

## Gateway Determination

***Planning proposal (Department Ref: PP\_2019\_NAMBU\_002\_00): to undertake housekeeping amendments to the Nambucca LEP 2010.***

I, the Director at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, 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 undertake housekeeping amendments should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal shall be amended as follows:
  - (a) The planning proposal is to ensure consistency in referencing the proposed amendment numbers (particularly between Parts 1 and 2 and Part 3);
  - (b) Part 2: the explanation of provisions in relation to Item 10 is required to be updated in order to specify that the proposal also relates to Lot 2 DP 1212394 (as detailed by the proposed Minimum Lot Size map included as Attachment 1);
  - (c) Update the maps for the following items:
    - i. Item 1: include an existing Height of Buildings map for Wallace Street, Macksville;
    - ii. Item 1: clarify that the Floor Space Ratio map for Wallace Street, Macksville accommodates both the existing Floor Space Ratio as well as the proposed Floor Space Ratio;
    - iii. Item 3: include an existing Land Zoning map, an existing Height of Buildings map, an existing Floor Space Ratio map and an existing Minimum Lot Size map;
    - iv. Item 4: include an existing Minimum Lot Size map;
    - v. Item 6: include an existing Land Zoning map and existing Minimum Lot Size map;
    - vi. Item 7: include an existing Land Zoning map, existing Height of Buildings map and existing Minimum Lot Size map;
    - vii. Item 8: amend the proposed Land Zoning map so that the selected section for rezoning also includes all applicable road reserves;
    - viii. Item 14: include an existing Height of Buildings map and existing Minimum Lot Size map.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment 2016) and must be made publicly available for a minimum of **14 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment, 2018).
3. 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:
- NSW Rural Fire Service
  - Department of Planning, Industry and Environment (Environment, Energy and Science)
  - Department of Planning, Industry and Environment (Agriculture)
  - Nambucca Heads Local Aboriginal Land Council

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.

4. 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).
5. 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.
6. The time frame for completing the LEP is to be **nine months** following the date of the Gateway determination.

Dated 2 day of October 2019.



**Jeremy Gray**  
**Director, Northern Region**  
**Planning and Assessment**  
**Department of Planning,**  
**Industry and Environment**  
**Delegate of the Minister for**  
**Planning and Public Spaces**