



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

Our ref: PP_2015_GTARE_004_00 (15/10232)

Att: Mr Michael Griffith

Dear Mr Posselt,

Planning Proposal to amend Greater Taree Local Environmental Plan 2010

I am writing in response to 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 approximately 17.6 hectares of land at Macquarie and West Streets Coopernook from RU1 – Primary Production to RU5 - Village.

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 inconsistency with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 3.4 Integrating Land Use and Transport and 4.3 Flood Prone Land is of minor significance and / or justified because the proposal is consistent with the Mid North Coast Regional Strategy. No further approval is required in relation to these Directions. Following the undertaking of necessary studies/ investigations and consultation with relevant agencies Council may need to obtain the agreement of the Secretary to comply with the requirements of other relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. 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.

Gateway Determination

Planning Proposal (Department Ref: PP_2015_GTARE_004_00): to rezone approximately 17.6 hectares of land at Macquarie and West Streets Coopernook from RU1 – Primary Production to RU5 - Village.

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 Local Environmental Plan (LEP) 2010 to rezone approximately 17.6 hectares of land at Macquarie and West Streets Coopernook from RU1 – Primary Production to RU5 - Village should proceed subject to the following conditions:

1. The Proposal should be amended, prior to exhibition, to incorporate the:
 - recommendations of the required additional investigations (see below);
 - recommendations of relevant government agencies; and
 - to update consideration of s117 direction – 2.3 Heritage Conservation and SEPP 55 – Remediation of Land.
2. The following studies / investigations are to be undertaken prior to exhibition:
 - A preliminary contamination assessment, consistent with the requirements of SEPP 55 – Remediation of Land.Council should consider the findings of this assessment in amending the Proposal.
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:
 - Department of Education in relation to the adjoining public school.
 - Essential Energy concerning the proposed buffer to the existing substation.
 - Office of Environment and Heritage concerning Aboriginal cultural heritage.
 - Mid Coast Water and other utility service providers Council may deem necessary to consult.

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 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).



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Greater Taree City 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_004_00	Planning proposal to rezone 17.6 hectares of land at Macquarie and West Streets Coopernook from RU1 – Primary Production to RU5 – Village to facilitate the proposed expansion of the Coopernook village.

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 24 July 2015

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