

Mr Jeremy Bath
Chief Executive Officer
City of Newcastle Council
PO Box 489
NEWCASTLE NSW 2300

Dear Mr Bath

Planning proposal PP_2019_NEWCA_001_00 to amend Newcastle Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 23 May 2019 in respect of the planning proposal to reclassify 233 Wharf Road, Newcastle and rezone 233 Wharf Road, part 150 Scott Street and part 150A Scott Street, Newcastle to SP3 Tourist.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistencies with section 9.1 Directions 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are justified in accordance with the terms of the Directions. In relation to section 9.1 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the site is a car park and forms part of a broader development proposal to renew an underused site. No further approval is required in relation to Directions 4.1 and 4.3.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Directions 4.2 Mine Subsidence and Unstable Land and 6.2 Reserving Land for Public Purposes for the two agency-owned parcels. Council should ensure this occurs prior to the plan being made.

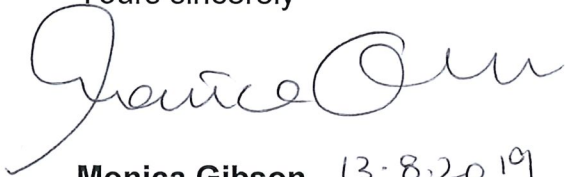
I have considered the nature of Council's planning proposal and have determined not to condition the Gateway for Council to be the local plan-making authority because the planning proposal requires the Governor's approval to remove the public reserve status of the car park portion of the site.

The amending local environmental plan (LEP) is to be finalised within 12 months of 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, Industry and Environment to draft and finalise the LEP should be made eight 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Ben Holmes to assist you. Mr Holmes can be contacted on 4904 2709.

Yours sincerely

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

Monica Gibson 13-8-2019.
Acting Executive Director, Regions

Encl: Gateway determination