



Mr Michael Coulter  
General Manager  
Nambucca Shire Council  
PO Box 117  
MACKSVILLE NSW 2447

Attention: Mr Daniel Walsh

Dear Mr Coulter

**Planning proposal PP\_2019\_NAMBU\_002\_00 to amend Nambucca Local Environmental Plan 2010**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to undertake housekeeping amendments to the Nambucca LEP 2010.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environment Protection Zones, 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates, 4.1 Acid Sulfate Soils and 6.2 Reserving Land for Public Purposes are justified in accordance with the terms of the Direction. In relation to section 9.1 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on Lot 701 DP 1054525 on the basis that the land is privately owned and is not identified on the Land Reservation Acquisition Map that accompanies the Nambucca LEP 2010. Furthermore, the site is not improved with any facilities for public recreation purposes, and additional public recreation areas are available in close proximity. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to public exhibition / the plan being made.

I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within nine months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Kate Campbell to assist you. Ms Campbell can be contacted on 5778 1401.

Yours sincerely



2-10-2019

**Jeremy Gray**  
**Director, Northern Region**  
**Planning and Assessment**

Encl: Gateway determination  
Authorised plan-making reporting template