

## Gateway Determination

***Planning proposal (Department Ref: PP\_2019\_KEMPS\_001\_00): to rezone Lot 231 DP 754396 and part of Spencers Creek Road, South West Rocks, from B1 Neighbourhood Centre to B2 Local Centre.***

I, the Director Regions, Northern at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(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 231 DP 754396 and part of Spencers Creek Road, South West Rocks, from B1 Neighbourhood Centre to B2 Local Centre should proceed subject to the following conditions:

1. Prior to public authority and community consultation, the proposal is to be amended to:
  - (a) correctly identify that part of Spencers Creek Road is proposed to be rezoned from B1 Neighbourhood Centre to B2 Local Centre;
  - (b) include a complete list of all uses that will become permitted with consent or prohibited on the land due to the change in zoning; and
  - (c) include maps clearly showing the current land zoning and the proposed land zoning, including the part of Spencers Creek Road to be rezoned.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act. 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 3.34(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 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.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 19 day of March 2019.



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

**Delegate of the Minister for Planning**