

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2017\_PORTS\_004\_00):** to rezone land at 9 Waropara Road and 5A and 5B Ferodale Road, Medowie, from part RU2 Rural Landscape to part R5 Large Lot Residential (4 homes).

I, the Director Regions, Hunter, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Port Stephens Local Environmental Plan (LEP) 2013 to rezone land at 9 Waropara Road and 5A and 5B Ferodale Road, Medowie, from part RU2 Rural Landscape to part R5 Large Lot Residential should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the planning proposal is to be revised to seek to apply a minimum lot size standard that achieves a larger residential yield, and is responsive to the features of the site and proximity to the Medowie town centre.
2. Council is to update the planning proposal to demonstrate consistency with section 117 Directions after further investigations have been completed and/or following agency consultation:
  - 2.1 Environment Protection Zones
  - 2.3 Heritage Conservation
  - 3.1 Residential Zones
  - 3.5 Development Near Licensed Aerodromes
  - 4.4 Planning for Bushfire Protection

The planning proposal should also be updated to

- remove references to Direction 5.1 and replace with Direction 5.10
  - correctly identify the Lot and DP numbers for the subject site.
3. Community consultation is required under sections 56(2)(c) and 57 of the 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 local environmental plans* (Department of Planning and Environment 2016).
  4. Consultation is required with the following public authorities and organisations under section 56(2)(d) of the Act to comply with the requirements of relevant Section 117 Directions:



## Planning & Environment

- Hunter Water Corporation
- Office of Environment and Heritage
- NSW Rural Fire Service
- Australian Department of Defence
- Local Aboriginal Land Council

Each public authority/organisation 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.

5. A public hearing is not required to be held into the matter by any person or body under section 56(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).
6. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 12th day of October 2017.

**Monica Gibson**  
**Hunter Region**  
**Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**