

Gateway Determination

Planning proposal (Department Ref: PP_2018_PORTS_007_00): to rezone part of 25 Castaway Close, Boat Harbour from R5 Large Lot Residential to part R5 Large Lot Residential and part E2 Environmental Conservation and amend the minimum lot size map from 4000m² to 2000m² over the R5 Large Lot Residential-zoned portion of the land.

I, the Deputy Secretary, Planning Services at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to the Port Stephens Local Environmental Plan 2013 to facilitate a two-lot rural-residential subdivision and protect environmental land at 25 Castaway Close, Boat Harbour should not proceed for the following reasons:

1. There is no strategic justification for amending the minimum lot size as:
 - a. the proposal will not contribute towards the Hunter Regional Plan 2036 dwelling and infill housing targets as an additional dwelling is already permissible by the current planning controls;
 - b. the proposal is inconsistent with Direction 21 of the Hunter Regional Plan 2036 and the inconsistency is not justified;
 - c. the proposal is inconsistent with section 9.1 Directions 2.1 Environment Protection Zones, 4.4 Planning for Bushfire Protection and 5.10 Implementation of Regional Plans and the inconsistencies are not justified;
 - d. the proposal is likely to set an undesirable precedent for the R5 Large Lot Residential area in Boat Harbour north without an analysis to understand if the area is suitable for intensification;
 - e. the planning proposal does not seek the orderly economic development of land, but rather represents an ad hoc approach without established public benefit; and

2. There is no site-specific justification for amending the minimum lot size as:
- a. the site is subject to several site-specific environmental constraints, including significant vegetation, linkages to biodiversity corridors, bushfire risk and flooding, which require further investigation and consultation with agencies.

Dated *30th* day of *June* 2019.

A handwritten signature in black ink, appearing to read 'Marcus Ray', written in a cursive style.

Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning
and Public Spaces