



Planning & Infrastructure

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

Our ref: PP_2012_PORTS_008_00 (11/09793)
 Your ref: PSC2006-6662

Dear Mr Gesling,

Planning proposal to amend the Port Stephens Local Environmental Plan (LEP) (Kings Hill, North Raymond Terrace) 2010

I am writing in response to your Council's letter dated 8 November 2011 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 (LEP) (Kings Hill, North Raymond Terrace) 2010 to permit flood mitigation works, roads, sewerage systems and water supply systems in zone E2 Environmental Conservation.

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.

The Department notes that a Gateway determination is also being provided for planning proposal PP_2012_PORTS_009_00, which also amends the Port Stephens LEP (Kings Hill, North Raymond Terrace) 2010. Council should consider consolidating these two planning proposals to reduce the number of planning proposal applicable to the area.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible following agency consultation. 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 Monica Gibson of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,


Sam Haddad
 Director-General

6/8/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_PORTS_008_00): to amend the Port Stephens LEP (Kings Hill, North Raymond Terrace) 2010 to permit additional uses in zone E2 Environmental Conservation.

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 (LEP) (Kings Hill, North Raymond Terrace) 2010 to permit flood mitigation works, roads, sewerage systems and water supply systems in zone E2 Environmental Conservation should proceed subject to the following conditions:

1. Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments prior to undertaking exhibition of the planning proposal.
2. Council should exhibit the planning proposal with sufficient information and maps to inform the community on how the proposal will amend both Port Stephens LEP (Kings Hill, North Raymond Terrace) 2010 and draft Port Stephens LEP 2012.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 Days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - NSW Rural Fire Service
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 **9 months** from the week following the date of the Gateway determination.

Dated 6th day of August 2012.


Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure