



Mr Danny Green
General Manager
Gloucester Shire Council
89 King Street
Gloucester NSW 2422

Our ref: 15/11219
Your ref: GSC Minutes 123/15 & 124/15

Attention: Aaron Kelly

Dear Mr Green,

Planning Proposal to amend Gloucester Local Environmental Plan 2010: Short-term holiday rental accommodation and temporary events on public land

I refer 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 prescribe circumstances for the rental of dwellings as short-term holiday accommodation, and the holding of temporary events, to be treated as Exempt Development.

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.

The Minister delegated plan making powers to councils in October 2012. 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 **9 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 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.

Attached for your assistance is a simplified guide to the plan making process and reporting requirements to ensure that the LEP Tracking System is kept updated. Should you have any questions regarding this matter, I have arranged for Ken Phelan from the Hunter office to assist you. Mr Phelan can be contacted on (02) 4904 2705.

Yours sincerely,

4 September 2015

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Gateway Determination

Planning Proposal (Department Ref: PP_2015_GLOUC_001_00) to prescribe circumstances for the rental of dwellings as short-term holiday accommodation, and the holding of temporary events, to be treated as Exempt Development.

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 Gloucester Local Environmental Plan 2010 should proceed subject to the following conditions:

1. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows:

(a) the Planning Proposal be made publicly available for a minimum 28 days.

(b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing LEPs (Department of Planning & Infrastructure 2013).

2. Council refer the proposal to the NSW Rural Fire Service prior to public exhibition for advice in determining its consistency with Section 117 Direction 4.4- Planning for Bushfire Protection. Council make the necessary amendments to the proposal to reflect this advice, including amending the reference to bushfire risk.

3. Council refer the proposal to the NSW SES prior to public exhibition for advice in determining its consistency with Direction 4.3 and the NSW Floodplain Development Manual. Council make the necessary amendments to the proposal to reflect this advice.

4. The planning proposal be amended to delete references to a planning process being followed for the short-term rental of houses with more than four bedrooms, consistent with the Council resolution.

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 submission if reclassifying land).

7. The time-frame for completing the LEP is to be 9 months following the Gateway Determination.

8. The Council exercise its delegations in respect of the Minister for Planning and Environment's plan making function under s.59(1) of the EP&A Act for this planning proposal.

Dated 4th day of September 2015.



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

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Gloucester Shire 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_2015_GLOUC_001_00	<i>Prescribe circumstances for the rental of dwellings as short-term holiday accommodation, and the holding of temporary events, to be treated as Exempt Development</i>

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

Dated 4th September 2015

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