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Our ref: PP_2014_GOSFO_005_00 (14/07557)
Your ref: 15103988

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

Attention: Bruce Ronan

Dear Mr Anderson,

Planning proposal to amend Gosford Local Environmental Plan (2014)

I am writing in response to your Council's letter dated 1 May 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 amend Gosford Local Environmental Plan (2014) to permit a Resource Recovery Facility on land currently zoned SP2 Infrastructure at Doyle Street and Empire Bay Drive, Kincumber.

A planning proposal is not required to permit a resource recovery facility on this site as it is already permitted on land zoned SP2 Infrastructure under State Environmental Planning Policy (Infrastructure) 2007. However Council has indicated it seeks to amend the SP2 Sewerage System notation on the Land Zoning Map to clearly indicate its intentions to the community, and this Gateway is issued on that basis.

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 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 3 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,



23 June 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_005_00): to amend Gosford Local Environmental Plan (2014) to include the notation 'and Resource Recovery Facility' on the Land Zoning Map currently identified as 'SP2 Sewerage System' at Doyle Street and Empire Bay Drive, Kincumber

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 include the notation 'and Resource Recovery Facility' on the Land Zoning Map currently identified as 'SP2 Sewerage System' at Doyle Street and Empire Bay Drive, Kincumber should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - include a statement in the 'objectives' and 'explanation of provisions' to clarify the amendment is for a notation change to 'SP2 Sewerage System' to add 'and Resource Recovery Facility' on the Land Zoning Map.
 - include discussion to clarify the notation change is not required to permit the use for a 'resource recovery facility' as it is already permitted under SEPP (Infrastructure) 2007 and is required only to signal Council's intention with regard to the future land use on the site.
 - include discussion on the need for waste facilities in the LGA and the capacity of current and proposed future facilities to meet future demand in the Need section of the planning proposal.
 - give consideration to whether it is necessary to identify the location of the resource recovery facility on the subject lots given it is permissible in the SP2 Infrastructure zone.
 - amend the land zoning map to identify Gosford LEP 2014 in the title and include a legend and north point.
 - include a proposed zoning map with the notation 'SP2 Sewerage System and Resource Recovery Facility'.
2. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the S117 Direction 4.4 Planning for Bushfire Protection once it has undertake consultation with the relevant public authority.
3. Council update its consideration of State Environmental Planning Policy (Infrastructure) 2007 prior to public exhibition of the planning proposal.
4. 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 LEPs* (Department of Planning and Infrastructure 2013).

5. 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.
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 **3 months** from the week following the date of the Gateway determination.

Dated 23rd day of June 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_005_00	Planning Proposal to amend Gosford Local Environmental Plan (2014) to include the notation 'and Resource Recovery Facility' on the Land Zoning Map currently identified as 'SP2 Sewerage System' at Doyle Street and Empire Bay Drive, Kincumber

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 23rd June 2014



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

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_GOSFO_005_00
Date Sent to Dept under s56	1 May 2014
Date Received by Dept as adequate	21 May 2014
Date considered at LEP Review Panel	N/A
Gateway determination date	23 June 2014

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 Dept requesting notification		

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

Stage	Date/Details
Notification Date and details	

Additional relevant information: