



Department of Planning, Housing and Infrastructure

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

Our ref: IRF24/1810

Via email: peter.orr@kempsey.nsw.gov.au
ksc@kempsey.nsw.gov.au

Dear Mr Milburn

Planning proposal PP-2024-829 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 rezone Lot 9 DP 1219664, 157 Arakoon Road, South West Rocks from R5 Large Lot Residential to R1 General Residential and amend the associated development controls.

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 4.5 Acid Sulfate Soils and 5.1 Integrating Land Use and Transport is justified in accordance with the terms of the Direction.

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 1.1 Implementation of Regional Plans, 3.1 Conservation Zones, 4.3 Planning for Bushfire Protection and 4.4 Remediation of Contaminated Land. 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 amending local environmental plan (LEP) is to be finalised within nine months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible.

Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to mapinstrument.drafting@dpie.nsw.gov.au. The relevant Department of Planning, Housing and Infrastructure team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination. 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, Housing and Infrastructure, 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 Georgia Weallans to assist you. Ms Weallans can be contacted on 5778 1413.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the date.

20/08/24

Jeremy Gray
Director, Hunter and Northern Region
Local Planning and Council Support

Encl: Gateway determination