



Our ref: 13/15103-1
Your ref: S1165

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

Att: Michael Griffith

Dear Mr Jose,

**Planning Proposal to amend Greater Taree Local Environmental Plan 2010
90 High Street, Black Head Lot 1 DP 1048443**

I refer to Council's letter dated 9 September 2013 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 alter the zone boundary between the RU1 Primary Production Zone and the E3 Environmental Management Zone on the above land and to alter the Height of Building Map from 8.5m to 10.5m.

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

I have also agreed the planning proposal's inconsistency with S117 Direction 4.1 Acid Sulfate Soils is of minor significance, and note this is a matter that will need to be considered further by Council as part of any future development assessment.

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

It is recommended that Council review the mapping for the planning proposal to make clear the existing and proposed zoning and height of building controls, and this be on an appropriate mapping or photo base that makes the location easily understood.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months. 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 for administrative purposes.

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.

Attached for your assistance is a simplified guide to the plan making process and reporting requirements to ensure that the LEP Tracking System is kept updated.

Should you have any questions regarding this matter, please contact Ken Phelan of the department's Newcastle office on 4904 2705.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. Leavey', is positioned above the printed name.

Michael Leavey
Regional Director
Hunter & Central Coast
Planning Operations and Regional Delivery

2/10/13

Encl:

Gateway determination

Written Authorisation to Exercise Delegation

Delegated plan making reporting requirements

Plan making process post Gateway

Gateway Determination

Planning Proposal (Department Ref: PP_2013_GTARE_001_00): *to alter the zone boundary between the RU1 Primary Production Zone and the E3 Environmental Management Zone and to alter the Height of Building Map from 8.5m to 10.5m. on Lot 1 DP 1048443 at 90 High Street, Black Head*

I, the Regional Director, Hunter & Central Coast Region at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Greater Taree Local Environmental Plan (LEP) 2010 to alter the zone boundary between the RU1 Primary Production Zone and the E3 Environmental Management Zone and to alter the Height of Building Map from 8.5m to 10.5m should proceed subject to the following conditions:

1. Consultation is required with the following public authorities under section 56 (2) (d) of the Environmental Planning and Assessment Act:
 - NSW Rural Fire Service

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 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.

2. Further detail is required to be provided in the planning proposal to address consistency with the following S117 Directions:
 - 2.1 Environmental Protection – including any impacts of bushfire asset protection zone requirements on existing vegetation or environmental zoned land; and
 - 2.2 Coastal Protection – to address consistency with the *NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997*, and the *Coastal Design Guidelines 2003*

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

3. 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 (Department of Planning & Infrastructure 2013)* 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 (Department of Planning & Infrastructure 2013)*.
4. 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).

5. Council finalise the planning proposal under delegated authority within a period of **9 months** commencing on the first day of the week following the date of the Gateway determination.
6. Council prepare a project timeline to complete the planning proposal, for public exhibition with the proposal.

Dated 2nd day of October 2013.



Michael Leavey
Regional Director
Hunter & Central Coast Region
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Greater Taree City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_GTARE_001_00	Planning proposal to alter the zone boundary between the RU1 Primary Production Zone and the E3 Environmental Management Zone and to alter the Height of Building Map from 8.5m to 10.5m on Lot 1 DP 1048443, 90 High Street, Black Head

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 2nd October 2013

Michael Leavey
Regional Director
Hunter & Central Coast Region
Department of Planning and Infrastructure