

Gateway Determination

Planning proposal (Department Ref: PP_2018_PORTS_002_00): to enable the development for rural residential purposes and to protect and conserve areas of ecological value.

I, the Executive Director, Regions at the Department of Planning 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 (LEP) 2013 to enable the development for rural residential purposes and to protect and conserve areas of ecological value should proceed subject to the following conditions:

1. Council is to update the planning proposal with the following information and forward it to the Department for review prior to public exhibition:
 - a) a precinct plan prepared for the Fullerton Cove area as defined in Figure 6 of the Gateway determination report which address the following and identifies how the site is to contribute:
 - i. settlement pattern;
 - ii. developable and infill areas;
 - iii. connectivity (transport, habitat); and
 - iv. open space/ community facilities.
 - b) contamination analysis including referral to and advice from the Environment Protection Authority and NSW Health. This includes the consideration of contamination due to past site activities and PFAS;
 - c) analysis regarding potential land use conflict with the Stockton Sand Quarry, including the consideration of impacts associated with the proposed expansion of extraction activities on that site (refer SSD 18_9490); and
 - d) an assessment of consistency with the Williamtown Salt Ash Floodplain Risk Management Plan (2017).
2. 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

3. Consultation is required with the following public authorities and / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- Environment Protection Authority
- Office of Environment and Heritage
- NSW Health
- NSW State Emergency Services
- Worimi Aboriginal Land Council
- Roads and Maritime Services
- NSW Resources and Geoscience
- NSW Rural Fire Service
- Hunter Water Corporation
- Ausgrid

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.

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 hearing (for example, in response to a submission or if reclassifying land).
5. The time frame for completing the LEP is to be **18 months** following the date of the Gateway determination.

Dated 24th day of May 2019.


Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning
and Public Spaces