

## Gateway Determination

**Planning proposal (Department Ref: PP-2025-56):** to rezone part of the Valla Urban Growth Area and amend associated development controls

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 an amendment to the Nambucca Local Environmental Plan 2010 to rezone part of the Valla Urban Growth Area and amend associated development controls should proceed subject to the following Gateway conditions.

### Gateway Conditions

1. Prior to community and agency consultation:
  - (a) an acoustic assessment which takes into account the conclusions and recommendations of the Valla Urban Growth Area Stage 1 Acoustic Investigation (*SLR Global Environmental Solutions, 22 July 2011*) is to be prepared to support and confirm the suitability of the proposal; and
  - (b) the planning proposal is to be updated to:
    - (i) remove the amendment number on the cover page or update to reflect map amendment number sequence;
    - (ii) verify the peak flood depths for the 1% AEP flood and up to the PMF event;
    - (iii) confirm if all future residential construction will occur above the PMF event;
    - (iv) include additional detail in relation to flooding and the flood risk profile of the proposal (including readable maps that show the inundation of the site across a range of flood events) and further details regarding access to the Pacific Highway (including the type of event that will affect the access as well as the duration that the road is inaccessible);
    - (v) update the extract of the Valla Urban Growth Area Masterplan on page 2 to encompass the whole area to which the planning proposal applies;
    - (vi) discuss how Council intends to proceed with broad scale implementation of the Valla UGA Masterplan; and
    - (vii) update the proposal to reflect the recommendations of the of the Acoustic Assessment required by condition 1(b).
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
  - Transport for NSW
  - Nambucca Heads Local Aboriginal Land Council
  - Department of Climate Change, Energy, the Environment and Water - Conservation Programs, Heritage and Regulation Group
- 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).
5. The LEP should be completed within 10 months of the date of the Gateway determination.

Dated 3 March 2025



**Craig Diss**  
**Director, Hunter and Northern Region**  
**Local Planning and Council Support**  
**Department of Planning, Housing and**  
**Infrastructure**

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