



## Gateway Determination

**Planning proposal (Department Ref: PP-2021-6386):** to increase the permitted maximum building height and maximum floor space ratio at The Esplanade, Ettalong Beach.

I, the Acting Executive Director, Local and Regional Planning at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Gosford Local Environmental Plan 2014* or new Central Coast Local Environmental Plan to increase the permitted maximum building height and maximum floor space ratio at The Esplanade, Ettalong Beach should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to community consultation to discuss the proposed voluntary planning agreement in part 3 of the planning proposal.
2. Consultation is required with the Biodiversity Conservation Division under section 3.34(2)(d) of the Act and/or to comply with the requirements of section 9.1 Ministerial directions 2.2 Coastal Protection and 4.3 Flooding.

The Biodiversity Conservation Division 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.

3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**;
  - (b) the planning proposal 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 the Local Environmental Plan Making Guidelines; and
  - (c) public exhibition is to commence by **1 June 2022**.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).

5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions 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 section 9.1 Ministerial directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
  
6. The time frame for completing the local environmental plan is **by 1 December 2022**.

Dated 23<sup>rd</sup> day of December 2021.



**Sarah Lees**  
**Acting Executive Director**  
**Local and Regional Planning**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Homes**