



Mr Peter Wilson
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Our ref: PP_2012_GOSFO_010_00 (12/10583)
Your ref: 1393373

Dear Mr Wilson,

Planning Proposal to amend the Gosford Interim Development Order 122 or draft Gosford Local Environmental Plan (LEP) 2012.

I am writing in response to your Council's letter dated 20 June 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 rezone land at Woy Woy Road, Woy Woy Bay from zone 7(a) Conservation and Scenic Protection (Conservation) to zone 5(a) Special Uses (Resource Recovery Facility) under the Gosford Interim Development Order 122, or to zone SP2 Infrastructure (Resource Recovery Facility) under the draft Gosford 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.

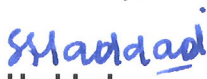
Council is to consider amending Part 2 'Explanation of Provisions' of the planning proposal to remove the sentence beginning '*The likely wording of the specific zoning...*' and to remove numbered paragraphs 1, 2 and 3, in the event that the planning proposal is amended post exhibition. It is considered that the wording within numbered paragraphs 1, 2 and 3 is too specific for a planning proposal.

The amending LEP is to be finalised within 18 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 Ben Holmes of the Regional Office of the Department on 02 4348 5000.

Yours sincerely,


Sam Haddad
Director-General

8/8/2012.

Gateway Determination

Planning Proposal (Department Ref: PP_2012_GOSFO_010_00: to rezone land at Woy Woy Road, Woy Woy Bay.

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 rezone land at Woy Woy Road, Woy Woy Bay from zone 7(a) Conservation and Scenic Protection (Conservation) to zone 5(a) Special Uses (Resource Recovery Facility) under the Gosford Interim Development Order 122, or to zone SP2 Infrastructure (Resource Recovery Facility) under the draft Gosford Local Environmental Plan 2012 should proceed subject to the following conditions:

1. The planning proposal and accompanying documents refer to the lot and DP of the subject site as 'part of Lot 7049 DP 1030417'. However, the lot and DP of the site have changed and now are known as 'Lot 3 DP 1176071'. Prior to the commencement of public exhibition Council is to update the references throughout the planning proposal, including the supporting appendices, with the correct Lot and DP description 'Lot 3 DP 1176071'.
2. Prior to the commencement of public exhibition Council is to amend the appendices section of the planning proposal in the following way:
 - (a) insert an additional map indicating the proposed Standard Instrument zoning for the subject site
 - (b) insert an additional map indicating bushfire prone land.
3. Prior to the commencement of public exhibition Council is to amend the planning proposal to include the outcomes/findings of the following required information:
 - (a) Water Quality Assessment, including both surface and groundwater
 - (b) Noise and Air Quality Assessment, including odour
 - (c) Bushfire Assessment
 - (d) Ecology Assessment
 - (e) Land Contamination Assessment, in accordance with the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land
 - (f) Land Stability Assessment, to inform s117 Direction 4.2 consideration and as the site was the subject of former quarrying
 - (g) Traffic Assessment
 - (h) Heritage Assessment.
4. As part of the public exhibition material, Council is to provide:
 - (a) information on Council's local/regional waste management framework demonstrating the strategic justification for additional waste management sites
 - (b) updated site selection details comparing the subject site to other available options
 - (c) a discussion on other related projects such as the 2008 approval for a similar facility and the current planning proposal at Springfield.
5. Prior to the commencement of public exhibition, Council is to ensure that the planning proposal is supported by sufficient additional information to adequately demonstrate consistency with the relevant s117 Directions and SEPPs. Furthermore, following consultation/discussion with the relevant agencies (refer to condition 9) Council is to amend the planning proposal to reflect and respond to the comments of those agencies. The following SEPPs and s117 Directions require review:
 - (a) SEPP 19 (Bushland in Urban Areas) and SEPP 55 (Remediation of Land)

- (b) S117 Directions: 1.3 (Mining, Petroleum Production and Extractive Industries), 2.1 (Environment Protection Zones), 2.3 (Heritage Conservation), 4.2 (Mine Subsidence and Unstable Lands), 5.1 (Implementation of Regional Strategies).
6. Following completion of the work required by conditions 1 - 5 above, Council is to revise the planning proposal where necessary and provide a copy of the updated planning proposal and associated relevant information to the Department's Regional Office.
7. 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)*.
8. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
- Office of Environment and Heritage
 - Office of Environment and Heritage - NSW National Parks and Wildlife Service
 - Office of Environment and Heritage - Environment Protection Authority
 - NSW Department of Primary Industries
 - NSW Department of Primary Industries - Office of Water
 - NSW Rural Fire Service
 - Transport for NSW – Roads and Maritime Services
- 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.
9. Further to condition 9 above, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation. Council is to take into account any comments made and amend the planning proposal, if necessary as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
10. 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).
11. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination

Dated 8th day of August 2012.


Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure