



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

Our ref: PP_2016_NEWCA_004_00 (16/06478)
Your ref: -

Att: Samantha Cross

Dear Mr Cordingley,

Planning proposal to amend Newcastle Local Environmental Plan 2012

I refer to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (EP&A Act) in respect of the planning proposal to amend heritage provisions and maps.

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 Section 117 Directions 1.1 Business and Industrial Zones, 3.1 Residential Zones and 6.1 Approval and Referral Requirements are of minor significance. No further approval is required in relation to these Directions.

Council may still need to obtain the Department's approval to comply with the requirements of other relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

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.

Attached for your assistance is a simplified guide to the plan making process and reporting requirements to ensure that the LEP Tracking System is kept updated.

Should you have any queries in regard to 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 handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized, cursive script.

24/5/2016

Monica Gibson

**Director Regions, Hunter and Central Coast
Planning Services**

Gateway Determination

Planning proposal (Department Ref: PP_2016_NEWCA_004_00): to amend heritage Schedule 5 listings and controls.

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 change heritage Schedule 5 listings and controls for various properties within Newcastle Local Government Area should proceed subject to the following conditions:

1. 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 LEPs* (Department of Planning & Environment 2013).
2. 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 (Heritage Branch)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.
3. The following items being deleted from the proposal before exhibition:
 - Item 88: St Andrews Church Group, 12 Laman Street, Cooks Hill
 - Item 201: Former Regent Theatre, 80 Maitland Road, Islington
 - Item 371: Former Newcastle East Public School, 58 Bolton Street, Newcastle
 - Item 418: Civic Theatre, Wheeler Place, Newcastle
4. Available evidence from a heritage study to be exhibited alongside the proposal that supports the proposed 'including interiors' notation.
5. Listing of State Heritage items to be consistent with the State Heritage Inventory and any other relevant state registers for example the Railcorps Section 170 (Heritage Act) Register
6. 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).
7. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 24th of May 2016.



Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services
Delegate of the Minister for Planning

PP_2016_NEWCA_004_00 (16/06478)

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Newcastle City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_NEWCA_004_00	Planning proposal to amend heritage Schedule 5 listings and controls.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 24th May 2016



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