

Gateway Determination

Planning proposal (Department Ref: PP-2021-6491): to amend the minimum lot size for 19 Orara Street, Nana Glen to facilitate large lot residential subdivision and to amend clauses 4.1A and 4.2B to support the subdivision of split zone properties.

I, the Acting 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 19 Orara Street, Nana Glen to facilitate large lot residential subdivision and to amend clauses 4.1A and 4.2B to support the subdivision of split zone properties should proceed subject to the following conditions:

1. Prior to undertaking public exhibition:
 - (a) an Aboriginal cultural heritage assessment shall be prepared. Following preparation of the Aboriginal cultural heritage assessment, the planning proposal shall be updated, to capture any recommendations;
 - (b) all E2 Environmental Conservation zone and E3 Environmental Management zone references contained within the planning proposal are to be updated to reference C2 Environmental Conservation and C3 Environmental Management zones; and
 - (c) the planning proposal is to be updated to remove proposed clauses.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (d) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (e) 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 following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - NSW Rural Fire Service
 - Department of Primary Industries – Agriculture
 - Heritage NSW

- Natural Resources Access Regulator
- Biodiversity Conservation Division
- 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 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 **9 months** following the date of the Gateway determination.

Dated 29 day of November 2021.



Craig Diss
Acting Director, Northern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces