

Gateway Determination

Planning proposal (Department Ref: PP-2023-2403): to rezone part of Lot 333 DP 805299, 322 Stuarts Point Road, Yarrahapinni to R5 Large Lot Residential, C2 Environmental Conservation and C3 Environmental Management and amend the minimum lot size map.

I, the Director, Northern Region at the Department of Planning, Housing and Infrastructure, 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 rezone part of Lot 333 DP 805299, 322 Stuarts Point Road, Yarrahapinni to R5 Large Lot Residential, C2 Environmental Conservation and C3 Environmental Management and amend the minimum lot size map should proceed subject to the following conditions.

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 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 Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 7 months from the date of the Gateway determination.

Gateway Conditions

1. Prior to community and agency consultation, the planning proposal is to be amended to:

- remove the R5 Large Lot Residential zone and the corresponding 1ha lot size on the eastern side of the creek;
- update the anticipated lot yields; and
- update details on the site's flood mapping, PMF levels, confirmation that all future building envelopes can be located above the PMF and consideration of evacuation utilising Council's latest flooding information.

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 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 Act:

- NSW Rural Fire Service
- NSW Biodiversity, Science and Conservation
- NSW Department of Primary Industries - Fisheries
- NSW Department of Primary Industries - Agriculture

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 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 26 February 2024



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

Delegate of the Minister for Planning and
Public Spaces