

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-1968):** to amend zoning and development standards to facilitate renewal of the Argyll Estate precinct, Coffs Harbour.

I, the Director, Northern Region at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 amend zoning and development standards to facilitate renewal of the Argyll Estate precinct, Coffs Harbour should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
  - amend the Key Sites Map to detail only those allotments that have been identified as being capable of supporting dual occupancy development (i.e. where clause 4.1B of the Coffs Harbour LEP 2013 will not apply), consistent with the 'Renewal areas plan' of the Urban Design Report;
  - clarify that inclusion of Clause 5.22 'Special flood considerations' in the Coffs Harbour LEP 2013 will be undertaken either by the Department of Planning and Environment or as part of this planning proposal process by Council, whichever occurs first;
  - clarify that any Special Flood Considerations map will sit alongside the existing flood mapping outside the LEP framework;
  - reference the Local Environmental Plan Making Guideline, December 2021;
  - clarify that a proposed 15.5 metre maximum height of building will apply to land zoned R3 Medium Density;
  - note that Chapter 7 of Council's LGMS was endorsed by DPE in December 2020; and
  - reference section 9.1 Ministerial Directions rather than section 117 Ministerial Directions.
2. 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, 2021) 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, 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:
- Coffs Harbour and District Local Aboriginal Land Council
  - NSW Department of Education
  - NSW Department of Planning and Environment – Biodiversity Conservation Division
  - NSW Department of Planning and Environment – Floodplain Management Division
  - NSW Health
  - NSW Rural Fire Service
  - State Emergency Service
  - Transport for NSW
- 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 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 LEP should be completed within six months from the date of the Gateway determination.

Dated 23 day of June 2022.



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