

## Gateway Determination

***Planning proposal (Department Ref: PP\_2019\_PORTS\_002\_00): to enable the development of the site for medium-density residential development and to protect and conserve areas of ecological value.***

I, the Executive Director, Local and Regional Planning, at the Department of Planning, Industry 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 rezone land at 14 Popplewell Road, Fern Bay for medium-density 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 prior to public exhibition:
  - (a) map the site as an urban release area on the urban release area LEP map; and
  - (b) provide further detail on the proposed stormwater management measures, including analysis of geotechnical properties and consideration of water-sensitive urban design measures for the site.
2. Development control plan provisions for the site should be exhibited concurrently with the planning proposal.
3. 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).
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - NSW Rural Fire Service;
  - Environment, Energy and Science Group, DPIE;
  - National Parks and Wildlife Service;
  - Heritage NSW, Department of Premier and Cabinet;

- federal Department of Defence;
- Wormiri Local Aboriginal Land Council; and
- Roads and Maritime Services.

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.

5. 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).
6. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
7. The time frame for completing the LEP is to be **18 months** following the date of the Gateway determination.

Dated 25<sup>th</sup> day of November 2019.



**Monica Gibson**  
**Executive Director, Local and Regional**  
**Planning**  
**Planning and Assessment**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Public Spaces**