

Gateway Determination

Planning proposal (Department Ref: PP-2025-1689): to undertake various housekeeping amendments to Coffs Harbour LEP 2013.

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 undertake various housekeeping amendments to Coffs Harbour LEP 2013 should proceed subject to the following 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 9 months of the Gateway determination date.

Gateway Conditions

1. Prior to public exhibition, the planning proposal is to be updated to:
 - (a) include a clear and concise outline of the objectives and intended outcomes in Part 1 of the proposal;
 - (b) include a plain English description of the intent of each proposed LEP clause amendment;
 - (c) include further explanation and justification for the proposed changes to clause 4.2D and how they will achieve Council's intent;
 - (d) include further explanation as to why the land uses proposed to be prohibited in the R5 zone are incompatible with the zone objectives;
 - (e) include existing and proposed maps sheets for the amendments to the Key Sites Map for both localities;
 - (f) explain the strategic justification for the inclusion of the five new sites on the Key Sites map and the application of the proposed Key Sites clause to these properties;
 - (g) include justification for permitting dams in the RU2 zone as exempt development particularly in relation to clause 3(f) of Section 9.1 Direction 4.1 Flooding;
 - (h) include the completed checklist from Appendix 1 of the NSW Coastal Design Guidelines 2023; and

- (i) include a map illustrating the terrestrial biodiversity and koala habitat that will be identified as environmentally significant land and / or an ecologically sensitive area.
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:
- Department of Primary Industries and Regional Development – Agriculture and Biosecurity
 - Department of Primary industries and Regional Development - Fisheries
 - Department of Climate Change, Energy, the Environment and Water – Flooding
 - Department of Climate Change, Energy, the Environment and Water – Water
 - Department of Climate Change, Energy, the Environment and Water – Conservation Programs Heritage and Regulation
 - NSW Rural Fire Service
 - NSW Natural Resources Access Regulator
- 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 29 September 2025



Craig Diss
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Local Planning and Council Support
Department of Planning, Housing and
Infrastructure
Delegate of the Minister for Planning and
Public Spaces