



16/04512

Mr Glenn Handford  
Interim General Manager  
MidCoast Council  
PO Box 450  
Forster  
NSW 2428

COPY

Dear Mr Handford,

**Planning Proposal PP\_2010\_GLAKE\_001\_00 – North Hawks Nest – Alteration of Gateway Determination**

I refer to your request for an extension of time to complete Planning Proposal PP\_2010\_GLAKE\_001\_00 to rezone land at North Hawks Nest for residential and conservation purposes. I note that Council has requested a further extension of time for another 12 months.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway Determination Gateway determination, dated 29 June 2010 for PP\_2010\_GLAKE\_001\_00 (as altered), to not proceed with the Proposal.

In making this decision I have considered the advice provided by Council. I note that a broad scale review of the biodiversity offset arrangements is now proposed and will require the preparation of a revised planning proposal, should Council proceed.

The approach proposed by Council is different to the original planning proposal that was resolved following a detailed Public Inquiry in 2001 and which commenced under the former plan making provisions. Notably, high conservation environmentally significant land is no longer proposed to be dedicated for addition to the Myall Lakes National Park as a prerequisite to the rezoning.

Considerable time has also elapsed since the plan making process commenced and four separate extensions have been granted, providing Council and the landowners five and half years to come to an agreement about biodiversity offset arrangements. In that time environmental and other legislation has changed. Relevant studies and reports therefore need to be reviewed and updated and community consultation undertaken on any new proposal.

For these reasons, and to ensure a transparent and consistent approach to the plan making process, I have determined that the matter should not proceed. A new planning proposal should be prepared and submitted to the Department if new biodiversity offsets arrangements can be satisfactorily resolved between landowners and Council. Council is also advised to consult with the Office of Environment and

Heritage in relation to biodiversity offset requirements when preparing the new proposal.

Any new proposal will be considered on its merits.

If you have any questions in relation to this matter, I have arranged for Ms Monica Gibson, Director Regions Hunter and Central Coast, to assist you. Ms Gibson can be contacted on (02) 4904 2700.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marcus Ray', with a stylized flourish at the end.

**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**

15/06/2016