

## Gateway Determination

***Planning proposal (Department Ref: PP-2021-5286): to reclassify part Lot 45 DP 228703, 99-101 Ocean View Drive, Valla Beach from Community to Operational land, rezone from RE1 Public Recreation to R1 General Residential and introduce appropriate development controls.***

I, the Director, Northern Region at the Department of Planning, Industry and Environment, 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 an amendment to the Nambucca Local Environmental Plan (LEP) 2010 to reclassify part Lot 45 DP 228703, 99-101 Ocean View Drive, Valla Beach from Community to Operational land, rezone from RE1 Public Recreation to R1 General Residential and introduce appropriate development controls should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - (a) include in Parts 1 and 2 of the planning proposal that an objective and intended outcome of the proposal is:
    - (i) to discharge the public reserve status of part of the lot; and
    - (ii) amend the Reclassification (Part Lots) Maps; and
  - (b) include a proposed Land Reclassification (Part Lot) Map;
  - (c) include discussion on Council's intended use of funds from the sale of the subject site;
  - (d) include the Certificate of Title as an attachment;
  - (e) include the historical deposited Plan as an attachment;
  - (f) include discussion on the Local Strategic Planning Statement; and
  - (g) remove references to SEPP No. 55 – Remediation of Land; clause 6 has been repealed and replaced by section 9.1 Direction 2.6 Remediation of Contaminated Land.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
  - (c) a copy of practice note PN 16-001 Classification and reclassification of public land through a Local Environmental Plan is to be included in the public exhibition material.

3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- NSW Rural Fire Service
- Nambucca Local Aboriginal Land Council

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. Council must arrange a public hearing in respect of the planning proposal to reclassify community land as operational land in accordance with the requirements of section 3.34(2)(e) of the *Local Government Act 1993*.
5. Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority to exercise the functions under section 3.36(2) of the Act.
6. The time frame for completing the LEP is to be **nine months** following the date of the Gateway determination.

Dated 24 day of September 2021



**Jeremy Gray**  
**Director, Northern Region**  
**Local and Regional Planning**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Public Spaces**