



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

Our ref: PP_2011_GLAKE_002_00 (11/17419)
Your ref: SP-LEP-74

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

Dear Mr Handford,

Re: Planning proposal to rezone land from 1(a)Rural to 2(a)Residential and 7(a1) Environmental Protection.

I am writing in response to your Council's letter dated 21 September 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 by rezoning approximately 127 ha of land from 1(a) Rural to 2(a) Residential (approx 24ha) and 7(a1) Environmental Protection (approx 103 ha).

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.

The Department acknowledges Council's intention to ensure that suitable arrangements are in place for the ongoing protection and management of the area to be zoned 7(a1) Environmental Protection, and thus supports the inclusion of a provision in Schedule 3 "Special requirements for development of certain land" of Great Lakes LEP 1996. However, Council is advised that this type of site specific provision will not be supported in the Standard Instrument LEP and Council should consider alternative means for such site specific examples such as through Council's DCP.

In light of the presence of endangered ecological communities on the site, Council is to consult with the Office of Environment and Heritage in regard to potential biodiversity offset arrangements if the endangered ecological community or significant vegetation is disturbed and for the clearing of land that will have to be undertaken for development within the proposed 2(a) Residential zone.

The maps submitted with the planning proposal provide an indication of the respective areas of the site to be zoned 2(a) Residential and 7(a1) Environmental Protection. It is acknowledged that this is a rezoning proposal and not a subdivision application, but Council should consider including a draft concept plan with the exhibition material, if available, in order to provide clarity to the community as to the possible layout of uses on the site.

The Director General's delegate has determined that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 1.5 Rural Lands are justified as the planning proposal is in accordance with the Mid North Coast Regional Strategy.

The Director General's delegate has agreed that the planning proposal is consistent with Section 117 Directions 2.1 Environmental Protection Zones, 3.1 Residential Zones, and 5.1 Implementation of Regional Strategies. No further approval is required in relation to these Directions.

In accordance with Section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries, Council is to consult further with the Department of Trade and Investment, Regional Infrastructure and Services (Mineral Resources and Energy) to ensure the current planning proposal does not have a significant impact on future extraction of minerals and extractive materials. The planning proposal is to be updated to incorporate the outcomes of the consultation.

In regard to Section 117 Direction 2.3 Heritage Conservation, Council is to consult with the Office of Environment and Heritage (OEH) regarding the impact of future development on potential Aboriginal archaeological items and the appropriate means of protecting such items. Council is to update the planning proposal to include the comments of OEH prior to public consultation.

It is noted that in preparing the planning proposal, Council has given consideration to the objectives of S117 Direction 3.4 Integrating Land Use and Transport, and the principles of the Department's policy documents in relation to improving transport provision. However, Council is to provide further justification for compliance with the objectives of the Direction and amend the planning proposal accordingly, prior to the commencement of public consultation.

In order to achieve consistency with Section 117 Direction 4.4 Planning for Bush Fire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service and take the comments into account in the planning proposal prior to exhibition.

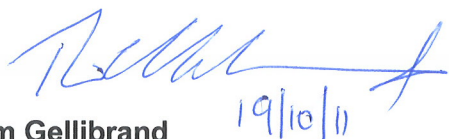
In addition, Council is to provide further information to justify the planning proposal's consistency with S117 Direction 4.1 Acid sulfate soils and to include such information in the planning proposal for exhibition.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date 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.

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 Brian Murphy of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_GLAKE_002_00): to rezone land from 1(a)Rural to 2(a)Residential and 7(a1) Environmental Protection.

I, the Deputy Director General, Plan Making & Urban Renewal 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 approximately 127 ha of land from 1(a)Rural to 2(a)Residential (24ha approx) and 7(a1) Environmental Protection (103 ha approx), should proceed subject to the following conditions:

1. Prior to proceeding to public exhibition, Council is to update the planning proposal to include the outcomes of consultation with Department of Trade and Investment, Regional Infrastructure and Services (Mineral Resources and Energy) as required to demonstrate consistency with S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries.
2. Council is to amend the planning proposal prior to public exhibition to incorporate comments from the Commissioner of the NSW Rural Fire Service in order to achieve consistency with S117 Direction 4.4 Planning for Bush Fire Protection.
3. Prior to the commencement of public consultation, Council is to revise the planning proposal to provide further information to justify the planning proposal's consistency with S117 Directions 2.3 Heritage Conservation, 3.4 Integrating Land Use and Transport and 4.1 Acid Sulfate Soils.
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 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)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Aboriginal Land Council
 - Ambulance Service of NSW
 - Area Health Services
 - Department of Education and Communities
 - Office of Environment and Heritage
 - Department of Trade and Investment, Regional Infrastructure and Services (Mineral Resources and Energy)
 - Energy Australia
 - NSW Fire Brigades
 - Department of Health
 - NSW Police Service
 - NSW Rural Fire Service
 - Roads and Traffic Authority
 - NSW Office of Water
 - 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.

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 19th day of October 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure