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Our ref: PP_2012_GOSFO_003_00 (11/22546)
Your ref: 10478003

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

Dear Mr Wilson,

Re: Planning proposal to amend Gosford Interim Development Order No 122 to enable an additional permissible use as an "Educational Training Centre" on Lot 9 DP 594281 Tumbi Road, Wamberal

I am writing in response to your Council's letter dated 16 December 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 Gosford Interim Development Order No 122 to enable an additional permissible use as an "Educational Training Centre" on Lot 9 DP 594281 Tumbi Road, Wamberal.

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 Department does not support the introduction of a new definition for the use of 'Educational training centre' as proposed in the planning proposal. The matters included in the proposed definition reflect issues which are better and more appropriately addressed in conditions of a Development Consent. It is noted that the use more closely aligns to Council's definition of a 'Commercial premises' in the existing IDO 122.

The Department does not generally support the inclusion of items as 'Additional permitted uses' preferring instead to deal with issues around land use permissibility in the Land Use Tables of a council's LEP. In this instance, however, the Department is willing to progress this planning proposal as an enabling clause as an interim measure, pending the identification of an appropriate land use zone for the site under Council's Standard Instrument principal LEP. Council is, however, to refer to the use as an 'Educational training centre' in the enabling clause and remove all additional qualifying aspects of the proposed definition, dealing with these matters in any subsequent Development Application that may be lodged for the site. This would be consistent with Council's current approach for listing additional uses through an enabling clause in IDO 122. The planning proposal is to be updated to reflect this approach prior to proceeding to public exhibition.

Council should also ensure that appropriate mapping which clearly identifies the site and the intent of the planning proposal is prepared and included in the exhibition material.

Council is also required to address the requirements of State Environmental Planning Policy (SEPP) No 55 – Remediation of Land and provide a Stage 1 Contamination Report in accordance with clause 6 of the policy. This report should be completed and placed on public exhibition with the planning proposal.

I have also agreed that the planning proposal's inconsistencies with S117 Direction 3.4 Integrating Land Use and Transport and 5.1 Implementation of Regional Strategies are of minor significance. No further approval is required in relation to these Directions.

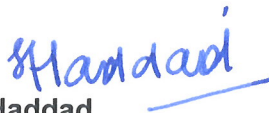
In relation to the planning proposal's inconsistency with Section 117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to proceeding to exhibition. The planning proposal should be amended (if necessary) to take into consideration any comments and requirements of the NSW Rural Fire Service.

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 as soon as possible following consultation with the NSW Rural Fire Service. 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

20/2/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_GOSFO_003_00): to amend Gosford Interim Development Order No 122 to enable an additional permissible use as an "Educational Training Centre" on Lot 9 DP 594281 Tumbi Road, Wamberal.

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 Interim Development Order No 122 to enable an additional permissible use as an "Educational Training Centre" on Lot 9 DP 594281 Tumbi Road, Wamberal should proceed subject to the following conditions:

1. Council is to proceed with the planning proposal by amending the proposed definition to be included in the enabling clause to read 'Educational training centre'. All additional aspects of the proposed definition as included in sub-clauses (a) and (b) are to be deleted prior to proceeding to public exhibition. The planning proposal documentation should also be amended to reflect this revised approach prior to proceeding to public exhibition.
2. Council is required to prepare a Stage 1 Contamination Report in accordance with the requirements of SEPP 55 prior to exhibition. This report is to be included in the public exhibition material.
3. In relation to the planning proposal's inconsistency with Section 117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to proceeding to exhibition. The planning proposal should be amended (if necessary) to take into consideration any comments and requirements of the NSW Rural Fire Service prior to exhibition.
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 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)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - 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.

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

Dated 20th day of February 2012.



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