

Gateway Determination

Planning proposal (Department Ref: PP_2015_KEMPS_005_00): to rezone Lot 34 DP 261268, North Street, West Kempsey, from B1 Neighbourhood Centre to R1 General Residential and amend the Floor Space Ratio, Maximum Building Height, and Minimum Lot Size for the land.

I, the General Manager, Northern Region 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 rezone Lot 34 DP 261268, North Street, West Kempsey, from B1 Neighbourhood Centre to R1 General Residential and amend the Floor Space Ratio, Maximum Building Height, and Minimum Lot Size for the land should proceed subject to the following conditions:

1. Prior to undertaking community consultation the planning proposal is to be amended to include maps which show the current and proposed planning controls for Zoning, Floor Space Ratio, Height of Building and Minimum Lot Size.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013)* and must be made publicly available for a minimum of **14 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 LEPs (Department of Planning and Infrastructure 2013)*.
3. Consultation is required with the Commissioner of the NSW Rural Fire Service in accordance with S117 Direction 4.4 Planning for Bush Fire Protection. The NSW Rural Fire Service 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).
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 11th day of December 2015


Stephen Murray
General Manager, Northern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning