



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

Dear Mr Wallis

Planning proposal PP_2019_PORTS_005_00 to amend Port Stephen Local Environmental Plan 2013

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 23 March 2020 in respect of the planning proposal to rezone the subject land from RU2 Rural Landscape to B5 Business Development to enable bulky good retailing.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I note that the planning proposal is considered to have a minor inconsistency with section 9.1 directions 1.2 (Rural Zones) and 1.5 (Rural Lands). It is recommended that these directions are discussed with DPIE (Agricultural) as part of the consultation with public authorities/organisations prior to the inconsistency being agreed to by the Secretary.

On 17 April 2020, the Minister for Planning and Public Spaces approved the removal clause 6 from State Environmental Planning Policy 55 (Remediation of Land) and transfer the requirements to a section 9.1 direction 2.6 – Remediation of Contaminated Land. As such, the planning proposal should be updated prior to exhibition.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions:

- 1.2 Rural Zones,
- 1.3 Mining, Petroleum Production and Extractive Industries,
- 1.5 Rural Lands,
- 2.6 Remediation of Contaminated Land,
- 4.4 Planning for Bushfire Protection, and
- 5.10 Implementation of Regional Plans.

Council should ensure this occurs prior to the plan being made.


It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 12 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 six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

The NSW 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr James Shelton to assist you. Mr Shelton can be contacted on 4904 2713.

Yours sincerely



1/05/2020

Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Assessment

Encl: Gateway determination
Authorised plan-making reporting template