

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-981):** to rezone part Lot 2 DP 601094 and part Lot 4 DP 825704, 11 and 33 Mumford Street, Port Macquarie for business development and environmental conservation purposes and amend the related development standards.

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 rezone part Lot 2 DP 601094 and part Lot 4 DP 825704, 11 and 33 Mumford Street, Port Macquarie for business development and environmental conservation purposes and amend the related development standards should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - (a) reference current section 9.1 Ministerial Directions;
  - (b) address requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 4, as it applies to the planning proposal;
  - (c) amend planning proposal maps to apply proposed controls along Mumford Street, to the extent that it applies to the planning area of the planning proposal;
  - (d) include proposed alterations to the floor space ratio map; and
  - (e) consider the recommendations of a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.
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).

Exhibition must commence within two months following the date of the gateway determination.

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 Department of Planning and Environment – Biodiversity Conservation Division (BCD)
  - NSW Rural Fire Service
  - NSW State Emergency Service
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 LEP should be completed on or before 10 months after the date of the Gateway determination.

Dated 16 day of May 2022.



**Jeremy Gray**  
**Director, Northern Region**  
**Local and Regional Planning**  
**Department of Planning and Environment**  
  
**Delegate of the Minister for Planning**