



Mr Michael Coulter
General Manager
Nambucca Shire Council
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MACKSVILLE NSW 2447

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

Attention: Daniel Walsh

Dear Mr Coulter

Planning proposal PP-2021-3184 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 Community Land to Operational Land at Valla Beach and Nambucca Heads.

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, 3.1 Residential Zones, 4.1 Acid Sulfate Soils and 6.2 Reserving Land for Public Purposes 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 due to the existing nature of the land and the community benefit that will result particularly associated with the proposed community facility at Valla Beach. No further approval is required in relation to these Directions.

Council will still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Directions 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

I have determined not to condition the Gateway for Council to be the local plan-making authority in respect of Councils' resolution dated 30 March 2017 to reclassify land at Nambucca Heads and Council's eventual aim to sell the subject lot, helping to promote transparency in the Gateway and plan making process.

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.

If you have any questions in relation to this matter, I have arranged for Ms Helen Willis to assist you. Ms Willis can be contacted on 5778 1489.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the printed name and title.

22/7/2021

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Encl: Gateway determination