



Mr Craig Swift-McNair
General Manager
Port Macquarie Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Our ref: PP_2016_PORTM_002_00 (16/04252)
Your ref: DD032.2002.00000006.001

Attention: Stephen Nicholson

Dear Mr Swift-McNair

Planning proposal to amend Port Macquarie-Hastings LEP 2011

I am writing in response to your Council's letter dated 10 March 2016 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to amend Port Macquarie Hastings LEP 2011 to rezone land and to undertake other associated changes within the South Lindfield Urban Release Area.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 2.1 Environmental Zones and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

Council will still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Directions 3.5 Development near Licensed Aerodromes and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

It is noted that Council has requested to be issued with delegation to exercise plan making powers for this planning proposal. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan until the Secretary has approved a Koala Plan of Management for the land. Any proposed amendments to the Koala Habitat Map under the proposal will need to be consistent with the approved plan of management.

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. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 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 section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Gina Davis of the Department's regional office to assist you. Ms Davis can be contacted on (02) 6701 9687.

Yours sincerely



23 March 2016

Craig Diss
Acting Director Regions, Northern
Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_PORTM_002_00): to rezone land and to undertake other associated changes within the South Lindfield Urban Release Area

I, the Acting Director Regions, Northern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Port Macquarie Hastings Local Environmental Plan (LEP) (2011) to rezone land and to undertake other associated changes within the South Lindfield Urban Release Area should proceed subject to the following conditions:

1. Council is to consult with:
 - (a) The department of the Commonwealth responsible for aerodromes as per the requirements of section 117 Direction 3.5 Development Near Licensed Aerodromes; and
 - (b) The NSW Rural Fire Service as per the requirements of section 117 Direction 4.4 Planning for Bushfire Protection.

The planning proposal shall be amended, if necessary, to take into consideration any comments made prior to undertaking community consultation.

2. Prior to undertaking community consultation, Council is to complete the targeted survey for the presence of the endangered Green and Gold Bell Frog on the site and include this information with the planning proposal for community consultation.
3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013)*.
4. Consultation is required with the following public authorities and organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - NSW Office of Environment and Heritage
 - NSW Roads and Maritime Services
 - NSW Environmental Protection Authority
 - Essential Energy

Each public authority or organisation is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 23 day of March 2016



Craig Diss
Acting Director Regions, Northern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning