



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, cursive script.

05/05/2021

**Garry Hopkins**  
**Director, Western Region**  
**Planning and Assessment**

Encl: Gateway Determination

## 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 5<sup>th</sup> 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**



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

Dear Ms Cameron

**Planning proposal PP\_2020\_LAKEM\_006\_00 – Approval to commence community consultation.**

I refer to your correspondence seeking approval to commence community consultation for planning proposal 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.

The planning proposal (as submitted on 13 August 2021) appears to have been satisfactorily updated to incorporate the requirements of condition 1 of the Gateway determination and Council may now proceed to community consultation in accordance with condition 3.

If you have any questions in relation to this matter please contact Mr Glenn Hornal, Senior Planning Officer, Central Coast and Hunter Region on 4345 4409.

Yours sincerely

13/08/2021

**Glenn Hornal**

**Senior Planning Officer, Central Coast and Hunter  
Planning and Assessment**