

## Alteration of Gateway Determination

### *Planning proposal (Department Ref: PP\_2013\_KEMPS\_001\_00)*

I, Director, Northern at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 6 June 2013 (since altered) for the proposed amendment to the Kempsey Local Environmental Plan 2013 as follows:

1. Change the description of the planning proposal

**from** amend the Kempsey Local Environmental Plan (LEP) 1987 to rezone land at Crescent Head Road, Crescent Head to 2(a) Residential 'A' Zone or rezone the land to R1 General Residential under draft Kempsey LEP 2012 and amend the lot size and height of buildings controls and, if required, the Scenic Protection Map for the subject land

**to** amend the Kempsey Local Environmental Plan 2013 to rezone land on Lot 704 DP 749885 and part of Lot 707 DP 1032859 from R5 Large Lot Residential to part R1 General Residential, part E3 Environmental Management and part RU2 Rural Landscape, amend associated development standards (including the minimum lot size map, scenic protection map and height of building map) and delete Clause 4.2D Subdivision of certain land at Crescent Head

2. Delete condition 7

"7. The timeframe for completing the LEP is by 13 June 2020."

and replace with a new condition 7:

"7. The time frame for completing the LEP is by 13 December 2020."

3. Insert new condition 8

"8. Prior to public exhibition, the planning proposal is to be updated to clarify:

- (a) retention and amendment of Clause 4.2D of the Kempsey LEP 2013 to require a vegetation management plan prior development consent being granted for the subdivision of the land; and
- (b) retention of the reference to 'Area 1' on the minimum lot size map LSZ\_012B."

4. Insert new condition 9

"9. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of **14 days**; and

- (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018)."

5. Insert new condition 10

"10. Further consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act and / or to comply with the requirements of relevant section 9.1 Directions:

- Department of Planning, Industry and Environment (Division of Biodiversity & Conservation);
- Department of Planning, Industry and Environment (Division of Resources and Geoscience);
- NSW Department of Primary Industries – Agriculture; and
- NSW Rural Fire Service.

Each public authority / organisation 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."

6. Insert new condition 11

"11. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
- (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities."

Dated 18 day of August 2020.



**Jeremy Gray**  
**Director, Northern Region**  
**Local and Regional Planning**  
**Department of Planning, Industry and Environment**  
**Delegate of the Minister for Planning and Public Spaces**