



PNC001820

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Please quote file no:
PSC2006-6592

The General Manager
NSW Planning and Infrastructure
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Dear Sir

Re: Port Stephens Local Environmental Plan 2000 (Amendment No. 38) - Boundary Road Medowie and Port Stephens Local Environmental Plan 2013

I refer to Council's letter to the Department of 4th February 2014 regarding matters which have come to our attention following publication of the Port Stephens Local Environmental Plan 2013 (PS LEP 2013) with particular reference to Port Stephens Local Environmental Plan 2000 (Amendment No. 38) for land at Boundary Road Medowie. I wish to summarise this matter as follows:

- (a) PS LEP 2000 (Amendment No. 38) final plan as submitted to the Department under Section 59 of the Act sought to apply a minimum lot size of 4,000m² in the 1(c4) Rural Small Holdings zone fronting Boundary Road, with the remaining bulk of the developable area having a minimum lot size of 1,000m² in the 1(c5) zone through site-specific Clause 54CA *Minimum lot size on land at Boundary Road, Medowie* (a copy of the Planning Proposal is attached).
- (b) PS LEP 2000 (Amendment No. 38) commenced on 5th July 2013.
- (c) It has come to Council's attention that PS LEP 2000 (Amendment No. 38) as gazetted differs from the final plan forwarded to the Department in so far as it incorrectly references a minimum lot size of 1,000m² applying to the 1(c4) zone instead of the 1(c5) zone.
- (d) PS LEP 2013 recently commenced on 22nd February 2014 and the subject land is zoned R5 Large Lot Residential with a minimum lot size of 4,000m².
- (e) It has come to Council's attention that the newly gazetted PS LEP 2013 has inadvertently not translated PS LEP 2000 (Amendment No. 38) in so far as it identifies a minimum lot size of 4,000m² or across the entire developable area at Boundary Road.
- (f) LEP 2013 requires administrative amendment to reinstate LEP 2000 (Amendment No. 38) as originally intended.
- (g) Council has been advised by the landowner that this matter is of critical importance to enable a development application to be lodged over the land in a timely manner and deliver housing and conservation outcomes as originally envisioned.
- (h) As a result of the above Council requests the amendment of PS LEP 2013 Lot Size Map LSZ_004B (Map Identification Number: 6400_COM_LSZ_004B_020_20131218) to be consistent with Lot Size Map LSZ_004B (Map Identification Number: 6400_COM_LSZ_004C_020_20140220) (A copy of each map is attached).

In summary it is proposed simply to bring into effect the zoning in accordance with PS LEP 2000 (Amendment No. 38) as originally intended and endorsed by Council and the Department, and rectify the administrative anomaly created by both the Amendment No. 38 to PS LEP 2000 and the transition to PS LEP 2013.

To enable the matter to be addressed within the shortest possible timeframe, it is requested that the amendment is implemented under Section 73A of the Act as a minor & transitional matter. The principal justification is PS LEP 2000 (Amendment No. 38) was in force after following due process as a Planning Proposal, with the reasonable expectation that it would be included in the transition to the new PS LEP 2013 as originally intended and endorsed. This will facilitate the delivery of housing in Medowie under the Lower Hunter Regional Strategy in a timely manner.



Peter Gesling
General Manager

7 March 2014