# Gateway Determination

***Planning proposal (Department Ref: PP-2021-7144****): to amend the minimum lot size of Lot 17 DP 818185, 1022 Crescent Head Road, Crescent Head*

I, the Director, Northern Region 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 2013 to amend the minimum lot size of Lot 17 DP 818185, 1022 Crescent Head Road, Crescent Head should proceed subject to the following conditions:

1.  Prior to undertaking public exhibition or consultation with Government agencies, the planning proposal is to be updated to:

    (a)  reference the Local Environmental Plan Making Guideline, dated December 2021;

    (b)  reference the updated section 9.1 Ministerial Directions that commenced on 1 March 2022;

    (c)  reference the new consolidated State Environmental Planning Policies that commenced on 1 March 2022; and

    (d)  update the following reports to accurately reflect the area to which the planning proposal relates

        (i)  Bush Fire Assessment Report prepared by Midcoast Building and Environmental – November 2021;

        (ii)  Ecological Assessment prepared by Wolfpeak – November 2021; and

        (iii)  Onsite Wastewater Management Assessment Report prepared by Midcoast Building and Environmental – November 2021.

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

    (a)  the planning proposal is categorised as basic as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 10 working 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

    Exhibition must commence within two months following the date of the Gateway determination.

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

- NSW Rural Fire Service

- Biodiversity and Conservation Division of the Department of Planning and Environment

Each public authority is to be provided with a copy of the updated planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working 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 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 Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and

(c) there are no outstanding written objections from public authorities.

6. The planning proposal must be reported to council for a final recommendation four months from the date of the Gateway determination

7. The LEP should be completed within six months from the date of the Gateway determination.


Dated 27 day of May 2022.


**Jeremy Gray**
**Director, Northern Region**
**Local and Regional Planning**
**Department of Planning and Environment**

**Delegate of the Minister for Planning**