

Gateway Determination

Planning Proposal (Department Ref: PP_2017_KEMPS_007_00): to make three housekeeping amendments to Kempsey LEP 2013.

I, the Director Regions, Northern, 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 Kempsey Local Environmental Plan (LEP) (2013) to make three housekeeping amendments should proceed subject to the following conditions:

1. The planning proposal is required to be updated prior to community consultation to:
 - provide an explanation of what Rural Landsharing Communities are, the areas where Rural Landsharing Communities will be permissible and which relevant provisions from the SEPP are to be transferred;
 - provide land zoning and minimum lot size maps that illustrate the proposed amendments;
 - update Appendix C to reflect s117 Direction 5.10 Implementation of Regional Plans, and
 - incorporate the planning proposal timeframe.
2. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities to comply with the requirements of relevant S117 Directions:
 - NSW Rural Fire Service; and
 - NSW Resources and Energy.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).



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5. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated *22* day of *AUGUST* 2017.

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

Delegate of the Minister for Planning