

Gateway Determination

Planning proposal (Department Ref: PP-2023-2855): to rezone from SP2 Infrastructure to R1 General Residential and C3 Environmental Management and amend development standards

I, the Director, Local Planning (North, East and Central Coast) at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Central Coast Local Environmental Plan 2022 to rezone the site to R1 General Residential and C3 Environmental Management at 682a Coleridge Road, Bateau Bay should proceed subject to the following.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 28th February 2025.

Gateway Conditions

1. The planning proposal is to be updated prior to exhibition to:
 - a) Remove the proposed SP2 zoning on the proposed land zoning map.
 - b) Provide an assessment against the Central Coast Regional Plan 2041 planning proposal strategies 3.2, 5.3, 6.4, 6.5, 6.12, and 7.5.
 - c) Include the land uses listed in strategy 3.2 of the Central Coast Regional Plan 2041, or otherwise provide justification against Objective 3 and the associated performance outcomes.
 - d) Include an updated flood impact assessment that details:
 - o Any impacts as a result of cut and fill activities; and
 - o Appropriate arrangements for shelter-in-place, and/or evacuation in a probable maximum flood event in consideration of the *draft shelter-in-place guideline 2023*.
 - e) Remove any references associated with the proposed Additional Permitted Use (APU) to ensure consistency with Section 9.1 Ministerial Direction 1.4 Site Specific Provisions.
 - f) Demonstrate consistency with Ministerial Direction 4.2(1), including how the NSW Coastal Management Manual, and any relevant Coastal Management Program and/or Section 3.2 of the NSW Coastal Design Guidelines 2023, has been addressed.
 - g) Identify that Ministerial Direction 7.1 does not apply.

- h) Consider the need for an SP2 Zone, and any associated acquisition authority for the proposed drainage easement, to ensure ongoing maintenance arrangements which are consistent with other surrounding drainage infrastructure.
- i) Update the project timeline.
2. Prior to exhibition, the planning proposal is to be amended to address condition 1 and forwarded to the Department.
3. Prepare a site-specific Development Control Plan (DCP) and exhibit it with the planning proposal, including consideration of contamination remediation controls and requirements in relation to a Vegetation Management Plan (VMP), Asset Protection Zones (APZ) outside of areas of Sensitive Biodiversity Values and Important Areas for Swift Parrot, and any relevant infrastructure provisions.
4. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals, including notifying adjoining landowners, and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
5. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
- NSW SES
 - NSW Rural Fire Service
 - NSW Environment Protection Agency
 - NSW's Department of Climate Change, Energy, the Environment and Water
 - Transport for NSW
 - Darkinjung Local Aboriginal Land Council
 - Ausgrid

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

Dated 21 May 2024



Jazmin van Veen
Director, Local Planning (North, East and
Central Coast)
Department of Planning, Housing and
Infrastructure
Delegate of the Minister for Planning and Public
Spaces