

Gateway Determination

Planning proposal (Department Ref: PP-2023-2568): insert coastal risk planning clause and maps

I, the Director, Central Coast and Hunter at the Department of Planning, Housing and Infrastructure, 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 insert a coastal risk planning clause and maps should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to public exhibition to:
 - (a) refer to the Coastal Design Guideline 2023 and include a completed assessment per Appendix 1 of the guide;
 - (b) amend the explanation of provisions to define dune transgression as a coastal process being a form of major sand drift as defined under the Coastal Management Glossary 2018;
 - (c) include separate coastal risk planning maps for coastal hazards and for dune transgression, noting land affected by either map would be subject to the coastal risk planning provisions;
 - (d) ensure the coastal risk planning map affected by dune transgression shows the current and future areas of projected impact to the year 2070;
 - (e) extend seaward the dune transgression map to ensure the central portion of the beach is incorporated;
 - (f) reduce the dune transgression landward extent to show the projected impact to the year 2070; and
 - (g) insert areas of coastal inundation predominantly located along the rocky shorelines region.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2023) and must be made publicly available for a minimum of 30 working 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2023); and
 - (c) exhibition must commence within two months following the date of the Gateway determination.

3. Consultation is required with the Department of Climate Change, Energy, the Environment and Water 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.

The department 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 working 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.
5. The local environmental plan should be completed prior to 18 February 2025.

Dated 23 day of February 2024.



Dan Simpkins
Director, Central Coast and Hunter
Planning, Land Use, Strategy and Housing
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces