

Mr Jeremy Bath  
Chief Executive Officer  
City of Newcastle  
PO Box 489  
NEWCASTLE NSW 2300  
Via email: jchristie@ncc.nsw.gov.au

Our ref: IRF24/115

Dear Mr Bath

**Planning proposal (PP-2023-2851) to amend Newcastle Local Environmental Plan 2012**

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to introduce affordable housing contribution provisions into the Newcastle LEP 2012.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

Council will need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act 4.3 Planning for Bushfire Protection. Council should ensure this occurs prior to the LEP being made.

I have determined not to authorise Council to be the local plan-making authority as the planning proposal includes land owned by Council and it is appropriate that the Department review the final adopted Newcastle Affordable Housing Contribution Scheme prior to the finalisation of the plan. In this regard, the draft Affordable Housing Contributions Scheme LGA is to be exhibited at the same time and in the same way as the planning proposal (as far as practicable).

The amending local environmental plan (LEP) is to be finalised on or before 12 months 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, Housing and Infrastructure to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Ms Chris Ferry to assist you. Ms Ferry can be contacted on 4927 3203.

Yours sincerely



26/04/2024

**Jeremy Gray**  
**Director, Hunter and Northern Region**  
**Local Planning and Council Support**

Encl: Gateway determination