



Planning

Office of the Director-General

Mr Andrew Roach
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Port Macquarie-Hastings Council
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Our Ref: qB130415
Council ref: 032.2009.00000002.001

Dear Mr Roach,

Re: Planning Proposal to rezone Lot 100 DP 1101027 (John Fraser Place, Port Macquarie) from 1(a1) Rural to 2(a1) Residential under Hastings LEP 2001

I am writing in response to your Council's letter dated 29 October 2009 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 Hastings Local Environmental Plan 2001 to rezone Lot 100 DP 1101027 (John Fraser Place, Port Macquarie) from 1(a1) Rural to 2(a1) Residential.

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 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 is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination.

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.

I have formed the opinion that any inconsistencies with the section 117 Directions are minor and justifiable in this instance.

Should you have any queries in regard to this matter please contact Denise Wright in the Department's regional office at Grafton. Ms Wright can be contacted on telephone (02) 6641 6603.

Yours sincerely,


Sam Haddad
Director-General

27/11/2009

Gateway Determination

Planning Proposal (Department ref: qB130415): To rezone Lot 100 DP 1101027 (John Fraser Place, Port Macquarie) from 1(a1) Rural to 2(a1) Residential.

I, the Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment of the Hastings Local Environmental Plan 2001 to rezone Lot 100 DP 1101027 (John Fraser Place, Port Macquarie) from 1(a1) Rural to 2(a1) Residential should proceed subject to the following conditions:

1. 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 not classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning 2009) and therefore 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).
2. Consultation under section 56(2)(d) of the EP&A Act is only required with the following State public authorities that will or may be adversely affected by the proposed instrument:
 - NSW Rural Fire Service
 - Aboriginal Land Council
3. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act.
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 27th day of November 2009.


Sam Haddad
Delegate for the Minister for Planning