



NSW GOVERNMENT

**Department of Planning**

**Office of the Director-General**

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Ms Lindy Hyam  
General Manager  
The City of Newcastle  
PO Box 489  
NEWCASTLE NSW 2300

Our ref: N09/00072-1  
Your ref: SP&D.RMcConkey

Dear Ms Hyam

**Re: Section 54(4) Notification – Draft Newcastle City Centre LEP 2008 – Reclassification of public land, 231 King Street, Newcastle**

I am writing in response to your Council's letter dated 20 May 2009 advising, under section 54(4) of the Environmental Planning and Assessment Act 1979 ('EP&A Act'), of the Council's decision to prepare a draft local environmental plan ('LEP') to amend the Newcastle City Centre Local Environmental Plan 2008 to reclassify Lot B DP502464, 231 King Street Newcastle from community land to operational land.

The Council may now continue with the preparation of the draft LEP. However, in accordance with advice previously provided by the Department, Council is encouraged to incorporate this amendment with any other necessary amendments in an annual 'housekeeping' draft LEP rather than proceed with minor single issue LEPs.

I have determined that there is no need for an environmental study to be prepared for this draft LEP. Therefore sections 57 and 61 of the EP&A Act will not apply.

Consultation with the Department under section 62 of the Act is not required for this plan.

Council should ensure that relevant section 117 Directions are adequately addressed and any necessary approvals or opinions sought prior to exhibition of the draft plan.

You will be aware that an instrument of delegation for my LEP making functions was executed on 16 February 2006. Use of the delegation for a draft LEP is conditional on receipt by Council of a Written Authorisation to Exercise Delegation. I have now issued an Authorisation, together with guidelines on its use, which is attached. This will enable Council to certify the draft LEP once the amendments and considerations, requested above, are made. This should be done in consultation with the Department's Regional Team.

Please forward a copy of the section 65 certificate, the draft plan and any other information to be publicly exhibited with the draft LEP, to the Regional Office with advice to the Department as required under section 64 of the Act prior to the exhibition of the draft LEP.

Should you have any queries in regard to this matter please contact the Regional Office of the Department.

Yours sincerely

*Sam Haddad*

Sam Haddad  
Director-General

17/5/2009



**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

This is a Written Authorisation to Exercise Delegation ('Authorisation') made under the instrument of delegation executed by the Director General of the Department of Planning ('Director General') on 16 February 2006 ('Delegation').

Subject to the Delegation and the terms and conditions specified in Schedule 1 to this Authorisation, the following functions are delegated to The City of Newcastle ('Council') for the draft local environmental plan the subject of notification by Council to the Director General under section 54(4) of the Environmental Planning and Assessment Act 1979 ('EP&A Act') dated 20 May 2009, being a draft LEP to reclassify Lot B DP 502464, 231 King Street Newcastle from community land to operation land.

- Section 65(1)

Dated 17<sup>th</sup> day of June 2009.

*Sam Gabriel Haddad*

Sam Gabriel Haddad  
**DIRECTOR GENERAL**  
Department of Planning

**Schedule 1**

The exercise of the function(s) under the Delegation is subject to:

1. the Draft LEP complying with any relevant Ministerial Direction issued pursuant to section 117 of the EP&A Act; and
2. the Draft LEP not being the subject of an unresolved objection by a public authority or body; and
3. the Draft LEP not containing provisions suspending laws pursuant to section 28 of the EP&A Act; and
4. compliance with the Best Practice Guideline published by the Department of Urban Affairs and Planning in January 1997 entitled, 'LEPs and Council Land - Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council'; and
5. compliance with instructions issued by the Director General with respect to the preparation and content of reports prepared pursuant to section 69 of the EP&A Act.