

Mr Wayne Wallis
General Manager
Port Stephens Council
PO Box 42
Raymond Terrace NSW 2324

Our ref: PP_2016_PORTS_005_00 (16/09625)

Attention: Mr Matthew Borsato

Dear Mr Wallis,

Planning Proposal to amend Port Stephens Local Environmental Plan 2013

I am writing in response to your Council's correspondence dated 15 July 2016 requesting 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 part of Lot 1 DP 1215257 and the adjoining Peppertree Road and Muir Street road reserves, Medowie from R2 Low Density Residential to B2 Local Centre and apply associated development standards.

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 that the planning proposal's inconsistency with S117 Direction 4.1 Acid Sulfate Soils is of minor significance. No further approval is required in relation to this Direction.

Council will however need to obtain the agreement of the Secretary to comply with the requirements of S117 Directions 1.1 Business and Industrial Zones, 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection. Council should ensure this occurs once the further work and consultation associated with these Directions has been finalised and prior to the plan being made.

As the proposal relates to land owned by Council, it is recommended Council consider the Department's guide *LEPs and Council Land - Best Practice Guideline 1997*. The guide contains useful advice about the additional matters that should be included in the exhibition material for planning proposals involving the rezoning of Council land.

In assessing the planning proposal, it was noted that there are other areas adjacent to the town centre where a review of the existing planning controls may have merit. The existing residential land between the town centre and Medowie Road is an example. Given Council is currently reviewing the Medowie Strategy, it is recommended that Council consider whether it would be an appropriate time to also review these controls.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 possible. 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 from the Hunter office to assist you. Mr Holmes can be contacted on (02) 4904 2709.

Yours sincerely,



12 August 2016

Craig Diss
Acting Director Regions, Northern
Planning Services

Gateway Determination

Planning proposal (Department Ref: PP_2016_PORTS_005_00): to rezone part of Lot 1 DP 1215257 and the adjoining Peppertree Road and Muir Street road reserves, Medowie from R2 Low Density Residential to B2 Local Centre and apply associated development standards.

I, the Acting Director Regions, Northern, 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 part of Lot 1 DP 1215257 and the adjoining Peppertree Road and Muir Street road reserves, Medowie from R2 Low Density Residential to B2 Local Centre and apply associated development standards should proceed subject to the following conditions:

1. Prior to exhibition Council is to:
 - (a) amend the written text of the planning proposal to include the Peppertree Road and Muir Street road reserves within the subject area to be rezoned;
 - (b) amend the maps included within the planning proposal to ensure that the site boundary is consistently identified; and
 - (c) undertake a commercial floor space needs and supply analysis for the planning proposal which considers various population growth scenarios for Medowie. The planning proposal should be updated following this assessment.
2. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Environment 2013)* and must be made publicly available for a minimum of **14 days**;
 - (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)*; and
 - (c) Any mapping material must meet the specification in the current *Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment 2015)*.

3. 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
- Roads and Maritime Services
- 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.

4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 12 day of August 2016.

Craig Diss
Acting Director Regions, Northern
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning