



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

Attention: Sue Calvin

Dear Mr Handford

Planning Proposal PP_2017_MCOAST_09_00 to amend Greater Taree Local Environmental Plan 2010

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received most recently on 31 October 2017, in respect of the Planning Proposal to facilitate the development of Stage 2 of the Northern Gateway Transport hub and protection of ecologically sensitive areas of the site.

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, as delegate of the Secretary, the Planning Proposal's inconsistencies with Section 117 Directions 1.2 Rural zones and 6.3 Site Specific Provision are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant Section 117 Directions 1.3 Mining, Petroleum Production and Extractive Industries, 2.1 Environment Protection zones, 2.3 Heritage Conservation, 3.5 Development Near Licenced Aerodromes, 4.3 Flood Prone Land and 4.4. Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

I have determined not to issue an authorisation due to Council's ownership of some included land.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of 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 of Planning and Environment to draft and finalise the LEP should be made 8 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 Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Trent Wink to assist you. Mr Wink can be contacted on 02 4904 2700.

Yours sincerely



Robert Hodgkins
A/Director Regions, Hunter
Planning Services

Encl: Gateway Determination

19/12/17.

Gateway Determination

Planning Proposal (Department Ref: PP_2017_MCOAST_09_00) to facilitate the development of Stage 2 of the Northern Gateway Transport hub and protection of ecologically sensitive areas of the site.

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 *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Greater Taree Local Environmental Plan (LEP) 2010 to facilitate the development of Stage 2 of the Northern Gateway Transport hub and protection of ecologically sensitive areas of the site should proceed subject to the following conditions:

1. Prior to public exhibition Council is to review the proposed E3 Environmental Management zoning, which is not supported, and select a zone consistent with Departmental guidance on the application of Standard instrument zones.
2. Consultation is required with the following public authorities and / organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions. This consultation must occur prior to exhibition and their advice is to be incorporated into the Planning Proposal, including any amendments to the proposed mechanism.
 - a. Office of Environment and Heritage – Regarding s117 direction 2.1. Environment Protection zones, 2.3 Heritage Conservation and 4.3 Flood Prone Land, including the proposed management of the Eastern Osprey Nest.
 - b. Roads and Maritime Services – Regarding traffic and access issues and the need for the site to be identified as an urban release area for the purposes of state contributions.
 - c. NSW Rural Fire Service – Regarding consistency or otherwise with s117 direction s117 4.4. Planning for Bushfire Protection.

Each public authority/organisation 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.

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
- (a) the planning proposal, amended development control plan and any relevant studies and documentation 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 local environmental plans* (Department of Planning and Environment 2016).
4. Consultation is required with the following public authorities and / organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions, this may occur during public exhibition:
- Department of Primary Industries (mining and extractive industries) - Regarding s117 direction 1.3 Mining, Petroleum Production and Extractive Industries
 - Mid Coast Water (as part of MidCoast Council) – regarding servicing
 - Civil Aviation Safety Authority regarding s117 direction 3.5 Development Near Licenced Aerodromes.

Each public authority/organisation 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.

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** following the date of the Gateway determination.

Dated 10th day of December 2017



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

Delegate of the Minister for Planning