



Mr S McGrath
General Manager
Coffs Harbour City Council
Locked Bag 155
Coffs Harbour NSW 2450

Our ref: PP_2015_COFFS_005_00 (14/17726)
Your ref: 3773319

Dear Mr McGrath

Planning proposal to amend Coffs Harbour Local Environmental Plan 2013

I am writing in response to your Council's letter dated 30 September 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone land at Bonville from RU2 Rural Landscape to R5 Large Lot Residential and E2 Environmental Conservation and apply other appropriate planning controls.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with S117 Directions 1.2, 1.5, 4.1, 4.3 and 5.1 are justified in accordance with the terms of the direction. No further approval is required in relation to these Directions.

Council will still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant S117 Direction 4.4 Planning for Bush Fire Protection. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to councils by the Minister in October 2012. While Council has now accepted this delegation, I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following 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 and Environment to draft and finalise the LEP should be made 6 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 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Paul Garnett of the Department's regional office to assist you. Mr Garnett can be contacted on (02) 6641 6607.

Yours sincerely



16 October 2015

Brett Whitworth
Acting Executive Director, Regions
Planning Services

Encl:
Gateway Determination



Gateway Determination

Planning proposal (Department Ref: PP_2015_COFFS_005_00): to rezone land at Bonville from RU2 Rural Landscape to R5 Large Lot Residential and E2 Environmental Conservation and apply other appropriate planning controls.

I, the Acting Executive Director, Regions, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Coffs Harbour Local Environmental Plan (LEP) 2013 to rezone land at Bonville from RU2 Rural Landscape to R5 Large Lot Residential and E2 Environmental Conservation and apply other appropriate planning controls should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - NSW Office of Environment and Heritage in relation to flooding, biodiversity and potential land contamination;
 - NSW Department of Primary Industries in relation to impacts on agricultural land and natural resources;
 - NSW Roads and Maritime Services;
 - The NSW Rural Fire Service in relation to S117 Direction 4.4 Planning for Bush Fire Protection;

Each public authority 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.

3. Consultation is required with the local Aboriginal Land Council in relation to matters of Aboriginal cultural heritage. The local Aboriginal Land Council 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. Consultation with the NSW Rural Fire Service in relation to S117 Direction 4.4 Planning for Bush Fire Protection is to occur prior to community consultation. Any comments made by the Rural Fire Service are to be taken into account and the planning proposal amended as required.
5. A public hearing is not required to be held into the matter by any person or body under section 56(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).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 16th day of October 2015.



Brett Whitworth
Acting Executive Director, Regions
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning