



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

Our ref: PP_2015_NAMBU_002_00 (15/09740)
Your ref: SF 1541

Attention: Grant Nelson

Dear Mr Coulter

Planning proposal to amend Nambucca Local Environmental Plan 2010

I am writing in response to Council's letter dated 12 June 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to permit the subdivision of certain rural land severed by a sealed road.

As delegate of the Minister for Planning, I have now determined the planning proposal should not proceed for the reasons outlined in the attached Gateway Determination.

The rural planning principles underpinning the Mid North Coast Regional Strategy and the Standard Instrument Local Environmental Plan seek to prevent the fragmentation of rural land and restrict unplanned rural subdivision that is not consistent with a strategy.

Further, *State Environmental Planning Policy (Rural Lands) 2008* seeks to minimise rural land fragmentation and rural land use conflict and ensure rural housing is located in appropriate locations. Fragmentation of large rural land holdings, through land subdivision into smaller allotments, can diminish opportunities to protect rural lands and agricultural practices.

It is considered that the planning proposal has not adequately addressed the implications for rural lands management and the wider consequences of such a provision, and may result in land use conflict between traditional rural land uses and rural housing, which may impact future agricultural operations. I note that flexibility for rural boundary changes under certain circumstances has already been incorporated in *Nambucca Local Environmental Plan 2010* and can be utilised to address some of Council's concerns on this issue.

The application of the proposed provisions to lots that meet certain criteria without an assessment of the individual impacts may result in inappropriately located rural subdivision. However, rural subdivision of lots severed by a sealed road may be considered on a lot by lot basis where Council has provided sufficient justification and addressed the associated impacts in each individual case.

Should Council wish to pursue additional subdivision and housing opportunities on undersized rural lots, it should be within the context of appropriately located and serviced rural residential areas identified in its Rural Residential Land Release Strategy.

I would encourage Council staff to discuss this matter further with the Department of Planning and Environment's Northern Region Office.

Should you have any queries in regard to this matter, I have arranged for Mr Craig Diss of the Department's Northern Region Office to assist you. Mr Diss can be contacted on (02) 6701 9685.

Yours sincerely



Tim Hurst
Acting Deputy Secretary
Planning Services

20/9/15

Encl:
Gateway Determination



Gateway Determination

Planning proposal (Department Ref: PP_2015_NAMBU_002_00): to permit the subdivision of certain rural land severed by a sealed road.

I, the Acting Deputy Secretary, Planning Services, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to the *Nambucca Local Environmental Plan 2010* to permit the subdivision of certain rural land severed by a sealed road should not proceed for the following reason:

1. The planning proposal does not adequately address inconsistencies with Section 117 Directions 1.2 Rural Zones and 1.5 Rural Lands as well as *State Environmental Planning Policy (Rural Lands) 2008* as it will create potential land use conflict and result in the fragmentation of rural lands.

Dated 24th day of July 2015

**Tim Hurst
Acting Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning**