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Our ref: PP_2011_PORTS_004_00 (11/05766)
Your ref: PSC2010-4980

Mr Peter Gesling
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Dear Mr Gesling,

Re: Planning Proposal to rezone land at Medowie Road (412 DP 1063902, 413 DP 1063902), Medowie from rural small holdings zones to residential, open space and commercial purposes in accordance with the South Street Neighbourhood Structure Plan identified in the Medowie Strategy

I am writing in response to your Council's letter dated 21 March 2011 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 amend the Port Stephens Local Environmental Plan 2000 to rezone land at Medowie Road, Medowie from rural small holdings zones to residential, open space and commercial purposes in accordance with the South Street Neighbourhood Structure Plan identified in the Medowie Strategy.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is noted that the proposal is inconsistent with the Lower Hunter Regional Strategy (LHRS) in that it proposes to rezone rural land that is not identified as an urban release area. In addition, the subject land is identified as being within the existing 'Watagan and Stockton Green Corridor' in the Lower Hunter Regional Strategy.

Notwithstanding the above, it is acknowledged that Council has undertaken more detailed local planning for the general area subject to the planning proposal. It is understood that this more detailed planning supports the rezoning of this area for urban purposes. Council's local planning strategy, The Medowie Strategy, is yet to be considered or endorsed by the Department, and it is understood that implementation of the outcomes identified in The Medowie Strategy would, for consistency purposes, require amendments to the urban footprint and green corridor mapping in the LHRS to be achieved.

It is considered there is sufficient merit to the proposal at this stage to proceed to public exhibition and consult the community on the proposed urban development of the site. Prior to the commencement of the exhibition period, Council is to consult the Office of Environment and Heritage in regard to minimising the impact of urban development on the land within the green corridor. Further, it is noted that the site contains flood prone land, and Council are to consult the Office of Environment and Heritage on this matter as per the requirements of S117 Direction 4.3 Flood Prone Land.

In regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and take into account any comments made as per the requirements of the Local Planning Direction.

As delegate of the Minister for Planning and Infrastructure I have agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones and 1.5 rural Lands are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. Council's request for the Department to draft and finalise the LEP should be made six (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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any further queries in regard to this matter, I have arranged for Mr Michael Leavey, Regional Director – Hunter Region to respond further on this matter. Please contact Michael of the Regional Office of the Department on 02 4904 2708.

Yours sincerely,



Sam Haddad
Director General
Department of Planning and Infrastructure

28/10/2011

Gateway Determination

Planning Proposal (Department Ref: PP_2011_PORTS_004_00): to rezone land at Medowie Road, Medowie from rural small holdings zones to residential, open space and commercial purposes in accordance with the South Street Neighbourhood Structure Plan identified in the Medowie Strategy.

I, the Minister for Planning & Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Port Stephens Local Environmental Plan 2000 to rezone land at Medowie Road, Medowie from rural small holdings zones to residential, open space and commercial purposes in accordance with the South Street Neighbourhood Structure Plan identified in the Medowie Strategy should proceed subject to the following conditions:

1. Council is to consult the Office of Environment and Heritage in regards to minimising the impact of urban development on land within the Watagan and Stockton Green Corridor. Outcomes of this consultation shall form part of the public exhibition material.
2. Given the site contains flood prone land as identified by the Port Stephens Flood Maps, Council is to further consult the Office of Environment and Heritage as per the requirements of S117 Direction 4.3 Flood Prone Land.
3. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
4. 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 must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Commonwealth Department of defence
 - NSW Office of Environment and Heritage
 - NSW Roads and Traffic Authority
 - NSW Rural Fire Service
 - Energy Australia
 - Hunter Water Corporation

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. 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).

7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 28th day of October 2011.

Sam Haddad
Director General
Department of Planning and Infrastructure