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Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING*Plan Making and Urban Renewal***PENDING LEP - DRAFT PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000
REES JAMES ROAD (AMENDMENT NO 18)****PURPOSE**

- To convert the draft Port Stephens LEP 2000 (Amendment No 18) from a pending LEP to a planning proposal under the current Part 3 of the *EP&A Act 1979*.

RECOMMENDATION

- That the Deputy Director General:
 - as delegate of the Director General under clause 12(2) of the *EP&A Regulation 2000*, **declare** that the former plan making provisions cease to apply to draft Port Stephens LEP 2000 (Amendment No 18);
 - as delegate of the Minister under clause 122(2) of Schedule 6 of the *EP&A Act 1979*, **declare** that all conditions precedent up to s.57(8) of the *EP&A Act 1979* are dispensed with for the making of the draft Port Stephens LEP 2000 (Amendment No 18); and
- **sign** the attached letter, if approved.

CURRENT POSITION

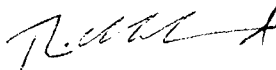
- The draft Port Stephens LEP 2000 (Amendment No 18) seeks to rezone land at North Raymond Terrace that has been identified for infill residential development.
- Port Stephens Council has requested that the draft LEP be converted into a planning proposal under the current Part 3 process and that the plan making steps prior to s.57(8) be dispensed with.
- Council states that it is unable to meet the 1 July 2010 pending LEP deadline.
- Converting the draft LEP into a planning proposal is supported by the Regional Team as it is a long standing LEP that needs to be resolved.
- Given that Council has recently submitted a report to the Director General under s.68 of the former plan-making provisions, commencement of the planning proposal at s.57(8) is supported.
- There is still an outstanding issue with respect to aircraft noise, and recent advice from the Department of Defence that needs to be resolved by the Council for this LEP.

BACKGROUND

- The draft LEP was certified in 2006 and has been delayed pending the resolution of military aircraft noise impacts from the Williamstown RAAF Base.
- The planning proposal submitted in support of Council's request adequately addresses the requirements of the Department's *A Guide to Preparing Planning Proposals*.
- The resulting LEP would not be prepared in accordance with the *Standard Instrument Order 2006* as it would amend the Port Stephens LEP 2000.

Contact Officer: Trent Wink
Hunter & Central Coast Region
Phone: 49042716

Regional Director
Hunter & Central Coast



21/6/10

Deputy Director General

Plan Making & Urban Renewal (**As delegate of the Minister and the Director General**)



Executive Director
Planning Operations
18.6.10



Planning

Contact: Trent Wink
Phone (02) 49042700
Fax: (02) 49042701
Email: Trent.Wink@planning.nsw.gov.au

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

Our ref: 09/02710
Your ref: 9740-100

Dear Mr Gesling

**Pending LEP – Draft Port Stephens Local Environmental Plan 2010
Rees James Road (Amendment No.18)**

I refer to your letter dated 30 April 2010, requesting a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') for the draft Port Stephens LEP 2000 (Amendment No 18) that had previously been exhibited by Council.

I am writing to notify you that I have determined (as the delegate of the Director General) under clause 12(2) of the *Environmental Planning and Assessment Regulation 2000* that the former LEP plan-making provisions cease to apply to the draft LEP. The current provisions of Part 3 of the EP&A Act now apply.

Furthermore I have, as the delegate for the Minister for Planning, determined under clause 122 (2) of Schedule 6 to the EP&A Act to dispense with all the conditions precedent up to section 57(8) of the EP&A Act for the making of this draft LEP.

The Department acknowledges that there is still an outstanding issue of aircraft noise relating to this LEP, including recent advice from the Department of Defence, which Council will need to address before assessment of the plan can be finalised. This will require Council to provide a further submission to its s.68 submission that addresses aircraft noise, the suitability of the site for residential development and the relevant s.117 direction. This work will need to be completed so that any plan can be finalised within 6 months of the date of this letter.

Should you have any queries in regard to this matter, please contact Mr Trent Wink of the Department's Hunter & Central Coast Regional Team on 49042716.

Yours sincerely,

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
(as delegate of the Minister and the Director General)

21/6/10