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Our ref: PP_2013_PORTM_002_00 (13/04068)
Your ref: PP2012.8.1

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

Dear Mr Hayward,

Planning proposal to amend Port Macquarie Hastings Local Environmental Plan 2011

I am writing in response to Council's letter dated 26 February 2013 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 increase the maximum building height on certain land at Warlters, Bay and Parks Streets, Port Macquarie to 16m and maximum floor space ratio to 2:1, introduce a design excellence provision for land zoned B3 Commercial Core and SP3 Tourist and identify the subject land on a significant urban areas map sheet.

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

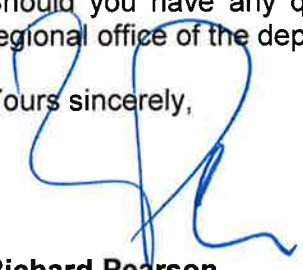
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending LEP is to be finalised within 9 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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The NSW 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,


Richard Pearson
Deputy Director General
Planning Operations & Regional Delivery

15/3/13

Gateway Determination

Planning proposal (Department Ref: PP_2013_PORTM_002_00): to amend the building height and floor space ratio controls for land at Port Macquarie and introduce design excellence provisions.

I, the Deputy Director General of Planning Operations and Regional Delivery, Department of Planning and Infrastructure 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 Hastings Local Environmental Plan (LEP) 2011 to increase the maximum building height on certain land at Warlters, Bay and Parks Streets, Port Macquarie to 16m and maximum floor space ratio to 2:1, introduce a design excellence provision for land zoned B3 Commercial Core and SP3 Tourist and identify the subject land on a significant urban areas map sheet should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to provide existing and proposed floor space ratio, height of buildings and proposed significant area maps at an appropriate scale which clearly identify the subject site.
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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012)*.
3. Consultation is required with Transport for NSW – Roads & Maritime Services under section 56(2)(d) of the EP&A Act:

Transport for NSW – Roads & Maritime Services is to be provided with a copy of the planning proposal and any relevant supporting material and 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. Transport for NSW – Roads & Maritime Services 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 **9 months** from the week following the date of the Gateway determination.

Dated

15

day of

March

2013


Richard Pearson
Deputy Director General
Planning Operations & Regional Delivery
Delegate of the Minister for Planning and
Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Port Macquarie-Hastings Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_PORTM_002_00	Planning proposal to increase the maximum building height on certain land at Warlters, Bay and Parks Streets, Port Macquarie to 16m and maximum floor space ratio to 2:1, introduce a design excellence provision for land zoned B3 Commercial Core and SP3 Tourist and identify the subject land on a significant urban areas map sheet.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 15 March 2013



Richard Pearson
Deputy Director General
Planning Operations & Regional Delivery
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_PORTM_002_00
Date Sent to Department under s56	26/02/2013
Date considered at LEP Review Panel	07/03/2013
Gateway determination date	15/03/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: