

Contact: Ben Holmes  
Phone: (02) 4904 2700  
Fax: (02) 4904 2701  
Email: Ben.Holmes@planning.nsw.gov.au  
Postal: PO Box 1226, Newcastle, NSW, 2300

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

Our ref: PP\_2014\_PORTS\_001\_00 (14/01525)  
Your ref: PSC2007-02737v2

Dear Mr Gesling,

### **Planning proposal to amend Port Stephens Local Environmental Plan 2013**

I am writing in response to Council's letter dated 10 January 2014 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 rezone approximately 620ha of land near the existing village of Wallalong for urban purposes, amend the minimum lot size and maximum building height controls for the land and identify the land as an Urban Release Area.

As delegate of the Minister for Planning, I have now determined the planning proposal should not proceed at this time for the reasons outlined in the attached Gateway determination.

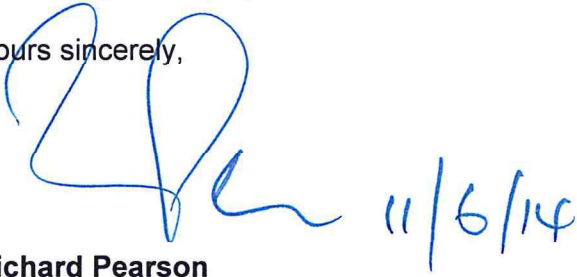
The planning proposal to rezone land at Wallalong for urban purposes is not supported at this time because the proposal, as submitted by Council, does not adequately justify commencing the rezoning proposal ahead of undertaking further key work.

I understand that Council seeks to obtain an initial Gateway determination to support commencing stage one studies to investigate the merits of the proposal, and subsequently seek a second Gateway determination ahead of commencing stage two studies to investigate environmental constraints. However, Council should undertake further strategic work, including independently addressing infrastructure requirements and funding mechanisms, environmental constraints and residential supply and demand, ahead of resubmitting the planning proposal seeking a Gateway determination. It is advised that necessary work for stage one should be carried out prior to the Gateway process.

The proposal also pre-empted the strategic work being carried out on the draft Lower Hunter Regional Growth Plan (RGP), which will guide planning in the region and inform decisions on service and infrastructure delivery. The RGP will consider the need for additional housing and the suitability of areas to meet housing needs. Consequently, Council is encouraged to work with the Department to address the suitability of the site to meet housing needs in the region. A key issue in this regard will be the ability to provide infrastructure to service the site as well as the impact rezoning the site may have on the ability to service other already zoned release areas.

The Department is happy to work further with Council regarding this matter. If you require further assistance, please contact David Rowland, General Manager of the Hunter and Central Coast Region on (02) 4904 2708.

Yours sincerely,

A handwritten signature in blue ink, followed by the date "11/6/14" written in the same ink.

**Richard Pearson**  
**Deputy Secretary**  
**Growth Planning and Delivery**

Encl: Gateway Determination

## Gateway Determination

**Planning proposal (Dept Ref: PP\_2014\_PORTS\_001\_00):** to rezone approximately 620ha of land near the existing village of Wallalong for urban purposes.

I, the Deputy Secretary, Growth Planning and Delivery at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Port Stephens Local Environmental Plan (LEP) 2013 to rezone approximately 620ha of land near the existing village of Wallalong for urban purposes, amend the minimum lot size and maximum building height controls for the land and identify the land as an Urban Release Area should not proceed for the following reasons:

1. The planning proposal is not supported because the proposal, as submitted by Council, does not adequately justify commencing the rezoning process ahead of completing further key work regarding infrastructure and site suitability.
2. The planning proposal is inconsistent with the Lower Hunter Regional Strategy because the site is not identified as a proposed urban area and does not satisfy the Strategy's Sustainability Criteria. Further strategic work needs to be carried out before consistency with the Sustainability Criteria can be determined.
3. The planning proposal is inconsistent with various applicable S117 Directions and State Environmental Planning Policy (SEPP) Rural Lands 2008, as it proposes to rezone rural land for urban purposes, not in accordance with a department endorsed strategy, and with limited access to infrastructure and services.
4. The planning proposal pre-empts the strategic work being carried out on the draft Lower Hunter Regional Growth Plan, which will guide planning in the region and inform decisions on service and infrastructure delivery.


Dated

11

day of

June

2014.



Richard Pearson  
Deputy Secretary  
Growth Planning and Delivery  
Department of Planning and Environment

Delegate of the Minister for Planning