

Gateway Determination

Planning proposal (Department Ref: PP_2019_PORTS_006_00): to recognise the existing approved caravan park, permit its expansion and two lot subdivision at 70, 70A, 70B & 70C Latitude Drive and 4473 Nelson Bay Road, Anna Bay.

I, the Director, Central Coast and Hunter Region, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Port Stephens Local Environmental Plan (LEP) 2013 should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is to amend the planning proposal as follows:
 - a) update the relevant sections after completing the supporting technical studies, such as flora and fauna, contamination, flooding, bushfire and acid sulfate soils assessments;
 - b) update Table 4 the assessment of relevant Statement Environmental Planning Policies (SEPP) to update the considerations of SEPP 55 (clause 6) and SEPP (Rural Lands), which no longer exists;
 - c) update Table 5 the assessment of the section 9.1 Directions to:
 - a. justify the inconsistency with Directions 1.2 Rural Zones and 1.5 Rural Lands and note that this has been approved by the Minister's delegate, and
 - b. address the new Direction 2.6 Remediation of Contaminated Land; and
 - d) include a copy of the vegetation management plan prepared for the approved caravan park before the commencement of works, as required by condition No.43.6.
2. The expansion of the caravan park requires the removal of preferred koala habitat. An environmental outcome needs to be identified in consultation with Biodiversity Conservation Division, the Central Coast and Hunter Team and Council before commencing community consultation. Council is to consider the replanting of Koala feed trees to establish a linkage between the expansion of the caravan park (eastern boundary) and the proposed rural residential allotment and zoning the environmental sensitive lands to E2 Environmental Protection.


3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and to comply with the requirements of relevant section 9.1 Directions:
 - Department of Planning, Industry and Environment (Biodiversity Conservation Division)
 - Department of Planning, Industry and Environment (Geoscience Division)
 - NSW Rural Fire Service
 - Transport NSW
 - Worimi Local Aboriginal Land Council.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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 planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.

7. The time frame for completing the LEP is to be **18 months** following the date of the Gateway determination.

Dated 11th day of May 2020.

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

Dan Simpkins
Director, Central Coast and Hunter
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces