

Gateway Determination

Planning Proposal (Department Ref: PP_2018_NEWCA_003_00): 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.

I, the Director Regions, Hunter, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 3.34 of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Newcastle Local Environmental Plan (LEP) (2012) 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 should proceed subject to the following conditions:

1. Prior to exhibition Council is to amend the planning proposal and draft maps to:
 - address the requirements of Section 9.1 Direction 2.2 Coastal management;
 - remove references to SEPP 14 (Coastal Wetlands) and SEPP 71 (Coastal Protection) and replace these with consideration of the matters required by the Coastal SEPP 2018 in relation to coastal wetlands and coastal management;
 - replace the draft Lot Size Map with the map provided by council in correspondence dated 23 March 2018;
 - include confirmation that Council considers that the proposed rezoning is consistent with the requirements of clause 6 of State Environmental Planning Policy No 55—Remediation of Land; and
 - exhibit two alternatives for the proposed community park, including the RE1 Public Recreation zone and the RE2 Private Recreation zone, with the final zone to be determined depending following resolution of ownership and ongoing management of that land.
2. Community consultation is required under section 3.34 and Schedule 1, clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 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 local environmental plans* (Department of Planning and Environment 2016).

- Consultation is required with the following public authorities and / organisations under section 3.34 of the Act and/or to comply with the requirements of relevant Section 9.1 Directions:
 - Department of Primary Industries (Hunter River Priority Oyster Aquaculture Area)
 - Office of Environment and Heritage (coastal management and heritage matters);
 - Worimi LALC;
 - NSW Rural Fire Service

Each public authority/organisation 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.

3. A public hearing is not required to be held into the matter by any person or body under section 3.34 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).
4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should not be authorised to exercise delegation to make this plan.

Dated 24th day of April 2018.



Monica Gibson
Director Regions, Hunter
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning