



Planning

10/15822

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

Dear Mr Roach

Conversion of draft Port Macquarie Hastings (Area 15 Camden Haven) LEP 2010 to a Planning Proposal

I refer to your letter dated 28 October 2010, requesting a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) for the draft Port Macquarie Hastings (Area 15 Camden Haven) Local Environmental Plan 2010 (the draft LEP).

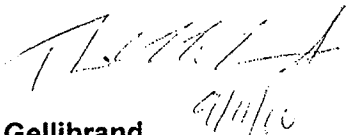
I am writing to notify you that I have determined (as the delegate of the Director-General) under clause 12(2) of the *Environmental Planning and Assessment Regulation 2000* that the former LEP plan-making provisions cease to apply to the draft LEP. The current provisions of Part 3 of the Act now apply.

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 the Council can now place the proposal on public exhibition. The material to be exhibited should provide sufficient details for community consultation, including consultation with relevant State agencies. The plan should be made publicly available for a period of 28 days.

Council is required to finalise the LEP within 6 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 Denise Wright of the Northern Region Office on 02 6641 6603.

Yours sincerely



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



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10/21917

Department Generated Correspondence (Y)

**DRAFT PORT MACQUARIE HASTINGS (AREA 15 CAMDEN HAVEN) LEP 2010 -
CONVERSION TO PLANNING PROPOSAL PART 3 OF THE ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT**

PURPOSE

- To enable the conversion of draft Port Macquarie Hastings (Area 15 Camden Haven) LEP 2010 from a pending LEP to a planning proposal under the current Part 3 of the EP&A Act.

RECOMMENDATION

- That the Deputy Director General as a delegate of the Director General and Minister for Planning:
 1. pursuant to clause 12(2) of the Regulations notify Port Macquarie Hastings Council that the plan making provisions for a pending LEP cease to apply to draft Port Macquarie Hastings (Area 15 Camden Haven) LEP 2010; and
 2. pursuant to clause 122(2) of Schedule 6 to the EP&A Act, draft Port Macquarie Hastings (Area 15 Camden Haven) LEP 2010 be converted to a planning proposal and dispense with conditions precedent for the making of the LEP prior to section 57(1) of the Act.

CURRENT POSITION

- Draft Port Macquarie Hastings (Area 15 Camden Haven) LEP 2010 proposes to rezone land at Ocean Drive Camden Haven for urban use. The land is currently zoned 1(a1) Rural (**Tag A**).
- The draft LEP is in the Standard Instrument format and will introduce R1 General Residential, B1 Neighbourhood Centre, IN2 Light Industry, SP2 Infrastructure (Water Supply, Waste Transfer Station, Council Depot and Classified Road), E2 Environmental Conservation and E3 Environmental Management zones on the land (**Tag B**).
- The LEP was being prepared under the former provisions of Part 3 of the EP&A Act and is a pending LEP to which clause 12 of the EP&A Regulation applies.
- By letter of 29 October 2010, the Council requested that the draft amendment proceed as a planning proposal under Part 3 of the Act (**Tag C**).
- The Director General, under the former Section 54, advised Council in June 2005 that an environmental study was required.
- The Department certified the draft plan for exhibition in September 2010 (**Tag D**).
- Council advice is that the draft plan will proceed to exhibition shortly on finalisation of planning agreements between Council and landowners. These agreements relate to provision of infrastructure and management of land within the proposed environmental protection zones.
- Council considers the status of the draft plan to be equivalent to clause 57(4) of the Act as a certificate to exhibit the draft plan has been issued. However as the pending LEP has not been exhibited the conversion to a planning proposal should commence at section 57(1).
- The plan should be made publicly available for 28 days.
- Council has indicated that the draft plan should be submitted to the Department for publication in February 2011. A six month period to complete the plan is recommended. //

- The conversion of the draft LEP to a planning proposal is supported as a major urban release area to meet requirements for housing stock in the Camden Haven area as indicated in the Mid North Coast Regional Strategy.

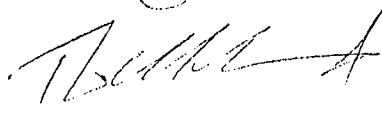
BACKGROUND

- The draft plan will rezone land to facilitate the development of approximately 358 residential allotments.
- About 2.4ha of land will be zoned for light industry use and 0.3ha of land will be zoned neighbourhood centre to provide a central site for local convenience shops/businesses.
- The proposed zonings are supported by the environmental study investigations.
- Council has lodged the Shire wide LEP under section 68. The plan is currently under review.

Contact Officer: Denise Wright
Northern Region (02) 6641 6604

 5 November 2010
Regional Director, Northern Region

 9.11.10.
Executive Director, Planning Operations

 9/11/10
Deputy Director General, Plan Making and Urban Renewal
As a delegate of the Minister and the Director-General