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Our ref: PP_2010_PORTM_001_00 (10/08728)
Your ref: 032.2009.00000002.001

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, West Haven

I am writing in response to your Council's letter dated 29 April 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 Lot 1 DP 827937, Ocean Drive, West Haven.

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.

In relation to the land which is proposed to be zoned 7(h) Environment Protection, Council's attention is drawn to the Department's LEP Practice Note dated 30 April 2009. As outlined in this Practice Note, Council should carefully consider the range of permitted land uses when converting this zone to an environmental protection zone in the standard instrument. The range of land uses should not be drawn too restrictively as this may, depending on the circumstances, invoke the Land Acquisition (Just Terms Compensation) Act 1991 and the need for the Minister to designate a relevant acquiring authority.

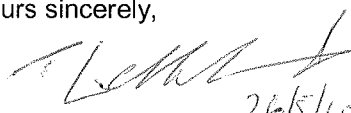
The Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

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,



26/5/10
Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_PORTM_001_00): to rezone land at Lot 1 DP 827937, 370 Ocean Drive, West Haven from 1(a1) Rural to 2(a1) Residential, 6(a) Open Space and 7(h) Environment Protection-Habitat.

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 Lot 1 DP 827937, 370 Ocean Drive, West Haven from 1(a1) Rural to 2(a1) Residential, 6(a) Open Space and 7(h) Environment Protection-Habitat should proceed subject to the following conditions:

1. The inclusion of a clause which identifies the acquisition authority for the land to be zoned 6(a) Open Space.
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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and 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:
 - Aboriginal Land Council
 - Department of Environment, Climate Change and Water
 - Department of Primary Industry (Fisheries)
 - 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. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated

26th

day of

May

2010.



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