



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

Our ref: PP_2014_NEWCA_009 (14/08610)
Your ref:

Att: Ms Patricia McCarthy

Dear Mr Gouldthorp

Planning proposal to amend Newcastle Local Environmental Plan 2012 and Lake Macquarie Local Environmental Plan 2014

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to apply planning controls to land affected by a local government area boundary adjustment between Newcastle and Lake Macquarie. I note that the planning proposal has been prepared with Lake Macquarie City Council, and that both councils intend to be the joint relevant planning authority for the planning proposal.

As you are aware, the Gateway's consideration of this planning proposal was delayed while the Department obtained legal advice regarding the best way to achieve Council's desired outcome and on the timing of the amendment given the status of the boundary adjustment proclamation.

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 have also agreed the planning proposal's inconsistency with S117 direction 2.1 Environment Protection Zones is of minor significance. However, this agreement does not extend to the portion of land on the northern exit of the Newcastle Link Road/ Minmi Road roundabout zoned E2 and proposed to be zoned E4. Council will need to seek the Secretary's agreement to the inconsistency or modify the planning proposal such that the site would retain its current E2 zone.

I note Council's intention to apply planning controls which best match the planning controls that currently apply to the land. However as there will be differences, I encourage Council to contact all landowners directly to ensure they are aware of the changes. Council may wish to include a summary table in the consultation package which compares the permitted uses between existing and proposed zones to assist with this consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 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 Mr Ben Holmes from the Hunter office to assist you. Mr Holmes can be contacted on (02) 4904 2709.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'D. Rowland', is positioned above the typed name and title.

27 October 2014

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Enclosed: Gateway Determination



Mr Brian Bell
General Manager
Lake Macquarie City Council
Box 1906
HUNTER REGIONAL MAIL CENTRE NSW 2310

Our ref: PP_2014_NEWCA_009 (14/08610)
Your ref:

Att: Mr Matthew Hill

Dear Mr Brian Bell

Planning proposal to amend Newcastle Local Environmental Plan 2012 and Lake Macquarie Local Environmental Plan 2014

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to apply planning controls to land affected by a local government area boundary adjustment between Newcastle and Lake Macquarie. I note that the planning proposal has been prepared with Newcastle City Council, and that both councils intend to be the joint relevant planning authority for the planning proposal.

As you are aware, the Gateway's consideration of this planning proposal was delayed while the Department obtained legal advice regarding the best way to achieve Council's desired outcome and on the timing of the amendment given the status of the boundary adjustment proclamation.

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.

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I note Council's intention to apply planning controls which best match the planning controls that currently apply to the land. However as there will be differences, I encourage Council to contact all landowners directly to ensure they are aware of the changes. Council may wish to include a summary table in the consultation package which compares the permitted uses between existing and proposed zones to assist with this consultation.

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Should you have any queries in regard to this matter, I have arranged for Mr Ben Holmes from the Hunter office to assist you. Mr Holmes can be contacted on (02) 4904 2709. .

Yours sincerely,



27 October 2014

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Enclosed: Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2014_NEWCA_009): to apply planning controls to land affected by a local government area (LGA) boundary adjustment between Newcastle and Lake Macquarie.

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 2012 and the Lake Macquarie Local Environmental Plan 2014 to to apply planning controls to land affected by a LGA boundary adjustment between Newcastle and Lake Macquarie should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to make the following changes to the maps included in Part 4 of the Planning Proposal:
 - (a) 'the proposed Newcastle LEP 2012 maps be revised to include all of the land which is to become part of the Newcastle LGA;
 - (b) no minimum lot size should be applied to the Minmi Newcastle Link Road State Significant Site land to be transferred into the Newcastle Local Government Area;
 - (c) all maps (both existing and proposed) in the planning proposal should clearly outline the site for public exhibition, and shade grey and label those areas that are in a different LGA; and
 - (d) Lake Macquarie proposed maps should show the zone/ development standards that apply to land within its LGA that adjoin the site.
2. Prior to undertaking public exhibition, Council is to amend the Explanation of Provisions of the Planning Proposal to note that in addition to the maps sheets already identified, all map sheets which relate to the subject land are to be amended. This is to reflect either the inclusion or exclusion of land from the LGAs.
3. Prior to undertaking public exhibition, Council is to amend the Objectives of the Planning Proposal to expand on the instances where a 'like for like' application of provisions would not occur. Instances include:
 - (a) the minimum lot size for the Minmi Newcastle Link Road State Significant Site land to be transferred to Newcastle;
 - (b) the portion of land forming part of the Newcastle Link Road currently zoned E2 which is proposed to be zoned E4; and
 - (c) the E2 zoned land at Glendale which is proposed to be zoned R2.
4. 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 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 & Environment 2013)*.
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 6 months from the week following the date of the Gateway determination.

Dated 27th day of October 2014.



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

Delegate of the Minister for Planning