



REZONING REVIEW RECORD OF DECISION

STRATEGIC PLANNING PANEL of the
HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	25 November 2025
DATE OF DECISION	12 November 2025
PANEL MEMBERS	Alison McCabe (Chair), Anthony McNamara, Roberta Ryan, Giacomo Arnott
APOLOGIES	None
DECLARATIONS OF INTEREST	None

REZONING REVIEW

RR-2025-11 – Port Stephens LGA – PP-2024-2768

196 Old Main Road and 263, 269, 271, 273, 293 and 321 Gan Gan Road, Anna Bay (As described in Schedule 1).

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported.
- ☐ The council has failed to indicate its support 115 days after the proponent submitted a request to prepare a planning proposal.
- ☐ The council has not submitted the planning proposal for a Gateway determination within 28 days of indicating its support for the proposal.

PANEL CONSIDERATION AND DECISION

The Panel considered the material listed at item 4 and the matters raised and/or observed at briefings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel recommends that the proposed instrument:

- ☒ **should not** be submitted for a Gateway determination because the proposal has:
 - ☒ not demonstrated strategic merit nor site specific merit

The decision was unanimous, with all Panel members considering the proposal did not have strategic merit or site specific merit.

REASONS FOR THE DECISION

The Panel considered the documentation, was briefed by the Department of Planning, Housing and Infrastructure, and heard extensively from Port Stephens Council and the proponent, Mecone and their supporting technical experts.

Strategic Merit

The Panel considers that the Planning Proposal and the proposed proponent amendments put forward at the briefing do not have Strategic Merit for the following reasons:

- The recently endorsed Port Stephens Local Housing Strategy (LHS) has not identified the site for residential development. The LHS carefully considered areas suitable for housing growth within the Port Stephens LGA and previously considered the site for inclusion within these areas. The outcome of the LHS consideration was that the site was not suitable for future housing growth and that there are other less constrained areas within the LGA that are better suited for housing.

Planning Panels Team

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- The site has recently been identified on the Coastal Vulnerability Area mapping under State Environmental Planning Policy (Resilience and Hazards) 2021 (the SEPP). The proposal is not consistent with the objectives of the SEPP.
- The proposal is not consistent with relevant Ministerial Directions including Ministerial Direction 3.1 Conservation Zones, Ministerial Direction 4.1 Flooding and Ministerial Direction 4.2 Coastal Management.

The Panel notes that the LHS does not wholly address Port Stephens Council housing targets, but understands that Council is actively identifying areas and policy settings to address any shortfall.

Site-specific Merit

The Panel considers the Planning Proposal does not have Site-specific Merit for the following reasons:

- The site is heavily constrained by biodiversity and flooding impacts.
- The proposed residential density in a flood prone area will exacerbate existing flooding issues within the Port Stephens LGA.
- The solution to raise the site out of the flood zone with significant amounts of fill is not supported.
- The proposal will remove and disturb a significant amount of high ecological value land and ecosystems.

The site is constrained and is not suitable for the intensity of use that the proposed planning framework would support.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Tony McNamara
 Roberta Ryan	 Giacamo Arnott

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SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2025-11 – Port Stephens LGA – PP-2024-2768 – at 196 Old Main Road and 263, 269, 271, 273, 293 and 321 Gan Gan Road, Anna Bay
2	LEP TO BE AMENDED	Port Stephens Local Environmental Plan (LEP) 2013
3	PROPOSED INSTRUMENT	The proposal seeks to: • Rezone the site form part RU2 Rural Landscape, part C3 Environmental Management (C3) and part R2 Low Density Residential (R2) to part C3, part R2 and part RE1 Public Recreation (RE1); • Apply a 9m building height to R2 zoned land; • Amend existing minimum lot sizes to apply a minimum 500sq.m to R2 zoned land and 1ha, 2ha,4ha and 10ha on C3 zoned land; • Introduce Urban Release Area provisions to R2 zoned land; and • Require acquisition by Council of RE1 zoned land.
4	MATERIAL CONSIDERED BY THE PANEL	• Rezoning review request documentation • Department of Planning, Housing and Infrastructure, Rezoning Review Briefing Report package dated 28 October 2025 • Slide presentations from DPHI, 12 November 2025; Port Stephens Council, 12 November 2025 and Mecone, 12 November 2025
5	SITE INSPECTIONS AND BRIEFINGS BY THE PANEL	• Site inspections: ○ Alison McCabe: 8 November 2025 ○ Roberta Ryan: 9 November 2025 ○ Tony McNamara: 31 October 2025 ○ Giacomo Arnott: 31 October 2025 • Briefing with Department of Planning, Housing and Infrastructure (DPHI): 12pm – 1:10pm, 12 November 2025 ○ Panel members in attendance: Alison McCabe (Chair), Anthony McNamara, Roberta Ryan, Giacomo Arnott ○ DPHI staff in attendance: Louise McMahon, Alexander Galea, Pat Connor, Craig Diss ○ Key issues discussed: • Process timeline and background of planning proposal • Strategic Merit discussions including demonstrating consistency with Strategic Planning documents including Hunter Regional Plan, Local Housing Strategy Plan, Local Strategic Planning Statement, Anna Bay Strategy and Town Plan, S9.1 Ministerial Directions and SEPPs • Site-specific merit discussions including flooding, biodiversity, coastal area impacts, traffic and bushfire. • Briefing with Port Stephens Council: 1:15pm – 2:15pm, 12 November 2025 ○ Panel members in attendance: Alison McCabe (Chair), Anthony McNamara, Roberta Ryan, Giacomo Arnott

		○ DPHI staff in attendance: Louise McMahon, Alexander Galea, Pat Connor ○ Council representatives in attendance: Matthew Borsato, Elizabeth Lamb ○ Key issues discussed: • Process timeline and background of planning proposal • Strategic Merit discussions including demonstrating consistency with Strategic Planning documents including Hunter Regional Plan, Local Housing Strategy Plan, Local Strategic Planning Statement, Anna Bay Strategy and Town Plan, S9.1 Ministerial Directions and SEPPs • Site-specific merit discussions including flooding, biodiversity, coastal area impacts, traffic and bushfire ● Briefing with Mecone (Proponent): 2:20pm – 3:45pm, 12 November 2025 ○ Panel members in attendance: Alison McCabe (Chair), Anthony McNamara, Roberta Ryan, Giacomo Arnott ○ DPHI staff in attendance: Louise McMahon, Alexander Galea, Pat Connor ○ Proponent representatives in attendance: Daniel Matthews, Peter Cahill, Daniel McNamara, Jesus Garcia, Dr Daniel Martens, Dr Kylie Bridges, Chris Shannon ○ Key issues discussed: • Process timeline and background of planning proposal • Strategic Merit discussions including demonstrating consistency with Strategic Planning documents including Hunter Regional Plan, Local Housing Strategy Plan, Local Strategic Planning Statement, Anna Bay Strategy and Town Plan, S9.1 Ministerial Directions and SEPPs. • Site-specific merit discussions including: ▪ proposed amendments to address issues raised; ▪ affordable housing provision; ▪ flooding impacts, outcomes of flood modelling and mitigation measures; ▪ biodiversity impacts, Koala Habitat and potential remediation; and ▪ coastal area impacts and site access. ● Panel Discussion: 3:45pm – 4:15pm, 12 November 2025 ○ Panel members in attendance: Alison McCabe (Chair), Anthony McNamara, Roberta Ryan, Giacomo Arnott ○ DPHI staff in attendance: Louise McMahon, Alexander Galea, Pat Connor and Craig Diss.
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