

Gateway Determination

Planning proposal (Department Ref: PP-2021-4602): to amend the minimum lot size for Lot 1 DP 726095, 14-22 Smiths Road, Emerald Beach

I, the Director, Northern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, 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 minimum lot size for Lot 1 DP 726095, 14-22 Smiths Road, Emerald Beach should proceed subject to the following conditions:

1. Prior to agency and community consultation, the planning proposal is to be updated to:
 - (a) amend Figure 1 description to read Lot 1 DP726095;
 - (b) amend references to Chapter 5 Large Lot Residential to read Chapter 6 Large Lot Residential Lands; and
 - (c) address the discussion of land contamination under section 9.1 Ministerial Direction 2.6 Remediation of Contaminated Land due to clause 6 of SEPP 55 being repealed.
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 is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018) and must be made publicly available for a minimum of **14 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act. The NSW Rural Fire Service 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 **six months** following the date of the Gateway determination.

Dated 4 day of November 2021



Jeremy Gray
Director, Northern Region
Local and Regional Planning
Department of Planning, Industry and Environment
Delegate of the Minister for Planning and Public Spaces