

20 October 2022

Andrew Watson
Key Sites and Regional Assessments
Department of Planning and Environment
Locked Bay 5022
PARRAMATTA NSW 2150

Reply by email: [REDACTED]

Dear Andrew

PROPOSED DIGITAL/STATIC ADVERTISING SIGN – 150 (FORMERLY 30) CORMORANT ROAD KOORAGANG

I refer to the Department of Planning and Environment's (DPE) notification of 6 October 2022, advising the Applicant has submitted a Response to Submissions (RtS) report and affording City of Newcastle (CN) the opportunity to provide advice on the various matters considered in the document.

The RtS has been reviewed and the following comments are provided for your consideration:

1. Subject land

The RtS satisfactorily addresses the matter raised in CN's previous letter dated 15 September 2022.

2. Consent Authority

The RtS satisfactorily addresses the matter raised in CN's previous letter.

3. Remediation of land

This is a matter for consideration by the DPE and the consent authority.

4. Visual Impact

It is noted that the RtS has not provided any supplementary information to address this impact. However, this is a matter for consideration by the DPE and the consent authority.

5. Lighting Impact

This is a matter for consideration by the DPE and the consent authority.

6. Development Contribution

The RtS continues to argue that no development contribution is payable for the proposed development because of the 2014 Minister for Planning Direction.

The above Direction prevents Council (i.e., CN) from imposing a condition on any application for which Council is the consent authority. In the lease area Council is the consent authority only for Complying Development Certificates. Therefore, the Minister as the consent authority for development on land in the Lease Area, is still able to impose a contribution under s7.12 and 7.13 on local and State developments proposed on land in

the lease area. This interpretation of the direction has been accepted by the DPE previously as is evident from the following extract from the DPE Assessment Report (DA 10689) dated December 2021 for a proposed commercial building at Carrington located on land in the Lease Area:

"The Department is satisfied that the contributions plan applies to both the development and site and has included Council's recommended condition of consent requiring the Applicant to pay contributions prior to the commencement of construction."

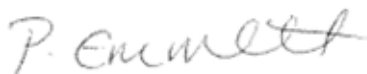
The levy is calculated as a flat percentage of the development cost, it is not required to establish a nexus between the development and any increased demand for public amenities or services.

7. Aboriginal Cultural heritage

This is a matter for consideration by the DPE and the consent authority.

If you have any questions, please contact Geof Mansfield Principal Development Officer (Planning) on 4974 2767 or gmansfield@ncc.nsw.gov.au .

Yours faithfully



Priscilla Emmett
DEVELOPMENT ASSESSMENT SECTION MANAGER