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Mr Ken Gouldthorp  
General Manager  
Newcastle City Council  
PO Box 489  
NEWCASTLE NSW 2300

Our ref: PP\_2014\_NEWCA\_002\_00 (14/05364)

Dear Mr Gouldthorp,

### **Planning Proposal to amend Newcastle Local Environmental Plan 2012**

I refer to Council's letter requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land at 400 Glebe Road, Hamilton South.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Direction 3.1 Residential Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions. Council should ensure that relevant section 117 Directions are adequately addressed and any necessary approvals or opinions sought prior to exhibition of the planning proposal.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has accepted this delegation however has recently requested not to use this delegation due 'to the added impost on Council resources without any additional influence on the outcomes'. Council's concerns are noted. However the use of this delegation by other Councils in the Hunter indicates that the delegations can result in faster LEP amendments and a more streamlined process. In addition there are resource savings within Council by directly communicating with PC under delegation.

As the General Manager Hunter and Central Coast, I would like the opportunity to meet with you and the relevant staff to determine how these concerns can be addressed and how we can assist in these delegations being of benefit to the agency and Council.

On this basis, I have considered the nature of Council's planning proposal and due to the very minor nature of the Planning Proposal and despite Council's resolution, have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the agency for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any questions regarding this matter, please contact Paul Maher of the agency's Newcastle office on 4904 2719.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Rowland', with a stylized flourish at the end.

10 April 2014

**David Rowland**  
**General Manager**  
**Hunter and Central Coast Region**

## Gateway Determination

**Planning Proposal (Agency Ref: PP\_2014\_NEWCA\_002\_00):** to rezone land at 400 Glebe Road, Hamilton South.

I, the General Manager, Hunter and Central Coast Region at Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Newcastle Local Environmental Plan (LEP) 2012 to rezone 400 Glebe Road, Hamilton South from R2 Low Density Residential to B1 Neighbourhood Centre and amend the FSR, minimum lot size and height controls accordingly should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
  - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **14 days**; and
  - (b) the relevant planning 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 5.5.2 of *A Guide to Preparing LEPs (Planning & Infrastructure 2013)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and or comply with the requirements of or demonstrate consistency with relevant S117 Directions:
  - Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
  - NSW Roads and Maritime Services
3. A public hearing is not required to be held into the matter by any person or body under section 56(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).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated tenth day of April 2014.



**David Rowland**  
**General Manager**  
**Hunter and Central Coast Region**



**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

Newcastle City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

<b>Number</b>	<b>Name</b>
PP_2014_NEWCA_002_00	Newcastle LEP 2012 – 400 Glebe Road, Hamilton South

In exercising the Minister's functions under section 59, the Council must comply with the Agency's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 10 April 2014

**David Rowland  
General Manager  
Hunter and Central Coast Region**