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Our ref: PP_2014_PORTS_003_00 (14/05434)

Mr Wayne Wallis
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Dear Mr Wallis,

Planning proposal to amend Port Stephens Local Environmental Plan 2013

I am writing in response to Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land at the corner of Ferodale and Fairlands roads, Medowie from RU2 Rural Landscape to R5 Large Lot Residential and reduce the minimum lot size from 20ha to 1,000sqm.

As delegate of the Minister for Planning, I have now determined the planning proposal should not proceed for the reasons outlined in the attached Gateway determination.

The planning proposal is not supported at this time because the proposal does not adequately address water management and wastewater treatment and does not demonstrate that the site can be developed to the proposed intensity given that part of the site drains directly into Grahamstown Dam.

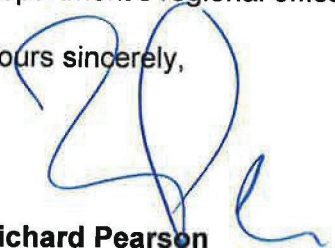
Although the site is identified as a 'proposed urban area' in the Lower Hunter Regional Strategy and identified for urban release in the Port Stephens Planning Strategy 2011-2036, it is also located within the Grahamstown Catchment Area, as defined under the Hunter Water Regulation 2010, which aims to protect the Grahamstown Dam drinking water source. While the site may be suitable for large lot residential development, the on-going ecological health of the catchment is important in maintaining safe drinking water within the Hunter.

Further, I understand that Hunter Water has raised concern with the increased density of the proposed rezoning because part of the site drains directly into the Grahamstown Dam and the proposal will potentially impact on current and future water quality within the Grahamstown catchment. Any future proposal for the site is to consider water management, wastewater treatment and transportation, and the provision of safe drinking water within the Grahamstown catchment.

I note that Council is currently reviewing its Medowie Strategy, including testing the Strategy's original assumptions and growth forecasts with regard to various constraints, including fragmented ownership, flooding, drainage, vegetation and traffic. Council is encouraged to work with the Department of Planning and Environment and Hunter Water to finalise this review. This review provides an opportunity to strategically address drainage and water quality in the catchment, identify catchment wide mitigation measures to retain water quality and consider cumulative impacts of development on the catchment. It is considered appropriate for any future proposal for this site to await the outcomes of this review.

Should you have any queries in regard to this matter, I have arranged for Ms Susan Blake of the Department's regional office to assist you. Ms Blake can be contacted on (02) 4904 2700.

Yours sincerely,



Richard Pearson
Deputy Secretary
Growth Planning

21/7/14

Encl: Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2014_PORTS_003_00): to rezone and reduce the minimum lot size for land at the corner of Ferodale and Fairlands roads, Medowie.

I, the Deputy Secretary, Growth Planning at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Port Stephens Local Environmental Plan (LEP) 2013 to rezone land at the corner of Ferodale and Fairlands roads, Medowie from RU2 Rural Landscape to R5 Large Lot Residential and reduce the minimum lot size from 20ha to 1,000sqm should not proceed for the following reasons:

1. The planning proposal does not adequately demonstrate that the site can be developed to the proposed intensity given its proximity and drainage to Grahamstown Dam nor does the proposal adequately consider the impacts of the proposal on the water quality of the Dam.
2. Hunter Water has raised concern with the increased density of the proposed rezoning because part of the site drains directly into the Grahamstown Dam and the proposal will potentially impact on current water quality within the Grahamstown catchment. The planning proposal does not address potential drinking water contamination and quality in the Grahamstown catchment and proposed measures to minimise associated risks.
3. Council is currently reviewing its Medowie Strategy, which will test the Strategy's original assumptions and growth forecasts with regard to various constraints, including fragmented ownership, flooding, drainage, vegetation and traffic. This review provides an opportunity to strategically address drainage and water quality in the catchment and identify catchment wide mitigation measures to maintain water quality standards and identify water quality treatment areas and flow paths. Proceeding with this planning proposal prior to the finalisation of this important work will establish a precedent for future development within the area.

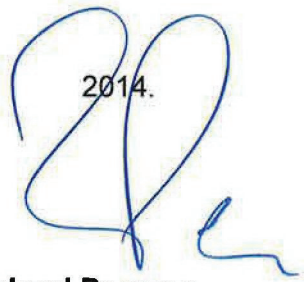
Dated

21

day of

July

2014.



Richard Pearson
Deputy Secretary
Growth Planning

Delegate of the Minister for Planning