



Planning

COPY

10/23493

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

Dear Mr Gesling

Pending LEP – Draft Port Stephens Local Environmental Plan 2000 Medowie Road, Medowie.

I refer to your letter of 1 October 2010 requesting that the above draft 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, under clause 12(2) of the *Environmental Planning and Assessment Regulation 2000* that the former LEP plan-making provisions cease to apply to the draft LEP. The current provisions of Part 3 of the *Environmental Planning and Assessment Act 1979* ('the Act') now apply.

Furthermore I have, as the delegate of the Minister for Planning, determined under clause 122(2) of Schedule 6 to the Act, to dispense with the conditions precedent to the making of an environmental planning instrument to 57(1) of the Act.

The planning proposal is to be publicly exhibited for 28 days to carry out community consultation.

It is acknowledged that agency consultation previously occurred under the former plan-making provisions. However, it is recommended that consultation with the Department of Environment, Climate Change and Water, Roads & Traffic Authority & NSW Office of Water occur as it is proposed to remove half of the site from the Planning Proposal. Removing the western portion of the site may alter advice previously given by Government agencies.

Please liaise with the Newcastle Regional Office on appropriate provisions for the purpose of State public infrastructure. Additionally, Council needs liaise with the Regional Office to determine the adequacy of mapping prior to exhibition of the Planning Proposal.

Council is required to obtain the Director- General's approval for inconsistencies with s117 Directions 1.2 Rural Zones and 1.5 Rural Lands prior to making the Planning Proposal.

Council is encouraged to finalise the Planning Proposal within 9 months of the week following the date of this letter. Council's request for the Department to draft and finalise the Planning Proposal should be made within 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 section 54(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 Mr Paul Maher of the Department's Hunter & Central Coast Regional Team on 49042700.

Yours sincerely,



Neil McGaffin

Acting Deputy Director General

Plan Making & Urban Renewal

(as delegate of the Minister and Director General)

23.12.10.