

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-529):** to schedule additional permitted uses on part of Lots 1 and 2 DP 1144474 off Old Aerodrome Road, Aldavilla to support the development of the Macleay Valley Adventure and Recreation Park.

I, the Acting Director, Northern Region, at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 schedule additional permitted uses on part of Lots 1 and 2 DP 1144474 off Old Aerodrome Road, Aldavilla to support the development of the Macleay Valley Adventure and Recreation Park should proceed subject to the following conditions:

1. Prior to community and agency consultation, Council is to:
  - (a) prepare reports in relation to:
    - (i) flooding; and
    - (ii) site contamination.
  - (b) update the following reports to accurately reflect area to which the planning proposal relates:
    - (i) Aboriginal cultural heritage assessment;
    - (ii) Bushfire assessment;
    - (iii) Geotechnical assessment; and
    - (iv) Acoustic report;
  - (c) update the planning proposal to:
    - (i) include the recommendations of the reports required by condition 1(a); and
    - (ii) amend the proposed Project Timeline to correspond with the date of the Gateway determination.
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 standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for 20 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 three 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 State Emergency Service
- NSW Rural Fire Service
- Biodiversity and Conservation Division
- Kempsey Local Aboriginal Land Council
- Transport for NSW
- Civil Aviation Safety Authority
- Air Services Australia
- Kempsey Airport
- Department of Primary Industries – Agriculture
- Heritage NSW

Each public authority is to be provided with a copy of the 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 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 no later than seven months from the date of the Gateway determination.
7. The timeframe for completing the LEP is to be nine months from the date of the Gateway determination

Dated 18 day of 2022.



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

**Delegate of the Minister for Planning and Homes**