

Gosford Local Environmental Plan, Niagara Park 5(a) Special Uses to 3(a) Business General

Proposal Title : **Gosford Local Environmental Plan, Niagara Park 5(a) Special Uses to 3(a) Business General**

Proposal Summary : **To rezone part of Lot 23 DP 1157397 (885.5m²) from 5(a) Special Uses (Multi Purpose Recreational Facility) to 3(a) Business General to enable an existing building to be used for retail, commercial and business purposes. The remainder of Lot 23 is already zoned 3(a) and contains the Niagara Park Shopping Centre.**

PP Number : **PP_2013_GOSFO_001_00** Dop File No : **12/20501**

Proposal Details

Date Planning Proposal Received :	20-Dec-2012	LGA covered :	Gosford
Region :	Hunter	RPA :	Gosford City Council
State Electorate :	GOSFORD	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	16 Washington Avenue		
Suburb :	Niagara Park	City :	Gosford
		Postcode :	2250
Land Parcel :	Lot 23 DP 1157397		

DoP Planning Officer Contact Details

Contact Name : **amy blakely**
 Contact Number : **0249042720**
 Contact Email : **amy.blakely@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Peta James**
 Contact Number : **0243258871**
 Contact Email : **peta.james@gosford.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Central Coast Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes :

The site is located approximately 100 metres from Niagara Park railway station. The site was formerly owned by Gosford Council and used for community purposes. The site has been sold by Council, is no longer used for community purposes and the current zone is redundant.

Council resolved to rezone the site to B2 Local Centre under the Draft Gosford Local Environmental Plan 2009 (DLEP 2009). The DLEP 2009 was exhibited between 10 February 2010 and 5 May 2010, in which this site was mapped as B2 Local Centre.

DLEP 2009 is not yet made which has prompted the landowner to request Council to progress this planning proposal.

If DLEP 2009 is gazetted prior to the making of this plan, this planning proposal will not be required.

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : Adequate

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : Adequate

Should DLEP 2009 be finalised prior to completion of the PP then this PP would not be necessary. The site would be zoned B2 Local Centre under DLEP 2009, as exhibited.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones**
- 2.3 Heritage Conservation**
- 3.4 Integrating Land Use and Transport**
- 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? **No**

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 55—Remediation of Land**

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

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has proposed an exhibition period between 14 and 28 days. Given the existing development and consistency with strategic framework, the planning proposal is considered to be low impact. A 14 day exhibition period is considered appropriate.

NOTE: The proposed rezoning contained within this planning proposal was exhibited within DLEP 2009. A copy of the DLEP 2009 zoning map has been uploaded as an attachment.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

Rezoning of the subject land is included in Gosford DLEP 2009. Due to delays with DLEP 2009, Council is progressing this planning proposal to allow the land to be developed for uses consistent with the proposed B2 zone under DLEP 2009.

Assessment Criteria

Need for planning proposal :

The planning proposal is required to facilitate the use of the site as the existing zone is redundant. The proposed rezoning, supported by DLEP 2009, has been delayed due to other issues with DLEP 2009, none of which relate to the proposed rezoning of this site. Allowing this planning proposal to proceed would enable the land owner to utilise the existing building for appropriate uses in the short term, irrespective of the timing of DLEP 2009.

The proposed 3 (a) Business General zone is supported. The remainder of the subject lot is already zoned 3 (a). This planning proposal will result in additional commercial, retail and business opportunities in a building adjoining an existing shopping centre opposite a railway station.

Consistency with strategic planning framework :

Central Coast Regional Strategy (2006-2031)

The subject land is located within the existing "Village Centre" identified in the strategy. The site is already developed and the rezoning will facilitate the use of the existing building for additional commercial, retail and business opportunities within an identified "Village Centre".

The planning proposal is consistent with a number of objectives/actions contained within the strategy:

Action 5.2 – LEPs to be consistent with employment targets and provide a distribution that reflects the centre hierarchy,

Action 5.11 – Ensure all new retail and commercial development is located in centres.

Draft Gosford Centres Strategy 2008

The planning proposal is consistent with this strategy, which recommends the site be rezoned to B2 Local Centre (the proposed zone's Standard Instrument equivalent).

State Environmental Planning Policies (SEPPs)

The planning proposal is consistent with all SEPPs.

Section 117 Directions

Under Direction 4.4 – Planning for Bushfire Protection, Council is required to consult with the NSW Rural Fire Service. The subject site is classified and mapped as bushfire prone land.

Direction 6.2 applies as the planning proposal reduces an existing zoning for public purposes (currently 5(a) Multi Purpose Recreational Facility). As the land is no longer owned by Council and is no longer used for community purposes this zoning is redundant and the DG should agree that the provisions of the planning proposal that are inconsistent with the terms of the direction are of minor significance.

The planning proposal is consistent with all other applicable Section 117 Directions.

Environmental social economic impacts :

Environmental Impacts

Council states the site contains a small remnant of "Coastal Narrabeen Moist Forest", which is not mapped as an Endangered Ecological Community. Council has taken an assessment of the vegetation and has determined that the fragment is heavily disturbed. Irrespective of this, the site is already developed with an existing building. Any loss of vegetation resulting from additional development would be assessed as part of a development application.

Social & Economic Impacts

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The land was formerly owned by Gosford City Council but is now privately owned. The utilisation of the existing building for business purposes will provide social and economic benefits to the local community. The rezoning will provide additional business opportunities within an existing village centre.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **NSW Rural Fire Service**

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 :

Identify any additional studies, if required. :

If Other, provide reasons :

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 :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal Niagara Park.pdf	Proposal	Yes
Cover letter Niagara Park.pdf	Proposal Covering Letter	Yes
Project Timeline Washington Avenue Niagara Park.docx	Proposal	Yes
Gosford Standard Instrument LEP (DLEP) exhibited map.pdf	Map	Yes
Council Resolution to initiate PP and request Gateway Determination - Washington Avenue Niagara Park.pdf	Determination Document	Yes
Council Report - Washington Avenue Niagara Park.pdf	Determination Document	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
2.3 Heritage Conservation

- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

Additional Information : It is recommended that:

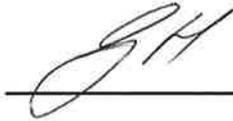
1. The Planning Proposal be supported.
2. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows:
 - (a) the Planning Proposal be made publicly available for 14 days;
 - (b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 4.5 of A guide to preparing LEPs (Department for Planning 2009).
3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material and 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.
4. The DG agree that the provisions of the planning proposal that are inconsistent with the terms of the 117 direction 6.2 are of minor significance
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.

Supporting Reasons : The proposal is consistent with the Central Coast Regional Strategy (2006-2031).

A Gateway Determination will allow the proposed rezoning to progress regardless of any further delays with the draft Gosford Local Environmental Plan 2009.

A 6 months timeframe is proposed by Council. The submitted project timeline demonstrates this timeframe is achievable.

Signature:



Printed Name:

Barry Hopkins

Date:

17.1.2013