



qB175128

11/14778

Department Generated Correspondence (Y)

Contact: Denise Wright
Phone: (02) 6641 6600
Fax: (02) 6641 6601
Email: Denise.Wright@planning.nsw.gov.au
Postal: Locked Bag 9022, Grafton NSW 2460

Our ref: PP_2011_COFFS_001_00 (11/13578)
Your ref: 2538670

Mr Steve McGrath
General Manager
Coffs Harbour City Council
Locked Bag 155
COFFS HARBOUR NSW 2450

Dear Mr McGrath

Re: Planning Proposal to permit development on land at Lot 1 DP 579511 and Lot 500 DP 776362, Pacific Highway, Woolgoolga for the purposes of retail with a minimum ground floor area (GFA) of 1000sqm

I am writing in response to your Council's letter dated 29 July 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Coffs Harbour Local Environmental Plan 2000 to permit development on land at Lot 1 DP 579511 and Lot 500 DP 776362, Pacific Highway, Woolgoolga for the purposes of retail with a minimum ground floor area (GFA) control of 1000sqm.

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

The Department does not generally support the introduction of site specific clauses to address the permissibility of land uses. Land use permissibility should be addressed via the land use tables in an LEP. Council is therefore to identify an appropriate business zone for the subject site to progress the planning proposal.

It is understood that Council is currently in the process of finalising its draft comprehensive Standard Instrument LEP for exhibition purposes. While the Department is happy to support the continuation of this planning proposal as a separate proposal, Council is encouraged to consider rolling this matter into its draft Standard Instrument LEP. At a minimum, Council is required to exhibit this planning proposal identifying the current and proposed zones for the site under its existing LEP and the proposed zones under its draft comprehensive Standard Instrument LEP. Council should also provide details relating to the minimum lot size, FSR and building height controls that will apply to these lots under its draft comprehensive SI LEP. This will ensure that the community is aware of how the subject site will be zoned under both instruments and may negate the need for Council to prepare a subsequent planning proposal in the event that the comprehensive LEP is notified prior to the finalisation of this planning proposal.

In addition, Council's proposed approach of introducing a minimum gross floor area control for tenancy sizes is not supported. It is acknowledged that Council has concerns about the potential impacts of the development of this site on the retail hierarchy within the Woolgoolga area, however limiting individual tenancy sizes through an LEP provision is generally not supported. Instead, Council is encouraged to explore alternative mechanisms to achieve its desired outcome for the site including establishing appropriate floor space ratio and building height controls for the site. In addition, Council should consider amending its Development Control Plan to include appropriate site setbacks and other built form controls, and to reinforce

the role and function of the main retail centre in Woolgoolga. Council may also wish to consider exhibiting an indicative site masterplan illustrating the preferred outcome for the site and/or exhibiting the proposed Development Application for the site concurrently with the planning proposal. Council is encouraged to work closely with the Department's Regional Planning Team to explore appropriate alternative options prior to exhibition.

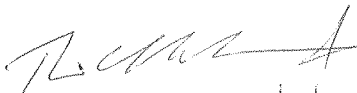
The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 2.2 Coastal Protection, 3.4 Integrating Land Use and Transport, 5.1 Implementation of Regional Strategies and 5.4 Commercial and Retail Development along the Pacific Highway, North Coast are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Denise Wright of the Regional Office of the Department on 02 6641 6600.

Yours sincerely,


22/8/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_COFFS_001_00): to permit development on land at Lot 1 DP 579511 and Lot 500 DP 776362, Pacific Highway, Woolgoolga for the purposes of retail with a minimum ground floor area (GFA) of 1000sqm.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Coffs Harbour Local Environmental Plan 2000 to permit development on land at Lot 1 DP 579511 and Lot 500 DP 776362, Pacific Highway, Woolgoolga for the purposes of retail with a minimum ground floor area (GFA) of 1000sqm should proceed subject to the following conditions:

1. A site specific enabling clause is not supported. Council is to identify an appropriate zone for the subject site and proceed with the planning proposal as a rezoning proposal.
2. Council is required to exhibit the planning proposal identifying the current and proposed zones for the site under its existing LEP and the current and proposed zones under its draft comprehensive Standard Instrument LEP.
3. Council's proposed approach of limiting individual tenancy areas to 1000sqm is not supported. Council is instead to include appropriate FSR and building height controls for the site to achieve its desired outcomes and exhibit these with the planning proposal.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Roads and Traffic Authority

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).



7. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 22nd day of August 2011.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure