

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

Dear Mr Wallis

Planning proposal PP_2018_PORTS_002_00 to amend Port Stephens Local Environmental Plan 2013

I am writing in response to 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 18 October 2018 and 14 December 2018 in respect of the planning proposal to enable the rural residential development and to protect and conserve areas of ecological value.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination. You will note that condition 1 requires Council to undertake a series of investigations before the planning proposal is publicly exhibited. This is to assist the community by ensuring that the planning proposal clearly explains how the village may change and how key environmental issues are to be addressed

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands and 4.1 Acid Sulfate Soils are minor and 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 Department's Secretary to comply with the requirements of section 9.1 Directions 1.3 Mining Petroleum Production and Extractive Industries, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection and 5.10 Implementation of Regional Plans. Council should ensure this occurs prior to community consultation.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority due to the complexity of the site constraints and inconsistencies with the regional plans.


The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the date of the Gateway determination. Council should aim to commence the

additional studies and consultation with agencies as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 8 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Ben Holmes to assist you. Mr Holmes can be contacted on 4904 2709.

Yours sincerely

 24 May 2019
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway determination