



Planning

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

10/22107

Dear Mr Roach

Conversion of Hastings LEP 2001 (Draft Amendment – Birdon Marine) to a Planning Proposal

I refer to your letter dated 1 November 2010, requesting a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) for the Hastings Local Environmental Plan 2001 (draft Amendment – Birdon Marine).

I am writing to notify you that I have determined (as the delegate of the Director-General) under clause 12(2) of the *Environmental Planning and Assessment Regulation 2000* that the former LEP plan-making provisions cease to apply to the draft LEP. The current provisions of Part 3 of the Act now apply.

Furthermore I have, as the delegate for the Minister for Planning, determined under clause 122 (2) of Schedule 6 of the Act to dispense with the conditions precedent prior to section 57(1) of the Act for the making of this draft LEP. This means that Council is able to place the proposal on public exhibition once the additional studies have been completed. Council will note that this will require the Director General to be satisfied that the summary (the material to be exhibited) provides sufficient details for community consultation, including consultation with relevant State agencies prior to exhibition. The plan should be made publicly available for a period of 14 days.

Council is required to finalise the LEP within twelve months of the week following the date of this letter. Council's request for the Department to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

Should you have any queries in regard to this matter, please contact Jenny Gwynne of the Northern Region Office on 02 6641 6614.

Yours sincerely

18/11/10
Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
(as a delegate of the Minister and the Director-General)