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Mr Paul Anderson
General Manager
Gosford City Council
PO Box 21
GOSFORD NSW 2250

Our ref: PP_2014_GOSFO_001_00 (13/20792)
Your ref: 10906623

Dear Mr Anderson,

Planning proposal to amend Gosford Local Environmental Plan 2014

I am writing in response to your Council's letter dated 20 December 2013 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 rural land at Somersby to E2 Environmental Conservation and E3 Environmental Management and apply minimum lot sizes incorporating lot averaging provisions.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

As discussed with Council, it is considered that lot averaging provisions for land within the northern precinct of Somersby, which is proposed to be zoned E2 Environmental Conservation, with a minimum lot size of 10ha, is not necessary given it only contains one lot and a fixed minimum lot size on the Lot Size Map is considered to be sufficient in this instance. The planning proposal is to be updated to be clear on this position.

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

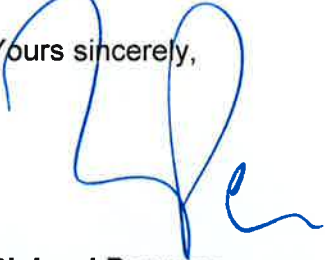
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

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 Planning and Infrastructure 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.

Should you have any queries in regard to this matter, I have arranged for Mr Glenn Horal of the Planning and Infrastructure regional office to assist you. Mr Horal can be contacted on (02) 4348 5000.

Yours sincerely,



24/3/14

Richard Pearson
Deputy Director General
Growth Planning & Delivery

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Agency Ref: PP_2014_GOSFO_001_00): to rezone land in Somersby for environmental protection purposes and apply minimum lot sizes to the subject land.

I, the Deputy Director General, Growth Planning and Delivery at Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Gosford Local Environmental Plan (LEP) 2014 to rezone rural land at Somersby to E2 Environmental Conservation and E3 Environmental Management and apply minimum lot sizes incorporating lot averaging provisions should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - clearly advise that lot averaging provisions for land within the northern part of Somersby, which is proposed to be zoned E2 Environmental Conservation, with a minimum lot size of 10ha, is not necessary;
 - include a concise statement setting out the intended outcomes of the proposal within Part 1 'Objectives or Intended Outcomes' of the planning proposal;
 - advise that the unformed road reserve in the southern precinct is included in the planning proposal and provide justification for its inclusion;
 - reference the correct environmental planning instrument applying to the land throughout the planning proposal documentation, being the Gosford LEP 2014; and
 - include existing and proposed lot size and land zoning maps which are at an appropriate scale, clearly identify the subject land, and include a legend with zone names and legible text boxes.
2. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - Bushfire hazards and access
 - Water, sewer and services
 - Ecological investigations and impacts on threatened species
 - Aboriginal archaeological assessment
 - Draft Development Control Plan
 - Potential land use conflict (e.g. dust) between existing agricultural uses, extractive industries and future development
3. Once the above information has been obtained and consultation with public authorities has been undertaken, consistency with the following S117 Directions is to be considered:
 - 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 2.3 Heritage Conservation
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
4. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.

5. 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 and Infrastructure 2013)*.
6. 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 or demonstrate consistency with relevant S117 Directions:
- Environment Protection Authority
 - Office of Environment and Heritage (S117 Direction 2.3 Heritage Conservation)
 - NSW Department of Primary Industries – Agriculture (S117 Direction 1.2 Rural Zones)
 - NSW Trade and Investment – Mineral and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection);
 - Darkinjung Local Aboriginal Land Council (S117 Direction 2.3 Heritage Conservation)
 - Guringai Tribal Link (S117 Direction 2.3 Heritage Conservation)
- 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.
7. 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).
8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 24 day of March 2014.



Richard Pearson
Deputy Director General
Growth Planning & Delivery
Planning & Infrastructure

**Delegate of the Minister for Planning &
Infrastructure**



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Gosford City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2014_GOSFO_001_00	Planning proposal to rezone rural land at Somersby to E2 Environmental Conservation and E3 Environmental Management and apply minimum lot sizes incorporating lot averaging provisions (on part of the subject land).

In exercising the Minister's functions under section 59, the Council must comply with Planning and Infrastructure's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 24 March 2014

Richard Pearson
Deputy Director General
Growth Planning & Delivery
Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by Planning and Infrastructure following receipt of the planning proposal
- Planning and Infrastructure will fill in the details of Tables 1 and 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 Planning and Infrastructure's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to Planning and Infrastructure with the RPA's request to have the LEP notified

Table 1 – To be completed by Planning and Infrastructure

Stage	Date/Details
Planning Proposal Number	PP_2014_GOSFO_001_00
Date Sent to P&I under s56	20 December 2013
Date considered at LEP Review Panel	13 March 2014
Gateway determination date	24/03/2014

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
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 P&I requesting notification		

Table 3 – To be completed by Planning and Infrastructure

Stage	Date/Details
Notification Date and details	

Additional relevant information: