

Gateway Determination

Planning proposal (Department Ref: PP-2023-2086): *Reduce the minimum lot size and make changes to the zoning and terrestrial biodiversity mapping at Lot 4 DP 1049350, Lot 15 DP 861057 and Lots 101 and 102 DP 732172, Lindsays Road, Boambee to facilitate a large lot residential subdivision*

I, the Director, Hunter and Northern Region at the Department of Planning, Housing and Infrastructure, 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 reduce the minimum lot size and make changes to the zoning and terrestrial biodiversity mapping at Lot 4 DP 1049350, Lot 15 DP 861057 and Lots 101 and 102 DP 732172, Lindsays Road, Boambee to facilitate a large lot residential subdivision should proceed subject to the following Gateway 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 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 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 on or before nine months from the date of the Gateway determination.

Gateway Conditions

1. Prior to agency and community consultation the planning proposal is to be updated to:
 - (a) remove any land proposed to be rezoned to R5 Large Lot Residential that is located within the flood planning area;
 - (b) provide an assessment against NSW Coastal Design Guidelines 2023 Appendix 1: Assessment checklist for planning proposals;
 - (c) include updated and current potential land contamination, Aboriginal Cultural Heritage Assessment and noise impact assessment reports; and
 - (d) remove reference to the land zoning map sheet.
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 Guideline* (Department of Planning and Environment, August 2023) 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 Guideline* (Department of Planning and Environment, August 2023).
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 Act:
- NSW Rural Fire Service
 - NSW Biodiversity Conservation and Science
 - NSW Department of Primary Industries and Regional Development - Fisheries
- 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 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 August 2024



Jeremy Gray
Director, Hunter and Northern Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces