



Mr Wayne Wallis
General Manager
Port Stephens Council
PO Box 42
Raymond Terrace NSW 2324

Attn: Mia Gallaway

Dear Mr Wallis

Planning proposal PP_2021_3299 to amend *Port Stephens Local Environmental Plan 2013*

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone the site from B1 Neighbourhood Centre to R2 Low Density Residential, introduce a minimum lot size of 500 square metres, and amend the height of buildings from 8 to 9 metres.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Ministerial direction 1.1 Business and Industrial Zones is minor and justified in accordance with the terms of the direction. No further approval is required in relation to this direction.

Consistency with section 9.1 Ministerial direction 4.4 Planning for Bushfire Protection is unresolved and will require consultation with the NSW Rural Fire Service. Council may still need to obtain the agreement of the Secretary to comply with the requirements of the direction. Council should ensure this occurs prior to public exhibition.

Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

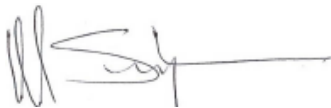
The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should commence the exhibition of the planning proposal by 1 December 2021.

Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

The NSW 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Tegan Harris, Planning Officer, Central Coast and Hunter Region to assist you. Ms Harris can be contacted on 4927 3241.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dan Simpkins', with a long horizontal line extending to the right.

06/08/2021

Dan Simpkins

**Director, Central Coast and Hunter Region
Planning and Assessment**

Encl: Gateway determination
Authorised plan-making reporting template