



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

Att: Sarah Connell

Dear Mr Wallis

Planning proposal to amend Port Stephens Local Environmental Plan 2013

I refer to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") and additional information received on 2 November 2016 to reclassify land at 9B Diemars Road, 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.

Council may still need to obtain the agreement of the Secretary's delegate to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the department's practice note *PN09-003, Classification and reclassification of public land through a local environmental plan*.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 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 section 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, I have arranged for Ken Phelan from the Hunter office to assist you. Mr Phelan can be contacted on (02) 4904 2705.

Yours sincerely,

22/11/2016

Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services

Gateway Determination

Planning proposal (Department Ref: PP_2016_PORTS_007_00): to reclassify land at 9B Diemars Road, Salamander.

I, the Director Regions, Hunter and Central Coast at 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 reclassify land at 9B Diemars Road, Salamander should proceed subject to the following conditions:

1. Prior to exhibition Council is to update the Planning Proposal to reflect the additional relevant section 117 directions;

- Planning Direction 2.1 - Environment Protection Zones
- Planning Direction 4.3 - Flood Prone Land
- Planning Direction 4.4 - Planning for Bushfire Protection

2. Council is to co-exhibit with the Planning Proposal the Open Space Consolidation Review, undertaken in 2006, which provided the recommendation regarding the disposal of the land.

3. Prior to exhibition consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and amend the Planning Proposal to reflect their comments:

- NSW Department of Primary Industries (Fisheries) (Direction 1.4)
- NSW Rural Fire Service (Direction 4.4)

4. 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 a minimum of 14 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 5.5.2 of A Guide to Preparing LEPs (Planning & Infrastructure 2013).

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 **9 months** from the week following the date of the Gateway determination.

Dated 22nd day of November 2016.



Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning