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| Wayne Wallis  General Manager  Port Stephens Council  PO Box 42  Raymond Terrace NSW 2324 | Our ref: PP\_2016\_PORTS\_008\_00 (16/14701)  Your ref: xxxx |
| Att: Matthew Borsato  Dear Mr Wallis, |  |

**Planning proposal to amend Port Stephens Local Environmental Plan 2013**

I am writing in response to your Council’s letter dated 11 November 2016 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 part of Lots 93 to 96 DP753194 from R5 Large Lot Residential to R2 Low Density Residential (and reduce corresponding minimum lot size from 1,000m2 to 500m2), and to amend the boundary of the 0.9ha of landed zoned E2 Environmental Conservation, in order to provide for the housing needs of the community in a low density residential environment and to create a more accurate and regular shaped zone boundary for the environmental zoned land within the developable area.

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.

I have also agreed the planning proposal’s inconsistencies with S117 Direction 3.5 Development Near Licenced Aerodromes is of minor significance. No further approval is required in relation to this Direction. The planning proposal’s inconsistency with S117 Directions 4.4 Planning for Bushfire Protection will require further consultation with the NSW Rural Fire Service. Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

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 for the Department of Planning and Environment to draft and finalise the LEP should be made 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 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, I have arranged for Katrine O’Flaherty from the Hunter office to assist you. Ms O’Flaherty can be contacted on (02) 4904 2710.

Yours sincerely,

**Monica Gibson**

**Director Regions, Hunter and Central Coast**

**Planning Services**

**Gateway Determination**

***Planning proposal (Department Ref:*** ***PP\_2016\_PORTS\_008\_00)****: to rezone part of Lots 93 to 96 DP753194 from R5 Large Lot Residential to R2 Low Density Residential (and reduce corresponding minimum lot size from 1,000m2 to 500m2), and to amend the boundary of the 0.9ha of landed zoned E2 Environmental Conservation.*

I, the Director Regions, Hunter and Central Coast at 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 part of Lots 93 to 96 DP753194 at 93-96 Boundary Road, Medowie should proceed subject to the following conditions:

1. Prior to exhibition Council is to:
2. amend the Planning Proposal to address the advice of the NSW Rural Fire Service.
3. prepare a bushfire threat assessment in consultation with the NSW Rural Fire Service.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
5. the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Environment 2013)* and must be made publicly available for a minimum of 14 days; and
6. 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 & Environment 2013)*.brook
7. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. NSW Rural Fire Service 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.
8. 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).
9. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated day of 2016.

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|  | **Monica Gibson**  **Director Regions, Hunter and Central Coast**  **Planning Services**  **Department of Planning and Environment**  **Delegate of the Minister for Planning** |