



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

Our ref: PP_2016_PORTS_002 (16/07941)

Att: Matthew Borsato

Dear Mr Wallis,

Planning Proposal to amend Port Stephens Local Environmental Plan 2013

I am writing in response to your Council's letter dated 3 June 2016 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") and additional information received on 19 July 2016 in respect of the planning proposal to rezone land at the corner of Ferodale and Fairlands Road Medowie, from RU2 Rural Landscape to R5 Large Lot Residential, and amend the Land Zoning Map and Lot Size Map.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistency with S117 Direction 4.1 Acid Sulfate Soils is of minor significance. Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as the outstanding matters are resolved. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Ben Holmes of the Hunter office to assist you. Mr Holmes can be contacted on (02) 4904 2709.

Yours sincerely,

28/07/2016

Katrine O'Flaherty
A/Director Regions, Hunter and Central Coast
Planning Services

Gateway Determination

Planning proposal (Department Ref: PP_2016_PORTS_002): to rezone land at the corner of Ferodale and Fairlands Road Medowie, from RU2 Rural Landscape to R5 large Lot Residential, and amend the Land Zoning Map and Lot Size Map.

I, the A/Director Regions, Hunter and Central Coast at 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 Road Medowie should proceed subject to the following conditions:

1. Prior to exhibition Council is to:
 - (a) amend the Planning Proposal to address the advice of Hunter Water.
 - (b) prepare a site specific Development Control Plan in consultation with Hunter Water. The DCP should be exhibited concurrently with the Planning Proposal.
 - (c) undertake the studies as identified by Council, including but not limited to a contamination assessment, archaeological study and Infrastructure Delivery Strategy.
1. 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 a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Environment 2013)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Hunter Water
 - NSW Rural Fire Service
 - Office of Environment and Heritage
 - NSW Department of Primary Industries
 - Department of Defence
 - Local Aboriginal Land Council

Each public authority 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.
3. 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).

4. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated 28th day of July 2016.

A handwritten signature in black ink, appearing to read 'K. O'Flaherty', with a stylized flourish at the end.

**Katrine O'Flaherty
A/Director Regions,
Hunter and Central Coast
Planning Services
Department of Planning and Environment**

Delegate of the Minister for Planning