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

Our ref: PP_2013_GTARE_002_00 (13/15062)
Your ref: 7/2005R

Dear Mr Jose,

Planning proposal to amend Greater Taree Local Environmental Plan 2010

I am writing in response to your Council's letter dated 3 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 (Amendment No.6) to rezone the Brimbin new town site and amend associated floor space ratio, building height and lot size controls as well as insert local provisions and heritage items.

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 inconsistencies with S117 Directions 1.5 Rural Lands, 5.1 Implementation of Regional Strategies and 6.3 Site Specific Provisions are of minor significance.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has not sought delegation for this planning proposal because it is of the view that the planning proposal is of regional significance. I have considered the nature of the planning proposal and have decided because of the regional significance of the proposal, not to issue an authorisation for Council to exercise delegation to make this plan.

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 planning proposal as soon as possible. Council's request for the department 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 Brian Murphy of the regional office of the department on 02 4904 2700.

Yours sincerely,



Neil Selmon
Acting Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery

8/11/2013

Encl: Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2013_GTARE_002_00): to make various zoning and mapping amendments in the aforementioned LEP.

I, the Acting Executive Director, Rural and Regional Planning 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 rezone the Brimbin new town site to R1 General Residential, R5 Large Lot Residential, B4 Mixed Use, RU4 Primary Production Small Lots, IN1 General Industrial, E1 National Parks and Nature Reserves, E2 Environmental Conservation, E4 Environmental Living and retain the SP2 Infrastructure zone, amend associated floor space ratio, building height and lot size controls and insert local provisions and heritage items should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - (a) include justification for the inclusion of proposed new clauses 7.8 *Strata or community title subdivision of land at Brimbin* and 7.9 *Subdivision of E4 zoned land at Brimbin*.
 - (b) include justification for extending the proposal outside the urban release area identified in the Mid North Coast Regional Strategy.
2. Council is to include an Urban Release Area Map and relevant minimum lot size maps with the planning proposal, at an appropriate scale and clearly identify the subject land for the purposes of public exhibition.
3. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
4. Council shall consider whether or not a minimum lot size is required on the land to be rezoned E1 National Parks and Nature Reserves and E2 Environmental Conservation if the necessary arrangements to transfer the land to public ownership have not been finalised prior to rezoning.
5. 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 a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.

6. 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:

- National Parks and Wildlife Service (regarding the securing of the biodiversity offset)
- Office of Environment and Heritage
- NSW Rural Fire Service (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.

7. 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).

8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

Eight

day of

November

2013.



Neil Selmon
Acting Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

Delegate of the Minister for Planning &
Infrastructure