

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

Our ref: PP_2013_NAMBU_003_00 (13/12667)
Your ref: SF1541

Dear Mr Coulter

Planning proposal to amend Nambucca Local Environmental Plan 2010

I am writing in response to your Council's letter dated 26 July 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 to reclassify and rezone land for the purpose of a health services facility at Centenary Parade and Fred Brain Avenue, Nambucca Heads.

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.

I have also agreed the planning proposal's inconsistencies with S117 Directions 4.1 Acid Sulfate Soils and 6.2 Reserving Land for Public Purposes are of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the proposal will not have a significant impact on recreational opportunities within the public reserve and the proposal will provide improved health facilities for the community. No further approval is required in relation to these Directions.

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

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 Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. Notwithstanding, I have considered the nature of Council's planning proposal and have decided to not issue an authorisation for Council to exercise delegation to make this 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 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 Luke Blandford of the regional office of the department on 02 6641 6614.

Yours sincerely


Stephen Murray
Regional Director
Northern Region

5 August 2013

Gateway Determination

Planning proposal (Department Ref: PP_2013_NAMBU_003_00): *Reclassification and rezoning of land for the purpose of a health services facility.*

I, the Regional Director, Northern Region 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 part Lot 1 DP 1004209, Centenary Parade from community to operational land and rezone part Lot 1 DP 1004209, Centenary Parade and part Lot 22 DP 1161807, Fred Brain Avenue, Nambucca Heads from RE1 Public Recreation to SP2 Infrastructure for the purpose of a health services facility should proceed subject to the following conditions:

1. Prior to undertaking exhibition, maps which identify both the current and proposed zones for the site and the extent of land to be reclassified under the Nambucca LEP 2010 should be prepared in accordance with the departments 'a guide to preparing a planning proposal' and form part of any future exhibition package.
2. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. The 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 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.
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. 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.
6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 5th day of August 2013.


Stephen Murray
Regional Director
Northern Region
Department of Planning and Infrastructure

Delegate of the Minister for Planning and
Infrastructure