



Planning & Infrastructure

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Our ref: PP_2012_GOSFO_011_00 (12/10511)
Your ref: 10962727

Mr Peter Wilson
General Manager
Gosford City Council
PO Box 21
GOSFORD NSW 2250

Dear Mr Wilson,

Planning proposal to amend Interim Development Order (IDO) No. 122

I am writing in response to your Council's letter dated 20 June 2012 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 amend Interim Development Order (IDO) No. 122 to add 'animal boarding or training establishments' as a permissible use in the 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) zone and delete an enabling clause for horse riding establishments.

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

In relation to Section 117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service and amend the planning proposal (if necessary) to take into consideration any comments prior to undertaking exhibition of the planning proposal.

Council is to amend the statement of objectives to inform the community that the key change resulting from this planning proposal is to allow horse establishments on land zoned 7(c2).

Council is also to amend Section A1 of the planning proposal to be clear to the public that zone 7(c2) will remain within IDO No. 122, as it is proposed to be deferred from the draft Gosford LEP 2009.

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 as soon as possible following agency consultation. Council's request for the department to draft and finalise the LEP should be made six (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 s54(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 Robert Hodgkins of the Regional Office of the Department on 02 4348 5000.

Yours sincerely,

SH Haddad

Sam Haddad
Director-General

27/7/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_GOSFO_011_00): to amend Interim Development Order (IDO) No. 122 to add 'animal boarding or training establishments' as a permissible use in the 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) zone and delete an enabling clause for horse riding establishments.

I, the Director General, 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 Interim Development Order (IDO) No. 122 to add 'animal boarding or training establishments' as a permissible use in the 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) zone and delete an enabling clause for horse riding establishments should proceed subject to the following conditions:

1. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. 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).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 27th day of July 2012.


Sam Haddad
Director-General
Delegate of the Minister for Planning and Infrastructure