



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

Our ref: PP\_2015\_GTARE\_001\_00 (15/03928)  
Your ref:

Att: Mr Michael Griffith

Dear Mr Posselt

### **Planning proposal to amend Greater Taree Local Environmental Plan 2014**

I am writing in response to your Council's consultant letter dated 23 February 2015, 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 107 hectares of rural land at Rainbow Flat for large lot residential and environmental protection purposes. This is to facilitate the provision of a safe and effective secondary access road for the Hallidays Point Villages and to protect and enhance the management of the Khappinghat Nature Reserve.

It is noted that the planning proposal is to be progressed in conjunction with two voluntary planning agreements (VPAs), to firstly provide for the dedication of land to National Parks and Wildlife Service for inclusion into the Khappinghat Nature Reserve and secondly to facilitate the construction of the Old Soldiers Road link through the subject lands as part of the future subdivision of the lands.

Given the potential for broader public benefits, the Proposal has been supported and as delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination. Council are encouraged to progress work on their Growth Management Strategy and adopt a strategic approach to growth in their LGA in the future.

Because a number of studies and investigations need to be undertaken and the planning proposal amended and sent to the Department and the Office and Environment and Heritage for comment, prior to exhibition, I have elected not to issue Council with delegations to finalise this plan. Council may need to obtain the agreement of the Secretary to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the amended planning proposal as soon as possible after the completion of the necessary studies and investigations. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 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 EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Brian Murphy from the Hunter office to assist you. He can be contacted on (02) 49042712.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Rowland', written in a cursive style.

19 March 2015

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

## Gateway Determination

**Planning proposal (Department Ref: PP\_2015\_GTARE\_001\_00):** to reclassify, rezone and amend the development standards for land in Greater Taree LGA.

I, the General Manager, Hunter and Central Coast Region at 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 land at Tallwoods Drive and Old Soldiers Road, Rainbow Flat from RU1 Primary Production to part R5 Large Lot Residential and part E2 Environmental Conservation or E3 Environmental Management as described in Council's planning proposal, should proceed subject to the following conditions:

1. The Planning Proposal should be amended, prior to exhibition, to incorporate the:
  - recommendations of the required additional studies / investigations (see below);
  - recommendations of relevant government agencies and to update consideration of relevant s117 directions - 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environmental Protection Lands, 2.3 Heritage Conservation, 4.4 Planning for Bushfire Protection and SEPP 44 Koala Habitat Protection and SEPP 55 Remediation of Land; and
  - draft LEP Land Zoning, Lot Size and Height of Buildings maps consistent with the Department's mapping requirements for LEPs.
  - The use of E1 National Parks zone for the land to be dedicated to National Parks estate.

Copies of the amended Planning Proposal should be provided to the Department and OEH for information and comment prior to exhibition.

2. The following studies /investigations are to be undertaken prior to exhibition:
  - 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;
  - Cultural Heritage assessment;
  - Preliminary contamination assessment, consistent with the requirements of SEPP 55.
  - Bushfire hazard assessment;
  - Utility Services Assessment (water /sewer, electricity and telecommunications); and
  - Concept design for the realignment of Old Soldiers Road.

Council should consider the findings of these investigations in amending the Planning Proposal and preparing the draft LEP maps, prior to public exhibition and submitting the final planning proposal for approval.

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 Planning 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)*.

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:
  - Office of Environment and Heritage regarding the zone boundaries for environmental protection lands and the associated VPA.
  - Office of Environment and Heritage regarding the assessment of Aboriginal Heritage.
  - Rural Fire Service of NSW regarding s117 direction 4.4 Planning for Bushfire Protection.
  - DPI regarding s117 directions 1.2 Rural Zones, 1.5 Rural Lands and SEPP (Rural Lands) 2008.
  - Mid Coast Water, Essential Energy and Telstra regarding Utility Services Assessment.

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 planning 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).
6. The time-frame for completing the LEP is to be **18 months** from the week following Gateway Determination. A 18 month time-frame has been provided because of the need for Council to undertake the identified studies / investigations, amend the planning proposal and resolve and exhibit planning agreements between:
  - Council, the proponents and the Office of Environment and Heritage (OEH), for the dedication of ecological conservation lands.
  - Council and the proponents for the delivery of required local road infrastructure.

Dated 19<sup>th</sup> day of March 2015.



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

**Delegate of the Minister for Planning**