

## Gateway Determination

***Planning proposal (Department Ref: PP\_2020\_NEWCA\_004\_00): to make various administrative amendments to Schedule 5 of the Newcastle Local Environmental Plan 2012***

I, the Director, Central Coast and Hunter Region 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 *Newcastle Local Environmental Plan 2012* to make amendments to items listed in Schedule 5 Environmental Heritage should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018) and must be made publicly available for a minimum of **14 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 and Environment, 2018).
2. Consultation is required with Heritage NSW under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Ministerial directions.

Council should also consult with Hunter and Central Coast Development Corporation.

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.

3. 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).

4. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (b) the planning proposal is consistent with section 9.1 Ministerial directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
5. The time frames for the planning proposal are:
  - a. commencing public exhibition by 1 March 2021; and
  - b. completing the local environmental plan by **9 months** from the date of the Gateway determination.

Dated 7<sup>th</sup> day of December 2020.



**Dan Simpkins**  
**Director, Central Coast and Hunter Region**  
**Planning and Assessment**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning and**  
**Public Spaces**