



Department of Planning, Housing and Infrastructure

Mr Bede Spannagle
General Manager
Nambucca Valley Council
44 Princess Street
Macksville NSW 2447

Our ref: IRF24/1482

Via email: daniel.walsh@nambucca.nsw.gov.au
council@nambucca.nsw.gov.au

Dear Mr Spannagle

Planning proposal (PP-2024-1344) to amend Nambucca Local Environmental Plan 2010

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to require development consent for horticulture in the RU1 Primary Production and RU2 Rural Landscape zones.

As delegate of the Minister for Planning and Public Spaces, I have 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 Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act 4.3 Planning for Bushfire Protection and 9.2 Rural Lands. Council should ensure this occurs prior to the LEP being made.

I have determined not to authorise Council to be the local plan-making authority so that the Department can undertake a final, impartial review of the proposal and any submissions received during consultation prior to finalisation.

The amending local environmental plan (LEP) is to be finalised on or before six months from the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Housing and Infrastructure to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Mr Sam Tarrant to assist you. Mr Tarrant can be contacted on 6643 6410.

Yours sincerely



10/7/24

Craig Diss
Acting Director, Hunter and Northern Region
Local Planning and Council Support

Encl: Gateway determination