



Contact: Paul Maher
Phone: (02) 4904 2700
Fax: (02) 4904 2701
Email: Paul.Maher@planning.nsw.gov.au
Postal: PO Box 1226, Newcastle NSW 2300

Our ref: PP_2012_GLAKE_001_00 (11/21481)

Mr Glenn Handford
General Manager
Great Lakes Council
PO Box 450
FORSTER NSW 2428

Dear Mr Handford,

Re: Planning proposal to rezone 403 hectares of land 1(a) Rural Zone, 7(a) Wetlands and Littoral Rainforest Zone and 7(a1) Environmental Protection Zone to 2(a) Low Density Residential Zone, 2(b) Medium Density Residential Zone, 4(a) General Industrial Zone, 6(a) Open Space and Recreation Zone and 7(a1) Environmental Protection Zone to facilitate future urban development

I am writing in response to your Council's letter 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 Great Lakes Local Environmental Plan 1996 to rezone a total site area of 403 hectares from 1(a) Rural Zone, 7(a) Wetlands and Littoral Rainforest Zone and 7(a1) Environmental Protection Zone to 2(a) Low Density Residential Zone, 2(b) Medium Density Residential Zone, 4(a) General Industrial Zone, 6(a) Open Space and Recreation Zone and 7(a1) Environmental Protection Zone to facilitate future urban development.

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

While some strategic planning work has already been undertaken in relation to the site, Council is required to provide additional information to support the planning proposal prior to proceeding to public exhibition. In particular, Council is required to provide the following additional information:

- Contamination Assessment Report;
- Aboriginal Heritage Management Plan; and
- Water Cycle Management details (as specified in the planning proposal).

Council is to prepare appropriate mapping to support the planning proposal and in particular provide a minimum lot size map for the site. Council is also to include the site as an identified urban release area in its Urban Release Area maps.

As the site will be identified as an urban release area, Council is also to include a provision in the LEP which seeks to ensure that the development will be provided with appropriate infrastructure and services in a timely and efficient manner.

Council is encouraged to prepare a Development Control Plan (DCP) for the site and place the DCP on exhibition concurrently with the planning proposal.

It is noted that the planning proposal includes a specific provision which seeks to minimise the potential impacts between development and uses on adjoining sites. In particular this provision will relate to the future operations of the existing Tea Gardens Landfill site. While the Department supports the intent of minimising conflict between land uses, it may be appropriate

to consider a combination of alternative options for reducing noise impacts on future adjoining residential development. For example, Council may include additional on-site noise attenuation measures and design responses as part of its on-going use of the landfill site. In addition, more broadly, Council may wish to consider the suitability of land immediately adjoining the landfill site for residential development and provide an alternative zone for that portion of the site. Council should, therefore, consider alternative approaches to addressing the potential for land use conflicts in this portion of the site and amend the planning proposal if necessary to reflect the preferred approach.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.3 Heritage Conservation, are of minor significance. No further approval is required in relation to these Directions. In addition, I agree that the planning proposal's inconsistency with the SEPP (Rural Lands) is justified.

In relation to the plan's consistency with other relevant Section 117 Directions, Council is to consult with the following agencies prior to public exhibition, and if necessary, amend the planning proposal to reflect the outcomes of this consultation:

- Direction 1.3 Mining Petroleum and Extractive Industries, consult with the Director General of the Department of Primary Industries (Mining and Petroleum);
- Direction 1.4 Oyster Aquaculture, consult with the Director General of the Department of Primary Industries (Fisheries); and
- Direction 2.1 Environmental Protection Zones, consult with the EPA regarding biodiversity matters.

Council is also to provide additional information in relation to the planning proposal's consistency with the following Section 117 Directions:

- Direction 4.1 Acid Sulfate Soils, Council is to prepare an acid sulphate soils assessment for the site in accordance with the provisions of the Direction; and
- Direction 4.3 Flood Prone Land, Council is to undertake a flood assessment of the site, satisfying the provisions of the Direction and ensuring that if necessary a floodplain risk management plan has been prepared in accordance with the provisions of the Floodplain Development Manual.

In addition, Council is to provide additional information to demonstrate how the planning proposal complies with the provisions of the following State Environmental Planning Policies (SEPPs):

- SEPP 55 – Remediation of Land, Council is to undertake a preliminary site investigation study in accordance with Clause 6 of the SEPP and place the report on exhibition with the planning proposal;
- SEPP 71 – Coastal Protection, Council is to provide additional justification for the proposal as required under Clauses 7 and 8 of the SEPP in relation to the protection and improvement of public access along coastal foreshores, protection and preservation of Aboriginal cultural heritage, and measures to reduce conflict between land based and water based activities. Council should consult with the Office of Environment and Heritage and the Department of Primary Industries in relation to compliance with the SEPP and provide a copy of any additional information prepared in response to the SEPP on exhibition with the planning proposal.

Following completion of pre-exhibition consultation and the completion of the additional information, Council should undertake another review of the planning proposal against all relevant Section 117 Directions and provide any further justification for the planning proposal where necessary. This additional information should then also be placed on public exhibition.

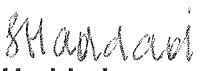
The amending Local Environmental Plan (LEP) is to be finalised within 24 months of the week following the date of the Gateway Determination. To ensure this timeframe is met, Council is to prepare and submit to the Department's Regional Planning Team for endorsement, a project timeline which identifies the timing for the completion of the additional information, consultation and other steps associated with the delivery of the LEP. The project timeline is to be provided within 4 weeks of the receipt of the Gateway 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. This timeframe should also be reflected in the project timeline.

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.

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

Yours sincerely,


Sam Haddad
Director-General

20/2/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_GLAKE_001_00): to rezone a total site area of 403 hectares from 1(a) Rural Zone, 7(a) Wetlands and Littoral Rainforest Zone and 7(a1) Environmental Protection Zone to 2(a) Low Density Residential Zone, 2(b) Medium Density Residential Zone, 4(a) General Industrial Zone, 6(a) Open Space and Recreation Zone and 7(a1) Environmental Protection Zone to facilitate future urban development.

I, the Director General, 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 Great Lakes Local Environmental Plan 1996 to rezone a total site area of 403 hectares from 1(a) Rural Zone, 7(a) Wetlands and Littoral Rainforest Zone and 7(a1) Environmental Protection Zone to 2(a) Low Density Residential Zone, 2(b) Medium Density Residential Zone, 4(a) General Industrial Zone, 6(a) Open Space and Recreation Zone and 7(a1) Environmental Protection Zone to facilitate future urban development should proceed subject to the following conditions:

1. Council is to prepare and submit to the Department's Regional Planning Team for endorsement, a project timeline which identifies the timing for the completion of the required studies, consultation and other steps associated with the delivery of the LEP. The project timeline is to be provided within 4 weeks of the receipt of the Gateway Determination.
2. Council is required to provide the following additional information in support of the planning proposal:
 - Aboriginal Heritage Management Plan; and
 - Water Cycle Management details (as specified in the planning proposal).
3. Council is to prepare appropriate mapping to support the planning proposal and in particular provide a minimum lot size map for the site. Council is also to include the site as an identified urban release area in its Urban Release Area maps.
4. As the site will be identified as an urban release area, Council is also to include a provision in the LEP which seeks to ensure that the development will be provided with appropriate infrastructure and services in a timely and efficient manner.
5. In relation to the plan's consistency with other relevant Section 117 Directions, Council is to consult with the following agencies prior to public exhibition, and if necessary, amend the planning proposal to reflect the outcomes of this consultation:
 - Direction 1.3 Mining Petroleum and Extractive Industries, consult with the Director General of the Department of Primary Industries (Mining and Petroleum);
 - Direction 1.4 Oyster Aquaculture, consult with the Director General of the Department of Primary Industries (Fisheries); and
 - Direction 2.1 Environmental Protection Zones, consult with the EPA regarding biodiversity matters.
6. Council is to provide additional information to demonstrate how the planning proposal complies with the provisions of the following State Environmental Planning Policies (SEPPs):
 - SEPP 55 – Remediation of Land, Council is to undertake a preliminary site investigation study in accordance with Clause 6 of the SEPP and place the report on exhibition with the planning proposal;

- SEPP 71 – Coastal Protection, Council is to provide additional justification for the proposal as required under Clauses 7 and 8 of the SEPP in relation to the protection and improvement of public access along coastal foreshores, protection and preservation of Aboriginal cultural heritage, and measures to reduce conflict between land based and water based activities. Council should consult with the Office of Environment and Heritage and the Department of Primary Industries in relation to compliance with the SEPP and provide a copy of any additional information prepared in response to the SEPP on exhibition with the planning proposal.
7. Following completion of pre-exhibition consultation and the completion of the additional information, Council should undertake another review of the planning proposal against all relevant Section 117 Directions and provide any further justification for the planning proposal where necessary. This additional information should then also be placed on public exhibition.
 8. 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)*.
 9. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Karuah Local Aboriginal Land Council
 - EPA – Cultural Heritage and Aboriginal archaeology and environmental biodiversity matters
 - Hunter - Central Rivers Catchment Management Authority
 - Department of Education and Communities
 - Office of Environment and Heritage
 - NSW Department of Primary Industries - Fishing and Aquaculture
 - NSW Department of Primary Industries - Minerals and Petroleum
 - NSW Department of Primary Industries – Office of Water
 - Office of Environment and Heritage - NSW National Parks and Wildlife Service
 - NSW Rural Fire Service
 - Transport for NSW - Roads and Maritime Services
 - Telstra
 - Country Energy
 - 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.

10. 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).

11. The timeframe for completing the LEP is to be **24 months** from the week following the date of the Gateway determination.

Dated *28th* day of *February* 2012.


Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure