



Planning & Infrastructure

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

Our ref: PP_2012_PORTM_004_00 (12/09784)
Your ref: PP2011-0006

Dear Mr Hayward,

Planning Proposal to amend the minimum lot size for certain land at King Creek Road, King Creek zoned R5 Large Lot Residential to permit rural residential subdivision to a minimum lot size of 1.2ha

I am writing in response to your Council's letter dated 4 June 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the above mentioned planning proposal.

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 Direction 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to this Direction.

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 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,


Sam Haddad
Director-General

29/6/2012.

Gateway Determination

Planning Proposal (Department Ref: PP_2012_PORTM_004_00): to amend the minimum lot size for certain land at King Creek Road, King Creek zoned R5 Large Lot Residential to permit rural residential subdivision to a minimum lot size of 1.2ha.

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 2011 to amend Lot Size Maps for certain land at King Creek zoned R5 Large Lot Residential to permit rural residential subdivision to a minimum lot size of 1.2ha should proceed subject to the following conditions:

1. It is noted that the Council identified within the 'Background' section at pages 2-6 of the planning proposal that 10 lots are subject to the proposed lot size amendment, but only identified one (1) lot on the 'Site Identification Map' at Appendix C. Council needs to clarify exactly which lots are the subject of the proposed amendment and revise the planning proposal / locality map accordingly. Council is to provide a copy of the revised planning proposal to the Department's Regional Team.
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:
 - Office of Environment and Heritage
 - NSW Rural Fire Service

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.
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 29th day of June 2012.


Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure