

Mr Daniel Simpkins
Regional Director
NSW Department of Planning, Industry and Environment
PO Box 1226
Newcastle NSW 2300

Attention: Ms Caitlin Elliot

Dear Sir,

Re: Planning proposal PP_2015_PORTS_003_00 – Water storage facilities as exempt development in the RU1 Primary Production and RU2 Rural Landscape zones

I refer to the previous correspondence received from the then NSW Department of Planning & Environment dated 3 March 2016 (Department) in relation to the above planning proposal (attached).

The correspondence refers to advice received from the then NSW Office of Environment and Heritage (now Environment, Energy and Science) that the planning proposal would not be supported and concludes that the Department is of the view that enabling water storage facilities as exempt development “would not be appropriate in the Port Stephens context”.

The advice attached from the then NSW Office of Environment and Heritage states that local provisions for assessing water storage facilities as either exempt or complying development would not be supported and a State wide approach to facilitating the streamlined assessment of this type of development is preferred. Despite this, the correspondence from the Department suggests Council investigate local complying development provisions for water storage facilities in rural zones.

Since Council received this correspondence, the *State Environmental Planning Policy (Primary Production and Rural Development) 2019* was prepared to provide for streamlined assessment of farm dams and other small-scale and low risk artificial water bodies.

Given the outstanding agency objection and the recent legislative changes, it is requested that the Gateway determination be altered in accordance with Section 3.34 (7) of the *Environmental Planning and Assessment Act 1979*. Please contact me on 4988 0293 should you require any further information on this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Liz Lamb'.

Liz Lamb
Strategic Planning Coordinator

7 July 2020

Please quote file no: 58-2015-4-1