



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

Dear Mr Wallis

**Planning Proposal PP\_2017\_PORTS\_006\_00 to amend Port Stephens Local Environmental Plan 2013**

I am writing in response to Council's request for a Gateway determination under Section 73A of the *Environmental Planning and Assessment Act 1979* (the Act) on 16 November 2017 in respect of the Planning Proposal to adjust the zone boundary between E2 Environmental Conservation and SP2 Infrastructure: School / Child care centre zoned land and adjust the minimum lot size controls at 100 Salamander Way, Salamander Bay.

As delegate of the Minister for Planning, I have now determined the Planning Proposal should proceed subject to the conditions in the attached Gateway determination. In making this determination under section 56, I have decided to not support Council's request that the amendment be progressed under section 73A. A planning proposal should be prepared and the conditions of the determination satisfied before the plan may be finalised.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending LEP is to be finalised within 3 months of the date of the Gateway determination. As it has been determined that this is a minor amendment, Council is to request Parliamentary Counsel's Office commence drafting the instrument as soon as practicable. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Corrine Manyweathers to assist you. Ms Manyweathers can be contacted on (02) 4345 4404.

Yours sincerely



Robert Hodgkins  
**Acting Director Regions, Hunter  
Planning Services**

Encl: Gateway Determination  
Written Authorisation to Exercise Delegation  
Delegated Plan Making Reporting Template