

Mr Rob Noble  
Chief Executive Officer  
Central Coast Council  
PO Box 21  
GOSFORD NSW 2250

Our ref: PP\_2017\_CCOAS\_004\_00 (17/06728)

Attention: Ben Rankmore

Dear Mr Noble

### **Planning Proposal to amend Gosford Local Environmental Plan 2014**

I am writing in response to Council's letter received 10 May 2017 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the Planning Proposal to rezone land at 65, 77 and 111 Beaufort Road, Terrigal for residential purposes.

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.

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 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 Ms Amy Blakely of the Department's regional office to assist you. Ms Blakely can be contacted on (02) 4904 2723.

Yours sincerely

 *23 June 2017*  
**Stephen Murray**  
**Executive Director, Regions**  
**Planning Services**

Encl:  
Gateway determination  
Written Authorisation to Exercise Delegation  
Delegated Plan Making Reporting Template



## Gateway determination

***Planning Proposal (Department Ref: PP\_2017\_CCOAS\_004\_00): to include and zone land at 65, 77 and 111 Beaufort Road, Terrigal for residential purposes and apply relevant development standards.***

I, Executive Director, Regions, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Gosford Local Environmental Plan (LEP) 2014 to include and zone land at 65, 77 and 111 Beaufort Road, Terrigal for residential purposes and apply relevant development standards should proceed subject to the following conditions:

1. Council is to update the Planning Proposal prior to community consultation to:
  - confirm the current minimum lot size of the site under Interim Development Order No 122;
  - identify in the 'explanation of provisions' that the land is a deferred matter under Gosford LEP 2014 and requires an amendment to the Land Application Map;
  - demonstrate consistency with or justify any inconsistency with S117 Directions 2.1 Environmental Protection Zones and 4.4 Planning for Bushfire Protection; and
  - 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.
2. Additional information regarding the below matters is to be made publicly available during community consultation:
  - Flora and Fauna;
  - Bushfire hazard assessment;
  - Water and sewer system analysis; and
  - Drainage, flooding and stormwater investigation.
3. Community consultation is required under sections 56(2)(c) and 57 of the 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 Environment 2016).

4. Consultation is required with the following authorities under section 56 (2)(d) of the Act and/or to comply with the requirements of relevant section 117 Directions:

- NSW Rural Fire Service; and
- NSW Office of Environment and Heritage.

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.

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

Dated 23<sup>rd</sup> day of June 2017



Stephen Murray  
Executive Director, Regions  
Planning Services  
Department of Planning and Environment

Delegate of the Minister for Planning





## WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Central Coast 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_2017_CCOAS_004_00	Planning Proposal to include and zone land at 65, 77 and 111 Beaufort Road, Terrigal for residential purposes and apply relevant development standards.

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 23<sup>rd</sup> June 2017

**Stephen Murray**  
Executive Director, Regions  
Planning Services  
Department of Planning and Environment

**Delegate of the Minister for Planning**

## Delegated plan making reporting template

### Notes:

- Planning Proposal number will be provided by the Department of Planning and Environment following receipt of the Planning Proposal
- The Department of Planning and Environment 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 publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

**Table 1 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Planning Proposal Number	PP_2017_CCOAS_004_00
Date Sent to DP&E under s56	10 May 2017
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	

**Table 2 – To be completed by the RPA**

Stage	Date/Details	Notified Reg Off
Dates draft LEP 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 DoP&E requesting notification		

**Table 3 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Notification Date and details	

### Additional relevant information: