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Our ref: PP_2011_GOSFO_003_00 (11/06500)
Your ref: IR8629078 R Eyre:sw

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

Dear Mr Wilson,

Re: Planning Proposal to amend Clause 22B of the Gosford City Centre LEP 2007, to remove Clause 22B(4)–(9) and to insert a new Clause 24B to provide development incentives for land within the Gosford City Centre.

I am writing in response to your Council's letter dated 7 April 2011 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 clause 22B of the Gosford City Centre Local Environmental Plan 2007 to remove Clause 22B(4)–(9) and to insert a new clause 24B to provide development incentives for land within the Gosford City Centre.

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

While the Department believes there is merit in encouraging development to proceed in the Gosford city centre, the level of detail and supporting justification for removing the architectural design competition provisions and for adopting an arbitrary across the board 30% increase in building height and floor space ratio is not sufficient at this stage. Further assessment is required to be provided prior to the planning proposal proceeding to exhibition. In particular, additional information is required in relation to the following:

- Justification for the 30% bonus, possibly through an economic analysis;
- Justification for the removal of the architectural design competition provisions, including a discussion of any alternatives that Council has considered;
- The extent of the area to which the bonus is proposed to apply is to be reconsidered with a focus being on the existing commercially zoned areas of the Gosford CBD only to prevent fringe CBD areas being developed in isolation; and
- The exhibition material is to include any proposed heads of consideration for assessment of proposals for the application of the bonus scheme and is also to include maps that clearly demonstrate the effect of the bonus on actual final building heights and floor space ratios in the affected area.

The above information should be submitted prior to exhibition and within 3 months.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 2.2 Coastal Protection, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 5.1 Implementation of Regional Strategies and 6.1 Approval and Referral Requirements 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. This timeframe takes into consideration the requirement for the further information to be submitted as outlined above. 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 Glenn Horal of the Regional Office of the Department on 02 4348 5000.

Yours sincerely,



9/6/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_GOSFO_003_00): to amend Clause 22B of the Gosford City Centre LEP 2007, to remove Clause 22B(4)–(9) and to insert a new Clause 24B to provide development incentives for land within the Gosford City Centre.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to Clause 22B of the Gosford City Centre LEP 2007 to removed Clause 22B(4)–(9) and to insert a new Clause 24B to provide development incentives for land within the Gosford City Centre should proceed, subject to variations required by the following conditions:

1. Further information is required prior to the planning proposal proceeding to exhibition. In particular, additional information is required in relation to the following:
 - a. The proposed arbitrary 30% bonus is to be justified through an economic analysis;
 - b. Justification for the removal of the architectural design competition provisions including a discussion of any alternatives that Council has considered is to be provided;
 - c. The extent of the area to which the bonus is proposed to apply is to be reconsidered with a focus being on the existing commercially zoned areas of the Gosford CBD. Justification is to be provided as to why Council also proposes to extend the operation of the clause to surrounding residential areas;
 - d. Details relating to any proposed heads of consideration for assessment of proposals for the application of the bonus scheme are to be provided; and
 - e. Maps that clearly demonstrate the effect of the bonus on actual final building heights and floor space ratios in the affected area are to be provided.
2. Council is to forward the information outlined in condition 1 within 3 months of the week following the date of the Gateway Determination.
3. 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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Education and Training
 - Department of Health
 - NSW Rural Fire 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.

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

Dated 9th day of June 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure