



## Planning & Infrastructure

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Our ref: PP\_2012\_GOSFO\_006\_00 (12/04997)  
Your ref: 10008682, Peta James

Mr Peter Wilson  
General Manager  
Gosford City Council  
PO Box 21  
GOSFORD NSW 2250

Dear Mr Wilson,

**Re: Planning Proposal to insert an enabling clause to permit caravan parks, relocatable home parks and manufactured home parks on land at 75-83 Karalta Road, Erina**

I am writing in response to your Council's letter dated 12 March 2012 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 amend the Gosford Planning Scheme Ordinance to insert an enabling clause to permit caravan parks, relocatable home parks and manufactured home parks on land at 75-83 Karalta Road, Erina.

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

The Department generally does not support the inclusion of additional permitted uses in Schedules, preferring instead to address land use permissibility matters in land use tables. In this instance, the Department has decided that as an interim approach, Council's preferred option of permitting the proposed land uses on the site by including the uses as an additional permitted use in Schedule 1 of the Gosford Planning Scheme Ordinance is considered the most appropriate manner to proceed with the planning proposal. This decision is generally based on Council's preferred longer term objective of not sterilising the site for future higher density development, given its proximity to Erina Fair Shopping Centre and noting Council's desire to not generally permit caravan parks within other areas zoned for low density residential purposes.

At this stage, Council has not demonstrated how the proposal is consistent with a number of key strategic planning considerations including State Environmental Planning Policy 55 – Remediation of Land (SEPP 55). It is acknowledged that the land is already zoned for residential purposes however, the planning proposal is unclear as to whether a preliminary assessment into land contamination has been undertaken. Therefore, Council is to amend the planning proposal to clarify whether the site is suitable for the proposed use, and that the land will be so remediated, if required, before the land is used for that purpose as required by the State Policy.

In addition, Council is to demonstrate how the proposal addresses the requirements of State Environmental Planning Policy 36 – Manufactured Housing Estates (SEPP 36), and S117 Direction 3.2 Caravan Parks and Manufactured Home Estates. In particular, Council must demonstrate that the requirements of SEPP 36 and S117 Direction 3.2 in relation to development in flood prone areas and on sites containing identified remnant vegetation are addressed.

Council is also required to provide further justification for the proposal in relation to S117 Direction 4.3 Flood Prone Land. The site is identified as being flood affected, however Council is yet to satisfactorily demonstrate how the proposal is consistent with the requirements of the Direction. Additional preliminary flood investigations and discussions with the Office of Environment and Heritage may be required to demonstrate consistency with this Direction.

It is noted that the site contains Endangered Ecological Communities and areas of regionally significant vegetation. Council is to consult the Chief Executive Officer of the Office of Environment and Heritage on the matter as per the requirements of S34A of the Environmental Planning and Assessment Act 1979, and should determine the extent of environmentally sensitive land and demonstrate consistency with the requirements of S117 Direction 2.1 Environmentally Sensitive Land, prior to the commencement of community consultation.

Consultation is required with the NSW Rural Fire Service to determine consistency with S117 Direction 4.4 Planning for Bushfire Protection. This consultation should occur prior to the public exhibition and the planning proposal should be amended (if necessary) prior to exhibition to reflect the outcomes of the consultation. It is also noted that the planning proposal does not adequately address the requirements of State Environmental Planning Policy 19 – Urban Bushland (SEPP 19). Further justification is required in relation to how the proposal addresses the requirements of (SEPP 19).

It is noted that Council may need to undertake additional studies to provide the necessary information to address the proposal's consistency with the relevant S117 Directions and SEPPs. Consultation with a number of agencies may also be required. Council is to amend the planning proposal to reflect the outcomes of this additional work, prior to exhibition. Council is also required to undertake a supplementary assessment of the revised planning proposal against relevant S117 Directions and provide this information with the planning proposal for exhibition purposes. A copy of all exhibition material is to be provided to the Regional Planning Team.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council's request for the Department to draft and finalise the LEP should be made six (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 s54(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 Ben Holmes of the Regional Office of the Department on 02 4348 5000.

Yours sincerely,

  
**Sam Haddad**  
**Director-General**  
17/4/2012

## Gateway Determination

***Planning Proposal (Department Ref: PP\_2012\_GOSFO\_006\_00): to insert an enabling clause to permit caravan parks, relocatable home parks and manufactured home parks on land at 75-83 Karalta Road, Erina***

I, the Director General, 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 Planning Scheme Ordinance to insert an enabling clause to permit caravan parks, relocatable home parks and manufactured home parks on land at 75-83 Karalta Road, Erina should proceed subject to the following conditions:

1. Council is to amend the planning proposal to assess the intended outcome of the proposal against the objectives of SEPP 19 Urban Bushland. In doing so, Council is to address the requirements of the policy and amend the planning proposal to reflect the outcomes of the assessment.
2. Council is to identify whether it intends to apply cl 49DL of the existing Gosford Planning Scheme Ordinance to the site as part of this planning proposal. The planning proposal is to be amended to reflect this decision.
3. The planning proposal is unclear as to whether a preliminary assessment into land contamination has been undertaken. Therefore, Council is to amend the planning proposal to clarify whether the site is suitable for the proposed use, and that the land will be so remediated as required by State Environmental Planning Policy 55 – Remediation of Land.
4. Council is to demonstrate that the requirements of State Environmental Planning Policy 36 – Manufactured Housing Estates, and S117 Direction 3.2 Caravan Parks and Manufactured Home Estates, in relation to development in flood prone areas and on sites containing identified remnant vegetation have been addressed, by amending the planning proposal prior to public exhibition.
5. 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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - Office of Environment and Heritage
  - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

7. Council is also required to provide further justification for the proposal in relation to S117 Direction 4.3 Flood Prone Land.
8. Further to Condition 6 above, Council is to consult with the Chief Executive Officer of the Office of Environment and Heritage and demonstrate consistency with the requirements of S117 Direction 2.1 Environmentally Sensitive Land, prior to undertaking community consultation. In doing so, Council is to determine the extent of environmentally sensitive land and amend the planning proposal to reflect the outcomes of the assessment.
9. Further to Condition 6 above, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
10. Following completion of any additional work and public authority consultation as required by this Gateway determination, Council is to amend the planning proposal, if required, and undertake an assessment of the revised planning proposal against the relevant S117 Directions.
11. 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).
12. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

17<sup>th</sup>

day of

April

2012.

*SHaddad*

Sam Haddad  
Director-General  
Delegate of the Minister for Planning and  
Infrastructure