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Our ref: PP\_2012\_PORTM\_001\_00 (12/02891)  
Your ref: 032.2012.00000002.001

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

Dear Mister Hayward,

**Re: Planning Proposal to rezone land at Ocean Drive Lake Cathie from RU1 Primary Production and R1 General Residential to B2 Local Centre, R1 General Residential, R3 Medium Density Residential**

I am writing in response to your Council's letter dated 7 February 2012 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 Port Macquarie - Hastings Local Environmental Plan 2011 to rezone land at Ocean Drive Lake Cathie from RU1 Primary Production and R1 General Residential to B2 Local Centre, R1 General Residential, R3 Medium Density Residential.

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.

Council is required to prepare and exhibit appropriate mapping to support the planning proposal. In particular, Council is to prepare a zoning map which identifies the current and proposed zoning for the site. In addition, Council is to ensure that maps relating to all relevant development standards (FSR, building height, minimum lot size) are prepared and exhibited. Maps relating to acid sulphate soils and heritage should also be prepared and exhibited if necessary. Council should also ensure that the subject site is identified as an urban release area its Urban Release Area map series. The planning proposal should be updated to include reference to any additional maps prior to exhibition. A copy of the updated planning proposal and associated maps is to be provided to the Department's Regional Planning Team prior to exhibition.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 3.4 Integrating Land Use and Transport, and 6.2 Reserving Land for Public Purposes are of minor significance. No further approval is required in relation to these Directions.

In relation to the planning proposal's consistency with Section 117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to commencing exhibition and amend the planning proposal, if necessary, prior to exhibition to include any comments received from the NSW Rural Fire Service.

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 as soon as possible following consultation with the NSW Rural Fire Service and once all required additional and/or updated maps are prepared. 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**

27/2/2012

## Gateway Determination

***Planning proposal (Department Ref: PP\_2012\_PORTM\_001\_00): to rezone land at Ocean Drive Lake Cathie from RU1 Primary Production and R1 General Residential to B2 Local Centre, R1 General Residential, R3 Medium Density Residential.***

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 rezone land at Ocean Drive Lake Cathie from RU1 Primary Production and R1 General Residential to B2 Local Centre, R1 General Residential, R3 Medium Density Residential should proceed subject to the following conditions:

1. Council is to prepare and exhibit appropriate mapping which clearly identifies the subject site and the intent of the planning proposal. In particular, maps identifying the following attributes and development standards are to be prepared and placed on public exhibition:
  - a. Current and proposed site zoning
  - b. Proposed minimum lot size (MLS)
  - c. Proposed Floor Space Ratio (FSR)
  - d. Proposed Height of Building (HOB)
  - e. Acid Sulfate Soils map (if necessary)
  - f. Heritage Map (if necessary)
  - g. Urban Release Area (URA) Map
2. The planning proposal is to be updated to include references to the above maps prior to public exhibition commencing.
3. A copy of the updated planning proposal and associated maps is to be provided to the Department's Regional Planning Team prior to exhibition.
4. 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 **14 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)*.
5. In relation to the planning proposal's consistency with Section 117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to commencing exhibition and amend the planning proposal, if necessary, prior to exhibition to include any comments received from the NSW Rural Fire Service.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - Office of Environment and Heritage
  - NSW Environmental Protection Agency
  - NSW Rural Fire Service
  - Transport for NSW - Roads and Maritime Services
  - Local Aboriginal Land Council

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.

7. 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).
8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 27<sup>th</sup> day of February 2012.

*Sam Haddad*

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