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

Our ref: PP_2013_GOSFO_004_00 (13/12043)
Your ref: 12759631

Dear Mr Anderson,

Planning proposal to amend various Gosford local planning instruments

I am writing in response to your Council's letter dated 16 July 2013 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 rezone land at Central Coast Highway and Bakali Road, Forresters Beach to 2(a) Residential and 7(a) Conservation and Scenic Protection (Conservation) by amending Gosford Interim Development Order 122 and Gosford Planning Scheme Ordinance or rezone the land to R2 Low Density Residential and E2 Environmental Conservation and amend the applicable development standards under draft Gosford Local Environmental Plan (LEP) 2009.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Council may wish to consider whether it still seeks to defer the 31 residential lots fronting the Central Coast Highway, currently zoned 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) under Gosford Interim Development Order 122, from draft Gosford LEP 2009 or whether it seeks to include these lands straight into the draft LEP and remove them from this planning proposal, given they have already been exhibited under the draft LEP. This will enable the rezoning of this land to progress under the draft Gosford LEP 2009. If Council supports this position, it is to amend the planning proposal accordingly, prior to undertaking public exhibition.

Council still needs to obtain the Director General's agreement to satisfy the requirements of relevant S117 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 LEP is to be finalised within 12 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 regional office of the department on 02 4348 5000.

Yours sincerely,



Neil McGaffin 21.8.13
Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery

Encl:

- Gateway determination
- Written Authorisation to Exercise Delegation
- Attachment 5 - Delegated plan making reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2013_GOSFO_004_00): to rezone land at Forresters Beach for residential and environmental purposes.

I, the Executive Director, Rural and Regional Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Gosford Interim Development Order 122 and Gosford Planning Scheme Ordinance to rezone land at Central Coast Highway and Bakali Road, Forresters Beach to 2(a) Residential and 7(a) Conservation and Scenic Protection (Conservation) or rezone the land to R2 Low Density Residential and E2 Environmental Conservation and amend the applicable development standards under draft Gosford Local Environmental Plan (LEP) 2009 should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - provide a plain English explanation of the objectives or intended outcomes of the planning proposal and how the intended outcomes are to be achieved by means of amending the relevant local planning instruments;
 - remove the discussion on the history of former rezoning and development applications, justification for zones, lot sizes and for bringing forward the proposal in advance of draft Gosford LEP 2009 from the 'objectives or intended outcomes' section of the planning proposal and instead include this information in the 'justification' section of the planning proposal; and
 - update the land zoning and other development standards mapping, once information regarding land capability has been obtained.
2. Once Council has undertaken consultation with public authorities and obtaining relevant information on land capability, traffic, environment, flooding, water quality and bushfire, it is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions and other relevant documents and policies:
 - 2.1 Environment Protection Zones
 - 2.2 Coastal Protection
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - State Environmental Planning Policy (SEPP) 71 - Coastal Protection
 - Central Coast Regional Strategy
3. 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 & Infrastructure 2013)*.

4. 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:

- Hunter - Central Rivers Catchment Management Authority
- NSW National Parks and Wildlife Service
- Transport for NSW – Roads and Maritime Services
- NSW Rural Fire Service (S117 Direction 4.4. Planning for Bushfire Protection)
- Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones)

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 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).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated *21st* day of *August* 2013.



Neil McGaffin
Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

Delegate of the Minister for Planning & Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Gosford City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_GOSFO_004_00	Planning proposal to rezone land at Central Coast Highway and Bakali Road, Forresters Beach to 2(a) Residential and 7(a) Conservation and Scenic Protection (Conservation) by amending Gosford Interim Development Order 122 and Gosford Planning Scheme Ordinance or rezone the land to R2 Low Density Residential and E2 Environmental Conservation and amend the applicable development standards under draft Gosford Local Environmental Plan (LEP) 2009.

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 21 August 2013


Neil McGaffin
Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

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_2013_GOSFO_004_00
Date Sent to Department under s56	16/07/2013
Date considered at LEP Review Panel	15/08/2013
Gateway determination date	21/08/2013

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 DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: