



Mr Wayne Wallis
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Dear Mr Wallis

Planning proposal PP_2019_PORTS_006_00 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) and additional information received on 16 April 2020 in respect of the planning proposal to recognise the existing approved caravan park, permit its expansion and two lot subdivision at No. 70, 70A, 70B & 70C Latitude Drive and 4473 Nelson Bay Road, Anna Bay.

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

The planning proposal's proposed expansion of the caravan park requires the removal of preferred koala habitat. Consultation needs to be undertaken with the Department of Planning, Industry and Environment prior to community consultation on identifying an appropriate environmental outcome in this circumstance. This includes consideration of supplementary replanting of feed trees and zoning the environmental sensitive lands to E2 Environmental Protection. We would be happy to help organise the consultation with the relevant divisions of the Department.

The existing development approval (as modified) for the caravan park required buffers to the surrounding properties and the preparation of a vegetation management plan before the commencement of work. The details of the vegetation management plan be included as part of the planning proposal.

I have agreed, as delegate of the Secretary, the planning proposal's inconsistencies are justified with the following section 9.1 Directions: 1.2 Rural Zones, and 1.5 Rural Lands. The inconsistencies with these Directions are considered of minor significance as the existing development approval requires a 30 meter buffer be maintained on the western boundary and the impacts of previous sand mining on agricultural potential. In the circumstances, consultation with the Department of Primary Industries is not required.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions:

- 1.3 Mining, Petroleum Production and Extractive Industries,
- 2.1 Environmental Protection Zones,
- 2.3 Heritage Conservation,
- 2.6 Remediation of Contaminated Lands, and
- 4.4 Planning for Bushfire Protection.

Council should ensure this occurs prior to the plan being made.

It is noted that 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.

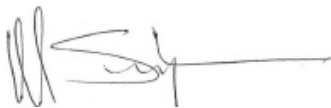
The amending local environmental plan (LEP) is to be finalised within 18 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as it negotiates the environment outcome with the Department and the Biodiversity Conservation Division.

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 further enquiries about this matter, I have arranged for Mr Trent Wink to assist you. Mr Wink can be contacted on 02 4904 2716.

Yours sincerely



11/05/2020

Dan Simpkins
Director, Central Coast and Hunter
Planning and Assessment

Encl: Gateway determination
Local plan-making authority reporting template