



Gateway Determination

Planning proposal (Department Ref: PP_2020_PORTS_005_00): to rezone land and amend development standards to enable rural residential subdivision and housing at 610 Seaham Road, Nelsons Plains.

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 2013* should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to community consultation to:
 - (a) incorporate a 2 hectare minimum lot size;
 - (b) identify in the explanation of provisions that Map Sheets LZN_001C and LSZ_001C will also be amended; and
 - (c) include an updated assessment against the *State Environmental Planning Policy (Koala Habitat Protection) 2019*.
2. 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**;
 - (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); and
 - (c) public exhibition is to commence **by 1 December 2021**.
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Ministerial directions:
 - Department of Primary Industries;
 - Biodiversity and Conservation Division;
 - NSW Rural Fire Service;
 - Hunter Water Corporation;
 - Worimi Local Aboriginal Land Council; and
 - Newcastle Airport, Civil Aviation and Safety Authority (CASA) and Commonwealth Department of Defence.

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.

4. A public hearing is required to be held into the matter by Port Stephens Council under section 3.34(2)(e) of the Act following community consultation.
5. The time frame for completing the LEP is **14 months** following the date of the Gateway determination.

Dated 12th day of April 2021.

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

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

Delegate of the Minister for Planning and
Public Spaces