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Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING

Northern Region

NAMBUCCA LEP 1995 VALLA URBAN GROWTH DRAFT AMENDMENT NO 67 - CONVERSION TO PART 3 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

PURPOSE

- To enable the conversion of Nambucca LEP 1995 Valla Urban Growth Draft Amendment No 67 (Tag A) from a pending LEP to a planning proposal (Tag B) under the current Part 3 of the EP&A Act.

RECOMMENDATION

- That the Deputy Director General as a delegate of the Director General and Minister for Planning:
 1. pursuant to clause 12(2) of the EP&A Regulations notify Nambucca Shire Council that the plan making provisions for a pending LEP cease to apply to Nambucca LEP 1995 Valla Urban Growth Draft Amendment No 67; and
 2. pursuant to clause 122(2) of Schedule 6 to the EP&A Act, Nambucca LEP 1995 Valla Urban Growth Draft Amendment No 67 be converted to a planning proposal, and dispense with conditions precedent for the making of the LEP prior to section 57 of the Act.

CURRENT POSITION

- The proposed amendment to the Nambucca LEP will enable investigation of the land to determine appropriate zonings to allow development for urban and employment lands consistent with the approved strategic planning framework.
- Council has received Planning Reform funding to assist investigation of the land and is currently preparing an environmental study.
- The release of data by the Department of Lands to allow finalisation of flood investigation is likely to delay the completion of the draft plan beyond the 1 January 2011 timeframe for the making of pending LEPs
- The LEP is being prepared under the former provisions of Part 3 of the EP&A Act and is a pending LEP to which clause 12 of the EP&A Regulation applies. A resolution to prepare a draft LEP was made under the former section 54 of the Act in February 2009.
- The Nambucca LEP 2010 was made by the Minister on 30 July 2010. Therefore the proposal will be completed as an amendment to the Standard Instrument.
- Council should be given a deadline of 1 July 2011 to complete the LEP. ✓ //

BACKGROUND

- Nambucca Shire Council commenced preparation of the LEP to zone Stage 1 of the Valla future urban growth area in November 2007. The LEP Review Panel issued a Written Authorisation to Exercise section 65 delegation in January 2008.
- Following review of the extent of investigations commenced for Stage 1, Council decided that a more comprehensive approach to study of the Valla Growth area would achieve a

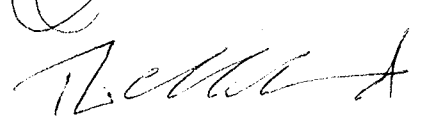
more environmentally sustainable and economical outcome. In February 2009 Council resolved to investigate the whole of the Valla Urban Growth area identified as partly Proposed Future Urban Release Area and Proposed Employment Lands by the *Mid North Coast Regional Strategy*. The LEP Review Panel considered the proposal in February 2009. The Director-General advised Council in March 2009 that an environmental study was necessary. Council was not given delegation to process the expanded draft LEP.

- Completion of necessary investigations for the expanded area of the environmental study has delayed further processing of the draft plan. Initial funding issues have been largely overcome, however data to finalise flood studies, being provided to Council at no cost by the Department of Lands, has been delayed.
- The site has an area of about 570 hectares, immediately north of Nambucca Heads and west of the Pacific Highway. Consultation with government agencies has informed the issues for assessment in the environmental study.
- Extension and upgrading of infrastructure and services will be necessary for the new urban release area.
- Council has advised that it is expected that the Planning Proposal will be completed by mid 2011.

Contact Officer: Denise Wright
Local Planning, Northern Region

 6/8/2010
Regional Director, Northern Region

 12.8.10.
Executive Director, Planning Operations

 12/8/10
Deputy Director General, Plan Making and Urban Renewal
As delegate of the Minister for Planning and the Director-General



Planning

Office of the Director General

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

10/03227

Dear Mr Coulter

Conversion of Nambucca LEP 1995 Valla Urban Growth Draft Amendment No 67 to a Planning Proposal

I am writing in regard to your request seeking that the proposed amendment no. 67 to Nambucca LEP 1995 for urban and employment lands use, be converted to a Planning Proposal.

I have determined (as the delegate of the Director-General) under clause 12(2) of the *Regulation* that the former LEP plan-making provisions cease to apply to the draft LEP. The current provisions of Part 3 of the Act now apply.

Furthermore I have, as the delegate for the Minister for Planning, determined under clause 122 (2) of Schedule 6 of the Act to dispense with the conditions precedent prior to section 57 of the Act for the making of this draft LEP. This means that the Council can proceed to community consultation for a period of 28 days in accordance with section 57 of the Act on completion of the environmental study. You are reminded however of the requirement of section 57(2) of the Act to the effect that the Director-General will need to be satisfied that any summary of detailed provisions provides sufficient details prior to community consultation occurring.

The draft plan is required to be completed by 1 July 2011. Further delay beyond this timeframe is not appropriate for plans commenced under the previous legislation. Should you have any queries in regard to this matter, please contact Denise Wright of the Northern Region Office on 02 6641 6600.

Yours sincerely

Tom Gellibrand
Deputy Director General

Plan Making & Urban Renewal

(as delegate of the Minister for Planning and the Director-General)