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Our ref: PP_2010_PORTM_003_00 (10/19653)
Your ref: 032.2010.00000002.001

Mr Andrew Roach
General Manager
Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Dear Mr Roach,

Re: Planning Proposal to rezone land at Ocean Drive, Lake Cathie (Area 14 – 1B)

I am writing in response to your Council's letter dated 23 September 2010 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 amend the Hastings Local Environmental Plan 2001 to rezone land at Ocean Drive, Lake Cathie (Lot 1 DP 374315 and Lot 4 DP 615261) from Rural 1(a1) to zones consistent with the Standard LEP format being R1 General Residential, R3 Medium Density Residential, B4 Mixed Use, RE1 Public Recreation, E2 Environmental Conservation and E3 Environmental Management.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 3.4 Integrating Land Use and Transport and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

The Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Denise Wright of the Regional Office of the Department on 02 6641 6600.

Yours sincerely,

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_PORTM_003_00): to rezone land at Ocean Drive, Lake Cathie (Lot 1 DP 374315 and Lot 4 DP 615261) from Rural 1(a1) to zones consistent with the Standard LEP format being R1 General Residential, R3 Medium Density Residential, B4 Mixed Use, RE1 Public Recreation, E2 Environmental Conservation and E3 Environmental Management.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Hastings Local Environmental Plan 2001 to rezone land at Ocean Drive, Lake Cathie (Lot 1 DP 374315 and Lot 4 DP 615261) from Rural 1(a1) to zones consistent with the Standard LEP format being R1 General Residential, R3 Medium Density Residential, B4 Mixed Use, RE1 Public Recreation, E2 Environmental Conservation and E3 Environmental Management should proceed subject to the following conditions:

1. The planning proposal being amended to include, as far as is possible, a standard 60 metre buffer area to the Littoral Rainforest.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs* (Department of Planning 2009).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Environment, Climate Change and Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 20th day of October 2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning