



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

Dear Ms Cameron

Planning proposal PP_2020_LAKEM_006_00 to amend Lake Macquarie Local Environmental Plan 2014

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on date 26 March 2021 in respect of the planning proposal to introduce additional provisions to protect heritage values in Catherine Hill Bay and Middle Camp within the Catherine Hill Bay State Conservation Area.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 3.1 Residential Zones, 4.3 Flood Prone Land and 6.3 Site Specific Provisions are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions 1.3 Mining, Petroleum Production and Extractive Industries, 4.2 Mine Subsidence and Unstable Land 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to public exhibition.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority as the planning proposal affects the development potential of a number of sites at Catherine Hill Bay. The Department will review the local plan-making authority on request, following the outcomes of community consultation.

The amending local environmental plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Glenn Hornal, Senior Planning Officer, Central Coast and Hunter Region to assist you. Mr Hornal can be contacted on 4345 4409.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Hopkins', with a stylized, flowing script.

05/05/2021

Garry Hopkins
Director, Western Region
Planning and Assessment

Encl: Gateway Determination