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Our ref: PP_2012_GOSFO_012_00 (12/11477)
Your ref: 86.910

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

Dear Mr Wilson,

Planning proposal to amend the Gosford Planning Scheme Ordinance or draft Gosford Local Environmental Plan (LEP) 2012.

I am writing in response to your Council's letter dated 9 July 2012 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 to rezone land at Ash Street, Terrigal from 2(b) Residential to 3(a) Business (General) and remove a provision that enables the development of a tennis court on the site under the Ordinance, or to zone the site B2 Local Centre under draft Gosford Local Environmental Plan (LEP) 2012.

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.

I have also agreed that the planning proposal's inconsistency with S117 Direction 3.1 Residential Zones is of minor significance. No further approval is required in relation to this Direction.

It is noted that a development application to develop the subject site at Ash Street, Terrigal for mixed use purposes is to be submitted to Council. Council is encouraged to consider exhibiting the development application concurrently with the planning proposal, to clearly articulate the intended outcome of the planning proposal to the community.

It is noted that Council intends to amend Development Control Plan (DCP) No. 55 – Terrigal Town Centre, to allow the DCP to apply to the site. The department supports this position and encourages Council to consider exhibiting the DCP amendment concurrently with the planning proposal.

Council is also reminded that any planning proposal submitted for Gateway determination must address all matters provided under Clause 55 of the Environmental Planning and Assessment Act 1979 and as outlined in the *Guide to Preparing Local Environmental Plans*.

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 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 Robert Hodgkins of the Regional Office of the Department on 02 4348 5000.

Yours sincerely,

SHaddad

Sam Haddad
Director-General

8/8/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_GOSFO_012_00): to rezone land at Terrigal under the Gosford Planning Scheme Ordinance or draft Gosford Local Environmental Plan (LEP) 2012.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to Gosford Planning Scheme Ordinance to rezone land at Ash Street, Terrigal from 2(b) Residential to 3(a) Business (General) and remove a provision that enables the development of a tennis court on the site under the Ordinance, or to zone the site B2 Local Centre under draft Gosford Local Environmental Plan (LEP) 2012 should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the 'statement of objectives' in the planning proposal to advise that the planning proposal will amend either the Gosford Planning Scheme Ordinance or the draft Gosford LEP 2012 to rezone the site from a residential zone to a business zone.
2. Prior to undertaking public exhibition, Council is to make the following amendments to the 'explanation of provisions' in the planning proposal:
 - a. advise that the planning proposal will either rezone the subject site from 2(b) Residential to 3(a) Business (General) under the Gosford Planning Scheme Ordinance, or rezone the site from 2(b) under the Planning Scheme Ordinance to B2 Local Centre under the re-exhibited draft Gosford LEP 2012 or rezone the site from R1 General Residential to B2 as an early amendment to the draft LEP;
 - b. advise that Clause 49E of Gosford Planning Scheme Ordinance, which enables the development of a tennis court on the subject site, will be deleted in the event that the planning proposal amends the Ordinance;
 - c. clearly identify the amendments which are to be made to the Gosford Planning Scheme Ordinance and the draft Gosford LEP 2012, including amendments to the land zoning, height of buildings and floor space ratio maps.
 - d. identify the development controls that currently apply to the subject site and the proposed controls that will apply to the site.
3. Prior to undertaking public exhibition, Council is to include a zoning map that shows the proposed zoning of the subject site under the Planning Scheme Ordinance with a notation that advises that the proposal may amend the zoning of the site to B2 Local Centre under the draft Gosford LEP 2012. Council is to add notation 'subject site' to the zoning map and aerial photograph.
4. Council is to amend the planning proposal to advise whether the proposal is consistent with s117 Directions 4.3 Flood Prone Land and 6.3 Site Specific Provisions or whether it seeks the Director General to be satisfied that inconsistencies are of minor significance.
5. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land and the *Contaminated Land Planning Guidelines*. 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



6. 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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
7. No Consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
8. 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).
9. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

8th

day of

August

2012.

SHaddad

Sam Haddad

Director-General

Delegate of the Minister for Planning and
Infrastructure