

## Gateway Determination

**Planning proposal (Department Ref: PP\_2021\_3299):** to rezone the site to enable residential development.

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* to rezone the site from B1 Neighbourhood Centre to R2 Low Density Residential, introduce a minimum lot size of 500 square metres, and amend the height of buildings from 8 to 9 metres should proceed subject to the following conditions:

1. 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 **14 days**; and
  - (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**.
2. Consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Ministerial direction. The public authority 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.
3. 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).
4. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the 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 section 9.1 Ministerial directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.

5. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 6<sup>th</sup> day of August 2021

A handwritten signature in black ink, appearing to read 'Dan Simpkins', with a long horizontal stroke 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**