

## Gateway Determination

***Planning proposal (Department Ref: PP-2021-7457): to undertake general housekeeping amendments to Port Macquarie-Hastings LEP 2011.***

I, the Director, Northern Region, at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 2011 to undertake general housekeeping changes should proceed subject to the following conditions:

1. Prior to agency or community consultation, the planning proposal is to be amended to:
  - (a) amend all references from E2 Environmental Conservation to C2 Environmental Conservation;
  - (b) amend the planning proposal to remove all references to applying a Height of Building control to Item 4 Lot 66 DP 754406, Lots 7008, 7009, 7011 DP 1026600;
  - (c) amend Items 5 and 6 to refer to 'Part of' lots;
  - (d) delete reference to the State Environmental Planning Policy (Rural Lands) 2008.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as basic as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
  - NSW Rural Fire Service
  - Department of Planning and Environment – Crown Lands

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 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 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 Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
6. The timeframe for completing the LEP is to be 6 months from the date of the Gateway Determination.

Dated 27 day of January 2022.



**Craig Diss**  
**Acting Director, Northern Region**  
**Local and Regional Planning**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Homes**