



Mr Wayne Wallis
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Dear Mr Wallis

Planning proposal PP_2020_PORTS_002_00 to amend *Port Stephens Local Environmental Plan 2013*

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act), and additional information of 10 November 2020, in respect of the above planning proposal.

It is recognised the site is identified in the *Raymond Terrace and Heatherbrae Strategy 2015-2031* as a catalyst site, and this is the basis of the intention for rezoning the land to commercial uses. It is also the last remaining catalyst site identified in the strategy that is not already zoned for commercial uses.

I understand in line with Direction 2.3 of the *Raymond Terrace and Heatherbrae Strategy 2015-2031*, Council sold its ownership of the site in 2015.

The *Raymond Terrace and Heatherbrae Strategy 2015-2031* identified there was sufficient commercial lands in Raymond Terrace and included actions to monitor and review the supply of B3 Commercial Core lands annually. I understand the strategy also stated that after three years, the actions will be reviewed and development of new actions may occur to achieve the goals and overall vision for Raymond Terrace.

A review of either the supply of B3 Commercial Core lands or the *Raymond Terrace and Heatherbrae Strategy 2015-2031* should occur prior to progressing with the planning proposal. As the proposed rezoning will create a pocket of B3 Commercial Core separated from rest of the B3 Commercial Core, it is appropriate for either review to consider the merits of including surrounding sites in the planning proposal.

The review will inform consideration of section 9.1 Ministerial direction 1.1 Business and Industrial Zones, which states that proposed new employment areas are to be in accordance with a strategy that is approved by the Secretary of the Department. Inconsistency with this direction can be justified by: a study prepared in support of the planning proposal; it being in accordance with the relevant regional plan or sub-regional strategy; or the inconsistency being of minor significance.

The site is identified as flood prone land and is categorised as being a high hazard floodway by the *Williamstown/Salt Ash Floodplain Risk Management Study and Plan 2017*, which was prepared subsequently to the *Raymond Terrace and Heatherbrae Strategy 2015-2031*. The site is also identified on the coastal environmental area map and coastal uses map under *State Environmental Planning Policy (Coastal Management) 2018*.

These issues are particularly important in consideration of Action 14.1 in the *Greater Newcastle Metropolitan Plan 2036*, which sets out principles for land use planning and development assessment decisions that:

- employ risk-responsive land use controls so that new development does not occur in high risk areas; and
- ensure coastal dependent development mitigates natural hazards and incorporates resilience measures that have triple bottom line benefits.

In line with this, the Port Stephens Local Strategic Planning Statement states Council will assess rezoning requests for consistency with environmental, sustainability and risk management directions in local, regional and state planning frameworks.


There is a need to complete the technical investigations on flooding foreshadowed in the planning proposal prior to proceeding to the next step. This will enable consideration of the strategic merits of the planning proposal against State Environmental Planning Policies, section 9.1 Ministerial directions (including 2.2 Coastal Management and 4.3 Flood Prone Land) and the *Greater Newcastle Metropolitan Plan 2036*.

The above matters were not adequately addressed in the planning proposal submitted to the Department. As such, I have determined as the delegate of the Minister for Planning and Public Spaces the planning proposal should be resubmitted when matters outlined in the enclosed Gateway determination have been addressed.

If the planning proposal is not resubmitted and considered adequate before the timeframe in the enclosed Gateway determination, it will be deemed as withdrawn.

Should you have any enquiries about this matter, I have arranged for Mr Glenn Horal, Senior Planning Officer, Central Coast and Hunter to assist you. Mr Horal can be contacted on 4345 4409.

Yours sincerely



01/02/2021

Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Assessment

Encl: Gateway determination