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Department Generated Correspondence (Y)

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Our ref: PP_2011_COFFS_002_00 (11/13577)
Your ref: 1477719

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

Dear Mr McGrath,

Re: Planning Proposal to rezone land at Backhouse Street Woolgoolga (Lot 61 DP 852851) from Rural 1A Agriculture to Residential 2A Low Density

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 rezone land at Backhouse Street Woolgoolga from Rural 1A Agriculture to Residential 2A Low Density.

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.

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.

It is noted that the planning proposal relates to one portion of the larger South West Woolgoolga Residential Area and that a draft Concept Plan has been prepared for that area. Council is encouraged to consider including the entire concept plan area as part of this planning proposal. This may ensure that the community has a better overall understanding of how planning for the broader release area will be addressed.

Council is also encouraged to consider identifying appropriate environmental/open space zonings for those areas within the current subject release area which will ultimately be used for these purposes. In particular, Council should identify an appropriate open space/environmental zoning for the western portion of the site identified as having significance and containing vegetation to support koala habitat, and the proposed minor open space link identified to the larger park area to the north of the release area.

It is noted that the subject site was previously used as a banana plantation and that consequently there may be the potential for site contamination to be present. Council is reminded of the requirements of *State Environmental Planning Policy (SEPP) – 55 Remediation of Land* when rezoning a site. Council is to ensure that the requirements of the SEPP, in particular clause 6 of the instrument, are complied with in terms of demonstrating the site is, or can be made suitable for residential purposes by undertaking a Preliminary Site Contamination Assessment Report to support the proposed rezoning. Council should ensure a copy of all relevant information relating to site contamination assessment reports including the Preliminary Site Investigation Report are placed on public exhibition.

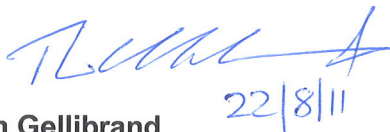
The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 1.2 Rural Zones are of minor significance. No further approval is required in relation to this Direction.

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,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_COFFS_002_00): to rezone land at Backhouse Street Woolgoolga (Lot 61 DP 852851) from Rural 1A Agriculture to Residential 2A Low Density.

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 rezone land at Backhouse Street Woolgoolga from Rural 1A Agriculture to Residential 2A Low Density should proceed subject to the following conditions:

1. Council is required to identify an appropriate open space or environmental zone for the portion of the site intended to be utilised for open space and conservation of identified koala habitat.
2. Council is required to identify an appropriate open space zone for that portion of the site proposed to act as an open space linkage between the site and the larger open space area to the north (that land running from the northern site boundary to Crabbe Street) as identified in the Concept Masterplan included in the planning proposal.
3. 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.
4. Council is required to ensure that the provisions of *State Environmental Planning Policy (SEPP) No 55 – Remediation of Land* are complied with as part of the rezoning process. Council is to ensure that in accordance with the SEPP a Preliminary Site Contamination Assessment Report is prepared and placed on public exhibition with the planning proposal.
5. 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)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Local Aboriginal Land Council
 - Office of Environment and Heritage
 - NSW Rural Fire Service
 - 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.

7. 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).
8. 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