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Our ref: PP_2013_GOSFO_002_00 (13/04635)

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

Dear Mr Anderson,

**Planning proposal to amend Gosford Interim Development Order No. 122 or draft
Gosford Local Environmental Plan**

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to permit a medical centre on Lot 981 DP 862346 at 40-60 Niclins Road, Mangrove Mountain, apply a sunset provision and a provision to limit the floor area of the medical centre to 206sqm and the floor area of the adjoining shed to 4sqm as an additional permitted use.

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's proposed provision to cap the floor area of the medical centre and adjoining shed via the use of additional permitted uses is not supported because the scale of these facilities are more appropriately determined through merit assessment. It is noted that these provisions are included in Council's report, however not identified in the planning proposal.

I have also agreed the planning proposal's inconsistencies with S117 Directions 3.4 Integrating Land Use and Transport, 5.1 Implementation of Regional Strategies and 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

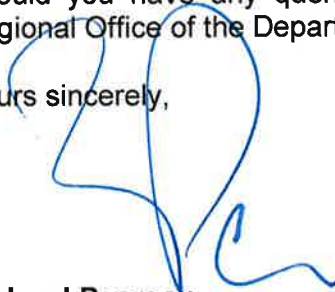
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending LEP is to be finalised within 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 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 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,



Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery

4/4/13

Gateway Determination

Planning proposal (Department Ref: PP_2013_GOSFO_002_00): to permit a medical centre on land at 40-60 Niclins Road, Mangrove Mountain.

I, the Deputy Director General, Planning Operations and Regional Delivery 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 Gosford Interim Development Order (IDO) No 122 or draft Gosford Local Environmental Plan (LEP) to permit a medical centre on Lot 981 DP 862346 at 40-60 Niclins Road, Mangrove Mountain, apply a sunset provision and a provision to limit the floor area of the medical centre to 206sqm and the floor area of the adjoining shed to 4sqm as an additional permitted use should proceed subject to the following conditions:

1. Council's proposed provision to cap the floor area of the medical centre and adjoining shed via the use of additional permitted uses is not supported because the scale of these facilities are more appropriately determined through merit assessment.
2. Prior to undertaking public exhibition, the planning proposal is to be updated to:
 - (a) replace the definition of 'medical centre' currently included in the planning proposal with the definition of 'medical centre' from Gosford IDO No 122,
 - (b) remove reference to amending Clause 93 of IDO 122 because it may limit drafting options once the proposal is submitted to Parliamentary Counsel's Office for drafting,
 - (c) advise that the planning proposal may amend the draft Gosford LEP, in the event the draft LEP is notified prior to the making of this planning proposal,
 - (d) update the consideration of S117 Directions and consideration of State Environmental Planning Policies (SEPPs) to include SEPP 55 - Remediation of Land, Sydney Regional Environmental Plan (SREP) 8 - Central Coast Plateau Areas and SREP 20 - Hawkesbury-Nepean River,
 - (e) advise that a sunset provision will be included in the proposal, and
 - (f) include an updated existing Land Zoning Map, which is at an appropriate scale and clearly identifies the subject site.
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 2012).
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 or demonstrate consistency with relevant S117 Directions:
 - Department of Trade and Investment (Mineral Resources and Energy)
 - Department of Primary Industries (Agriculture) (S117 Direction 1.2 Rural Zones)
 - NSW Rural Fire Services (S117 Direction 4.4 Planning for Bushfire Protection)

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 **6 months** from the week following the date of the Gateway determination.

Dated 4 day of April 2013.



Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and 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_002_00	Planning proposal to permit a medical centre on Lot 981 DP 862346 at 40-60 Niclins Road, Mangrove Mountain, apply a sunset provision and a provision to limit the floor area of the medical centre to 206sqm and the floor area of the adjoining shed to 4sqm as an additional permitted use.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated

2013


Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery
Department of Planning and 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_002_00
Date Sent to Department under s56	March 2013
Date considered at LEP Review Panel	21/03/2013
Gateway determination date	04/04/2013

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: