



Planning & Infrastructure

Office of the Director General

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Mr Tony Hayward
General Manager
Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Our ref: PP_2012_PORTM_007_00 (12/15166)
Your ref: PP2011-0007.02

Dear Mr Hayward,

Planning proposal to amend Port Macquarie-Hastings Local Environmental Plan 2011

I am writing in response to your Council's letter dated 19 September 2012 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 Port Macquarie-Hastings Local Environmental Plan (LEP) 2011 to rezone land at John Oxley Drive, Port Macquarie for commercial and residential purposes.

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

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 4.1 Acid Sulfate Soils and 5.1 Implementation of Regional Strategies is of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible following agency consultation. 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 NSW 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 Paul Garnett of the North Coast regional office of the department on 02 6641 6600.

Yours sincerely,


Sam Haddad
Director-General

10/10/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_PORTM_007_00): to amend Port Macquarie-Hastings Local Environmental Plan 2011 for commercial purposes.

I, the Director-General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Port Macquarie-Hastings Local Environmental Plan (LEP) 2011 to rezone Lots 12 and 13 DP 1088869, John Oxley Drive, Port Macquarie from RU1 Primary Production to B5 Business Development, rezone the adjoining road reserve from RU1 Primary Production to R1 General Residential and amend the minimum lot size and maximum building height maps should proceed subject to the following conditions:

1. Council is to undertake the following studies to identify impacts that may result from the proposed rezoning of the subject land. This information is to be placed on public exhibition with the planning proposal:
 - A flood impact assessment and a study into the impact on storm water drainage resulting from the rezoning of the land for business purposes;
 - An independent review of the economic impact assessment prepared by MacroPlan Dimasi dated August 2012; and
 - A traffic impact and accessibility study that considers the aims, objectives and principles of 'The Right Place for Business Services – Planning Policy' (DUAP 2001). In undertaking the study, Council is also to determine consistency with S117 Direction 3.4 Integrating Land Use and Transport, and amend the planning proposal accordingly to address the requirements of the Local Planning Direction.
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:
 - Transport for NSW – Roads and Maritime Services
 - NSW Rural Fire Service
 - Office of Environment and Heritage

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. Further to Condition 3 above, Council is to consult with the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

5. Further to Condition 3 above, Council is to consult with the Office of Environment and Heritage in regards to flooding and proposed mitigation measures. In doing so, Council is to address the flood prone nature of the site and the level of fill required to mitigate flood effects. Council is to address the requirements of S117 Direction 4.3 Flood Prone Land and determine consistency with the Local Planning Direction prior to finalisation of the LEP.
6. Council is to provide a copy of the revised planning proposal to the department's regional team prior to public exhibition.
7. 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).
8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

10th

day of

October

2012.

Sam Haddad

Sam Haddad

Director-General

Delegate of the Minister for Planning and
Infrastructure