

Gateway Determination

Planning Proposal (Department Ref: PP_2017_PORTS_005): to rezone land at Adelaide Street Raymond Terrace for residential purposes

I, the Monica Gibson, Director Regions Hunter at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(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 Adelaide Street Raymond Terrace for residential purposes should proceed subject to the following conditions:

1. Prior to community consultation, Council is to
 - a. Consider mechanisms to secure the long-term protection of significant environmental outcomes for the site; and
 - b. Amend the maps to include the site as an urban release area; and
 - c. Address the inconsistencies with s117 Directions 1.3 Mining, 2.1 Environmental protection zones, 2.3 Heritage conservation, 4.3 Flood prone land, 4.4 Planning for bushfire protection and 5.10 Implementation of Regional Plans, with further detailed studies and consultation with the relevant public authority; and
 - d. Address Council's Floodplain Risk Management Plan in relation to the flood free access to the site and the cumulative impact of filling within the floodplain; and
 - e. Amend the planning proposal in response to (a), (b), (c) and (d).
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning 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 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Ausgrid
 - Department of Planning and Environment –Resources and Geoscience
 - Hunter Water Corporation
 - NSW Rural Fire Service
 - Office of Environment and Heritage



- 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 56(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 timeframe for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 20th day of October 2017.

Monica Gibson
Director Regions, Hunter
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning