



Mr Glenn Handford  
Interim General Manager  
MidCoast Council  
PO Box 450  
FORSTER NSW 2428

Our ref: PP\_2017\_MCOAS\_004\_00 (17/04556)  
Your ref: SP-PP-37

Attn: Alexandra Macvean

Dear Mr Handford,

### **Planning proposal to amend Great Lakes Local Environmental Plan 2014**

I am writing in response to your Council's letter dated 16 March 2017 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and additional information received on 29 March 2017 in respect of the planning proposal to enable commercial and residential development through amending height and Floor Space Ratio controls in Forster Civic Precinct.

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

I have also agreed the planning proposal's inconsistency with S117 Direction 4.3 Flood Prone Land is of minor significance. No further approval is required in relation to this Direction.

The Department supports the recommendations of Council's *Forster Civic Centre Project Urban Design Analysis Report 2016* which recommends additional consideration of the height controls over the adjoining site to the south containing the Department of Education offices. Council is encouraged to undertake a future analysis of the development controls around the Civic Precinct to achieve a more holistic approach to development heights. Any recommended changes as a result of this review could be implemented as part of a future LEP amendment.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has not requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to not issue an authorisation for Council to exercise delegations to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. 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 6 weeks prior to the projected publication date.

The State 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 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Paul Maher from the Hunter office to assist you. Mr Maher can be contacted on (02) 4904 2719.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized, cursive script.

6/4/2017

**Monica Gibson**  
**Director Regions, Hunter and Central Coast**  
**Planning Services**

Encl:  
Gateway determination

## Gateway Determination

**Planning proposal (Department Ref: PP\_2017\_MCOAS\_004\_00): to enable mixed-use development including 145 dwellings in Forster Civic Precinct.**

I, the Director Regions, Hunter and Central Coast at Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that an amendment to the Great Lakes Local Environmental Plan 2014 to enable commercial, residential development and community purpose through amending height and Floor Space Ratio controls in Forster Civic Precinct should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
  - Explain Council's intentions for the previously identified Civic Precinct in terms of the objectives of the SP2 Infrastructure zone;
  - Explain how the proposal will integrate with walking and cycling networks including the coastal walk into Forster town centre; and
  - Provide further information regarding the joint-venture development arrangements and how this relates to the increase in height and FSR controls.
2. The following studies are to be exhibited as part of the Planning Proposal;
  - Forster LALC – Aboriginal Heritage Assessment, Corner of Lake and Middle Streets, Forster (Forster LALC 2006)
  - Geotechnical Investigation - Proposed Residential Development corner of Lake, West and Middle St, Forster (Coffey 2006)
  - Geotechnical Assessment - Proposed Civic Precinct corner of Lake, West and Middle St, Forster (Regional Geotechnical Solutions 2016)
  - Ecological Assessment - Old Forster Primary School, Corner Lake and Middle Street, Forster (Orogen Pty Ltd 2006)
3. Community consultation is required under sections 56(2)(c) and 57 of the EP&A 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 local environmental plans* (Department of Planning & Environment 2016).
4. Consultation is required with the Office of Local Government under section 56(2)(d) of the EP&A Act. The Office of Local Government 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 EP&A 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 **12 months** from the week following the date of the Gateway determination.

Dated 6<sup>th</sup> day of April 2017.

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized flourish at the end.

**6/4/2017**

**Monica Gibson**

**Director Regions, Hunter and Central  
Coast**

**Planning Services**

**Department of Planning and Environment**

**Delegate of the Minister for Planning**