



Planning & Environment

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Our ref: PP_2014_GOSFO_015_00 (14/14111)
Your ref: 14808667/86.995

Mr Paul Anderson
Chief Executive Officer
Gosford City Council
PO Box 21
GOSFORD NSW 2259

Attention: Peta James

Dear Mr Anderson,

Planning proposal to amend Gosford Local Environmental Plan 2014

I am writing in response to your Council's letter dated 19 August 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 minor amendments to Gosford Local Environmental Plan (LEP) 2014.

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.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

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 for the department to draft and finalise the LEP should be made 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 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,

3 September 2014

David Rowland
General Manager
Hunter and Central Coast Region
Housing, Growth and Economics

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5

Gateway Determination

Planning proposal (Department Ref: PP_2014_GOSFO_015_00): to make minor amendments to Gosford LEP 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 minor amendments should proceed subject to the following conditions:

1. Council update the planning proposal prior to public exhibition as follows:
 - Provide further discussion in the planning proposal on objectives 1, 3 and 4 including whether there is a need to also amend cl. 4.1AA (objective 1), potential use of additional permitted uses if major recreation facilities are not appropriate on all RE2 land (objective 3) and why proposed amendment to achieve objective 4 is needed given permissibility of shop top housing in the B6 zone.
- Any resulting amendments to the planning proposal should be made including an additional permitted use map if this approach to objective 3 is taken.
2. Consultation with the NSW Rural Fire Service is required under section 56(2)(d) of the EP&A Act to comply with the requirements of S117 Direction 4.4 Planning for Bushfire Protection. The NSW RFS 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.
 3. Following agency consultation, Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with S117 Directions 4.4 Planning for Bushfire Protection.
 4. 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 LEPs (Department of Planning and Infrastructure 2013)*.
 5. 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

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

Dated 3rd day of September 2014.

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

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wyong Shire Council is authorised to exercise the functions of the Minister for Planning and Environment 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_015_00	Planning proposal to make minor amendments to Gosford 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 3 September 2014



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