

Dr Clare Allen
General Manager
Port Macquarie Hastings Council
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Our ref: EF21/18916

Via email: stephanie.baker@pmhc.nsw.gov.au
council@pmhc.nsw.gov.au

Attention: Stephanie Baker

Dear Dr Allen

Planning proposal PP-2021-7457 to amend Port Macquarie Local Environmental Plan 2011

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to undertake general housekeeping amendments to Port Macquarie LEP 2011.

As delegate of the Minister for Planning and Homes, I have 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 inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the EP&A Act, 1.1 Business and Industrial Zones, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.2 Coastal Management, 3.1 Residential Zones, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes is justified in accordance with the terms of the Direction. In relation to Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction and creation of land for public purposes on the basis that the changes better reflect the existing and likely future use of the land. No further approval is required in relation to the Directions.

Council 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 LEP being made.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 28 July 2022. As this is a minor amendment, Council is to request Parliamentary Counsel's Office commence drafting as soon as practicable. A copy of the request should be forwarded to the Department of Planning and Environment.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

If you have any questions in relation to this matter, I have arranged for Ms Helen Willis to assist you. Ms Willis can be contacted on 5778 1489.

Yours sincerely



27/1/22

Craig Diss
Acting Director, Northern Region
Local and Regional Planning

Encl: Gateway determination