

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

Att: Leesa Heron

Dear Mr. Chrystal,

Planning proposal to amend Newcastle Local Environmental Plan 2012

I am writing in response to your Council's letter dated 6 January 2017 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 part of 21 Bradford Close, Kotara from community to operational land.

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 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the land is not a public reserve (nor is it used as one), and that the existing shared pedestrian path/cycleway will be perpetually maintained as a condition of sale. No further approval is required in relation to these Directions.

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 PN16-001 Classification and reclassification of public land through a local environmental plan. As directed within PN 16-001, the practice note is required to be included in the public exhibition package.

Plan making powers were delegated to councils by the Minister in October 2012. Because the proposal contains Council owned land, and requires approval from the Governor to extinguish interests, I have decided not to issue an authorisation for Council to exercise delegation to make this 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 in regard to this matter, I have arranged for Ms Claire Brooks from the Hunter office to assist you. Ms Brooks can be contacted on (02) 4904 2700.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Monica Gibson', written in a cursive style.

2/2/107

Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services



Gateway Determination

Planning proposal (Department Ref: PP_2017_NEWCA_001_00): to reclassify part of 21 Bradford Close, Kotara from community to operational land.

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 to reclassify part of 21 Bradford Close, Kotara from community to operational land should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, update the planning proposal to refer to S117 Direction 5.10 Implementation of Regional Plans.
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 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 & Environment 2016)*.
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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 **12 months** from the week following the date of the Gateway determination.

Dated 2nd day of February 2017

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

Delegate of the Minister for Planning