

Mr Ron Posselt
General Manager
Greater Taree City Council
PO Box 482
TAREE NSW 2430

Our ref: PP_2015_GTARE_003 (15/08643)
Your ref: S1045

Att: Sue Calvin

Dear Mr Posselt,

Planning Proposal to amend Greater Taree Local Environmental Plan 2010

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 rezone 7.03 hectares of land at 10, 34, and 44 Emerton Close, Cundletown from RU1 Primary Production and RE1 Public Recreation, to IN1 General Industrial; include a local planning clause to facilitate transport related industries on the subject; and amend the lot size map.

As delegate of the Minister for Planning, 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 - 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands, 3.2 Caravan Parks and Manufactured Homes, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land, 5.1 Implementation of Regional Strategies, and 6.3 Site Specific Provisions are of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes and rezoning of the RE1 Public Recreation land, on the basis that the land is unsuitable for recreational purposes and not identified for acquisition by Council. No further approval is required in relation to these Directions.

Council needs to obtain the department's approval to comply with the requirements of relevant S117 Direction 3.5 Development Near Licensed Aerodromes prior to the plan being made.

The Minister delegated 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 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 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, I have arranged for Susan Blake from the Hunter office to assist you. Ms Blake can be contacted on (02) 4904 2720.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Rowland', is positioned above the typed name.

27 August 2015

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Gateway Determination

Planning Proposal (Department Ref: PP_2015_GTARE_003_00): to rezone 7.03 hectares of land at Emerton Close, Cundletown; include a local planning clause to facilitate transport related industries on the subject; and amend the lot size map.

I, the General Manager, Hunter and Central Coast Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Greater Taree Environmental Plan (LEP) 2010 to rezone 7.03 hectares of land from RU1 Primary Production and RE1 Public Recreation, to IN1 General Industrial; amend Part 7- Additional Local Provisions to enable certain 'transport related industries' on the subject land, and amend the lot size map at *Lot 17, DP 856622, Lots 44 and 46, DP 1191326, Emerton Close, Cundletown*, should proceed subject to the following conditions:

1. 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 (Planning & Infrastructure 2013)*.
2. A preliminary contamination assessment, consistent with the requirements of SEPP 55 – Remediation of Land is required to be undertaken prior to exhibition. Council should consider the findings of this assessment in amending the Proposal.
3. Council will need to undertake further consideration regarding the consistency of the proposed local provision with the SEPP (Exempt and Complying Codes) 2008. Council should consider the findings of this assessment in amending the Proposal.
4. 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:
 - Roads and Maritime Services regarding traffic and access to the Pacific Highway, and any associated State infrastructure contribution requirements.
 - Civil Aviation Safety Authority for strategic advice on height limitations, aircraft noise, risks posed by truck facility floodlighting and truck driving lights.

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. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.

5. The planning proposal should be amended, prior to exhibition to:
 - incorporate recommendations of relevant government agencies;
 - update consideration of s117 Direction 3.5 Development Near Licensed Aerodromes noting comments from the Civil Aviation Safety Authority;
 - incorporate recommendations of the SEPP 55 – Remediation of Land investigations

- incorporate the assessment of the consistency of the proposed local provision with the SEPP (Exempt and Complying Codes) 2008;
 - include an Urban Release Area map, should Roads and Maritime Services require contributions to State infrastructure.
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 27th day of August 2015.



David Rowland
General Manager
Hunter and Central Coast Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Greater Taree Council is authorised to exercise the functions of the Minister for Planning 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_2015_GTARE_003_00	Planning proposal to <i>rezone 7.03 hectares of land from RU1 Primary Production and RE1 Public Recreation, to IN1 General Industrial</i> ; amend Part 7-Additional Local Provisions to enable certain 'transport related industries' on the subject land, and amend the lot size map at Lot 17, DP 856622, Lots 44 and 46, DP 1191326, Emerton Close, Cundletown.

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 27 August 2015



David Rowland
General Manager
Hunter and Central Coast Region
Planning Services
Department of Planning and Environment