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Our ref: PP\_2014\_GOSFO\_010\_00 (14/10445)  
Your ref: IR 15824915

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

Attention: Brian McCourt

Dear Mr Anderson,

## **Planning proposal to amend Gosford Local Environmental Plan 2014**

I am writing in response to Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to extend the application of clause 8.9 of Gosford LEP 2014 for 12 months.

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.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant section 117 directions. Council should ensure this occurs prior to the plan being made.

Further analysis of development controls and project viability should be undertaken to support any future extension or variation to the City Centre development controls. The Department will support Council with this work as part of the Regional Growth Planning program.

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

Yours sincerely,



16 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\_010\_00):** to extend the application of clause 8.9 of Gosford LEP 2014 for 12 months.

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 extend the application of the Gosford City Centre incentive provisions in clause 8.9 of Gosford LEP 2014 for 12 months should proceed subject to the following conditions:

1. Council is to update the planning proposal to refer to map where the incentive provisions apply by correct name, include correct map and provide discussion on City Centre areas excluded.
2. Consultation is required with the NSW Rural Fire Service to comply with the requirements of section 117 direction 4.4 Planning for Bushfire Protection. The 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. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with section 117 direction 4.4 Planning for Bushfire Protection once it has undertaken consultation with the NSW Rural Fire Service.
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 **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 Local Environmental Plans (Department of Planning and Infrastructure 2013)*.
4. 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).
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 16th 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_010_00 | Planning Proposal to extend the application of the Gosford City Centre incentive provisions in clause 8.9 of Gosford Local Environmental Plan 2014 for 12 months |

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

Dated 16 July 2014



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