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Department Generated Correspondence (Y)

Contact: Paul Garnett
Phone: (02) 6641 6600
Fax: (02) 6641 6601
Email: Paul.Garnett@planning.nsw.gov.au
Postal: Locked Bag 9022, Grafton NSW 2460

Our ref: PP_2012_NAMBU_002_00 (12/01099)
Your ref: SF1698

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

Dear Michael,

Re: Planning Proposal to permit with consent 'tourist and visitor accommodation' and prohibit 'backpackers accommodation', 'hotel and motel accommodation' and 'serviced apartments' in the RU1 Primary Production, RU2 Rural Landscape and R5 Large Lot Residential Zones.

I am writing in response to your Council's letter dated 22 December 2011 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 permit with consent 'tourist and visitor accommodation' and prohibit 'backpackers accommodation', 'hotel and motel accommodation' and 'serviced apartments' in the RU1 Primary Production, RU2 Rural Landscape and R5 Large Lot Residential Zones.

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.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with Section 117 Directions 1.2 Rural Zones, 4.1 Acid Sulphate Soils, 5.1 Implementation of Regional Strategies are of minor significance. No further approval is required in relation to these directions.

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 as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

The amending Local Environmental Plan (LEP) is to be finalised within 6 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,

A handwritten signature in blue ink, appearing to read 'Tom Gellibrand', with a long horizontal stroke extending to the right.

25/1/12

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2012_NAMBU_002_00): to permit with consent 'tourist and visitor accommodation' and prohibit 'backpackers accommodation', 'hotel and motel accommodation' and 'serviced apartments' in the RU1 Primary Production, RU2 Rural Landscape and R5 Large Lot Residential Zones.

I, the Deputy Director General, Plan Making & Urban Renewal 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 permit with consent 'tourist and visitor accommodation' and prohibit 'backpackers accommodation', 'hotel and motel accommodation' and 'serviced apartments' in the RU1 Primary Production, RU2 Rural Landscape and R5 Large Lot Residential Zones should proceed subject to the following conditions:

1. In relation to 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 and take into account any comments made.
2. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and 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)*.
3. 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.
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 **6 months** from the week following the date of the Gateway determination.



Planning & Infrastructure

Dated 25th day of January 2012.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure