

Mr Jeremy Bath
CEO
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

Dear Mr Bath

Planning proposal PP_2018_NEWCA_004_00 to amend Newcastle Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 30 May 2018 in respect of the planning proposal to make minor mapping amendments to land within the Sanctuary Estate, Fletcher and to add two items to Schedule 5 Environmental heritage.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.1 Business and Industrial Zones, 2.1 Environment and Protection Zones and 3.1 Residential Zones. No further approval is required in relation to these Directions. I have approved the altering of planning controls for the public reserves owned by Council in accordance with the terms of the Direction 6.2 Reserving Land for Public Purposes.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant section 9.1 Directions 4.4 Planning for Bushfire Protection and 6.2 Reserving Land for Public Purposes (for site A3, the Local Land Services land). Council should ensure this occurs prior to the plan being made.

I have considered Council's request not to be the local plan-making authority. As such, I have determined not to grant Council the authority to exercise this authority in this instance.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 8 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Paul Maher to assist you. Mr Maher can be contacted on 4904 2719.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K. O'Flaherty', is displayed within a light grey rectangular box.

25.06.2018

Katrine O'Flaherty
Acting Director Regions, Hunter
Planning Services

Encl: Gateway determination