



Mr Wayne Wallis
General Manager
Port Stephens Council
PO Box 42
Raymond Terrace NSW 2324

Our ref: PP_2016_PORTS_006 (16/ 09034)
Your ref: xxxx

Att: Ms Jessica Franklin

Dear Mr Wallis,

S73A request to amend the Port Stephens LEP 2013 to update the cadastre for land at Kings Hill

I refer to Council's request of 30 June 2016 for a minor amendment to Port Stephens Local Environmental Plan (LEP) 2013 under section 73A of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

I have determined, as delegate of the Minister, under s.73A(1)(c) of the EP&A Act that this LEP amendment deals with matters that do not warrant compliance with the conditions precedent for the making of the amendment because they will not have any significant adverse impact on the environment or adjoining land. A public hearing, public exhibition and agency consultation are not required in this instance. Further, I have considered the nature of Council's section 73A application and I have decided to issue an authorisation to Council to exercise delegation to make the amending LEP.

The amending LEP is to be finalised within 3 months of the week following this letter. Council is to request Parliamentary Counsel's Office to commence drafting the instrument as soon as possible. A copy of the request should be forwarded to the Department for administrative purposes.

I note that the amendment relates to land that is the subject of two planning proposals that are with the Department for finalisation. These proposals have not been finalised at the request of Council due to outstanding rezoning fees. The proposals will need to be updated to reflect this amendment, and given the substantial amount of time that has passed, Council should consider finalising those components that can be completed at this point in time.

Attached for your assistance is a simplified guide to the plan making process and reporting requirements to ensure that the LEP Tracking System is kept updated.

Should you have any questions regarding this matter, I have arranged for Mr Ben Holmes from the Hunter office to assist you. Mr Holmes can be contacted on (02) 4904 2709.

Yours sincerely,

29/8/2016
Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services

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_2016_PORTS_006_00	Planning proposal to update the cadastre for land at Kings Hill

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 29th August 2016



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

Delegated plan making reporting requirements

(Attachment 5 from “A guide to preparing local environmental plans)

Notes:

- The department will fill in the details of Table 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the Department’s publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department with the RPA’s request to have the LEP notified

Table 1 – To be completed by the Department

Stage	Date/Details
Planning Proposal Number	PP_2016_PORTS_006_00
Date Sent to Department under s56	30 June 2016
Gateway determination date	29 August 2016

Table 2 – To be completed by the RPA

Stage	Date/Details
Dates draft LEP exhibited	
Date of public hearing (if held)	
Date sent to PCO seeking Opinion	
Date Opinion received	
Date Council Resolved to Adopt LEP	
Date LEP made by GM (or other) under delegation	
Date sent to Department requesting notification (hunter@planning.nsw.gov.au)	
Brief Description of Purpose of planning proposal	

Table 3 – To be completed by the Department

Stage	Date/Details
Notification Date and details	

Additional relevant information:

PLAN MAKING PROCESS POST GATEWAY – FOR DELEGATED MATTERS

1. Post Exhibition Review

- Any unresolved s117 directions must be finalised before progressing with LEP
- If planning proposal is revised, council is to email a copy of the revised proposal to the regional planning team - hunter@planning.nsw.gov.au under Section 58(2) of the Act prior to requesting LEP to be made.
- If changes to planning proposal are substantial then may no longer be authorised by the Gateway determination and a Gateway amendment may be required before LEP is made. Councils are encouraged to contact regional planning team to seek advice before finalising the LEP under delegation.

2. Legal Drafting of the LEP

- Council's request to draft and finalise the plans should be made as soon as possible to ensure timeframes are met. Council should upload the maps and GIS data directly to the department's portal site (<https://data.planningportal.nsw.gov.au/help>).
- Once uploaded Council should email hunter@planning.nsw.gov.au and advise maps are available for checking. Any questions about uploading can be directed to gis@planning.nsw.gov.au.
- Unless otherwise negotiated the department will only undertake a technical review of any maps, to ensure they comply with LEP mapping technical guidelines.
- No maps or mapping/GIS data is to be sent directly to PCO.
- The request for legal drafting should be send to PCO at parliamentary.counsel@pco.nsw.gov.au including the planning proposal, a copy of the gateway determination and details of any change to the proposal arising from the gateway determination. The name and contact details of the council contact officer should also be supplied.
- A copy of the request to PCO should also be forwarded to the department for administrative purposes only – hunter@planning.nsw.gov.au

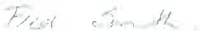
3. Making of the draft LEP s59

- Council's delegate resolves to finalise the LEP by signing the instrument (see example below).
- If council's delegate decides not to make plan or defer a matter, council should liaise with regional team for assistance.
- Council must also notify PCO if plan not proceeding

4. Notification of LEP

- Council advises and requests the department to make the plan, email request to hunter@planning.nsw.gov.au and the following documents to be provided for notification
 1. Signed LEP - which includes full name of LEP and PCO file reference
 2. Signed map cover sheet and associated maps,
 3. Name and position of the delegate who signed the LEP and date,
 4. Completed Attachment 5 - delegated plan making reporting template,
 5. Copy of council's assessment (s 59 report) which is usually the council report/minutes
 6. PC opinion
- Request to hunter@planning.nsw.gov.au by Tuesday of the week will enable notification by Friday.

Example of signature front page


Fred Smith General Manager
As delegate for the Minister for Planning 12/12/14