



## Planning & Environment

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

Our ref: 14/16298  
Your ref: 5273626

Attention: Grahame Fry

Dear Mr McGrath

### **Planning proposal to amend Coffs Harbour Local Environmental Plan 2013**

I am writing in response to your Council's letter dated 22 September 2014 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 rezone Lot 1 DP 417132, Arrawarra Road, Mullaway from part RU2 Rural Landscape and part RE1 Public Recreation to R2 Low Density Residential and to apply a minimum lot size of 400m<sup>2</sup> to the subject 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 s117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 4.1 Acid Sulfate Soils and 6.2 Reserving Land for Public Purposes 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. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning 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 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 EP&A 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

 7 October 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\_001\_00):** to rezone Lot 1 DP 417132, Arrawarra Road, Mullaway from part RU2 Rural Landscape and part RE1 Public Recreation to R2 Low Density Residential and to apply a minimum lot size of 400m<sup>2</sup> to the subject 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 EP&A Act that an amendment to the Coffs Harbour Local Environmental Plan (LEP) 2013 to rezone Lot 1 DP 417132, Arrawarra Road, Mullaway from part RU2 Rural Landscape and part RE1 Public Recreation to R2 Low Density Residential and to apply a minimum lot size of 400m<sup>2</sup> to the subject land should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to:
  - (a) amend Part 1 and 2 of the Planning Proposal to clearly show that this Proposal includes both the rezoning of the land and the amendment of the minimum lot size for the subject land; and
  - (b) include the proposed minimum lot size map.
2. 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 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)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and to comply with the requirements of relevant S117 Directions:
  - NSW Rural Fire Service; and
  - Office of Environment and Heritage

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.



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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 7<sup>th</sup> day of October 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_001_00 | Planning proposal to rezone Lot 1 DP 417132, Arrawarra Road, Mullaway from part RU2 Rural Landscape and part RE1 Public Recreation to R2 Low Density Residential and to apply a minimum lot size of 400m <sup>2</sup> to the subject 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 7 October 2014



**Stephen Murray**  
General Manager, Northern Region  
Housing, Growth & Economics  
Department of Planning and Environment

## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### 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_001_00 |
| Date Sent to DoP&E under s56        | 22/09/2014           |
| Date considered at LEP Review Panel | N/A                  |
| Gateway determination date          | 07/10/2014           |

**Table 2 – To be completed by the RPA**

| Stage                                           | Date/Details | Notified<br>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 DoP&E requesting notification      |              |                     |

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

| Stage                         | Date/Details |
|-------------------------------|--------------|
| Notification Date and details |              |

#### Additional relevant information: