

Planning Team Report - Revised Gateway Determination

Enabling clause to permit a 5 lot subdivision at Marana Road, Springfield

Proposal Title: Enabling clause to permit a 5 lot subdivision at Marana Road, Springfield

Proposal Summary:

Council initially submitted a planning proposal to the Department which proposed to introduce an enabling clause to subdivide Lot 3912 DP 1143985 and Lot 416 DP755227 into seven lots at Marana Road, Springfield under Gosford Interim Development Order No 122 or draft Gosford Local Environmental Plan 2013.

Lot 3912 DP 1143985 was proposed to be subdivided in 5 lots and Lot416 DP755227 was proposed to be subdivided into two lots. Council has advised the landowners of Lot 416 DP755227 have withdrawn from the planning proposal and Council resolved to seek a Gateway Determination for the remaining Lot 3912 DP 1143985 to be subdivided into 5 lots.

Consequently a revised Gateway Determination is required as the statement of objectives and explanation of provisions has been altered.

PP Number : PP_2013_GOSFO_006_00

Dop File No : 13/18411

Proposal Details

Date original planning proposal received: 5 December 2013

Date original gateway issued: 22 December 2013

Date revised gateway request received: 01 December 2014

LGA: Gosford

RPA: Gosford City Council

State Electorates: Gosford

LEP Type: Spot Rezoning

Location details: Lot 3912 DP 1143985 Marana Road, Springfield

DPE contact details: Glenn Hornal **Tel:** 0243485009 **e:**glenn.hornal@planning.nsw.gov.au

RPA contact details: Bruce Ronan **Tel:** 0243258176 **e:**bruce.ronan@gosford.nsw.gov.au

Land Release Data

Regional / Sub Consistent with Strategy : Yes

Regional Strategy :Central Coast Regional Strategy

No. of Lots : 4

No. of Dwellings (where relevant) : 4

The NSW Government Lobbyists Code of Conduct has been complied with : Yes

Have there been meetings or communications with registered lobbyists? : No

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment: Council has stated the intended objective is to enable part of Lot 3912 DP

1143985 to be subdivided to create five lots.

The planning proposal seeks to enable the subdivision for residential purposes and Council should state this in the objectives so the community is aware of the intended outcome.

The statement of objectives is generally consistent with the department's "A guide to preparing planning proposals".

Explanation of provisions – s55(2)(b)

Is an explanation of provisions provided? Yes

Comment: Council seeks to enable the subdivision of the lot into 5 lots through an enabling clause in Gosford IDO No 122 as the 7(a) zone does not permit subdivision below 40 hectares.

A thin strip of land fronting the road reserve is zoned 5(d) under Gosford Planning Scheme Ordinance and is located within Lot 3912 DP 1143985. The remainder of the northern portion of the Lot is zoned 7(a) under Gosford IDO No 122. Council should clarify the existing land zones and applicable instruments applying to Lot 3912 DP 1143985.

Council has stated it proposes to amend the IDO No 122 to enable the development as the land is currently deferred from Gosford LEP 2014. Council should consider the alternative option of including the land in Gosford LEP 2014 to enable the development and update the explanation of provisions accordingly.

Subject to the above the explanation of provisions provided is consistent with the department's "A guide to preparing planning proposals".

Justification – s55(2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :2.1 Environment Protection Zones

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 : No

d) Which SEPPs have the RPA identified? SEPP No 19—Bushland in Urban Areas

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP No 71—Coastal Protection

e) List any other matters that need to be considered:

Have inconsistencies with items a), b) and d) being adequately justified? No

If No, explain :

S117 Directions

2.1 Environment Protection Zones

The proposal reduces the environmental protection standards that apply to the land (i.e.

permitting subdivision below the minimum lot size of 40ha). Council is still required to justify the inconsistency and address the requirements of the direction following provision of supporting information on biodiversity matters and consultation with the Office of Environment and Heritage.

The proposal inconsistencies with S117 Directions 3.1 Residential Zones, 4.3 Flood Prone land, 5.1 Implementation of Regional Strategies and 6.3 Site Specific Provisions were previously agreed to be of minor significance and no further approval is required in relation to these directions.

SEPPs

SEPP 19 - Bushland in Urban Areas and SEPP 55 - Remediation of Land had previously been identified as requiring further consideration. No change to existing conditions in the Gateway Determination is proposed.

Mapping Provided – s55(2)(e)

Is mapping provided? Yes

Comment:

The Mapping provided is sufficient for assessment.

Community Consultation – s55(2)(e)

Has community consultation been proposed? Yes

Comment :

The Gateway determination previously conditioned a public exhibition period of 14 days and this condition should be retained.

Additional Director General's requirements

Are there any additional Director General's requirements? Yes

If Yes, reasons :

PROJECT TIMELINE

The Gateway determination required completion of the plan within 12 months. Council's revised timeline anticipates submission to the Department for notification in October 2015 (approx 10 months) and will require an extension of time to complete the plan. Given Council is still to undertake agency and public exhibition an addition 12 months is recommended. The revised Gateway determination should be conditioned to increase the timeframe to complete the plan from 12 to 24 months.

DELEGATION AUTHORISATION

Council has accepted plan-making delegations for planning proposals generally and Council resolved to seek delegations for the revised planning proposal. It is recommended Council be granted delegation to make the plan.

Overall adequacy of the Planning Proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment : N/A

Proposal Assessment

Principal LEP Due Date : Notified 11 February 2014.

Comments in relation to Principal LEP :

The land subject to this planning proposal is currently identified as a deferred matter in Gosford LEP 2014 and zoned 7(a) Conservation and Scenic Protection (Conservation). under Gosford Interim Development Order No 122. There appears to be some land zoned 5(d) Special Uses – Roads Reservation under Gosford Planning Scheme Ordinance that is located within the lot. Council advised the 5(d) and 7(a) land was proposed to be zoned E2 Environmental Conservation under Gosford LEP 2014 however the deferment of the 7(a)

land appears to have included this 5(d) strip in error and the land appears to have been incorrectly retained in the Gosford Planning Scheme Ordinance.

Council should consider undeferring the 5(d) and 7(a) zoned land identified in the planning proposal and include it in Gosford LEP 2014 to accommodate the proposed development. Council is to include this consideration in the 'explanation of provisions' prior to exhibition.

Assessment Criteria

Need for planning proposal:

The need for the revised proposal was the result of the withdrawal of the landowner of Lot 416 DP755227 and Council's resolution to proceed with the amended planning proposal. The revised proposed lot sizes are:

Lot 121 - 1.32ha (contains an existing dwelling)

Lot 122 – 3148m²

Lot 123 – 1754m²

Lot 124 – 1804m²

Lot 125 – 1445m²

Consistency with Strategic Planning Framework:

Central Coast Regional Strategy (CCRS)

This matter was previously considered and although the CCRS does not currently identify opportunities for new rural residential development, it does identify actions for Council to review the accuracy of existing urban boundaries and zonings in fringe areas. It is considered the inconsistency with the CCRS is of minor significance.

Local Strategies

Council has provided an assessment of the proposal against a number of its strategic plans.

Community Strategic Plan - Gosford 2025 (some inconsistencies).

Coastal Open Space System (COSS) Strategy (not relevant)

Biodiversity Strategy (some inconsistencies)

Residential Strategy (some inconsistencies)

Rainforest Policy (inconsistent)

Policy D2.02 - Rezoning of Land Zones Rural Conservation 7(a) (some inconsistencies)

Council has identified some inconsistencies with its local strategies which are generally related to developing land zoned for conservation or with environmental attributes. Council has advised the proponent have offered to dedicate either 40% of the vegetated land to Council or implement a Bushland Management Plan over all existing vegetation for a period of 5-10 years which Council indicated would be preferable which would address some of these inconsistencies.

Environmental social economic impacts:

These matters have been addressed previously and do not warrant additional or altered conditions in the Gateway Determination.

Assessment Process

Proposal type : **Routine**

Community Consultation Period : **14 days**

Timeframe to make LEP : **12 Months**

Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : Office of Environment and Heritage, NSW Rural

Fire Service and Transport for NSW Roads and Maritime Services were required to be consulted. Council has not yet consulted with these agencies therefore the existing agency consultation requirements in the Gateway determination are sufficient and no changes to the condition is proposed.

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed? **Yes**

If no, provide reasons:

Resubmission - s56(2)(b) : **No**

If Yes, reasons : **N/A**

Identify any additional studies, if required. : **N/A**

If Other, provide reasons : **N/A**

Identify any internal consultations, if required : **No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **N/A**

Planning Team Recommendation

Preparation of the Revised Planning Proposal is supported subject to the following amendments to the original Gateway determination dated 22 December 2013:

1. Change the description of the Planning Proposal to introduce an enabling clause to subdivide Lot 3912 DP1143985 into five lots at Marana Road, Springfield under Gosford Interim Development Order No 122 or Gosford Local Environmental Plan 2014.
2. Delete: condition 1(a)
and replace with:
condition 1(a) clarification in the "objectives or intended outcomes" the planning proposal will enable the 5 lot subdivision for "residential purposes".
3. Delete: condition 1(c)
and replace with:
condition 1(c) clarification in the "explanation of provisions" that the planning proposal will enable the 5 lot subdivision on "part of Lot 3912 DP 1143985;
4. Delete: condition 1(d)
and replace with:
condition 1(d): consideration of the appropriateness of the enabling provisions applying to land in the 5(d) zone and clarification of which zones and planning instruments apply to the site;
5. Delete: condition 1(f)
and replace with:
condition 1(f): discussion of whether the 7(a) and 5(d) land should remain deferred and amend the 'explanation of provisions' in the planning proposal to indicate the planning proposal may amend Gosford Local Environmental Plan 2014 or the Gosford Interim Development Order No 122.
6. Delete: "condition 8"
and replace with:
condition 8 The timeframe for completing the LEP is to be **24 months** from the week

following the date of the Gateway determination.

Signature:

G P Hopkins

Printed Name:

G PHOPKINS

Date:

17.12.2019