



Contact: Paul Maher
Phone: (02) 4904 2700
Fax: (02) 4904 2701
Email: Paul.Maher@planning.nsw.gov.au
Postal: PO Box 1226, Newcastle NSW 2300

Our ref: PP_2014_GLOUC_001_00 (13/18857)
Your ref: PP 2013/1

Mr Danny Green
General Manager
Gloucester Shire Council
PO Box 11
GLOUCESTER NSW 2422

Dear Mr Green,

Planning proposal to amend Gloucester Local Environmental Plan 2010

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("the Act") in respect of the planning proposal to rezone land at 4571 Bucketts Way South, Gloucester from E3 Environmental Management to R2 Low Density Residential and reduce the minimum lot size to 1,000sqm.

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.

The planning proposal indicates that a Section 88B instrument, under the *Conveyancing Act 1919*, is a suitable mechanism to protect vegetated land along Bucketts Way. This mechanism is considered inappropriate in protecting environmentally sensitive land because of the difficulties associated with enforcing the conditions on the title of the land. Consequently, Council, in consultation with the Office of Environment and Heritage, is to further consider an appropriate zoning for the vegetated land along Bucketts Way to avoid land clearing occurring as a result of residential development.

Council will still need to obtain the agreement of the Department's Secretary to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

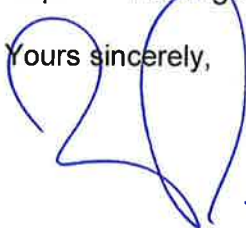
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan is to be finalised within 18 months of the week following the date of the Gateway determination. 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 Paul Maher of the Department's regional office to assist you. Mr Maher can be contacted on (02) 4904 2700.

Yours sincerely,



8/8/14

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_GLOUC_001_00): to rezone and reduce the minimum lot size for land at 4571 Bucketts Way South, Gloucester.

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 ("the Act") that an amendment to the Gloucester Local Environmental Plan 2010 to rezone land at 4571 Bucketts Way South, Gloucester from E3 Environmental Management to R2 Low Density Residential and reduce the minimum lot size to 1,000sqm should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the planning proposal is to be updated to:
 - provide further justification for the intensity of development proposed on the site, including the suitability of the proposed 1,000sqm minimum lot size, having regard to the larger lot size on the eastern side of Bucketts Way with land zoned R5 Large Lot Residential and the lower density nature of the existing development consent for a retirement village on the site;
 - note that this is the first rezoning of land on the western side of Bucketts Way and represents a change in Council's position on development on this western side by clarifying Council's position with regards to development on this western side more broadly;
 - determine an appropriate land use zone for the vegetated land along Bucketts Way. The planning proposal is to identify an appropriate measure to protect and manage vegetated land, in consultation with the Office of Environment and Heritage;
 - address aircraft noise and consider the proposed R2 zone's location in the 'high impact noise zone' on Council's Australian Noise Exposure Forecast Map and clause 6.2 'Development in areas subject to airport noise' under Council's Local Environmental Plan;
 - address flooding impacts on the site through a site specific flood study, in relation to the proposed R2 zone boundary;
 - address accessibility to/from the site to the cycleway and existing shared pathways, the capacity to service the site with reticulated waste water, and potential heritage items on the site; and
 - Refer to Council's Grey Crowned Babbler Retention Plan (2005) within the Planning Proposal and include it as an annexure for exhibition.
2. Once the above matters have been addressed and consultation with public authorities undertaken, the planning proposal is to be updated to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions and documents:
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 1.5 Rural Lands
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.5 Development Near Licensed Aerodromes
 - 4.3 Flood Prone Land
 - 3.4 Integrating Land Use and Transport

3. 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 Local Environmental Plans (Department of Planning and Environment 2013)*.
4. 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:
- Local Aboriginal Land Council
 - MidCoast Water
 - Department of Primary Industries – Agriculture (S117 Direction 1.5 Rural Lands)
 - NSW Trade and Investment – Mineral Resources and Energy (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
 - Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones)
- 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.
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 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. The timeframe for completing the Local Environmental Plan is to be **18 months** from the week following the date of the Gateway determination.

Dated

8

day of

August

2014.



Richard Pearson
Deputy Secretary
Housing, Growth and Economics

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

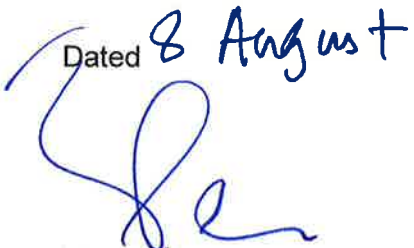
Gloucester Shire Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_GLOUC_001_00	Planning proposal to rezone land at 4571 Bucketts Way South, Gloucester from E3 Environmental Management to R2 Low Density Residential and provide an appropriate minimum lot size.

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

8 August 2014


Richard Pearson
Deputy Secretary
Housing, Growth and Economics

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2014_GLOUC_001_00
Date Sent to DoP&E under s56	24 June 2014
Date considered at LEP Review Panel	10 July 2014
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: