



Planning

10/17993

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 (Warlters Street Commercial Lands) LEP 2010 to a Planning Proposal

I refer to your letter dated 1 November 2010, requesting a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) for the draft Port Macquarie Hastings (Warlters Street Commercial Lands) 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.

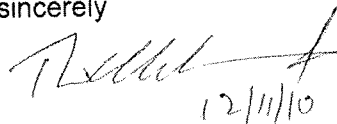
Furthermore I have, as the delegate for the Minister for Planning, determined under clause 122 (2) of Schedule 6 of the Act to dispense with the conditions precedent prior to section 57(1) of the Act for the making of this draft LEP. This means that the Council can now place the proposal on public exhibition. 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.

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).

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



12/11/10

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



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Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING

Northern Region

DRAFT PORT MACQUARIE HASTINGS (WARLTERS STREET COMMERCIAL LANDS) 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 (Warlters Street Commercial Lands) 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 (Warlters Street Commercial Lands) LEP 2010; and
 2. pursuant to clause 122(2) of Schedule 6 to the EP&A Act, draft Port Macquarie Hastings (Warlters Street Commercial Lands) 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 (Warlters Street Commercial Lands) LEP 2010 proposes to rezone land at Warlters Street Port Macquarie to allow expansion of retail facilities. The land is currently zoned part 2(t1) Residential Tourist and part 6(a) Open Space (**Tag A**).
- The draft LEP is in the Standard Instrument format and will introduce a B3 Commercial Core and RE1 Public Recreation zoning to the site (**Tag B**).
- The draft plan also seeks to reclassify the existing Council owned park from "community" to "operational" under the provisions of section 27(1) of the Local Government Act 1993. This aspect of the draft plan will be subject to a public hearing.
- 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 1 November 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 March 2005 that an environmental study was required.
- The Department certified the draft plan for exhibition under section 65 of the former Act in October 2010 (**Tag D**).
- Council had not received confirmation of the Department's certification of the draft plan before the request for conversion was made. However on anticipation of the Department's advice on certification, Council advised that exhibition would commence by mid November 2010.

As the pending LEP has not been exhibited the conversion to a planning proposal should commence at section 57(1).

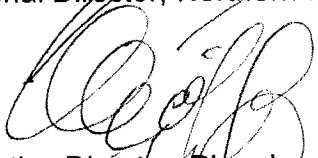
- The plan should be made publicly available for 28 days.
- Council has indicated that the draft plan should be submitted to the Department for publication in March 2011. A six month period to complete the plan is recommended.
- The conversion of the draft LEP to a planning proposal is supported as a demand for additional retail floor space in this locality is supported by Council's strategic planning and is consistent with the principles for growth in retail and commercial sectors as indicated in the Mid North Coast Regional Strategy.

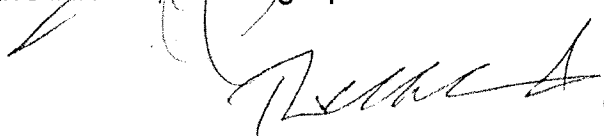
BACKGROUND

- The draft plan will rezone land to facilitate the staged provision of 20 000m² of retail floor space. Not more than 9000m² can be provided between 2013 and 2015, with the remainder available for release after 2016 to meet market provisions. Release of floor space will be controlled through a planning agreement between Council and the landowner.
- The local park has an area of 3740m² and was dedicated to Council as public reserve as part of the development of the adjoining Settlement City Shopping Centre.
- The proposed zonings are supported by the environmental study investigations.
- Council has lodged the LGA-wide Comprehensive LEP under the former section 68. The plan is currently under review.

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

 9 November 2010
Regional Director, Northern Region

 11.11.10.
Executive Director, Planning Operations

 12/11/10
Deputy Director General, Plan Making and Urban Renewal
As a delegate of the Minister and the Director-General