



Planning & Infrastructure

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Our ref: PP_2012_GOSFO_005_00 (12/03486)
 Your ref: 10411273

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

Dear Mr Wilson,

Re: Planning Proposal to include development for the purposes of 'bulky goods premises' as an additional permitted use on land at Lots 5-8 DP 270678, part Lot 1, DP 270678, part Lot 4 DP 270678 and part SP 84324, Central Coast Highway and Manns Road, West Gosford

I am writing in response to your Council's letter dated 16 February 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 either the Gosford Planning Scheme Ordinance or the draft Gosford Local Environmental Plan 2009 to include development for the purposes of 'bulky goods premises' as an additional permitted use on land at Lots 5-8 DP 270678, part Lot 1, DP 270678, part Lot 4 DP 270678 and part SP 84324, Central Coast Highway and Manns Road, West Gosford. The proposal also seeks to limit the potential floor space to 12,500m².

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

The Department supports the outcome that Council is seeking to achieve in locating bulky goods premises on part of the subject land.

As Council is aware, the Department does not generally support the inclusion of items as 'Additional permitted uses' preferring instead to deal with issues around appropriate zoning and land use permissibility in the Land Use Tables of a Council's LEP. An additional permitted use in this instance is not supported having regard to;

- the existing bulky goods uses on neighbouring industrial zoned land;
- the development potential of adjoining business zoned land;
- the strategic action within the Central Coast Regional Strategy to ensure bulky goods retailing is not located on industrial land; and
- the direction within Council's 'Employment Lands investigation 2010' to prohibit bulky goods retailing within the precinct and concentrate commercial uses on the adjoining commercially zoned land.

The preferred approach is for Council to zone the land appropriately to reflect the proposed land use. In doing so, Council should consider a split zoning of the site retaining the permitted uses on the industrial land as approved under DA 40353, with a business zone being applied to the remainder of the site.

It is noted that Stage 2 of the Riverside Park development comprises the bulky goods retail component. Council is encouraged to consider exhibiting the planning proposal concurrently with a Development Application, when submitted, for the proposed bulky goods retailing component, to clearly articulate the intended outcome to the community.

Council should ensure that the mapping provided with the planning proposal is clearly legible and illustrates the intent of the proposal. Council is to consider providing mapping at an enlarged A4 scale, that shows the site within the context of the broader industrial area for the purposes of community consultation and include a zoning map of the land under the draft Gosford LEP 2009.

The planning proposal as submitted is inconsistent with the requirements of S117 Direction 5.1 Implementation of Regional Strategies in that the Central Coast Regional Strategy seeks to ensure that bulky goods retailing is not located on industrial land but rather in nodes or centres. The inconsistency is not justified and is not considered to be minor. Council is to amend the planning proposal as per the requirements of the Gateway determination attached in order to demonstrate consistency with the Local Planning Direction.

In regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, 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 and amend the planning proposal (if necessary) as per the requirements of the Local Planning Direction.

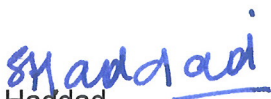
I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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

15/3/2012.

Gateway Determination

Planning Proposal (Department Ref: PP_2012_GOSFO_005_00): to include development for the purposes of 'bulky goods premises' as an additional permitted use on land at Lots 5-8 DP 270678, part Lot 1, DP 270678, part Lot 4 DP 270678 and part SP 84324, Central Coast Highway and Manns Road, West Gosford

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 either the Gosford Planning Scheme Ordinance or the draft Gosford Local Environmental Plan 2009 to include development for the purposes of 'bulky goods premises' as an additional permitted use on land at Lots 5-8 DP 270678, part Lot 1, DP 270678, part Lot 4 DP 270678 and part SP 84324, Central Coast Highway and Manns Road, West Gosford, and limit the potential floor space to 12,500sq.m should proceed subject to the following conditions:

1. An amendment to facilitate 'bulky goods premises' on part of the site as an additional permitted scheduled use is not supported. Council is to zone the land appropriately to reflect the proposed commercial land use and proceed with the planning proposal as a site rezoning.
2. Council is to review the lot and DP descriptions of the subject land throughout the planning proposal to ensure accuracy for the purposes of public exhibition.
3. Council is to include a zoning map under the draft Gosford LEP 2009 of the subject and surrounding land, prepared in accordance with the Department's Standard Technical Requirements for LEP Maps.
4. 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service
 - Transport for NSW - Roads and Maritime Services

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.

6. Further to Condition 5 above, Council is to consult with the Commissioner of the Rural Fire Service, and if necessary amend the planning proposal to reflect the outcomes of this consultation prior to public exhibition as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Any studies completed in relation to this aspect should be placed on public exhibition with the planning proposal.

7. 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).
8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

15th

day of

March

2012.



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