

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2012_PORTS_010_00)

I, the Acting Director Regions, Hunter, at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 5 December 2012 (as since altered) for the proposed amendment to the Port Stephens Local Environmental Plan 2013 as follows:

1. Change the description of the planning proposal in paragraph 1

from to amend either Port Stephens Local Environmental Plan 2000 or draft Port Stephens Local Environmental Plan 2012 to rezone land for residential development and environmental protection purposes.

to to amend the Port Stephens Local Environmental Plan 2013 to rezone land for residential and environmental purposes.

2. Delete

paragraph 2:

“I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to rezone land at Lot 3452 DP 1044499, Lot 3551 DP 622263 and Lot 392 DP 753204, Nelson Bay Road, Nelson Bay from 1(a) Rural Agriculture to 2(a) Residential and 7(a) Environmental Protection under Port Stephens Local Environmental Plan (LEP) 2000 or R2 Low Density Residential and E2 Environmental Conservation under draft Port Stephens LEP 2012 should proceed subject to the following conditions:”

and replace with a new paragraph 2:

I, the Acting Director Regions, Hunter at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 (LEP) 2013 to rezone land at Lot 3542 DP 1044499, Lot 3551 DP 622263 and Lot 392 DP 753204, Nelson Bay Road, Nelson Bay for residential and environmental purposes should proceed subject to the following conditions:

3. Delete:

“condition 1”

and replace with:

a new condition 1:

“ Prior to commencing public exhibition, Council is to:

- (a) amend the planning proposal to provide information on how infrastructure will be provided to the site and detail how Council intends for infrastructure to be funded,
- (b) amend the planning proposal to include maps which clearly identify the intended zones proposed for the site. Exhibition material should refer to the Port Stephens LEP 2013, and be prepared to an appropriate scale and clearly identify the subject land, and
- (c) undertake further assessment of the impacts of the proposed rezoning on flora, fauna, bushfire protection, the Tomaree aquifer hydrogeology, and the suitability of the site for residential development.”

4. Delete:

“condition 7”

and replace with:

a new condition 7 “The time frame for completing the LEP is by 12 July 2019.”

Dated

28th day of June

2018.



Katrine O'Flaherty
Acting Director Regions, Hunter
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning