



Mr David Farmer
Chief Executive Officer
Central Coast Council
PO Box 21
GOSFORD NSW 2250

Dear Mr Farmer

Planning proposal (PP-2021-6386) at 43-46 The Esplanade, Ettalong Beach

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to increase the permitted maximum building height and floor space ratio at The Esplanade, Ettalong Beach.

As delegate of the Minister for Planning and Homes, I have determined the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, that any inconsistency with section 9.1 Ministerial directions 4.1 Acid Sulfate Soils and 6.3 Site Specific Provisions are justified in accordance with the terms of the directions. No further approval is required in relation to these directions.

Council will need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Ministerial directions 2.2 Coastal Protection and 4.3 Flooding. This should occur following consultation with the Biodiversity Conservation Division as the relevant public authority.

I note Council has requested to be authorised as the local plan-making authority. I have considered the nature of the planning proposal and have conditioned the Gateway determination for Council to be authorised as the local plan-making authority.

I note the planning proposal has been accompanied by a design quality statement that Council considers to be generally consistent with the objectives of the *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*. As the development would be in the coastal use area, I would recommend the design quality statement also consider Division 4 of the *State Environmental Planning Policy (Coastal Management) 2018*.

The amending local environmental plan (LEP) is to be finalised by 1 December 2022. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A

copy of the request should be forwarded to the Department of Planning and Environment.

The NSW 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Jose Sevilla Jr, Senior Planning Officer, Central Coast and Hunter to assist you. Mr Sevilla can be contacted on 8289 6629.

Yours sincerely



23 December 2021

Sarah Lees
Acting Executive Director
Local and Regional Planning
Planning and Assessment

Encl: Gateway determination