

Gateway Determination

Planning proposal (Department Ref: PP-2022-1468): to reclassify part of Lot 91 DP 239693 Banksia Crescent, Scotts Head from Community to Operational land, rezone from RE1 Public Recreation to R1 General Residential and introduce appropriate development controls

I, the Director, Northern Region 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 2010 to reclassify part of Lot 91 DP 239693 Banksia Crescent, Scotts Head from Community to Operational land, rezone from RE1 Public Recreation to R1 General Residential and introduce appropriate development controls should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal should be updated to:
 - (a) limit the planning proposal area to that part of Lot 91 DP 239693 Banksia Crescent required to facilitate continued access to Lot 1 DP 1160534, 3 Banksia Crescent, Lot 2 DP 417248, 5 Banksia Crescent and Lot 1 DP 406006, 7 Banksia Crescent. The planning proposal area should extend no further than required to encapsulate the established driveways to these lots;
 - (b) amend the objectives to capture the benefit of the proposal in providing legal access to Lot 1 DP 1160534, 3 Banksia Crescent, Lot 2 DP 417248, 5 Banksia Crescent, Lot 1 DP 406006, 7 Banksia Crescent, Scotts Head from a future public road;
 - (c) amend the explanation of provisions to apply a 450m² minimum lot size to the planning area;
 - (d) include existing and proposed Land Zoning, Minimum Lot Size and Reclassification (Part Lot) maps for the planning area;
 - (e) remove reference to providing vehicular access to undeveloped residential land which adjoins the land;
 - (f) refer to the proposal's inconsistencies with section 9.1 Ministerial Directions 1.1 Implementation of Regional Plans, 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.2 Coastal Management, 4.3 Planning for Bushfire Protection and 4.4 Remediation of Contaminated Land;
 - (g) amend the planning proposal to include an assessment of the proposal against the findings of Council's Coastal Hazard Study 2020, including any required mitigation or construction techniques;
 - (h) prepare reports in relation to:
 - ecology; and
 - site contamination
 - (i) include the recommendations of the reports required by condition 1(h).
2. The amended planning proposal is to be submitted to the Department of Planning and Environment's Northern Region team for review and approval prior to community consultation.

3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) in accordance with the Department's LEP Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan the planning proposal must be made publicly available for a minimum of 28 calendar 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within six months following the date of the Gateway determination.

4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - NSW Department of Planning and Environment – Biodiversity and Conservation Division
 - Nambucca Local Aboriginal Land Council
 - NSW Rural Fire Service
 - Heritage NSW
 - Department of Industry – Crown Lands
 - Transgrid
 - Essential Energy

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working 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. Council must, however, hold a public hearing when reclassifying public land from community to operational in accordance with the requirements of the *Local Government Act 1993*. A period of at least 21 days after the exhibition period has ended is to be given before the hearing.
6. Council must ensure that all relevant obligations in relation to the reclassification of public land through an LEP are undertaken in accordance with the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021), LEP Practice Note PN16-001 Classification and reclassification of public land through a local environmental plan and Practice Note No. 1 (Revised) May 2000 – Public Land Management.
7. The LEP should be completed within 10 months from the date of the Gateway determination.

Dated 1 day of June 2022.

A handwritten signature in black ink, appearing to read 'J. Gray', is centered on the page.

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

Delegate of the Minister for Planning