



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

Our ref: PP_2014_NEWCA_004_00 (14/06843)

Attention: Johannes Honnef

Dear Mr Gouldthorp,

Planning Proposal to amend Newcastle Local Environmental Plan 2012 – Waratah Village

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 B2 Local Centre zone at Waratah Village.

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 the planning proposal's inconsistency with S117 Directions 3.1 Residential Zones is of minor significance. No further approval is required in relation to these Directions.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has accepted this delegation however has requested not to use it due 'to the added impost on council resources without any additional influence on the outcomes'.

This matter has been considered and discussed with your staff. The Department remains of the opinion that the use of delegations by Council is a positive step towards returning planning control to local government and that there are benefits to improved efficiency in the plan making process as a result. The Department is also confident that the delegations, accepted by Council in November 2012, remain in force.

I understand that staff recently agreed to consider using delegations on a new planning proposal as a test of the process and I believe that this is a positive step. On this basis, I have considered the nature of Council's planning proposal and, due to its minor nature and despite Council's resolution, I have decided to issue an authorisation for Council to exercise delegation to make this plan. I would encourage your staff, if they have not already tested delegations, to take the opportunity to do so with this minor amendment and with the assistance of the regional office where required.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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,

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

16 May 2014

David Rowland

General Manager

Hunter and Central Coast Region

Growth Planning and Delivery

Gateway Determination

Planning Proposal (Department Ref: PP_2014_NEWCA_004_00): to rezone land over 17 lots bounded by Coolamin Road, Georgetown Road, Glenda Street and Turton Road, Waratah.

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 adjacent to Waratah Village from R3 Medium Density Residential to B2 Local Centre and amend the FSR, height and MLS controls accordingly 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 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 supply additional information as part of its planning proposal for the purposes of public exhibition, that address the following issues:
 - Traffic and accessibility
 - Heritage
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Roads and Maritime Services

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 **12 months**.

Dated 16th day of May 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_004_00	Newcastle LEP 2012 – Waratah Village from R3 Medium Density Residential to B2 Local Centre 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 16 May 2014

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