



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

Dear Mr Wallis

**Planning proposal PP-2021-4405 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 above planning proposal.

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

The planning proposal will need to be updated to amend the wording of additional proposed objective to read "to facilitate a variety of tourist and visitor land uses that complement and promote a stronger rural sector appropriate for the area". This would be consistent with the actions in the *Hunter Regional Plan 2036*, *Greater Newcastle Metropolitan Plan 2036* and Council's Local Strategic Planning Statement.

The planning proposal will also need to clarify the increased floor area for home businesses and home industries applies only to the RU1 Primary Production and RU2 Rural Landscape zones. Currently, these uses are also permissible with consent in the RU5 Village zone.

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

- 1.5 Rural Lands;
- 2.2 Coastal Management;
- 2.6 Remediation of Contaminated Land;
- 4.1 Acid Sulfate Soils;
- 4.3 Flooding; and
- 4.4 Planning for Bushfire Protection.

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

Given the planning proposal seeks to make mortuaries permissible with consent in the RU2 Rural Landscape zone, consultation should be undertaken with Health NSW to determine appropriateness with Part 8 of the *Public Health Regulation 2012*.

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 exhibited by 1 April 2021 and finalised within 9 months of the date of the Gateway determination. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office eight 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 Mr Glenn Horal, Senior Planning Officer, Central Coast and Hunter Region to assist you. Mr Horal can be contacted on 4345 4409.

Yours sincerely



**20/10/2021**  
**Dan Simpkins**  
**Director, Central Coast and Hunter Region**  
**Planning and Assessment**

Encl: Gateway determination  
Authorised plan-making reporting template