



Department of Planning, Housing and Infrastructure

Ms Natalia Cowley
General Manager
City of Coffs Harbour
Locked Bag 155
COFFS HARBOUR NSW 2450

Our ref: IRF24/1659

Via email: marten.bouma@chcc.nsw.gov.au
coffs.council@chcc.nsw.gov.au

Dear Ms Cowley

Planning proposal PP-2023-2593 to amend Coffs Harbour Local Environmental Plan 2013

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone Lot 1 DP 416381, 39-39A Strouds Road, Bonville from RU2 Rural Landscape to R5 Large Lot Residential and amend the minimum lot size.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act Directions 4.5 Acid Sulfate Soils and 8.1 Mining, Petroleum Production and Extractive Industries are justified in accordance with the terms of the Direction.

Council will still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act 1.1 Implementation of Regional Plans, 3.1 Conservation Zones, 4.3 Planning for Bushfire Protection, 9.1 Rural Zones and 9.2 Rural Lands. Council should ensure this occurs prior to the LEP being made.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The amending local environmental plan (LEP) is to be finalised within six months from the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Housing and Infrastructure to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to mapinstrument.drafting@dpie.nsw.gov.au. The relevant Department of Planning, Housing and Infrastructure team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Georgia Weallans, Planning Officer to assist you. Ms Weallans can be contacted on 5778 1413.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the date.

22/8/24

Jeremy Gray
Director, Hunter and Northern Region
Local Planning and Council Support

Encl: Gateway determination