



DEPARTMENT OF PLANNING AND ENVIRONMENT

Planning Services

ALTERATION OF GATEWAY DETERMINATION FOR PLANNING PROPOSAL

PP 2014 PORTS 006 00

PURPOSE

- To recommend the Acting General Manager, as delegate for the Minister, agree to alter the Gateway determination for Planning Proposal no. PP2014_PORTS_006_00 to rezone land at 1519 Richardson Road, Salt Ash.

RECOMMENDATION

- It is recommended that the Minister's delegate:
 - **agree** under s56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination for Planning Proposal no. PP_2014_PORTS_006_00 to extend the time to complete the Planning Proposal;
 - **agree** that no further community consultation is required at this time under part 3, division 4 of the *Environmental Planning and Assessment Act 1979*; and
 - **sign** the letter to Council.

CURRENT POSITION

- Council has prepared a Planning Proposal to rezone a 1.96 ha site from RU2 Rural Landscape to B1 Neighbourhood Centre.
- The Gateway determination issued on 9 December 2014 determined that the proposal should proceed subject to conditions, Tab A. The determination required the Planning Proposal to be completed by 16 September 2015.
- Council has requested that the period to complete the proposal be extended by a minimum of 6 months, Tab B and Tab C. The delay in meeting the current determination timeframe has arisen in part from the need to refer the proposal to the EPA because the site lies within the RAAF base-related toxic contamination area, map Tab D.
- The EPA (Peter Jamieson, Newcastle office, 11 January 2016) has verbally advised the Department that it has concerns about potential new uses such as childcare centres and community centres which would be permitted under the proposed B1 Neighbourhood Centre zone. It intends to provide a specific response to Council on this proposal.
- Based on EPA and Council advice it is considered that a 12 month extension is appropriate at this stage (due 16 September 2016). Should further work or community consultation be required following EPA consultation, this can be reassessed at that time.
- Community consultation occurred 7 January 2015 to 4 February 2015. No further community consultation is required. However, this may change depending on the nature of the EPA advice.

BACKGROUND

- Council continues to discuss with the proponent aspects omitted from a preliminary/ Phase 1 contamination report submitted to Council on 2 December, 2015. Further assessment is required.
- Consultation has been undertaken with Rural Fire Service, Department of Primary Industries, Office of Environment and Heritage, Hunter Water Corporation, Roads and Maritime Services, Agriculture NSW and NSW Trade & Investment.

- The EPA has advised that it is preparing advice to Council and NSW agencies and that the target date for providing the advice on the management of RAAF base-related matters is June 2016.
- The Gateway determination has not previously been altered.



19-01-2016

Ashley Albury
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Mr Wayne Wallace
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Our ref: PP2014_PORTS_006_00(14/18557)
Your ref: PSC2013-01905

Attention: Sarah Connell

Dear Mr Wallace

Alteration of Gateway Determination: PP_2014_PORTS_006_00

I refer to Council's letter of 17 December 2015 seeking an extension of time to complete Planning Proposal PP_2014_PORTS_006_00 to rezone land at 1519 Richardson Road, Salt Ash.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 9 December 2014 for PP_2014_PORTS_006_00.

The Gateway Determination has been altered to extend the time to complete the proposal. I understand that Council has referred the proposal to the EPA for advice on the RAAF Base-related toxicity investigation area within which this site is located. As a result, I have extended the period for completion of the proposal by a further 12 months.

The Proposal is now due for completion on 16 September 2016.

Should you have any further questions about this matter, please contact Mr Ken Phelan, of the Department's Hunter and Central Coast team on (02) 4904 2705.

Yours sincerely



19-01-2016

Ashley Albury
Acting General Manager
Hunter and Central Coast Region
Planning Services