



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

Our ref: PP_2012_PORTS_005_00 (12/05968)
Your ref: PSC2006-0191

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

Dear Mr Gesling,

Planning Proposal to amend the Port Stephens LEP (Kings Hill, North Raymond Terrace) 2010 and the Port Stephens LEP 2000

I am writing in response to your Council's letter dated 26 March 2012 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 rezone land between Newline Road and Williams River, Kings Hill from 1(a) Rural Agriculture under the Port Stephens LEP 2000 to E2 Environmental Conservation and E4 Environmental Living under the Port Stephens LEP (Kings Hill, North Raymond Terrace) 2010, to add the E4 Environmental Living zone and amend certain development controls and LEP maps.

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.

I have agreed that the planning proposal's inconsistencies with S117 Directions 1.5 Rural Lands, 3.2 Caravan Parks and Manufactured Home Estates, 4.1 Acid Sulfate Soils, 5.1 Implementation of Regional Strategies and 6.3 Site Specific Provisions 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 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 Monica Gibson of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,

SH Haddad

Sam Haddad
Director-General

24/7/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_PORTS_005_00): to rezone land between Newline Road and Williams River, Kings Hill from 1(a) Rural Agriculture under the Port Stephens LEP 2000 to E2 Environmental Conservation and E4 Environmental Living under the Port Stephens LEP (Kings Hill, North Raymond Terrace) 2010, to add the E4 Environmental Living zone and amend certain development controls and LEP maps

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 rezone land between Newline Road and Williams River, Kings Hill from 1(a) Rural Agriculture under the Port Stephens LEP 2000 to E2 Environmental Conservation and E4 Environmental Living under the Port Stephens LEP (Kings Hill, North Raymond Terrace) 2010, to add the E4 Environmental Living zone and amend certain development controls and LEP maps should proceed subject to the following conditions:

1. 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 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)*.
2. Council is to consult with the Commissioner of the NSW Rural Fire Service, prior to the commencement of community consultation. Council is to take into account any comments made and amend the planning proposal (if necessary) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Department of Primary Industries (Minerals and Petroleum)
 - NSW Rural Fire Service
 - Local Aboriginal Land Council
 - Office of Environment and Heritage
 - Environment Protection Agency

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. 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).



Planning & Infrastructure

5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

24th day of

July

2012.

SHaddad

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