

Gateway Determination

Planning proposal (Department Ref: PP_2020_LAKEM_006_00): to introduce additional provisions to protect heritage values in Catherine Hill Bay and Middle Camp within the Catherine Hill Bay State Conservation Area.

I, the Director, Western Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Lake Macquarie Local Environmental Plan (LEP) 2014 should proceed subject to the following conditions:

1. Update the planning proposal prior to community consultation to:
 - (a) Reference and demonstrate consistency with State Environmental Planning Policy (Koala Habitat Protection) 2021.
 - (b) Clarify that the proposed additional local provision in Part 7 only applies to the Middle Camp and Catherine Hill Bay Village Precincts within the Catherine Hill Bay State Conservation Area "C4".
 - (c) Clarify that the proposed changes to Clause 4.1 Minimum subdivision lot size only applies to development in the Catherine Hill Bay State Conservation Area "C4".
 - (d) Clarify that Clauses 4.1A and 4.1C apply only to the Middle Camp and Catherine Hill Bay Village Precincts within the Catherine Hill Bay State Conservation Area "C4".
 - (e) Include an updated Heritage Map - Sheet HER_011 which identifies the Middle Camp and Catherine Hill Bay Village Precincts within the Catherine Hill Bay State Conservation Area "C4".

Council is to update the planning proposal to address the conditions and seek approval from the Department of Planning, Industry and Environment prior to undertaking community consultation.

2. Council should concurrently exhibit the planning proposal and draft Catherine Hill Bay Heritage Conservation Area DCP.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning

proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- NSW Rural Fire Service
- Subsidence Advisory NSW
- Heritage NSW
- Mining, Exploration and Geoscience

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 5th day of May 2021.



Garry Hopkins
Director, Western Region
Planning and Assessment
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces