

Mr Craig Swift-McNair
General Manager
Port Macquarie-Hastings Council
PO Box 84
Port Macquarie NSW 2444

Our ref: 13/04443
Your ref: DD032.2011.00000014.001

Attention: Stephen Nicholson

Dear Mr Swift-McNair

Planning proposal to amend Port Macquarie-Hastings Local Environmental Plan 2011

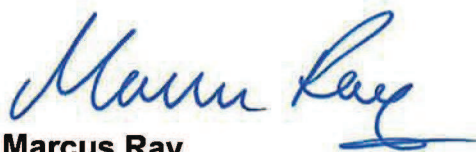
I refer to your Council's correspondence dated 16 December 2016 in relation to planning proposal PP_2013_PORTM_003_00 to rezone land at Major Innes Road, Port Macquarie for residential and environmental protection purposes.

As delegate of the Minister for Planning, I have determined under s56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 13 March 2013 (as altered) to not proceed with the Planning Proposal.

While the intent of the proposal is supported, due to the length of time the proposal has already taken since the original Gateway determination was issued in March 2013, and the lack of certainty over when the landfill gas issue will be resolved, it is considered more appropriate that Council seek a new Gateway determination for the proposal when the supporting information has been finalised. In reaching this decision, I have also noted the advice of Council that the landowners can continue to proceed with their developments under the Infrastructure SEPP and existing use rights while awaiting Council to resubmit and finalise a new planning proposal.

Should you have any queries in regard to this matter, I have arranged for Mr Craig Diss of the Department's regional office to assist you. Mr Diss can be contacted on (02) 6701 9685.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

09/03/2017
Encl: Alteration to Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2013_PORTM_003_00)

I, the Deputy Secretary, Planning Services at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 15 March 2013 (as since altered) for the proposed amendment to *Port Macquarie-Hastings Local Environmental Plan 2011* as follows:

1. Delete paragraph 2:

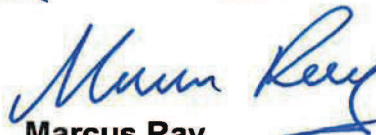
"I, the Executive Director, Rural and Regional Planning at the Department of Planning and Infrastructure as delegate of the Minister of Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Port Macquarie-Hastings Local Environmental Plan (LEP) 2011 to rezone rural land at Major Innes Road and Iona Avenue, Port Macquarie for residential and environmental purposes, amend the lot size, floor space ratio and height of building controls that apply to the land and remove land already acquired for a local road from the Land Reservation Acquisition Map should proceed subject to the following conditions:"

and replace with a new paragraph 2:

"I, the Deputy Secretary, Planning Services at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Port Macquarie-Hastings (LEP) 2011 to rezone rural land at Major Innes Road and Iona Avenue, Port Macquarie for residential and environmental purposes, amend the lot size, floor space ratio and height of building controls that apply to the land and remove land already acquired for a local road from the Land Reservation the Land Reservation Acquisition Map should not proceed."

2. Delete conditions 1 to 5.

Dated 9th day of March 2017



**Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment**

Delegate of the Minister for Planning