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Department Generated Correspondence (Y)

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Our ref: PP_2011_PORTM_005_00 (11/20432)

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

Dear Mr Hayward,

Re: Planning Proposal to rezone land at Fernbank Creek Road, Sancrox for industrial and environmental protection purposes

I am writing in response to your Council's letter 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 Local Environmental Plan LEP 2011 to rezone land at Fernbank Creek Road, Sancrox for industrial and environmental protection purposes.

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.

While it is acknowledged that the intent of the planning proposal is to provide for 'employment related land uses' and environmental protection purposes Council is to identify and prepare a map indicating the preferred zones for the subject land for the purposes of exhibition. In addition, Council is to identify appropriate minimum lot size and height of building controls for the site and include these maps as part of the exhibition material. It is noted that Council currently does not have an FSR map for industrial zoned land. Should Council consider it appropriate in this instance, it should also be prepared and included for exhibition purposes.

It is noted that Council is currently negotiating an offset agreement for part of the site with the Office of Environment and Heritage. Should this agreement be finalised prior to the commencement of the public exhibition period, Council is encouraged to include a copy of the agreement (or summary details) as part of the exhibition material.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 1.5 Rural Lands are of minor significance. No further approval is required in relation to these Directions.

Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is also to consult with the Director General of the Department of Primary Industries in accordance with the requirements of S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries prior to undertaking community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. 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,



Tom Gellibrand 29/11/11
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_PORTM_005_00): to rezone land at Fernbank Creek Road, Sancrox for industrial and environmental protection purposes.

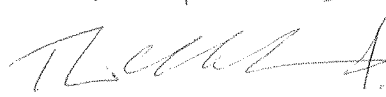
I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Port Macquarie Local Environmental Plan LEP 2011 to rezone land at Fernbank Creek Road, Sancrox for industrial and environmental protection purposes should proceed subject to the following conditions:

1. Council is to identify proposed zones for the subject land and prepare a map indicating the current and proposed future zone(s) for the purposes of exhibition. In addition, Council is to identify appropriate minimum lot size and height of building controls and FSR (if considered necessary by Council), for the site and include these maps as part of the exhibition material.
2. 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 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)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Aboriginal Land Council
 - Office of Environment and Heritage
 - NSW Department of Primary Industries - Minerals and Petroleum
 - NSW Rural Fire Service
 - Department of Transport - Roads and Traffic Authority

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.

4. 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).
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 29th day of November 2011.


Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and Infrastructure