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Our ref: PP_2011_KEMPS_002_00 (11/09009)
Your ref: TS-115 IS:KMP

Mr David Rawlings
General Manager
Kempsey Shire Council
PO Box 78
WEST KEMPSEY NSW 2440

Dear Mr Rawlings,

Re: Planning Proposal to rezone land at Riverview Place, South West Rocks from 7(d) Scenic Protection to part 7(d) Scenic Protection and part 2(a) Residential

I am writing in response to your Council's letter dated 24 May 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Kempsey Local Environmental Plan 1987 to rezone part of Lot 82 DP 263591, Riverview Place, South West Rocks, from 7(d) Scenic Protection to part 2(a) Residential.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

Council is to prepare the following studies and include these with the planning proposal for exhibition purposes:

- A stormwater study and management plan to assess and manage potential impacts on adjacent SEPP 14 Coastal Wetlands land;
- An Acoustic study to assess potential noise impacts from the existing nearby quarry; and
- An updated Bushfire Hazard Assessment report, which determines required asset protection zones for incorporation into the planning proposal.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands, 2.1 Environment Protection Zones and 5.1 Implementation of Regional Strategies are of minor significance. No further approval is required in relation to these Directions. However, in relation to S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult and obtain written advice from the Commissioner of the NSW Rural Fire Service, to the effect that the NSW Rural Fire Service does not object to the progression of the proposal. Subject to Council satisfying this requirement, the Director General's delegate has agreed that the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection are of a minor significance.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly

available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Carlie Boyd of the Regional Office of the Department on 02 6641 6600.

Yours sincerely,



9/6/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_KEMPS_002_00): to rezone land at Riverview Place, South West Rocks from 7(d) Scenic Protection to part 7(d) Scenic Protection and part 2(a) Residential

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Kempsey Local Environmental Plan 1987 to rezone part of Lot 82 DP 263591, Riverview Place, South West Rocks, from 7(d) Scenic Protection to part 2(a) Residential should proceed subject to the following conditions:

1. Council is to prepare the following studies and include these with the planning proposal for exhibition purposes:
 - A stormwater study and management plan to assess and manage potential impacts on adjacent SEPP 14 Coastal Wetlands land;
 - An Acoustic study to assess potential noise impacts from the existing nearby quarry; and
 - An updated Bushfire Hazard Assessment report, which determines required asset protection zones for incorporation into the planning proposal.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Department of Primary Industry (Fisheries)
 - Department of Primary Industry (Mining)
 - Commissioner of NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning 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 EP&A 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).



5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 9th day of June 2011.

**Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure**