



Planning

Mr Richard Pamplin
Senior Leader Strategic Planning
Greater Taree City Council
PO Box 482
TAREE NSW 2430

10/23407

Dear Mr Pamplin

Conversion of draft LEP 2010 (Amendment No 3 – Precinct 3 Old Bar) to a Planning Proposal

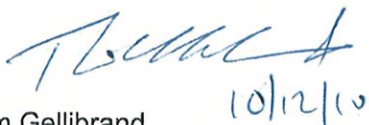
I am writing in regard to recent discussions with Council officers regarding the finalisation of the above LEP. As a final Parliamentary Counsel Opinion as to whether the draft LEP can legally be made has not previously been sought, it is uncertain that the matter will be completed by January 1 2011. Should the plan not be finalised in time for the Minister to consider it before January 1, it would cease to be a pending LEP pursuant to clause 12(1) of the *Environmental Planning and Assessment Regulation 2000*. On this basis, I am converting the plan to a Planning Proposal.

I have determined, as the delegate of the Director-General, under clause 12(2) of the *Environmental Planning and Assessment Regulation 2000* that the former LEP plan-making provisions will cease to apply to the draft LEP. The current provisions of Part 3 of the EP&A Act will now apply.

Furthermore I have, as the delegate for the Minister for Planning, determined under clause 122 (2) of Schedule 6 of the Act to dispense with the conditions precedent prior to section 59(1) of the Act for the making of this draft LEP. Council will note that this dispensation means that the Council will be consulted concerning final drafting of the amendment, once the opinion of Parliamentary Counsel has been obtained. Following Council's agreement to the drafting, a decision by the Minister (or delegate) will be necessary for the LEP to be finalised.

Should you have any queries in regard to this matter, please contact Brian Murphy of the Hunter and Central Coast Regional Office on 4904 2712.

Yours sincerely



10/12/10

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
(as delegate of the Minister and the Director-General)