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Our ref: PP_2013_GOSFO_003_00 (13/08461)

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

Dear Mr Anderson,

Planning proposal to amend various Gosford local planning instruments

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to permit short term holiday letting, in zones where dwellings are permitted, as exempt development if the dwelling has 4 bedrooms or less, permitted with consent if the dwelling has a maximum of 6 bedrooms and prohibited if the dwelling has more than 6 bedrooms.

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.

I have also agreed the planning proposal's inconsistency with S117 Direction 4.3 Flood Prone Land is of minor significance. No further approval is required in relation to this Direction.

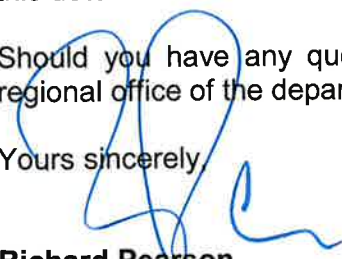
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has advised that it will not be seeking plan making delegations for the making of this planning proposal. I have considered the nature of Council's planning proposal and have decided to support Council's position and not issue an authorisation for Council to exercise delegation to make this plan because the permissibility of short term holiday letting is a state-wide issue and a consistent approach is preferred to drafting of provisions.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 for the department 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, please contact Glenn Hornal of the regional office of the department on 02 4348 5000.

Yours sincerely,


Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery

3/6/13

Gateway Determination

Planning proposal (Department Ref: PP_2013_GOSFO_003_00): to amend various Gosford local planning instruments to permit short term holiday letting of residential dwellings.

I, the Deputy Director General, Planning Operations and Regional Delivery at the Department of 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 various Gosford local planning instruments to permit short term holiday letting, in zones where dwellings are permitted, as exempt development if the dwelling has 4 bedrooms or less, permitted with consent if the dwelling has a maximum of 6 bedrooms and prohibited if the dwelling has more than 6 bedrooms should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to clearly identify which planning instruments will be amended to achieve the intended outcome. The planning proposal is to be updated to include sufficient additional information to justify its approach to permitting short term holiday letting as exempt development, with consent or prohibiting the use, based on the number of bedrooms within a dwelling.
2. 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 (Department of Planning & Infrastructure 2013)*.
3. Consultation is required with the NSW Rural Fire Service (RFS) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. No other consultation is required under section 56(2)(d) of the EP&A Act. RFS 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. If necessary, the planning proposal is to be updated to take into consideration any comments made by RFS, prior to undertaking public exhibition.
4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

3

day of

June

2013.


Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure