

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

Dear Mr Wallis

Planning proposal PP_2018_PORTS_006_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 13 March 2019 in respect of the planning proposal to rezone land at 5 Speedy Lock Lane, Heatherbrae to R2 Low Density Residential zone and amend the planning controls accordingly above the Flood Planning Level.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction; 4.1 Acid Sulfate Soils is justified in accordance with the terms of the Directions. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of relevant section 9.1 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands, 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to public exhibition.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of 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 of Planning and Environment.

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 Paul Maher to assist you. Mr Maher can be contacted on 4904 2719.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized, flowing script.

26/3/2019

Monica Gibson
Director Regions, Hunter
Planning Services

Encl: Gateway determination
Authorised plan-making reporting template