



Planning & Infrastructure

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

Our ref: PP_2012_GOSFO_009_00 (12/08961)
Your ref: 10652643

Dear Mr Wilson,

Planning proposal to rezone land at Somersby Falls Road (Lot 4 DP 654894 and Lot 2 DP 712505) and Ghilkes Road (Lot 3 DP 712505), Somersby from 1(a) Rural (Agriculture) under the Gosford Interim Development Order 122 to 4(a1) General Industrial under the Gosford Local Environmental Plan No. 22.

I am writing in response to Council's letter dated 18 May 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the above mentioned planning proposal.

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.

It is noted that the draft Gosford LEP 2009 is nearing finalisation and therefore may be notified prior to the completion of the subject planning proposal. Therefore, the planning proposal is to proceed as an amendment to the current Gosford IDO 122, the Gosford LEP 22 and the draft Gosford LEP 2009, to ensure it can proceed despite the timing of Council's Standard Instrument LEP.

The planning proposal is inconsistent with S117 Direction 1.2 Rural Zones, as it seeks to rezone rural land for urban purposes and is not supported by a strategy that has been approved by the Director-General of the Department. Council therefore needs to consult the Department of Primary Industries (Agriculture) and amend the planning proposal, if necessary, to demonstrate consistency with the Local Planning Direction by identifying how Council's Employment Lands Investigation justifies the loss of rural land.

The land is located within the area covered by Sydney Regional Environmental Plan 20-Hawkesbury Nepean River, which identifies a number of matters to be addressed during the preparation of a planning proposal. Matters relating to water quality, cultural heritage and flora and fauna, which are to be addressed prior to the commencement of community consultation. Council needs to consult the Hawkesbury Nepean Catchment Management Authority and revise the planning proposal accordingly. In addition, Council needs to ensure that the matters set out by Sydney Regional Environmental Plan 8 Central Coast Plateau Areas are addressed given the necessity to ensure a balance between environmental protection and industrial land uses.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 3.4 Integrating Land Use and Transport are of minor significance. No further approval is required in relation to these Directions.

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 aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this 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 Ben Holmes, Hunter and Central Coast Regional Office of the Department on 02 4348 5000.

Yours sincerely,



Sam Haddad
Director-General

7/7/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_GOSFO_009_00): to rezone land at Somersby Falls Road and Ghilkes Road, Somersby from 1(a) Rural (Agriculture) under the Gosford Interim Development Order 122 to 4(a1) General Industrial under the Gosford Local Environmental Plan No. 22.

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 rezone land at Somersby Falls Road (Lot 4 DP 654894 and Lot 2 DP 712505) and Ghilkes Road (Lot 3 DP 712505), Somersby from 1(a) Rural (Agriculture) under the Gosford Interim Development Order 122 to 4(a1) General Industrial under the Gosford Local Environmental Plan No. 22 should proceed subject to the following conditions:

1. Council needs to ensure that it has addressed matters in relation to ecology, heritage, contaminated land, bushfire, visual scoping and noise scoping for the purposes of community consultation. Council needs to consult the relevant public authorities identified under Condition 11 on these matters and amend the planning proposal, if necessary.
2. Council is to identify the land as an Urban Release Area under Part 6 of the draft Gosford LEP 2009 to ensure that satisfactory arrangements for the provision of state public infrastructure are met prior to the development of the site. The planning proposal is to be amended to reflect state infrastructure provision and appropriate Urban Release Area mapping also included, prior to the commencement of public exhibition
3. The planning proposal is to proceed as an amendment to the current Gosford IDO 122, the Gosford LEP 22 and the draft Gosford LEP 2009, to ensure the planning proposal can proceed despite the timing of Council's Standard Instrument LEP. Council is to amend the planning proposal accordingly prior to the commencement of public exhibition.
4. Council is to ensure that appropriate mapping is included with the exhibition material, including relevant zoning and minimum lot size maps under the draft Gosford LEP 2009, and existing and proposed zoning under the Gosford IDO 122 and the Gosford LEP 22.
5. The Somersby Industrial Park area is known to contain significant Aboriginal heritage value. As the planning proposal is inconsistent with S117 Direction 2.3 Heritage Conservation, Council needs to undertake a heritage assessment to determine the extent of heritage significance on the subject site and appropriate measures to mitigate potential impacts of future development. Council must consult the NSW Office of Environment and Heritage and the relevant Local Aboriginal Land Council and amend the planning proposal accordingly, if necessary.
6. In regards to the requirements of Sydney Regional Environmental Plan 20-Hawkesbury Nepean River, Council needs to address matters in relation to water quality, cultural heritage and flora and fauna and consult the Hawkesbury Nepean Catchment Management Authority. Council is to revise the planning proposal, if necessary, following consideration of the above matters.
7. Council needs to ensure that the matters set out by Sydney Regional Environmental Plan 8 (Central Coast Plateau Areas) are addressed given the necessity to ensure a balance between environmental protection and industrial land uses.
8. It is noted that DCP No 137 identifies the use of the site for the purposes of tourist accommodation and conference training facilities. Council should clarify the relationship of

the DCP to the proposed rezoning of the subject land to Industrial prior to the commencement of community consultation.

9. The planning proposal contains a list of conditions requiring the landowner to undertake certain actions regarding sewer and water infrastructure provision. Council is to clarify how these conditions relate to the planning proposal and outline the process to achieve the necessary infrastructure services. This information is to be exhibited with the planning proposal.
10. 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 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)*.
11. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Hawkesbury Nepean Catchment Management Authority
 - Office of Environment and Heritage
 - NSW Department of Primary Industries – Agriculture
 - NSW Rural Fire Service
 - Transport for NSW
 - Transport for NSW – Roads and Maritime Service
 - Local Aboriginal Land Council

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.

12. Further to Condition 11 above, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation. Council is to take into account any comments made and amend the planning proposal (if necessary) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
13. 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).
14. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.



Planning & Infrastructure

Dated

7th

day of

July

2012.

A handwritten signature in black ink, appearing to read "SHaddad", written over a horizontal line.

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