



Planning & Infrastructure

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Our ref: PP_2012_GOSFO_013_00 (12/11474)
Your ref:

Mr Stephen Glenn
Acting General Manager
Gosford City Council
PO Box 21
GOSFORD NSW 2250

Dear Mr Glenn,

Planning proposal to amend either the Gosford Planning Scheme Ordinance (GPSO) or the draft Gosford Local Environmental Plan (LEP) 2012

I am writing in response to your Council's email dated 6 July 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 the Gosford Planning Scheme Ordinance (GPSO) by rezoning land at Ilya Avenue, Erina from 5(a) Special Use (Club) to 3(b) Business (Special).

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.

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 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,


Sam Haddad
Director-General
21/8/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_GOSFO_013_00): to amend either the Gosford Planning Scheme Ordinance (GPSO) or draft Gosford Local Environmental Plan (LEP) 2012 to rezone land for commercial purposes.

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 either the Gosford Planning Scheme Ordinance (GPSO) by rezoning land at Ilya Avenue, Erina from 5(a) Special Use (Club) to 3(b) Business (Special) or the draft Gosford Local Environmental Plan (LEP) 2012 to rezone the subject land from RE2 Private Recreation to B5 Business Development should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the 'statement of objectives' in the planning proposal to advise that rezoning the land at Erina to a business zone will enable part of the site to be developed for mixed use commercial, retail and club purposes ranging from 2 to 6 storeys in height. The 'statement of objectives' should also be updated to reflect the outcomes of any additional biodiversity, flooding and servicing investigations undertaken by the proponent.
2. Prior to undertaking public exhibition, Council is to amend the 'explanation of provisions' in the planning proposal to:
 - Advise that the rezoning could be achieved via an amendment to the GPSO or as an early amendment to the draft Gosford LEP 2012,
 - Reflect the outcomes of any additional biodiversity, flooding and servicing investigations undertaken, and
 - Identify maximum building height and floor space ratio controls that are to be applied to the site under the B5 zone, if the planning proposal amends the draft LEP.
3. Council is to update the planning proposal maps to clearly identify the subject site and the proposed zoning of the site under the GPSO and draft Gosford LEP 2012.
4. As Council intends to identify the site as part of the proposed environmentally sensitive land overlay in its draft LEP and it has asked that the proponent provide information on the protection of flora and fauna, Council should confirm consistency with Direction 2.1 Environmental Protection Zones once these investigations are completed.
5. It is noted that Council has requested additional flooding information be provided by the proponent. The Director-General can determine if any inconsistency with Direction 4.3 Flood Prone Land is of minor significance once these investigations have been undertaken.
6. Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
7. Council is to amend the planning proposal to advise whether it is consistent with Direction 6.3 Site Specific Provisions or whether it seeks the Director-General to be satisfied that any inconsistency with this direction is of minor significance.
8. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land and the *Contaminated Land Planning Guidelines*. 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.

9. It is noted that Council intends to prepare a site specific development control plan (DCP) to protect urban bushland. Council is to demonstrate that the planning proposal is consistent with SEPP 19 Urban Bushland, once provisions that will apply to the site are determined.
10. It is noted that Council has requested the proponent provide additional information regarding flora and fauna, flooding and ecology for inclusion in its DCP and to enable Council to determine the land zoning boundaries. This information should be exhibited with the planning proposal.
11. 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 **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 4.5 of *A Guide to Preparing LEPs* (Department of Planning 2009).
12. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Transport for NSW (Roads and Maritime Services)
 - NSW Rural Fire Service

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.

13. 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).
14. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 21st day of August 2012.

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