



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

Dear Mr Farmer

Planning proposal PP-2022-2064 to amend *State Environmental Planning Policy (Precincts – Regional) 2021*

I am writing in response to the planning proposal Council has forwarded to the Minister for Planning and Homes under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 06 June 2022 in respect of the planning proposal to reclassify Lot B DP 321076 & Lot 2 DP 543135 73-75 Mann Street Gosford from 'community' to 'operational' land.

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, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act 4.1 Flooding and 4.5 Acid Sulfate Soils is justified in accordance with the terms of the directions.

Council will need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Ministerial direction 5.2 Reserving Land for Public Purposes. Council should ensure this occurs prior to the final plan being made.

The Department's *Practice Note PN 19-001 Classification and reclassification of public land through a local environmental plan* states all planning proposals classifying or reclassifying public land must address a number of matters for Gateway consideration.

This includes current or proposed business dealings. For example, any agreements for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time.

The Practice Note also requires the planning proposal to state how Council may or will benefit financially, and how these funds will be used, along with how Council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the planning proposal.

It is not completely clear from the planning proposal that there remains a commitment to providing a performing arts centre, or the funds from a sale would be used for this purpose. The language used in the planning proposal does not preclude this outcome, but it also neither confirms this outcome.

I have determined not to authorise Council to be the local plan-making authority due to the planning proposal applying to Council-owned land.

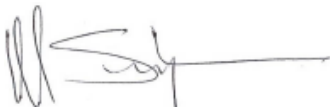
The amending local environmental plan (LEP) is to be finalised on or before 08 December 2023. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Chris Ferry, A/Senior Planning Officer, Central Coast and Hunter Region, to assist you. Ms Ferry can be contacted on 4927 3203.

Yours sincerely



13/09/2022

Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Land Use Strategy

Encl: Gateway determination