



Planning & Infrastructure

Our ref: PP_2013_GOSFO_006_00 (13/18411)

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

Att: Bruce Ronan

Dear Mr Anderson,

Planning Proposal to amend Gosford Interim Development Order (IDO) No 122 or draft Gosford Local Environmental Plan (LEP) 2013

I refer to Council's letter received 4 November 2013 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 introduce an enabling clause to subdivide Lot 3912 DP1143985 & Lot 416 DP755227 into seven lots at Marana Road Springfield under Gosford IDO No 122 or draft Gosford LEP 2013.

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 inconsistencies with S117 Directions 3.1 Residential Zones, 4.3 Flood Prone Land, 5.1 Implementation of Regional Strategies, and 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

The Minister delegated his plan making powers to councils 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 (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. 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 for administrative purposes.

Attached for your assistance are the reporting requirements to ensure that the LEP Tracking System is kept updated.

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 questions regarding this matter, please contact Glenn Horal of the Department's Gosford Office on 4348 5000.

Yours sincerely,

 22/12/13
Michael Leavey
Acting General Manager
Hunter & Central Coast Region
Growth Planning & Delivery

Encl:

Gateway determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning Proposal (Department Ref: PP_2013_GOSFO_006_00): to introduce an enabling clause to subdivide Lot 3912 DP1143985 & Lot 416 DP755227 into seven lots at Marana Road Springfield under Gosford Interim Development Order No 122 or draft Gosford Local Environmental Plan 2013.

I, the Regional Director, Hunter & Central Coast Region 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 the Gosford Interim Development Order No 122 or draft Gosford Local Environmental Plan 2013 to enable subdivision for residential purposes should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include:
 - (a) clarification in the "objectives or intended outcomes" the planning proposal will enable the 7 lot subdivision for "residential purposes";
 - (b) clarification in the "explanation of provisions" the enabling clause is required as the 7(a) Conservation and Scenic Protection (Conservation) zone does not permit subdivision below 40 hectares;
 - (c) a clarification in the "explanation of provisions" that the planning proposal will enable the 7 lot subdivision on "part of Lot 3912 DP 1143985 and Lot 416 DP755227".
 - (d) Council consider the appropriateness of the enabling clause applying to the land in the 5(d)/SP2 zone including consideration of alternative zoning and clarify which zones and planning instruments will apply to the site once the draft Gosford LEP 2013 is finalised in the "explanation of provisions"
 - (e) a flood map and a draft Gosford LEP 2013 map which identifies the site as a deferred area. All maps should be updated to include a north point, scale and legend which identifies the land attributes.
 - (f) justification of why the 7(a) land needs to remain deferred from the draft Gosford LEP 2013 and give consideration to whether the land can be included in Gosford LEP 2013; and
 - (g) correction in Council's discussion of 5.1 Implementation of Regional Strategies which references question 4 and replace with to question 3.
2. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - The potential impacts on biodiversity;
 - The degree to which future development of the site will respond to the Planning for Bushfire Protection Guidelines;
 - The potential impacts associated with contaminated lands;
 - The potential impacts in terms of flooding and drainage; and
 - The servicing arrangements in relation to water, sewer and other utilities.
3. Once the above mentioned additional information has been obtained and consultation with public authorities has been undertaken, and prior to undertaking public exhibition, Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions and other policies:

- 2.1 Environment Protection Zones
 - 4.3 Planning for Bushfire Protection
 - SEPP 19 Bushland in Urban Areas
4. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, 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.
 5. 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 & Infrastructure 2013)* and 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 & Infrastructure 2013)*.
 6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage - 2.1 Environment Protection Zones
 - NSW Rural Fire Service - 4.4 Planning for Bushfire Protection
 - Road and Maritime Services

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.
 7. 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).
 8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 22nd day of December 2013.


 Michael Leavey
 Acting General Manager
 Hunter & Central Coast Region
 Growth Planning & Delivery
 Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure



Planning & Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Gosford City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_GOSFO_006_00	Planning proposal to introduce an enabling clause to subdivide Lot 3912 DP1143985 & Lot 416 DP755227 into seven lots at Marana Road Springfield under Gosford Interim Development Order No 122 or draft Gosford Local Environmental Plan 2013

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

Dated 22 December 2013

Michael Leavey
Acting General Manager
Hunter & Central Coast Region
Growth Planning & Delivery
Department of Planning and Infrastructure