

Gateway Determination

Planning proposal (Department Ref: PP-2022-4099): to permit secondary dwellings with consent in the RU1 Primary Production, RU2 Rural Landscape and RU5 Village zones and apply associated development controls

I, the Director, Northern Region 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 2011 to permit secondary dwellings with consent in the RU1 Primary Production, RU2 Rural Landscape and RU5 Village zones and apply associated development controls, should proceed subject to the following conditions.

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.

The LEP should be completed on or before 15 September 2023.

Gateway Conditions

1. Prior to community and agency consultation, the planning proposal is to be updated to:
 - (a) revise Part 3B section 3.3 to provide an assessment against relevant aspects of the North Coast Regional Plan 2041; and
 - (b) revise the assessment of consistency under s9.1 Direction 1.1 Implementation of Regional Plan Implementation to relate to the North Coast Regional Plan 2041.
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 standard 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 20 working 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
- NSW Department of Primary Industries – Agriculture
- NSW Department of Planning and Environment (Biodiversity and Conservation Division)
- Birpai Local Aboriginal Land Council

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).

Dated 22 day of December 2022.



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

Delegate of the Minister for Planning