

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

Dear Wayne Wallis

**Planning Proposal PP_2017_PORTS_003_00 to amend Port Stephens Council
Local Environmental Plan 2013**

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in respect of the Planning Proposal to rezone land at 111 South Street and 1C Sylvan Avenue. Meadowie from R2 to R5 and increase the minimum lot size from 450m² to 2000m².

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.

I have also agreed, as delegate of the Secretary, the Planning Proposal's inconsistencies with Section 117 Directions 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 4.1 Acid Sulfate Soils are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant Section 117 Directions 3.5. Development Near Licensed Aerodromes, 4.4 Planning for Bushfire Protection and 5.10 Implementation of Regional Plans. Council should ensure this occurs prior to community consultation.

Plan making powers were delegated to Councils by the Minister in October 2012. I have considered the nature of Council's planning proposal and have decided to not to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of

the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized, cursive script.

7/8/2017
Monica Gibson
**Director Regions, Hunter
Planning Services**

Encl: Gateway Determination