



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_2010_NAMBU_003_00 (10/22208)
Your ref: SF1541

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

Dear Mr Coulter,

Re: Planning Proposal to address minor amendments to the Nambucca LEP 2010

I am writing in response to your Council's letter dated 4 November 2010 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 Local Environmental Plan 2010 to introduce new provisions and correct anomalies.

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

Council is to remove item 3 from the housekeeping planning proposal as 'secondary dwellings' are permitted by SEPP (Affordable Rental Housing) 2009 in the R5 Large Lot Residential and therefore it is not necessary to list them in the LEP Land Use Table.

Council is to remove items 4 and 5 from the planning proposal. The Department supports the intent of the proposal, but considers an amendment to the Minimum Lot Size map as the most appropriate means of achieving the objectives of the planning proposal.

In relation to item 4, the Department does not support an amendment to clause 4.2 as this is an adopted model clause in the Standard Instrument. The Department is considering the introduction of a model 'Special Purpose Subdivision' clause but it would be pre-emptive to introduce such a clause until the policy review is complete and the model clause has been finalised.

In relation to item 5, the Department does not support an amendment to Schedule 1, which is usually reserved for additional permitted uses, and is not intended to facilitate subdivision that would otherwise not be permitted.

In light of the above, it would not be appropriate to advance items 4 and 5. The Gateway has determined however, to progress the matter covered by Item 5 as an amendment to the Minimum Lot Size map for the subject site, being Lot 11 DP 805157, Dudley Street, Macksville. Council should consider exhibiting a planning proposal addressing the matter covered by Item following the approval of the Development Application by the Joint Regional Planning Panel (JRPP), which will provide more certainty as to the end use, and a more accurate lot size consistent with the approved Development Application.

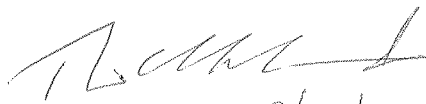
The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation. Council are to exhibit appropriate mapping including a site map, zoning map and existing and proposed Minimum Lot Size Map throughout the consultation period.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 Regional Office of the Department on 02 6641 6600.

Yours sincerely,


13/12/10

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_NAMBU_003_00): to introduce new provisions and correct anomalies to the Nambucca LEP 2010.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Nambucca Local Environmental Plan 2010 to introduce new provisions and correct anomalies listed below:

- Item 1. Amendment of the Height of Buildings Map to include a building height for the R1 zoned land at Lot 2 DP 1071503 Uriti Road Macksville.
- Item 2. Amendment of the Zoning, Lot Size, Height of Building and Floor Space Ratio Maps for land at Coronation Park, Lot 2 DP 864792, Short St Nambucca Heads.
- Item 3. Amendment of the land use table for the R5 Large Lot Residential zone to achieve consistency with State Environmental Planning Policy (Affordable Rental Housing) 2009 (the "Affordable Housing SEPP").
- Item 4. Amendment of Clause 4.2 Rural Subdivision, or inclusion of new provisions to enable subdivision of rural land to less than the minimum lot size where the land contains a permitted use other than a dwelling or dual occupancy.
- Item 5. Amendment of Schedule 1 to permit the subdivision of Lot 11 DP 805157 Dudley St Macksville to create a lot size less than the minimum lot size shown on the Lot Size Map for the purposes of a school.

should proceed subject to the following conditions:

1. Council is to remove item 3 from the housekeeping planning proposal as it is not necessary.
2. Council is to remove item 4 from the housekeeping planning proposal as it is not supported.
3. Council is to remove item 5 from the housekeeping planning proposal as it is not supported.
4. 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)*.
5. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

6. 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).
7. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 13th day of December 2010.



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