

Gateway Determination

Planning proposal (Department Ref: PP-2024-2629): *rezone land and amend associated development standards at part of Lot 2 DP 37430 and part of Lot 32 DP 554875, 587 Newline Road, Raymond Terrace.*

I, the Director, Hunter and Northern Region, at the Department of Planning, Housing and Infrastructure, 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 2013 to rezone land and amend associated development standards at part of Lot 2 DP 37430 and part of Lot 32 DP 554875, 587 Newline Road, Raymond Terrace should proceed subject to the following Gateway conditions.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority 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 applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed within nine (9) months of this Determination.

Gateway Conditions

1. Prior to community and agency consultation, the planning proposal is to be updated to:
 - (a) include an amendment to the LEP height of building map that aligns the existing MU1 Zone height limit of 15m, and the R1 General Residential Zone height limit of 9m, with proposing zoning layout and is illustrated with existing and proposed height of building maps;
 - (b) include additional detail and clarification in the proposal's objectives and explanation of provisions in relation to all the zoning and minimum lot size changes that will occur associated with the realignment of the MU1 Mixed Use zone;
 - (c) amend the proposed lot size map to accurately reflect the land area to which the changed controls will apply; and
 - (d) correct the title of Figure 9 as it only shows existing and proposed land zoning.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
- Transport for NSW;
 - Department of Climate Change, Energy, the Environment and Water (Biodiversity and Flooding)
 - NSW Rural Fire Service
 - Hunter Water
 - NSW State Emergency Service.
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working 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 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).

Dated 12 March 2025



Craig Diss
Director, Hunter and Northern Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces