

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_2012_NAMBU_004_00 (12/12757)
Your ref: PRF59

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 (LEP) 2010

I am writing in response to your Council's letter dated 25 July 2012 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 (LEP) 2010 to reclassify part of Bowraville Racecourse from 'community' to 'operational' land.

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 is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the Department's Practice note *PN09-003, Classification and reclassification of public land through a local environmental plan*.

Council is to include information on whether the planning proposal will extinguish any interests on the land in part 3 'justification' of the planning proposal, consistent with Figure 4 of the *Guide to preparing local environmental plans*. A copy of a land title search and information regarding interests to be discharged is also to be provided to the department when Council submits the plan for making.

As part of this reclassification, Council is to consider amending the planning proposal to also rezone the subject site to RE2 Private Recreation to reflect the future private ownership of the land.

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,


Sam Haddad
Director-General

22/8/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_NAMBU_004_00): to amend Nambucca Local Environmental Land (LEP) 2010 to reclassify land at Bowraville from community to operational land

I, the Director General, 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 reclassify part of Bowraville Racecourse from 'community' to 'operational' land should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to include information on whether the planning proposal will extinguish any interests on the land in part 3 'justification' of the planning proposal, consistent with Figure 4 of the *Guide to preparing local environmental plans*. A copy of a land title search and information regarding interests to be discharged is also to be provided to the department when Council submits the plan for making.
2. Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service
 - Department of Primary Industries (Crown Lands Division)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning 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 **9 months** from the week following the date of the Gateway determination.



**Planning &
Infrastructure**

Dated

22nd

day of

August

2012.

S Haddad
Sam Haddad
Director-General

Delegate of the Minister for Planning and
Infrastructure