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Our ref: PP_2013_NAMBU_002_00 (13/10417)
Your ref: SF 1852

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

Dear Mr Coulter,

Planning proposal to amend Nambucca Local Environmental Plan 2010

I am writing in response to your Council's letter dated 18 June 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal (Amendment No. 14) to permit seniors housing as an additional permitted use on Lots 155 and 188 DP 755537 at 24 Coronation Drive, Congarinni North.

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

While the proposal to permit seniors housing as an additional permitted use on land at 24 Coronation Drive, Congarinni North is supported, Council is encouraged to consider rezoning that part of the site suitable for seniors housing development to an appropriate residential zone which permits the intended land use, rather than permitting the use via additional permitted uses. If a suitable alternative zone is identified, Council is to amend the planning proposal accordingly prior to undertaking public exhibition.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.5 Rural Lands, 4.1 Acid Sulfate Soils and 5.1 Implementation of Regional Strategies are of minor significance. No further approval is required in relation to these directions.

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

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

plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(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,



Neil McGaffin
Executive Director
Rural and Regional Planning
Planning Operations and Regional Delivery

10.7.13

Gateway Determination

Planning proposal (Department Ref: PP_2013_NAMBU_002_00): to permit seniors housing on land at 24 Coronation Drive, Congarinni North.

I, the Executive Director, Rural and Regional Planning at the Department of Planning and Infrastructure 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 Local Environmental Plan (LEP) 2010 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 should proceed subject to the following conditions:

1. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - flooding and evacuation
 - Aboriginal heritage
 - flora and fauna
 - bushfire hazard
 - land use conflict
 - infrastructure and servicing (including pedestrian access to/from the site to Macksville CBD)

Once the above information has been obtained and consultation with public authorities has been undertaken, consideration of S117 Directions 2.3 Heritage Conservation, 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection is to be updated to reflect the outcomes of the work and consultation undertaken.

2. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
3. 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 must be made publicly available for a minimum of **28 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage
 - NSW National Parks and Wildlife Services
 - Department of Primary Industries - Agriculture
 - NSW Aboriginal Land Council
 - Transport for NSW - Roads and Maritime Services



- NSW State Emergency Service
- NSW Rural Fire Services (S11 Direction 4.4 Planning for Bushfire Protection)

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

5. 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).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

10th day of July

2013.

Neil McGaffin
Executive Director
Rural and Regional Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Nambucca Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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 (Amendment No. 14) 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.

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

Dated *10th July* 2013


Neil McGaffin
Executive Director
Rural and Regional Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_NAMBU_002_00
Date Sent to Department under s56	18/06/2013
Date considered at LEP Review Panel	04/07/2013
Gateway determination date	10/07/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: