

Gateway Determination

Planning proposal (Department Ref: PP-2024-829): 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.

I, the Director, Hunter and 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 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 should proceed subject to the following:

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 within nine months of the date of the Gateway determination.

Gateway Conditions

1. Prior to community and agency consultation:
 - (a) the planning proposal is to be updated to:
 - (i) confirm the number of dwellings resulting from the proposed amendment;
 - (ii) amend the discussion under Objective 3 of the North Coast Regional Plan 2041 to identify the land is mapped as containing potential High Environmental Value;
 - (iii) reference the site is mapped as potentially containing both Class 4 and 5 Acid Sulfate Soils;
 - (iv) update the project timeline to reflect the date of the Gateway determination;
 - (v) incorporate the outcomes and recommendations of the reports required by condition 1(b).
 - (b) prepare reports in relation to:
 - (i) contamination; and
 - (ii) acid sulfate soils.
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
 - Department of Climate Change, Energy, the Environment and Water - Biodiversity, Conservation and Science Directorate
 - Transport for NSW
 - Kempsey Local Aboriginal Land Council
- 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 20 August 2024



Jeremy Gray
Director, Hunter and Northern Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces