



Mr Michael Coulter  
General Manager  
Nambucca Shire Council  
PO BOX 177  
MACKSVILLE NSW 2447

Dear Mr Coulter

**Planning proposal PP\_2019\_NAMBU\_001\_00 to amend Nambucca Local Environmental Plan 2010**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to reclassify from Community to Operational land, rezone from RE1 Public Recreation to R1 General Residential and introduce appropriate development controls on part Lot 45 DP 228703, 99-101 Ocean View Drive, Valla Beach.

As delegate of the Minister for Planning and Public Spaces, I have now 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 2.2 Coastal Management, 3.2 Caravan Parks and Manufactured Home Estates and 4.1 Acid Sulfate Soils are justified in accordance with the terms of the Direction. In relation to section 9.1 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the majority of the lot will retain its RE1 Public Recreation zoning and that there is adequate available open space within Valla Beach for community use.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of Section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure that this occurs prior to public exhibition/the plan being made.

The amending local environmental plan (LEP) is to be finalised within nine months of 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, Industry and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Lucy Walker to assist you. Ms Walker can be contacted on (02) 5778 1402.

Yours sincerely



2-10-2019

**Jeremy Gray**  
**Director, Northern Region**  
**Planning and Assessment**

Encl: Gateway determination