

Mr Rob Noble
Chief Executive Officer
Central Coast Council
PO Box 21
GOSFORD NSW 2250

Our ref: PP_2017_CCOAS_005_00 (17/07136)
Your ref: PP/84/2015

Dear Mr Noble

**Planning Proposal to permit rural residential development at 2, 14, 24
Collingwood Drive and 7 Matcham Road, Matcham**

I am writing in response to your Council's letter dated 17 May 2017 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the Planning Proposal to permit rural residential development at 2, 14, 24 Collingwood Drive and 7 Matcham Road, Matcham.

As delegate of the Minister for Planning, I have now determined the Planning Proposal should proceed subject to the conditions in the attached Gateway determination.

I note that the current Planning Proposal intends to amend the Gosford Interim Development Order No 122 (IDO 122) given that the site is deferred from the Gosford Local Environmental Plan (LEP) 2014. I have included a condition for Council to update the Planning Proposal to seek to include the land under the Gosford Local Environmental Plan 2014 by amending the Land Application Map and applying a Standard Instrument zone and minimum lot size development standard to permit the intended outcome. The updated Planning Proposal should also confirm any other LEP map sheets that will require amendment, given the inclusion of the land under the Gosford LEP 2014.

I have also included a condition to ensure that the land is capable of being subdivided into lots of 1 hectare given bushfire risk and the need for wastewater disposal to occur with no offsite impact on water quality.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this Planning Proposal. I have considered the nature of Council's Planning Proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending 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. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the

projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Corrine Manyweathers of the Department's regional office to assist you. Ms Manyweathers can be contacted on (02) 4345 4404.

Yours sincerely

 4 July 2017
Stephen Murray
Executive Director, Regions
Planning Services

Encl:
Gateway determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template

Gateway Determination

Planning Proposal (Department Ref: PP_2017_CCOAS_005_00): to permit rural residential development at 2, 14, 24 Collingwood Drive and 7 Matcham Road, Matcham.

I, the Executive Director, Regions at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Gosford Local Environmental Plan 2014 to permit rural residential development at 2, 14, 24 Collingwood Drive and 7 Matcham Road, Matcham should proceed subject to the following conditions:

1. Council is to update the Planning Proposal prior to community consultation to:
 - seek to include the land under the Gosford Local Environmental Plan 2014 by updating the Land Application Map and applying a Standard Instrument zone and minimum lot size development standard to permit the intended outcome;
 - confirm and map all of the Gosford LEP 2014 Map Sheets that will require amendment given the inclusion of the site under the Standard Instrument LEP;
 - demonstrate the land can support the preferred minimum lot size of 1 hectare with no significant effect on flora and fauna and with no offsite impact on water quality;
 - remove reference to S117 Direction 5.1 Implementation of Regional Strategies; and
 - amend the error on page 11 of the Planning Proposal where it says the proposal is inconsistent with the Central Coast Regional Plan (on pages 3 and 9 the Planning Proposal states it is consistent).

The updated Planning Proposal is to be submitted to the Coordinator General for the Central Coast for review and approval prior to community consultation.

2. Council is to update its consideration of the consistency with the following S117 Directions and State Environmental Planning Policies (SEPP) after supporting information has been obtained and/or following agency consultation:
 - 2.1 Environmental Protection Zones;
 - 2.3 Heritage Conservation;
 - 4.4 Planning for Bushfire Protection;
 - SEPP 55 – Remediation of Land; and
 - SEPP 62 – Sustainable Aquaculture.
3. Community consultation is required under sections 56(2)(c) and 57 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 2016) and must be made publicly available for a minimum of **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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
4. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Direction. The NSW RFS is 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.
 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 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 4th day of July 2017


Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Central Coast Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following Planning Proposal:

Number	Name
PP_2017_CCOAS_005_00	To permit rural residential development at 2, 14, 24 Collingwood Drive and 7 Matcham Road, Matcham.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing Planning Proposals*".

Dated 4th July 2017


Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

Delegated plan making reporting template

Notes:

- Planning Proposal number will be provided by the Department of Planning and Environment following receipt of the Planning Proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the Planning Proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2017_CCOAS_005_00
Date Sent to DoP&E under s56	17 May 2017
Date considered at LEP Review Panel (if applicable)	
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: