



Planning



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Department Generated Correspondence (Y)

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Our ref: PP_2010_GLOUC_001_00 (10/18183)
Your ref: LW

Mr Allan Young
General Manager
Gloucester Shire Council
PO Box 11
GLOUCESTER NSW 2422

Dear Mr Young,

Re: Planning Proposal to carry out six (6) amendments to the Gloucester LEP 2010

I am writing in response to your Council's letter dated 26 August 2010 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 Gloucester Local Environmental Plan 2010 to carry out six (6) amendments including administrative amendments to Gloucester LEP 2010, correction of mapping anomalies and rezoning land from Zone R3 Medium Density Residential and Zone E3 Environmental Management to Zone B4 Mixed Use.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.4 Integrated Landuse and Transport and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

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. 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 Paul Maher of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_GLOUC_001_00): to carry out six (6) amendments including administrative amendments to Gloucester LEP 2010, correction of mapping anomalies and rezoning land from Zone R3 Medium Density Residential and Zone E3 Environmental Management to Zone B4 Mixed Use.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Gloucester Local Environmental Plan 2010 to carry out six (6) amendments including administrative amendments to Gloucester LEP 2010, correction of mapping anomalies and rezoning land from Zone R3 Medium Density Residential and Zone E3 Environmental Management to Zone B4 Mixed Use, specifically:

1. Correct mapping anomaly from E3 to E2;
2. Correct mapping anomaly from E3 to RE2 over Gloucester Golf Course and correctly label adjoining SP1 Motel accommodation;
3. Rezone land at Lot 11 and Part Lot 12 DP 1078402, Lot 10 DP 37029, Lot 8 DP 708955, Lot 9 DP 779143, Lot 7 DP 741876 and Lot 2 DP 517814 from E3 and R3 to B4;
4. Permit "dual occupancy" and "farm stay accommodation" in the E3 zone;
5. To increase maximum floor space ratio in the R3 zone and expand FSR controls over the R2 zone in Gloucester township;
6. Amend Clause 6.2 Development in areas subject to aircraft noise so that the definition for "Low impact noise" does not refer to "high impact noise";

should proceed subject to the following conditions:

1. Amendment of map LZN-005 as part of the correction of mapping anomaly E3 to E2.
2. Exhibition of the Flood Assessment Report prepared by Paterson Consultants dated June 2010 as part of the exhibition of the planning proposal.
3. The permissibility of dual occupancy development in the E3 zone being limited to "attached dual occupancy".
4. "Secondary dwellings" being removed as a permissible use in the E3 zone.
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 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)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Roads and Traffic Authority

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.

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

Dated 11th day of October 2010.



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