

Alteration of Gateway Determination

Planning Proposal (Department Ref: 12/01107) PP_2012_PORTS_001_00

I, Monica Gibson, Director Regions, Hunter at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* ("the Act") to alter the Gateway determination dated 28 February 2012 (as since altered) for the proposed amendment to the Port Stephens Local Environmental Plan 2013 as follows:

Delete:

"conditions 1 to 12" and replace with revised conditions 1 to 11 (under):

1. Council will need to undertake additional investigations for the area subject to the planning proposal to address relevant planning considerations. The matters requiring further investigation are as follows:
 - o Biodiversity and ecological assessment, including impacts on koala populations;
 - o Bushfire hazard assessment;
 - o Traffic impact assessment;
 - o Acid sulphate soils assessment;
 - o Preliminary contamination assessment;
 - o Flood and drainage assessment;
 - o Cultural heritage assessment; and
 - o Infrastructure and service strategy.

This additional work will need to consider how the extra proposed 10 ha of land will integrate with the 40 ha parcel identified as a 'proposed urban area' in the 2006 Lower Hunter Regional Strategy. The additional investigations may therefore supplement existing studies already completed.

2. In relation to Direction 2.1 Environmental Protection Zones, Council is to consult with the Office of Environment and Heritage.
3. In relation to Direction 2.3 Heritage, Council is to consult with the Aboriginal Land Council regarding the need and potential scope of an Aboriginal heritage assessment for the site. Council is to place any completed study on exhibition with the planning proposal
4. In relation to Direction 3.1 Residential Zones, Council is to consult with Hunter Water to determine whether drinking water and sewerage servicing is available to the site and if not, to develop an appropriate strategy for ensuring supply to the release area.
5. In relation to Direction 4.3 Flood Prone Land, Council is consult with the Office of Environment and Heritage in relation to preparing an updated flood study for the subject site. Any completed flood study is to be placed on exhibition with the planning proposal.

6. In relation to Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the Rural Fire Service. Any studies completed in relation to this aspect should be placed on public exhibition with the planning proposal.
7. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
8. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Local and NSW Aboriginal Land Councils
 - Hunter - Central Rivers Catchment Management Authority
 - Office of Environment and Heritage
 - NSW Department of Primary Industries - Agriculture
 - NSW Department of Primary Industries - Minerals and Petroleum
 - NSW Department of Primary Industries - Fishing and Aquaculture
 - Hunter Water Corporation
 - NSW Rural Fire Service
 - Transport for NSW - Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

9. Following completion of the studies in condition no. 1 and consultation with public authorities, the amended Planning Proposal and any supporting maps and studies are to be referred to the Department for endorsement prior to the commencement of community consultation.

The amended Planning Proposal shall include appropriate mapping such as zoning, minimum lot size, building height, and other maps as required. These maps are to be prepared for the purposes of public exhibition and should be prepared in accordance with the Department's Technical Guidelines for the Preparation of LEP Maps.

10. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).

11. The timeframe for completing the LEP is to be 4 April 2018.

Dated 11th day of September 2017.



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

Delegate of the Minister for Planning