



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

Our ref: 15/17573

Attention: Patty McCarthy

Dear Mr Cordingley

Planning proposal to amend Newcastle Local Environmental Plan 2012

I am writing in response to your Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the height of building controls for certain land within Newcastle City Centre.

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.

The Minister's plan making powers were delegated to Council 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 not to issue an authorisation for Council to exercise delegation to make this plan in this instance.

The amending local environmental plan is to be finalised within 12 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 to the Department at least six 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 54(2)(d) of the Act if the time frames outlined in this determination are not met.

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Should you have any questions regarding this matter, I have arranged for Ms Katrine O'Flaherty from the Hunter office to assist you. Ms O'Flaherty can be contacted on (02) 4904 2710.

Yours sincerely,

 14 September 2018
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway determination

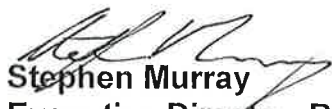
Gateway Determination

Planning proposal (Department Ref: PP_2015_NEWCA_005_00): to amend the Height of Building maps for certain land in the Newcastle City Centre.

I, the Executive Director, Regions, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under Section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Newcastle Local Environmental Plan (LEP) 2012* to amend the Height of Building maps for certain land in the Newcastle City Centre should proceed subject to the following conditions:

1. Prior to community consultation, Council is to amend the planning proposal to explain the proposed height controls, including the difference from the current heights, to clearly identify consistency with the development application approved by the Hunter and Central Coast Joint Regional Planning Panel.
2. Community consultation is required under the Sections 56(2)(c) and 57 of the 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 LEP's (Department of Planning & Infrastructure 2013)*.
3. Consultation is not required with any public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions.
4. A public hearing is not required to be held into the matter by any person or body under Section 56(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).
5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 14th day of September 2016



Stephen Murray
Executive Director, Regions
Planning Services

Delegate of the Minister for Planning