



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

Our ref: PP_2014_COFF5_005_00
(14/20625)
Your ref: 5388225

Dear Mr McGrath

Planning proposal to amend Coffs Harbour Local Environmental Plan 2013

I am writing in response to your Council's letter dated 8 December 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 amend Coffs Harbour LEP 2013 by introducing altered coastal hazard planning controls.

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.

While the Department has no role in approving development control plans, it is suggested that Council considers seeking further advice as to the effectiveness/authority of the proposed development control plan provisions related to coastal hazards. The EP&A Act does not permit a development control plan (DCP) to include provisions which are more restrictive than a local environmental plan.

In this regard it would be of benefit for Council to indicate for public exhibition purposes, which lands may be affected by the DCP restrictions.

Council will need to obtain the agreement of the Department's Secretary 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 not formally requested to be issued with delegation for this planning proposal. 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. This decision has been made to ensure that the Coastal Zone Management Plan has been endorsed by the Minister for the Environment and any changes made to the plan are taken into account in the final amendment to the local environmental plan.

The amending Local Environmental Plan (LEP) is to be finalised within twelve (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 to the Northern Region Office 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 Jim Clark of the Department's regional office to assist you. Jim can be contacted on 6601 6604.

Yours sincerely

 19 December 2014
Stephen Murray
General Manager, Northern Region
Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2014_COFFS_005_00): to amend Coffs Harbour Local Environmental Plan 2013 to introduce altered coastal hazard planning provisions.

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 introduce altered coastal hazard planning provisions should proceed subject to the following conditions:

1. 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 is classified as routine as described in *A Guide to Preparing LEPs (Department of Planning and Environment 2013)* and 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)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service
 - Office of Environment and Heritage
 - State Emergency Services

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.
3. The Planning Proposal is to be amended prior to public exhibition to include maps in accordance with the Department's Technical Guidelines which indicate the removal of the foreshore building line from Maps CL1_005C and CL1_006D.
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 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 19th day of December

2014.


Stephen Murray
General Manager, Northern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning