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Our ref: PP_2015_GOSFO_006_00 (15/06768)

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

Attention: Brian McCourt

Dear Mr Anderson,

Planning proposal to amend Gosford Local Environmental Plan 2014

I am writing in response to your Council's letter dated 17 April 2015 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 acquire 2 lots for carparking purposes at 12 Alfred Street and 1 Bullion Street, Umina Beach.

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 inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 4.4 Acid Sulfate Soils is of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the creation of land for carparking purposes on the basis it will provide parking improvements to an identified strategic centre. No further approval is required in relation to these Directions.

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 Glenn Hornal of the Department's regional office to assist you. Mr Hornal can be contacted on (02) 4348 5000.

Yours sincerely,



8 May 2015

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2015_GOSFO_006_00): to acquire 2 lots for carparking purposes at 12 Alfred Street and 1 Bullion Street, Umina Beach.

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 acquire 2 lots for carparking purposes at 12 Alfred Street and 1 Bullion Street, Umina Beach should proceed subject to the following conditions:

1. Prior to undertaking public exhibition Council is to update the Planning Proposal to:
 - update the 'explanation of provisions' to identify that an amendment to clause 5.1 Relevant acquisition authority will be required which identifies the B2 Local Centre land for car-parking purposes and Council as the acquiring authority.
2. Council is to include a Land Reservation Acquisition Map which identifies the land to be acquired.
3. Council is to ensure that the owners of Lots 46-47 Section A DP8872 are consulted with directly as part of the public exhibition of this planning proposal.
4. Council is to ensure the Peninsula Urban Directions Strategy and Umina Beach Transport Management and Accessibility Plan referenced in the planning proposal are available for review when the planning proposal is exhibited.
5. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency with State Environmental Planning Policy 71 – Coastal Protection.
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 must be made publicly available for a minimum of **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 2013)*.
7. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act
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).



Planning & Environment

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

Dated 8th day of May 2015.

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services
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_2015_GOSFO_006_00	Planning proposal to acquire 2 lots for carparking purposes at 12 Alfred Street and 1 Bullion Street, Umina Beach.

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 8th May 2015

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