

Amendment to permit restaurants and kiosks on public recreation land in Gosford LGA.

Proposal Title : **Amendment to permit restaurants and kiosks on public recreation land in Gosford LGA.**

Proposal Summary : **The proposal is to permit restaurants and kiosks on land currently zoned 6(a) Open Space (Recreation) in the Gosford Planning Scheme Ordinance or the Interim Development Order 122.**

PP Number : **PP_2012_GOSFO_008_00** Dop File No : **12/07288**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions :

- 1.1 Business and Industrial Zones**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**

Additional Information :

It is suggested that the following conditions could be applied in order to progress the PP:

- Council amend the 'Explanation of Provisions' to make reference to the introduction of a new 'kiosks' definition generally based on the SI definition;
- Council be satisfied that the proposal is consistent with s117 direction 4.3 and if not, seek the DG's agreement to any inconsistency;
- consult with the RFS per s117 Direction 4.4;
- consult with the Office of Communities - Sport and Recreation;
- 14 day community consultation;
- 6 month timeframe.

It is recommended that the DG agree that inconsistencies with s117 directions 2.2 Coastal Protection and 4.1 Acid Sulfate Soils are of minor significance.

Supporting Reasons :

Conditions:

- amend Explanation of Provisions to make clear that a new kiosks definition would be created by the PP for the GPSO/ IDO 122 and generally based on the SI kiosks definition (ie would be SI definition plus the 50 sq.m floor space limit)
- confirm consistency with s117 direction 4.3 Flood Prone Land and seek DG agreement if not consistent
- consult with RFS to satisfy s117 direction 4.4 Planning for Bushfire Protection
- consult with the Office of Communities - Sport and Recreation as the proposal would potentially affect sports/ recreation facilities
- 14 day community consultation and 6 month timeframe as the PP is low impact type proposal

DG s117 inconsistency agreement:

- refer to 'consistency with strategic framework' section of this report for discussion regarding the DG agreeing to inconsistency with s117 directions 2.2 and 4.1

Amendment to permit restaurants and kiosks on public recreation land in Gosford LGA.

Panel Recommendation

Recommendation Date : 03-May-2012

Gateway Recommendation : Passed with Conditions

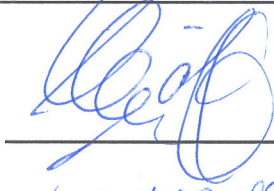
Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council is to provide for the inclusion of the 'kiosk' definition in the Gosford Planning Scheme Ordinance or the Interim Development Order 122 Explanation of Provisions section of the planning proposal prior to the commencement of public exhibition.
2. In relation to the planning proposal's inconsistencies with S117 Direction 4.3 Flood Prone Land, Council is to amend the planning proposal to identify the inconsistency and justify the inconsistency as being either of minor significance or having been prepared in accordance with the principles and guidelines of the of the Floodplain Development Manual 2005.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for 14 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service
 - Office of Communities - Sport and RecreationEach public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
5. Further to Condition 2 above, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made and amend the planning proposal, if necessary as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
6. 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).
7. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McGaffin

Date:

14.5.12