



Mr Peter Chrystal
Interim Chief Executive Officer
Newcastle City Council
PO Box 489
Newcastle, NSW 2300

Our ref: PP_2016_NEWCA_009_00
(16/04187)

Att: Shannon Turkington

Dear Mr Chrystal

Planning proposal to amend Newcastle Local Environmental Plan 2012

I am writing in response to your Council's letter dated 2 December 2016 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 reclassify and rezone 26 Edith Street Waratah and to correct an anomaly in the zoning of the adjacent portion of Edith Street.

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 inconsistencies with S117 Directions 3.2 Caravan Parks and Manufactured Home Estates and 4.1 Acid Sulphate Soils are of minor significance. No further approval is required in relation to these Directions.

In relation to S117 Direction 6.2 Reserving Land for Public Purposes, Council is reminded of its obligations to undertake a public hearing in relation to the proposed reclassification of land in accordance with the department's practice note *PN09-003, Classification and reclassification of public land through a local environmental plan*. Consistency with the s117 direction will be considered following consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 Ken Phelan from the Hunter office to assist you. Mr Phelan can be contacted on (02) 4904 2705

Yours sincerely,

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

Robert Hodgkins
A/Director Regions, Hunter and Central Coast
Planning Services

22/12/16

Gateway Determination

Planning proposal (Department Ref: PP_2016_NEWCA_009_00): to rezone and reclassify 26 Edith Street, and correct a zoning anomaly at RD 20435.

I, the A/Director Regions, Hunter and Central Coast 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 (LEP) 2012 to rezone and reclassify 26 Edith Street, and correct a zoning anomaly should proceed subject to the following conditions:

1. The strategic justification for the land being identified as surplus to need should be exhibited with the proposal.
 2. Community consultation is required under sections 56(2)(c) and 57 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 Infrastructure 2016).
 3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant section 117 Directions:
 - Transport for NSW - Roads and Maritime Service
- The agency 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.
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 9 months from the week following the date of the Gateway determination.

Dated 22nd day of December 2016.



Robert Hodgkins
A/Director Regions, Hunter and Central Coast
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning