



Planning & Environment

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Our ref: PP_2015_GOSFO_003_00 (15/04548)

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

Attn: Annie Medlicott

Dear Mr Anderson,

Planning proposal to amend Gosford Local Environmental Plan 2014

I am writing in response to your Council's letter 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 reclassify Lot 121 DP1179469 from community to operational land at 1 Fassifern Street and Maitland Bay Drive, Ettalong Beach.

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 inconsistencies with S117 Directions 4.1 Acid Sulfate Soils, 4.2 Mine Subsidence and Unstable Land and 4.3 Flood Prone Land are of minor significance. 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 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 (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 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,



3 June 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_003_00): to reclassify Lot 121 DP1179469 from community to operational land at 1 Fassifern Street and Maitland Bay Drive, Ettalong Beach.

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 reclassify Lot 121 DP1179469 from community to operational land at 1 Fassifern Street and Maitland Bay Drive, Ettalong Beach should proceed subject to the following conditions:

1. Prior to undertaking public exhibition Council is to update the planning proposal to:
 - confirm and correct the address in the title to 'Drive' if required;
 - clarify whether any interests are to be extinguished or retained on the land and consider whether the lot should be identified in Part 1 or Part 2 of Schedule 4 of Gosford LEP 2014 and update the 'objectives or intended outcomes' and 'explanation of provisions' accordingly; and
 - identify in the 'explanation of provisions' the full title 'Gosford LEP 2014' and property description 'Lot 121 DP1179469' in the explanation of provisions.
2. Council is to update the planning proposal to include sufficient additional information and 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 **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 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).
6. Council should not exercise its delegations under section 59 of the EP&A Act if the planning proposal includes reclassification of public land that may require the Governor to discharge 'public reserve' status, trusts, interests etc from the land.



Planning & Environment

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

Dated 3rd day of June 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_003_00	Planning proposal to reclassify Lot 121 DP1179469 from community to operational land at 1 Fassifern Street and Maitland Bay Drive, Ettalong Beach.

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 3 June 2015



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