



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

Our ref:
PP_2013_PORTS_005_00 (13/10213)
Your ref:
PSC2011-04146

Dear Mr Wallis

Planning Proposal PP_2013_PORTS_005_00 – Alteration of Gateway Determination

I refer to your letter seeking an extension of time to complete Planning Proposal PP_2013_PORTS_005_00 to alter the minimum lot size of land at Medowie for residential development.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the Environmental Planning and Assessment Act, 1979, to alter the Gateway determination dated 18 July 2013 for PP_2013_PORTS_005_00 and as amended on 16 July 2014. The Planning Proposal is now due for completion by 25 January 2016.

In considering Council's request I note that consultation with NSW Rural Fire Service, NSW Office of Environment and Heritage and the Department of Defence has identified a number of outstanding matters. In particular there is a lack of clarity regarding the extent of vegetation clearing that will be associated with the proposal. This raises questions in relation to the consistency of this clearing with the State Environmental Planning Policy No 44, the Port Stephens Koala Plan of Management and section 117 direction 2.1 Environment Protection Zones and requires clarification including whether the clearing needs to be offset. Impacts on Aboriginal Heritage also appear unresolved.

I also note that there are a number of conditions of the Gateway determination that require further clarification. These include consultation with the NSW Rural Fire Service concurrently with public exhibition, which needs to be justified under the relevant s117 direction and consultation with Hunter Water which needs to be confirmed. The material supplied in relation to Koala Habitat is not considered to have adequately addressed the requirements of the third condition of the original Gateway Determination.

In extending the timeframe I have provided additional time for further consultation with relevant agencies and, if necessary, further assessment of the site and re-exhibition of the supplemented Planning Proposal. Council has been given delegation for this matter, however, if there are any unresolved objections or inconsistency with Section 117 Directions, Council will be unable to exercise delegation.

If you have any questions in relation to this matter, I have arranged for Mr Ben Holmes to assist you. Mr Holmes can be contacted on 4904 2705.

Yours sincerely

19 January 2015
David Rowland
General Manager
Hunter and Central Coast Region
Planning Services