



Contact: Paul Garnett
Phone: (02) 6641 6600
Fax: (02) 6641 6601
Email: Paul.Garnett@planning.nsw.gov.au
Postal: Locked Bag 9022, Grafton NSW 2460

Our ref: PP_2011_NAMBU_003_00 (11/17723)
Your ref: SF1606

Mr Michael Coulter
General Manager
Nambucca Shire Council
PO Box 177
MACKSVILLE NSW 2447

Dear Mr Coulter,

Re: Planning proposal to amend the Lot Size Map for Lot 11 DP 805157, Dudley Street, Macksville, to enable the subdivision of the land to create a 3ha lot

I am writing in response to your Council's letter dated 26 September requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Nambucca Shire Council LEP 2010 by amending the Lot Size Map for Lot 11 DP 805157, Dudley Street, Macksville, to enable the subdivision of the land to create a 3ha lot for the construction of an educational facility..

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

Council has stated in its submission to the Department that the need for this planning proposal is directly related to the success of the appeal currently before the Land and Environment Court against the refusal of the development application for an educational facility. It is noted that this planning proposal has been submitted prior to the Court's decision to enable an expeditious completion of the required LEP amendment should the appeal be upheld. In this circumstance, Council is requested to submit details of the Land and Environment Court ruling to the Northern Region office of the Department once the appeal has been considered by the Court.

It is noted that the proposed amendment to the Lot Size Map was exhibited as part of a previous planning proposal. However, in light of the fact that the development application for the educational facility was refused by the Joint Regional Planning Panel, the local community should be made aware if the appeal is upheld and the proposed amendment to the Lot Size Map is to proceed. Accordingly, this planning proposal is to be exhibited as a low impact proposal in order to ensure the community are informed that the proposal is now to proceed.

The Director General's delegate has also determined that the proposal's inconsistency with S117 Direction 1.2 Rural Zones is of minor significance. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the

Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Paul Garnett of the Northern Regional Office of the Department on (02) 6641 6600.

Yours sincerely,



21/10/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_NAMBU_003_00): to amend the Lot Size Map for Lot 11 DP 805157, Dudley Street, Macksville, to enable the subdivision of the land to create a 3ha lot.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Nambucca Shire Council Local Environmental Plan 2010 to amend the Lot Size Map for Lot 11 DP 805157, Dudley Street, Macksville, to enable the subdivision of the land to create a 3ha lot for the construction of an educational facility should proceed subject to the following conditions:

1. Prior to requesting the Department to draft and finalise the LEP amendment, Council is to submit proof of the Land and Environment Court ruling on the appeal against the refusal of the Development Application for an educational facility, to the Department's Northern Region Office.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning 2009) and must be made publicly available for **14 days**; and
 - (b) the relevant planning 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 section 4.5 of *A Guide to Preparing LEPs* (Department of Planning 2009).
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 21st day of October 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure