

## Gateway Determination

***Planning proposal (Department Ref: PP-2021-5514): to permit large lot residential development at 9-9A and 148-158 Gaudrons Road, Sapphire Beach.***

I, the Director, Northern Region at the Department of Planning 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 2013 to permit large lot residential development at 9-9A and 148-158 Gaudrons Road, Sapphire Beach should proceed subject to the following conditions.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed within nine months from the date of the Gateway determination.

### Gateway Conditions

1. Prior to consultation the planning proposal is to be updated to:
  - include an appropriate level of investigation of both sites in relation to potential land contamination from previous agricultural land uses and associated activities to confirm that the lands are suitable for their intended use; and
  - Amend Figure 3 to correctly identify 148-158 Gaudrons Road.
2. Consultation is required with the following public authorities under section 3.34(2)(d) of the EP&A Act. The public authorities are to be provided with a copy of the planning proposal and any relevant supporting material prior to community consultation and given at least 30 days to comment on the proposal.
  - NSW Rural Fire Service
  - Department of Primary Industries (Agriculture)
  - Transport for NSW
  - NSW Mining, Exploration and Geoscience
  - Department of Planning and Environment (Biodiversity Conservation Division)
  - Coffs Harbour Local Aboriginal Land Council

3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022).
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 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 if reclassifying land).

Dated 23 day of May 2023.



**Jeremy Gray**  
**Director, Northern Region**  
**Local and Regional Planning**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning and**  
**Public Spaces**