



Planning & Environment

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

Our ref: PP_2014_GOSFO_006_00 (14/08000)
Your ref: 14179107

Attention: Bruce Ronan

Dear Mr Anderson,

Planning proposal to amend Gosford Local Environmental Plan 2014

I am writing in response to your Council's letters dated 8 May 2014 and 7 July 2014 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 allow a range of nature based recreational activities, environmentally sustainable tourist accommodation and extensive agricultural uses by rezoning the land from E2 Environmental Conservation to RU2 Rural Landscape and include additional permitted uses in Schedule 1 under Gosford Local Environmental Plan (LEP) 2014 at various lots in Glenworth Valley and Calga.

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 inconsistency with S117 Directions 4.1 Acid Sulfate Soils and 6.3 Site Specific Provisions is 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.

I note that an adjoining land owner, sharing access off Cooks Road with the subject sites has requested inclusion in the planning proposal. To avoid duplication on process and possible re-advertising, Council should consider if the two sites should be considered together, and if so, adding this land to the planning proposal, if appropriate, prior to public exhibition.

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 Hornal of the Department's regional office to assist you. Mr Hornal can be contacted on (02) 4348 5000.

Yours sincerely,



17 July 2014
David Rowland
General Manager
Hunter and Central Coast Region
Growth Planning

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

Gateway Determination

Planning proposal (Department Ref: PP_2014_GOSFO_006_00): to allow a range of nature based recreational activities, environmentally sustainable tourist accommodation and extensive agricultural uses on land in Glenworth Valley and Calga.

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 rezone land from E2 Environmental Conservation to RU2 Rural Landscape and include additional permitted uses in Schedule 1 at various lots in Glenworth Valley and Calga should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council should consider including 45 Cooks Road, Calga (Lot A DP365595) and update the planning proposal accordingly.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - identify in the 'explanation of provisions' the planning proposal applies to land in the suburbs of Glenworth Valley and Calga.
3. Prior to undertaking public exhibition, Council is to amend the maps to:
 - update Appendix 2 Existing Zoning Map to use the current zones under Gosford LEP 2014.
 - delete Appendix 3 Proposed E2 Zoning under Draft Gosford LEP (as exhibited) map from the planning proposal.
 - ensure all maps include a legend which identifies the land attributes.
 - include the full title of the relevant environmental planning instrument for zoning, SEPPs and SREPs maps.
4. 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 the relevant public authority.
 - S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries - (Trade and Investment - Mineral Resources and Energy)
 - S117 Direction 2.1 Environment Protection Zones - (Office of Environment and Heritage)
 - S117 Direction 2.3 Heritage Conservation - (Office of Environment and Heritage and Darkinjung Local Aboriginal Land Council).
 - S117 Direction 4.4 Planning for Bushfire Protection - (NSW Rural Fire Service)
 - SEPP 71 – Coastal Protection – (address clause 8 matters for consideration)
 - SREP No 8 - Central Coast Plateau Areas (Department of Primary Industries - NSW Agriculture).
 - SREP No 9—Extractive Industry (No 2—1995) (Trade and Investment - Mineral Resources and the Environment Protection Authority)
 - SREP No. 20 - Hawkesbury—Nepean River (No. 2 - 1997) (Office of Environment and Heritage - National Parks and Wildlife Service)
5. 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.

6. 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 Infrastructure 2013).
7. 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
 - Office of Environment and Heritage -NSW National Parks and Wildlife Service
 - NSW Rural Fire Service
 - Transport for NSW – Roads and Maritime Services
 - Environment Protection Authority
 - Trade and Investment - Mineral Resources and Energy
 - Trade and Investment - Crown Lands
 - Department of Primary Industries – NSW Agriculture
 - Darkinjung Local Aboriginal Land 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.

8. 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).
9. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 17th day of July 2014.



David Rowland
General Manager
Hunter and Central Coast Region
Growth Planning
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_2014_GOSFO_006_00	Planning Proposal to rezone land from E2 Environmental Conservation to RU2 Rural Landscape and include additional permitted uses in Schedule 1 at various lots in Glenworth Valley and Calga 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 17 July 2014



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