

Gateway Determination

Planning proposal (Department Ref: PP-2023-1124): To amend the Heritage Conservation Area and Height of Buildings Maps for West Wallsend and Holmesville.

I, the Director, Hunter and Northern at the Department of Planning, Housing and Infrastructure 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 amend the West Wallsend and Holmesville Heritage Conservation Area and Height of Buildings Map should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the function of the local plan-making authority 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 applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed within 11 months of the date of the Gateway determination.

Gateway Conditions

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning, Housing and Infrastructure, 2023) and must be made publicly available for a minimum of 30 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 *Local Environmental Plan Making Guidelines* (Department of Planning, Housing and Infrastructure 2021).
 - (c) public exhibition must commence within two months following the date of the Gateway determination.
2. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - Heritage NSW

- NSW Rural Fire Service
- Subsidence Advisory NSW.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

3. 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 EP&A 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).

Dated 22 May 2024.



22/05/2024

Jeremy Gray
Director
Hunter and Northern
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces

