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Mr Paul Anderson
Chief Executive Officer
Gosford City Council
PO Box 21
GOSFORD NSW 2250

Our ref: PP_2015_GOSFO_010_00 (15/13100)
Your ref: IR21172856/86.968

Attn: Peta James

Dear Mr Anderson,

Planning proposal to amend Gosford Local Environmental Plan 2014

I am writing in response to your Council's letter dated 28 August 2015 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 rezone land certain B3 Commercial Core and B4 Mixed Use land, introduce a provision for bonus floor space and/or height in the B3 Commercial Core zone and remove the application of Clause 4.6 Exceptions to development standards within Gosford City Centre.

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. 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 not to issue an authorisation for Council to exercise delegation to make this plan.

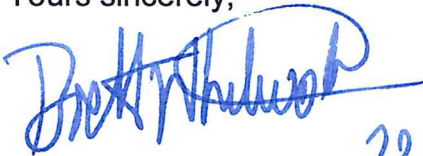
It is noted that Council intends to prepare supporting development controls, a voluntary planning agreements policy and policy on the administration, monitoring and review of the proposed City Core incentive provisions. Given the importance of these supporting documents it is recommended that they be exhibited with the planning proposal so the community may better understand the application of the proposed incentives scheme.

The amending Local Environmental Plan (the LEP) is to be finalised within 9 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 submitted 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 section 54(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 Mr Garry Hopkins, Team Leader, Hunter & Central Coast at the Department of Planning and Environment on (02) 4348 5000.

Yours sincerely,



22 October 2015

Brett Whitworth
Acting Executive Director, Regions
Planning Services

Enclosed:
Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2015_GOSFO_010_00): to rezone land from B4 Mixed Use to B3 Commercial Core and from B3 Commercial Core to B4 Mixed Use, introduce a time limited provision for 2 years for capped bonus floor space and/or height in the B3 Commercial Core zone and remove the application of Clause 4.6 Exceptions to development standards within Gosford City Centre.

I, the Acting 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 & Assessment Act 1979 (the Act) that an amendment to the Gosford Local Environmental Plan (LEP) 2014 to rezone land from B4 Mixed Use to B3 Commercial Core and from B3 Commercial Core to B4 Mixed Use, introduce time limited provisions for 2 years for capped bonus floor space and/or height in the B3 Commercial Core zone and remove the application of Clause 4.6 Exceptions to development standards within Gosford City Centre should proceed subject to the following conditions:

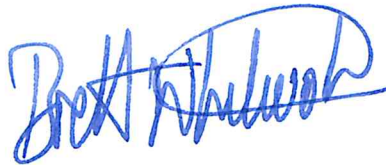
1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - Replace proposed Clause 8.12 with a 'plain-English' version that explains Council's intention/outcomes for the proposed City Core incentives while allowing flexibility in the drafting of provisions;
 - Clarify the area referred to as the 'Gosford City Centre' and its relationship to the land subject of the planning proposal.
 - Amend the references to Clause 4.6 to clarify that it will:
 - not apply to the subject B3 zone, being the land subject of the incentive provisions, only for the duration of the proposed City Core incentive provisions, and
 - continue to apply elsewhere in the Gosford City Centre;
 - Provide explanation and justification for the parameters in the proposed incentive provisions including:
 - the size of the proposed bonus (150,000 m²);
 - maximum height of RL 99;
 - street frontage of 40 metres;
 - site area of 2800 m² or greater;
 - purpose of 21 May 2015 provision; and
 - 2 year time period for operation of the bonus provisions.
 - Amend the intent of proposed Clause 8.12(8), to require a review at 120,000sq.m rather than 150,000sq.m (as currently drafted the terms of review will not occur).

- Discuss the need for transitional/savings provisions to apply for development applications lodged but not determined before the planning proposal is finalised.
 - Consider need for mapping of 'primary street frontage' as has occurred for other centres.
 - Provide explanation and justification on the proposed movement of B3 and B4 zone boundaries including:
 - Discussion on key differences between B3 and B4 zones in terms of potential development;
 - Discussion of how active street frontages will still be achieved along key street fronts in the area being rezoned from B3 to B4;
 - Justification for extending B3 zone to the 2 blocks east of Henry Parry Drive and moving B3 away from the train station; and
 - Need for any changes to land use tables and other clauses such as the active street frontage clause.
 - Confirm the text associated with SEPP 55 in the planning proposal regarding previous land uses.
2. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the following S117 Directions:
- 2.2 Coastal Protection (particularly as it relates to the *Coastal Design Guidelines*)
 - 3.4 Integrating Land Use and Transport
 - 4.4 Planning for Bushfire Protection
3. Community consultation is required under sections 56(2)(c) and 57 of the 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 and Infrastructure 2013).
4. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
- NSW Rural Fire Service
 - Transport for NSW – Roads and Maritime Services
 - Transport for NSW
 - Central Coast Regional Development Corporation

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

Dated 22nd day of October 2015.



Brett Whitworth
Acting Executive Director, Regions
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning