

Gateway Determination

Planning proposal (Department Ref: PP-2022-1541): Community Infrastructure Incentives in Wickham.

I, Director, Central Coast and Hunter at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 community infrastructure incentives in Wickham should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal must be updated to:
 - a. revise the explanation of provisions by proposing a site-specific community infrastructure clause consistent with Clause 6.17 of the *Randwick Local Environmental Plan 2012*;
 - b. ensure the proposed definition of community infrastructure is consistent with Direction 5 of the *Standard Instrument – Principle Local Environmental Plan 2006*;
 - c. assess and identify the flooding risks, having regard to the NSW Flood Prone Land Policy, the Floodplain Development Manual, section 9.1 Ministerial direction 4.1, and the 2022 NSW Flood Inquiry; and
 - d. clarify which version of the Wickham Masterplan the planning proposal is prepared against.
2. 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 principal 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 30 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 21 February 2023.
3. Consultation is required 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 Conservation Division; and

- Subsidence Advisory NSW.

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. 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).
5. The local environmental plan should be completed on or before 4 November 2023.

Dated 4th day of November 2022.



Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Land Use Strategy
Department of Planning and Environment

Delegate of the Minister for Planning and
Homes