

Our ref: IRF22/510

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

Via email: [council@kempsey.nsw.gov.au](mailto:council@kempsey.nsw.gov.au)  
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**Subject:** Planning Proposal PP-2022-529

Dear Mr Milburn

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 schedule additional permitted uses on parts of Lots 1 and 2 DP 1144474 off Old Aerodrome Road, Aldavilla to support the development of the Macleay Valley Adventure and Recreation Park.

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.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the EP&A Act 3.1 Conservation Zones, 4.5 Acid Sulfate Soils and 9.2 Rural Lands are justified in accordance with the terms of the Direction. No further approval is required in relation to the Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the EP&A Act 1.1 Implementation of Regional Plans, 3.2 Heritage Conservation, 4.1 Flooding, 4.3 Planning for Bushfire Protection and 5.3 Development Near Regulated Airports and Defence Airfields. 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.

The proposed local environmental plan (LEP) is to be finalised within nine months from the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning and Environment.

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.

If you have any questions in relation to this matter, I have arranged for Ms Helen Willis to assist you. Ms Willis can be contacted on 5778 1489.

Yours sincerely



18/3/22

**Craig Diss**  
**Acting Director, Northern Region**  
**Local and Regional Planning**

Encl: Gateway determination