



Mr Steve Embry
Acting General Manager
MidCoast Council
PO Box 482
TAREE NSW 2430

Attention: Lisa Schiff

Dear Mr Embry

Planning proposal PP_2018_MCOAS_002_00 to amend Greater Taree Local Environmental Plan 2010.

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone land at No.353, 423, 441, 443, 445, 461, 461A, 463 & 465 Kolodong Road, Taree.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions (Direction 1.2 Rural Zones and Direction 1.5 Rural Lands) are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of other section 9.1 Directions such as Direction 1.3 Mining, Petroleum Production and Extractive Industries, Direction 2.1 Environmental Protection Zones, Direction 2.3 Heritage Conservation and Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of 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 of Planning and Environment.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Trent Wink to assist you. Mr Wink can be contacted on 02 4904 2700.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Monica Gibson', written in a cursive style.

3/4/2018

Monica Gibson
Director Regions, Hunter
Planning Services

Encl: Gateway Determination
Local plan-making authority reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2018_MCOAS_002_00): to rezone land at No.353, 423, 441, 443, 445, 461, 461A, 463 & 465 Kolodong Road, Taree.

I, the Director Regions, Hunter 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 Greater Taree Local Environmental Plan (LEP) 2010 to rezone *part of the subject land from RU1 Primary Production to R1 General Residential and E2 Environmental Conservation* should proceed subject to the following conditions:

1. Prior to undertaking community consultation Council is to amend the Planning Proposal as follows:
 - (a) Update Part 3 Explanation of Provisions to explain that the E2 Environmental conservation land will be subdivided in accordance with clause 4.1B under the Greater Taree Local Environmental Plan 2010 so that it is attached to an adjoining residential allotment.
 - (b) Update part 4.2.3 (a) to outline the findings of the flora and fauna assessment report prepared in accordance with the SEPP 44 assessment requirements. If an individual koala plan of management is required, this should be finalised and approved before requesting notification. This report is to be included with the public exhibition material.
 - (c) Update part 4.2.3 (b) to outline the findings of the contamination assessment report prepared in accordance with State Environmental Planning Policy (SEPP) 55 – Remediation of Land. This report is to be included with the public exhibition material.
 - (d) Update Part 4.2.4 to explain that the planning proposal is consistent with Direction 3.1 Residential zones.
 - (e) Update Part 5.2.4 to summarise the traffic assessment recommendations. This report is to be included with the public exhibition material.

2. Community consultation is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (f) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (g) 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 section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

3. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Office of Environment and Heritage regarding Direction 2.1 Environmental Protection Zones and Direction 2.3 Heritage Conservation.
 - Water NSW regarding Direction 2.1 Environmental Protection Zones (riparian corridor)
 - NSW Department of Primary Industries (Agriculture) regarding Direction 1.5 Rural Lands
 - NSW Department of Primary Industries (Minerals and Petroleum) regarding Direction 1.3 Mining, Petroleum Production and Extractive Industries.
 - NSW Rural Fire Service regarding Direction 4.4 Planning for Bushfire Protection.
 - Australian Rail Track Corporation
 - Water Services Division of Council – water and sewer servicing issues
 - Essential Energy – electricity servicing issues

Each public authority/organisation 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.

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).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions 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 section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - c. there are no outstanding written objections from public authorities.



6. The time frame for completing the LEP is to be **18 months** following the date of the Gateway determination.

Dated 3rd day of April 2018.

Monica Gibson
Director Regions, Hunter
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning