



Mr M Coulter
General Manager
Nambucca Shire Council
PO Box 177
Macksville NSW 2447

Our ref: 13/10417
Your ref: SF1852

Dear Mr Coulter

Planning Proposal PP_2013_NAMBU_002_00 – Alteration of Gateway Determination

I refer to your letter of 12 June 2015 in relation to revisions to Planning Proposal PP_2013_NAMBU_002_00 for seniors housing at 24 Coronation Drive, Congarinni North, and a request for an extension of time to complete the planning proposal.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 10 July 2013 for PP_2013_NAMBU_002_00 (as altered on 13 June 2014). The Alteration of the Gateway Determination and amended written authorisation to exercise delegation are enclosed.

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistency with S117 Direction 4.4 Planning for Bush Fire Protection is justified in accordance with the terms of the direction. No further approval is required in relation to this Local Planning Direction.

It is noted that Council has undertaken consultation with the NSW State Emergency Service (SES) and the planning proposal has been amended to improve access to and from the site in the event of a flood. Council is to undertake further consultation with the SES on the revised approach.

Council may still need to obtain the agreement of the Secretary of the Department to comply with the requirements of S117 Direction 4.3 Flood Prone Land, when it has completed its investigations into the impacts of flooding on the proposal. Council should ensure this occurs prior to the plan being made.

If you have any questions in relation to this matter, I have arranged for Mr Paul Garnett to assist you. Mr Garnett can be contacted on 6641 6607.

Yours sincerely

 15 JULY 2015

James Matthews
Acting General Manager, Northern Region
Planning Services

Encl:
Alteration to Gateway Determination
Written Authorisation to Exercise Delegation



Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2013_NAMBU_002_00)

I, the Acting General Manager, Northern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 10 July 2013 (as since altered on 13 June 2014) for the proposed amendment to the Nambucca Local Environmental Plan 2010 as follows:

1. Change the description of the Planning Proposal:

from "...to permit seniors housing as an additional permitted use on Lots 155 and 188 DP 755537 at 24 Coronation Drive, Congarinni North or alternatively, rezone that part of the site suitable for development to an appropriate residential zone which permits seniors housing...."

to "...to permit seniors housing as an additional permitted use on Lots 155 and 188 DP 755537 at 24 Coronation Drive, Congarinni North or alternatively, rezone that part of the site suitable for development to an appropriate residential zone which permits seniors housing, and rezone part of the land from RU2 Rural Landscape to E2 Environmental Conservation...."

2. Delete Condition 6:

"6. The Timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination."

and replace with:

"6. The LEP is to be completed by 17 January 2016."

3. Insert new condition [7]

"7. Additional consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- NSW Roads and Maritime Services
- NSW State Emergency Service

Each public authority is to be provided with a copy of the amended planning proposal and relevant supporting material, and given at least 21 days to comment on the proposal."

Dated 15 day of July 2015

James Matthews
Acting General Manager, Northern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Nambucca Shire Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_NAMBU_002_00	Planning proposal to permit seniors housing as an additional permitted use on Lots 155 and 188 DP 755537 at 24 Coronation Drive, Congarinni North or alternatively, rezone that part of the site suitable for development to an appropriate residential zone which permits seniors housing, and rezone part of the land from RU2 Rural Landscape to E2 Environmental Conservation

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 15 JULY 2015

James Matthews
Acting General Manager, Northern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning