

## **Central Coast Council**

Information Provided for the Purposes of a Public Hearing Planning Proposal - 73 & 75 Mann Street Gosford Version Number of the Document 2.1 Draft John Lowrie 18.1.2023



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Information Provided for the Purposes of a Public Hearing Planning Proposal - 73 & 75 Mann Street Gosford Author: John Lowrie Date: 18.1.23 Version 2.1. Draft Approved by: Date of Approval: Assigned review period: 2 years © Central Coast Council Wyong Administration Building: 2 Hely St / PO Box 20 Wyong NSW 2259 **W** centralcoast.nsw.gov.au

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## Introduction

Classification and reclassification of public land enables councils to classify or reclassify public land as operational land in accordance with Section 30 of the Local Government Act 1993.

This Planning Proposal provides an explanation of the intended effect and justification for the following proposed amendments to the State Environmental Planning Policy (Precincts Regional - Gosford City Centre) 2021

Reclassification of the following Council owned sites from Community Land to Operational Land

- 1. 73 Mann Street Gosford 2250 Lot B DP 32107675
- 2. 75 Mann Street Gosford 2250 Lot 2 DP 543135

The Planning Proposal has been prepared in accordance with the Environmental Planning and Assessment Act 1979, the Local Government Act 1993 and NSW Department of Planning, Industry and Environment guidelines, including:

- 'A Guide to Preparing Planning Proposals',
- 'A Guide to Preparing Local Environmental Plans'.
- 'Classification and reclassification of public land through a local environmental plan' (LEP Practice Note PN 16-001)

And

• Central Coast Council 'Information Requirements for Lodging Requests to Amend Central Coast Local Environmental Plan 2022 (Planning Proposals)'

# Summary

# Draft Amendment State Environmental Planning Policy (Precincts Regional) 2021

Local Government	Central Coast Council	
Area:		
Name of LEP:	Central Coast Council Local Environmental Plan 2022	
Planning Policy:	State Environmental Planning Policy (Precincts Regional - Gosford	
Flamming Folicy.	City Centre) 2021	
Description of		
Land Subject to	a) 73 Mann Street Gosford 2250 - Lot B DP 32107675	
the planning	b) 75 Mann Street Gosford 2250 - Lot 2 DP 543135	
Proposal		
Existing Use	Commercial Premises (Vacant)	
Land Owners:	Central Coast Council	
Applicant	Central Coast Council – Economic Development & Property Unit	
Application	CPA/3903	
Number	CF A/ 5905	
CM Folder &		
Document	F2020/03105 - D15508481	
Number		
Author	John Lowrie	

## 1. Property Information

## a) 73 Mann Street Gosford 2250

Property Information				
Address of Property	73 Mann Street Gosford 2250			
Lot & Deposited Plan No.	Lot B DP 321076			
Lot Size	202 m <sup>2</sup>			
	Single storey vacant building located on Mann Street			
Description	frontage with limited parking at rear of lot (formerly a			
	restaurant).			
	Purchased by private treaty on 21 May 2019 for the			
	purpose of the then proposed Gosford Cultural Precinct			
Acquisition Details	(consisting of a Regional Library and Regional			
	Performing Arts Centre). The parcel was acquired by			
	agreement, under the framework of the Land			
	Acquisition (Just Terms Compensation) Act.			

Aerial Photograph



## b) 75 Mann Street Gosford 2250

Property Information				
Address of Property	75 Mann Street Gosford 2250			
Lot & Deposited Plan No. Lot 2 DP 543135				
Lot Size	1,239 m <sup>2</sup>			
	Single storey vacant building located on Mann Street			
Description	frontage (formerly a surveyor's office). Parking area at			
	rear of lot with small outbuildings.			
Acquisition Details	Purchased by private treaty on 3 June 2019 for the			
	purpose of the then proposed Gosford Cultural Precinct			
	(consisting of a Regional Library and Regional			
	Performing Arts Centre). The parcel was acquired by			
	agreement, under the framework of the Land Acquisition			
	(Just Terms Compensation) Act.			



# c) Summary of Intended Outcomes

## a) 73 Mann Street Gosford 2250

Summary				
Acquisition Details	Purchased by private treaty on 21 May 2019 for the			
	purpose of the then proposed Gosford Cultural			
	Precinct (consisting of a Regional Library and Regional			
	Performing Arts Centre). The parcel was acquired by			
	agreement, under the framework of the Land			
	Acquisition (Just Terms Compensation) Act.			
Current Zoning	B3 Commercial Core			
Proposed Zoning	B3 Commercial Core (no change)			
Current Classification	Community			
Proposed Classification Operational				
Classification History	No previous classification process			
	The Acquisition process created a Public Trust as lots			
Trusts & Interests In the	were acquired (conveyed) for a government statutory			
Land	purpose. No evidence of public reserve status or other			
	relevant interests.			
	Amend SEPP Gosford City Centre as required to			
Proposed Amendment	enable the reclassification of 73 Mann Street Gosford			
Proposed Amendment	(Lot B DP 321076) from Community Land to			
	Operational Land.			
Planning Instrument	State Environmental Planning Policy (Precincts			
	Regional - Gosford City Centre) 2021			
Reason for Amendment	Property surplus to Council's needs and seeking to			
	reclassify the land in order to facilitate its sale. Making			
	it available to be repurposed or redeveloped by			
	others with uses that contribute to the revitalisation of			
	the Gosford City Centre.			

## b) 75 Mann Street Gosford 2250

Summary				
Acquisition Details	Purchased by private treaty on 3 June 2019 for the			
	purpose of the then proposed Gosford Cultural Precinct			
	(consisting of a Regional Library and Regional			
	Performing Arts Centre). The parcel was acquired by			
	agreement, under the framework of the Land			
	Acquisition (Just Terms Compensation) Act.			
Current Zoning	B3 Commercial Core			
Proposed Zoning	B3 Commercial Core (no change)			
Current Classification	Community			
Proposed Classification	Operational			
Classification History	No previous classification process			
	The Acquisition process created a Public Trust as lots			
Trusts & Interests In the	were acquired (conveyed) for a government statutory			
Land	purpose. No evidence of public reserve status or other			
	relevant interests.			
	Amend SEPP Gosford City Centre as required to enable			
Proposed Amendment	the reclassification of 75 Mann Street Gosford (Lot 2 DP			
	543135) from Community Land to Operational Land.			
Planning Instrument	State Environmental Planning Policy (Precincts Regional			
	- Gosford City Centre) 2021			
Reason for Amendment	Property surplus to Council's needs and seeking to			
	reclassify the land in order to facilitate its sale. Making			
	it available to be repurposed or redeveloped by others			
	with uses that contribute to the revitalisation of the			
Gosford City Centre.				

# d)Proposed Changes to Interests

## a) 73 Mann Street Gosford 2250

ltem	Address	Classification Change	Interests in Land	Proposed Change of Interests
	73 Mann Street Gosford 2250 - Lot B DP 32107675	Community Land to Operational Land.	Crown Grant	Retain
			Easement in respect of the tin vents.	Retain
			D336479 Right of Way	Retain
1.			AQ747893 pursuant to S.111 real property act, 1900	Retain
			Public Trust (conveyed for a public purpose)	Extinguish for whole Lot

## b) 75 Mann Street Gosford 2250

ltem	Address	Classification Change	Interests in Land	Proposed Change of Interests
	75 Mann Street Gosford 2250 - Lot 2 DP 543135	Community Land to Operational Land.	Crown Grant	Retain
			B116671 Right of Way	Retain
			B701095 Right of Way	Retain
			C432808 Right of Way	Retain
			C432808 Right of Use	Retain
2.			C432808 Easement for Drainage	Retain
			D336479 Right of Way	Retain
			DP543135 Right of Carriageway	Retain
			AQ747893 pursuant to S.111 real property	Retain
			act, 1900	
			Public Trust (conveyed for a public purpose)	Extinguish for whole Lot

# e) Justification for the Provisions

### a) Acquisition details

#### 73 Mann Street Gosford 2250 - Lot B DP 32107675

- Purchased by private treaty on 21 May 2019 for \$525,000 for the purpose of the then proposed Gosford Cultural Precinct (consisting of a Regional Library and Regional Performing Arts Centre).
- The parcel was acquired by agreement, under the framework of the Land Acquisition (Just Terms Compensation) Act.
- Former owner may have a right to be first offered the property for sale, under that Act.
- The lot was purchased by Council using general funds and restricted funds were not used by Council to purchase 73 Mann Street Gosford 2250 (Lot B DP 32107675)

#### 75 Mann Street Gosford 2250 - Lot 2 DP 543135

- Purchased by private treaty on 3 June 2019 for \$2,697,697 for the purpose of the then proposed Gosford Cultural Precinct (consisting of a Regional Library and Regional Performing Arts Centre).
- The parcel was acquired by agreement, under the framework of the Land Acquisition (Just Terms Compensation) Act.
- Former owner may have a right to be first offered the property for sale, under that Act
- The lot was purchased by Council using general funds and restricted funds were not used by Council to purchase 75 Mann Street Gosford 2250 (Lot 2 DP 543135).

## b) Strategic and site specific merits of the reclassification

On 25 September 2019, Council resolved to withdraw from any further work on the Gosford Cultural Precinct and proceed with a stand-alone Regional Library.

In 2020 as part of a review of assets, Council determined the properties were surplus to its needs. The intention of the reclassification process is to facilitate sale of the land to another party as it is not possible to sell the site while it is classified as community land.

By disposing of land that is surplus to its needs Council will make it available to be repurposed or redeveloped by others with uses that contribute to the revitalisation of the Gosford City Centre.

At the time of writing, the intention is to sell the property to the Minister administering the TAFE Commission Act for the purpose of including the land in the development of a major new TAFE campus on the subject land and adjoining land which will contribute to the revitalisation of the Gosford CBD and the activation of the Gosford waterfront.

- A draft contract has been issued to the Minister's representative.
- The contract is due for exchanged by December this year.
- A report to provide the necessary authority for Council to enter into the contract will be considered in December this year.
- The subject land is an integral part of the sale contract.

In the event that the sale to the Minister does not for any reason proceed, an alternative purchaser will be sought such as a government agency, a public institution or a developer committed to creating a landmark development that contributes to the revitalisation of the Gosford CBD and the activation of the Gosford waterfront.

#### c) Strategic studies or reports

#### Central Coast Council's Community Strategic Plan

- Theme 5: Liveable
- Goal C: A growing and competitive region
- S-C2: Revitalise Gosford City Centre, Gosford Waterfront, and town centres as key
- destinations and attractors for business, local residents, visitors, and tourists.

There have been 4 recent Council reports relating the reclassification and/or sale of 73 Mann Street Gosford (Lot B in DP 321076) & 75 Mann Street Gosford (Lot 2 in DP 543135), with the following resolutions:

# Central Coast Council Ordinary Council Meeting 30 November 2020 – Item 5.5 *Sale of Council Operational Assets:*

#### Resolution 1258/20

That Council resolve to reclassify the following land from community to operational land and sell for not less than market value as determined by an independent valuer;

- a) 73 Mann Street Gosford (Lot B in DP 321076) & 75 Mann Street Gosford (Lot 2 in DP 543135)
- b) 126 Georgiana Terrace, Gosford (Lot 454 in DP 727721)

# Central Coast Council Ordinary Council Meeting 14 December 2021 – Item 2.6 *Direct sale of Council's Gosford holdings:*

#### Resolution 306/21

1. That Council enter into a Memorandum of Understanding (MOU) with Landcom and The Technical and Further Education Commission (TAFE) to jointly assess the suitability of the

Council's Gosford landholdings for the prime purpose of redevelopment into a new TAFE NSW campus.

- 2. That Council resolve to grant Landcom, TAFE NSW and the Minister administering the Technical and Further Education Commission Act 1990 exclusive rights to negotiate the purchase of the Gosford landholdings and will not enter or continue any negotiations with any other parties or conduct any market activities in relation to the sale or leasing of the Council Site, unless otherwise agreed by the parties.
- 3. That subject to the terms and the parties reaching an agreement bound by the MOU, that Council enter into a direct sale of the following land for not less than an independent valuation to Landcom and/or TAFE:
  - a) 49-51 Mann Street Gosford 2250 (Lot 1 DP 251476);
  - b) 49-51 Mann Street Gosford 2250 (Lot 1 DP 564021);
  - c) 53 Mann Street Gosford 2250 (Lot 3 DP 129268);
  - d) 55-57 Mann Street Gosford (Lot 2 DP 129268);
  - e) 59-71 Mann Street Gosford (Lot 1 DP 129268).
- 4. That Council enter into a Deed of Option with Landcom and TAFE that subject to the reclassification of the following lots, Council enter into a direct sale to sell the following land for not less than an independent valuation to Landcom and/or TAFE:
  - a) 73 Mann Street Gosford (Lot B in DP 321076);

75 Mann Street Gosford (Lot 2 in DP 543135);

b) 126 Georgiana Terrace, Gosford (Lot 454 in DP 727721)

# Central Coast Council Ordinary Council Meeting 22 March 2022 – Item 2.6 *Request to amend SEPP Gosford City Centre to reclassify 73-75 Mann St Gosford:*

#### Resolution 46/22

- 1. That Council prepare a Planning Proposal to amend SEPP Gosford City Centre to enable the reclassification of Lot B DP 321076 and Lot 2 DP 543135 (73-75 Mann Street, Gosford) from community land to operational land.
- 2. That Council submit the Planning Proposal to the Minister for Planning in accordance with Section 3.35(2) of the Environmental Planning and Assessment Act 1979, requesting a Gateway Determination, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.
- 3. That Council undertake public authority and community consultation in accordance with the Gateway Determination requirements.
- 4. That Council conduct a public hearing consistent with the requirements of Section 29 of the Local Government Act 1993.

# Central Coast Council Ordinary Council Meeting 13 December 2022 – Item 2.3 Sale of Certain Gosford Holdings to Minister for Skills and Training

#### Resolution 257/22

- 1. That Council reaffirm its intent to sell the following properties located in Gosford central business district:
  - a) a 126 Georgiana Terrace Gosford (Lot 454 DP 77721)
  - b) b 49 to 51 Mann Street Gosford (Lot 1 DP 251476 and Lot 1 DP 564021)
  - c) c 53 Mann Street Gosford (Lot 3 DP 129268)
  - d) d 55 to 57 Mann Street Gosford (Lot 2 DP 129268)
  - e) e 59 to 71 Mann Street Gosford (Lot 1 DP 129268)
  - f) f 73 Mann Street Gosford (Lot B DP 321076) (subject to reclassification)
  - g) g 75 Mann Street Gosford (Lot 2 DP 543135) (subject to reclassification)
- 2. That Council reaffirm its preference to sell these landholdings to the Minister administering the Technical and Further Education Commission Act 1990, the Minister for Skills and Training, for the prime purpose of developing a new TAFE NSW campus.
- 3. That Council delegate to the Chief Executive Officer authority to execute a contract of sale for these landholdings with the Minister for Skills and Training on terms that the Chief Executive Officer considers will achieve educational and economic benefits for the Central Coast community.
- 4. That the contract sale price is not less than the market price determined by a suitably qualified independent valuer.
- 5. That, if a sale contract is not executed with the Minister for Skills and Training by 31 March 2023, Council authorise the Chief Executive Officer to invite open market offers for these landholdings (via expression of interest or via tender) in accord with Council's Land Transactions Policy.
- 6. That Attachment 1 to this report remain confidential in accordance with section 10A(2)(c) of the Local Government Act as it contains information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

### d) Evidence of public reserve status or relevant interests

No evidence of public reserve status or other relevant interests. (Title searches etc attached in the Appendix)

### e) Nature of any trusts and interest in land to be discharged

Both 73 Mann Street Gosford (Lot B in DP 321076) & 75 Mann Street Gosford (Lot 2 in DP 543135: were acquired for a public purpose under the framework of the Land Acquisition (Just Terms Compensation) Act.

The Acquisition process created a Public Trust as lots were acquired (conveyed) for a government statutory purpose.

Public Trusts to be discharged so the land can reclassified and sold

### f) Rezoning associated with the reclassification

No rezoning is associated with the reclassification. 73 Mann Street Gosford (Lot B in DP 321076) & 75 Mann Street Gosford (Lot 2 in DP 543135) to remain zoned B3 Commercial Core.

## g) Effect of the reclassification

There will be no loss of public amenity such as the loss of public open space or community facility.

The land was purchased for the then proposed Gosford Cultural Precinct (consisting of a Regional Library and Regional Performing Arts Centre) before Council resolved to withdraw from any further work on the Gosford Cultural Precinct in 2019.

The land is not currently used for a community purpose and had been previously used for commercial purposes.

By disposing of land that is surplus to its needs Council will make it available to be repurposed or redeveloped by others with uses that contribute to the revitalisation of the Gosford City Centre. There is a significant community opportunity in that the intent is to make this the site of a new and contemporary public education campus.

At its meeting of 14 December 2021, Council resolved to enter into a MOU with the Minister for Skills and Training and Landcom to bring about a direct sale of the CBD Landholdings to the NSW Government with the intent of developing a new TAFE NSW campus on the site.

# h) Current use(s) of the land and current or proposed lease or agreements

The following arrangements were put in place following the 2019 acquisition processes:

#### 73 Mann Street

• The tenant was permitted to remain in occupation subject to:

- Lease term less than 6 months at market rent
- Tenant acknowledged that building is to be demolished and lease terminated

75 Mann Street

- The purchase was subject to the vendor remaining in occupation for 12 months at a market rent.
- The lease formed part of the contract which was signed by the CEO.

Both leases were eventually terminated, and the land is not currently used and there are no current or proposed lease or agreements applying to the land.

### i) Current or proposed business dealings

At its meeting of 14 December 2021, Council resolved to enter into a MOU with the Minister for Skills and Training and Landcom to bring about a direct sale of the CBD Landholdings to the NSW Government with the intent of developing a new TAFE NSW campus on the site.

Extensive negotiations have taken place in relation to the sale of Council's Gosford CBD Landholdings in accordance with the terms of a memorandum of understanding (MOU) between Council, Landcom and the Minister for Skills and Training (the Minster administering the Technical and Further Education Commission Act 1990) which was entered in to following the meeting of Council on 14 December 2021.

At its meeting of 13 December 2022, Council resolved to Council delegate to the Chief Executive Officer authority to execute a contract of sale for these landholdings with the Minister for Skills and Training on terms that the Chief Executive Officer considers will achieve educational and economic benefits for the Central Coast community.

## j) Financial benefits

The sale of the Gosford CBD Landholdings (including 73 and 75 Mann Street) will deliver direct financial benefits to Council.

It will bring to an end Council's ongoing costs of insuring, maintaining, and securing the Gosford CBD Landholdings and the buildings that are currently located on the land. It will also produce a large cash injection that will allow Council to substantially reduce the level of its borrowings.

Council has resolved to sell at market price advised by independent valuer as per Council policy. Funds will be reinvested in revitalisation of Gosford CBD and activation of waterfront.

## k) Use of funds

Council is contributing a quantum of funds and a significant level of operational land to the revitalisation of the Gosford CBD and the activation of the Gosford waterfront.

The revitalisation and activation is captured in the recently announced Gosford waterfront masterplan, which has drawn public praise from a range of state and federal government representatives and which is anticipated to lead to more than \$500 million of new investment in and around the subject land.

As part of the revitalisation process, it is expected that a significant performing arts and cultural facility is likely to be established in the area surrounding the subject land. This facility may be developed directly by Council or as a partnership with other public agencies, not for profit bodies and private sector investors.

Net funds from the sale of the land will be directed in part towards the promotion of the Gosford waterfront masterplan and via the implementation of the masterplan to the realisation of a new performing arts and cultural facility in the area of the Gosford CBD and waterfront.

## 4. Planning Proposal Indicative Timeline

Stage	Description	Timeline (Days)	Status
Stage 1	Pre-Lodgement	30	Complete
Stage 2	Planning Proposal	40	Complete
Stage 3	Gateway Determination	45	Complete
Stage 4	Post Gateway	160	Incomplete
Stage 5	Public Exhibition and Assessment	95	Incomplete
Stage 6	Finalisation	80	Incomplete

## Appendix

#### I. Title Searches



Mann Street

PRINTED ON 12/1/2023

Search Date/Time: 12/01/2023 2:14PM

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 2/543135

SEARCH DATE	TIME	EDITION NO	DATE
12/1/2023	2:14 PM	11	12/4/2021

LAND

LOT 2 IN DEPOSITED PLAN 543135 AT GOSFORD LOCAL GOVERNMENT AREA CENTRAL COAST PARISH OF GOSFORD COUNTY OF NORTHUMBERLAND TITLE DIAGRAM DP543135 FIRST SCHEDULE CENTRAL COAST COUNCIL (T AP400298) SECOND SCHEDULE (9 NOTIFICATIONS) RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S) B116671 RIGHT OF WAY APPURTENANT TO PART OF THE LAND ABOVE 2 DESCRIBED FORMERLY IN VOL 4775 FOL 177 AFFECTING THE LAND SHOWN IN DP176275 AND IN PROGRESS PARADE LAND SHOWN IN DP176275 AND IN PROGRESS PARADE RIGHT OF WAY APPURTENANT TO PART OF THE LAND ABOVE DESCRIBED FORMERLY IN VOL 11267 FOL 109 AFFECTING THE LAND SHOWN IN DP321076 NOW IN PROGRESS PARADE RIGHT OF WAY AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM RIGHT TO USE APPURTENANT TO PART OF THE LAND ABOVE DESCRIBED FORMERLY IN VOL 4775 FOL 177 AFFECTING THE SOUTHERN HALF OF A 9" BRICK WALL SHOWN AS 9 BRICK DEDTY WALL C422800 IN DD542125 B701095 3 C432808 4 C432808 5 PARTY WALL C432808 IN DP543135 EASEMENT FOR DRAINAGE APPURTENANT TO PART OF THE LAND ABOVE DESCRIBED FORMERLY IN VOL 4775 FOL 177 C432808 6 LAND ABOVE DESCRIBED FORMERLY IN VOL 4775 FOL 177 AFFECTING THE LAND SHOWN IN DD543135 D336479 RIGHT OF WAY AFFECTING THE PART OF THE LAND ABOVE DESCRIBED SHOWN AS RIGHT OF WAY 15' WIDE VIDE B701095 & D336479 IN DD543135 DD543135 RIGHT OF CARRIAGEWAY AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM AQ747893 THIS EDITION ISSUED PURSUANT TO S.111 REAL PROPERTY 7 8 9 ACT, 1900 NOTATIONS UNREGISTERED DEALINGS: NIL \*\*\* END OF SEARCH \*\*\*

Mann Street

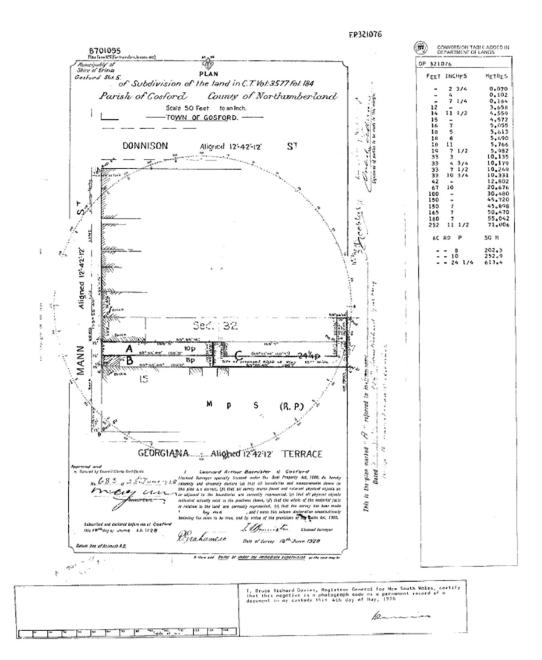
PRINTED ON 12/1/2023

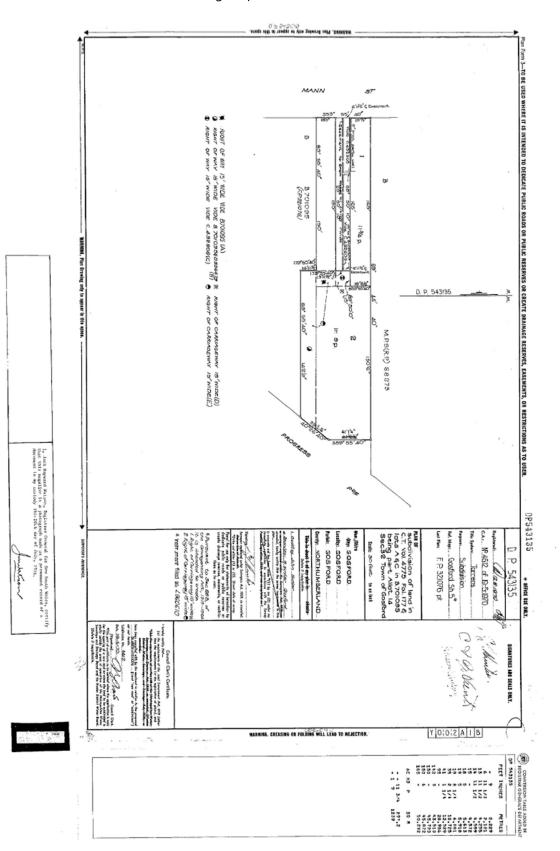
Search Date/Time: 12/01/2023 2:14PM

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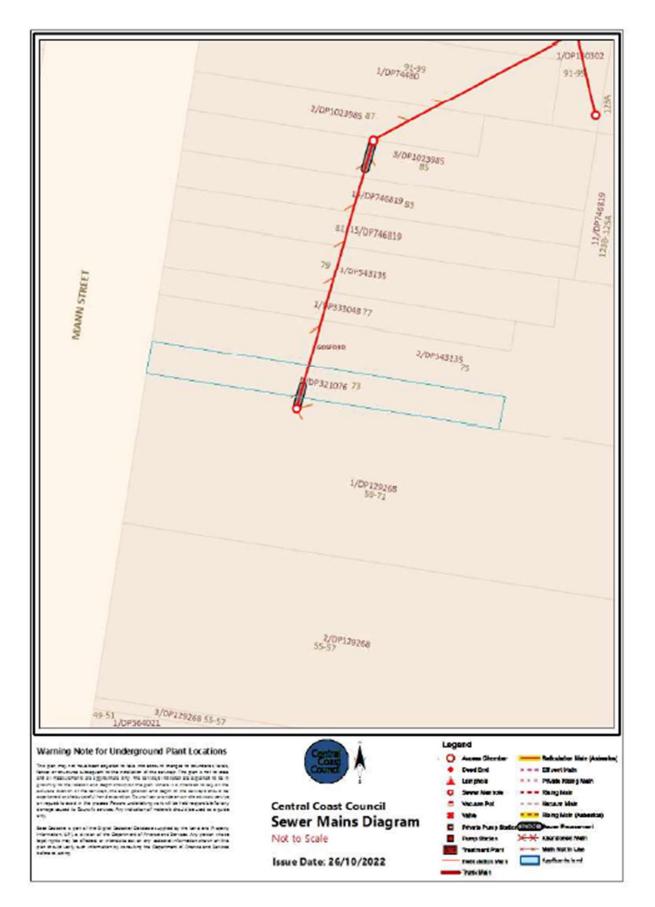
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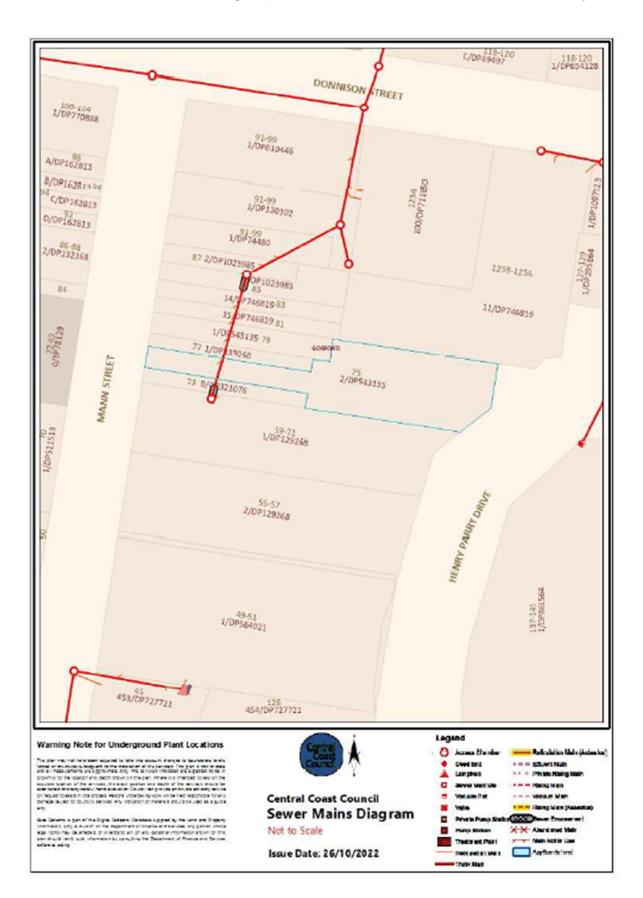
## II. Deposited Plans





## III. Maps





## Attachments

## I. Council Reports & Resolutions

- Agenda & Resolution Central Coast Council Ordinary Council Meeting 30 November 2020 – Item 5.5 Sale of Council Operational Assets
- Agenda & Resolution Central Coast Council Ordinary Council Meeting 14 December 2021 – Item 2.6 Direct sale of Council's Gosford holdings:
- Agenda & Resolution Central Coast Council Ordinary Council Meeting 22 March 2022 – Item 2.6 Request to amend SEPP Gosford City Centre to reclassify 73-75 Mann St Gosford:
- Agenda & Resolution Central Coast Council Ordinary Council Meeting 13 December 2022 Item 2.3 Sale of Certain Gosford Holdings to Minister for Skills and Training

## II. Planning Certificates

- Lot B DP 321076 Section 10.7(2) and (5) Planning Certificate
- Lot 2 DP 543135 Section 10.7(2) and (5) Planning Certificate

### III. Planning Proposal Strategic Assessment

 Central Coast Council Planning Proposal RZ Strategic Assessment – 73 & 75 Mann Street Gosford

## IV. Gateway Determination Documentation

- NSW Government Gateway Determination Letter 13/9/2022
- NSW Government Gateway Determination 13/9/2022
- NSW Government Gateway Determination Report 13/9/2022