

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

Our ref: IRF23/2891

Via email: council@kempsey.nsw.gov.au
marnie.jeffrey@kempsey.nsw.gov.au

Dear Mr Milburn

Planning proposal PP-2023-2105 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 implement a height of buildings development standard to various sites in South West Rocks.

As delegate of the Minister for Planning and Public Spaces, 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 Act, being 6.1 Residential Zones and 7.1 Employment Zones, is 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 Act, being 4.3 Planning for Bushfire Protection. Council should ensure this occurs prior to the LEP being made.

The Department has been made aware of concerns by some landowners affected by the planning proposal. Considering this, I have determined not to authorise Council to be the local plan-making authority so that the Department can undertake a final, impartial review of the proposal and the submissions during consultation prior to finalisation.

The amending local environmental plan (LEP) is to be finalised within six months from the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

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, August 2023) 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 Kate Campbell to assist you. Ms Campbell can be contacted on 5778 1401.

Yours sincerely



13/11/2023

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Encl: Gateway determination