



Contact: Glenn Horal
Phone: (02) 4348 5000
Fax: (02) 4323 6573
Email: Glenn.Horal@planning.nsw.gov.au
Postal: PO Box 1148, Gosford NSW 2250

Our ref: PP_2011_GOSFO_004_00 (11/14833)
Your ref: IR 10208593
Brian McCourt

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

Dear Mr Wilson

Re: Planning Proposal to amend the Gosford Planning Scheme Ordinance by rezoning No's 430 – 438 Ocean Beach Road, Umina Beach (Lots 4-8 Section A DP 8872) from 2(b) Residential to 3(a) Business(General) to enable the land to be developed for business purposes

I am writing in response to your Council's letter dated 10 August 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 Planning Scheme Ordinance by rezoning 5 lots, being No's 430 – 438 Ocean Beach Road, Umina Beach (Lots 4-8 Section A DP 8872) from 2(b) Residential to 3(a) Business (General) to enable the land to be developed for business purposes.

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

The planning proposal is consistent with the proposed zoning of this site as exhibited in the Draft Gosford LEP 2009 and the Department generally supports the intent of the planning proposal. However, it is noted that Council adopted the Draft Gosford LEP 2009 in May this year and resolved to forward it to the Department for the Minister to make the plan. To date the plan has not been received by the Department for further consideration. Council is encouraged to forward its comprehensive SI LEP to the Department as soon as possible. By doing so, Council would avoid the need to undertake additional spot rezoning planning proposals, especially where the planning proposal is consistent with the draft exhibited SI LEP. Further spot rezoning planning proposals which reflect the outcomes of Council's exhibited SI LEP may not be supported by Gateway in the future.

Council is to prepare a locality plan showing the site in the context of the local government area and include the plan with the planning proposal for exhibition.

Prior to exhibition of the planning proposal, Council is to include a plan showing the proposed zoning of the site in terms of the Gosford Planning Scheme Ordinance in addition to the plan showing the proposed zoning in terms of the Draft Gosford LEP 2009.

Council is encouraged to exhibit the planning proposal concurrently with the development application to provide clarity to the community about Council's intended future outcome for the site.

The Director General's delegate has agreed that the planning proposal is consistent with S117 Directions 1.1 Business and Industrial Zones, 2.2 Coastal Protection, 2.3 Heritage Conservation, 5.1 Implementation of Regional Strategies, 6.1 Approval and Referral Requirements, and 6.3 Site Specific Provisions.

The Director General's delegate has determined that the planning proposal's inconsistencies with S117 Directions 3.1 Residential Zones and 3.4 Integrating Land Use and Transport are of minor significance. No further approval is required in relation to these Directions.

In regard to S117 Direction 4.1 Acid Sulphate Soils, it is noted that the site is located in an area classified "low" on Council's Acid Sulphate Soils Planning Maps. Council is to demonstrate the consistency of the planning proposal with this direction and / or justify any inconsistency or satisfy the Director General that any inconsistency is of minor significance and include this in the planning proposal prior to exhibition.

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 Glenn Hornal of the Hunter and Central Coast Regional Office of the Department on 02 4348 5000.

Yours sincerely,


13/9/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_GOSFO_004_00): to amend the Gosford Planning Scheme Ordinance by rezone 5 lots, being 430–438 Ocean Beach Road, Umina Beach (Lots 4-8 Section A DP 8872) from 2(b) Residential to 3(a) Business(General) to enable the land to be developed for business purposes.

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 Planning Scheme Ordinance for the rezoning of 430-438 Ocean Beach Road, Umina Beach (Lots 4-8 Section A DP 8872) from 2(b) Residential to 3(a) Business(General) to enable the land to be developed for business purposes should proceed subject to the following conditions:

1. Council is to prepare a locality plan showing the site in the context of the local government area and include the plan with the planning proposal for exhibition.
2. Prior to exhibition of the planning proposal, Council is to include a plan showing the proposed zoning of the site in terms of the Gosford Planning Scheme Ordinance in addition to the plan showing the proposed zoning in terms of the Draft Gosford LEP 2009.
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. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
5. 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).
6. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 13th day of September 2011.



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