



Planning & Environment

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

Our ref: 14/17367
PP_2014_COFFS_003_00
Your ref: 3747220

Attention: Harpreet Jenkins

Dear Mr McGrath

Planning proposal to amend Coffs Harbour Local Environmental Plan 2013

I am writing in response to your Council's letter dated 8 October 2014 and email of 24 October 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 part of Lot 13 DP 591220 from E2 Environmental Conservation Zone to B5 Business Development Zone; and alter the minimum lot size, floor space ratio and height of buildings controls to match those on adjoining B5 land.

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 the planning proposal's inconsistencies with section 117 Directions 1.2 Rural Zones, 1.5 Rural Land, 2.1 Environmental Protection Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of s117 Direction 4.4 Planning for Bushfire 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 it is noted that Council has not specifically requested to be issued with delegation for this planning proposal, I have considered the nature of the proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

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 as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 Jon Stone of the Department's regional office to assist you. Mr Stone can be contacted on (02) 6701 9688.

Yours sincerely

 6 November 2014
Stephen Murray
General Manager, Northern Region
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2014_COFFS_003_00): to rezone part of Lot 13 DP 591220 from E2 Environmental Conservation Zone to B5 Business Development Zone; and alter the minimum lot size, floor space ratio and height of buildings controls to match those on adjoining B5 land.

I, the General Manager, Northern Region 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 part of Lot 13 DP 591220 from E2 Environmental Conservation Zone to B5 Business Development Zone; and alter the minimum lot size, floor space ratio and height of buildings controls to match those on adjoining B5 land, should proceed.

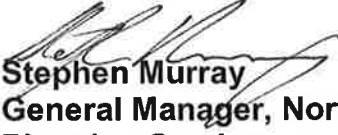
1. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* (the Act) as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the 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 Environment 2013)*.
2. Prior to community consultation, Council is to:
 - amend the planning proposal in Parts 1 and 2 to clearly show that the proposal includes the rezoning of the subject land and amendment of the minimum lot size, floor space ratio and height of building controls;
 - prepare draft LEP maps in accordance with the Department's standard technical requirements for LEP maps in relation to zoning, minimum lot size, floor space ratio and height of buildings; and
 - provide a timeline indicating intended progress in relation to exhibition and finalisation of the planning proposal.
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and to comply with the requirements of relevant S117 Directions:
 - NSW Rural Fire Service; and

- Office of Environment and Heritage (flooding and environmental conservation)

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.

4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated *6th* day of *November* 2014.


Stephen Murray
General Manager, Northern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Coffs Harbour City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_COFFS_003_00	Planning proposal to rezone part of Lot 13 DP 591220 from E2 Environmental Conservation Zone to B5 Business Development Zone; and alter the minimum lot size, floor space ratio and height of buildings controls to match those on adjoining B5 land.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 6 November 2014


Stephen Murray
General Manager, Northern Region
Planning Services
Department of Planning and Environment

Attachment 5 – Delegated plan making reporting template Reporting template for delegated LEP amendments

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Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2014_COFFS_003_00
Date Sent to DP&E under s56	24 October 2014
Date considered at LEP Review Panel	N/A
Gateway determination date	6 November 2014

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: