



Gateway Determination

Planning proposal (Department Ref: PP_2019_NEWCA_001_00): to reclassify 233 Wharf Road, Newcastle and rezone 233 Wharf Road, part 150 Scott Street and part 150A Scott Street, Newcastle to SP3 Tourist.

I, the Acting Executive Director, Regions at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, 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 (LEP) 2012 to reclassify 233 Wharf Road, Newcastle and rezone 233 Wharf Road, part 150 Scott Street and part 150A Scott Street, Newcastle to SP3 Tourist should proceed subject to the following conditions:

1. Prior to community consultation, Council is to update the planning proposal to:
 - (a) detail how the proposed planning controls and development control plan provisions respond to the visual amenity issues identified in the visual impact statement referred to in the planning proposal; and
 - (b) include further information regarding the proposed multipurpose community space.
2. Council is to exhibit any proposed development control plan provisions concurrently with the public exhibition of the planning proposal.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment 2016).
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Hunter and Central Coast Development Corporation;
 - Transport for NSW; and
 - Subsidence Advisory NSW.

Each public authority/organisation 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.

5. 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).
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 13th day of August 2019.



Monica Gibson
Acting Executive Director, Regions
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces