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Department Generated Correspondence (Y)

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Our ref: PP_2011_NAMBU_001_00 (11/10363)
Your ref: DA2010/278
SF1649

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

Dear Mr Coulter,

Re: Planning Proposal to rezone land at Railway Parade, Nambucca Heads (Part of Lot 1 DP 884337) from IN1 General Industrial to B7 Business Park

I am writing in response to your Council's letter dated 10 June 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 rezone land at Railway Parade, Nambucca Heads (Part of Lot 1 DP 884337) from IN1 General Industrial to B7 Business Park

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.

It is noted that the intent of the planning proposal is to rezone the land to B7 Business Park due to its location in relation to adjoining residential zoned land and the prominent visual location of the site as a northern gateway into Nambucca Heads. Council believes this will reduce the risk of land use conflict whilst increasing employment generating activities.

However, it appears Council may not have considered the suitability of alternative zones that may better suit the objectives and intent of the proposal. It is suggested that Council consider the objectives and permissible land uses of an alternative zone such as the B5 Business Development zone that may better suit the strategic location of the land and objectives of council's intended future use. Council should refer to the Department's LEP Practice Note PN 06-002 when preparing LEPs using Standard Instrument zones for an overview of the intended purpose of each zone, and consider the appropriateness of the proposed zone in this location against the guidance of the practice note.

In addition, council should consider future building design elements and potential FSR and building height requirements that would provide further clarity to surrounding residents, the broader public, and the business community as to the potential future form of physical development of the land to ensure the objectives of the proposal will be achieved.

Council is also reminded of its obligations when preparing LEPs involving land that is or was previously owned or controlled by Council as per the Department's Best Practice Guideline – LEPs and Council Land.

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 John Finlay of the Regional Office of the Department on 02 6641 6605.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

14/7/11

Gateway Determination

Planning Proposal (Department Ref: PP_2011_NAMBU_001_00): to rezone land at Railway Parade, Nambucca Heads (Part of Lot 1 DP 884337) from IN1 General Industrial to B7 Business Park

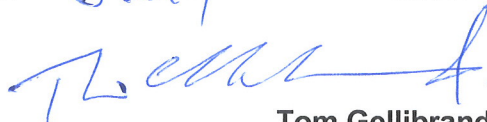
I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Nambucca Local Environmental Plan 2010 to rezone land at Railway Parade, Nambucca Heads (Part of Lot 1 DP 884337) from IN1 General Industrial to B7 Business Park 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 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)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Catchment Management Authority – Northern Rivers
 - Department of Primary Industry (Forestry)
 - 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.

3. 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).
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 14th day of July 2011.



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