



NSW GOVERNMENT
Department of Planning

07- 2- 07 016

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Our ref: MP 06_0212
File: S0600402

Mr Bernard Smith
General Manager
Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Attention: Mr Luke Nicholls

Dear Mr Smith

Port Macquarie	
HASTINGS COUNCIL	
Parcel	- 7 FEB 2007
Library	
Room	Core 222
Cabinet	FF337
Binder	7-2-07

BOX

- 4 - 2007

Rural Residential Subdivision at Sancrox Road, Sancrox, Port Macquarie MP06_0212

I refer to your letter dated 13 September 2006 requesting that I delegate my assessment functions for a number of major project applications in your local government area to Council.

The Minister for Planning recently agreed to consider the above project as a Major Project to be assessed under Part 3A of the *Environmental Planning and Assessment Act, 1979 (the Act)*. In so doing, the Minister also authorised the submission of a concept plan for the rural residential subdivision.

I am pleased to inform you that I have now also agreed that Port Macquarie-Hastings Council be delegated certain assessment powers and functions in relation to the assessment of the concept plan application. I have delegated those powers in accordance with the attached Instrument of Delegation (refer **Attachment A**).

Please note that, on 12 January 2007, the Department issued the Director-General's Environmental Assessment Requirements for the proposal. These are attached for your information at **Attachment B**.

The Department has written to relevant government agencies to advise them of my delegation to Council. These agencies are requested to cooperate with Council and to provide timely advice to facilitate the assessment of the project.

I look forward to working with you on the implementation of this project. Should you have any further inquiries about this matter, I have arranged for Sally Laing, Environmental Planner, of the Department of Planning to assist you. Sally can be contacted on (02) 9228 6498 or by email at sally.laing@planning.nsw.gov.au.

Yours sincerely

Sam Haddad
Director-General

25. 1. 2007

SCANNED

PROCESSED



NSW GOVERNMENT
Department of Planning

Office of the Director General

T C J Wade
Director/Company Secretary
Le Clos Pty Limited
PO Box 727
DAPTO NSW 2530

DGC07/2125

Dear Mr/s Wade

I refer to your letter of 18 December 2007 concerning the major project application fees for the proposed rural residential subdivision at Sarcox Road in Sancrox, Port Macquarie (MP06_0212).

On consideration, I do not believe that a reduction in the fee payable for the concept plan application is warranted. The proposal involves the creation of 60 new rural residential allotments and requires Port Macquarie Hastings Council, as delegate for the Director-General, to undertake the assessment of an extensive range of environmental issues, including bushfire, threatened species, flooding, acid sulfate soils, traffic and access and waste water management.

While the development application fees for the proposal would have been \$5,543 (plus referral fees) if it was to be assessed by Council under Part 4 of the *Environmental Planning and Assessment Act 1979* (the Act) as a staged development application (DA), the concept plan (if approved) will give certainty that all subsequent DAs with Council and integrated approvals from other agencies will be granted, provided they are consistent with the concept plan.

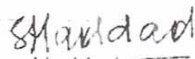
In accordance with the delegation dated 25 January 2007, Council will receive 90% of the concept application fee and will undertake public notification, exhibition and assessment of the application. Council has advised that it does not support a reduction in fees for the following reasons:

- Given the complex environmental and planning issues involved with the site, processing of the application will consume a substantial amount of Council staff resources;
- The proposal is seeking the creation of a significant number of additional lots, not just correcting a historical anomaly that restricted landowners from erecting dwellings; and,
- The reduction of fees would create an undesirable precedent.

Furthermore, it should be noted that the size or corporate nature of the proponent is not a consideration in identifying a proposal as a major project. Schedule 2 of *State Environmental Planning Policy (Major Projects) 2005* (MP SEPP) identifies the types of developments that can be considered major projects because of the size and location of the development, such as within the NSW coastal zone. The current proposal triggers the MP SEPP as it is identified as development that lies in the coastal zone and partly within a sensitive coastal location where the future development created by the subdivision will not be connected to an approved sewage treatment work/system.

Please note that payment of the major project application fee should be paid upon lodgement of the Environmental Assessment (EA) and must be paid no later than within 14 days of the EA being placed on public exhibition. Should you have any further enquiries about this matter, I have arranged for Ms Heather Warton, Director-Coastal Assessments, to assist you. Ms Warton may be contacted on telephone number (02) 9228 6353.

Yours sincerely


Sam Haddad
Director-General

18-1-2008