

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

Dear Mr Coulter

Planning proposal PP_2018_NAMBU_001_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) and additional information received on 25 June 2018 in respect of the planning proposal to require development consent for horticulture in the R5 Large Lot Residential zone, identify certain forms of horticulture as exempt development within the R5 Large Lot Residential zone, and amend clause 4.2A of the LEP to apply to land on which an unlawful dwelling has been erected and land on which a lawful dwelling has been destroyed by events such as a natural disaster or fire.

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

Council may still need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to 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 (9) 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 (6) weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning 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 further enquiries about this matter, I have arranged for Ms Melissa Thomson to assist you. Ms Thomson can be contacted on 6701 9686.

Yours sincerely



19-7-2018

Jeremy Gray
Director Regions, Northern
Planning Services

Encl: Gateway determination
Local plan-making authority reporting template