



Mr Chris Thompson
General Manager
Nambucca Valley Council
PO Box 177
MACKSVILLE NSW 2447

Our ref: PP-2022-1648 (IRF22/1566)

Dear Mr Thompson

Planning proposal PP-2022-1648 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) and additional information received on 13 May 2022 in respect of the planning proposal 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.

As delegate of the Minister for Planning, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 4.5 Acid Sulfate Soils, 5.1 Integrating Land Use and Transport and 6.2 Caravan Parks and Manufactured Home Estates are minor or justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9. 1 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. Council should ensure this occurs prior to the LEP being made.

In relation to Direction 5.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the planning proposal has been limited to the minimum area required to facilitate legal access to 5 Banksia Crescent and continued to access to 3 and 7 Banksia Crescent from an established access.

I note that Council has not requested to be the local plan-making authority. I confirm that the Gateway determination has not been conditioned to allow Council to be the local plan-making authority because the Governor's approval is required for the proposed extinguishment of interests.

The amending local environmental plan (LEP) is to be finalised 10 months from the date of 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 and Environment to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

Should you have any enquiries about this matter, I have arranged for Ms Ella Wilkinson - Senior Planner, to assist you. Ms Wilkinson can be contacted on 9995 5665.

Yours sincerely



1/6/2022

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Encl: Gateway determination