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Our ref: PP_2013_NEWCA_002_00 (13/06223)

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

Dear Mr Pearce,

Planning proposal to amend Newcastle Local Environmental Plan 2012

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to permit a service station with a maximum retail floor area of 150sqm on land at 289-291 Turton Road, New Lambton as an additional permitted use.

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

Although the proposed provision to include a 'service station' as an additional permitted use on land at New Lambton is supported, Council is strongly encouraged to consider rezoning the site to an appropriately zone which permits the intended land use. If a suitable zone is identified, Council is to amend the planning proposal to reflect the above approach prior to proceeding to public exhibition.

I have also agreed the planning proposal's inconsistency with S117 Direction 6.3 Site Specific Provisions is of minor significance. No further approval is required in relation to this Direction.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

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 section 54(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 Dylan Meade of the regional office of the department on 02 4904 2700.

Yours sincerely,



Neil McGaffin
Executive Director
Rural and Regional Planning

30.4.13.

Gateway Determination

Planning proposal (Department Ref: PP_2013_NEWCA_002_00): to permit a service station on land at 289 - 291 Turton Road, New Lambton.

I, the Executive Director, Rural and Regional Planning at the 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 permit a service station with a maximum retail floor area of 150sqm on land at 289-291 Turton Road, New Lambton as an additional permitted use should proceed subject to the following conditions:

1. Council is to consider permitting service stations over the entire Lot 6 DP 18086 to cater for the future expansion of the existing service station. If this approach is supported, Council is to amend the planning proposal to apply to the entire Lot 6 DP 18086 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 & Infrastructure 2013) and must be made publicly available for a minimum of **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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013).
3. Consultation is required with the Roads and Maritime Services (RMS) under section 56(2)(d) of the EP&A Act. RMS is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the 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 **9 months** from the week following the date of the Gateway determination.

Dated

30th

day of

April

2013.



Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure

Delegate of the Minister for Planning and
Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Newcastle City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_NEWCA_002_00	Planning proposal to permit a service station with a maximum retail floor area of 150sqm on land at 289-291 Turton Road, New Lambton as an additional permitted use.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated

30th April 2013

Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure