

## Gateway Determination

**Planning proposal (Department Ref: PP-2024-1344):** *Require development consent for horticulture in the RU1 Primary Production and RU2 Rural Landscape zones*

I, the Acting Director, Hunter and Northern Region at the Department of Planning, Housing and Infrastructure, 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 2010 to require development consent for horticulture in the RU1 Primary Production and RU2 Rural Landscape zones should proceed subject to the following Gateway conditions.

The LEP should be completed on or before six months from the date of the Gateway determination.

### Gateway Conditions

1. Prior to consultation, the planning proposal is to be updated to:
  - (a) outline the reasons for the additional control which prohibits structures as exempt development;
  - (b) in Part 2 Explanation of Provisions simplify the description of the proposed changes to the RU1 and RU2 Land Use Tables;
  - (c) include additional information and analysis of existing and different types of horticulture operations across the shire and the impact of the proposal; and
  - (d) include further information to explain how the existing exempt development standards for Zone R5 Large Lot Residential will effectively address the issues the proposal is seeking to resolve.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working 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 Guideline* (Department of Planning and Environment, August 2023).

3. 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 Rural Fire Service
- NSW Department of Primary Industries
- NSW Local Land Services
- NSW Environmental Protection Authority
- NSW Biodiversity, Conservation and Science

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.

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).

Dated 10 July 2024



**Craig Diss**  
**Acting Director, Hunter and Northern**  
**Region**  
**Local Planning and Council Support**  
**Department of Planning, Housing and**  
**Infrastructure**

**Delegate of the Minister for Planning and**  
**Public Spaces**