

Gateway Determination

Planning proposal (Department Ref: PP-2023-2105): implementation of a height of buildings development standard to various sites in South West Rocks.

I, the Director, Northern Region at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, 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 implement a height of buildings development standard to various sites in South West Rocks should proceed subject to conditions.

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

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be updated to include details regarding the capacity of existing and proposed zoned land in South West Rocks as detailed in the Local Growth Management Strategy 2041 and South West Rocks Structure Plan 2023, thereby demonstrating that any loss of potential housing in the area as a result of the planning proposal can be adequately accommodated elsewhere within the town.
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 Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 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 Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act. The NSW RFS is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working days to comment.
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 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).

Dated 13 November 2023



Jeremy Gray
Director, Northern Region
Local and Regional Planning
Department of Planning and Environment Delegate
of the Minister for Planning and Public Spaces