



Department of Planning and Environment

Mr Craig Milburn
General Manager
Kempsey Shire Council
PO Box 3078
KEMPSEY NSW 2440

Our ref: IRF22/1059

Via email: ksc@kempsey.nsw.gov.au

Dear Mr Milburn

Planning proposal PP-2021-7403 to amend Kempsey Local Environmental Plan 2013

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend LEP mapping to align zoning and other development control boundaries at Rosedale Ave & Burrawong Drive, (known as Seascape Grove) South West Rocks.

As delegate of the Minister for Planning and Homes, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

Council may need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Ministerial Directions of the EP&A Act 4.3 Planning for Bushfire Protection. Council should ensure this occurs prior to the LEP being made.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.


Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to mapinstrument.drafting@dpie.nsw.gov.au. The relevant Department of Planning and Environment team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Ms Carlie Boyd to assist you. Ms Boyd can be contacted on 66436404.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', written over a light gray rectangular background.

13/4/2022

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Encl: Gateway determination