



Dr Clare Allen
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Via email: kieran.metcalf@pmhc.nsw.gov.au
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Dear Dr Allen

Planning proposal PP-2021-2733 to amend Port Macquarie-Hastings Local Environmental Plan 2011

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the Port Macquarie-Hastings LEP 2011 to rezone Lots 1-52 DP 776681, Sancrox (collectively known as Le Clos Sancrox) from RU1 to R1, R3, B2, E2, E3, E4 and RE1 and amend the applicable minimum lot size, floor space ratio and height of buildings provisions that apply.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with 9.1 Directions 1.1 Business and Industrial Zone, 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.2 Coastal Management, 2.3 Heritage Conservation, 2.6 Remediation of Contaminated Land and 5.10 Implementation of Regional Plans are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions 1.3 Mining, Petroleum Production and Extractive Industries and 4.4 Planning for Bushfire Protection, Council should ensure this occurs prior to public exhibition / the plan being made.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council not to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

I also take this opportunity to advise that the Department has received correspondence from an adjoining landowner raising concerns in relation to the structure plan. Due to these concerns, it is recommended that Council separate the the planning proposal from the structure plan.

Should you have any enquiries about this matter, I have arranged for Ms Gina Davis to assist you. Ms Davis can be contacted on 5778 1487.

Yours sincerely



13/5/2021

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Encl: Gateway determination