



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

Dear Mr Wallis

Planning proposal (PP_2020_PORTS_004_00) to amend Port Stephen Local Environmental Plan 2013, rezone land and amend the minimum lot size on part 22 Warrigal Close, Brandy Hill

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 the minimum lot size on part 22 Warrigal Close, Brandy Hill.

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.

I note that the planning proposal is considered to have unresolved inconsistencies with section 9.1 Directions 1.5 Rural Lands, 2.6 Remediation of Contaminated Land, 3.5 Development Near Regulated Airports and Defence Airfields and 4.3 Flood Prone Land. Inconsistencies with these directions will need to be resolved through further investigation and consultation with relevant public agencies as noted in the Gateway determination.

I also note the planning proposal will result in fragmented rural land around the subject site. It is recommended that Council consider a strategic approach to zoning of rural residential land in the future.

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 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 to assist you. Ms Iqbal can be contacted on 5852 6824.

Yours sincerely



28/08/2020

Damien Pfeiffer
Director, Western Region
Local and Regional Planning

Encl: Gateway determination
Authorised plan-making reporting template