

Gateway Determination

Planning proposal (Department Ref: PP_2020_PORTS_001_00): to rezone the site to enable the creation of a neighbourhood supermarket and centre.

I, the Director, Central Coast and Hunter Region, 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 RU2 Rural Landscape to B1 Neighbourhood Centre and E2 Environmental Conservation to enable the creation of a neighbourhood supermarket and centre should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Prior to public exhibition, the planning proposal should be updated to identify if the proposed local provision limiting the retail gross floor area intends to refer to the 'neighbourhood supermarket' definition under clause 5.4 of the *Port Stephens Local Environment Plan 2013*.
3. Update the planning proposal to include:
 - a. biodiversity development assessment report;
 - b. traffic impact assessment;
 - c. acid sulfate soils study;
 - d. bushfire risk assessment; and
 - e. flood and drainage study to assess the impact of the proposed fill on flood heights and characteristics in the flood catchment and potential impacts on the Hunter Wetlands National Park.
4. 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**; 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).
5. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and to comply with the requirements of relevant section 9.1 Directions:
 - NSW Rural Fire Service;

- Department of Primary Industries;
- Transport for NSW;
- Biodiversity Conservation Division; and
- Worimi Aboriginal Land Council.

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.

6. 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).
7. The time frame for completing the LEP is to be **24 months** following the date of the Gateway determination.

Dated 12th day of October 2020.



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