

Gateway Determination

Planning proposal (Department Ref: PP_2018_NAMBU_001_00): 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.

I, the Director Regions, Northern at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Nambucca Local Environmental Plan (LEP) 2010 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, should proceed subject to the following conditions:

1. Prior to community or agency consultation, the planning proposal is to be amended to:
 - (a) remove the proposed draft clauses and be replaced with a plain English explanation;
 - (b) include additional details regarding the types of horticulture that will be exempt development in the R5 Large Lot Residential zone;
 - (c) replace discussion on SEPP 71 - Coastal Protection with SEPP (Coastal Management) 2018; and
 - (d) include an updated timeline.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 local environmental plans* (Department of Planning and Environment 2016).

3. Consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- NSW Rural Fire Service
- NSW Department of Primary Industries

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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 planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination; and
 - (b) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 19 day of July 2018.



Jeremy Gray
Director Regions, Northern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning