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Our ref: PP_2012_PORTS_004_00 (10/09511)
Your ref:

Mr Peter Gesling
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Dear Mr Gesling,

Planning Proposal to rezone land at Wattle and Holdom Roads, Karuah from 1(a) Rural Agriculture to part 2(a) Residential and part 7(a) Environmental Protection.

I am writing in response to your Council's letter requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Port Stephens Local Environmental Plan 2000 to rezone land at Wattle and Holdom Roads, Karuah from 1(a) Rural Agriculture to part 2(a) Residential and part 7(a) Environmental Protection.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is noted that the draft Port Stephens LEP 2012 is progressing and depending on timing the planning proposal may need to amend Council's Standard Instrument LEP should this be finalised ahead of the subject amendment. Therefore, the planning proposal needs to proceed as an amendment to the current Port Stephens LEP 2000 and the draft Port Stephens LEP 2012. Council needs to liaise with the Department's Regional Team in relation to how the planning proposal will amend either instrument. Council needs to amend the planning proposal accordingly prior to finalisation.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 3.2 Caravan Parks and Manufactured Home Estates are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. Council's request for the Department to draft and finalise the LEP should be made six (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 s54(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, please contact Dylan Meade of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'SHaddad' with a horizontal line underneath the 'd'.

Sam Haddad
Director-General

27/6/2012.

Gateway Determination

Planning Proposal (Department Ref: PP_2012_PORTS_004_00): to rezone land at Wattle and Holdom Roads, Karuah from 1(a) Rural Agriculture to part 2(a) Residential and part 7(a) Environmental Protection.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Port Stephens Local Environmental Plan 2000 to rezone land at Wattle and Holdom Roads, Karuah from 1(a) Rural Agriculture to part 2(a) Residential and part 7(a) Environmental Protection should proceed subject to the following conditions:

1. The planning proposal is to proceed as an amendment to the current Port Stephens LEP 2000 and the draft Port Stephens LEP 2012, to ensure the planning proposal can proceed despite the timing of Council's Standard Instrument LEP. Council is to amend the planning proposal accordingly and provide a copy to the Department's Regional Team prior to finalisation.
2. No community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act").
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
4. Despite the requirements of Condition 2 above, Council is to continue discussions with the Office of Environment and Heritage regarding the processing of the Conservation Agreement for the site.
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 **12 months** from the week following the date of the Gateway determination.

Dated

27th

day of

June

2012.



Sam Haddad
Director-General

**Delegate of the Minister for Planning and
Infrastructure**