



Planning & Infrastructure

Office of the Director General

Mr Stephen Glen
Acting General Manager
Gosford City Council
PO Box 21
Gosford NSW 2250

12/07437

Dear Mr Glen

I refer to Council's request for a new Gateway Determination for the Planning Proposal PP_2012_GOSFO_005_00 to add 'bulky goods premises' as an additional permitted use of the land at Lots 5-8 DP 270678, part Lot 1 DP 270678, part Lot 4 DP 270678 and part of SP 84324, Central Coast Highway and Manns Road, West Gosford.

I have determined as the delegate of the Minister, in accordance with s.56(7) of the *Environmental Planning and Assessment Act 1979*, to amend the Gateway Determination dated 15 March 2012 for PP_2012_GOSFO_005_00.

The Gateway determination is amended to remove Condition 1 which refers to the need for Council to zone the land appropriately to reflect the proposed commercial land use and proceed with the planning proposal as a site rezoning. Condition 1 of the Gateway Determination is replaced by the following:

- 1 Council is to proceed with the planning proposal by making bulky goods premises, with a limit of 12,500 m², as an additional permitted use on Lots 5-8 DP 270678, part Lot 1 DP 270678, part Lot 4 DP 270678 and part SP 84324 by adding an enabling clause to the Gosford Planning Scheme Ordinance or Schedule 1 of Council's new SI LEP.

In agreeing to amend the Gateway Determination, Council is requested to carry out a review of the zones and planning controls applying in the West Gosford area. This recognises that the business profile in this area is changing and that several of the current uses are permitted through enabling clauses. In the case of the subject land, Council should consider an alternative zoning for the land as part of any re-exhibition that may be required for Council's draft Comprehensive LEP.

I am concerned about Council's ongoing reliance on 'additional permitted uses' in its LEP and rezoning proposals, and advise that such proposals will only be supported in exceptional circumstances in the future. The preferred approach is for land to be included within an appropriate zone, as 'additional permitted uses' lack transparency and inevitably lead to uses that are inconsistent with underlying zone objectives.

Should you have any further enquiries about this matter, please contact Ben Holmes of the Department's Gosford office on (02) 4348 5003.

Yours sincerely

Sam Haddad
Director General

1/8/2012