

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