



Planning & Environment

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

Our ref: PP_2015_COFFS_002_00 (15/03372)
Your ref: 5414558

Dear Mr McGrath

Planning proposal to amend Coffs Harbour Local Environmental Plan 2013

I am writing in response to Council's request on 16 February 2015 for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) for a planning proposal to rezone land in the North Boambee Valley (West) for residential, industrial, environmental protection and public open space purposes.

As delegate of the Minister for Planning, I have determined that the planning proposal should proceed, subject to the conditions in the attached Gateway determination.

I have also agreed that the planning proposal's inconsistencies with Section 117 Directions 1.2 (Rural Zones), 3.1 (Residential Zones), 4.1 (Acid Sulphate Soils) and 4.3 (Flood Prone Land) are of minor significance. In relation to Section 117 Direction 6.2 (Reserving Land for Public Purposes), I have agreed to the creation 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 my 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. I note that Council has accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise its delegation to make this plan.

I notice that there appears to be some discrepancy between the information contained in Council's planning proposal, dated February 2015, and the supporting documentation prepared by Geoff Smyth Consulting and de Groot and Benson Pty Ltd, dated October 2014. I suggest that Council's planning proposal be reviewed and these discrepancies corrected prior to community consultation.

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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department 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 timeframes outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Mr Paul Garnett of the Department's regional office, on (02) 6641 6607.

Yours sincerely



Marcus Ray
Deputy Secretary, Planning Services

11/04/2015

Encl:

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



Gateway Determination

Planning proposal (Department Ref: PP_2015_COFFS_002_00): to rezone land in the North Boambee Valley (West), for residential, industrial, environmental protection and public open space purposes.

I, Deputy Secretary 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 land in the North Boambee Valley (West), for residential, industrial, environmental protection and public open space purposes, should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be amended to include a draft amended Land Reservation Acquisition Map which indicates that the land proposed to be zoned RE1 Public Recreation is to be acquired.
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 Infrastructure 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 Section 117 Directions:
 - NSW Office of Environment and Heritage in relation to flooding, potential land contamination and biodiversity;
 - NSW Department of Primary Industries in relation to potential impacts on extractive industry resources;
 - NSW Roads and Maritime Services;
 - NSW Rural Fire Service; and
 - The local Aboriginal land council in relation to matters of Aboriginal cultural 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.

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 11th day of April 2015.



Marcus Ray
Deputy Secretary
Department of Planning and
Environment

Delegate of the Minister for Planning



Planning & Environment

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_2015_COFFS_002_00	Planning proposal to rezone land in the North Boambee Valley (West), for residential, industrial, environmental protection and public open space purposes.

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 11 April 2015

Marcus Ray
Deputy Secretary, Planning Services
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_2015_COFFS_002_00
Date Sent to DoP&E under s56	16 February 2015
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	11 April 2015

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 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: