

Gateway Determination

Planning proposal (Department Ref: PP-2024-387): *Rezone Lot 481 DP 700681, 2 South Arm Road, Bowraville from RE2 Private Recreation to RU5 Village and amend the associated development controls together with various housekeeping amendments*

I, the 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 a housekeeping amendment to the Nambucca Local Environmental Plan 2010 should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed within six months from the date of the Gateway determination.

Gateway Conditions

1. Prior to agency and community consultation, the planning proposal is to be updated to:
 - Include all relevant existing and proposed maps for individual sites as well as the existing zoning of surrounding allotments on the maps and improve the resolution/quality of map images;
 - Update page 1 of the planning proposal to reference the current Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023);
 - Remove reference to the requirement for concurrence from the Department for clause 4.6 variation requests;
 - Ensure the current requirements in the relevant Section 9.1 Ministerial Directions are referenced.
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
 - Bowraville Local Aboriginal Land Council
 - Unkya Local Aboriginal Land Council
 - Nambucca Local Aboriginal Land Council
 - Transport for NSW

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 8 April 2024



Jeremy Gray
Director, Hunter & Northern Region
Local and Regional Planning
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces