



PP_2012_KEMPS_002_00/IRF18/3320

Mr Craig Milburn
General Manager
Kempsey Shire Council
PO Box 3078
WEST KEMPSEY NSW 2440

Dear Mr Milburn

Planning proposal PP_2012_KEMPS_002_00 – Alteration of Gateway determination

I refer to your letter seeking an authorisation to be the local plan-making authority in order to make the plan to finalise planning proposal PP_2012_KEMPS_002_00 for the rezoning of land at Gilbert Cory Drive, South West Rocks.

I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 8 October 2012 for PP_2012_KEMPS_002_00 (as since altered). The Alteration of Gateway determination is enclosed.

In relation to the inconsistency of the above proposal with section 9.1 Direction 4.4 Planning for Bushfire Protection, I have considered this matter, and as a delegate of the Secretary, I have agreed that the inconsistency is justified in accordance with the terms of the Direction.

Council can now proceed to finalise the proposal once it receives a Parliamentary Counsel opinion confirming that the LEP can legally be made.

If you have any questions in relation to this matter, I have arranged for Mr Paul Garnett to assist you. Mr Garnett can be contacted on 6641 6607.

Yours sincerely

28-6-2018

Jeremy Gray
Director Regions, Northern
Planning Services



Alteration of Gateway Determination

Planning proposal (Department Ref:PP_2012_KEMPS_002_00)

I, Director Regions, Northern at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 8 October 2012 (as since altered) for the proposed amendment to the Kempsey Local Environmental Plan 2013 as follows:

1. Insert new condition 9:

"9. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:

- a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
- b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
- c. there are no outstanding written objections from public authorities."

Dated 28 day of June 2018.

A handwritten signature in black ink, appearing to read "J. Gray".

Jeremy Gray
Director Regions, Northern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning