

Gateway Determination

Planning proposal (Department Ref: PP-2021-2032): *rezone part of the Nambucca State Forest and amend associated development standards to facilitate expansion of waste management facility*

I, the Director, Northern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, 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 rezone part of the Nambucca State Forest and amend associated development standards to facilitate expansion of waste management facility should proceed subject to the following conditions:

1. Prior to agency and community consultation, the planning proposal is to be updated to:
 - (a) nominate that there will be no minimum lot size on that part of the land proposed to zoned SP2 (Infrastructure);
 - (b) correct the description of the State Forest; and
 - (c) correct the inaccurate reference to Council's LSPS action.
2. The following reports shall be prepared and placed on public exhibition with the planning proposal:
 - (a) air quality/odour;
 - (b) heritage (Aboriginal and non-Aboriginal cultural heritage);
 - (c) ecology/flora and fauna;
 - (d) geotechnical;
 - (e) bushfire;
 - (f) ground water;
 - (g) stormwater/wastewater management;
 - (h) traffic and transport;
 - (i) noise and vibration; and
 - (j) land use conflict.
3. 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. 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:
- Forestry Corporation of NSW
 - Department of Primary Industries – Forestry
 - Department of Primary Industries - Agriculture
 - Crown Lands
 - Division of Biodiversity and Conservation
 - NSW Rural Fire Service
 - Local Aboriginal Land Council
 - Heritage NSW
 - Transport for NSW
 - NSW Resources and Geoscience
 - NSW Environment Protection Authority
 - Natural Resource Access Regulator
 - Australian Rail Track Authority
 - Water NSW

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.

5. 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).
6. The time frame for completing the LEP is to be **18 months** following the date of the Gateway determination.

Dated 5 day of March 2021.

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the printed name and title.

Jeremy Gray
Director, Northern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces