



Planning & Environment

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Our ref: PP_2015_GOSFO_009_00 (15/11136)

Mr Paul Anderson
Chief Executive Officer
Gosford City Council
PO Box 21
Gosford NSW 2250

Dear Mr Anderson

Planning proposal to amend Gosford Local Environmental Plan 2014

I am writing in response to your Council's correspondence 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 land at Part of Lot 4 DP 37914 Belar Avenue, Terrigal and Part of Lot 1 DP 381971 Picketts Valley Road, Picketts Valley from RE1 Public Recreation to R2 Low Density Residential, apply minimum lot size, maximum height of buildings and floor space ratio development standards and include the land on the additional permitted uses map identified as 'Kings Ridge'.

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 the planning proposal's inconsistency with S117 Direction 5.1 Implementation of Regional Strategies is of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis there is sufficient other public recreation land in the vicinity. 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 other relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to councils by the Minister 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 6 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 the Department of Planning and Environment 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 Department's regional office to assist you. Mr Horal can be contacted on (02) 4348 5000.

Yours sincerely



18 August 2015

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

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2015_GOSFO_009_00): to rezone land at Part of Lot 4 DP 37914 Belar Avenue, Terrigal and Part of Lot 1 DP 381971 Picketts Valley Road, Picketts Valley from RE1 Public Recreation to R2 Low Density Residential.

I, the General Manager, Hunter and Central Coast Region at the 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 Gosford Local Environmental Plan (LEP) 2014 to rezone land at Part of Lot 4 DP37914 Belar Avenue, Terrigal and Part of Lot 1 DP381971 Picketts Valley Road, Picketts Valley from RE1 Public Recreation to R2 Low Density Residential, apply minimum lot size, maximum height of buildings and floor space ratio development standards and include the land on the additional permitted uses map identified as 'Kings Ridge' should proceed subject to the following conditions:

1. Prior to undertaking public exhibition Council is to update the planning proposal to:
 - replace references to 'Kings Park' with 'Kings Ridge';
 - include community consultation requirements in Part 5 of the planning proposal;
 - include a proposed land zoning map which is at an appropriate scale to clearly identify the subject land;
 - identify in the 'explanation of provisions' the planning instrument to be amended is Gosford Local Environmental Plan 2014;
 - identify in the 'explanation of provisions' the property descriptions of the affected lots (i.e. Part of Lot 1 DP381971 and Part of Lot 4 DP37914);
 - identify in the 'explanation of provisions' what development standards for lot size, floor space ratio and building height will apply to the proposed R2 Low Density Residential land; and
 - identify in the 'explanation of provisions' that clause 7.8 Development at Terrigal and Picketts Valley will apply to the land once it is included in the Additional Permitted Uses Map at Kings Ridge.
2. Council is to update its consideration of S117 Direction 4.4 Planning for Bushfire Protection once it has undertaken consultation with the relevant public authority.
3. 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 **14 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 and Environment 2013).
4. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. NSW Rural Fire Service 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 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).



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6. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 18th day of August 2015.

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

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Gosford City Council is authorised to exercise the functions of the Minister for Planning 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_2015_GOSFO_009_00	Planning proposal to rezone land at Part of Lot 4 DP 37914 Belar Avenue, Terrigal and Part of Lot 1 DP 381971 Picketts Valley Road, Picketts Valley from RE1 Public Recreation to R2 Low Density Residential.

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

Dated 18 August 2015



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