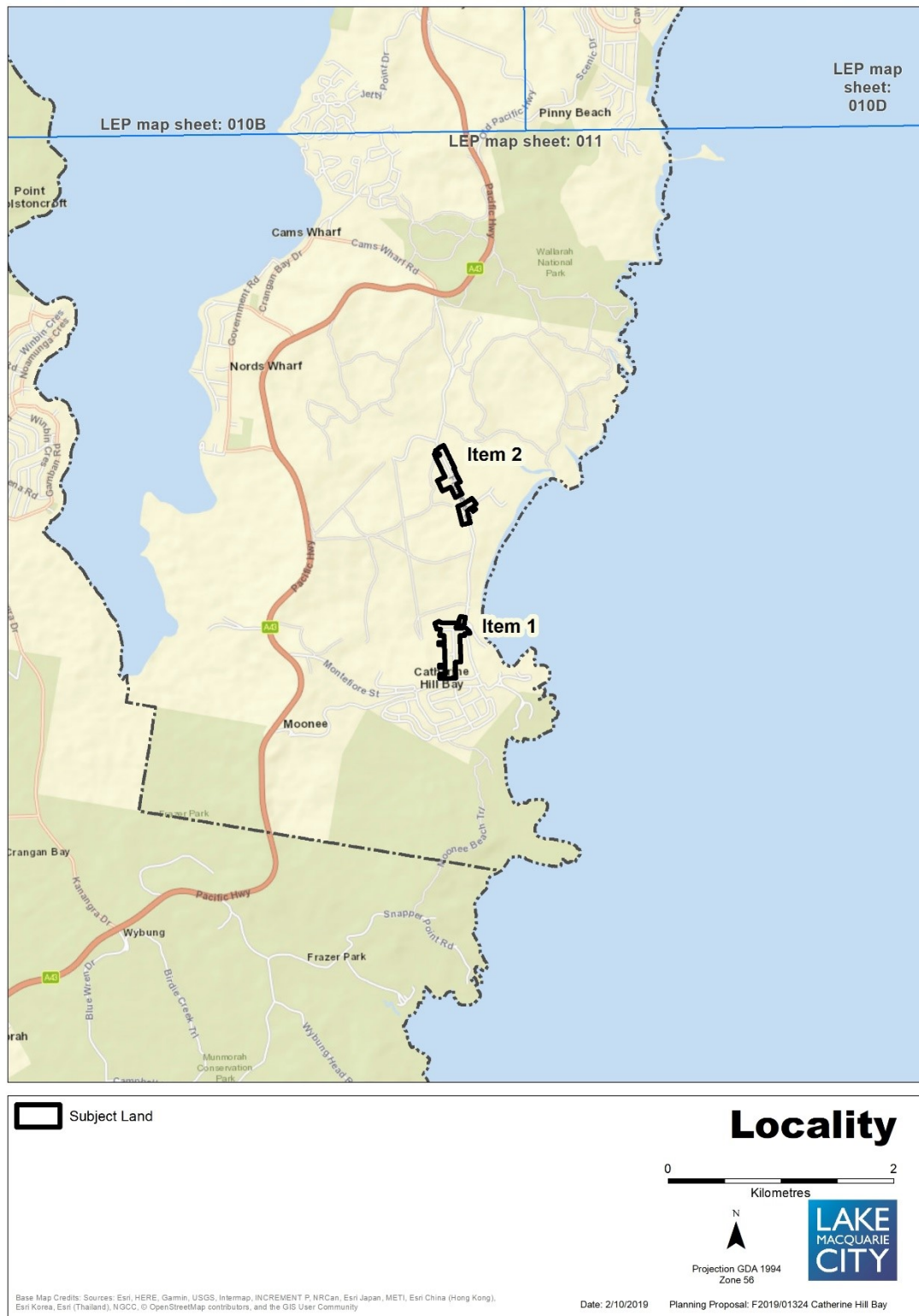
It is considered that consultation is required with the following authorities prior to public exhibition of the Planning Proposal:

- NSW Rural Fire Service (RFS)
- Subsidence Advisory NSW
- Heritage NSW
- National Parks and Wildlife Services
- Hunter Water Corporation
- Resources & Energy
- RMS

This planning proposal will be updated once the consultation has been undertaken.

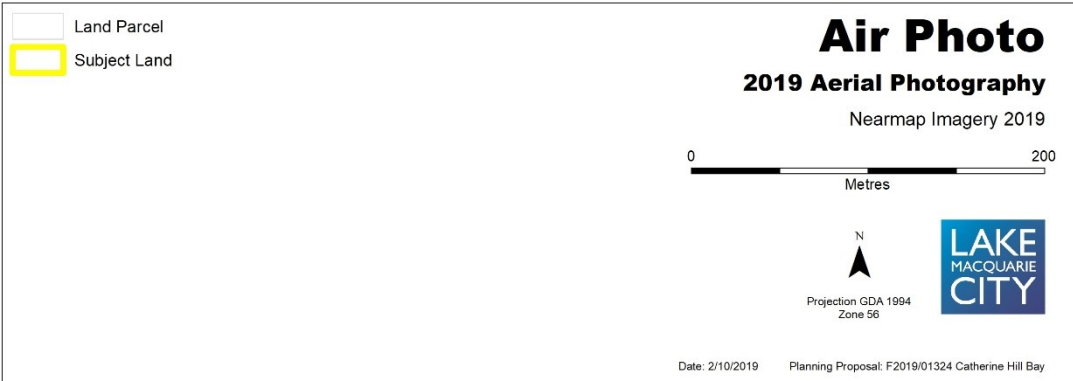
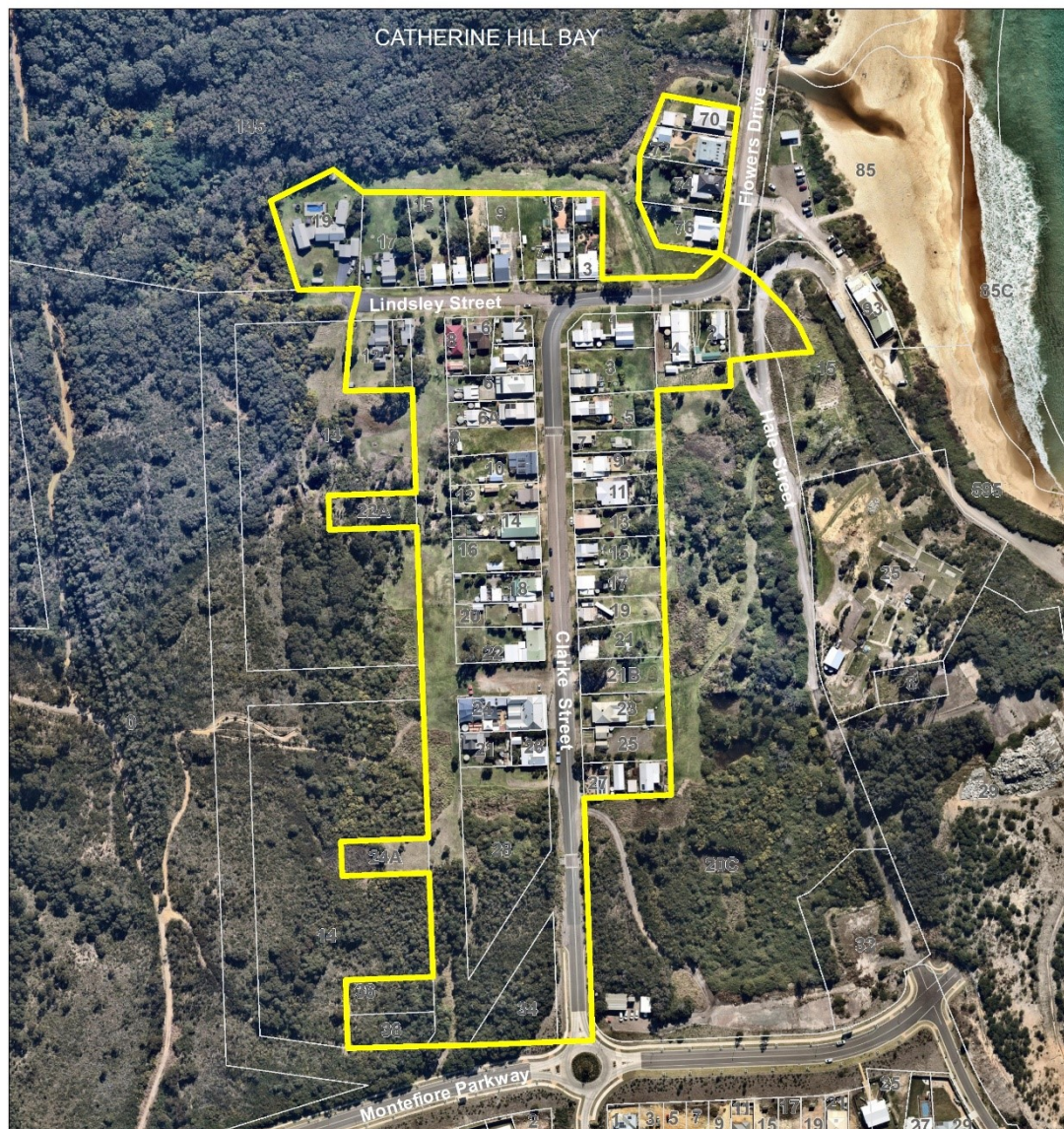
## Part 4 - Mapping

### Attachment 1: Locality Map

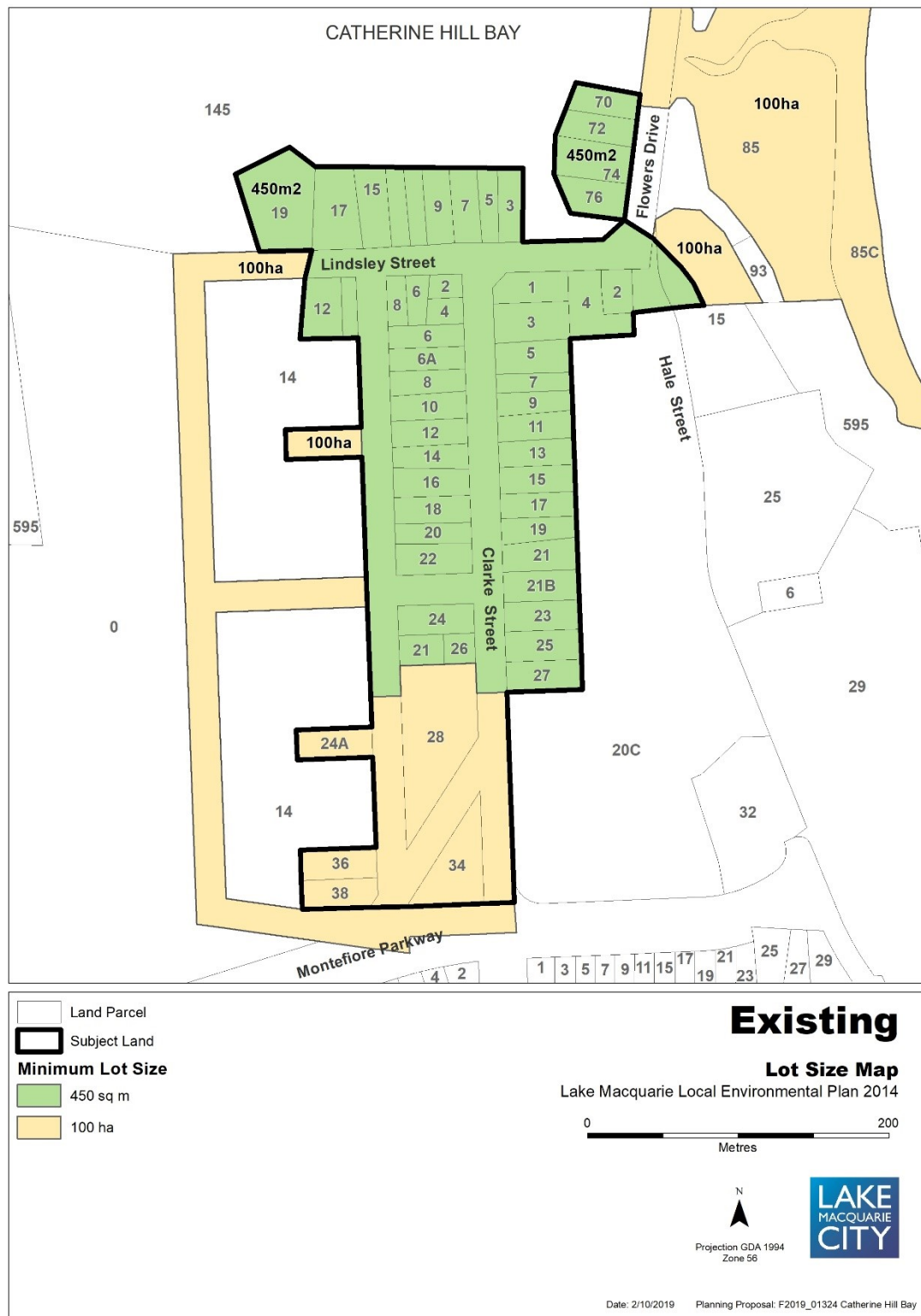




## Attachment 2: Aerial, Catherine Hill Bay

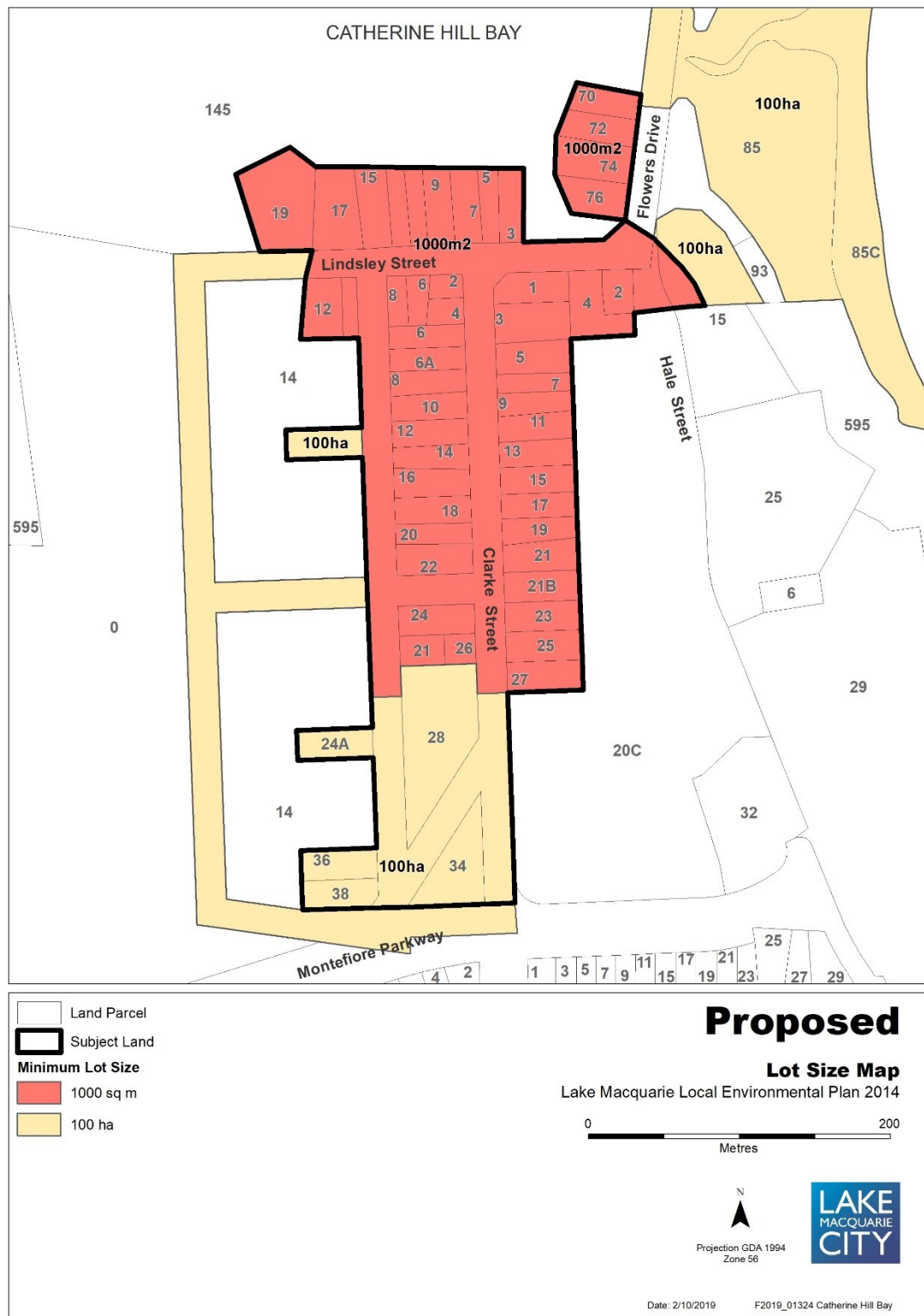


## Attachment 3: Existing Lot Size Map, Catherine Hill Bay

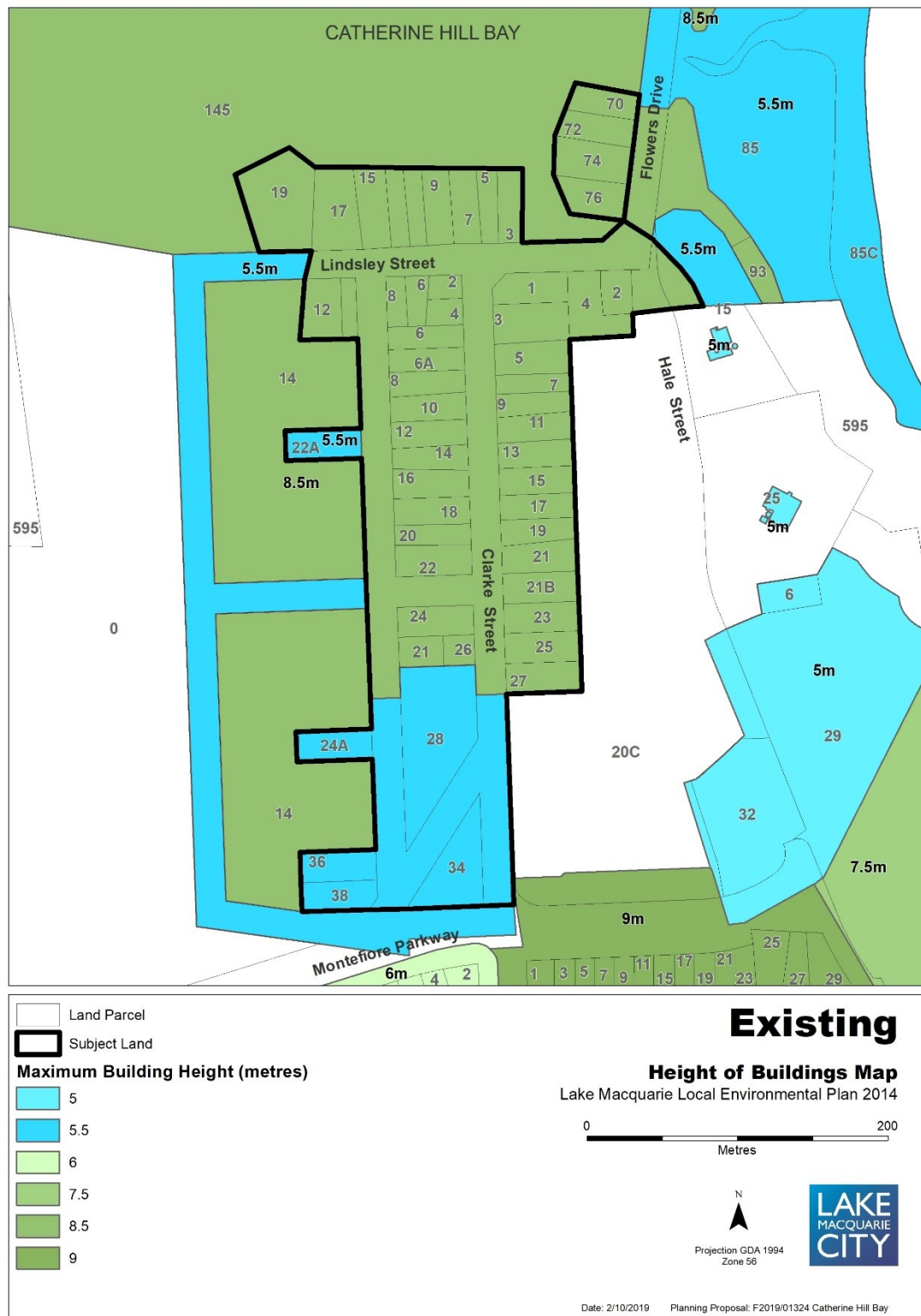




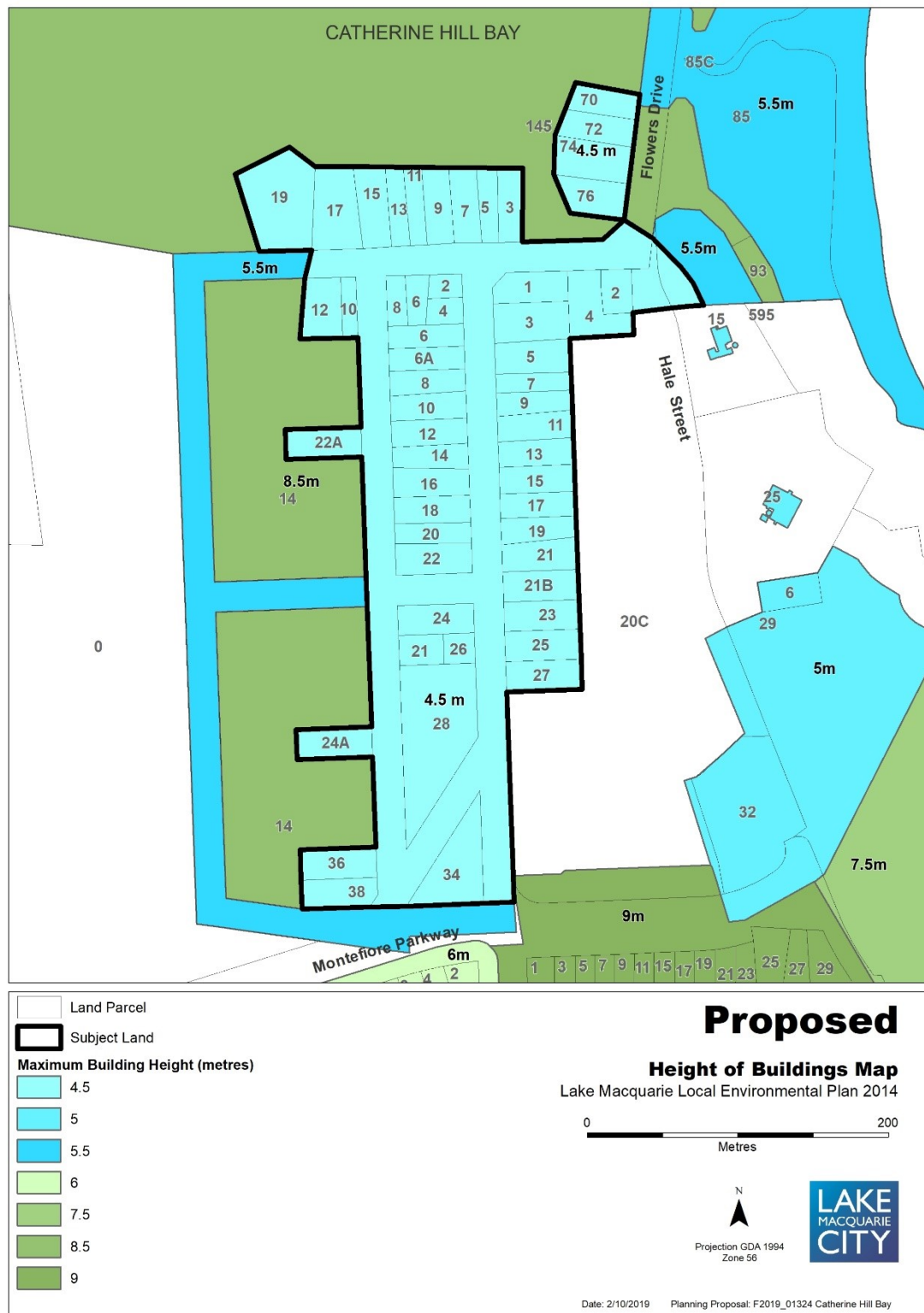
## Attachment 4: Proposed Lot Size Map, Catherine Hill Bay



## Attachment 5: Existing Height of Buildings Map, Catherine Hill Bay



## Attachment 6: Proposed Height of Buildings Map, Catherine Hill Bay

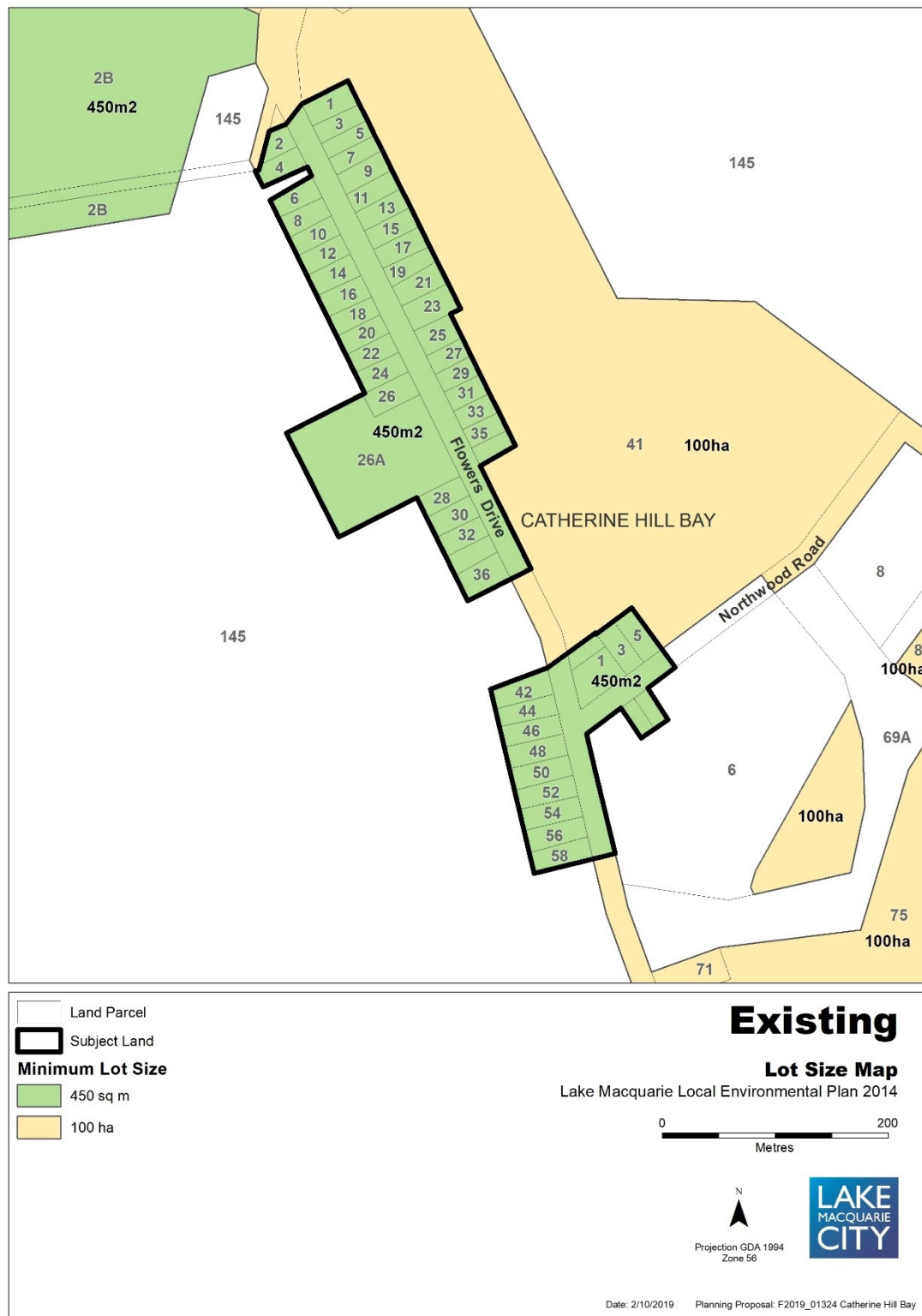




## Attachment 7: Aerial, Middle Camp

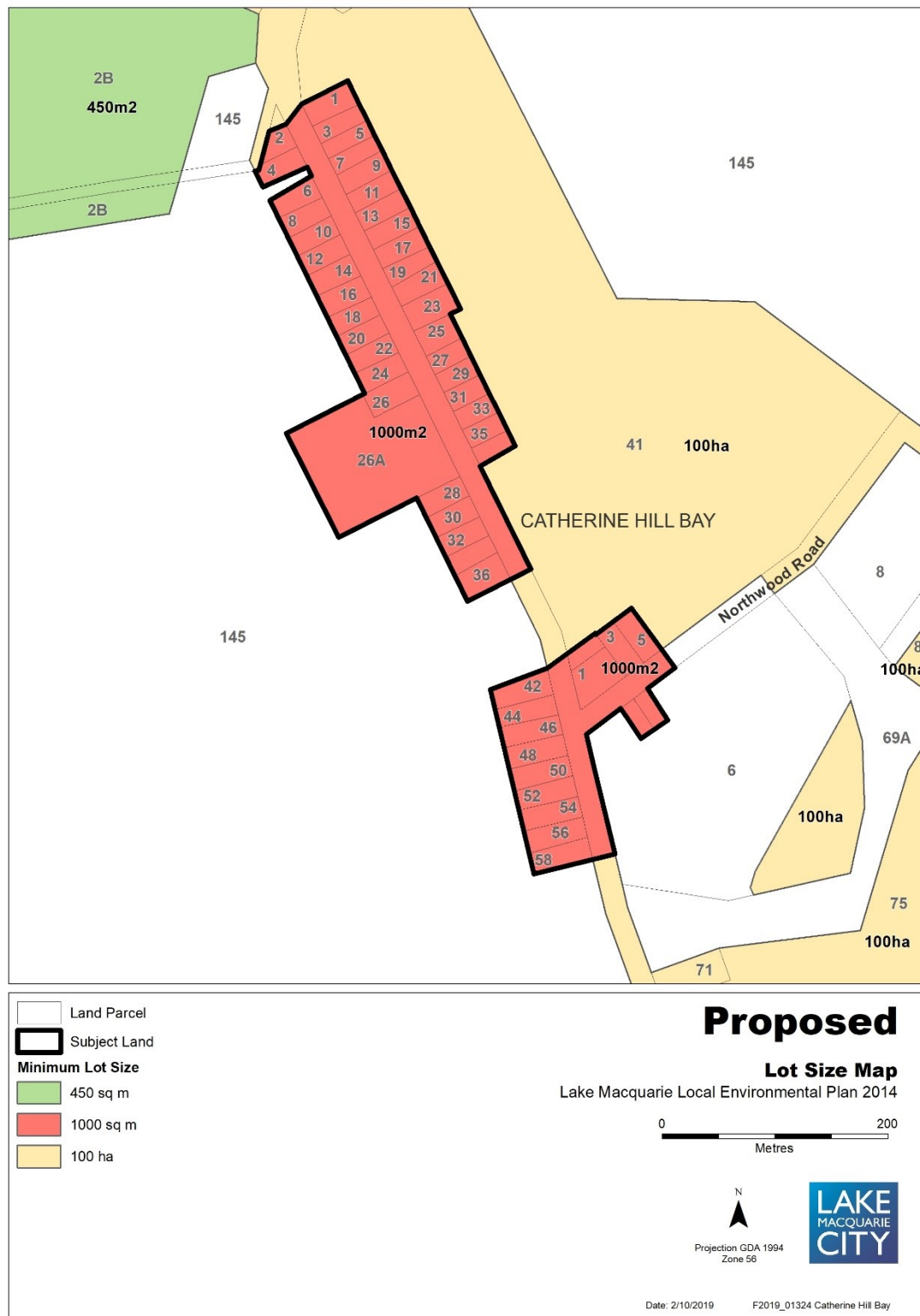


## Attachment 8: Existing Minimum Lot Size Map, Middle Camp

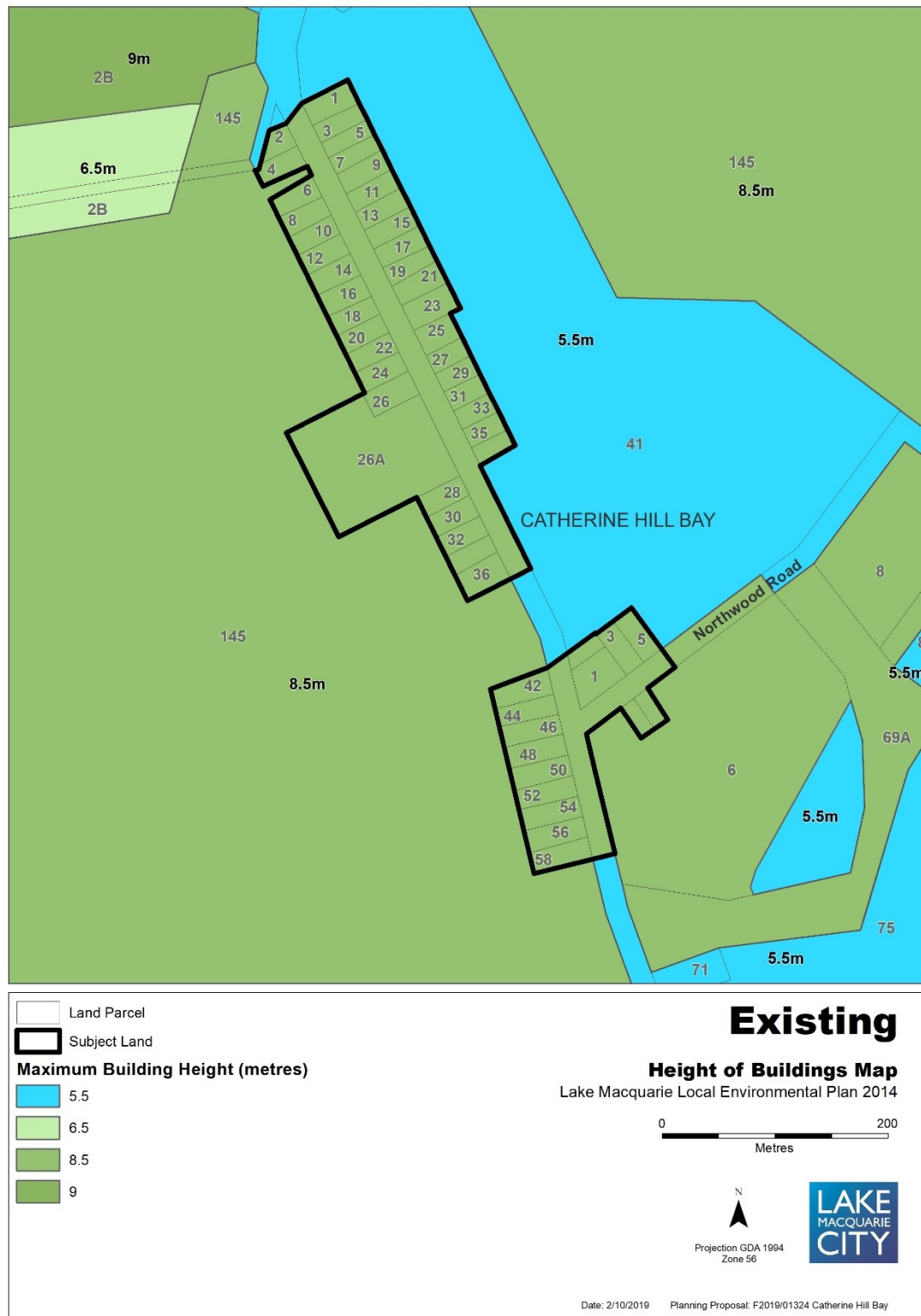




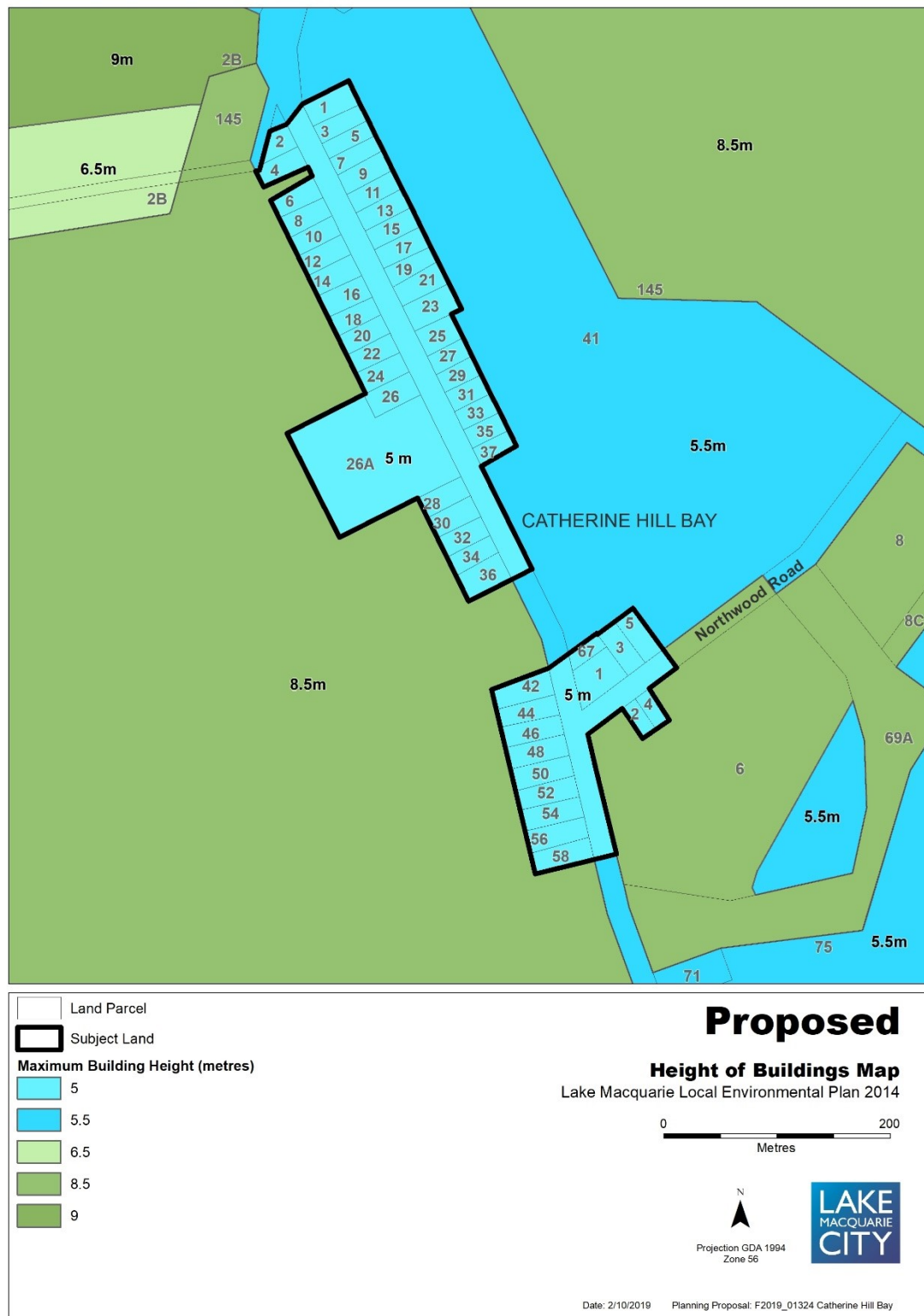
## Attachment 9: Proposed Minimum Lot Size Map, Middle Camp



## Attachment 10: Existing Height of Buildings Map, Middle Camp



## Attachment 11: Proposed Height of Buildings Map Middle Camp



## **Attachment 12:**

### **Review/Gap Analysis of Heritage Assessment Conservation Plan for Catherine Hill Bay” by Architectural Projects Pty Ltd (1996)**

Sherrie-lee Evans  
Heritage Support Officer  
June 2020

A review of the original “Heritage Assessment Conservation Plan for Catherine Hill Bay” by Architectural Projects Pty Ltd (1996) has been undertaken, at the request of the NSW Department of Planning, Industry and Environment, in particular to understand if any items have been substantially altered or demolished and if there has been any significant change to the area.

The review has been prepared in accordance with the *NSW Heritage Manual* (1996), the *Australia ICOMOS Burra Charter* (2013) and *The Conservation Plan* (CMP) by James Semple Kerr (2000), and with reference to the *Conservation Management Plan (CMP) Assessment Checklist* prepared by the Heritage Council of NSW (2003).

#### **1.0 Background**

Architectural Projects Pty Limited - Heritage Architects, Megan Martin - Historian and Ian Kirk - Building Consultant were commissioned by Lake Macquarie Council to prepare a precinct study in October 1996. The work relies on the development of a detailed history and chronological mapping which recognise patterns and determines their significance. Preferred policies are proposed which either protect the existing patterns of the area or provide guidelines for new patterns which do not detract from the main character of the area.

#### **2.0 Major changes since 1996**

There are a number of major changes which have occurred since the CMP was prepared in 1996.

##### **2.1 Planning Context**

###### State Heritage Register

The Catherine Hill Bay and Middle Camp Villages have been included in a state heritage listing. The State Heritage Register listing, *Catherine Hill Bay Cultural Precinct* (listing no. 01828) is partially located within the boundary of the local Listed Heritage Conservation Area (HCA), in the Lake Macquarie City Council, Local Environmental Plan (LMLEP) (2014). Exempt development within state Listed areas can only be undertaken under the State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2008 if an exemption has been granted under s.57 (2) of the Heritage Act, or is subject to an exemption under s.57 1(A) or (3) of that Act. Clauses (1B) and (1C) of the Heritage Act also apply.

###### State Environmental Planning Policy (Exempt and Complying Codes) 2008

State Environmental Planning Policy (Exempt and Complying Codes) 2008 was amended in January 2013 so that the General Housing Code provisions do not apply to development at Catherine Hill Bay village, Middle Camp village, Catherine Hill Bay (South) or Middle Camp (North) Urban Release Area. The Greenfield Housing Code, which came into effect on 6 July 2018 does not apply to the Catherine Hill Bay HCA.

### Catherine Hill Bay (South)

A major development was approved and has been implemented to the south of Catherine Hill Bay village. This development was subject to *SEPP (Major Development) Amendment (State Significant Sites - South Wallarah Peninsula) 2010*. Currently this land is subject to the provisions of Part 11 of the Lake Macquarie LEP 2004 and the *Catherine Hill Bay (South) Development Control Plan (CHBSDCP 2012)* prepared by the Department of Planning and Infrastructure. Additionally, relevant parts of Lake Macquarie Development Control Plan No.1 (DCP No. 1) still apply to this land. This land does not form part of the local HCA.

### Middle Camp (North)

Land referred to as 'Middle Camp (North)' including the former Middle Camp Colliery and Saw Mill Camp, was deemed a State Significant site and subsequently rezoned R2 Low Density Residential (Urban Release Area) through an amendment to the LMLEP 2004 on 13 April 2012.

Land in Middle Camp (North) is subject to the provisions of Part 8 of the Lake Macquarie LEP 2004 and the Concept Plan Approval D142/12 (Planning Assessment Commission 12 July 2012) as well as the provisions of Lake Macquarie DCP No. 1 (which will include the Area Plan for the HCA). In the case of inconsistency between the amended Middle Camp Concept Plan, the Catherine Hill Bay (CHB) HCA Area Plan and Council's Citywide DCP No. 1, the Concept Plan prevails. No development has yet taken place on this site.

### Munmorah State Conservation Area

The Munmorah State Conservation Area (SCA) has been gazetted. The villages of Catherine Hill Bay and Middle Camp are surrounded by the Munmorah State Conservation Area (SCA). Any activities in this area are subject to the National Parks and Wildlife Act (1974) and the Munmorah SCA Plan of Management (2009). The provisions of the proposed CHB HCA Area Plan will not apply to Munmorah SCA.

**Council response:** The changes to planning context have been addressed in the draft CHB HCA Area Plan.

## **2.2 Visual Landscape**

There have been a number of significant changes to the visual landscape of the study area.

### Catherine Hill Bay (South)

The consequent residential development of this area, is visually intrusive and has had a detrimental impact on the landscape aesthetics of the Catherine Hill Bay village.

### Wallarah House

The historic Wallarah House and Jetty Master's Cottage were destroyed by a bushfire in 2013, their sites are not located within the boundary of the CHB HCA draft Area Plan.

### Building Replacements and Alterations since 2000

A small number of original buildings have either been replaced or have had significant additions made to them since the study, which may have had a detrimental impact on the visual aesthetics of the built form of the villages.

**Council response:** Changes to the visual landscape will be captured in a Landscape and Scenic Quality study completed by consultants in the later part of 2020.

While, the Landscape Character and Scenic Quality Study focuses on two sites within the broader HCA it will include:

- (i) identification of the visual landscape character, scenic and heritage values of the two sites in the context of the broader Cultural Heritage Precinct;
- (ii) Provide an overview of the visual sensitivity from key viewpoints within the visual catchment including the capability of the landscape to absorb visual changes.

The current draft Area Plan contains an updated and peer reviewed assessment of the contribution of each building within the HCA to the heritage significance of the HCA.

The draft Area Plan includes objectives and controls to protect the character of each landscape and significant views with a view to preventing visually intrusive development. A visual impact assessment will be required for any development proposal within the HCA, in accord with the Scenic Management Guidelines contained in the DCP 2014.

The beach front area is highly visible from Catherine Hill Bay and Flowers Drive. The intention of the draft Area Plan is to limit the development of beachfront infrastructure to the replacement of existing recreation facilities, such as the Surf Lifesaving Club, and car park infrastructure. The existing road and street infrastructure have minimal pavement, grass drainage swales, limited sections of kerb and gutter, minimal signage and traffic control devices.

### 2.3 Changes to CMP standard

Developments in best practice for the production of conservation management plans, including the introduction of the Heritage Council of NSW *Conservation Management Plan (CMP) Assessment Checklist* (2003) and the upgraded *Australia ICOMOS Burra Charter* (2013) mean that the original study is now quite dated and would not be considered to meet best practice. These deficiencies are identified using the Assessment Checklist, with responses, where appropriate, that relate these deficiencies to the requirements of the draft Area Plan:

2A.2 Has the pre-contact, contact and/or post-contact *Aboriginal* history of the item and its curtilage been investigated? – No, this is not included in the CMP.

**Council response:** Protection of Aboriginal heritage is covered under the National Parks and Wildlife Act and is not normally included in an Area Plan or DCP.

The draft Area Plan includes a précis of the Aboriginal and European history of the locality as well as a detailed character statement for both Catherine Hill Bay and Middle Camp villages. This provides a comprehensive background for the development objectives and controls that follow.

2A.3 Has a *thematic approach* to historical analysis using the NSW and/or Australian historical themes been used, with relevant local historical themes developed? – No, this is not included in the CMP.

**Council response:** would not materially change the development controls in the draft Area Plan.

2A.6 Has the ability of the item to *demonstrate* the relevant historical themes been identified? - No, this is not included in the CMP.



**Council response:** would not materially change the development controls in the draft CHB Area Plan.

2B.2 Has the fabric been adequately *identified* (e.g. materials, repairs, alterations, additions, contents, views, spaces, plant/animal species, manufactured/pre-fab elements, timber species, brick types, etc) – No, the CMP lacks a detailed assessment of each building or mining operation element – for example, the railway lines.

**Council response:** Individual locally Listed heritage items within the HCA have had fabric recorded as part of Heritage Impact Statements – these individual assessments will continue into the future as a continuing requirement under the draft CHB Area Plan.

2B.4 Have *architects/designers* and *builders/makers* been identified with a degree of certainty? - No

**Council response:** would not materially change the development controls in the draft CHB Area Plan.

2B.5 Have *contents/movable* elements been investigated and their provenance identified? – No.

**Council response:** Contents/moveable elements are not covered by the draft CHB Area Plan.

2B.6 Has *archaeological fabric* been investigated and some degree of potential established? – No.

**Council response:** Provisions for assessment of archaeological potential are included in the draft CHB Area Plan.

2B.8 Have clear/scale/measured *drawings* been provided? – No.

2B.9 Do any elements or areas need *further analysis*? – Yes, the plan lacks detail on the fabric and analysis of elements associated with the coal mining operations, which are scattered around the two villages on both private and public lands.

3.1 Has *natural* heritage potential been identified and investigated? – No.

**Council response:** would not materially change the development controls in the draft CHB Area Plan.

3.2. Has the Heritage Council's policy on *natural* heritage been acknowledged or used? -No.

**Council response:** would not materially change the development controls in the draft CHB Area Plan.

3.3 Has *Aboriginal* heritage potential been identified and investigated? – No.

3.4 Have the relevant\* *Aboriginal* group or groups, and/or individual knowledge holders, associated with the place been identified and consulted? – No.

3.5 Has heritage potential for any *ethnic or cultural* community been considered? – No.

3.8 Has the *archaeological* potential of the site been identified and investigated? -No.

**Council response:** Provisions for assessment of archaeological potential during development application preparation are included in the draft CHB Area Plan.

3.9 Are there any *other* relevant issues and have they been addressed? (e.g. industrial archaeology, gardens and plantings, particular materials, social values, maritime issues, public accessibility, ruinisation) – No, there are a number of other relevant issues including industrial archaeology, social values and maritime archaeology which have not been addressed in the CMP.

4.2 Is there a single, concise *statement of significance* that clearly addresses the question of 'why is this item significant'? - No, the statement of significance is neither clear nor concise.

**Council response:** The Statement of Significance has been upgraded in the draft CHB HCA Area Plan.

4.5 Are there *sub-statements* of significance for each of the relevant SHR criteria? – a State significant item must meet one or more of these criteria under s.4A(3) of the *Heritage Act* and in accordance with the gazetted criteria of 23 April 1999 to be considered of state significance.- No, the CMP lacks sub-statements for association, research potential, rarity or representativeness.

4.5.4 *an item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons* – No, the CMP lacks an assessment of this criteria with reference to the local community.

4.5.5 *an item has potential to yield information that will contribute to an understanding of NSW's natural or cultural history* – No, the CMP lacks an assessment of the research potential of the site.

4.5.6 *an item possess uncommon, rare or endangered aspects of NSW's cultural or natural history* – No, the CMP lacks an assessment of the rarity of the site.

4.5.7 *an item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments* - No, the CMP lacks an assessment of the representativeness of the site.

4.6 Has a *comparative analysis* been undertaken with the basis for the comparison made clear, and the comparators clearly identified? – No

**Council response:** would not materially change the development controls in the draft CHB Area Plan.

4.7 Does the comparative analysis identify *state/regional/local levels* of significance? – No.

4.8 Has a *hierarchy* of significance been identified for the elements of the item? – No.

4.9 If a *complex* site, has the significance of the site as a whole been assessed as well as the significance of its constituent elements? – Yes, the significance of the site as a whole has been assessed but not the significance of its constituent elements.

**Council response:** The current draft Area Plan contains an updated and peer-reviewed assessment of the contribution of each building within the HCA to the heritage significance of the HCA. Individual locally Listed heritage items within the HCA have had significance assessments completed as part of Heritage Impact Statements – these individual assessments will continue into the future as a continuing requirement under the draft CHB Area Plan.

4.10. Has the *interaction* of natural and cultural heritage values with Aboriginal heritage values been assessed in the statement of significance? – No.

4.11. Has *natural* heritage significance been addressed in the statement of significance? – No.

**Council response:** The curtilage has been established during the process of state listing and is clearly identified on maps in the draft CHB Area Plan.

4.12. Has *Aboriginal* heritage significance been addressed in the statement of significance? – No.

**Council response:** Protection of Aboriginal heritage is covered under the National Parks and Wildlife Act and is not normally included in an Area Plan or DCP.

4.13. Has heritage significance to any *ethnic or cultural* community been addressed in the statement of significance? – No.

4.14 Has *archaeological* significance been addressed in the statement of significance? – No.

**Council response:** Provisions for assessment of archaeological significance are included in the draft CHB Area Plan.

4.15 Has the significance of any *contents* or movables been addressed in the statement of significance, either individually or as contributory elements? – No.

**Council response:** Contents/moveable elements are not covered by the draft CHB Area Plan.

4.16 Has an appropriate *curtilage* been established based on the statement of significance? (if appropriate) – No.

**Council response:** The curtilage has been established during the process of state listing

4.17 Has this curtilage been clearly *defined* by map or diagram? – No.

**Council response:** The curtilage has been established during the process of state listing and is clearly identified on maps in the draft CHB Area Plan.

4.18 Has the Listed (or proposed to be Listed) curtilage been clearly distinguished from the broader *setting*? – No.

**Council response:** The curtilage has been established during the process of state listing and both the state Listed site and the HCA are clearly identified on maps in the draft CHB Area Plan.

5.1 Are opportunities and constraints identified? – Constraints are identified, opportunities are not.

**Council response:** This element is not usually covered in an Area Plan.

5.4 Has the impact of any other *legislative or policy* requirements been identified (such as SEPPs or BCA)? – No, out of date.

**Council response:** The planning context has been updated in the draft CHB Area Plan and the draft Planning Proposal for amendments to the LMLEP 2014 for the HCA villages of Catherine Hill Bay and Middle Camp.

5.6. Have any requirements of the *owner/manager/trustee/custodian* been clearly identified? – No.

**Council response:** This element is not usually covered in an Area Plan.

5.10 Are the requirements for any *archaeological permits* and approvals clearly identified? – No.

**Council response:** This element is not usually covered in an Area Plan.

6.1 Does the plan include a conservation policy or guidelines section? – Yes, however these are poorly written and, in some cases, identify issues without providing corresponding policy.

**Council response:** This element is not usually covered in an Area Plan.

6.4 Are the policies presented in a *useful manner* (i.e. are they in plain English, with a logical layout and a coherent numbering or other identification system), supported by relevant graphic and illustrative materials? – No.

**Council response:** The current draft CHB Area Plan has clear building controls, derived from these policies, which address some of the policy deficiencies in the CMP i.e. they are in plain English, with a logical layout etc.).

6.7 Do the policies specifically identify conservation works and/or new development that is to be *exempted* from further Heritage Act approvals under *Standard Exemption No. 60* - No.

6.13 Is there a *schedule of conservation works* for the short, medium and long terms? – No.

**Council response:** This element is not usually covered in an Area Plan.

6.15 Is there any policy proposal to *vary* the existing Listed curtilage boundaries? – No.

**Council response:** This element is not covered in the draft Teralba Heritage Conservation Area Assessment and Development Control Plan LG006-19-21HS004 as no changes to the curtilage are proposed.

6.17. Do the policies provide for any *changes in existing statutory listings or planning instruments*? – if so, do they provide guidance on how this can be achieved? – No.

**Council response:** This element is not usually covered in an Area Plan.

6.18. Has the potential for reinstating an *Aboriginal place name*, or other *earlier place name*, been considered, and/or has the appropriateness of using a *dual-name* for the place been considered? – No.

**Council response:** This element is not usually covered in an Area Plan.

6.19 Is there a policy statement to prompt *future reviews* of the CMP? – No.

**Council response:** This element is not usually covered in an Area Plan.

6.20 Is there a policy/guideline about the *public accessibility* of the CMP? – No.

**Council response:** This element is not usually covered in an Area Plan.

6.21. Does the Plan include *inventory sheets* for elements of the item – if so, are the policies in the sheets consistent with those for the whole item? – No, there are no inventory sheets for elements of the item or individual policies.

**Council response:** The current draft CHB Area Plan contains an updated and peer-reviewed assessment of the contribution of each building within the HCA to the heritage significance of the HCA. The Plan also contains objectives and controls which relate to the different contribution gradings for each building.

7.1 Has an inventory of movables, contents or collections been identified or proposed in the investigation sections? – No, in particular there is no discussion or recognition of larger elements such as boilers and anchors which are potentially moveable. Nor are there any recommendations for further investigations.

**Council response:** Contents/moveable elements are not covered by the draft CHB Area Plan.

8.2 Does the CMP include *policies* for the interpretation of the site; and/or provide for the *preparation* of an interpretation plan or strategy? – Yes, but minimal and no indication of the need for an interpretation plan or strategy.

**Council response:** This element is not usually covered in an Area Plan.

8.3 Do the interpretation policies address all *significant phases and/or themes* in the item's development and occupation? – No.

**Council response:** Interpretation is not covered by the draft CHB Area Plan.

9.2 Is there a *site plan*? – are all elements of the site clearly and consistently identified? – No, the CMP lacks a clear, legible site plan.

9.10. Have *property information details* been identified (i.e. Lot and DP numbers, Crown land identifiers, or Public Reserve numbers, with County & Parish names) as well as a street address? – No.

**Council response:** Property information details for each building are recorded in the building grading assessments which form the basis of the contributory categories within the draft CHB Area Plan.

9.13 Are the measurements in the text and diagrams in *metric* (unless in quotes)? – No.

## **PART 5 – DETAILS OF COMMUNITY CONSULTATION**

The public will have the opportunity to view and comment on the Planning Proposal and the draft development Control Plan for Catherine Hill Bay once the Gateway determination is issued requiring public exhibition in accordance with section 3.34 of the EP&A Act.

The Director-General must approve the form of the Planning Proposal following any revisions to comply with the gateway determination before community consultation is undertaken.

### **Potential for joint exhibition of the Planning Proposal and Development Application**

Council intends to jointly exhibit the draft LMLEP amendment with the draft LMDCP - Catherine Hill Bay Heritage Conservation Area Plan. This will allow the public to view and comment on the Amendment and draft LMDCP Conservation Area Plan together. The draft LMDCP requires a 28-day minimum exhibition period and therefore for consistency the draft LMLEP amendment should also be exhibited for the same period.

Note: The draft Catherine Hill Bay Heritage Conservation Area Plan will be provided to DPIE as a separate attachment to the Planning Proposal for information purposes only.

## **PART 6 - PROJECT TIMELINE**

**Note the following information will be provided closer to the time of council resolution to proceed**

- anticipated commencement date (date to forward to Gateway for determination - 8 December 2020)
- anticipated timeframe for the completion of required technical information (none required)
- timeframe for government agency consultation (pre and post exhibition as required by Gateway determination) - as advised by the Gateway determination
- commencement and completion dates for public exhibition period (anticipate begin public exhibition 8 or 15 February 2021 exhibition to include draft Catherine Hill Bay Heritage Conservation Area Plan - minimum 28 day period) completion of exhibition 8 or 15 March 2021.
- dates for public hearing (if required) None anticipated.
- timeframe for consideration of submissions approx. 4-6 weeks
- timeframe for the consideration of a proposal post exhibition - approx. 8-12 weeks includes any changes to draft Catherine Hill Bay Heritage Conservation Area Plan – anticipate August/September 2021 Council Meeting to endorse Planning Proposal and draft Catherine Hill Bay Heritage Conservation Area Plan.
- date of submission to the Department to finalise the Planning Proposals | A guide to preparing planning proposals - approximately October 2021
- anticipated date the local plan-making authority will make the plan (if authorised) - December 2021
- anticipated date the local plan-making authority will forward to the PCO for publication. – approximately October 2021