



Gateway Determination

Planning proposal (Department Ref: PP_2018_PORTM_002_00): to increase the building height and floor space ratio controls for a residential care facility at High Street and Johnstone Street, Wauchope.

I, the Acting Executive Director, Regions at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(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 increase the building height and floor space ratio controls for a residential care facility at High Street and Johnstone Street, Wauchope should proceed subject to the following conditions:

1. Prior to agency and community consultation, the planning proposal is to be amended to identify the subject land on the significant urban area map of the Port Macquarie-Hastings LEP 2011 to ensure the design excellence of the final development is considered in accordance with clause 7.11A of the LEP and that it contributes to the natural, cultural, visual and built character of the area.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Roads and Maritime Services; and
 - Office of Environment and Heritage – Heritage Division.

Each public authority/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.



4. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - c. there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 11 day of July 2018.

**Monica Gibson
Acting Executive Director, Regions
Planning Services
Department of Planning and
Environment**

Delegate of the Minister for Planning



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

Dear Mr Swift-McNair

Planning proposal PP_2018_PORTM_002_00 to amend Port Macquarie-Hastings Local Environmental Plan 2011

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to increase the building height and floor space ratio controls for a residential care facility at High Street and Johnstone Street, Wauchope.

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

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistency with section 9.1 Direction 5.10 Implementation of Regional Plans is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

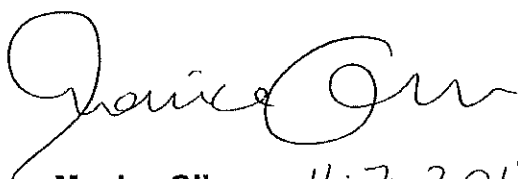
The enclosed Gateway determination requires that the proposal be amended prior to community or agency consultation to identify the subject land on the significant urban area map of the Port Macquarie-Hastings LEP 2011. This will help to ensure the design excellence of the final building in terms of height, bulk, streetscape and overshadowing is appropriately considered at the development application stage and that it contributes to the natural, cultural, visual and built character of the area.

The amending local environmental plan is to be finalised within nine months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Craig Diss to assist you. Mr Diss can be contacted on 6701 9685.

Yours sincerely



Monica Gibson 11.7.2018,
**Acting Executive Director, Regions
Planning Services**

Encl: Gateway determination
Authorised plan-making reporting template