



Mr Frank Cordingley
Interim CEO
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

Our ref: PP_2016_NEWCA_001_00
(15/18262 & 15/18261)

Att: Shannon Turkington

Dear Mr Cordingley,

Planning proposal to amend Newcastle Local Environmental Plan 2012

I refer to your Council's letters dated 8 December 2015 requesting Gateway determinations under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") and additional information received on 28 January 2016 in respect of the planning proposals to reclassify and rezone land at 162A Newcastle Road, Wallsend and at 4 Mayo Street, Jesmond.

As delegate of the Minister for Planning, I have now determined the planning proposals should proceed as a combined single Local Environmental Plan Amendment subject to the conditions in the attached Gateway determination.

I have also agreed the inconsistencies of Mayo Street and Newcastle Road planning proposals with State Environmental Planning Policy 21 (Caravan Parks) and with Direction 3.2 Caravan Parks and Manufactured Home Estates as being of minor significance. No further approval is required in relation to these policies.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

Council is reminded of its obligations for undertaking 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*.

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 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 about 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. W. Albury 1-3-2016

Ashley Albury
Director Regions, Western
Planning Services

Gateway Determination

Planning proposal (Department Ref: PP_2016_NEWCA_001_00): to reclassify, rezone and apply development standards at 162A Newcastle Road, Wallsend and at 4 Mayo Street, Jesmond

I, the 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 in relation to 162A Newcastle Road, Wallsend and 4 Mayo Street, Jesmond should proceed subject to the following conditions:

1. That the two proposals proceed as a combined proposal.
2. 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 & Environment 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 & Environment 2013)*.
3. Council co-exhibit, with the planning proposal, the documents *Recreation Improvement Options paper*– Updated November 2014, *The City of Newcastle Parkland and Recreation Strategy –Volume One*, Adopted March 2014 and *The City of Newcastle Parkland and Recreation Strategy –Background and Appendices – Volume Two*, Adopted March 2014.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage (*Section 117 Direction 4.3 Flood Prone Land*)
 - Transport for NSW - Roads and Maritime Services
(*Section 117 Direction 3.4 Integrating Land Use and Transport*)

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. Council arrange a public hearing under section 57 of the Environmental Planning and Assessment Act 1979 in respect of these planning proposals under Part 3 of that Act to reclassify community land as operational land (Section 29(1) Part 2, Local Government Act, 1993).

5. Council obtain the relevant information and confirm that they are satisfied that the subject sites are suitable for development under the provisions of State Environmental Planning Policy No 55.
6. Consistency or otherwise of the proposals with Section 117 Direction 6.2- Reserving Land for Public Purposes be determined after public exhibition. In this regard the

owners and occupiers of nearby properties are to be advised by Council of the exhibition details.

7. 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).
8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated *1st* day of *March* 2016.



Ashley Albury
Director Regions, Western
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning