



Contact: Amy Blakely
Phone: (02) 49042723
Email: amy.blakely@planning.nsw.gov.au

Our ref: PP_2016_GOSFO_005_00 (1606294)
Your ref: 83/2015

Mr Rob Noble
Interim General Manager
Central Coast Council
PO Box 21
Gosford NSW 2250

Att: Bruce Ronan

Dear Mr Noble,

Planning Proposal to amend Gosford Local Environmental Plan 2014

I am writing in response to your Council's letter dated 2 May 2016 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 include caravan parks as an additional permitted use on Lot 241 DP 237227 Carolina Park Road, Avoca Beach.

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, as outlined in the Gateway determination. 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 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 questions regarding this matter, I have arranged for Ms Amy Blakely from the Hunter office to assist you. Ms Blakely can be contacted on (02) 4904 2723.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized flourish at the end.

2/6/2016

Monica Gibson

**Director Regions, Hunter and Central Coast
Planning Services**

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2016_GOSFO_005_00): to include caravan parks as an additional permitted use on Lot 241 DP 237227 Carolina Park Road, Avoca Beach.

I, the Director Regions, Hunter and Central Coast 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 include caravan parks as an additional permitted use on Lot 241 DP 237227 Carolina Park Road, Avoca Beach should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - clarify if sewer is, or partially is, available to the site. If required, provide a basic assessment to determine that on-site sewer options would be feasible for the proposed development of this site;
 - update the planning proposal to include details of the investigations into potential land contamination as required by State Environmental Planning Policy no. 55 - Remediation of land;
 - discuss whether clause 7.5 of Gosford LEP 2014 ('Caravan parks and manufactured home estates') should apply to the subject site;
 - update the planning proposal to include details of the Hollow Bearing Tree Assessment as required by Council; and
 - provide additional evidence on how the site of the planning proposal is affected by flooding and update the plan accordingly including the consideration of 117 Direction 4.3 Flood Prone Land.
2. 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 (Planning & Infrastructure 2013)*.
3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act prior to community consultation. NSW Rural Fire Service 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. The planning proposal should be amended to reflect the advice provided and assessed against 117 Direction 4.4 Planning for Bushfire Protection.
4. 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).

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

Dated 2nd day of June 2016

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized, flowing script.

Monica Gibson
Director Regions, Hunter and Central Coast
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_2016_GOSFO_005_00	Planning proposal to include caravan parks as an additional permitted use on Lot 241 DP 237227 Carolina Park Road, Avoca Beach.

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 2nd June 2016



Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services
Department of Planning and Environment