



Planning & Environment

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

Our ref: 13/12056
Your ref: 5526928

Dear Mr McGrath

Planning proposal to amend Coffs Harbour Local Environmental Plan 2013

I am writing in response to your Council's letter dated 26 June 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 amend *Coffs Harbour Local Environmental Plan 2013* to rezone areas at Hearn's Lake, Sandy Beach, Emerald Beach, Moonee Beach and Sapphire Beach, for residential, environmental conservation, rural, public recreation and private recreation purposes.

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 section 117 Directions 3.1 Residential Zones, 4.1 Acid Sulphate Soils, 4.3 Flood Prone Land and 5.1 Implementation of Regional Strategies are justified in accordance with the terms of the Directions based on the information provided.

In relation to Section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the zoning of land for public purposes on the basis that the land will eventually be used for public open space.

No further approval is required in relation to these Directions.

Council may still need to obtain the Secretary's agreement to comply with the requirements of Section 117 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. However, 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 in this instance.

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 Ms Katrina Burbidge of the Department's regional office to assist you. Ms Burbidge can be contacted on (02) 6641 6606.

Yours sincerely


24.7.15
Simon Manoski
Acting Executive Director, Regions,
Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2015_COFFS_004_00): to rezone areas of land at Hearn's Lake, Sandy Beach, Emerald Beach, Moonee Beach and Sapphire Beach, for residential, environmental conservation, public recreation and private recreation purposes.

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 areas at Hearn's Lake, Sandy Beach, Emerald Beach, Moonee Beach and Sapphire Beach, for residential, environmental conservation, rural, public recreation and private recreation purposes should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be amended to include:
 - (a) an amended map which indicates all land subject to the planning proposal including the land subject to the Key Sites Map;
 - (b) amended Land Zoning Maps and Lot Size Maps to include the land subject to the RU2 Rural Landscape Zone; and
 - (c) draft Land Application, Acid Sulfate Soils and Terrestrial Biodiversity, Drinking Water Catchment, Riparian Lands and Watercourses Maps where applicable.
2. 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 Environment 2013).
3. 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 Roads and Maritime Services;
 - Office of Environment and Heritage;
 - NSW Trade and Investment (Department of Primary Industries – Fisheries);
 - NSW Marine Parks Authority;
 - Local Aboriginal Land Council; and
 - NSW Rural Fire Service.



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Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and take into account any comments made as per the requirements of S 117 Direction 4.4 Planning for Bushfire 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.

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 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 12 months from the week following the date of the Gateway determination.

Dated 24th day of July 2015

Simon Manoski
Acting Executive Director
Regions, Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning