

## Gateway Determination

***Planning proposal (Department Ref: PP-2021-7194): to schedule an additional permitted use on Lots 3 & 4 DP825181, 4 & 4a Bray Street, Coffs Harbour***

I, the Director, Northern Region at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 schedule an additional permitted use on Lots 3 & 4 DP825181, 4 & 4a Bray Street, Coffs Harbour should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the planning proposal is to be updated to:
  - (a) reference the updated section 9.1 Ministerial Directions that commenced on 1 March 2022; and
  - (b) reference the new consolidated State Environmental Planning Policies that commenced on 1 March 2022.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (c) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working days; and
  - (d) 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, 2021).

Exhibition must commence within one month following the date of the gateway determination.

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
  - Transport for NSW
  - Division of Biodiversity and Conservation

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working 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 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).
5. 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.
6. The planning proposal must be reported to council for a final recommendation four months from the date of the Gateway determination
7. The LEP should be completed within six months from the date of the Gateway determination.

Dated 22 day of April 2022.



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

**Delegate of the Minister for Planning**