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Our ref: PP_2012_PORTS_009_00 (11/05691)
Your ref: PSC2006-0191

Mr Peter Gesling
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Dear Mr Gesling,

Planning proposal to amend the Port Stephens Local Environmental Plan (LEP) (Kings Hill, North Raymond Terrace) 2010

I am writing in response to your Council's letter dated 28 June 2012 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 amend Port Stephens Local Environmental Plan (LEP) (Kings Hill, North Raymond Terrace) 2010 to facilitate various amendments.

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

Council's proposed provision to include 'manufactured home estates' as an additional permitted uses on Lots 481 and 4822 in Kings Hill is not supported by the Department as the means of achieving the desired outcome. Council is to consider an appropriate zone for the site which will reflect the intended land use. This can form part of a future planning proposal once Council has undertaken further investigations into the zoning of the site.

In regards to the planning proposal's inconsistencies with S117 Direction 2.1 Environmental Protection Zones, Council is to consult with the Office of Environment and Heritage prior to undertaking community consultation, take into account any comments made and amend the planning proposal (if necessary) as per the requirements of the Local Planning Direction.

In regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service, prior to undertaking community consultation, take into account any comments made and amend the planning proposal (if necessary) as per the requirements of the Local Planning Direction.

The Department notes that a Gateway determination is also being provided for planning proposal PP_2012_PORTS_008_00, which also amends the Port Stephens Local Environmental Plan (LEP) (Kings Hill, North Raymond Terrace) 2010. Council should consider consolidating these two proposals to reduce the number of planning proposal applicable to the area.

Council should ensure that the planning proposal is exhibited with sufficient information and appropriate maps to inform the community on how the proposal will amend both the existing Port Stephens LEP (Kings Hill, North Raymond Terrace) 2010 and the draft Port Stephens LEP 2012. Council should consider how the outcomes of this planning proposal will translate into its comprehensive LEP.

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 following completion of the required pre-exhibition consultation. Council's request for the department to draft and finalise the LEP should be made six (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 s54(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, please contact Monica Gibson of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,



Sam Haddad
Director-General

1/8/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_PORTS_009_00): to amend the Port Stephens Local Environmental Plan (LEP) (Kings Hill, North Raymond Terrace) 2010 to facilitate various amendments.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Port Stephens Local Environmental Plan (LEP) (Kings Hill, North Raymond Terrace) 2010 to facilitate various amendments including to:

- permit car parks in zone B4 Mixed Use;
- permit eco-tourist facilities, flood mitigation works, sewerage systems and water supply systems in zone E3 Environmental Management;
- Replace Clause 4.1A with a revised clause which will permit subdivision below the minimum lot size for certain development;
- Insert a new clause for minimum subdivision lot sizes in certain split zones;
- Insert a new clause for exceptions to the minimum lot size for certain environmental protection zones;
- Insert an eco-tourist facilities clause;
- Insert a biodiversity protection clause and accompanying map; and
- Amend the land zoning, maximum height of buildings and minimum lot size for land at Kings Hill

should proceed subject to the following conditions:

1. Council's proposed provision to include 'manufactured home estates' as an additional permitted uses on land in Kings Hill is not supported. Council is to consider zoning the site appropriately to reflect the intended land use, as part of a future planning proposal.
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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Services
 - Office of Environment and Heritage

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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 1st day of August 2012.

SHaddad

Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure