

Gateway Determination

Planning proposal (Department Ref: PP_2018_NAMBU_002_00): to rezone Lot 1 DP 1113153, Lot 2 DP 514920, Lot 11 DP 1017408 and Lot 12 DP 1017408, Giinagay Way, Nambucca Heads, from RU1 Primary Production to part R1 General Residential and part E3 Environmental Management and amend associated minimum lot size, floor space ratio and height of building development standards.

I, the Director Regions, Northern at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Nambucca Local Environmental Plan (LEP) 2010 to rezone Lot 1 DP 1113153, Lot 2 DP 514920, Lot 11 DP 1017408 and Lot 12 DP 1017408, Giinagay Way, Nambucca Heads, from RU1 Primary Production to part R1 General Residential and part E3 Environmental Management and amend associated minimum lot size, floor space ratio and height of building development standards should proceed subject to the following conditions:

1. Public authority consultation is to be undertaken and completed, with an amended planning proposal incorporating and addressing authority comments then submitted to Department of Planning and Environment for approval, prior to proceeding to community consultation.
2. Prior to public authority consultation, the proposal is to be amended to include:
 - (a) Lot 1 DP 1113153 within the written text confirming the land is to be rezoned by the proposal;
 - (b) amended objectives and intended outcomes clarifying that proposal is seeking to enable residential development on part of the site, identify part of the site for environmental management, and amend associated development standards;
 - (c) a revised timeframe;
 - (d) an updated flood assessment;
 - (e) an updated stormwater management study that considers the potential impacts the proposal will have on the Nambucca River and nearby environmentally sensitive areas including priority oyster aquaculture areas. The study is to identify mitigation measures that will reduce or eliminate any impacts on these sensitive receptors where necessary; and
 - (f) an updated flora and fauna assessment that considers the existing potential high environmental value mapping identified under the North Coast Regional Plan 2036 affecting the site and whether the proposed E3 Environmental Management Zone boundary is located appropriately.

3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 local environmental plans* (Department of Planning and Environment 2016).
4. Consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Office of Environment and Heritage;
 - Department of Primary Industries (Fisheries);
 - Civil Aviation Safety Authority;
 - Lessee or operator of the Nambucca Heads Airport;
 - NSW Rural Fire Service;
 - the Local Aboriginal Land Council; and
 - Roads and Maritime Services

Each public authority/organisation 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 3.34(2)(e) of the 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 planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.

7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 19 day of December 2018

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the printed name and title.

Jeremy Gray
Director Regions, Northern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning