

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

Our ref: PP_2014_PORTS_005 (14/14759)
Your ref: PSC2006-0815

Att: Jessica Franklin

Dear Mr Wallace,

Planning Proposal to amend Port Stephens Local Environmental Plan 2013

I am writing in response to your Council's letter dated 14 August 2014 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 rezone lot 20 and part lot 21 DP 579653, Tarean Road, Karuah from RU2 Rural Landscape to R2 Low Density Residential.

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

Council may still need to obtain the department's approval to comply with the requirements of relevant s117 directions. Council should ensure this occurs prior to the plan being made.

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. 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 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. 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.

Attached for your assistance is a simplified guide to the plan making process and reporting requirements to ensure that the LEP Tracking System is kept updated.

Should you have any questions regarding this matter, I have arranged for Ben Holmes from the Hunter office to assist you. Mr Holmes can be contacted on (02) 4904 2709.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Rowland', with a stylized flourish at the end.

18 September 2014

David Rowland
General Manager
Hunter and Central Coast Region
Housing, Growth and Economics

Gateway Determination

Planning Proposal (Department Ref: PP_2014_PORTS_005_00): to rezone lot 20 and part lot 21 DP 579653 from RU2 Rural Landscape to R2 Low Density Residential.

I, the General Manager, Hunter and Central Coast Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Port Stephens Local Environmental Plan (LEP) 2013 to rezone lot 20 and part lot 21 DP 579653 from RU2 Rural Landscape to R2 Low Density Residential should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to:
 - (a) ensure lot and DP references reflect the correct lot and DP, ie lot 20 DP 579653 and lot 21 DP 579653;
 - (b) amend the planning proposal to include all of lot 21 DP 579653;
 - (c) amend the Objectives to state the desired strategic planning outcomes the planning proposal intends to achieve for the site, including the protection of the green corridor;
 - (d) amend the Explanation of Provisions to include an appropriate environmental zone to the part of lot 21 which forms part of the green corridor;
 - (e) amend the Explanation of Provisions to note that the residential zoned part of the site will be mapped as an Urban Release Area and prepare a map accordingly;
 - (f) include in the planning proposal an assessment against the matters listed in clause 8 of SEPP 71 Coastal Protection and s117 direction 2.2 Coastal Protection;
 - (g) undertake a preliminary investigation into contamination as required by clause 6 of SEPP 55 Remediation of Land and update the planning proposal accordingly; and
 - (h) include in the planning proposal maps showing the existing zone, lot size and height controls that apply to the site.
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 must be made publicly available for a minimum of 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 5.5.2 of *A Guide to Preparing LEPs (Planning & Infrastructure 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Hunter Water Corporation
 - Office of Environment & Heritage (green corridor, s117 direction 2.1, direction 2.3, direction 5.1 as well as SEPP 44 - Koala Habitat Protection)
 - Department of Primary Industries (Agriculture) (s117 direction 1.2, direction 1.5 as well as SEPP (Rural Lands) 2008)
 - Trade & Investment (Resources & Energy Division) (s117 direction 1.3)
 - Local Aboriginal Land Council
 - Great Lakes Council
 - NSW Rural Fire Service (s117 direction 4.4)
 - Energy Australia (transmission line)

Each public authority 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. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of s117 Directions.

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.

Dated 18th day of September 2014.



David Rowland
General Manager
Hunter and Central Coast Region
Housing, Growth and Economics
Department of Planning and Environment

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Port Stephens Council is authorised to exercise the functions of the Minister for Planning 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_2014_PORTS_005_00	Planning proposal to rezone lot 20 and part lot 21 DP 579653 from RU2 Rural Landscape to R2 Low Density Residential

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 18 September 2014



David Rowland
General Manager
Hunter and Central Coast Region
Housing, Growth and Economics
Department of Planning and Environment