



Planning

10/13967

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 (Sancrox Employment 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 (Sancrox Employment 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(8) of the Act for the making of this draft LEP. This means that Council is required to consider any matters raised in the submissions to the draft LEP before determining to forward the plan to the Minister to be made.

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)

PP-2010-PORTM-006-00



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Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING

Northern Region

DRAFT PORT MACQUARIE HASTINGS (SANCROX EMPLOYMENT 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 (Sancrox Employment 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 (Sancrox Employment Lands) LEP 2010; and
 2. pursuant to clause 122(2) of Schedule 6 to the EP&A Act, draft Port Macquarie Hastings (Sancrox Employment Lands) LEP 2010 be converted to a planning proposal and dispense with conditions precedent for the making of the LEP prior to section 57(8) of the Act.

CURRENT POSITION

- Draft Port Macquarie Hastings (Sancrox Employment Lands) LEP 2010 proposes to rezone 71ha of land between the Pacific Highway and Sancrox Road and at Bushland Drive Sancrox for industrial use. The draft plan will also protect 31.3ha of land of environmental significance by appropriate environmental zoning. The land is currently zoned 1(a1) Rural (**Tag A**).
- The draft LEP is in the Standard Instrument format and rezones the land to IN1 General Industry, IN2 Light Industry, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living and SP2 Infrastructure (Classified Road) (**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 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 August 2006 that an environmental study was required.
- The Department certified the draft plan for exhibition under the former section 65 in July 2010 (**Tag D**).
- The draft plan is on exhibition until 19 November.
- Due to the current exhibition of the draft plan, Council considers the status of the draft plan to be equivalent to section 58 of the Act. As the draft plan has not completed the exhibition period, the Proposal should dispense with the conditions precedent prior to section 57(8) of

the Act which means that the Council will need to consider the submissions received prior to finalising the LEP.

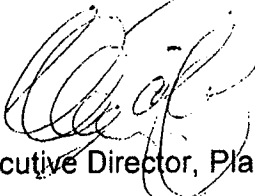
- Council has indicated that the draft plan should be submitted to the Department for approval by March 2011. A six month period to complete the plan is recommended.
- The conversion of the draft LEP to a planning proposal is supported on the basis that the site is identified within Council's strategic framework for the development of industrial land in the Major Regional Centre of Port Macquarie and in the *Mid North Coast Regional Strategy*.

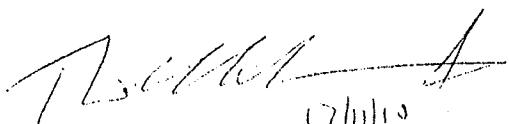
BACKGROUND

- The proposed zonings are supported by the environmental study investigations.
- Council has lodged the Shire wide LEP under the former section 68. The plan is currently under review and expected to be submitted to the Minister in early 2011.

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

 12 November 2010
Regional Director, Northern Region

 13.11.10
Executive Director, Planning Operations

 17/11/10
Deputy Director General, Plan Making and Urban Renewal
As a delegate of the Minister and the Director-General