



Planning & Environment

Contact: Garry Hopkins
Phone: (02) 4348 5000
Email: garry.hopkins@planning.nsw.gov.au
Postal: PO Box 1148, Gosford NSW 2250

Our ref: PP_2015_GOSFO_007_00 (15/08332)
Your ref: 16101481

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 19 May 2015 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 rezone land at Lisarow zoned 7(c2) Conservation and Scenic Protection (Rural Small Holdings) under Interim Development Order 122 to R2 Low Density Residential and E2 Environmental Conservation under Gosford Local Environmental Plan 2014.

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.

I have also agreed the planning proposal's inconsistency with s.117 Directions 1.3 Mining, Petroleum and Extractive Industries is of minor significance. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant s.117 Directions. Council should ensure this occurs prior to the plan being made.

I note Council has identified a need to include the land on the Acid Sulfate Soils map sheet in Gosford LEP 2014, even though the land is over two kilometres from the nearest acid sulfate soils. Given the purpose and application of ASS class 5 (ie. to provide assessment of situations where groundwater drawdown could adversely affect acid sulfate soils on other land) Council could consider, in a future miscellaneous planning proposal, limiting the area of Class 5 to an area 500 metres around other ASS zones. This will remove an unnecessary consideration from during development assessment.

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 12 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,



26 May 2015

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_006_00): to rezone land from 7(c2) Conservation and Scenic Protection (Rural Small Holdings) to R2 Low Density Residential and E2 Environmental Conservation.

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 in respect of the planning proposal to rezone land at Lisarow zoned 7(c2) Conservation and Scenic Protection (Rural Small Holdings) under Interim Development Order 122 (IDO 122) to R2 Low Density Residential and E2 Environmental Conservation under Gosford Local Environmental Plan (LEP) 2014 should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - Include consideration of the sustainability criteria in the Central Coast Regional Strategy;
 - Confirm the boundary between proposed E2 and R2 zones following consultation with the NSW Rural Fire Service; and
 - Include reference to the need to amend the land application map as the means of moving the land from IDO 122 into Gosford LEP 2014.
2. Council is to update the planning proposal to include sufficient additional information, if required, and update its consideration of the following s.117 directions once it has undertaken consultation with any relevant public authority:
 - 2.1 Environment Protection Zones
 - 4.2 Mine Subsidence and Unstable Land
 - 4.4 Planning for Bushfire Protection
 - 5.1 Regional Strategies.
3. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
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 **28 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 local environmental plans (Department of Planning and Infrastructure, 2013)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant s.117 directions:
 - NSW Rural Fire Service

Each public authority 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. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of s.117 directions.

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 **12 months** from the week following the date of the Gateway determination.

Dated 26th day of May 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

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_2015_GOSFO_007_00	Planning Proposal to rezone land at Lisarow zoned 7(c2) Conservation and Scenic Protection (Rural Small Holdings) under Interim Development Order 122 (IDO 122) to R2 Low Density Residential and E2 Environmental Conservation under Gosford Local Environmental Plan (LEP) 2014.

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

Dated 26th of May 2015

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