



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

Our ref: PP_2014_NAMBU_001_00 (14/09696)
Your ref: SF1977

Dear Mr Coulter

Planning proposal to amend Nambucca Local Environmental Plan 2010

I am writing in response to your Council's letter dated 6 June 2014 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 reclassify multiple land parcels from community to operational.

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

In relation to S117 Directions, Council will still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Direction 4.4 Planning for Bush Fire Protection. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to councils by the Minister 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 to make this plan, as it will be necessary to seek the Governor's approval to discharge the interests over that part of Lot 1 DP 1004209, Fred Brain Avenue, Nambucca Heads.

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*.

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 of Planning and Environment 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, I have arranged for Paul Garnett of the Department's regional office to assist you. Mr Garnett can be contacted on (02) 6641 6607.

Yours sincerely

 24/6/14

Craig Diss
Acting General Manager, Northern Region
Office of Growth Planning

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2014_NAMBU_001_00): to reclassify multiple land parcels from community to operational.

I, the General Manager, Northern Region at the Department of Planning and Environment 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 (LEP) 2010 to reclassify multiple land parcels from community to operational, should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the planning proposal as follows;
 - (a) Remove the reference to Lot 1 DP 790002, 92A Mann Street, Nambucca Heads as Council has advised that this land is already classified "operational".
 - (b) Amend the map for Lot 12 DP 598325 for Uriti Road, Macksville to clearly indicate which part of the lot is to be reclassified.
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 and Environment 2013)*.
3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act to comply with the requirements of S117 Direction 4.4 Planning for Bushfire Protection. The NSW Rural Fire Service 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.
4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 24 day of June 2014.



Craig Diss
Acting General Manager, Northern Region
Office of Growth Planning
Department of Planning and Environment

Delegate of the Minister for Planning