

DEPARTMENT OF PLANNING AND ENVIRONMENT

Planning Services

ALTERATION OF GATEWAY DETERMINATION FOR PLANNING PROPOSAL PP 2015 GTARE 002 00 – 363 DIAMOND BEACH ROAD, DIAMOND BEACH

PURPOSE

To recommend the Director Regions, as delegate for the Minister, agree to alter the Gateway determination for Planning Proposal PP_2015_GTARE_002_00 to rezone 5.431 hectares of land at Seashells Resort, Diamond Beach.

RECOMMENDATION

It is RECOMMENDED that the Minister's delegate:

- **agree** under s56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination for Planning Proposal no. PP_2015_GTARE_002_00 to extend the time to complete the Planning Proposal.
- **agree** that the community consultation requirements in condition 4 of the Gateway determination (which have not yet been met) are sufficient and that no further or different community consultation is required.
- **sign** the letter to Council.

CURRENT POSITION

- Council has prepared a Planning Proposal to rezone 5.431 hectares of rural land at Diamond Beach for tourism, introduce a 30% permanent residential component to the accommodation and to rezone a Coastal Heath Paperbark community and back-dune areas for environmental protection.
- The Gateway determination issued on 28 April 2015 (*Tab A*) determined that the proposal should proceed subject to conditions including an ecological assessment, an Aboriginal heritage assessment, and consultations.
- The Gateway determination required that the Local Environmental Plan be finalised in 12 months from the week following the date of the Gateway determination, due 5 May 2016.
- The Council has requested that the period to complete the proposal be extended until 30 September 2016, about five months. A six month period would typically be granted in these circumstances.
- The delay in meeting this Gateway determination timeframe has arisen due to the applicant meeting conditions requiring additional studies and making the alterations to the Planning Proposal prior to exhibition.
- Community consultation in relation to the Planning Proposal in accordance with condition 4 of the Gateway determination has not yet occurred. It is considered that the community consultation that will take place under condition 4 of the Gateway determination is sufficient and that no further or different community consultation is required.



29/2/2016
Monica Gibson
Director Regions,
Hunter and Central Coast
Planning Services

Contact Officer: Ken Phelan
Hunter and Central Coast Region
Phone: 4904 2705



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

Our ref: PP_2015_GTARE_002_00
(15/02125)
Your ref: 2289-100

Dear Mr Posselt

Alteration of Gateway Determination: Seashells Resort, 363 Diamond Beach Road

I refer to your letter of 29 January 2016 seeking an extension of time to complete Planning Proposal PP_2015_GTARE_002_00 to rezone rural land at Diamond Beach for tourism, introduce a 30% permanent residential component to the accommodation and to rezone Coastal Heath Paperbark and back-dune areas for environmental protection.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the Environmental Planning and Assessment Act, 1979, to alter the Gateway determination dated 28 April 2015 for PP_2015_GTARE_002_00.

The Gateway Determination has been altered to extend the time to complete the proposal.

The Proposal is now due for completion on 4 November 2016.

If you have any questions in relation to this matter, I have arranged for Mr Ken Phelan to assist you. Mr Phelan can be contacted on (02) 4904 2705.

Yours sincerely

29/2/2016

Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services