

## Gateway Determination

***Planning proposal (Department Ref: PP\_2018\_NEWCA\_007\_00): to facilitate the implementation of the strategies and actions outlined within the Wickham Master Plan (WMP) November 2017.***

I, the Director Regions, Western at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Newcastle Local Environmental Plan (LEP) 2012 to facilitate the implementation of the strategies and actions outlined within the Wickham Master Plan (WMP) November 2017 should proceed subject to the following conditions:

1. The proposed listing of the former Wickham and Bullock Island Railway as a heritage item in Schedule 5 of the LEP may proceed provided a Statement of Heritage Significance concludes that the proposed item has sufficient heritage value to warrant protection by the LEP.
2. Prior to public exhibition the planning proposal shall be updated to:
  - (a) include relevant version and date on the cover sheet;
  - (b) refer to the current legislation references by replacing references to SEPP 14 and SEPP 71 with SEPP (Coastal Management) 2018, and replacing Ministerial direction 2.2 Coastal Protection with 2.2 Coastal Management. Consistency assessments are to be revised accordingly;
  - (c) remove reference to the Newcastle City Centre map when describing Height of Building land;
  - (d) amend Figure 6 and Figure 7 to reflect correct FSR as shown on the NSW legislation website;
  - (e) include a Statement of Heritage Significance undertaken in accordance with 'Assessing Heritage Significance', NSW Heritage Office July 2001, for the former Wickham and Bullock Island Railway Corridor; and
  - (f) include the Wickham Master Plan (November 2017) as an Appendix.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **14 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



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proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

4. Consultation is required with the following public authorities and / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- Subsidence Advisory NSW
- Office of Environment and Heritage (Heritage Item listing)
- Transport for NSW (Heritage Item listing and acquisition of railway lands)
- Roads and Maritime Services (Heritage Item listing)

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. Council is not authorised to be the local plan-making authority to make this plan.
6. 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).
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 31 day of August 2018.

**Damien Pfeiffer**  
**Director Regions, Western**  
**Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**