



Mr Peter Gesling
General Manager
Port Stephens Council
PO Box 42
Raymond Terrace NSW 2324

10/23560

Dear Mr Gesling

**Pending LEP Draft Port Stephens Local Environmental Plan 2010
Kings Hill (Amendment No.1)**

I refer to your letter of 1 October 2010 requesting that the above draft LEP be converted into a planning proposal under the current Part 3 process.

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, as the delegate for the Minister for Planning, I have determined under clause 122 (2) of Schedule 6 to the EP&A Act to dispense with all the conditions precedent up to section 56(8) of the EP&A Act for the making of this draft LEP.

Commencement of the Planning Proposal at section 57(1) is supported. When Council receives the finalised Port Stephens Local Environmental Plan 2010 – Kings Hill North Raymond Terrace, the planning proposal should be made publicly available for 28 days, and the Department would encourage early commencement of the exhibition. Under section 57(2) of the Act, I am satisfied that the planning proposal is in a form that can be made publicly available for community consultation.

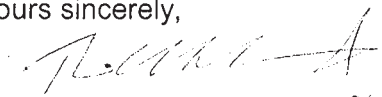
As agency consultation previously occurred under the former plan-making provisions, further agency consultation is not required.

Council is encouraged to finalise the Planning Proposal within 9 months of the week following the date of this letter. Council's request for the Department to draft and finalise the Planning Proposal should be made within 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 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 Mr Trent Wink of the Department's Hunter & Central Coast Regional Team on 49042700.

Yours sincerely,


Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

9/12/10