



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

Our ref: PP_2015_PORTM_003_00 (15/11808)
Your ref: PP2015.6.1

Attention: Steve Schwartz

Dear Mr Swift-McNair

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

I am writing in response to your Council's letter dated 31 July 2015 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 clause 7.11A Design Excellence of Port Macquarie-Hastings LEP 2011 and to apply clause 7.11A Design Excellence to land at the corner of Short and William Streets (including the adjoining car park), Port Macquarie, by identifying the land on the Significant Urban Areas Map of Port Macquarie-Hastings LEP 2011.

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.

Plan making powers were delegated to councils by the Minister 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 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 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 of Planning and Environment's Northern Region Office for administrative purposes.

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 Mr Craig Diss to assist you. Mr Diss can be contacted on (02) 6701 9685.

Yours sincerely


Stephen Murray
General Manager, Northern Region
Planning Services

12 August 2015

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2015_PORTM_003_00): to amend clause 7.11A Design Excellence of Port Macquarie-Hastings LEP 2011 and to apply clause 7.11A Design Excellence to land at the corner of Short and William Streets (including the adjoining car park), Port Macquarie, by identifying the land on the Significant Urban Areas Map of Port Macquarie-Hastings LEP 2011.

I, the General Manager, Northern Region 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 amend clause 7.11A Design Excellence of Port Macquarie-Hastings LEP 2011 and to apply clause 7.11A Design Excellence to land at the corner of Short and William Streets (including the adjoining car park), Port Macquarie, by identifying the land on the Significant Urban Areas Map of Port Macquarie-Hastings LEP 2011 should proceed subject to the following conditions:

1. 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).
2. Consultation is required with the Department of Primary Industries - Lands under section 56(2)(d) of the Act. The Department of Primary Industries - Lands 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.
3. 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).
4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 12th day of August 2015


Stephen Murray
General Manager, Northern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Port Macquarie-Hastings Council is authorised to exercise the functions of the Minister for Planning 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_2015_PORTM_003_00	Planning proposal to amend clause 7.11A Design Excellence of Port Macquarie-Hastings LEP 2011 and to apply clause 7.11A Design Excellence to land at the corner of Short and William Streets (including the adjoining car park), Port Macquarie, by identifying the land on the Significant Urban Areas Map of Port Macquarie-Hastings LEP 2011.

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

Dated 12 August 2015



Stephen Murray
General Manager, Northern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning