

| Gateway Condition  | Status      | Comment  |
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| 1. The Proposal should be amended, prior to exhibition, to incorporate the:  | -           | -  |
| <ul style="list-style-type: none"> <li>recommendations of the required additional studies / investigations (see below);</li> </ul>   | In progress | Refer to comments as described in relation to <b>Condition 2</b> .   |
| <ul style="list-style-type: none"> <li>recommendations of relevant government agencies and to update consideration of relevant s117 directions:               <ul style="list-style-type: none"> <li>1.3 Mining Petroleum Production and Extractive Industries,</li> <li>2.1 Environmental Protection Zones,</li> <li>2.3 Heritage Conservation,</li> <li>3.4 Integrating Land Use and Transport,</li> <li>4.1 Acid Sulphate Soils,</li> <li>4.3 Flood Prone Land,</li> <li>4.4 Planning for Bushfire Protection</li> <li>SEPP 44 Koala Habitat Protection</li> <li>SEPP 55 Remediation of Land</li> </ul> </li> </ul> | In progress | <p>Council is seeking agency comments, as described in relation to <b>Condition 4</b>.</p> <p>The amended Proposal will address relevant strategic plans, Ministerial directions, and EPIs as they apply at the time.</p>  |
| <ul style="list-style-type: none"> <li>draft LEP Land Zoning, Lot Size and Height of Buildings maps consistent with the Department's mapping requirements for LEPs; and</li> </ul>   | TBC         | <p>Section 55(2)(d) states the planning proposal is to include a version of maps containing <i>"sufficient detail to indicate the substantive effect of the proposed instrument."</i></p> <p>The <i>Standard Technical Requirements for spatial datasets and maps</i>, published by the Department state that Councils are required to prepare spatial data and maps as per the specified standards, and submit to the Department at <u>draft and final stages</u>, via the online submission system.</p> <p>The project team will provide relevant data to Council in GIS format. Council's GIS team will prepare the draft LEP maps, using existing templates.</p> |

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| <ul style="list-style-type: none"> <li>the use of E1 National Parks zone, if land is to be dedicated to National Parks estate.</li> </ul>  | Completed   | <p>OEH confirmed in a letter dated 11 May 2017 that they had received “formal confirmation from the NPWS that they are not in a position to accept the environmental offsets land.”</p> <p>The E1 zone will not apply.</p>  |
| Copies of the amended Proposal should be provided to the Department and OEH for information and comment prior to exhibition.   | TBC         | <p>Council will action following submission of the amended Planning Proposal.</p> <p>City Plan understand the amended Proposal <b>will not</b> be reported to Council prior to providing copies to the Department and OEH for comment. It will next be reported to Council seeking endorsement to exhibit.</p> <p>The anticipated timeframe for receiving comments back from DPIE has not been confirmed.</p>   |
| 2. The following studies / investigations are to be undertaken prior to exhibition:  | -           | -   |
| <ul style="list-style-type: none"> <li>Ecological assessment, including an assessment of potential Koala habitat and the need for a Koala plan of management to be prepared, prior to any development being approved;</li> </ul> | In progress | <p>Niche identified the presence of koala habitat, as outlined in their 2016 Report. Biosis’s 2017 peer review of Niche’s assessments noted the limited number of surveys completed by Niche were unlikely to reliably predict the occurrence of Koala within the study area, and the application of the Spot Assessment Technique did not meet the current guidelines (Phillips &amp; Callaghan 2011).</p> <p>The recommended additional assessment now forms part of EMM’s engagement, which will include the preparation of more reliable maps of the extent and quality of Koala habitat across the whole of the study area. The applicant is seeking agreement on the permanent conservation area boundaries before proceeding with any additional survey efforts.</p> |
| <ul style="list-style-type: none"> <li>Cultural Heritage assessment;</li> </ul>  | In progress | Draft report completed for initial assessments (prepared by Biosis). This will be submitted to Council for review in November 2019 but may need to be updated to consider any alterations to proposed zone boundaries.  |

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| <ul style="list-style-type: none"> <li>Preliminary contamination assessment, consistent with the requirements of SEPP 55.</li> </ul> | In progress | Draft report completed for initial assessments (prepared by RCA). This will be submitted to Council for review in November 2019 but may need to be updated to consider any alterations to proposed zone boundaries.        |
| <ul style="list-style-type: none"> <li>Bushfire hazard assessment;</li> </ul>  | In progress | EMM engaged, with advice and assessments proceeding in line with scenario planning.  |
| <ul style="list-style-type: none"> <li>Flood Assessment;</li> </ul>  | In progress | EMM engaged, with initial assessments completed. A draft report will be requested and submitted to Council for review in November 2019 but may need to be updated to consider any alterations to proposed zone boundaries. |
| <ul style="list-style-type: none"> <li>Access Transport Strategy;</li> </ul>   | In progress | Draft report completed (prepared by SECA). This will be submitted to Council in November 2019 for review but may need to be updated to consider any alterations to proposed zone boundaries.                               |
| <ul style="list-style-type: none"> <li>Integrated water management strategy; and</li> </ul>  | In progress | EMM engaged, with initial assessments completed. A draft report will be requested and submitted to Council in November 2019 for review but may need to be updated to consider any alterations to proposed zone boundaries. |
| <ul style="list-style-type: none"> <li>Utility Services Assessment (water /sewer, electricity and telecommunications).</li> </ul>    | In progress | Draft report completed for initial assessments (prepared by Arcadis). This will be submitted to Council for review in November 2019 but may need to be updated to consider any alterations to proposed zone boundaries.    |

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| Council should consider the findings of these investigations in amending the Proposal and preparing the draft LEP maps, prior to public exhibition and submitting the final Proposal for approval.  | Noted  | <p>City Plan will summarise as a background report to accompany the PP.</p> <p>The outcome of these investigations is likely to result in changes to the proposed development footprint, and will identify the extent of lands that may be suitably conserved as offsets to the proposed development. These investigations will be collectively used to prepare a concept plan for the areas proposed to be re-zoned, which will illustrate, at minimum:</p> <ul style="list-style-type: none"> <li>• The indicative location of access points taken from the Lakes Way;</li> <li>• Indicative internal road layouts;</li> <li>• Residential development stage boundaries;</li> <li>• Recreational development boundaries;</li> <li>• Specific management considerations for: <ul style="list-style-type: none"> <li>○ Managing vegetation within proposed development areas;</li> <li>○ Bushfire management; and</li> <li>○ Integrated water management.</li> </ul> </li> </ul> <p>This concept plan will also form the basis for drafting a Development Control Plan (DCP) that can accompany the amended Proposal. The draft DCP can be publicly exhibited at the same time as the amended Proposal. If required, this would be reported at the same time as the final Proposal to Council for adoption.</p> |
| 3. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows: (a) the Proposal must be made publicly available for a minimum 28 days. A 28 day exhibition is supported because the local significance of the proposal. (b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing LEPs (Department of Planning & Infrastructure 2013). | Noted  | Council will action   |

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| 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:  | -           | -  |
| <ul style="list-style-type: none"> <li>(A) Office of Environment and Heritage regarding the zone boundaries for environmental protection lands and the associated VPA. (B) Council should also liaise closely with the NSW National Parks and Wildlife Service about the potential for these lands to be dedicated for addition to the National Park estate;</li> </ul> | In progress | <p><b>A. Zone boundaries for environmental protection lands – OEH</b><br/>Will be determined after technical studies have been completed and a concept plan has been prepared. Subject to clarification of the level of permanent conservation agreement required for environmental lands, discussed in relation to <b>Condition 4</b>.</p> <p><b>B. Transfer of land to NPWS Estate - OEH</b></p> <ul style="list-style-type: none"> <li>Response received 30 July 2015 stated NPWS would prefer the long-term conservation management of the area is achieved through 'an alternative model', other than dedication.</li> <li>Response received 11 May 2017 re-confirmed NPWS is not in a position to accept the land dedication.</li> </ul> <p><i>Note: Council have agreed in-principle to accept the conservation land dedication</i></p> |
| <ul style="list-style-type: none"> <li>Office of Environment and Heritage regarding the assessment of Aboriginal Heritage;</li> </ul>   | Completed   | Response received 30 July 2015 described the minimum assessment requirements for Aboriginal cultural heritage. These formed the basis for assessments undertaken by Biosis.  |
| <ul style="list-style-type: none"> <li>Rural Fire Service of NSW regarding s117 direction 4.4 Planning for Bushfire Protection;</li> </ul>  | In progress | <p>Response received 29 July 2015, which requests the preparation of a Bushfire Assessment Report. The response also recommends reviewing the zoning boundaries with reference to Planning for Bush Fire Protection 2006 guidelines, specifically with respect to perimeter roads. This response may need to be updated, noting the guidelines referred to have recently been replaced.</p> <p>This response has formed the basis for bushfire assessments and advice to be provided by EMM.</p>   |
| <ul style="list-style-type: none"> <li>DPI regarding s117 direction 1.3 Mining Petroleum Production and Extractive Industries;</li> </ul>   | Completed   | Response received 22 July 2015 confirmed no issues.  |
| <ul style="list-style-type: none"> <li>Roads and Maritime Services regarding the access transport strategy;</li> </ul>  | In progress | This forms part of SECA's engagement and will be completed when finalising their Report.   |

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| <ul style="list-style-type: none"> <li>Roads and Maritime Services, Department of Education, Fire and Rescue, NSW Police and Ambulance Service of NSW regarding State infrastructure requirements; and</li> </ul> | In progress; responses received from 3/5 agencies | <p><b>RMS</b></p> <ul style="list-style-type: none"> <li>The Lakes Way (MR111) is a classified (regional) road.</li> <li>Council is the roads authority for the Lakes Way.</li> <li>RMS concurrence will be required for any works on, under or over the road – with Council consent.</li> <li>Any future DA will require a Traffic Impact Study.</li> </ul> <p><i>Note: SECA have undertaken a Traffic Impact Assessment as part of the Transport and Access Strategy</i></p> <p><b>Education</b><br/>No response received from Council to date</p> <p><b>Fire and Rescue</b></p> <ul style="list-style-type: none"> <li>Response received 7 Aug 2015; no issues raised because not within a FRNSW Fire District; advised Council to contact Rural Fire Service</li> </ul> <p><b>Police</b><br/>No response received from Council to date</p> <p><b>Ambulance</b></p> <ul style="list-style-type: none"> <li>Nearest ambulance station is at Forster/Tuncurry (25kms), travel time to site is around 25m</li> </ul> <p><i>Note: Hunter SIC discussion paper did not identify any proposed new stations in the LGA</i></p> |
| <ul style="list-style-type: none"> <li>Mid Coast Water, Essential Energy and Telstra regarding Utility Services Assessment.</li> </ul>  | In progress                                       | <p>Arcadis identified the location of MidCoast Water, Essential Energy, Telstra, and NBN Co relative to the site. Further consultation will be undertaken to identify the capacity of these assets to support the proposed development.</p>  |

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| Each public authority is to be provided with a copy of the 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. | Completed | <p>This has been completed (or is underway) for the original PP.</p> <p>The amended Proposal is only required to be provided again to OEH and DPE for comment as per Condition 1. Additional Agency comments would be sought during the exhibition of the amended Proposal.</p> <p><i>Note: Further delays would occur if Agency comments are required to be provided on the amended Proposal, prior to exhibition.</i></p>  |
| 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).                       | Noted     | <p>Council have expressed an interest in receiving environmental conservation lands, which would be dedicated as an offset to development. All public land must be classified pursuant to Section 25 of the <i>Local Government Act 1993</i>. Classification of this land may be made by a LEP or by resolution of Council under section 31 of the <i>Local Government Act 1993</i>.</p> <p>The amended Proposal <b><u>will not</u></b> seek to classify any lands that may be dedicated to Council.</p> |

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| 6. The Proposal is not to be finalised until an agreement is in place for the in perpetuity protection of the environmental land. | In progress | <p>The owner has already submitted to enter into a Planning Agreement to transfer environmental conservation lands, as relevant, to public ownership as an offset to development. The extent of these lands is yet to be agreed. The public owner is expected to be Council, subject to further assessment and resolution.</p> <p>Since the Gateway Determination was made, new mechanisms have become available under the <i>Biodiversity Conservation Act 2016</i> that allow for the in-perpetuity protection of environmental land through alternative models. This includes voluntary private conservation agreements that may either be retained by the landowner or transferred to public ownership.</p> <p>The agreement referred to in this condition is a Planning Agreement made under Section 7.4 of the <i>Environmental Planning and Assessment Act 1979</i>, which will specify the mechanisms for protecting environmental land and the timing by which these mechanisms are required to be made. The mechanisms may include a combination of public land dedications and private land conservation agreements. The execution of those mechanisms (e.g. the transfer of land to Council ownership, or the registration of a private conservation agreement) <b>is not</b> required to finalise the Proposal.</p> <p>Pursuant to Section 7.5 of the <i>Environmental Planning and Assessment Act 1979</i>, the Planning Agreement must be publicly notified for a period of not less than 28 days. This <b>is not</b> required to occur at the same time as the public exhibition of the amended Proposal, but would be advantageous. Alternatively, a statement would be exhibited to illustrate the environmental land that will be conserved, and explain the mechanisms available for conserving that land. This will form the basis for preparing the Planning Agreement, which will be in place before the Proposal is finalised.</p> |



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| <p>7. The time-frame for completing the LEP is to be 24 months from the week following Gateway Determination (<b>28 April 2015</b>). A 24 month time-frame has been provided because of the need for Council to undertake the identified studies / investigations, amend the Proposal and resolve and exhibit the planning agreement.</p> <p><i>Note: Council has already requested an extension, which was last approved by the Department on 22/12/17. The Proposal is now due for completion on 5 November 2019.</i></p> | Requesting another extension | <p>The steps required to complete the Proposal are summarised below. These are not considered to be reasonably achievable by 5 November 2019.</p> <ul style="list-style-type: none"> <li>Finalise the amended Proposal.</li> <li>Provide the amended Proposal to DPIE, as required by <b>Condition 1</b>, <ul style="list-style-type: none"> <li><i>Assuming the amended proposal will not be reported to Council before is it provided to the Department and OEH for comment; and</i></li> <li><i>Noting the timeframe for receiving comments back from DPIE is unknown.</i></li> </ul> </li> <li>Draft a DCP for public exhibition. <ul style="list-style-type: none"> <li><i>A draft DCP is expected to be exhibited at the same time as the amended Proposal.</i></li> </ul> </li> <li>Report the amended Proposal (and other relevant documentation) to Council to exhibit.</li> <li>Publicly exhibit the amended Proposal for a minimum of 28 days, as required by <b>Condition 3</b>.</li> <li>Draft a Planning Agreement for public exhibition (with respect to land identified for permanent conservation).</li> <li>Publicly exhibit the Planning Agreement for a minimum of 28 days, as required by Section 7.5 of the <i>Environmental Planning and Assessment Act 1979</i>. <ul style="list-style-type: none"> <li><i>This may occur separately to the exhibition of the amended Proposal, but must occur before the Agreement can be entered into, and before the Proposal can be finalised (<b>Condition 6</b>).</i></li> </ul> </li> <li>Review and respond to submissions received.</li> <li>Prepare the final Proposal, DCP, and Planning Agreement.</li> <li>Report the final Proposal, DCP, and Planning Agreement to Council for adoption.</li> <li>Enter into the Planning Agreement, as required by <b>Condition 6</b>.</li> <li>Submit the final Proposal to the Department, by the completion date specified.</li> </ul> <p>The timing to enter into a Planning Agreement for the in-perpetuity protection of the environmental land will rely on negotiations with, and a resolution by Council to determine the extent of land to be dedicated by the owner. Residual land may also be protected through private conservation agreements. This may also influence the timing to complete finalise the Proposal.</p> |