

Gateway Determination

Planning proposal (Department Ref: PP_2020_PORTM_001_00): to rezone Lot 516 DP 1261705, Lot 497 DP 123790 and Lot 319 DP 1214443, Crestwood Drive, Port Macquarie, for recreational and special purposes, and amend associated development standards

I, the Director at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, 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 rezone Lot 516 DP 1261705, Lot 497 DP 123790 and Lot 319 DP 1214443, Crestwood Drive, Port Macquarie, for recreational and special purposes, and amend associated development standards should proceed subject to the following conditions:

1. Prior to community and agency consultation, Council is to:
 - (a) prepare a preliminary contamination investigation report;
 - (b) amend the maps to show the whole of Lot 516 to be rezoned to RE2 Private Recreation; and
 - (c) amend the planning proposal as follows:
 - (i) Part 2 to nominate that an amendment will be undertaken to the Lot Size Map in relation to Lot 497 DP 1237901 to introduce a minimum lot size of 3000m²;
 - (ii) Part 3 Section B to address the Local Strategic Planning Statement; and
 - (iii) Part 3 Section B to address section 9.1 Directions 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land.
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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

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:

- Birpai Local Aboriginal Land Council
- Division of Biodiversity and Conservation
- National Parks and Wildlife Service
- NSW Rural Fire Service

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 9 day of October 2020.



Jeremy Gray
Director, Northern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces