



Planning & Infrastructure

Office of the Director General

Mr Stephen Glen
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Our ref: PP_2012_GOSFO_015_00 (12/17315)
Your ref: 11128712

Dear Mr Glen,

Planning proposal to amend Gosford Interim Development Order 122 and Gosford Planning Scheme Ordinance or draft Gosford Local Environmental Plan 2012

I am writing in response to your Council's letter dated 24 October 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 122 and Gosford Planning Scheme Ordinance or draft Gosford Local Environmental Plan (LEP) 2012 to rezone land at Forresters Beach for residential and environmental conservation purposes.

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.

Council is advised that the *Guide to Preparing Planning Proposals* was recently updated and it now requires a project timeline to be included within the planning proposal. A timeline provides a mechanism to monitor the progress of the plan and minimise delays in the plan making process. Council should include a project timeline within any future planning proposal, when it requests a Gateway determination.

The amending 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 as soon as possible. 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 NSW 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

11/11/2013

Gateway Determination

Planning proposal (Department Ref: PP_2012_GOSFO_015_00): to rezone land for residential and environmental conservation purposes.

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 Central Coast Highway and Bellevue Road, Forresters Beach from 1(c) Rural (Rural Purposes) to 2(a) Residential under Gosford Planning Scheme Ordinance and 7(a) Conservation and Scenic Protection (Conservation) under Gosford Interim Development Order 122 or R2 Low Density Residential and E2 Environmental Conservation under draft Gosford Local Environmental Plan (LEP) 2012 should proceed subject to the following conditions:

1. Prior to commencing public exhibition, Council is to:
 - (a) amend the 'explanation of provisions' within the planning proposal to identify the proposed land use zones for the subject site under draft Gosford LEP 2012. A draft zoning map should form part of the exhibition material;
 - (b) amend the 'explanation of provisions' within the planning proposal to identify the proposed height of buildings, floor space ratio and minimum lot size controls proposed for the subject site, being a maximum height of 8.5m, maximum floor space ratio of 0.5:1 and minimum lot size 550sqm for land proposed to be zoned R2 and a 40ha minimum lot size for land proposed to be zoned E2. Draft height of buildings, floor space ratio and minimum lot size maps should form part of the exhibition material;
 - (c) ensure that all maps provided clearly identify the land which is subject to this planning proposal;
 - (d) update the planning proposal's consideration of State Environmental Planning Policy (SEPP) 19 - Bushland for Urban Areas to include a discussion on how the proposal will zone areas of ecological significance, including areas of significance on Lot 2 DP 706892 and Lot 5 DP 1082979;
 - (e) update the planning proposal's consideration of SEPP 71 - Coastal Protection, once groundwater, flooding, hydrology and water quality information has been obtained;
 - (f) update the planning proposal's consideration of S117 Direction 2.1 Environment Protection Zones to address any impacts the proposal may have on the Wamberal Lagoon and associated ecosystems;
 - (g) update the planning proposal's consideration of S117 Direction 2.2 Coastal Protection to take into consideration information obtained on flooding and other relevant coastal matters;
 - (h) update the planning proposal's consideration of S117 Direction 3.1 Residential Zones to provide further justification regarding the site's suitability for more intensive development;
 - (i) update the planning proposal's consideration of S117 Direction 4.3 Flood Prone Land once flooding investigations have been undertaken; and
 - (j) update the planning proposal's consideration of S117 Direction 5.1 Implementation of Regional Strategies, including an assessment against the sustainability criteria in the Central Coast Regional Strategy, once information on bushfire hazards, flooding, water quality and traffic impacts have been obtained.
2. Council is to consult with the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. The planning proposal should be updated to take into consideration any comments made.

3. Council is to consult with the Department of Primary Industries (Minerals and Petroleum) as per the requirements of S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries. The planning proposal should be updated to take into consideration any comments made.
4. Council is to consult with the Department of Primary Industries (Agriculture) as per the requirements of S117 Direction 1.2 Rural Zones. The planning proposal should be updated to take into consideration any comments made.
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 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Hunter Central Rivers Catchment Management Authority
 - Office of Environment and Heritage
 - NSW Department of Primary Industries (Agriculture)
 - NSW Department of Primary Industries (Minerals and Petroleum)
 - NSW National Parks and Wildlife Service
 - NSW Rural Fire Service
 - Transport for NSW – Roads and Maritime Services
 - Wyong 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.

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

15th day of

January

2012.



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