

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-2522):** to increase building heights and remove the additional permitted use that allows dwellings on part of the site at Raffertys Resort.

I, the Director, Central Coast and Hunter at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 building heights and remove an additional permitted use on part of the site at Raffertys Resort should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
  - (a) remove assessment against the Hunter Regional Plan 2036 and replace it with assessment against the *Hunter Regional Plan 2041*; and
  - (b) add to the planning proposal outcomes that the additional permitted use on part of the site to allow dwellings is to be removed so that the focus is tourism;
2. Prior to approving for finalisation, the planning proposal should clarify the probable maximum flood event peak flood depths and level contours as well as peak flood velocities and volumetric check analysis of potential loss of flood storage where fill is proposed.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (c) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* and must be made publicly available for a minimum of 30 working days;
  - (d) 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*; and
  - (e) exhibition must commence within 70 working days following the date of the Gateway determination.
4. 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 Act:
  - Biodiversity Conservation Division;
  - NSW Rural Fire Service;
  - Subsidence Advisory NSW; and
  - Transport for 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.

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 Council as planning proposal authority is authorised to exercise the functions 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 Act or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
7. The LEP should be completed on or before 27 March 2024.

Dated 24 day of March 2023.



**Dan Simpkins**  
**Director, Central Coast and Hunter**  
**Local and Regional Planning**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning and**  
**Homes**