



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

Dear Mr Wallis

Planning proposal PP_2020_PORTS_003_00 to amend Port Stephen 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) 28 July 2020 in respect of the planning proposal to rezone land and amend minimum lot size on land located at 792 Seaham Road, Seaham.

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.

The proposal at this time, is inconsistent with section 9.1 Directions 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.6 Remediation of Contaminated Land, 3.5 Development Near Regulated Airports and Defence Airfields and 4.4 Planning for Bushfire Protection. Additional studies and consultation are required to address the inconsistencies, as detailed in condition 1 of the Gateway determination. The planning proposal is considered to have a minor inconsistency with section 9.1 directions 4.3 Flood Prone Land. It is recommended that this direction is discussed with DPIE – Water, prior to public exhibition.

Some clearing of vegetation would be required to facilitate the proposed development of the site. Any required offsetting should be identified within a revised planning proposal. Council is to update the planning proposal to take into account the outcomes of all works and seek approval from the Department prior to undertaking community consultation. Any additional reports resulting from this work are to be placed on public exhibition with the planning proposal, including the responses from public authorities that from part of consultation on this proposal.

I have agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.2 Rural Zones, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 4.1 Acid Sulphate Soils are justified or are of minor significance.

I note that the Port Stephens Local Housing Strategy has not been endorsed by the Department and accordingly had not been relied on for justifying inconsistencies with section 9.1 Directions.

The Minister delegated his plan making powers to Councils in October 2012. It is noted that Council has accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

The NSW 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 enquiries about this matter, I have arranged for Ms Oyshee Iqbal, Planning Officer, from the Department of Planning, Industry and Environment, Western Region office, to assist you. Ms Iqbal can be contacted on 5852 6824.

Yours sincerely



28.8.20

Damien Pfeiffer
Director, Western Region
Local and Regional Planning

Encl: Gateway determination
Authorised plan-making reporting template