



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

14/12082

Attention: Annie Medicott

Dear Mr Anderson

Planning proposal to amend Gosford Local Environmental Plan 2014

I am writing in response to Council's letter dated 17 July 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to rezone Lot 41 DP 1046841 Wisemans Ferry and Peats Ridge Road, Somersby, from RU1 Primary Production to SP2 Infrastructure, E2 Environmental Conservation and E3 Environmental Management and include lot averaging provisions for the E3 zoned land under Gosford Local Environmental Plan 2014.

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.

Council will need to obtain the agreement of the Department's Secretary to comply with the requirements of 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 requested to be issued with delegation for this planning proposal. 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.

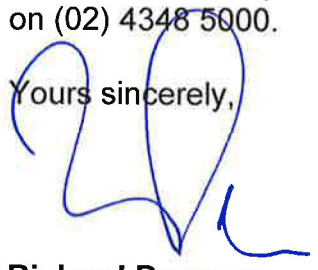
The amending Local Environmental Plan is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the Local Environmental Plan should 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 Local Environmental Plans 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 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 Garry Hopkins of the Department's regional office to assist you. Mr Hopkins can be contacted on (02) 4348 5000.

Yours sincerely,



22/8/14

Richard Pearson
Deputy Secretary
Housing, Growth and Economics

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

Gateway Determination

Planning proposal (Department Ref: PP_2014_GOSFO_014_00): to rezone Lot 41 DP 1046841 Wisemans Ferry and Peats Ridge Road Somersby from RU1 Primary Production to SP2 Infrastructure, E2 Environmental Conservation and E3 Environmental Management and include lot averaging provisions for the E3 zoned land.

I, the Deputy Secretary, Housing, Growth and Economics at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act 1979 (the Act) that an amendment to the *Gosford Local Environmental Plan 2014* to rezone Lot 41 DP 1046841 Wisemans Ferry and Peats Ridge Road, Somersby, from RU1 Primary Production to SP2 Infrastructure, E2 Environmental Conservation and E3 Environmental Management and include lot averaging provisions for the E3 zoned land, should proceed subject to the following conditions:

1. Council is to update the planning proposal, prior to public exhibition, as follows:
 - the explanation of provisions should be updated to refer to any development standards being amended (for example; height standard is mapped for other E2 land), and
 - indicative development standard maps (lot size and others, if required) are to be prepared.
2. Council is to update the planning proposal to include sufficient additional information, if required, and update its consideration of the following S117 Directions and State policies once it has undertaken consultation with relevant public authorities;
 - Direction 1.2 Rural Zones
 - Direction 1.3 Mining, Petroleum Production and Extractive Industries
 - Direction 2.3 Heritage Conservation
 - Direction 4.2 Mine Subsidence and Unstable Land
 - Direction 4.4 Planning for Bushfire Protection
 - Direction 5.1 Implementation of Regional Strategies
 - *SREP No. 20 - Hawkesbury–Nepean River (No. 2 - 1997)*
3. Council is to ensure that the planning proposal satisfies the requirements of *State Environmental Planning Policy No. 55 – Remediation of Land*. If required, Council is to prepare an initial site contamination investigation to demonstrate that the site is suitable for rezoning to the proposed zone. This investigation is to be included as part of the public exhibition material.
4. Community consultation is required under sections 56(2)(c) and 57 of the 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 and Infrastructure 2013)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
- Office of Environment and Heritage
 - Department of Primary Industries – NSW Agriculture
 - Trade and Investment – Mineral Resources and Energy
 - NSW Rural Fire Service
 - Darkinjung Local Aboriginal Land Council
 - Guringai Tribal Link
 - Wyong Shire Council

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. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).
7. The timeframe for completing the Local Environmental Plan is to be **9 months** from the week following the date of the Gateway determination.

Dated **22** day of August 2014



Richard Pearson
Deputy Secretary
Housing, Growth and Economics

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_2014_GOSFO_014_00	Planning Proposal to rezone Lot 41 DP 1046841 Wisemans Ferry and Peats Ridge Road Somersby from RU1 Primary Production to SP2 Infrastructure, E2 Environmental Conservation and E3 Environmental Management and include lot averaging provisions for the E3 zoned land under Gosford Local Environmental Plan 2014.

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 22 August 2014



Richard Pearson
Deputy Secretary
Housing, Growth and Economics