

Miscellaneous Amendments to Gosford LEP 2014

Proposal Title : **Miscellaneous Amendments to Gosford LEP 2014**

Proposal Summary : **The planning proposal seeks to either amend or introduce provisions in Gosford Local Environmental Plan (LEP) 2014 related to:**

- Temporary Use of Land;
- Temporary Use of Public Land;
- Development of Closed Crown Roads;
- Lots partially affected by Gosford LEP 2014;
- Definition of 'flood planning level'; and
- Permit 'storage premises' in the IN1 Land Use Table.

PP Number : **PP_2014_GOSFO_002_00** Dop File No : **14/04325**

Planning Team Recommendation

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

S.117 directions : **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 considered the planning proposal should proceed subject to the following:**

- 1. Council update the 'explanation of provisions' and the planning proposal to:**
 - include discussion on why 28 days is the preferred number of days as opposed to other timeframes in relation to Clause 2.8 Temporary Use of Land;
 - include discussion on limiting the number of days for Temporary Use of Public land;
 - delete the reference to SEPP Temporary Structures 2007 and replace with SEPP (Miscellaneous Consent Provisions) 2007;
 - in regard to Development of Closed Crown Roads the proposal should state that residential accommodation would be prohibited on undersized lots that are below the MLS created by the boundary adjustment.
 - Council remove the clause 'Lots partially affected by Gosford LEP 2014' from the planning proposal.
 - Council include a statement explaining the clauses identified in the explanation of provisions may be modified during legal drafting of the instrument.
- 2. Council is required to demonstrate consistency with the following S117 Directions after supporting information has been obtained and/or following agency consultation and update the planning proposal accordingly:**
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection - NSW Rural Fire Service
- 3. Consultation is required with the following public authorities:**
 - NSW Rural Fire Service
 - Department of Trade & Investment - Crown Lands
- 4. The planning proposal must be made publicly available for a minimum of 14 days.**
- 5. The timeframe for completing the LEP is to be 3 months from the week following the date of the Gateway determination.**
- 6. Council be granted delegation to make the plan.**

Supporting Reasons : *

Panel Recommendation

Recommendation Date : 03-Apr-2014

Gateway Recommendation : Passed with Conditions

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to:

- remove the draft clause relating to development of closed crown roads and instead provide a plain English explanation of the intention of the draft clause and advise that this will be achieved via the use of an amended model local clause 4.2A 'Erection of dwelling houses on land in certain rural and environmental protection zones';
- remove the draft clause relating to lots partially affected by Gosford LEP 2014 and amend the planning proposal to either bring the subject sites wholly into Gosford LEP 2014 and allocate an appropriate minimum lot size for the land or alternatively introduce a clause into both Gosford LEP 2014 and IDO No 122 that prevents development on lots below the minimum lot size;
- consider including a timeframe for temporary events or activities on public land or public places within Schedule 2 'Exempt development';
- remove reference to State Environmental Planning Policy (SEPP) Temporary Structures 2007 and replace with SEPP (Miscellaneous Consent Provisions) 2007;
- confirm that removing the definition of 'flood planning levels' from the LEP and relying on the definition within the Floodplain Development Manual 2005 will not provide flood related development controls beyond the 1:100 flood level plus freeboard; and
- demonstrate consistency with S117 Directions 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection, once the planning proposal has been updated and consultation with public authorities undertaken.

2. 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 (Planning and Infrastructure 2013) and must be made publicly available for a minimum of 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 5.5.2 of A Guide to Preparing LEPs (Planning and Infrastructure 2013).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- NSW Trade and Investment - Crown Lands
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)

Each public authority 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.

4. 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).

5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has now accepted this delegation. Council should be issued with plan making delegation for this planning proposal.

Miscellaneous Amendments to Gosford LEP 2014

Signature:

d. Matthews

Printed Name:

JAMES MATTHEWS

Date:

17/4/14