

## Department of Planning, Housing and Infrastructure

Our ref: IRF25/125

Your ref: 32.2023.0006.01

Dr Clare Allen  
CEO  
Port Macquarie-Hastings Council  
PO BOX 84  
PORT MACQUARIE NSW 2444  
Via email: [council@pmhc.nsw.gov.au](mailto:council@pmhc.nsw.gov.au)

19 February 2025

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### **Subject: Planning proposal PP-2023-2079 to amend Port Macquarie-Hastings Local Environmental Plan 2011**

Dear Dr Allen

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) to rezone certain lands in the Thrumster Business Park to E3 Productivity Support and to allow shop top housing and serviced apartments as additional permitted uses with consent.

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.

With regard to allowing shop top housing and serviced apartments as additional permitted uses, this component of the proposal has not been supported. It is considered that the proposal has not demonstrated sufficient strategic and site specific merit to allow these uses in the employment / industrial area.

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, Directions 4.2 Coastal Management and 4.5 Acid Sulfate Soils are minor or justified. No further approval is required in relation to the Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act, Directions 1.1 Implementation of Regional Plans, 4.1 Flooding, 4.3 Planning for Bushfire Protection, 5.1 Integrating Land Use and Transport, 5.3 Development Near Regulated Airports and Defence Fields and 7.1 Employment Zones. 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.

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The proposed local environmental plan (LEP) is to be finalised within 10 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning, Housing and Infrastructure.

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 Jon Stone to assist you. Mr Stone can be contacted on 5778 1488.

Yours sincerely

A handwritten signature in blue ink, appearing to read "D Thompson".

**Daniel Thompson**  
**A/Executive Director**  
**Local Planning and Council Support**

Encl: Gateway determination