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DEPARTMENT OF PLANNING AND ENVIRONMENT

Planning Services

REQUEST FOR PLANNING PROPOSAL NOT TO PROCEED

PP 2012 GOSFO 007 00

PURPOSE

- To recommend the Executive Director, Regions as delegate of the Minister for Planning agree to alter the Gateway Determination for Planning Proposal PP_2012_GOSFO_007_00 to enable the matter to not proceed and issue an Alteration of Gateway Determination.

RECOMMENDATION

- That the Executive Director, Regions as delegate of the Minister for Planning:
 - **agree** under s56(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway Determination for Planning Proposal PP_2012_GOSFO_007_00 in accordance with the Alteration of the Gateway Determination document (Tab A), which in summary involves:
 - amending the determination to not proceed; and
 - deleting the original determination conditions.
 - **sign** the Alteration of Gateway Determination (Tab A); and
 - **sign** the letter to Central Coast Council (Tab B).

CURRENT POSITION

- The former Gosford City Council prepared a Planning Proposal to amend the zoning for a site at Mangrove Creek from environmental protection to special purposes (infrastucture).
- The land is currently being used as a 'recreational / education establishment' despite being prohibited under the environmental protection zone. The current use operates under an existing consent, and rezoning the land would permit expansion of this existing facility.
- A Gateway Determination was issued on 17 May 2012 (Tab C) allowing the proposal to proceed subject to conditions.
- The initial Gateway Determination specified was to be finalised by 25 February 2013, being nine months after the Gateway Determination. The timeframe to finalise the Planning Proposal has been extended four times, with a total extension timeframe of 27 months.
- Agency consultation under s56 of the Act has taken place. The proposal has unresolved objections from the Rural Fire Service (RFS) (Tab D). The NSW Office of Environment and Heritage (OEH) has also raised concerns with the proposal and indicated that it does not support the matter progressing as currently proposed (Tab E).
- Council has resolved to discontinue the Planning Proposal given the unresolved objection from NSW Rural Fire Service and other matters including inconsistency with Section 117 Directions, risk of life, insufficient information, outstanding issues

from government agencies and inconsistency with Council's plan making delegation. On 9 May 2017, Central Coast Council advised the Department of this resolution (Tab F).

- Council's request is considered reasonable as the proposal has been unable to comply with RFS and OEH requirements within the extended timeframe and neither agency supports the proposal.

 17 June 2017
Stephen Murray
Executive Director Regions
Planning Services

Contact Officer: Garry Hopkins (CM)
Team Leader, Central Coast
Phone: (02) 4345 4402

Alteration of Gateway Determination

Planning Proposal (Department Ref: PP_2012_GOSFO_007_00)

I, the Executive Director, Regions, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway Determination dated 17 May 2012 (as since altered) for the proposed amendment to the Gosford Local Environmental Plan 2014 as follows:

1. Delete:

"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 rezone land at Mangrove Creek Road, Mangrove Creek/Greengrove from 7(a) Conservation to Special Use 5 under the Gosford Interim Development Order 122 or SP2 Infrastructure under the draft Gosford LEP should proceed subject to the following conditions:"

and replace with:

"I, the 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 rezone land at Mangrove Creek Road, Mangrove Creek/Greengrove should not proceed."

2. Delete Conditions 1 to 14.

Dated 17th day of June 2017


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

Delegate of the Minister for Planning



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

Our ref: PP_2012_GOSFO_007_00

Dear Mr Noble

Request for Planning Proposal not to proceed - PP_2012_GOSFO_007_00

I refer to Council's correspondence of 9 May 2017 in relation to Planning Proposal PP_2012_GOSFO_007_00 to rezone land at Mangrove Creek for special (infrastructure) purposes and Council's resolution to not proceed with this matter.

I have determined, as the delegate of the Minister for Planning, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, that this matter should not proceed and to alter the Gateway Determination dated 17 May 2012 (as since altered). I have made this decision considering Council's resolution, the outstanding issues raised by the NSW Rural Fire Service and Office of Environment and Heritage and the proposal's inconsistency with Section 117 Direction 4.4 Planning for Bushfire Protection. The Alteration of the Gateway Determination is enclosed.

If you have any questions in relation to this matter, please contact Corrine Manyweathers at the Department's Gosford office on (02) 4345 4404.

Yours sincerely

Stephen Murray
Executive Director, Regions
Planning Services

17 June 2017