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Department Generated Correspondence (Y)

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Our ref: PP_2012_GOSFO_002_00 (11/22501)
Your ref: 9368829

Mr Peter Wilson
General Manager
Gosford City Council
PO Box 21
GOSFORD NSW 2250

Dear Mr Wilson,

Re: Planning Proposal to amend Gosford Interim Development Order No. 122 to enable short term tourist accommodation at Lot 165 DP 755253 known as 'The Springs' Golf Course

I am writing in response to your Council's letter dated 14 December 2011 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 Gosford Interim Development Order 122 (IDO 122) to enable short term tourist accommodation at Lot 165 DP 755253 known as 'The Springs' Golf Course.

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

The Department does not support the introduction of a new separate definition under the Gosford IDO 122 for the purposes of permitting short term tourist accommodation on the subject site. The Department believes that the intent of the planning proposal can be achieved by utilising the current definition of 'Tourist and visitor accommodation' included in the Standard Instrument Order (SI Order) 2006 Dictionary. Consequently, Council is to proceed by amending the planning proposal to include the definition of Tourist and visitor accommodation from the SI Order Dictionary when referring to the proposed land use.

In addition, Council's proposal to amend Schedule 1 of IDO 122 to allow for tourist and visitor accommodation on the subject site is not supported. Instead, Council is to proceed with the planning proposal adopting one of the following two options:

1. Include Tourist and visitor accommodation as a permitted use in the 1(a) Rural Agriculture Zone of IDO 122 (which will translate into the RU1 Primary Production Zone of Council's SI LEP); or
2. Rezone the site to an appropriate private recreation zone under Council's current IDO 122 (which would translate into the RE2 Private Recreation Zone under Council's SI LEP) and make Tourist and visitor accommodation a permissible use under this zone.

While Council's concerns in relation to the potential impacts of development in the existing rural area are noted, the Department believes that any impacts can be assessed and addressed via the Development Application process.

In relation to the drafting of the planning proposal, the Department recommends that Council amend Part 1 of the planning proposal relating to the Objectives and Intended Outcomes. Council should consider retaining the first paragraph of this section only and moving the

remainder of the text from that section to Part 3 – Justification. Further advice and clarification on this suggestion should be obtained from the Department's Regional Planning Team.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 1.2 are of minor significance. No further approval is required in relation to this Direction.

In relation to Section 117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service and amend the planning proposal (if necessary) to take into consideration any comments prior to undertaking exhibition of the planning proposal.

In relation to Section 117 Direction 6.3 Site Specific provisions, Council is to provide additional justification for the plan's consistency with this Direction prior to commencing public exhibition. Council should liaise with the Department's Regional Planning Team in relation to the information required to be provided.

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 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 Glenn Hornal of the Regional Office of the Department on 02 4348 5000.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

7/2/12

Gateway Determination

Planning Proposal (Department Ref: PP_2012_GOSFO_002_00): to amend Gosford Interim Development Order No. 122 to enable short term tourist accommodation at Lot 165 DP 755253 known as 'The Springs' Golf Course.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Gosford Interim Development Order 122 (IDO 122) to enable short term tourist accommodation at Lot 165 DP 755253 known as 'The Springs' Golf Course should proceed subject to the following conditions:

1. The intent of the planning proposal can be achieved by utilising the current definition of 'Tourist and visitor accommodation' included in the Standard Instrument Order (SI Order) 2006 Dictionary. Council is therefore to proceed by amending the planning proposal to include the definition of Tourist and visitor accommodation from the SI Order Dictionary when referring to the proposed land use.
2. Council's proposal to amend Schedule 1 of IDO 122 to allow for tourist and visitor accommodation on the subject site is not supported. Instead, Council is to proceed with the planning proposal adopting one of the following two options:
 - a. Include Tourist and visitor accommodation as a permitted use in the 1(a) Rural Agriculture Zone of IDO 122 (which will translate into the RU1 Primary Production Zone of Council's SI LEP); or
 - b. Rezone the site to an appropriate private recreation zone under Council's current IDO 122 (which would translate into the RE2 Private Recreation Zone under Council's SI LEP) and make Tourist and visitor accommodation a permissible use under this zone.
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 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)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service
 - National Parks and Wildlife Service
 - Transport for NSW – Roads and Maritime Authority
 - Catchment Management 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.

5. In relation to Section 117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service and amend the planning proposal (if necessary) to take into consideration any comments prior to undertaking exhibition of the planning proposal.
6. In relation to Section 117 Direction 6.3 Site Specific provisions, Council is to provide additional justification for the plan's consistency with this Direction prior to commencing public exhibition. Council should liaise with the Department's Regional Planning Team in relation to the information required to be provided.
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 **9 months** from the week following the date of the Gateway determination.

Dated 7th day of February 2012.



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