

Our ref: IRF23/1712

Mr Jeremy Bath
Chief Executive Officer
City of Newcastle
PO Box 489
NEWCASTLE NSW 2300

22 March 2024

Subject: PP-2021-2262 – 505 Minmi Road, Fletcher

Dear Mr Bath

I am writing in response to City of Newcastle's correspondence to the Department of Planning, Housing and Infrastructure regarding the planning proposal (PP-2021-2262) at 505 Minmi Road, Fletcher.

The correspondence requests the Minister not proceed with the planning proposal under section 3.35(4) of the *Environmental Planning and Assessment Act 1979*. City of Newcastle requested the planning proposal do not proceed on the basis that the proponent has not satisfied the Gateway determination conditions.

I am advised that concurrently with the planning proposal, the proponent is also progressing a biodiversity certification assessment report to establish the biodiversity outcomes on the site. The Department of Climate Change, Energy, the Environment and Water advised the proponent that the report should progress to formal consultation with council and public exhibition, which commenced on 11 March 2024 and will run to 10 April 2024.

As the biodiversity certification assessment report is on public exhibition, and the Gateway determination conditions to be addressed prior to public exhibition have been completed, council as the planning proposal authority should progress the planning proposal to public exhibition. This exhibition must commence by 30 April 2024.

I have enclosed an alteration to the Gateway determination to align the benchmark timeframes in the Local Environmental Plan-Making Guideline.

I wish to advise that if council does not meet the exhibition timeframe, the department will recommend the appointment of an alternative planning proposal authority under section 3.32 of the *Environmental Planning and Assessment Act 1979*.

Should you have any questions, please contact Mr Dan Simpkins, Director, Central Coast and Hunter at the department on 9373 2828.

Yours sincerely

A handwritten signature in blue ink, appearing to read "M. McDonald".

Malcolm McDonald
Executive Director, Local and Regional Planning