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Department Generated Correspondence (Y)

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Our ref: PP_2011_GOSFO_006_00 (11/22504)
Your ref: 10594041

Mr Peter Wilson
General Manager
Gosford City Council
PO Box 21
GOSFORD NSW 2250

Dear Peter,

Re: Planning Proposal to amend the Gosford Planning Scheme Ordinance to enable the temporary use of land at Lot 4 DP775631 Racecourse Road, West Gosford for uses unrelated to horse racing

I am writing in response to your Council's letter dated 9 December 2011 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 to enable the temporary use of land at Lot 4 DP775631 Racecourse Road, West Gosford for uses unrelated to horse racing.

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.

It is unclear in the planning proposal why Council is seeking to limit the duration of temporary events on the site to only 14 days when the recently exhibited draft Gosford Standard Instrument LEP included a provision enabling temporary uses for up to 52 days. Council should provide additional information to address and justify this discrepancy. This information should be placed on public exhibition with the planning proposal.

It is noted that Council has some concerns in relation to flood and drainage planning for the site which may impact on future temporary use of the site eg identification of appropriate car parking areas and the identification of appropriate temporary uses. Council is encouraged to resolve these issues and prepare a site specific Development Control Plan (DCP). The DCP should be placed on public exhibition concurrently with the planning proposal and should be prepared to reflect the outcomes of Council's Floodplain Risk Management Plan which is currently being finalised.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 4.1 Acid Sulfate Soils are of minor significance. No further approval is required in relation to this Direction.

In regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of the Local Planning Direction.

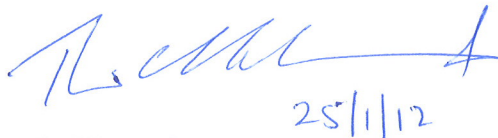
The Director General's delegate has not agreed that the planning proposal's inconsistencies with S117 Direction 4.3 Flood Prone Land have been justified, or are of a minor nature. Council is to provide additional information in relation to the planning proposal's consistency with S117 Direction 4.3 Flood Prone Land prior to proceeding to public exhibition. This information should be provided as part of the preparation of the DCP referred to above.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination or as soon as possible following resolution of the issues related to flood planning for the site. 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 Glenn Horal of the Regional Office of the Department on 02 4348 5000.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_GOSFO_006_00): to amend the Gosford Planning Scheme Ordinance to enable the temporary use of land at Lot 4 DP775631 Racecourse Road, West Gosford for uses unrelated to horse racing.

I, the Deputy Director General, Plan Making & Urban Renewal 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 Planning Scheme Ordinance to enable the temporary use of land at Lot 4 DP775631 Racecourse Road, West Gosford for uses unrelated to horse racing should proceed subject to the following conditions:

1. 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 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service
 - NSW Maritime and Road Services

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.

3. Council not adequately explained why it intends to only allow temporary uses on the site for a maximum of 14 days compared to 52 days proposed for elsewhere within the LGA under its draft SI LEP. Council should provide additional information to address and justify this discrepancy. This information should be placed on public exhibition with the planning propos
4. Council is to provide additional justification in relation to the planning proposal's consistency with S117 Direction 4.3 Flood Prone Land. This information is to be provided in accordance with the provisions of the *Floodplain Development Manual 2005* and may include the preparation of a Floodplain Risk Management Plan (FRMP) for the site.
5. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

6. 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).
7. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 25th day of January 2012



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure