

Mr Jeremy Bath
CEO
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

Dear Mr Bath

Planning Proposal [PP_2018_NEWCA_003_000] to amend Newcastle Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 23 March 2018 in respect of the Planning Proposal to rezone the Fort Wallace site from SP2 Infrastructure (Defence) to R2 Low Density Residential, RE2 Private Recreation and E3 Environmental Management and amend controls relating to building height, lot size and heritage.

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.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant Section 9.1 Directions 1.4 Oyster Aquaculture, 2.2 Coastal Management, and 4.4 Planning for Bushfire Protection is unresolved and will require justification. Council should ensure this occurs prior to requesting that the plan being made.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has now accepted this delegation however indicated that they do not wish to use the delegation for this Planning Proposal. I have considered Council's request and determined not to issue an authorisation.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of 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 8 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 3.34 of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Neil Selmon to assist you. Mr Selmon can be contacted on (02) 4904 2700.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized, cursive script.

24/4/2018

Monica Gibson
Director Regions, Hunter
Planning Services

Encl: Gateway Determination