

Gateway Determination

Planning proposal (Department Ref: PP-2022-3959): Creation of additional permitted uses.


I, the Director, Central Coast and Hunter at the Department of Planning 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* to amend Schedule 1 should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to consultation to:
 - (a) remove assessment against the Hunter Regional Plan 2036 and replace it with assessment against the *Hunter Regional Plan 2041*; and
 - (b) demonstrate there are appropriate arrangements for shelter-in-place and evacuation in a probable maximum flood event in consideration of the draft shelter-in-place guideline.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (c) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 30 days;
 - (d) 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021); and
 - (e) exhibition must commence within 4 months following the date of the Gateway determination.
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - NSW Rural Fire Service;
 - Transport NSW;
 - Biodiversity Conservation Division;
 - NSW State Emergency Services; and
 - Worimi Local Aboriginal Land Council.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

4. 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).
5. The Council as planning proposal authority planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The LEP should be completed on or before 8 May 2024.

Dated 3 day of May 2023.



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

Delegate of the Minister for Planning and
Public Spaces