



Contact: Dylan Meade
Phone: (02) 4904 2700
Fax: (02) 4904 2701
Email: Dylan.Meade@planning.nsw.gov.au
Postal: PO Box 1226, Newcastle NSW 2300

Our ref: PP_2011_PORTS_006_00 (11/16850)

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

Dear Mr Gesling,

Re: Planning Proposal to insert an enabling clause for Lot 101 DP 880861 at 2 Keel Street, Salamander Bay to permit “medical centres” as a use permissible with consent

I am writing in response to your Council's letter 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 insert an enabling clause for Lot 101 DP 880861 at 2 Keel Street, Salamander Bay to permit “medical centres” as a use permissible with consent.

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

Generally, the Department does not support the use of a site specific enabling clause as the mechanism to achieve LEP amendments. In this particular circumstance, Council's concerns regarding the implications of a 3a Business 'A' zoning on the site are noted and there is considered to be merit in this planning proposal which will facilitate the provision of medical services to the growing and ageing population of Salamander Bay, on an appropriate site located adjacent to the Salamander Bay centre and in close proximity to public transport. However, Council is encouraged to ensure that the land is appropriately zoned in its Standard Instrument comprehensive LEP so that site specific provisions will not be required.

The planning proposal does not include consideration of applicable SEPPs. Council is to update the planning proposal prior to exhibition to incorporate an assessment of the relevant SEPPs.

It is noted that the 'Explanation of Provisions' section of the planning proposal has been drafted in the form of the written instrument. This section is to be re-worded to 'explain' in statement form how the objectives are to be achieved through the LEP amendment, in accordance with the Department's Guide to Preparing Planning Proposals. Council is to ensure the revision to the planning proposal is undertaken prior to the commencement of community consultation.

The Director General's delegate has determined that the planning proposal's inconsistency with S117 Directions 3.1 Residential Zones and 6.3 Site Specific Provisions is of minor significance considering the proposal is in line with the Lower Hunter Regional Strategy and involves the expansion of an existing professional consulting room to a medical centre.

The Director General's delegate has further agreed that the planning proposal is consistent with S117 Directions 3.4 Integrating Land Use and Transport, 5.1 Implementation of Regional Strategies and 6.1 Approval and Referral Requirements. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within **6 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 Dylan Meade of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,



11/10/11
Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_PORTS_006_00): to insert an enabling clause for Lot 101 DP 880861 at 2 Keel Street, Salamander Bay to permit "medical centres" as a use permissible with consent.

I, the Deputy Director General, Plan Making & Urban Renewal 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 2000 to insert an enabling clause for Lot 101 DP 880861 at 2 Keel Street, Salamander Bay to permit "medical centres" as a use permissible with consent should proceed subject to the following conditions:

1. Council is to update the planning proposal prior to exhibition to incorporate an assessment of the relevant SEPPs.
2. The 'Explanation of Provisions' section of the planning proposal is to be re-worded to 'explain' in statement form how the objectives are to be achieved through the LEP amendment prior to the commencement of community consultation.
3. 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)*.
4. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
5. 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).
6. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated

11th

day of

October

2011.



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