



## Department of Planning, Housing and Infrastructure

Dr Clare Allen  
Chief Executive Officer  
Port Macquarie-Hastings Council  
PO Box 84  
PORT MACQUARIE NSW 2444

Our ref: IRF24/1364

Via email: [council@pmhc.nsw.gov.au](mailto:council@pmhc.nsw.gov.au)  
[alex.adkins@pmhc.nsw.gov.au](mailto:alex.adkins@pmhc.nsw.gov.au)

Dear Ms Allen

### **Planning proposal (PP-2022-653) to amend Port Macquarie-Hastings 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) and in respect of the planning proposal to rezone the corner of Bonny View Drive and Ocean Drive, Bonny Hills to facilitate an educational establishment.

As delegate of the Minister for Planning and Public Spaces, 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 Act, 3.2 Heritage Conservation and 7.1 Employment is 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 section 9.1 Direction 4.3 Planning for Bushfire Protection and Zones and 8.1 Mining, Petroleum Production and Extractive Industries. 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 six months from the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible.

Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to [mapinstrument.drafting@dpie.nsw.gov.au](mailto:mapinstrument.drafting@dpie.nsw.gov.au). The relevant Department of Planning, Housing and Infrastructure team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination.

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, Housing and Infrastructure, August 2023) 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.

Should you have any enquiries about this matter, I have arranged for Mr Sam Tarrant to assist you. Mr Tarrant can be contacted on 6643 6410.

Yours sincerely

 5/7/24

**Craig Diss**  
**Acting Director, Hunter and Northern Region**  
**Local Planning and Council Support**

Encl: Gateway determination