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

Our ref: PP_2013_NAMBU_001_00 (13/06375)
Your ref: SF600

Dear Mr Coulter,

Planning proposal to amend Nambucca Local Environmental Plan 2010

I am writing in response to your Council's letter dated 4 March 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 13) to reclassify Lot 2 DP 330678 at 11 Kent Street, Nambucca Heads from 'community' to 'operational' land.

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.

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*. A copy of the land title search for the land and information regarding interests to be discharged is to be provided to the department when Council submits the plan for making.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation because the Governor's approval is required in this instance.

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 as soon as possible. Council's request for the department to draft and finalise the LEP should be made 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 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 Jennifer Vallis of the regional office of the department on 02 6641 6600.

Yours sincerely,


Neil McGaffin
Executive Director
Rural and Regional Planning

23.4.13

Gateway Determination

Planning proposal (Department Ref: PP_2013_NAMBU_001_00): to reclassify land at 11 Kent Street, Nambucca Heads from 'community' to 'operational' land.

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 reclassify Lot 2 DP 330678 at 11 Kent Street, Nambucca Heads from 'community' to 'operational' land should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to address matters under Section 2.3 Part 3 'Justification' in *A Guide to Preparing Planning Proposals*.
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 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 2012)*.
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 under section 56(2)(e) of the EP&A Act. However, a public hearing is required to be held into the matter in accordance with the department's practice note PN09-003, as the planning proposal involves a reclassification of land from community to operational.
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 23rd day of April 2013.



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

Delegate of the Minister for Planning and Infrastructure