



Planning



qB152065
10/17005

Department Generated Correspondence (Y)

Contact: Trent Wink
Phone: (02) 4904 2700
Fax: (02) 4904 2701
Email: Trent.Wink@planning.nsw.gov.au
Postal: PO Box 1226, Newcastle NSW 2300

Our ref: PP_2010_PORTS_006_00 (10/15602-1)
Your ref: PSC2006-0038

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

Dear Mr Gesling,

Re: Planning Proposal to protect the role and function of the RAAF Base Williamtown/Newcastle Airport.

I am writing in response to the Council's letter dated 7 June 2010 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 the Port Stephens Local Environmental Plan 2000 to protect the role and function of the RAAF Base Williamtown/Newcastle Airport from inappropriate development and ensure aircraft noise impacts on the community are within acceptable limits.

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

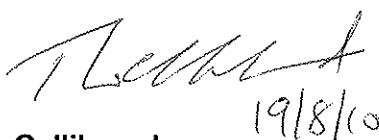
In relation to S117 Ministerial Direction 6.1, as delegate of the Director General, I approve of the referral provisions proposed subject to the approval of the Department of defence.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. 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 Trent Wink of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,



19/8/10

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

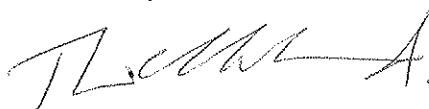
Planning Proposal (Department Ref: PP_2010_PORTS_006_00): to protect the role and function of the RAAF Base Williamtown/Newcastle Airport from inappropriate development and ensure aircraft noise impacts on the community are within acceptable limits.

I, the Deputy Director General, Plan Making & Urban Renewal 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 2000 to protect the role and function of the RAAF Base Williamtown/Newcastle Airport from inappropriate development and ensure aircraft noise impacts on the community are within acceptable limits should proceed subject to the following conditions:

1. 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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the Department of Defence under section 56(2)(d) of the EP&A Act. Its approval to include the referral provisions proposed is to be obtained prior to the exhibition of the planning proposal.

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material. It is to be given at least 21 days to comment on the proposal, or to indicate that it 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.
3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 19th day of August 2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning