



Planning & Environment

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Our ref: PP_2014_GOSFO_013_00 (14/10853)
Your ref:

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 your Council's letter dated 24 June 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 the provisions in Gosford LEP 2014 (currently clause 7.8) applying to a proposed home business park at Terrigal and Picketts Valley.

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.

The Parkside @ Terrigal Home Business Park was promoted as potentially delivering significant economic benefits including 220 home business jobs. The Gateway requires further discussion in the planning proposal on the potential economic impacts of the proposed amendments to the 'home business park' provisions. Given the 'home business support hub' was previously identified as important to the success of the 'home business park' concept and is not a mandatory component of the development under the LEP, Council could consider retaining this as a permissible use.

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,



30 July 2014

David Rowland
General Manager
Hunter and Central Coast Region
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_GOSFO_013_00): to amend the provisions in Gosford LEP 2014 (currently clause 7.8) applying to a proposed home business park at Terrigal and Picketts Valley.

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 amend the provisions in Gosford LEP 2014 (currently clause 7.8) applying to a proposed home business park at Terrigal and Picketts Valley should proceed subject to the following conditions:

1. Given the recent planning proposal for a site in Wycombe Road Terrigal, where Council proposed the introduction of a new minimum lot size based on slope, Council should consider the slope of this site, confirm the appropriate minimum lot size and amend the planning proposal, if required.
2. Council is to update the planning proposal (in Part 3.9) on whether the economic benefits anticipated under the existing planning provisions will be affected by the proposed amendment to home business size and removal of the 'home business support hub'. This should include discussion on keeping the 'home business support hub' as a permissible use given it is not a mandatory component of the development under the LEP but was identified as important to the success of the 'home business park' concept.
3. Consultation is required with the NSW Rural Fire Service to comply with the requirements of S117 Direction 4.4 Planning for Bushfire Protection. 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.
4. 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 undertaken consultation with the NSW Rural Fire Service.
5. 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).
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).



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

Dated the 30th day of July 2014.

David Rowland
General Manager
Hunter and Central Coast Region
Housing, Growth and Economics
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_013_00	Planning Proposal to amend the provisions in Gosford LEP 2014 (currently clause 7.8) applying to a proposed home business park at Terrigal and Picketts Valley.

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

30 July 2014



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