

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

Dear Mr Bath

Planning proposal PP-2021-2262 to amend *Newcastle Local Environmental Plan 2012*

I am writing in response to the planning proposal forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone land at 505 Minmi Road, Fletcher.

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

In September 2020, the Hunter and Central Coast Regional Planning Panel determined the proposed instrument should be submitted for a Gateway determination as the proposal has demonstrated strategic and site specific merit. The Panel did not endorse the proposed lot boundaries, minimum lot size and location or the indicative subdivision layout. By extension, the Panel did not endorse the proposed ecological outcomes. Additional detailed investigation and/or information was required.

The planning proposal submitted for Gateway determination has addressed some of the matters raised by the Panel. However, confirmation is required with regard to biodiversity, the site specific planning controls and infrastructure delivery. This will need to occur in consultation with relevant public authorities. In particular, the Biodiversity Conservation Division.

The Department understands this may potentially result in an amended zone boundary and configuration, as well as a different approach to development controls for the site. The Department would be supportive of a more optimal density and more diverse housing typologies up to four stories if this led to an increase in the amount of the site reserved for conservation. Particularly, as this may lead to an overall improvement in public benefit for the community and conservation.

The *Hunter Regional Plan 2041* is the updated land use plan prepared under the Act. An assessment against the relevant strategies and objective performance outcomes needs to be undertaken and must be a guide for any consideration of a variation to the proposed development on the site.

I have agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act 4.5 Acid Sulfate Soils is justified in accordance with the terms of the direction.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act 1.1 Implementation of Regional Plans, 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.1 Flooding, 4.3 Planning for Bushfire Protection, 4.6 Mine Subsidence and Unstable Land, 5.1 Integrating Land Use and Transport and 6.1 Residential Zones. Council should ensure this occurs prior to the LEP being made.

I have determined not to authorise Council to be the local plan-making authority due to the complex history associated with planning proposals for this site.

The amending local environmental plan (LEP) is to be finalised on or before 20 January 2024. 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 eight weeks in advance of the date the LEP is projected to be made.

Should you have any enquiries about this matter, I have arranged for Kylie Dorsett, Senior Planning Officer, Central Coast and Hunter to assist you. Ms Dorsett can be contacted on 9995 6666.

Yours sincerely



10/1/2023

Daniel Thompson
Acting Executive Director, Local and Regional Planning
Planning and Land Use Strategy

Encl: Gateway determination