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Department Generated Correspondence (Y)

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Our ref: PP_2011_PORTS_003_00 (11/04242)
Your ref: PSC2010-01705

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

Dear Mr Gesling,

Re: Planning Proposal to rezone land at 343 Masonite Road, Heatherbrae from 7(c) Environmental Protection "A" zone to 4(a) Industrial General "A" Zone

I am writing in response to your Council's letter dated 1 march 2011 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 amend the Port Stephens Local Environmental Plan 2000 to rezone land being Part of Lot 99 DP 1092660 at 343 Masonite Road, Heatherbrae from 7(c) Environmental Protection "A" zone to 4(a) Industrial General "A" Zone.

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

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions, 2.1 Environment Protection Zones are of minor significance. No further approval is required in relation to this Direction.

However, in relation to the proposals inconsistencies with S117 Direction 5.1 Implementation of Regional Strategies, it is noted that the site is located within the Watagan Stockton Green Corridor as identified by the Lower Hunter Regional Strategy (LHRS), which prohibits industrial development. The LHRS, including mapping of the Green Corridor was adopted prior to the Finalisation of the F3 Freeway Corridor. Whilst it is recognised the rezoning may equate to a logical extension of the Industrial Zone to the north, the proposal remains inconsistent with the adopted Regional Strategy. The proposal is considered to have sufficient merit however, to proceed through Gateway at this stage. Subject to Council complying with the requirements of the Gateway Determination, the Director General's delegate has agreed that the proposals inconsistencies with S117 Direction 5.1 Implementation of Regional Strategies are of minor significance and no further approval is required at this time. However, the Minister may, at any time, alter a determination made under section 56 of the EP&A Act, following further consideration of the proposal within the context of the LHRS review.

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 within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (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 s54(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,

A handwritten signature in blue ink, appearing to read 'Tom Gellibrand', with a long horizontal stroke extending to the right.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

4/4/11

Gateway Determination

Planning Proposal (Department Ref: PP_2011_PORTS_003_00): to rezone land at 343 Masonite Road, Heatherbrae from 7(c) Environmental Protection "A" zone to 4(a) Industrial General "A" Zone

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Randwick Local Environmental Plan 2000 to rezone land being Part of Lot 99 DP 1092660 at 343 Masonite Road, Heatherbrae from 7(c) Environmental Protection "A" zone to 4(a) Industrial General "A" Zone should proceed subject to the following conditions:

1. Consultation with the Department of Environment, Climate Change and Water is to be undertaken to specifically determine the status of the site under the Lower Hunter Regional Conservation Plan and determine satisfactory arrangements to achieve an 'improve or maintain' outcome for biodiversity values, if required.
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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Environment, Climate Change and Water
 - Hunter Water Corporation
 - Roads and Traffic Authority

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

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

Dated

4th

day of

April

2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning