

## Gateway Determination

***Planning proposal (Department Ref: PP\_2018\_COFFS\_003\_00): to amend the height and other built form controls that apply to land within the Coffs Harbour CBD to provide an increase in building height, site densities and to ensure that the amenity of key public places is appropriately protected.***

I, the Director Regions, Northern, at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Coffs Harbour Local Environmental Plan (LEP) 2013 to amend the height and other built form controls that apply to land within the Coffs Harbour CBD to provide an increase in building height, site densities and to ensure that the amenity of key public places is appropriately protected, should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to community consultation to
  - (a) correct minor typographical errors;
  - (b) include discussion about the proposal's consistency with the Coffs Harbour City Business Lands Strategy;
  - (c) correct the assessment of consistency with Section 9.1 Directions 5.1 Implementation of Regional Strategies and 5.10 Implementation of Regional Plans; and
  - (d) correct the assessment of consistency with State Environmental Planning Policies relating to SEPP 14, SEPP 26 and SEPP 71 and the SEPP (Coastal Management).
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal 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 local environmental plans* (Department of Planning and Environment 2016).

3. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- Office of Environment and Heritage;
- NSW Rural Fire Service; and
- Roads and Maritime Service

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 3.34(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 planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
- a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - c. there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 14 day of November 2018.



**Jeremy Gray**  
Director Regions, Northern  
Planning Services  
Department of Planning and  
Environment



# Planning & Environment

**Delegate of the Minister for Planning**

