



Mr Wayne Wallis
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Our ref: PP_2015_PORTS_002_00 (15/04580)
Your ref: PSC2015-00671

Att: Ashley Richards

Dear Mr Wallis,

Planning Proposal to amend Port Stephens Local Environmental Plan 2013

I am writing in response to your Council's letter dated 5 March 2015 requesting an amendment under section 73A of the Environmental Planning and Assessment Act 1979 ("EP&A Act") to correct a zoning error and minimum lot size control on the subject site.

It has been determined that this is a minor amendment under section 73A of the EP&A Act and public exhibition and agency consultation is not required in this instance. .

The amending Local Environmental Plan (LEP) is to be finalised within 3 months of the week following the date of the Gateway determination. As it has been determined this is a minor amendment, the Department will commence drafting the instrument immediately. The regional office will remain your principal contact on this matter and will be able to advise on the progress of the draft LEP.

Should you have any questions regarding this matter, I have arranged for Paul Maher from the Hunter office to assist you. Mr Maher can be contacted on (02) 4904 2719.

Yours sincerely,

8 April 2015

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Gateway Determination

Planning Proposal (Department Ref: PP_2015_PORTS_002_00): to correct a zoning error and minimum lot size control on the subject site.

I, the General Manager, Hunter and Central Coast Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Port Stephens Local Environmental Plan (LEP) 2013 to correct a zoning error and minimum lot size control at 1141 Nelson Bay Road Fern Bay should proceed subject to the following conditions:

1. No community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act")
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
3. 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).
4. The timeframe for completing the LEP is to be **3 months** from the week following the date of the Gateway determination.

Dated 8th day of April 2015.



David Rowland
General Manager
Hunter and Central Coast Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Port Stephens Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2015_PORTS_002_00	Planning proposal to correct a zoning error and minimum lot size control on the subject site.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 8th April 2015

A handwritten signature in black ink, appearing to read "D. Rowland".

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services
Department of Planning and Environment