

Gateway Determination

Planning proposal (Department Ref: PP_2021_5713): to rezone the western part of the land from RE1 Public Recreation to R1 General Residential to facilitate a medium density housing development at No.18 Macleay Avenue, Woy Woy.

I, the Director, Central Coast and Hunter at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Gosford Local Environmental Plan 2014* should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is to amend the planning proposal as follows:
 - (a) update the assessment of the Ministerial direction 3.2 Caravan Parks and Manufactured Home Estates to clarify the planning proposal is consistent as caravan parks remain permissible in the RE1 Public Recreational zone; and
 - (b) update the assessment of the Ministerial direction 4.3 Flood Prone Land to clarify that the planning proposal is consistent because the part of the site being zoned R1 General Residential is not flood prone land.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018) and must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018); and
 - (c) public exhibition is to commence by **1 April 2022**.
3. Consultation is required with the NSW Rural Fire Service and the Biodiversity Conservation Division to determine consistency with the Ministerial directions 2.1 Environmental Protection Zones and 4.4 Planning for Bushfire Protection.

The agencies are 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.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Ministerial directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 20th day of October 2021.



Dan Simpkins
Director, Central Coast and Hunter Region
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces