

Mr Wayne Wallis
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Dear Mr Wallis

Planning proposal PP_2018_PORTS_007_00 to amend Port Stephens Local Environmental Plan 2013

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* and additional information received on 4 March 2019 in respect of the planning proposal to amend the Port Stephens Local Environmental Plan 2013. The proposal seeks to reduce the minimum lot size and zone a portion of the site E2 Environmental Conservation at 25 Castaway Close, Boat Harbour.

After careful consideration, as delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should not proceed as there is no strategic or site-specific justification for the proposal. The planning proposal is also inconsistent with:

- the Hunter Regional Plan 2036, specifically Direction 21 – To create a compact settlement, and further investigation and consultation with government agencies are required to confirm consistency with Direction 14 – Protect and connect natural areas and Direction 16 – Increase resilience to hazards and climate change; and
- 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.

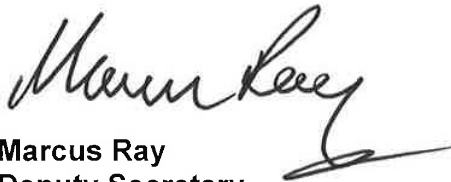
I note that dual occupancies and secondary dwellings are permitted under the existing planning controls for the site. The proposal does not adequately justify the need to amend the planning controls for this site only.

As the planning proposal has not been informed by a local or regional strategy or strategic investigation, I encourage Council to undertake a strategic investigation of the R5 Large Lot Residential zone in Boat Harbour area before considering any future planning proposal.

Any future investigation should consider if the area is suitable for intensification, if services and infrastructure are available, environmental constraints and the character of the area in consultation with the community. I encourage Council to engage with the community and relevant agencies to ensure a strategic approach for any future intensification of development in the Boat Harbour area.

Should you have any enquiries about this matter, I have arranged for Mr Paul Maher to assist you. Mr Maher can be contacted on 4904 2719.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

30/06/2019
Encl: Gateway determination