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Mr Phil Pearce  
 General Manager  
 Newcastle City Council  
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Our ref: PP\_2012\_NEWCA\_001\_00 (12/11508)  
 Your ref: Future City. JHonnef.AC

Dear Mr Pearce,

### **Planning proposal to amend the Newcastle Local Environmental Plan (LEP) 2012**

I am writing in response to your Council's letter dated 1 November 2012 requesting a revised Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Newcastle Local Environmental Plan (LEP) 2012 to facilitate various amendments including rezonings, amending the land acquisition map, amending clauses relating to land to be acquired and to permit additional uses on various sites.

On the 1 August 2012, as delegate of the Minister for Planning and Infrastructure, I determined that the planning proposal to amend the Newcastle LEP 2012 should proceed subject to various conditions.

After further consideration of Council's justification to include 'service station' as an additional permitted use on land at 422-426 Newcastle Road, Lambton, I have determined as the delegate of the Minister, in accordance with section 56(7) of the Environmental Planning and Assessment Act, 1979, to amend the Gateway Determination dated 1 August 2012 for PP\_2012\_NEWCA\_001\_00. A revised Gateway Determination is attached.

The Department discourages the use of additional permitted uses where land use permissibility can be addressed through zones and in land use tables. Council should only use additional permitted uses under Schedule 1 of its Local Environmental Plan where there is no other acceptable solution to progress the matter.

As previously advised, I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 2.1 Environmental Protection Zones, 6.2 Reservation Land for Public Purposes and 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

It is understood that Council has already consulted with the relevant government agencies and will now commence community consultation for the planning proposal. It should still be possible to finalise the amending Local Environmental Plan (LEP) within 12 months of the week following the date of the original Gateway Determination (Due Date: 8 August 2013). Council's request for the Department to draft and finalise the LEP should be made six (6) 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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Trent Wink of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,

*SHaddad*  
Sam Haddad  
Director-General  
15/12/2012



## Revised Gateway Determination

**Planning proposal (Department Ref: PP\_2012\_NEWCA\_001\_00):** to amend the Newcastle Local Environmental Plan (LEP) 2012 to facilitate various amendments.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(7) of the EP&A Act to issue a revised Gateway Determination for the amendment to the Newcastle Local Environmental Plan (LEP) 2012 to facilitate various amendments including rezonings, amending the land acquisition map, amending clauses relating to land to be acquired and to permit additional uses on various sites 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 is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - Office of Environment and Heritage
  - Transport for NSW
  - Roads and Maritime Services
  - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the original Gateway determination (1 August 2012).

Dated 15<sup>th</sup> day of December 2012.

  
Sam Haddad  
Director-General  
Delegate of the Minister for Planning and  
Infrastructure