



Dr Clare Allen
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Via email: leanne.fuller@pmhc.nsw.gov.au
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Dear Dr Allen

**Planning proposal PP-2021-6399 to amend Port Macquarie-Hastings Council
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 rezone part of Lot 499 DP 1258597, 10 Wonga Crescent, Port Macquarie (Blackwood Street extension) for residential and environmental conservation purposes and amend the related development standards.

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 inconsistencies with section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.2 Coastal Management, 4.3 Flood Prone 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 will still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

I have considered the nature of Council's planning proposal and have determined not to condition the Gateway for Council to be authorised as the local plan-making authority to align with the Minister for Planning and Public Spaces announcement to issue a new section 9.1 Direction which will allow only the Minister to rezone land from a rural zone to an environmental zone.

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.

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



15/12/21

Craig Diss
Acting Director, Northern Region
Local and Regional Planning

Encl: Gateway determination