



Planning



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Department Generated Correspondence (Y)

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Our ref: PP_2011_GOSFO_002_00 (10/24864)
Your ref: 86.833

Dear Mr Wilson,

Re: Planning Proposal to rezone land at Terrigal from part 7(c2) Scenic Protection – Rural Small Holdings and part 7(a) Conservation to R2 Low Density Residential, RE1 Public Recreation, RE 2 Private Recreation and E2 Environmental Conservation

I am writing in response to your Council's letter dated 15 December 2010 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 the draft Gosford Local Environmental Plan 2009 to rezone land at Terrigal, being Lot 2 DP 1111392, Lots 8 and 9 DP 876102, Lot 202 DP 831864, Lot 4 DP 37914 and Lot 1 DP 381971, Kings Avenue, Terrigal from part 7(c2) Scenic Protection – Rural Small Holdings and part 7(a) Conservation (under the Gosford Local Environmental Plan No. 22) to R2 Low Density Residential, RE1 Public Recreation, RE2 Private Recreation and E2 Environmental Conservation.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions outlined in the attached Gateway Determination.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with s117 Directions 2.1 Environmental Protection Zones, 5.1 Implementation of Regional Strategies, 6.3 Site Specific Provisions are not of a minor nature and further justification is required in relation to these Directions. This justification is to be provided prior to the planning proposal being publicly exhibited.

It is considered that there is justification for the planning proposal to proceed at this stage subject to the further consideration of a number of matters relating to the potential environmental impacts of the proposal and in particular the need for the provision of environmental offsets associated with the future potential development of the site, the identification of appropriate minimum lot sizes, and the manner in which potential future development will address the site's topographic constraints. Consequently, following consideration of the matters prescribed in the Gateway Determination, the planning proposal is to be resubmitted in accordance with section 56(b) of the Act so that the Director General may agree with the form and content of the planning proposal prior to public exhibition.

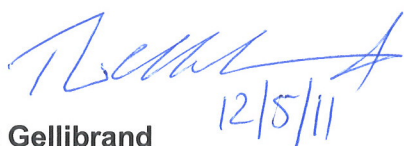
Council is also to ensure that all mapping associated with the planning proposal is exhibited in a form that is able to be easily interpreted by the community and which clearly demonstrates the intent and outcome of the planning proposal.

The amending Local Environmental Plan (LEP) is to be finalised within **12 months** of the week following the date of the Gateway Determination. Council should seek to re-submit the revised planning proposal within 4 months from the week following the date of the 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 Glenn Horal of the Regional Office of the Department on 02 4348 5000.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_GOSFO_002_00): to rezone land at Terrigal from part 7(c2) Scenic Protection – Rural Small Holdings and part 7(a) Conservation to R2 Low Density Residential, RE1 Public Recreation, RE 2 Private Recreation and E2 Environmental Conservation

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the draft Gosford Local Environmental Plan 2009 to rezone land at Terrigal, being Lot 2 DP 1111392, Lots 8 and 9 DP 876102, Lot 202 DP 831864, Lot 4 DP 37914 and Lot 1 DP 381971, Kings Avenue, Terrigal from part 7(c2) Scenic Protection – Rural Small Holdings and part 7(a) Conservation (under the Gosford Local Environmental Plan No. 22) to R2 Low Density Residential, RE1 Public Recreation, RE2 Private Recreation and E2 Environmental Conservation should proceed subject to the conditions in the attached Gateway Determination:

1. The planning proposal is to be re-submitted in accordance with section 56(4) of the *Environmental Planning and Assessment Act, 1979* within 4 months from the week following the date of the Gateway Determination so that the Director General may agree with the form and content of the planning proposal prior to public exhibition.
2. The re-submitted planning proposal is to clearly address the following matters:
 - a. The planning proposal's consistency with all relevant s117 Directions including Directions 2.1 Environmental Protection Zones, 5.1 Implementation of Regional Strategies, 6.3 Site Specific Provisions; and
 - b. The need for the planning proposal to provide housing to meet dwelling targets for the Gosford LGA.
3. The re-submitted planning proposal is to clearly demonstrate how the proposal will address the issue of minimising the loss of on-site vegetation associated with the construction of potential future dwellings.
4. The re-submitted planning proposal is to include information relating to the proposed minimum lot sizes for the site, particularly on areas of identified steep slope, demonstrating how future development will minimise the loss of existing on-site vegetation.
5. 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 **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)*.

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage
- Department of Transport
- Roads and Traffic Authority
- NSW Rural Fire Service
- Hunter-Central Rivers Catchment Management Authority

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.

7. 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).

8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 12th day of May 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning