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Our ref: PP_2014_GOSFO_011_00 (14/10864)
Your ref: 15621920

Mr Paul Anderson
Chief Executive Officer
Gosford City Council
PO Box 21
GOSFORD NSW 2250

Attention: Bruce Ronan

Dear Mr Anderson,

Planning proposal to amend Gosford Local Environmental Plan 2014

I am writing in response to Council's letter dated 27 June 2014 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 add bulky goods premises, capped at 10,800 m², as an additional permitted use at Lot 32 DP 1171389, Stockyard Place, West Gosford.

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 have also agreed the planning proposal's inconsistency with section 117 direction 1.1 Business and Industrial Zones, 5.1 Implementation of Regional Strategies and 6.3 Site Specific Provisions is justified. No further approval is required in relation to these directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant section 117 directions. Council should ensure this occurs prior to the plan being made.

On 1 August 2012, when issuing a revised Gateway determination to permit bulky goods premises as an additional permitted use on a nearby site on the eastern side of Manns Road, the former Director General requested Council review zones and planning controls applying in the West Gosford area in recognition of the changing business profile in the area and the reliance on additional permitted use clauses. Such a review remains valid and Council should consider scheduling such work in its forward strategic planning work program.

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 Local Environmental Plan (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 EP&A 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 Mr Garry Hopkins of the Department's regional office to assist you. Mr Hopkins can be contacted on (02) 4348 5000.

Yours sincerely,



4 July 2014
David Rowland
General Manager
Hunter and Central Coast Region
Growth Planning

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2014_GOSFO_011_00): to permit development of for bulky goods premises as an additional permitted use at Stockyard Place, West Gosford.

I, the General Manager, Hunter and Central Coast Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Gosford Local Environmental Plan (LEP) 2014 to add bulky goods premises, capped at 10,800 m², as an additional permitted use at Lot 32 DP 1171389, Stockyard Place, West Gosford should proceed subject to the following conditions:

1. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the S117 Direction 4.4 Planning for Bushfire Protection once it has undertaken consultation with the relevant public authority.
2. 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 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 Infrastructure 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant section 117 directions:
 - NSW Rural Fire Service
 - Transport for NSW - Roads and Maritime Services

Each public authority 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.

4. 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).
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 4 day of July 2014.



David Rowland
General Manager
Hunter and Central Coast Region
Growth Planning
Department of Planning and Environment

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Gosford City 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_2014_GOSFO_011_00	Planning Proposal to add bulky goods premises, capped at 10,800 m ² , as an additional permitted use at Lot 32 DP 1171389, Stockyard Place, West Gosford under Gosford Local Environmental Plan 2014

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 4 July 2014



David Rowland
General Manager
Hunter and Central Coast Region
Growth Planning
Department of Planning and Environment