



NSW GOVERNMENT  
**Department of Planning**

**Office of the Director General**

Mr Peter Wilson  
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Our ref: CC0000057  
Your ref:

Dear Mr Wilson

**Re: Section 54(4) Notification – Draft Gosford LEP – Parkside @ Terrigal**

I am writing in response to Council's letter advising, pursuant to section 54(4) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'), of the Council's decision to prepare a draft local environmental plan ('LEP') in respect of Lot 2 DP 155116, Lots 8 and 9 DP 876102, Lot 202 DP 831864, Lot 4 DP 37914 and Lot 1 DP 381971 Kings Avenue Terrigal to rezone land to part 2(a) with an enabling clause to permit home offices and part 7(c2) Conservation and Scenic protection and an enabling clause to permit lots less than the minimum subdivision standard for this zone.

The Department notes that Council has considered this draft LEP "in principle", and there are a number of key issues that will need to be considered and addressed before a final decision can be taken. Accordingly, I have determined that Council can continue with the draft LEP process, however in proceeding, Council and the applicant need to be aware that the issues still to be addressed could lead to a draft LEP not being supported, or being modified, at later stages of the LEP process based on technical or merit grounds.

Pursuant to section 74(2)(b) of the EP&A Act, Council is directed to comply with sections 57 and 61 of the EP&A Act in respect of the draft LEP. The environmental study should be prepared taking account of the specifications attached, and any other relevant issues identified by Council.

Council is reminded that the responsibility for preparing an environmental study remains with the Council, and there are a number of statutory responsibilities that Council has under the EP&A Act and Regulations. The Department's Circular PS06-13 sets out the circumstances where Council can make use of information already prepared by an applicant, where properly managed. The Act and Regulations also allow a Council to recover the costs of an environmental study from a person or persons who have made the request for the rezoning amendment.

The Department also notes that this is a pilot project, and as such the outcomes of the proposal would need to be reviewed and evaluated before any similar proposals are considered.

Consultation with the Department under section 62 of the Act is not required in this instance. Council's intention to consult with the RTA, DEC, RFS and DNR is appropriate.

You will be aware that an instrument of delegation in respect of my LEP making functions was executed on 16 February 2006. Use of the delegation in respect of a draft LEP is conditional on receipt by Council of a Written Authorisation to Exercise Delegation. As an Authorisation is not

being issued on this occasion, Council should submit the draft LEP to the Department seeking a section 65 certificate.

Where any applicable section 117 direction requires the Director General to form an opinion or be satisfied as to certain matters, you need to ensure that this issue is addressed in submitting the draft LEP under section 64.

Please forward a copy of the draft plan and any other information to be publicly exhibited in respect of the draft LEP to the Regional Office with advice to the Department as required under section 64 of the Act when seeking a section 65 certificate.

The developer will be required to make a contribution towards regional infrastructure. Council should advise the applicant to consult with the Department on this matter.

Should you have any queries in regard to this matter please contact the Regional Office of the Department.

Yours sincerely



**Sam Haddad**  
**Director General**

18. 1. 2007.

## Draft Gosford LEP – Parkside @ Terrigal

### Specifications for an Environmental Study under s.57

Pursuant to s.57 of the Act, the following specifications apply for an environmental study prepared with regard to the proposed draft Local Environmental Plan for Lot 2 DP 155116, Lots 8 & 9 DP 876102, Lot 202 DP 831864, Lot 4 DP 37914 and Lot 1 DP 381971 Kings Avenue Terrigal.

The Environmental Study for the draft LEP is to address the following specifications:

1. The rationale and basis for the draft LEP, and the appropriateness of the site compared to other sites;
2. The implications of the draft LEP for the rezoning of other environmental protection land in the locality;
3. Identify environmental features and constraints on the site, including, but not limited to:
  - a. geotechnical and topographical features and constraints;
  - b. the location or potential habitat of any threatened species or endangered ecological communities, and any relevant draft or adopted Recovery Plans;
  - c. riparian areas and water courses;
  - d. vegetation on the site;
  - e. flooding and drainage hazards;
  - f. bushfire risks;
 and determine appropriate land uses and development controls, as well as management options and any environmental offsets requirements, commensurate with the features and constraints on the land;
4. Traffic generation and the impact of the draft LEP on local roads;
5. Relationship and compatibility between the draft LEP and surrounding land;
6. The consistency of the draft LEP with Council's long-term land use planning strategies, and the impact on population capacities of existing zones;
7. The effect of any Council DCP, strategy, management plan or policy on the land, and the implications of the draft LEP on Council's policies with respect to the rezoning and development of land with slopes greater than 20%;
8. Identify and address compliance with State planning policies that affect the site, including section 117 directions, SEPPs, the draft Central Coast Regional Strategy, etc.
9. Measures to ensure compliance of future development on the site with the objectives of the draft LEP;
10. Assessment of the draft LEP against the Sustainability Criteria in the draft Central Coast Regional Strategy; and
11. Consideration of the scale and operation of business-related activities on the site, the catchments they will serve and the impact on other business lands in the locality