



PP\_2018\_KEMPS\_002\_00(IRF19/5212)

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

Attention: Peter Orr

Dear Mr Milburn

**Planning proposal PP\_2018\_KEMPS\_002\_00 – Alteration of Gateway  
Determination and Secretary's agreement to s9.1 inconsistencies**

I refer to Council's email seeking an extension of time to complete planning proposal PP\_2018\_KEMPS\_002\_00 as well as the Secretary's agreement that inconsistency of the above proposal with section 9.1 Directions 4.4 Planning for Bushfire Protection and 5.4 Commercial and Retail Development along the Pacific Highway, North Coast is justified.

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 3 August 2018 for PP\_2018\_KEMPS\_002\_00. The Alteration of Gateway determination is enclosed.

In regards to the section 9.1 inconsistencies, I have considered this matter, and as a delegate of the Secretary, I have agreed that they are justified in accordance with the terms of the Directions.

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 Ms Gina Davis to assist you. Ms Davis can be contacted on 5778 1487.

Yours sincerely

6-8-2019

**Jeremy Gray**  
**Director Regions, Northern**  
**Planning Services**

Encl: Alteration of Gateway Determination