

Gateway Determination

Planning Proposal (Department Ref: PP 2017 PORTS 003 00): to rezone land from R2 Low Density Residential to R5 Large Lot Residential, and increase the minimum lot size from 450m² to 2000m².

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* (EP&A Act) that an amendment to the Port Stephens Local Environmental Plan (LEP) 2013 to rezone land at 111 South Street and 1C Sylvan Avenue, Medowie from R2 Low Density Residential to R5 Large Lot Residential, and increase the minimum lot size from 450m² to 2000m². should proceed subject to the following conditions:

1. Council is to update the planning proposal prior to community consultation to:
 - Remove reference to Section 117 Direction 5.1 Implementation of Regional Strategies and correct the reference to refer to Section 117 Direction 5.10 Implementation of Regional Plans;
 - Consider amending the Height of Building Map to be consistent with the surrounding R5 land; and
 - Provide further discuss as to why the site is being rezoned, rather than rectify mapping error.
2. Community consultation is required under Sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **14 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).
3. Consultation is required with the following public authorities and / organisations under Section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Commonwealth Department of Defence; and
 - Rural Fire Service NSW.



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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.

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** following the date of the Gateway determination.
6. The final LEP maps shall be prepared in accordance with the requirements of the Department's "Standard Technical Requirements for Spatial Datasets and Maps" Vers: 1.0 November 2015.

Dated 7th day of August 2017.

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

Delegate of the Minister for Planning