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

Our ref: PP_2014_PORTS_004_00 (14/01156)
Your ref: PSC2013-00455

Dear Mr Gesling,

Planning proposal to amend Port Stephens Local Environmental Plan 2013

I am writing in response to Council's letter dated 11 March 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 reduce the minimum lot size for land at 509 Gan Gan Road, One Mile from 10ha to 2,000sqm and 4ha.

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

The planning proposal is not supported at this time because the proposal, as submitted by Council, does not adequately justify a reduction to the minimum lot size for land at Gan Gan Road, One Mile or demonstrate that the site can be further developed given the environmental constraints on the land.

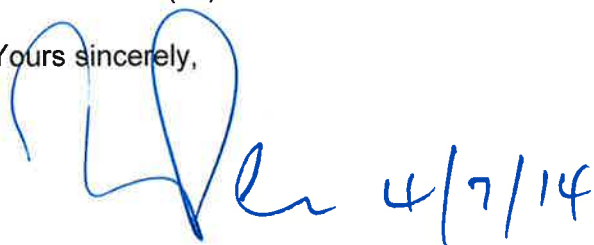
Furthermore, the site is not identified in the Lower Hunter Regional Strategy for urban development and further work on flooding, flora and fauna is to be carried out before it can be determined if the proposal satisfies the Strategy's Sustainability Criteria. The site is also not identified for urban development in Council's Port Stephens Planning Strategy 2011-2036.

While the planning proposal is not supported, should Council wish to pursue this matter, it should undertake further work to determine the suitability of the site for the proposed development, including addressing flooding, drainage, flora, fauna and koala habitat, and discuss potential offset arrangements and likely environmental impacts with the Office of Environment and Heritage.

Council may wish to consider awaiting the outcomes of the Anna Bay/One Mile Beach Flood Study, which will update flooding information for the area, including impacts associated with sea level rise and climate change. Council is to consult with the Anna Bay Drainage Union, given its role in managing drainage within the Anna Bay sub-catchment prior to submitting a further planning proposal. Council should also consider the development potential of land in the broader locality and consider including the adjoining land to the south of the subject site within any future planning proposal.

Should you have any queries in regard to this matter, I have arranged for Mr Ben Holmes of the Department of Planning and Environment's regional office to assist you. Mr Holmes can be contacted on (02) 4904 2700.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'R. Pearson', followed by the date '4/7/14'.

Richard Pearson
Deputy Secretary
Growth Planning

Encl: Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2014_PORTS_004_00): to reduce the minimum lot size for land at 509 Gan Gan Road, One Mile.

I, the Deputy Secretary, Growth Planning 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 reduce the minimum lot size for land at 509 Gan Gan Road, One Mile from 10ha to 2,000sqm and 4ha should not proceed for the following reasons:

1. The planning proposal does not adequately justify a reduction to the minimum lot size for land at Gan Gan Road, One Mile or demonstrate that the site can be further developed given the environmental constraints on the land, associated with flooding, flora and fauna.
2. The planning proposal seeks to increase the residential density on land that is not identified for urban development in the Lower Hunter Regional Strategy and further work on flooding, flora and fauna is to be carried out before it can be determined if the proposal satisfies the Strategy's Sustainability Criteria. The site is also not identified for urban development in Council's Port Stephens Planning Strategy 2011-2036.
3. The planning proposal is inconsistent with S117 Direction 2.1 Environment Protection Zones because it increases residential density on land zoned for environmental purposes, which contains endangered ecological communities. Council should address matters regarding flora, fauna and koala habitat prior to submitting a further planning proposal for the site.
4. The planning proposal is inconsistent with S117 Direction 4.3 Flood Prone Land as it will increase density on a site in a flood planning area, and may result in flooding impacts on surrounding land. Council should address matters of flooding prior to submitting a further planning proposal for the site.

Dated

4

day of

July

2014.



Richard Pearson
Deputy Secretary
Growth Planning

Delegate of the Minister for Planning