



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

Our ref: 13/17520
PP_2013_NAMBU_005_00 (13/14822)
Your ref: SF1904

Dear Mr Coulter

Planning proposal to amend Nambucca Local Environmental Plan 2010 to reclassify land at 86 High Street, Bowraville

I am writing in response to your Council's correspondence dated 28 August and 20 September 2013 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 (LEP) 2010 to reclassify Lots 1 and 2 DP 1088352, 86 High Street, Bowraville from 'community' to 'operational'. Thank you for providing additional information on 17 October 2013 to enable the matter to proceed.

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

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the Department's *Practice Note PN09-003, Classification and reclassification of public land through a local environmental plan*. In particular Council should note that the public hearing must be held after the completion of the period of community consultation.

I note that Council has provided a land titles search that indicates there are no interests in the land. I also note that Council has indicated the land is not identified as a public reserve.

I have also agreed the planning proposal is not inconsistent with any S117 Directions. No further approval is required in relation to these Directions.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

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 as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

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 54(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 6607.

Yours sincerely

 18 October 2013
Stephen Murray
Regional Director
Northern Region
Planning Operations and Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_NAMBU_005_00): to reclassify Lots 1 and 2 DP 1088352, 86 High St, Bowraville, from 'community' to 'operational'.

I, the Regional Director, Northern Region at the 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 (LEP) 2010 to reclassify Lots 1 and 2 DP 1088352, 86 High St, Bowraville, from 'community' to 'operational' 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 a minimum of **28 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
2. Council is to conduct a public hearing in accordance with requirements of section 29 of the *Local Government Act 1993*. 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.
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 18th day of October 2013.



Stephen Murray
Regional Director
Northern Region

Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and
Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Nambucca Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_NAMBU_005_00	Planning proposal to amend Nambucca LEP 2010 to reclassify Lots 1 and 2 DP 1088352, 86 High St, Bowraville, from 'community' to 'operational'.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 18th October 2013



Stephen Murray
Regional Director
Northern Region
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template
Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_NAMBU_005_00
Date Sent to Department under s56	17/10/2013
Date considered at LEP Review Panel (if applicable)	
Gateway determination date	18/10/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: