

## Gateway Determination

**Planning proposal (Department Ref: PP\_2019\_PORTS\_005\_00):** to rezone the subject land to enable bulky goods retailing.

I, the Director of Central Coast and Hunter Region 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 Stephen Local Environmental Plan (LEP) 2013 to rezone the subject land from RU2 Rural Landscape to B5 Business Development to enable bulky good retailing should proceed subject to the following conditions:

1. The planning proposal is updated prior to exhibition with the following information on:
  - assessment against the *State Environmental Planning Policy (Koala Habitat Protection) 2019*, including details of the significance of the koala feed trees and any proposed conservation measures;
  - consistency with action 13.1 of the *Greater Newcastle Metropolitan Plan 2036*;
  - consistency with section 9.1 direction 2.6 - Remediation of Contaminated Land;
  - updated map that illustrates the location of flood prone land in relation to the proposed zoning boundary; and
  - updated LEP maps following the site survey.
2. The proposed 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:
  - Hunter Water Corporation;
  - DPIE (Resources Regulator);
  - NSW Rural Fire Service;

- Transport for NSW; and
- DPIE (Agriculture).

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 **12 months** following the date of the Gateway determination.

Dated 1<sup>st</sup> day of May 2020.



**Dan Simpkins**  
**Director, Central Coast and Hunter Region**  
**Planning and Assessment**  
**Department of Planning, Industry and**  
**Environment**

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