



Planning

Mr Peter Gesling
General Manager
Port Stephens Council
PO Box 42
Raymond Terrace NSW 2324

10/23764

Dear Mr Gesling

**PENDING LEP: DRAFT PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000
(MEDOWIE HARDWARE) NO. 35 FERODALE ROAD, MEDOWIE**

I refer to your letter of 1 October 2010 requesting that the above draft Local Environmental Plan (LEP) be converted into a planning proposal under the current Part 3 process.

I am writing to notify you that I have determined, as the delegate of the Director General, that the former LEP plan-making provisions will continue to apply to the draft LEP and the plan will not be transitioned into the current Part 3 Provisions. Accordingly, the draft LEP will lapse on 1 January 2011.

On 22 July 2009, the Director General issued a written authorisation to proceed with this draft LEP but advised Council to consider incorporating this spot rezoning into its Comprehensive LEP. Council advises that this has been done and its Comprehensive LEP is expected to be completed towards the end of 2011.

In the circumstances, the Department does not support Council's request to transition this draft LEP into the current provisions of Part 3 of the EP&A Act. In making this decision, consideration was given to the fact that the existing enabling clause under the Port Stephens LEP 2000 permits the continued operation or possible expansion of the existing hardware store.

Should you have any queries in regard to this matter, please contact Mr Trent Wink of the Department's Hunter & Central Coast Regional Team on 49042700.

Yours sincerely,

Tom Gellibrand 10/12/10
Deputy Director General
Plan Making & Urban Renewal
(as delegate of the Director General)