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Our ref: PP_2010_GTARE_002_00 (10/20481)
Your ref: 13/2005R

Mr Gerard Jose
General Manager
Greater Taree City Council
PO Box 482
TAREE NSW 2430

Dear Mr Jose,

Re: Planning Proposal to rezone land at Diamond Beach

I am writing in response to your Council's letter dated 10 November 2010 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 amend the Greater Taree Local Environmental Plan 2010 to rezone approximately 10.8 hectares of land at Lot 6 DP 244030 and Lot 9 DP 250425, 310-314 Diamond Beach Road Diamond Beach from RU1 Primary Production to R1 General Residential.

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

The Department notes that there is a large amount of existing zoned, undeveloped residential land and urban release areas that have been supported by the LEP Panel via separate amendments. The Department strongly recommends that Council complete its Local Growth Management Strategy (LGMS) to ensure that the future release of land is supported and justified in a shire-wide strategic context. Council should complete this work prior to processing any additional planning proposals for the release of land.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Zones and 2.2 Coastal Protection are of minor significance. No further approval is required in relation to these Directions.

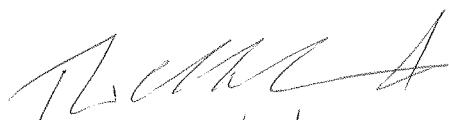
The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

It is noted that Council intends to progress the development of a VPA in relation to proposed conservation outcomes associated with development of the release area. Should these discussions result in anticipated delays to the completion of the planning proposal in accordance with the Determination, Council is encouraged to seek an extension of time in accordance with the relevant provisions of the EP&A Act to avoid potential action under s54(2)(d) of the Act.

Should you have any queries in regard to this matter, please contact Brian Murphy of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,



2/12/10

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_GTARE_002_00): to rezone approximately 10.8 hectares of land at Lot 6 DP 244030 and Lot 9 DP 250425, 310-314 Diamond Beach Road Diamond Beach from RU1 Primary Production to R1 General Residential.

I, the Deputy Director General, Plan Making & Urban Renewal 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 2010 to rezone approximately 10.8 hectares of land at Lot 6 DP 244030 and Lot 9 DP 250425, 310-314 Diamond Beach Road Diamond Beach from RU1 Primary Production to R1 General Residential should proceed subject to the following conditions:

1. 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 **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 4.5 of *A Guide to Preparing LEPs* (Department of Planning 2009).
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Aboriginal Affairs NSW
 - NSW Department of Environment, Climate Change & Water
 - Roads and Traffic Authority
 - Mid Coast Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. 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).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 2nd day of December 2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning