



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

Atten: Johannes Honnef

Dear Mr Gouldthorp,

**Planning Proposal to amend Newcastle Local Environmental Plan 2012 – 147A
Newcastle Road Wallsend**

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 to R3 Medium Density Residential zone at Wallsend.

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

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 4.1 Acid Sulfate Soils are of minor significance. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Director General to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

I note that the site proposed for medium density residential development is affected by a first order watercourse, flooding and an electricity easement along its western boundary. Council are encouraged to provide details on necessary buffers to the watercourse, on-site flood planning levels and setbacks to the transmission line, to demonstrate that residential development can be adequately accommodated on the site. This information should be updated within the planning proposal prior to exhibition.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has accepted this delegation. I have considered the nature of Council's planning proposal and 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 Department 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.

Attached for your assistance is a simplified guide to the plan making process and reporting requirements to ensure that the LEP Tracking System is kept updated.

Should you have any questions regarding this matter, I have arranged for Paul Maher from the Department's Newcastle office to assist you. Mr Maher can be contacted on (02) 49042719.

Yours sincerely,



2 June 2014
David Rowland
General Manager
Hunter and Central Coast Region
Growth Planning and Delivery

Gateway Determination

Planning Proposal (Department Ref: PP_2014_NEWCA_005_00): to rezone land at 147A Newcastle Road, Wallsend.

I, the General Manager, Hunter and Central Coast Region at Planning and Environment as delegate of the Minister for Planning and Environment, have determined under section 56(2) of the EP&A Act that an amendment to the Newcastle Local Environmental Plan (LEP) 2012 to rezone land from IN2 Light Industrial to R3 Medium Density Zone and to amend FSR, height and minimum lot size controls to complement the zone:

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 (Department of Planning & Infrastructure 2013)*.
2. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
3. 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 the relevant S117 Directions:
 - NSW Roads and Maritime Services
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)Each public authority 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. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.
4. 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).
5. The timeframe for completing the LEP is to be **9 months**.

Dated 2nd day of June 2014.



David Rowland
General Manager
Hunter & Central Coast Region
Planning Operations and Regional Delivery

**Department of Planning and Environment
Delegate of the Minister for Planning**



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Newcastle City Council is authorised to exercise the functions of the Minister for Planning 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:

Number	Name
PP_2014_NEWCA_005_00	Newcastle LEP 2012 – 147A Newcastle Road Wallsend from IN2 Light Industrial to R3 Medium Density Residential Zone and to amend FSR, height and minimum lot size controls to complement the zone.

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

Dated 2 June 2014

David Rowland
General Manager
Hunter and Central Coast Region
Growth Planning and Delivery
Department of Planning and Environment