



Contact: Garry Forster
Phone: (02) 4904 2700
Fax: (02) 4904 2701
Email: Garry.Forster@planning.nsw.gov.au
Postal: PO Box 1226, Newcastle NSW 2300

Our ref: PP_2010_PORTS_001_00 (10/07888)
Your ref: 2008-3522

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

Dear Mr Gesling,

Re: Planning Proposal – 2010 Review of the Port Stephens LEP 2000

I am writing in response to your Council's letter dated 31 March 2010 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal for various amendments to the Port Stephens Local Environmental Plan 2000.

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

It should be noted that the proposed rezoning of Lot 1 DP 874513, William Street, Raymond Terrace from 3(a) General Business to 5(c) Proposed Road, has been removed from the planning proposal. This alteration has been made in view of the fact that the 5(c) zone under Port Stephens LEP 2000 identifies the Roads and Traffic Authority as responsible for the acquisition of proposed roads. This is not appropriate in relation to the William Street site and it is understood this is not Council's intention.

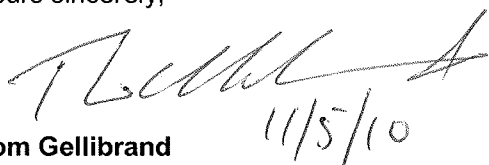
The Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

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 within four (4) weeks from the week following this 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 Garry Forster of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_PORTS_001_00): various amendments to the Port Stephens Local Environmental Plan 2000 as follows:

- Alter the Heritage Conservation Area boundary;
- Include Farm Silo Steel Street Williamstown as a heritage item of local significance;
- Undertake a general administrative update of Schedule 2 of LEP 2000 to reflect changes to lot numbers, deposited plans etc and bring the Schedule into the Standard Instrument format;
- Undertake minor addition to Schedule 3 Exempt development;
- Rezoning of Lot 1 DP 874513, 51 William Street Raymond Terrace; and
- Rezone and reclassify part of Lot 61 DP 24364 Johnson Avenue Karuah from Residential 2(a) to Public Open Space 6(a).

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Port Stephens Local Environmental Plan 2000 for various housekeeping amendments as listed above should proceed subject to the following conditions:

1. Removal of the proposed rezoning of Lot 1 DP 874513, William Street, Raymond Terrace from 3(a) General Business to 5(c) Proposed Road.
2. 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 **28 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)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Environment, Climate Change & Water
 - Hunter Water Corporation

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

11th

day of

May

2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning