



Contact: Trent Wink
Phone: (02) 4904 2700
Fax: (02) 4904 2701
Email: Trent.Wink@planning.nsw.gov.au
Postal: PO Box 1226, Newcastle NSW 2300

Our ref: PP_2012_NEWCA_002_00 (12/11681)
Your ref: Future City .JHonnef.AC

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

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 reclassify land at Kerry Avenue and Cardiff Road, Elmore Vale and to rezone land for public recreation purposes and amend the floor space ratio, maximum building height and minimum lot size for land at Elmore Vale.

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.

I have also agreed that the planning proposal's inconsistency with S117 Directions 6.2 Reserving Land for Public Purposes and 3.1 Residential Zones 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 4.2 Mine Subsidence and Unstable Land, Council is to consult with the relevant Mine Subsidence Board 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.

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.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the Department's Practice note *PN09-003, Classification and reclassification of public land through a local environmental plan*.

Council should ensure that the planning proposal is exhibited with a map which clearly identifies the land proposed to be reclassified. This map is to be forwarded to the Department when Council requests the instrument to be drafted.

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 the required pre-exhibition consultation. 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_002_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 reclassify land at Kerry Avenue and Cardiff Road, Elernore Vale and rezone land for public recreation purposes and amend the floor space ratio, maximum building height and minimum lot size for land at Elernore Vale 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 must be made publicly available for **28 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:
 - NSW Rural Fire Services
 - Mine Subsidence Board
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 Gateway determination.

Dated

1st

day of

August

2012.

SHaddad

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