

Planning Services

EF18/44225

Gateway Determination Report

LGA	Port Stephens LGA
PPA	Port Stephens Council
NAME	Rezoning of 5 Speedy Lock Lane, Heatherbrae (Lot 173 DP 808771) (44 homes, 0 jobs)
NUMBER	PP_2018_PORTS_006_00
LEP TO BE AMENDED	Port Stephens Local Environmental Plan 2013
ADDRESS	5 Speedy Lock Lane, Heatherbrae
DESCRIPTION	Lot 173 DP 808771
RECEIVED	11 October 2018
FILE NO.	EF18/44225
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of planning proposal

The planning proposal (**Attachment A**) seeks to change the zoning and development controls for part of the land at 5 Speedy Lock Lane, Heatherbrae (referred to as 'the site'), by amending Port Stephens Local Environmental Plan (LEP) 2013, as follows:

- rezone part of the site to R2 Low Density Residential and R5 Large Lot Residential land and retain the RU2 Rural Landscape zone on the remainder of the site;
- reduce the minimum lot size from 20 hectares (ha) to 500m² for all land proposed to be rezoned to R2 Low Density Residential;
- reduce the minimum lot size from 20ha to 2,000m² for all land proposed to be rezoned R5 Large Lot Residential; and
- apply a maximum building height of 9 metres to the proposed R2 Low Density Residential zone.

Site description

The planning proposal applies to part of the site at 5 Speedy Lock Lane, Heatherbrae which is described as the 'development site' (see Figure 1). The development site covers approximately 6 hectares with the overall site covering an area of 58.5 hectares.

The site is currently used for primary production purposes and contains a rural dwelling, farm buildings, stables and associated farming infrastructure. The site is mostly cleared for agricultural purposes apart from the riparian zone along Wyndeyers Creek.

The site is bound by the Hunter River on the western boundary, Wyndeyers Creek on the northern boundary and consequently much of the site is low lying and flood affected. The site slopes up towards Speedy Lock Lane and the majority of the development site is flood free.

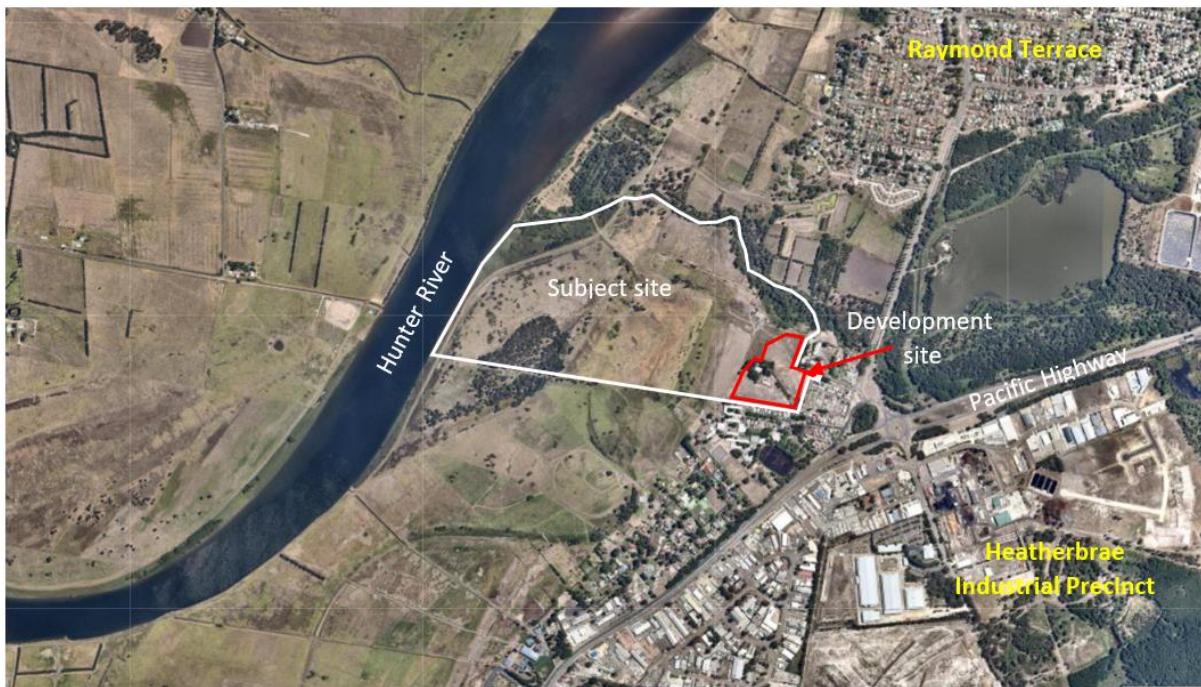


Figure 1 – Site Plan (source: Nearmap)

Existing planning controls

Under the Port Stephens LEP 2013, the following development controls apply to the site:

- zoned RU2 Rural Landscape;
- minimum lot size of 20ha; and
- no maximum building height.

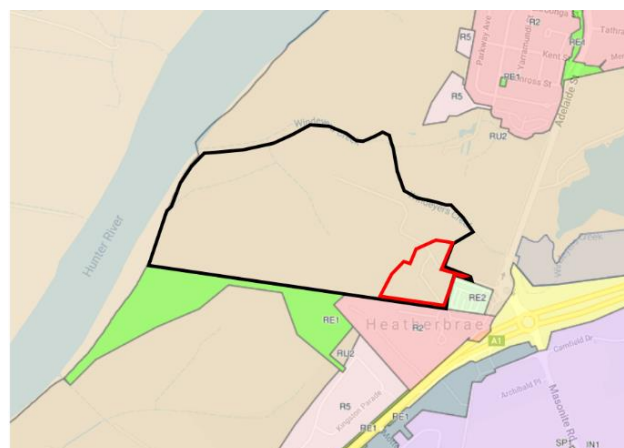


Figure 2 – Existing Zoning (RU2)

Surrounding area

Heatherbrae is a neighbouring centre to Raymond Terrace and has a diverse employment centre. Heatherbrae bulky goods and industrial precinct is located on the eastern side of the Pacific Highway and is identified as a bulky goods destination.

Access to the site is via Speedy Lock Lane. Bellhaven Caravan Park and a number of light industrial businesses are located directly to the east of the site along Speedy Lock Lane (Figure 3). To the south, Elkin Avenue residential estate separates the development site from Hunter River High School. The rear of the development site most of which is below the FPL is characterised by agricultural land uses.



Figure 3 – Proposed zones and surrounding land uses (source: Nearmap)

The site is located 5km south of Raymond Terrace which is identified in the Greater Newcastle Metropolitan Plan as a strategic centre has a population of 13,302 (Figure 4). Newcastle Airport is 13km east of the site and is one of the region's global gateways and provides 5,300 jobs for the region.

The site is situated 7km north of Hexham Bridge where the Pacific Highway connects to the New England Highway and the Upper Hunter Valley.



Figure 4 – Surrounding area (source: Nearmap)

Summary of recommendation

It is recommended that the planning proposal proceed subject to conditions.

The planning proposal seeks to rezone the development site R2 Low Density Residential and R5 Large Lot Residential. However, the Department recommends that the proposed R5 Large Lot Residential area not be included in the planning proposal as part of this area falls below the FPL (Figure 5). The justification for not supporting the amendment of planning controls for the area below the FPL is justified further in this report due to inconsistency with Section 9.1 directions, relevant local and regional strategic plans, site constraints and potential fragmentation of rural land. It is recommended the R2 Low Density Residential zone is applied to land above the FPL.

Given that the development site is located within an existing urban context adjacent to R2 zoned land, and consistent with regional and local strategies, the proposed R2 Low Density Residential zone is supported as it will provide infill development on unconstrained land.



Figure 5: Proposed zones and FPL (source: Nearmap)

PROPOSAL

Objectives or intended outcomes

The objective of the planning proposal is to amend the existing development controls for the site to facilitate the development of an additional 39 low density residential lots, 5 large lot residential lots and retain the residual site as RU2 Rural Landscape Zone. The objectives of this planning proposal are clear and adequate.

Explanation of provisions

The planning proposal seeks to amend the Port Stephens LEP 2013 by:

- rezoning part of the site from RU2 Rural Landscape to R2 Low density Residential and R5 Large Lot Residential;
- reducing the minimum lot size from 20ha to;
 - 500m² on the R2 Low Density Residential portion;
 - 2,000m² on the R5 Large Lot Residential;
- retain the existing 20ha on the RU2 Rural Landscape portion; and
- apply a maximum building height of 9 metres to the proposed R2 Low Density Residential zoned land.

Despite the planning proposal not requiring an amendment to the Height of Building Map, the Council resolution 9 October 2018 (**Attachment B**) requires the adoption of a 9-metre height of building limit for all land to be rezoned to R2 Low Density Residential. This is consistent with the adjoining R2 zone. The Gateway determination has been conditioned to amend the planning proposal prior to exhibition to reflect Council's resolution.

As indicated previously, it is recommended that the development site above the FPL be zoned R2 Low Density Residential zone and the proposed R5 Low Density Residential zoned area is to be removed from the planning proposal.

The planning proposal acknowledges the site is eligible as an Urban Release Area. Council does not propose to designate the site as an Urban Release Area as the site is in proximity to existing community facilities, transport centres and the proposed residential development and therefore will not require additional regionally significant infrastructure.

However, the Department recommends that the development site be mapped as an Urban Release Area on the Port Stephens LEP 2013 Urban Release Area Map. The will ensure Clause 6.1 (Arrangements for designated State public infrastructure) will apply to the site and satisfactory arrangements are made for the provision of state infrastructure. This is considered appropriate as the development proposes to zone land from rural to urban and is consistent with the approach for other urban development sites in the area. A condition has been included in the Gateway determination to require this provision to be added to the planning proposal prior to public exhibition.

Mapping

The planning proposal adequately provides maps that show the proposed amendments. The following maps are proposed to be amended:

- Land Zoning Map (LZN_007 and LZN_012);
- Lot Size Map (LSZ_007 and LSZ_012);
- Height of Building Map (HOB_007 and HOB_012); and
- Urban Release Area Map.

NEED FOR THE PLANNING PROPOSAL

The Hunter Regional Plan identifies Raymond Terrace as a strategic centre and identifies future housing and urban renewal opportunities to deliver infill development. The subject site is within the urban confluence of Raymond Terrace and future residents will benefit from access to existing facilities, services and jobs available in the centre.

The subject site is identified in Council's Raymond Terrace and Heatherbrae Strategy 2015-2031 (RTHS) to be rezoned to R2 Low Density Residential zone. Council indicates that the proposal aligns with the intent of the RTHS as it will provide for infill growth. However, due to flooding constraints, only a portion of the site is suitable for residential development.

The need for the rezoning is a need demonstrated in local and regional planning strategies.

STRATEGIC ASSESSMENT

The strategic assessment against these strategies is based on the planning proposal removing the R5 Large Lot Residential zone and any amendments to planning controls below the FPL, as previously discussed.

Regional

Hunter Regional Plan 2036

The Hunter Regional Plan (HRP) applies to this planning proposal, in particular Direction 16 which seeks to increase resilience to hazards and climate change including managing flooding and bushfire risk.

Flooding

The majority of the overall site is flood affected however the development site, subject to the planning proposal is largely flood-free (Figure 5). A portion of the proposed R5 Large Lot Residential zone is identified as flood affected on *Port Stephens Flood Hazard Map* (Figure 6).

Council indicated that the flood affected land will form part of future rural residential allotments and each allotment would need to provide an elevated portion for future dwellings above the FPL. The elevated portion of the proposed R5 Large Lot Residential zoned land represents approximately 1,000m² per lot above the FPL which Council considers sufficient for a dwelling. However, this is no longer relevant as any amendment to planning controls below the FPL is recommended to be removed from the planning proposal.

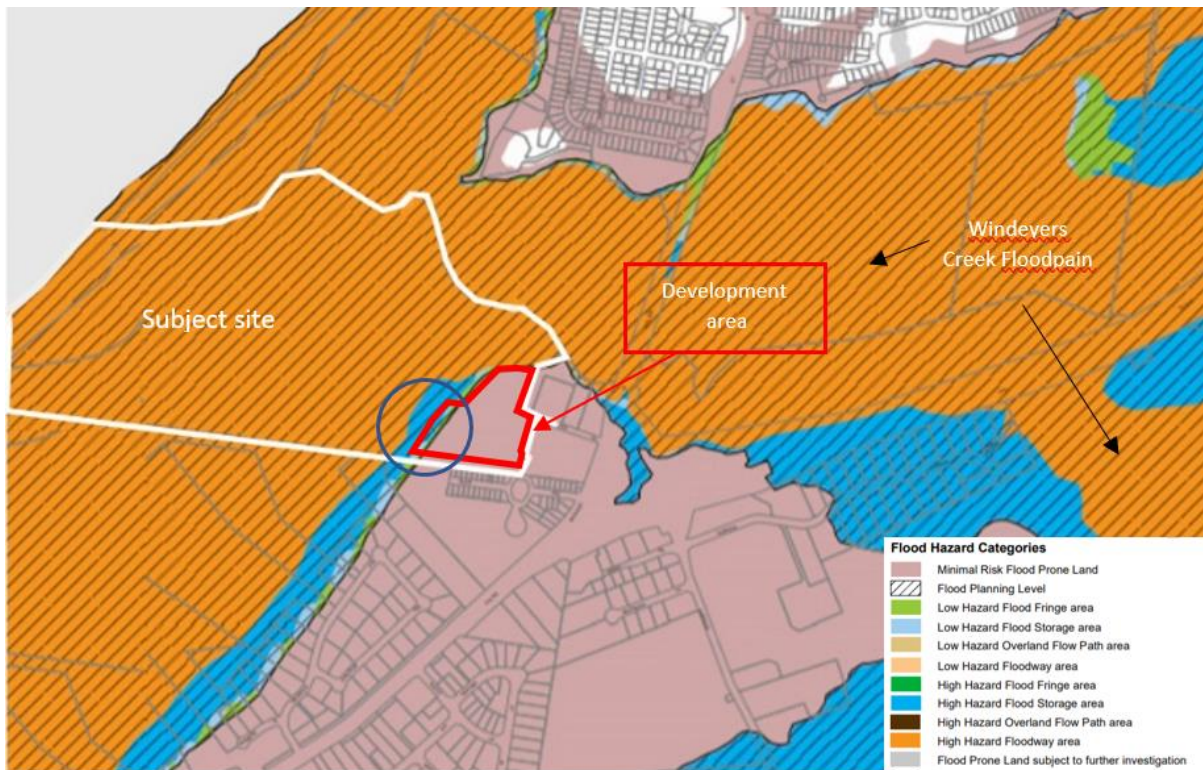


Figure 6: 1% ARI flood impacts on the site, area circled is proposed for R5 (source: Port Stephens Flood Hazard Map 2016)

The topography of the land falls from the flood-free land on the development site at 7m AHD down to 2.6m AHD in the flood affected area. The flood affected area is identified as predominantly High Hazard Flood Storage area and a small area of High Hazard Flood Fringe (Figure 6).

The planning proposal relies on Port Stephens LEP Clause 7.3 (Flood planning) and Council's *Williamstown - Salt Ash Floodplain Risk Management Study and Plan* (referred to as 'the Plan'). The Plan identifies Windeyers Creek and the lower Hunter River, including the subject site, as part of the catchment. Windeyers Creek flows into the Hunter River however, when in flood, flood levels in this catchment are driven by backflow from the Hunter River to the floodplain east of the Pacific Highway.

Within the site, development in the flood fringe areas have little effect on flood levels however flood storage areas are important in the temporary storage of floodwaters. Filling or leveeing in these areas will result in elevated water levels. The Plan states that floodway areas are 'no-go' areas for development. The Plan also indicates that High Hazard Flood Storage areas, new residential development or fill are not supported unless accompanied by a Flood Report and a Flood Emergency Response Plan.

Based on the provisions of the Plan, fill for a dwelling in the High Hazard Flood Storage area is unlikely to be supported however, landfill for the purpose of outbuildings maybe supported in the High Hazard Flood Fringe areas if justified by a suitable Flood Report.

In conclusion the Department does not support the proposed R5 Large Lot Residential zone and any proposed amendment to planning controls below the FPL as it is unjustified in terms of consistency with strategic plans, site constraints and

fragmentation of rural land. In addition, based on guidance from Council's Plan, the Department recommends removing the R5 zone and any amendment to planning controls below the FPL from the planning proposal. Areas below the FPL would be better managed as part of the residual RU2 zone.

Bushfire

The site is bushfire prone and a study has been undertaken to evaluate bushfire risks and management measures. Council notes that the location of asset protection zones requires further analysis (Figure 7). It is recommended that a condition be included to require consultation with the Rural Fire Service to evaluate the suitability of the measures proposed.

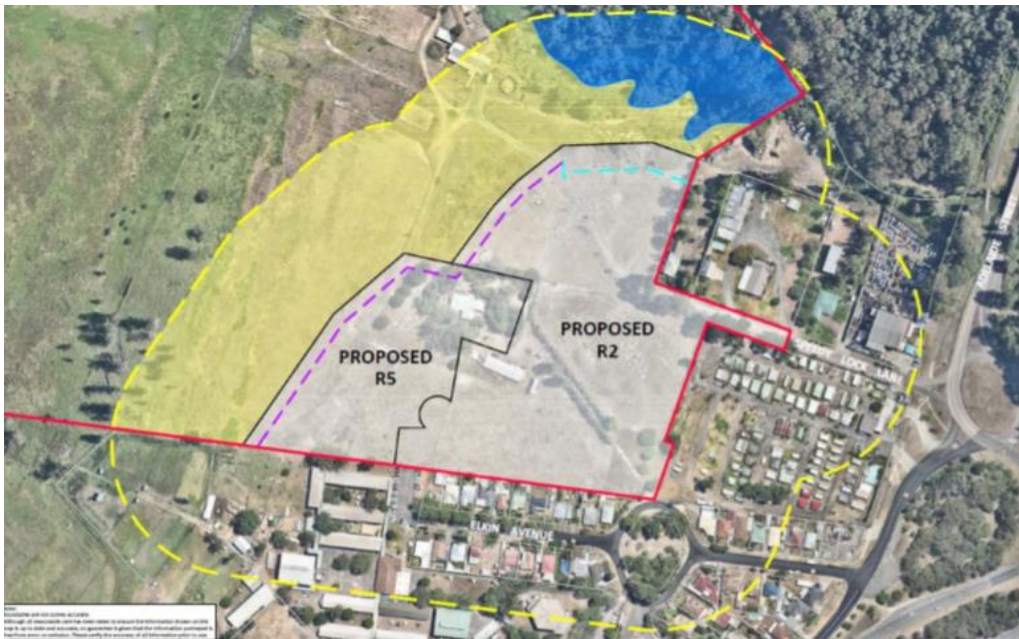


Figure 7: APZ map (source: Bushfire Threat Assessment - Firebird Pty Ltd)

Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan (GNMP) applies to the site, in particular Strategy 16 seeks to prioritise the delivery of infill housing opportunities within existing urban areas. The planning proposal is consistent with Action 16.1 as it will provide infill development in an area contiguous to Raymond Terrace strategic centre and is also identified in Council's local strategy (see section below).

Heatherbrae acts as a connecting suburb to Raymond Terrace. Residential development is the predominant settlement pattern fronting the western side of the Pacific Highway and Adelaide Street. This site represents one of the last remaining, flood-free, infill opportunities in Heatherbrae.

Strategy 17 of the GNMP seeks to unlock housing supply through infrastructure coordination and delivery. It is recommended that site be identified as an Urban Release Area so that a contribution to the provision of State public infrastructure would occur prior to the subdivision of the land.

Strategy 18 of the GNMP seeks to deliver well-planned rural residential housing areas. Council's view is the planning proposal will provide large lot residential development where more intensive residential would not be permitted and it is the best use of the constrained land. Council justifies that the proposed R5 Large Lot

Residential zone will act as a transition from low density residential uses to the surrounding rural uses and it is appropriate given that it is flood liable land.

The Department considers that the proposed R5 zone land is not an efficient use of land for housing and the proposed encroachment of R5 zone into land below the FPL has the potential to conflict with agricultural land. The proposed R5 land is identified as High Hazard Flood Storage would be better managed as part of the residual rural land zoned RU2. Subsequently, it is recommended that the R5 zone be removed from the planning proposal.

Local

Port Stephens Planning Strategy 2011

The Port Stephens Planning Strategy (PSPS) acknowledges that housing supply within Raymond Terrace and Heatherbrae would largely comprise of infill development. The PSPS does not identify the subject site for future development however it recommends higher densities close to town centres.

The PSPS also promotes housing diversity and provides guidance on rural residential development. The PSPS accepts that there may be merit for extensions to existing rural residential areas where there is no impact on future land use capability and infrastructure. The proposed R5 zone is not extension to an existing rural residential area and it is proposed on land that is required for standard residential development. Therefore, the proposed R5 area is inconsistent with this strategy and provides justification for removing this area from the planning proposal

Raymond Terrace and Heatherbrae Strategy 2015-2031 (RTHS)

The RTHS provides specific detail for the Raymond Terrace and Heatherbrae locality building on the direction provided in the PSPS. The RTHS identifies Heatherbrae as a neighbouring centre to Raymond Terrace and qualifies that although both have separate identities, collectively, they contribute to each other economically and socially. Raymond Terrace is identified as the main service centre for health, education, justice sector, retail and commercial services. Whereas Heatherbrae is identified as a diverse employment centre and bulky goods destination.

The RTHS recognises that the subject site has potential to be rezoned from RU2 Rural Landscape to R2 Low Density Residential zone to assist in achieving housing targets. The proposal is consistent with the RTHS with the exception of the proposed R5 Large Lot Residential zoned area which is proposed to be removed.

Section 9.1 Ministerial Directions

The planning proposal is consistent with the Section 9.1 directions, with the exception of the following section 9.1 directions where consistency has not yet been demonstrated.

1.2 Rural zones – the planning proposal is inconsistent with this direction as it will rezone rural land to residential and will increase the permissible density on the land. Consultation with Department of Primary Industries (DPI) (Agriculture) regarding the value of the agricultural land is required before consistency with this direction can be determined.

1.3 Mining, Petroleum and Extractive Industries – this direction applies as the planning proposal will prohibit and restrict the mining of extractive material. In accordance with clauses 4 and 5, Council must consult with the Director General of

the DPI and provide the Secretary of Department of Planning & Environment with any objection and supporting information before undertaking community consultation and demonstrate that the inconsistency is of minor significance.

1.5 Rural Lands – the planning proposal addresses Direction 1.5 prior to it being recently amended on 28 February 2019. The planning proposal should be updated to address the amended Direction. The amended direction requires consideration of the GNMP and potential fragmentation of rural land.

As the planning proposal seeks to vary the existing minimum lot size within a rural zone, it must be in accordance with the Rural Subdivision Principles in Clause 5.16 of Port Stephens LEP. The clause seeks to minimise potential land use conflict between existing and proposed development on land in the rural and residential zones. It is recommended to include a condition that requires that the planning proposal be updated to address clause 5.16 of the LEP.

The proposal is currently inconsistent with Direction 1.5 and consultation with DPI (Agriculture) regarding the value of the agricultural land is required before consistency with this direction can be determined.

2.3 Heritage Conservation – the planning proposal indicates an AHIMS search was undertaken around the site however does not provide the results of this search. An Aboriginal Heritage Impact Statement is not proposed, however it is recommended that consultation with the Worimi Local Aboriginal Land Council and OEH occur then consistency with this direction can then be determined.

3.1 Residential zones – the planning proposal is broadly consistent this direction as it provides housing choice, reduces land consumption on the urban fringe and is consistent with local planning strategies. As the R5 zone is proposed to be excluded from the planning proposal, the proposal is consistent with the direction.

4.1 Acid sulfate soils – the site is identified as having Class 2 and Class 4 acid sulfate soils (ASS). However, the proposed development footprint only falls within the Class 4 (Figure 8). The Direction requires an ASS study to be undertaken as land use intensification would occur. Council does not intend to undertake a study and therefore the proposal is inconsistent.

Given the ASS provisions in the Port Stephens LEP, it is considered that a study is unnecessary and that the matter can be resolved at the Development Application stage. It is recommended that the Secretary agree that the inconsistency is of minor significance.

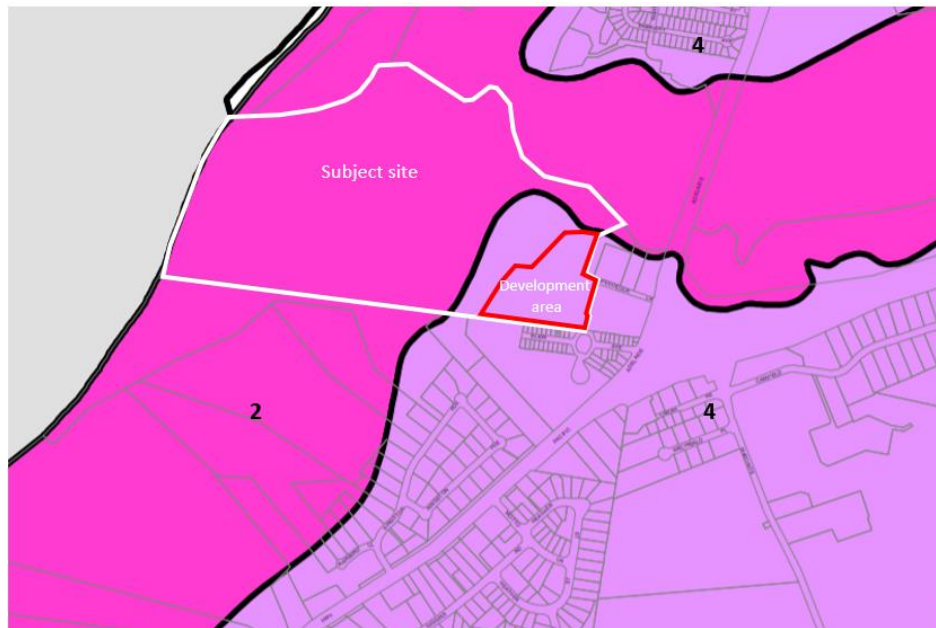


Figure 8 – Acid sulfate soils map (source: Port Stephens LEP 2013)

4.3 Flood Prone Land – the planning proposal is currently inconsistent with this Direction as it proposes to rezone flood prone land from a rural to a residential zone. As a Gateway condition it is proposed to address this inconsistency by removing the portion of the proposed R5 Large Lot Residential zone located on flood affected land (i.e. below the FPL), therefore the Gateway determination will render the planning proposal consistent with Direction 4.3.

4.4 Planning for Bushfire Protection - The planning proposal affects land mapped as bushfire prone and consultation with NSW RFS will need to occur before consistency with this direction can be determined.

5.10 Implementation of Regional plans – the planning proposal is currently inconsistent with Direction 5.10 as it is contrary to the HRP and the GNMP as it seeks to rezone flood affected land R5 Large Lot Residential. However, as the R5 zone and any amendments below the FPL are recommended to be removed from the planning proposal, it will render the planning proposal consistent with Direction 4.3.

State Environmental Planning Policies

SEPP 44 Koala Habitat Protection

Port Stephens Comprehensive Koala Plan of Management (CKPOM) applies for the purposes of implementing SEPP 44 (Figure 9). Council indicates there is a patch of vegetation on the northern and western boundaries of the site, identified as preferred koala habitat. This area is not within the development site.

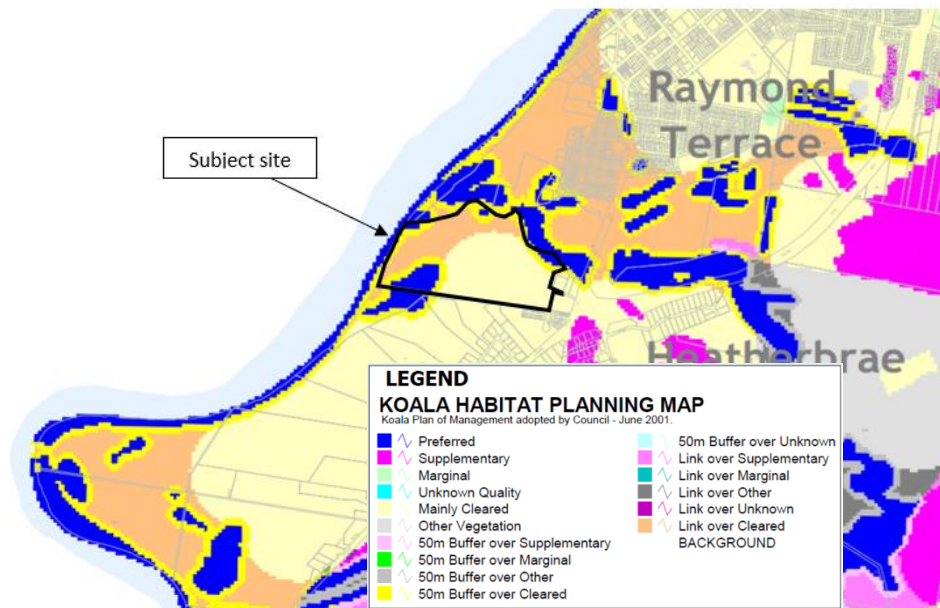


Figure 9: Koala Habitat (source: Port Stephens Comprehensive Koala Plan of Management)

However, there is a possibility that clearing may be required as a result of bushfire management due to the Asset Protection Zone extending into the riparian area of the north east corner of the site. Consultation with OEH is proposed to understand its view on the potential loss of the preferred koala habitat. Following this consultation, consistency with the SEPP will be evaluated.

SEPP 55 – Remediation of Land

The planning proposal indicates although previous agricultural uses have taken place on the site, the subject site is not considered to be contaminated.

SEPP 55 requires before permitting a change of use of land on which land uses listed in *Managing Land Contamination Planning Guidelines: Table 1* is known to be carried out, the planning authority is to obtain a preliminary investigation report. The Gateway has been conditioned to require a preliminary investigation report as 'agriculture' is a known previous land use on the site.

SEPP (Primary Production and Rural Development) 2019

The planning proposal addresses SEPP (Rural Lands) 2008 which was since repealed on 27 February 2019. Council's assessment indicates that the planning proposal will provide rural lifestyle opportunities, the impact on rural land and agriculture will be minimal.

SEPP (Primary Production and Rural Development) 2019 was made on 28 February 2019. Schedule 4 Part 2 relates to development applications for subdivision of or dwellings on certain zones including the RU2 Rural Landscape zone but does not apply to planning proposals.

The subject site is not identified as State significant agricultural land under SEPP (Primary Production and Rural Development) 2019 and is consistent with SEPP. In addition, *SEPP (Mining, Petroleum and Extractive Industries) 2007* does not identify land in the Raymond Terrace Heatherbrae area as Biophysical Strategic Agricultural Land (Figure 10).

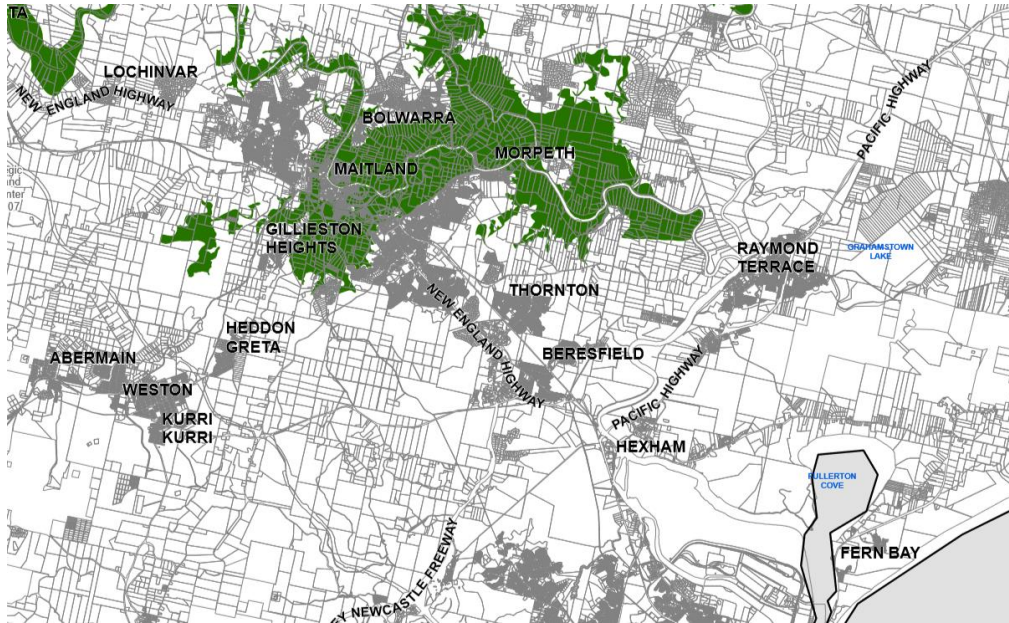


Figure 10: Strategic Agricultural Land Map (source: SEPP (Mining, Petroleum Production and Extractive Industries) 2007)

SEPP (Exempt and Complying Development Codes) 2008

The Rural Housing Code applies to RU2 Rural Landscape and R5 Large Lot Residential zones. The Code indicates development on the flood affected portion of the land cannot occur under the Rural Housing Code.

The proposed R5 Large Lot Residential Zone and the change to the minimum lot size on the flood affected portion of the site is to be removed through a condition in the Gateway determination.

SITE-SPECIFIC ASSESSMENT

Social

Council indicate that the proposed development will contribute to demand for residential land in both Raymond Terrace and Heatherbrae. There are social benefits to locating more residents close to existing infrastructure such as the high school and existing jobs cluster. The site is within close proximity to the Heatherbrae bulky goods precinct, an employment catchment that contains a significant number of jobs. There is also an opportunity to connect the proposed residential area to the established Elkin Avenue residential estate.

Environmental

Council indicates that there is unlikely to be any significant loss of habitat or vegetation. The Bushfire Threat Assessment (Firebird, 2018) requires a 20m Asset Protection Zone which will affect the riparian vegetation along Windeyers Creek. As recommended, consultation with the relevant agencies is required before the environmental impacts (and mitigation measures) can be fully assessed.

Economic

Council consider that the proposed development will have a positive economic impact given the proximity of the site to the existing social and commercial services at Raymond Terrace and the Heatherbrae bulky goods precinct.

The proposal is a logical extension to existing Heatherbrae residential fabric and is sufficiently removed from the bulky goods precinct and therefore will not jeopardise the long-term future of the economic hub.

Infrastructure

Council advises that the proposal will utilise existing infrastructure (water, electricity, telecommunications). Hunter Water indicates there is capacity in the reticulated sewerage pump system and therefore is expected the proposed development will be connected to sewer.

Primary road access is to be via Speedy Lock Lane and a second access is proposed on Elkin Avenue. The Traffic Impact Statement (Seca Solution, 2017) recommends that Speedy Lock Lane should be widened and kerb and guttering provided. Council recommend that RMS be consulted to assess the impacts of the traffic generating development for the proposed development. This is included as a Gateway condition.

CONSULTATION

Community

Council has specified a 14-day public exhibition period as it is considered a low impact planning proposal. It is recommended a 14-day exhibition period is satisfactory for the planning proposal given the subject site is identified for residential development in the local strategy which underwent its own community consultation process.

Agencies

Consultation is required with the following Government agencies;

- Ausgrid (electricity servicing capacity);
- Hunter Water Corporation (water servicing capacity);
- Office of Environment and Heritage (flooding, ecology and heritage);
- Department of Primary Industries (Agriculture);
- Department of Primary Industries (Mining and Petroleum);
- NSW Rural Fire Services (bushfire);
- NSW Roads and Maritime Service (transport and access); and
- Worimi Local Aboriginal Land Council (Indigenous heritage)

TIME FRAME

Council has proposed a ten (10) month time frame for completing the LEP. It is recommended the planning proposal be given a 12-month timeframe should delays be encountered.

LOCAL PLAN-MAKING AUTHORITY

Council has sought authorisation to progress this planning proposal using plan making delegation. Given the nature of the proposal, this can be supported. Council would still need to seek the Secretary's approval for the Local Plan-making Directions where consistency has not yet been determined.

CONCLUSION

It is considered that the planning proposal should proceed subject to conditions because:

- following the removal of the R5 Large Lot Residential zone and amendments to planning controls below the FPL, the proposal is consistent with the Hunter Regional Plan, the Newcastle Metropolitan Plan, Port Stephens Planning Strategy and the Raymond Terrace and Heatherbrae Strategy;
- the proposal facilitates the use of underutilised agricultural land that adjoins an existing urban area;
- the proposal makes use of existing infrastructure and is a minor extension of the existing residential settlement pattern;
- the proposed residential development is within walking distance to existing infrastructure and services such as Hunter River High School;
- the site is well located for residential uses in terms of proximity to employment areas and the transport network; and
- consultation with agencies is proposed to resolve outstanding strategic matters and site-specific issues.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Direction, 4.1 Acid Sulfate Soils is minor and can be justified; and
2. note that the inconsistencies with section 9.1 Directions; 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands, 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection, are unresolved and will require justification and these matters require further consultation with the relevant authority.

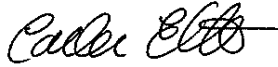
It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. Council is to update the planning proposal with the following information and forward it to the Department of Planning and Environment for review prior to public exhibition;
 - (a) Apply the R2 Low Density Residential zone to the land above Flood Planning Level;
 - (b) Remove any proposed amendments to planning controls below the Flood Planning Level;
 - (c) Provide a Preliminary Contamination Investigation Report;
 - (d) Map the site as an Urban Release Area on the Port Stephens LEP 2013 Urban Release Area Map;
 - (e) Apply a 9-metre height of building limit for the proposed R2 Low Density Residential zone; and
 - (f) Address the amended Direction 1.5 Rural Lands issued on 28 February 2019 including Clause 5.16 Port Stephens LEP 2013.
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 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 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:
 - Ausgrid;
 - Hunter Water Corporation;
 - Office of Environment and Heritage;
 - Department of Primary Industries (Agriculture and Mining);
 - NSW Rural Fire Services;
 - NSW Roads and Maritime Service; and
 - Worimi Local 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.

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 12 months from the date of the Gateway determination.
6. Given the nature of the planning proposal, Council should be the local plan-making authority



26/3/2019

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26/3/2019

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