



Mr Wayne Wallis
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Attention: William Oxley

Dear Mr Wallis

Planning proposal PP_2020_PORTS_001_00 to amend Port Stephens Local Environmental Plan 2013

I am writing in response to Port Stephens Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 28 August 2020 in respect of the planning proposal to rezone the site from RU2 Rural Landscape to B1 Neighbourhood Centre and E2 Environmental Conservation.

I am concerned the planning proposal has identified the need for further technical information, studies and investigations to be undertaken, including a biodiversity development assessment report, traffic impact study, flood and drainage study and bushfire risk assessment. This work may take significant time to complete and may have a material impact on the planning proposal. Additionally, this work would benefit from being undertaken prior to consultation with relevant public authorities.

Given the general alignment of the planning proposal with a strong strategic planning framework, I have now determined as delegate of the Minister for Planning and Public Spaces that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

In future, I believe the necessary technical information, studies and investigations should be undertaken prior to seeking a Gateway determination. Our intention is that planning proposals should generally take one year and no more than two years to complete. This has been shown to be achievable in many cases where applications are supported by enough evidence to justify strategic and site-specific merit.

As delegate of the Secretary, I have agreed the planning proposal's inconsistencies with section 9.1 Ministerial directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands and 2.2 Coastal Management are justified in accordance with the terms of the directions. No further approval is required in relation to these directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of the following relevant section 9.1 Ministerial directions:

- 2.6 Remediation of Contaminated Land;
- 4.1 Acid Sulfate Soils;
- 4.3 Flood Prone Land;
- 4.4 Planning for Bushfire Protection; and
- 5.10 Implementation of Regional Plans.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway determination for Council to be the local plan-making authority due to the complexity of the site constraints and the additional technical information, studies and investigations to be completed.

The amending local environmental plan (LEP) is to be finalised within 24 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as practical. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The NSW 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr James Shelton, Senior Planner, Central Coast and Hunter Region to assist you. Mr Shelton can be contacted on 4904 2713.

Yours sincerely



12/10/2020

Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Assessment

Encl: Gateway determination