



Mr Glenn Handford
Interim General Manager
MidCoast Council
PO Box 450
FORSTER NSW 2428

Att: Sue Calvin

Dear Mr Handford,

Planning Proposal to amend Greater Taree Local Environmental Plan 2010

I refer to Council's email dated 20 June 2017 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) and subsequent additional information in respect of the Planning Proposal to undertake various housekeeping amendments to the Greater Taree Local Environmental Plan 2010.

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 agreed that the Planning Proposal's inconsistency with S117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are justified by being consistent with the underlying strategic directions of the Hunter Regional Plan 2036 and being of minor significance.

I have approved the reduction of land for public purposes and the reservation of land for the future Cundletown Bypass under the Minister's direction 6.2 Reserving Land for Public Purposes.

The Minister delegated plan making powers to councils in October 2012. Council did not request the Minister's plan making delegations. However, 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 satisfy the Gateway conditions and 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 Mr Trent Wink from the Hunter office to assist you. Mr Wink can be contacted on (02) 4904 2716.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized, flowing script.

11/8/2017

Monica Gibson
Director Regions, Hunter
Planning Services

Gateway Determination

Planning Proposal (Department Ref: PP_2017_MCOAS_008_00): to introduce new clauses, introduce new zone objectives, update the land use tables, adjust heritage conservation floor space ratios and undertake various site-specific amendments at Cooplacurripa, Harrington, Johns River, Coopernook Village, Kundle Kundle, Taree, Wingham, Tallwoods Village, Red Head, Black Head, Cundletown.

I, the Director Regions, Hunter at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the Act that an amendment to the Greater Taree Local Environmental Plan (LEP) 2010 to undertake various housekeeping amendments as described in Council's Planning Proposal, version 5 and dated 20 June 2017, should proceed subject to the following conditions:

1. Prior to undertaking community consultation Council is to amend the Planning Proposal as follows:
 - (a) Include the proposed amendment to clause 4.1B Exceptions to minimum subdivision lots sizes for certain split zones as a general amendment because it will apply to all land zoned RU5 covered by the Greater Taree Local Environmental Plan 2010.
 - (b) Update site specific amendment (C) Coopernook to realign the RU1 Primary Production and RU5 Village zone boundary so that only flood free land (FPL3 2100 + 1% + 0.5m) as identified by the Manning River Flood Study 2016 is zoned RU5 Village and has a minimum lot size of 1000sqm in the subject area.
 - (c) Delete the site-specific amendment (L) Diamond Beach because Council hasn't resolved to rezone part of the site E3 Environmental Management and to permit permanent residential accommodation. Retain the existing site specific amendment labelling (a-q) to avoid confusion when consulting public agencies.
 - (d) Update Council's assessment of the Minister's S117 Direction 2.2 Coastal Protection to explain that the Planning Proposal is consistent because any future development application in the coastal zone will be assessed against the criteria contained in the Greater Taree Local Environmental Plan 2010 (clause 5.5) to provide for the protection of the coastal environment.
 - (e) Update Council's assessment of the Minister's S117 Direction 3.1 Residential Zones to explain that the Planning Proposal is consistent because it continues to provide housing diversity and makes efficient use of existing infrastructure and services.
 - (f) Update Council's assessment of the Minister's S117 Direction 3.4 Integrating Land Use and Transport to explain that the Planning Proposal is consistent because it either reinforces the urban footprint, permits the continuance of an existing employment activity, reflects ownership arrangements or corrects zoning anomalies.
2. A traffic and acoustic impact assessment needs to be prepared for site-specific amendment B Johns River to determine potential impacts to and from the Pacific Highway. The Planning Proposal is to be updated to include the traffic and acoustic impact assessment prior to commencing public exhibition and consulting agencies.
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 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).

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:
- NSW Rural Fire Service regarding S117 Direction 4.4 Planning for Bushfire Protection.
 - Office of Environment and Heritage regarding site-specific amendments B Johns River and H Taree.
 - National Parks and Wildlife Services regarding site-specific amendment F Harrington.
 - Roads and Maritime Services regarding site-specific amendments B Johns River and I Cundletown.
 - NSW Department of Primary Industries (Agriculture) regarding the general amendments G3, G4, G5, G6 and G12.
 - NSW Department of Primary Industries (Minerals and Petroleum) regarding S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries.

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. Council should, following receipt of advice from the public authorities, update its consideration of S117 Directions and SEPPs in the Proposal, as required.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 11th day of August 2017.



Monica Gibson
Director Regions, Hunter
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

MidCoast 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_2017_MCOAS_008_00	Planning Proposal to introduce new clauses, introduce new zone objectives, update the land use tables, adjust heritage conservation floor space ratios and undertake various site-specific amendments at Cooplacurripa, Harrington, Johns River, Coopernook Village, Kundle Kundle, Taree, Wingham, Tallwoods Village, Red Head, Black Head, 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".

11/8/2017

Monica Gibson
Director Regions, Hunter
Planning Services
Department of Planning and Environment

Delegated plan making reporting requirements

(Attachment 5 from "A guide to preparing local environmental plans)

Notes:

- The department will fill in the details of Table 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the Department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department with the RPA's request to have the LEP notified

Table 1 – To be completed by the Department

Stage	Date/Details
Planning Proposal Number	PP_2017_MCOAS_008_00
Date Sent to Department under s56	20 June 2017
Gateway determination date	11 August 2017

Table 2 – To be completed by the RPA

Stage	Date/Details
Dates draft LEP exhibited	
Date of public hearing (if held)	
Date sent to PCO seeking Opinion	
Date Opinion received	
Date Council Resolved to Adopt LEP	
Date LEP made by GM (or other) under delegation	
Date sent to Department requesting notification (hunter@planning.nsw.gov.au)	
Brief Description of Purpose of planning proposal	

Table 3 – To be completed by the Department

Stage	Date/Details
Notification Date and details	

Additional relevant information:

PLAN MAKING PROCESS POST GATEWAY – FOR DELEGATED MATTERS

1. Post Exhibition Review

- Any unresolved s117 directions must be finalised before progressing with LEP
- If planning proposal is revised, council is to email a copy of the revised proposal to the regional planning team - hunter@planning.nsw.gov.au under Section 58(2) of the Act prior to requesting LEP to be made.
- If changes to planning proposal are substantial then may no longer be authorised by the Gateway determination and a Gateway amendment may be required before LEP is made. Councils are encouraged to contact regional planning team to seek advice before finalising the LEP under delegation.

2. Legal Drafting of the LEP

- Council's request to draft and finalise the plans should be made as soon as possible to ensure timeframes are met. Council should upload the maps and GIS data directly to the department's portal site (<https://data.planningportal.nsw.gov.au/help>).
- Once uploaded Council should email hunter@planning.nsw.gov.au and advise maps are available for checking. Any questions about uploading can be directed to gis@planning.nsw.gov.au.
- Unless otherwise negotiated the department will only undertake a technical review of any maps, to ensure they comply with LEP mapping technical guidelines.
- No maps or mapping/GIS data is to be sent directly to PCO.
- The request for legal drafting should be send to PCO at parliamentary.counsel@pco.nsw.gov.au including the planning proposal, a copy of the gateway determination and details of any change to the proposal arising from the gateway determination. The name and contact details of the council contact officer should also be supplied.
- A copy of the request to PCO should also be forwarded to the department for administrative purposes only – hunter@planning.nsw.gov.au

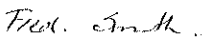
3. Making of the draft LEP s59

- Council's delegate resolves to finalise the LEP by signing the instrument (see example below).
- If council's delegate decides not to make plan or defer a matter, council should liaise with regional team for assistance.
- Council must also notify PCO if plan not proceeding

4. Notification of LEP

- Council advises and requests the department to make the plan, email request to hunter@planning.nsw.gov.au and the following documents to be provided for notification
 1. Signed LEP - which includes full name of LEP and PCO file reference
 2. Signed map cover sheet and associated maps,
 3. Name and position of the delegate who signed the LEP and date,
 4. Completed Attachment 5 - delegated plan making reporting template,
 5. Copy of council's assessment (s 59 report) which is usually the council report/minutes
 6. PC opinion
- Request to hunter@planning.nsw.gov.au by Tuesday of the week will enable notification by Friday.

Example of signature front page


Fred Smith General Manager
As delegate for the Minister for Planning 12/12/14

