

Alteration of Gateway Determination

Planning proposal (Department Ref: PP-2021-2262)

I, the Deputy Secretary, Planning, Land Use Strategy, Housing and Infrastructure at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 10 January 2023 (since altered) for the proposed amendment to the Newcastle Local Environmental Plan 2012 as follows:

1. Delete paragraph 2:

“I, the Acting Executive Director, Local Planning and Council Support at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, 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 2012 to facilitate residential development at 505 Minmi Road, Fletcher should not proceed.”

and replace with a new paragraph 2:

“I, the Deputy Secretary, Planning, Land Use Strategy, Housing and Infrastructure at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, 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 2012 to facilitate residential development at 505 Minmi Road, Fletcher should proceed subject to the following conditions:

2. Remove “Delete conditions 1 to 7” and insert the following conditions 1 to 7 (noting the addition of 1(f) and the change of date in 7 compared to the previous Gateway):

1. “The planning proposal is to be updated to:

- (a) remove assessment against the Hunter Regional Plan 2036 and Newcastle – Lake Macquarie Western Corridor Planning Strategy and replace it with assessment against the Hunter Regional Plan 2041;
- (b) clarify inconsistencies in the planning proposal and supporting documents for the area of the site proposed to be zoned R2 Low Density Residential and C2 Environmental Conservation;
- (c) confirm whether or not the section 7.11 Western Corridor Local Infrastructure Contributions Plan 2013 needs to be updated;

- (d) confirm if the submitted site specific planning controls will be included in a relevant development control plan;
 - (e) include an updated Aboriginal cultural heritage assessment; and
 - (f) include an updated site contamination investigation that is verified by an EPA accredited Environmental Auditor.
2. Prior to approving for finalisation, the planning proposal should clarify the probable maximum flood event peak flood depths and level contours as well as peak flood velocities and volumetric check analysis of potential loss of flood storage where fill is proposed.
3. Consultation is required prior to exhibition with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
- Transport for NSW;
 - Biodiversity and Conservation Division;
 - Ausgrid;
 - Heritage NSW;
 - NSW Rural Fire Service;
 - Subsidence Advisory NSW;
 - Awabakal Local Aboriginal Land Council; and
 - Department of Education.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

4. Following consultation with relevant public authorities listed in Condition 3, consider an appropriate zone boundary configuration and development controls to achieve a more optimal density and diversity of housing typologies up to four stories if this will lead to an increase in the amount of the site reserved for conservation.
5. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as complex as described in the Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 28 days;
 - (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 proposals as identified in Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021); and
 - (c) exhibition must commence by 30 April 2024.

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 timeframe for completing the LEP is on or before 30 June 2025”.

Dated 12th day of February 2025



**Monica Gibson
Deputy Secretary
Planning, Land Use Strategy, Housing
and Infrastructure
Department of Planning, Housing and
Infrastructure**

**Delegate of the Minister for Planning
and Public Spaces**