



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

Dear Mr McGrath

Planning Proposal PP_2017_COFFS_003_00 to amend Coffs Harbour Local Environmental Plan 2013

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the Planning Proposal to rezone land in the North Boambee Valley (West) Residential Investigation Area and amend the other planning controls for the land to enable future residential development; amend the Land Reservation Acquisition map to identify the proposed RE1 Public Recreation land to be acquired, and introduce an E3 Environmental Management zone to the Coffs Harbour LEP 2013.

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 1.2 Rural Zones, 2.1 Environmental Protection Zones, 3.1 Residential Zones, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land, and 6.2 Reserving Land for Public Purposes are justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

Council will still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant Section 117 Directions 1.3 Mining, Petroleum Production and Extractive Industries and 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 now accepted this delegation. 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 12 months of 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 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

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 further enquiries about this matter, I have arranged for Mr Paul Garnett to assist you. Mr Garnett can be contacted on (02) 6641 6607.

Yours sincerely

 25-9-2017

Jeremy Gray
Director Regions, Northern
Planning Services

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template

Gateway Determination

Planning Proposal (Department Ref: PP_2017_COFFS_003_00): to rezone land in the North Boambee Valley (West) Residential Investigation Area and amend the other planning controls for the land to enable future residential development; amend the Land Reservation Acquisition map to identify the proposed RE1 Public Recreation land to be acquired, and introduce an E3 Environmental Management zone to the Coffs Harbour LEP 2013.

I, the Director Regions, Northern, 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) Residential Investigation Area and amend the other planning controls for the land to enable future residential development; amend the Land Reservation Acquisition map to identify the proposed RE1 Public Recreation land to be acquired, and introduce an E3 Environmental Management zone to the Coffs Harbour LEP 2013, should proceed subject to the following conditions:

1. Prior to Community Consultation the planning proposal is to be amended as follows:
 - a. include maps which show the current planning controls as well as the proposed planning controls;
 - b. include a Land Use Matrix showing all land uses which are permitted or prohibited in the proposed E3 zone;
 - c. any reference to 'revised planning proposal' is to be removed as this planning proposal is a new planning proposal given that planning proposal PP_2015_COFFS_002_00 has been discontinued;
 - d. section 117 Direction 5.1 Implementation of Regional Strategies no longer applies to the proposal and discussion on this direction is to be removed from the planning proposal and discussion on Direction 5.10 Implementation of Regional Plans is to be included;
 - e. discussion on section 117 Direction 1.1 Business and Industrial Zones is to be removed from the planning proposal as no business or industrial zones are proposed; and
 - f. amend Appendix J to include a reference to the E3 Environmental Management Zone in clause 4.1AA.
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 local environmental plans* (Department of Planning and Environment 2016).

3. Consultation is required with the following public authorities and organisations 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;
- NSW Rural Fire Service;
- NSW Roads and Maritime Services;
- NSW Department of Primary Industries – Agriculture;
- NSW Division of Resources and Geoscience; and
- The Coffs Harbour and District Local Aboriginal Land Council.

Each public authority/organisation 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** following the date of the Gateway determination.

Dated *25* day of *SEPTEMBER* 2017.

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

Delegate of the Minister for Planning