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Mr Phil Pearce
 General Manager
 Newcastle City Council
 PO Box 489
 NEWCASTLE NSW 2300

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 6 July 2012 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 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.

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

Council's proposed provision to include 'service station' as an additional permitted uses on land at 422-426 Newcastle Road, Lambton is not supported by the Department. Council is to consider zoning the site appropriately to reflect the intended land use. Council should seek to rezone the site to an appropriate business zone under its LEP such as B2 Local Centre Zone or another appropriate business zone. If a suitable alternative zone is identified, Council is to amend the planning proposal prior to proceeding to public exhibition.

In regards to the proposed provision to include 'office premises' and 'recreation facilities (outdoor)' as additional permitted uses on land at 80 Macquarie Street, Wallsend, Council is encouraged to consider zoning the site appropriately to reflect the final intended land uses. Council should consider rezoning the site to RE2 Private Recreation. If zoned appropriately uses such as offices, which support the principal use of the site, could be categorised as ancillary and there would be no need to list them in Schedule 1.

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.

In regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service, prior to undertaking community consultation, take into account any comments made and amend the planning proposal (if necessary) as per the requirements of the Local Planning Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible following completion of pre-exhibition consultation with agencies. 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,


Sam Haddad
Director-General

1/8/2012

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(2) of the EP&A Act that an 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. Council's proposed provision to include 'service station' as an additional permitted uses on land in Lambton is not supported and should be removed from the planning proposal. Council is to consider zoning the site appropriately to reflect the intended land use. If a suitable alternative zone is identified, Council is to amend this planning proposal to reflect that approach prior to proceeding to public exhibition.
2. 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)*.
3. 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.

4. 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).
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.



Planning & Infrastructure

Dated

1st

day of

August

2012.

SHaddad

Sam Haddad

Director-General

**Delegate of the Minister for Planning and
Infrastructure**