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Our ref: PP_2014_GOSFO_003_00 (14/06550)
Your ref: 14431515

Mr Paul Anderson
General Manager
Gosford City Council
PO Box 21
GOSFORD NSW 2250

Dear Mr Anderson,

Planning Proposal to amend Gosford Local Environmental Plan 2014

I refer to Council's letter dated 8 April 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 make various miscellaneous mapping amendments including: amending zoning, minimum lot size and height of buildings provisions, amending the Land Reservation and Acquisition Map, and various amendments to Schedule 5 Environmental Heritage and the Heritage Map in Gosford Local Environmental Plan 2014.

As delegate of the Minister for the Department of Planning and Environment, 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 inconsistencies with S.117 Directions 2.1 Environment Protection Zones, 3.1 Residential Zones and 4.1 Acid Sulfate Soils are of minor significance.

In relation to S.117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the alteration to the zoning of land for public purposes on Lot 15 Sec 9 DP 1905 Showground Road, Narara and Lot 102 DP1171317 Carrak Road, Kincumber to ensure the zone is consistent with Council's zoning of Public Reserves. Council is still required to consult and gain the approval of other relevant public authorities in relation to S.117 Direction 6.2 Reserving Land for Public Purposes before the Secretary can determine consistency with the Direction.

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

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. 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 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, please contact Glenn Horal of the Department's Gosford office on 4348 5000.

Yours sincerely,



22 MAY 2014
David Rowland
General Manager
Hunter and Central Coast Region
Growth Planning and Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2014_GOSFO_003_00): to make various miscellaneous mapping amendments to Gosford Local Environmental Plan 2014.

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 make various miscellaneous mapping amendments including: amending zoning, minimum lot size and height of buildings provisions, amending Land Reservation and Acquisition Map, and various amendments to Schedule 5 Environmental Heritage and Heritage Map should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is update the 'explanation of provisions' and the Planning Proposal to:
 - identify the current 'existing zones' and the applicable environmental planning instrument (i.e. Gosford Planning Scheme Ordinance; Interim Development Order No 122—Gosford or Gosford LEP 2014) and the 'proposed zones' under Gosford LEP 2014;
 - identify the proposed zone for Lot 102 DP 832279 Narara Creek Road, Narara and Lot 6 DP 3944 Nells Road, West Gosford by deleting the reference to 'E2';
 - correct the property description for Lot 130 DP9508 to Lot 130 DP9408 Jacaranda Avenue, Patonga. The proposed zone should be identified as 'part RE1';
 - Council is to clearly identify the lots proposed to be 'part' zoned;
 - identify the relevant development standards maps to be included/amended in Gosford LEP 2014;
 - include an updated Land Application Map.
 - update the mapping to include a title, north point and key block that identifies the attributes on each map and ensure the existing and proposed mapping to be exhibited is consistent with the proposed amendments detailed in the 'explanation of provisions'.
2. Council is required to ensure all public and private landowners affected by the proposed amendments are directly consulted.
3. Council is to provide an assessment against the following SEPPs and update the planning proposal accordingly:

SEPP 19 - Bushland in Urban Areas
SEPP 44 - Koala Habitat Protection
SEPP 71 -Coastal Protection
4. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
5. Council is to update the planning proposal to demonstrate consistency or justify any inconsistency with the below S.117 Directions once it has undertake consultation with public authorities:

- 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 6.2 Reserving Land for Public Purposes
6. 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 & Infrastructure 2013) and 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 LEPs* (Department of Planning & Infrastructure 2013).
7. 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 S117 Directions:
- Department of Education and Communities
 - NSW Trade and Investment - Crown Lands
 - NSW Rural Fire Service (S.117 Direction 4.4 Planning for Bushfire Protection)
 - Transport for NSW - Roads and Maritime Services
 - Office of Environment and Heritage
 - Office of Environment and Heritage - NSW National Parks and Wildlife Service
 - Central Coast Local Health District
 - Telstra
 - Transport for NSW - NSW Trains
- 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.
8. 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).
9. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 22 day of MAY 2014.



David Rowland
General Manager
Hunter and Central Coast Region
Growth Planning and Delivery
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_003_00	Planning proposal to make various miscellaneous mapping amendments including: amending zoning, minimum lot size and height of buildings provisions, amending Land Reservation and Acquisition Map, and various amendments to Schedule 5 Environmental Heritage and Heritage Map in Gosford Local Environmental Plan (LEP) 2014.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guide to preparing local environmental plans" and "A guide to preparing planning proposals".

Dated 22 May 2014

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

Delegated plan making reporting requirements (attachment 5 from “A Guide to preparing local environmental plans)

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department’s publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA’s request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2014_GOSFO_003_00
Date Sent to Department under s56	8 April 2014
Date considered at LEP Review Panel	N/A
Date Received by Dept under s56 as adequate	7 May 2014
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Date Planning Proposal exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&E requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: