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Our ref: PP\_2012\_NAMBU\_003\_00 (12/06919)  
Your ref: SF1541

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

Dear Mr Coulter,

**Planning proposal to insert a new clause to enable the subdivision of split zoned lots which have multiple minimum lot sizes**

I am writing in response to your Council's letter dated 10 April 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 amend the Nambucca Local Environmental Plan 2010 to insert a new clause to enable the subdivision of split zoned lots which have multiple minimum lot sizes.

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

In regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service, prior to undertaking community consultation, take into account any comments made and amend the planning proposal (if necessary) as per the requirements of the Local Planning Direction.

Council is advised that the planning proposal is consistent with all other relevant S117 Directions, and no further approval is required. It is however noted that SEPP (Rural Lands) 2008 is relevant to the planning proposal as it contains principles for the subdivision of rural land. Council should amend the planning proposal to include the SEPP as an applicable State Policy and clarify its consistency with the planning proposal.

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 within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (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 s54(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 Paul Garnett of the Regional Office of the Department on 02 6641 6600.

Yours sincerely,

  
Sam Haddad  
Director-General  
4/5/2012.

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2012\_NAMBU\_003\_00):** to introduce a new clause to enable the subdivision of split zoned lots which have multiple minimum lot sizes applying on the Minimum Lot Size Map.

I, the Director General, 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 2010 to introduce a new clause to enable the subdivision of split zoned lots which have multiple minimum lot sizes applying on the Minimum Lot Size Map should proceed subject to the following conditions:

1. 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 **14 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. Further to Condition 2 above, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made and amend the planning proposal, if necessary as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
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 4<sup>th</sup> day of May 2012.

  
**Sam Haddad**  
**Director-General**  
**Delegate of the Minister for Planning and Infrastructure**