

Gateway Determination

Planning proposal (Department Ref: PP-2021-7403): amend LEP mapping to align zoning and other development control boundaries at Rosedale Ave & Burrawong Drive, (known as Seascape Grove) South West Rocks.

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 align zoning and other development control boundaries at Rosedale Ave & Burrawong Drive, (known as Seascape Grove) South West Rocks should proceed subject to the following conditions:

1. Prior to agency and community consultation, the proposal is to be amended to:
 - (a) update all references to s9.1 Directions and State Environmental Planning Policies to the current titles and numbering; and
 - (b) include an existing and proposed Kempsey LEP 2013 Scenic Protection Land Map that aligns with the amended zone boundary.
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 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).
3. Consultation is required with NSW Rural Fire Service under section 3.34(2)(d) of the EP&A Act. NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 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 LEP should be completed on or before 6 months after the date of this determination.

Dated 13 day of April 2022.



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

Delegate of the Minister for Planning