



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

Att: Mr Michael Griffith

Dear Mr Posselt

**Planning proposal to Rezone Lot 18 DP 576415, 363 Diamond Beach Road
'Seashells Resort', Greater Taree Local Environmental Plan 2010**

I refer to your Council's request for Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal by PDA consultants to amend the Taree LEP 2010 so as 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 Coastal Heath Paperbark and back-dune areas for environmental protection.

As delegate of the Minister for Planning I have accepted as being of a minor nature the inconsistencies of the proposal with the following:

- a) Section 117 Direction 1.3- Mining, Petroleum Production and Extractive Industries
- b) Section 117 Direction 1.5- Rural Lands

Investigations and amendments to the proposal are required prior to exhibition and these are detailed in the attached Gateway Determination.

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 amended planning proposal as soon as possible after the completion of the necessary studies and investigations. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 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 section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Ken Phelan on (02) 49042705.

Yours sincerely,

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

28 April 2015

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Gateway Determination

Planning proposal (Department Ref: PP_2015_GTARE_002_00): to rezone land at 363 Diamond Beach Road, Diamond Beach from RU1 Primary Production to part SP3 Tourism and part E2 Environmental Conservation with associated development intensity controls and apply a local provision.

I, the General Manager, Hunter and Central Coast Region at 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 land at 363 Diamond Beach Road, Diamond Beach as described in Council's planning proposal, should proceed subject to the following conditions:

1. Council is to update the Planning Proposal, prior to exhibition, to include;
 - a) A clear Floor Space Ratio (FSR) Map, Zoning (LZN) Map and Minimum Lot Size (MLS) Map
 - b) Clarification of the evidence-base being relied upon to assess future coastal erosion and sea-level rise potential across the land
 - c) Evidence that the design controls proposed over the land will comply with the coastal guidelines cited in Section 117 Direction 2.2- Coastal Protection
 - d) More clearly state the objectives of the proposal and potential development that will result from the amendment to the planning controls.
2. The following studies/ investigations are to be undertaken and outcomes incorporated into the planning proposals prior to exhibition::
 - a) An assessment of the ecological values of the site, particularly the Coastal Heath Paperbark community including its hydrological needs and habitat values and justification for the zone boundary and 1 hectare minimum lot size.
 - b) Assessment of the Aboriginal cultural heritage significance of the land.
 - c) An assessment of the visual impacts of the prospective building height on the beach, surrounding properties and public areas.
3. Council is to update the Planning Proposal, prior to exhibition, to remove the golf course shown in the proposed E2 zone and detail of buildings and development that do not reflect the controls being proposed.
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 is classified as low impact as described in *A Guide to Preparing LEPs (Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **14 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:
 - The Purfleet-Taree Local Aboriginal Land Council

- Office of Environment and Heritage regarding the zone boundaries for environmental protection lands and minimum lot size.
- Office of Environment and Heritage regarding the assessment of Aboriginal Heritage.
- Rural Fire Service of NSW regarding s117 direction 4.4 Planning for Bushfire Protection.

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. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.

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 28 April 2015



David Rowland
General Manager
Hunter and Central Coast Region
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning