



**Planning &  
Environment**

Mr Ron Posselt  
General Manager  
Greater Taree City Council  
PO Box 482  
TAREE NSW 2430

Our ref: PP\_2016\_GTARE\_001\_00 (16/02606)

Att: Ms Angela Tinlin

Dear Mr Posselt,

### **Planning Proposal to amend Greater Taree Local Environmental Plan 2010**

I am writing in response to Council's letter requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone approximately 17 hectares of land at Blackhead Road Hallidays Point from RU1 – Primary Production to R1 – General Residential and E3 Environmental Management.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistency with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 3.4 Integrating Land Use and Transport is of minor significance and / or justified because the proposal is consistent with the Mid North Coast Regional Strategy. No further approval is required in relation to these Directions. Following the undertaking of necessary studies/ investigations and consultation with relevant agencies Council may need to obtain the agreement of the Secretary to comply with the requirements of other relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Attached for your assistance is a simplified guide to the plan making process and reporting requirements to ensure that the LEP Tracking System is kept updated.

Should you have any questions regarding this matter, I have arranged for Brian Murphy from the Hunter office to assist you. Mr Murphy can be contacted on (02) 4904 2712.

Yours sincerely,



26/2/2016

**Monica Gibson**  
**Director Regions**  
**Hunter and Central Coast Region**  
**Planning Services**



## Gateway Determination

**Planning Proposal (Department Ref: PP\_2016\_GTARE\_001\_00):** to rezone approximately 17 hectares of land at Blackhead Road Tallwoods from RU1 – Primary Production to R1 – General Residential and E3 – Environmental Management.

I, the Director Regions, Hunter and Central Coast Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Greater Taree Local Environmental Plan (LEP) 2010 to rezone approximately 17.0 hectares of land at Blackhead Road Tallwoods from RU1 – Primary Production to R1- General Residential and E3 - Environmental Management should proceed subject to the following conditions:

1. The Proposal should be amended, prior to exhibition, to incorporate the:
  - recommendations of the required additional investigations (see below);
  - recommendations of relevant government agencies;
  - The use of either E2 Environmental Protection zone or E3 Environmental Management zone for the land containing a Freshwater Wetlands Endangered Ecological Community (EEC), following consultation with the Office of Environment and Heritage (OEH);
  - to update consideration of s117 direction – 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 4.4 Planning for Bushfire Protection and SEPP 55 – Remediation of Land; and
  - draft LEP Land Zoning, Lot Size, Height of Buildings and Floor Space Ratio maps consistent with the Department's mapping requirements for LEPs.
2. Copies of the amended Planning Proposal should be provided to the Department and OEH for information and comment prior to exhibition.
3. The following studies / investigations are to be undertaken prior to exhibition:
  - Cultural Heritage assessment, if required following consultation with OEH ;
  - Bushfire hazard assessment;
  - A preliminary contamination assessment, consistent with the requirements of SEPP 55 – Remediation of Land.

Council should consider the findings of these assessments in amending the Proposal.

4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the relevant planning 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 section 5.5.2 of *A Guide to Preparing LEPs (Planning & Infrastructure 2013)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
  - Office of Environment and Heritage concerning the appropriate zone for the identified Endangered Ecological Community, the proposals impact on the Regional Habitat Corridor and Aboriginal cultural heritage.
  - NSW Rural Fire Service.

- Mid Coast Water and other utility service providers Council may deem necessary to consult.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. Council should, following receipt of advice from the public authorities, update its consideration of s117 Directions and SEPPs in the Proposal, as required.

6. A public hearing is not required to be held into the matter by any person or body under section 56(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).
7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 26/2/2016



**Monica Gibson**  
**Director Regions**  
**Hunter and Central Coast Region**  
**Planning Services**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning**



## Planning & Environment

### WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Greater Taree City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_GTARE_001_00	Planning proposal to rezone 17 hectares of land at Blackhead Road Tallwoods from RU1 – Primary Production to R1 – General Residential and E3 – Environmental Management to facilitate the proposed expansion of the Tallwoods village.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 26/2/2016

**Monica Gibson**  
**Director Regions**  
**Hunter and Central Coast Region**  
**Planning Services**  
**Department of Planning and Environment**

## Delegated plan making reporting requirements

(Attachment 5 from "A guide to preparing local environmental plans)

### Notes:

- The department will fill in the details of Table 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the Department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department with the RPA's request to have the LEP notified

**Table 1 – To be completed by the Department**

Stage	Date/Details
Planning Proposal Number	PP_2016_GTARE_001_00
Date Sent to Department under s56	1 February 2016
Gateway determination date	26 February 2016

**Table 2 – To be completed by the RPA**

Stage	Date/Details
Dates draft LEP exhibited	
Date of public hearing (if held)	
Date sent to PCO seeking Opinion	
Date Opinion received	
Date Council Resolved to Adopt LEP	
Date LEP made by GM (or other) under delegation	
Date sent to Department requesting notification (hunter@planning.nsw.gov.au)	
Brief Description of Purpose of planning proposal	

**Table 3 – To be completed by the Department**

Stage	Date/Details
Notification Date and details	

**Additional relevant information:**

## **PLAN MAKING PROCESS POST GATEWAY – FOR DELEGATED MATTERS**

### **1. Post Exhibition Review**

- If planning proposal is revised, council is to email a copy of the revised proposal to the regional planning team - [hunter@planning.nsw.gov.au](mailto:hunter@planning.nsw.gov.au) under Section 58(2) of the Act prior to requesting LEP to be made.
- If changes to planning proposal are substantial then may no longer be authorised by the Gateway determination and a new Gateway may be required before LEP is made. Councils are encouraged to contact regional planning team to seek advice before finalising the LEP under delegation.
- Any unresolved s117 directions must be finalised before progressing with LEP

### **2. Legal Drafting of the LEP**

- Council's request to draft and finalise the plans should be made directly to Parliamentary Counsel's Office (PCO) - [parliamentary.counsel@pco.nsw.gov.au](mailto:parliamentary.counsel@pco.nsw.gov.au) as soon as possible to ensure timeframes are met.
- The request to [parliamentary.counsel@pco.nsw.gov.au](mailto:parliamentary.counsel@pco.nsw.gov.au) is to include the planning proposal, a copy of the gateway determination and details of any change to the proposal arising from the gateway determination. The name and contact details of the Council contact officer should also be supplied.
- A copy of the request should also be forwarded to the department for administrative purposes only [hunter@planning.nsw.gov.au](mailto:hunter@planning.nsw.gov.au).

### **3. Maps**

- Council should upload the maps and GIS data directly to the department's FTP site ([ftp://lepup:lep\\_upload@203.3.194.247/](ftp://lepup:lep_upload@203.3.194.247/)).
- Once uploaded Council should email [hunter@planning.nsw.gov.au](mailto:hunter@planning.nsw.gov.au) and advise that maps are available for checking. Any questions can be directed to Brent Condliffe on phone 02 9228 6542.
- Unless otherwise negotiated the department will only undertake a technical review of any maps to ensure they comply with LEP mapping technical guidelines.
- **No** maps or mapping/GIS data is to be sent directly to PCO.

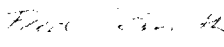
### **4. Making of the draft LEP s59**

- Council's delegate resolves to finalise the LEP by signing the instrument (see example below).
- If council's delegate decides not to make plan or defer a matter, council should liaise with regional team for assistance.
- Council must also notify PCO if plan not proceeding

### **5. Notification of LEP**

- Council advises plan is made and requests the department to notify the plan to [hunter@planning.nsw.gov.au](mailto:hunter@planning.nsw.gov.au) and the following documents to be provided for notification
  1. Signed LEP - which includes full name of LEP and PCO file reference,
  2. Signed map cover sheet and associated maps,
  3. Name and position of the delegate who signed the LEP and date,
  4. Completed Attachment 5 - delegated plan making reporting template,
  5. Copy of council's (s59) assessment which is usually the council, report/minutes and if revised, a copy of council's revised planning proposal
  6. PC opinion.
- Request to [hunter@planning.nsw.gov.au](mailto:hunter@planning.nsw.gov.au) by Tuesday of the week will enable notification by Friday.

Example of signature front page

 <p>Fred Smith General Manager</p> <p>As delegate for the Minister for Planning 12/12/14</p>
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