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Our ref: PP_2013_PORTS_001_00 (13/07803)
Your ref: PSC2009-01335

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

Dear Mr Gesling,

Planning proposal to amend Port Stephens Local Environmental Plan (LEP) 2000 or draft Port Stephens LEP 2013

I am writing in response to your Council's letter dated 18 April 2013 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 reclassify various sites at Medowie, Raymond Terrace, Fingal Bay, Soldiers Point and Tomago, rezone various sites at Raymond Terrace, Soldier Point and Fingal Bay and, if required, amend associated development standards applying to the subject lands.

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

I have also agreed the planning proposal's inconsistencies with S117 Directions 2.2 Coastal Protection, 2.3 Heritage Conservation, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis of existing open space requirements, surrounding land uses and the size of the sites. No further approval is required in relation to these Directions.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the department's practice note *PN09-003, Classification and reclassification of public land through a local environmental plan*.

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. Council's request for the department to draft and finalise the LEP should be made 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 section 54(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 Susan Blake of the regional office of the department on 02 4904 2700.

Yours sincerely,



Neil McGaffin
Executive Director
Rural and Regional Planning

6.6.13,

Gateway Determination

Planning proposal (Department Ref: PP_2013_PORTS_001_00): to reclassify, rezone and amend the development standards for land in the Port Stephens LGA.

I, the Executive Director, Rural and Regional Planning at the 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) 2000 or draft Port Stephens LEP 2013 to reclassify Lot 10 DP 596640, Lot 38 DP 807956, Lot 39 DP 807956 at Medowie, part Lot 23 DP 843416, Lot 279 DP 740009, Lot 5 DP 261238, Lot 1 DP 1093118 at Raymond Terrace, Lot 22 DP 241918, Lot 25 DP 247555 at Fingal Bay, Lot 109 DP 243096, part Lot 322 DP 636840, part Lot 2071 DP 852662 at Soldiers Point, Lot 132 DP 246855, Lot 34 DP 580267, Lot 133 DP 246855 Tomago and rezone land at Sketchley Street, Raymond Terrace, Lyndel Close, Soldiers Point and Squire Street, Fingal Bay for residential purposes and land at Ridgeway Avenue, Soldiers Point for business purposes and if required, amend associated development standards applying to the subject lands should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include a project timeline, consistent with Section 2.6 Part 6 of the *A Guide to Preparing Planning Proposals*. The project timeline is to provide a mechanism to monitor the progress of the 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 must be made publicly available for a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of or demonstrate consistency with relevant S117 Directions:
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - Department of Defence (S117 Direction 3.5 Development Near Licensed Aerodromes)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter under section 56(2)(e) of the EP&A Act. However, a public hearing is required to be held into the matter in accordance with the department's practice note PN09-003, as the planning proposal involves a reclassification of land from community to operational.

5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

6th day of June

2013.



Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure