



Planning

Office of the Director-General

Ms Lindy Hyam
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Our ref: N09/00132
Your ref: 2664265

Dear Ms Hyam,

Re: Planning Proposal to carry out various amendments to Newcastle Local Environmental Plan 2003 and Newcastle City Centre Local Environmental Plan 2008

I am writing in response to your Council's letter dated 17 September 2009 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ('EP&A Act') in respect of the planning proposal to amend Newcastle Local Environmental Plan 2003 and Newcastle City Centre Local Environmental Plan 2008 as follows:

1. Insert enabling clause by amending Schedule 8 Development for certain additional purposes of the Newcastle LEP 2003, to permit "camping ground or caravan park" at Lot 2 DP 1129904, known as 35 Eastern Avenue, Tarro.
2. Rezone land from 2(b) Urban Core zone to 3(a) Local Centre at 531-537 Glebe Road, Adamstown to facilitate the redevelopment of the existing service station and development of a convenience store.
3. Amend Newcastle LEP 2003 to:
 - (a) permit certain types of subdivision as complying development in Zones 1(a), 6(a), 7(a) and 7(c);
 - (b) update the heritage descriptions in Schedule 6; and
 - (c) correct a number zoning anomalies.
4. Amend the heritage schedule of the Newcastle City Centre LEP 2008 to insert additional heritage items previously exhibited and delete listed heritage items which are outside the City Centre LEP boundaries.
5. Amend the heritage schedule of the Newcastle LEP 2003 and City Centre LEP 2008 to revise the heritage status of items currently listed as having state heritage significance that are not on the State Heritage Register to local significance.

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

The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days. Under section 57(2) of the Act I am satisfied that the planning proposal is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 3 months of the week following the date of the Gateway Determination.

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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Council should address the issue of the general permissibility of caravan parks across the LGA in its strategic investigations for its Principal LEP.

Council should also ensure that any items listed as being of 'State' significance in Newcastle LEP 2003 and Newcastle City Centre LEP 2008 are also currently listed on the State Heritage Register.

I have formed the opinion that any inconsistencies with the section 117 Directions are minor and justifiable in this instance.

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

Yours sincerely,


Sam Haddad
Director-General

28/10/2009

Gateway Determination

Planning Proposal (Department Ref: N09/00132-1): To amend Newcastle Local Environmental Plan 2003 and Newcastle City Centre Local Environmental Plan 2008 as follows:

1. Insert enabling clause by amending Schedule 8 Development for certain additional purposes of the Newcastle LEP 2003, to permit "camping ground or caravan park" at Lot 2 DP 1129904, known as 35 Eastern Avenue, Tarro.
2. Rezone land from 2(b) Urban Core zone to 3(a) Local Centre at 531-537 Glebe Road, Adamstown to facilitate the redevelopment of the existing service station and development of a convenience store.
3. Amend Newcastle LEP 2003 to:
 - (a) permit certain types of subdivision as complying development in Zones 1(a), 6(a), 7(a) and 7(c);
 - (b) update the heritage descriptions in Schedule 6; and
 - (c) correct a number zoning anomalies.
4. Amend the heritage schedule of the Newcastle City Centre LEP 2008 to insert additional heritage items previously exhibited and delete listed heritage items which are outside the City Centre LEP boundaries.
5. Amend the heritage schedule of the Newcastle LEP 2003 and City Centre LEP 2008 to revise the heritage status of items currently listed as having state heritage significance that are not on the State Heritage Register to local significance.

I, the Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment of the Newcastle Local Environmental Plan 2003 and Newcastle City Centre Local Environmental Plan 2008 as described above should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning 2009) and must be made publicly available for **14 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 4.5 of *A Guide to Preparing LEPs* (Department of Planning 2009).
2. Consultation with the Heritage Branch of the Department of Planning is required under section 56(2)(d) of the EP&A Act.
3. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act.
4. The timeframe for completing the LEP is to be **3 months** from the week following the date of the Gateway determination.

Dated 28th day of October 2009.


Sam Haddad
Delegate for the Minister for Planning