



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

Our ref: PP_2014_NEWCA_007_00 (14/13445)

Att: Patrick Quinlan

Dear Mr Gouldthorp

Planning proposal to amend Newcastle Local Environmental Plan 2012

I am writing in response to your Council's letter dated 28 July 2014 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 reclassify part of New Lambton Park from community to operational land and rezone the land from RE1 Public Recreation to R2 Low Density Zone and to amend complementary development controls.

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

I also agree with Council's position that the planning proposal's inconsistencies with S117 Directions 3.2 Caravan Parks and Manufactured Home Estates and 4.1 Acid Sulfate Soils are of minor significance. No further approval is required in relation to these Directions.

In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have withheld agreement to the reduction of land for public purposes until after the results of the public hearing have been documented. Council is required to obtain the agreement of the Secretary's delegate to comply with the requirements of Directions 6.2. Council should ensure this occurs prior to the plan being made.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the department's practice note *PN09-003, Classification and reclassification of public land through a local environmental 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 for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

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 queries in regard to this matter, I have arranged for Paul Maher from the Hunter office to assist you. Mr Maher can be contacted on (02) 4904 2719.

Yours sincerely,

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

21 August 2014

David Rowland
General Manager
Hunter and Central Coast Region
Housing, Growth and Economics



Gateway Determination

Planning proposal (Department Ref: PP_2014_NEWCA_007_00): to reclassify part of New Lambton Park from community to operational land and rezone the land from RE1 Public Recreation to R2 Low Density Zone and to amend FSR, height and minimum lot size controls to complement the zone.

I, the General Manager, Hunter and Central Coast Region at Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Newcastle Local Environmental Plan (LEP) 2012 to rezone and reclassify land at New Lambton Park 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 must be made publicly available for a minimum of **28 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 & Environment 2013)*.
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
3. 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.
4. Council is required to provide details of flood hazard H1 and H2 areas in relation to the proposed residential zone boundary to demonstrate that residential development can be accommodated on the site.
5. 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).
6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 21 day of August 2014.

David Rowland
General Manager
Hunter and Central Coast Region
Housing, Growth and Economics
Department of Planning and Environment

Delegate of the Minister for Planning