

## Planning and Assessment

[IRF22/2207](#)

### Gateway determination report

<b>LGA</b>	Central Coast
<b>PPA</b>	Central Coast Council
<b>NAME</b>	Reclassification of land from Community to Operational (0 homes, 0 jobs)
<b>NUMBER</b>	PP-2022-2064
<b>PLANNING INSTRUMENT TO BE AMENDED</b>	<i>State Environmental Planning Policy (Precincts – Regional) 2021</i>
<b>ADDRESS</b>	73-75 Mann Street Gosford
<b>DESCRIPTION</b>	Lot B DP 321076 & Lot 2 DP 543135
<b>RECEIVED</b>	6 June 2022
<b>FILE NO.</b>	IRF22/2207
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1. INTRODUCTION

### 1.1 Site description

The site is identified as Lot B DP 321076 and Lot 2 DP 543135, 73-75 Mann Street Gosford (**Figure 1**). Single storey vacant buildings are located along the Mann Street frontage with car parking at the rear of the site.

Henry Parry Drive is located west of the site, however, is elevated by a steep embankment with no access.



Figure 1 Site Plan

## 1.2 Existing planning controls

Under *State Environmental Planning Policy (Precincts – Regional) 2021*, the following zone and development controls apply to the site:

- B3 Commercial Core (see **Figure 2**);
- 24m maximum building height;
- Acid Sulphate Soil category 5;
- 4:1 maximum floor space ratio; and
- Clause 5.44 Building Height on Mann Street will not exceed 3 storeys at street frontage.



Figure 2 Land Zoning

The frontage to the site is included in the active street frontages map for *State Environmental Planning Policy (Precincts – Regional) 2021* and Clause 5.48 applies.

Future development applications for the site will require the consent authority to be satisfied that the building will have an active street frontage after its erection or change of use. The current vacant buildings are not conducive of any retail or pedestrian activity. It has the potential to be redeveloped to enable improved amenity of the public domain by encouraging pedestrian activity, **Figure 4** indicates the current street frontage.



Figure 4 Current Street Frontage

### 1.3 Surrounding area

The site is located at the southern end of Mann Street in the Gosford City Centre. The approved regional library, Kibble Park and Gosford Central Plaza Shopping Centre are located to the north of the site and Gosford train station is approximately 400m north. Central Coast Stadium and Leagues Club are east of the site with Gosford Courthouse and TAFE on Henry Parry Drive located west.

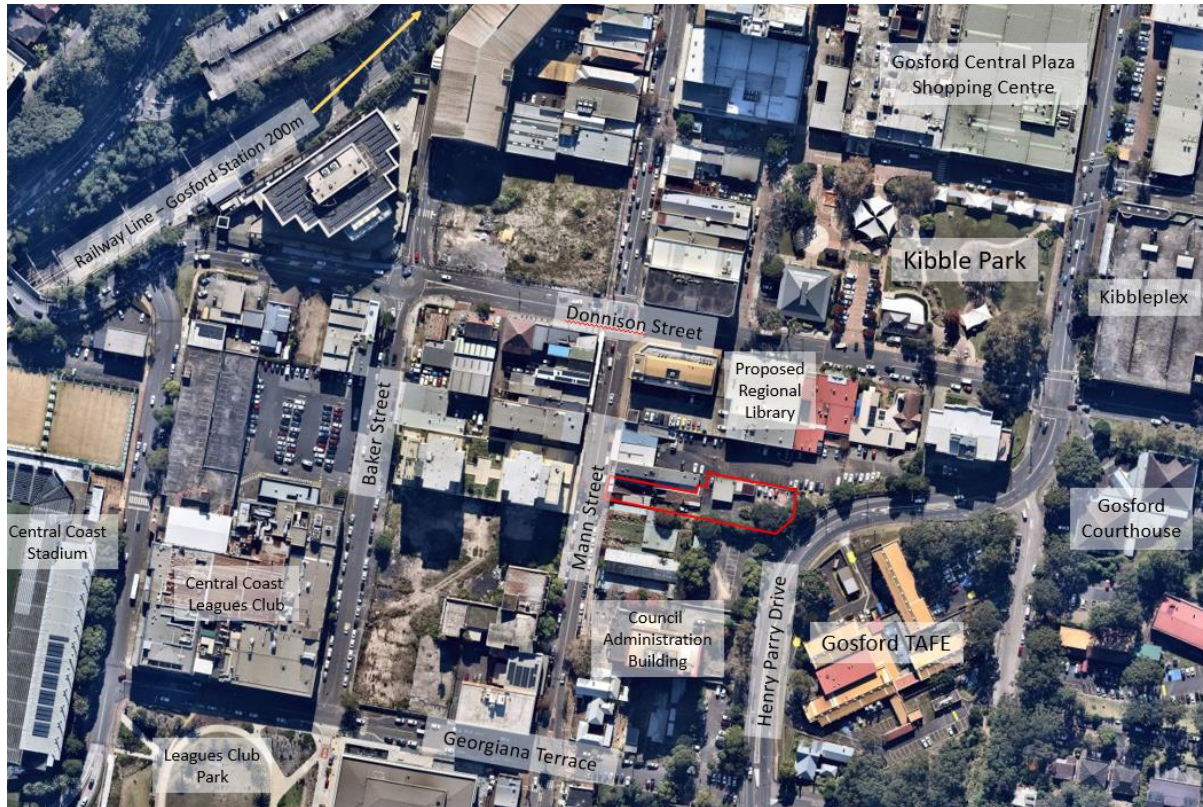


Figure 3 Surrounding Area

## 2. PROPOSAL

### 2.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend Schedule 8 Part 1 of *State Environmental Planning Policy (Precincts – Regional) 2021* to reclassify Council-owned land, Lot B DP 321076 and Lot 2 DP 543135, 73-75 Mann Street Gosford from 'community' to 'operational' to enable the potential sale of the site.

The site was compulsorily acquired by Central Coast Council in 2019 for the purpose of providing, controlling and managing the land for a proposed regional library and performing arts precinct. Council resolved to retain the regional library and withdrawn from the cultural precinct later that year.

As part of an asset review in 2020 Council determined the property is surplus to its needs. In order to sell the site, the land is to be reclassified as operational.

Council is reviewing plans for a regional performing arts centre. The planning proposal states the sale of the site does not mean the performing arts centre will not proceed. Rather that the centre will not be developed on any of the land previously identified for the cultural precinct. Other locations will now need to be considered.

The Council owned properties to the south are classified as operational, reclassifying the site will allow the land to be included in the sale with adjoining properties. The sale of the property to allow it to be redeveloped and will contribute to the revitalisation of Gosford City Centre.

Council has confirmed that there are no interests or leases attached to the land.

## **2.2 Objectives or intended outcomes**

The objective of this planning proposal is to reclassify land at 73-75 Mann Street Gosford from 'community' to 'operational' to enable the potential sale of the site.

The buildings on the site are vacant and were previously used for commercial purposes, it is not intended to use the site for community purposes.

## **2.3 Explanation of provisions**

The planning proposal seeks to amend Schedule 8 Part 1 of *State Environmental Planning Policy (Precincts – Regional) 2021* to reclassify the site from 'community' to 'operational' land.

The planning proposal does not seek to amend the current B3 Commercial Core zoning or development controls applying to the site.

The planning proposal does not involve discharge of any interest.

The explanation of provisions is adequate for public exhibition.

## **2.4 Mapping**

The planning proposal does not involve any changes to the current maps.

## **3. NEED FOR THE PLANNING PROPOSAL**

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The planning proposal is not the result of any strategic study or report. It is in response to Council's review of assets in 2020, which identified that the two properties are no longer required.

Under Section 45(1) of the *Local Government Act 1993* Council cannot dispose of community land.

The planning proposal is considered to be the best way to achieve this outcome.

## **4. STRATEGIC ASSESSMENT**

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### **4.1 Regional / District**

#### *Central Coast Regional Plan 2036*

The planning proposal is consistent with the *Central Coast Regional Plan 2036* Direction 1 "Grow Gosford City Centre as the region's capital". The sale of the site will allow others to redevelop and contribute to the revitalisation of Gosford City Centre.

#### *Draft Central Coast Regional Plan 2041*

The site is within the Narara District planning area and is identified in planning priority 7: "*Plan for the Gosford City Centre regionally significant growth area to strengthen its role as the region's capital*".

The planning proposal is consistent with the objectives and planning priorities of the draft plan.

## *Gosford Urban Design Framework*

The *Gosford Urban Design Framework* is a design-led methodology and builds on the vision and objectives of the regional plan. The planning proposal is for the reclassification of land and does not impede the operation of the framework. Redevelopment of the site can contribute to a place that is well connected to create lively attractive streets in the City Centre.

### **4.2 Local**

#### *Interim Local Strategic Planning Statement*

The *Interim Local Strategic Planning Statement* provides a strategic vision of where the Central Coast would like to be in the future. The planning proposal is consistent with the following planning priority of the *Interim Local Strategic Planning Statement* of “Gosford, the capital of the central coast”.

Council may sell the site for redevelopment which will contribute towards promoting Gosford as the capital of the Central Coast.

### **4.3 State environmental planning policies (SEPPs)**

*State Environmental Planning Policy (Precincts – Regional) 2021* applies to the land.



The planning proposal does not intend to amend any of the planning controls or development standards applying to the site.

Given the minor nature of the planning proposal, which seeks to reclassify the site from community to operational land, the planning proposal is considered to be consistent with relevant SEPP(s).

### **4.4 Section 9.1 Ministerial directions**

The planning proposal’s consistency with relevant section 9.1 Ministerial directions is discussed below:

Direction	Consistent	Reason for Consistency / Inconsistency
1.1 Implementation of Regional Plans	Consistent	The sale of the land will allow for the redevelopment of the site and has the opportunity strengthen Gosford City’s role as the region’s capital.
1.4 Approval and Referral Requirements	Consistent	The planning proposal does not intend to include additional approval or referral requirements

Direction	Consistent	Reason for Consistency / Inconsistency
4.1 Flooding	Minor inconsistency and justified	 <p><i>1 in 100 Extents (Source Central Coast Council Mapping)</i></p> <p>The site is partially impacted by the 1 in 100 extents flood. Any redevelopment of the site is required to consider flood planning.</p>
4.5 Acid Sulfate Soils	Minor inconsistency and justified	 <p><i>Type 5 Acid Sulfate Soils</i></p> <p>The redevelopment of the site will require the preparation of an acid sulfate soils management plan in accordance with the Acid Sulfate Soils Manual to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p> <p>The inconsistency with the direction is minor and justified as the planning proposal only seeks to reclassify the land.</p>
5.2 Reserving Land for Public Purposes	To be determined	<p>Council has requested the reclassification of the land, the planning proposal satisfies the requirement of the direction which requires the approval of the relevant authority.</p>

Direction	Consistent	Reason for Consistency / Inconsistency
		Any inconsistency is of minor significance as the proposal will facilitate the sale of the site to enable Council to deliver a range of social/community services to the community.
7.1 Business & Industrial Zones	Consistent	<p>The planning proposal notes that reclassification of land would allow the sale of the land. The current zone is B3 Commerical Core zone will remain unchanged.</p> <p>The planning proposal is consistent with the direction.</p>

#### **4.5 Practice Note 16-001 Classification and reclassification of public land through a local environmental plan**

In the case of LEP amendments that seek to classify or reclassify public land, the Planning Secretary has issued requirements as to the specific matters that must be addressed in the justification of the planning proposal. This should be provided in addition to the requirements detailed in Section 2: The Planning Proposal of this guideline and in accordance with LEP Practice Note PN 19-001.

This practice note explains the classification and reclassification of public land process and identifies a number of matters that need to be addressed in a planning proposal. This includes how council may or will benefit financially, and how these funds will be used, along with how council will ensure funds remain available to fund proposed improvements justifying the reclassification if relevant to the planning proposal.

Council will be establishing a new standalone regional library in Donnison Street. Council is reviewing plans for a regional performing arts centre.

The planning proposal states the sale of the land does not mean the performing arts centre will not proceed, but rather that the centre will not be developed on any of the land previously identified for the cultural precinct.

The planning proposal simply states funds from the eventual sale of the land will enable Council to continue to deliver a range of social/community services and infrastructure to the community.

It is not clear there remains a commitment to providing a performing arts centre, or the funds from a sale would be used for this purpose. The language used in the planning proposal does not preclude this outcome, but it also neither confirms this outcome.

This can be further explored as part of the relevant public hearing and considered as part of finalisation of the proposed amendment.

## **5. SITE-SPECIFIC ASSESSMENT**

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### **5.1 Social**

The planning proposal would promote a more suitable built form outcome that will deliver positive social and economic benefits for Gosford City Centre.

### **5.2 Environmental**

The planning proposal does not intend to remove any habitat and the site has existing buildings; no detrimental environmental impact should occur.

### **5.3 Economic**

Reclassification of the land will enable the sale of the site and allow redevelopment of the land for uses consistent with the zoning and increase economic activity within the Gosford City Centre.

### **5.4 Infrastructure**

The reclassification of the land does not require additional infrastructure to be provided.

## **6. CONSULTATION**

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### **6.1 Community**

Community consultation is required in accordance with Schedule 1 Clause 4 of the *Environmental Planning and Assessment Act 1979*, the planning proposal is to be exhibited for 28 days.

A public hearing is required under Section 29 of the *Local Government Act 1993* in accordance with the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

### **6.2 Agencies**

The planning proposal has recommended no agency consultation. The reclassification of the land does not require any agency consultation.

## **7. TIME FRAME**

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The planning proposal is categorised as “standard” in accordance with the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021), which has an end-to-end timeframe of 320 working days.

The Planning proposal will need to be finalised on or before 6 October 2023.

## **8. LOCAL PLAN-MAKING AUTHORITY**

Council has not requested authorisation to be the local plan-making authority in relation to this planning proposal.

Given the planning proposal does not involve removal of any public reserve status or the extinguishment of any interest on the land, the Governor’s approval is not required.

As the planning proposal affects Council-owned land and a State Environmental Planning Policy, Council should not be authorised as the local plan-making authority.

## 9. RECOMMENDATION

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It is recommended that the delegate of the Secretary:

1. agree any inconsistencies with section 9.1 Ministerial direction 5.2 Reserving Land for Public Purposes will need to be determined prior to the final plan being made.

It is recommended that the delegate of the Minister for Planning and Public Spaces determine the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. The time frame for completing the LEP is to be 15 months from the date of the Gateway determination.
3. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.
4. Prior to public exhibition, the planning proposal is to be updated to reflect the correct Schedule of *State Environmental Planning Policy (Precincts – Regional) 2021* being Schedule 8 Part 1.
5. Prior to public exhibition, Section 01 “assessment and endorsement” of the planning proposal is to be updated to demonstrate consistency with the relevant Section 9.1 Ministerial directions.



07/09/2022

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13/09/2022

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