

Gateway Determination

Planning proposal (Department Ref: PP-2021-5263): to modify the Heritage Conservation Area for Teralba village and amend maximum building heights.

I, the Director, Central Coast and Hunter 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 2014* to modify the Heritage Conservation Area for Teralba and amend maximum building heights should proceed subject to the following conditions:

1. Council amends the maps in the planning proposal prior to public exhibition to:
 - a. show the correct boundary for land to which the planning proposal applies as the boundary varies between the existing and proposed maps;
 - b. include the north-eastern section of the current Heritage Conservation Area, which is to be removed by the planning proposal; and
 - c. show the western boundary of the current Heritage Conservation Area as a bold red line.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - a. the planning proposal must be made publicly available for a minimum of **28 days**;
 - 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); and
 - c. public exhibition commences **by 1 December 2021**.
3. 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 Ministerial directions:
 - NSW Rural Fire Service;
 - Subsidence Advisory NSW; and
 - Heritage NSW.

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.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - b. the planning proposal is consistent with section 9.1 Ministerial directions or the Secretary has agreed that any inconsistencies are justified; and
 - c. there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 7th day of October 2021.



Dan Simpkins
Director
Central Coast and Hunter Region
Planning and Assessment
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces