

Amendment to Gosford IDO No 122 to enable short term tourist accommodation

Proposal Title : **Amendment to Gosford IDO No 122 to enable short term tourist accommodation**

Proposal Summary : **Amendment to Gosford Interim Development Order No. 122 to enable short term tourist accommodation at Lot 165 DP 755253 known as 'The Springs' Golf Course.**

PP Number : **PP_2012_GOSFO_002_00** Dop File No : **11/22501**

Proposal Details

Date Planning : **14-Dec-2011** LGA covered : **Gosford**

Proposal Received : RPA : **Gosford City Council**

Region : **Hunter** Section of the Act : **55 - Planning Proposal**

State Electorate : **GOSFORD**

LEP Type : **Spot Rezoning**

Location Details

Street : **1080 Peats Ridge Road**

Suburb : **Peats Ridge** City : Postcode : **2250**

Land Parcel : **Lot 165 DP755253**

DoP Planning Officer Contact Details

Contact Name : **Glenn Horal**

Contact Number : **0243485003**

Contact Email : **glenn.horal@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Annie Medlicott**

Contact Number : **0243258244**

Contact Email : **annie.medlicott@gosford.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub : **Central Coast Regional** Consistent with Strategy : **Yes**

Regional Strategy : **Strategy**

Amendment to Gosford IDO No 122 to enable short term tourist accommodation

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings : 0

(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

Have there been No

meetings or

communications with

registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting

Notes :

External Supporting

Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The statement of objectives needs to explicitly state what the objective of the proposal is. The Planning Proposal (PP) submitted by Council contains detailed description of the proposed development as well discussion on definitions of types of accommodation in the standard instrument. Although this is related to the proposal it is recommended that the first paragraph be retained as a concise statement on what is planned to be achieved and the rest of the discussion be moved to Part 3 Justification-Section A in the PP prior to exhibition should a Gateway Determination be issued.

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

Is an explanation of provisions provided? Yes

Comment : The explanation of provision state the intended outcomes will be achieved by amending clause 97A of IDO No 122 or listing the land as an additional permitted use in Schedule 1 of the DLEP depending on the timing of the gazettal and is generally 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 :

1.2 Rural Zones

1.5 Rural Lands

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

Amendment to Gosford IDO No 122 to enable short term tourist accommodation

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? **SREP No. 8 - Central Coast Plateau Areas**

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 Direction 6.3 Site Specific Provisions has not been justified (see assessment tab for further discussion)**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The PP shows the existing zoning under IDO No 122 as well as some aerial photos of the site. It is considered that a locality map should be provided, showing the site in context with the rest of the LGA, prior to public exhibition.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **Council have advised they will conduct community consultation as per the requirements of the Gateway Determination, if issued. This is considered to be a routine low impact proposal and a 14 day community consultation period is considered sufficient.**

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 : **The PP is considered to meet the adequacy criteria and is of sufficient merit to proceed.**

Proposal Assessment

Principal LEP:

Due Date : **June 2012**

Comments in relation to Principal LEP : **Gosford City Council resolved in May 2011 to forward the draft plan to the Department for the Minister to make the plan. The plan was received in September 2011 and is currently being reviewed by the Department.**

Assessment Criteria

Need for planning proposal : **Council advised the PP is not the result of any strategic plan or study. However, Council reference The Central Coast Tourism Plan (a plan developed with State and private funding) which was aimed at analysing existing tourist infrastructure and identifying actions to foster tourism. Council advise the PP would be consistent with this plan. Council have advised they are working on an Integrated Regional Tourism Strategy however it has not progressed to a point where it could provide meaningful strategic direction to the PP. Council is preparing an Open Space and leisure Strategic Plan however it has not yet progressed to a point where it could inform the determination of the**

PP.

The site is currently zoned 1(a) Rural Agriculture in Interim Development Order No 122 (IDO No 122) and was publicly exhibited in the draft Gosford LEP to be zoned RU1 - Primary Production. Gosford City Council on 31 May 2011 resolved to rezone the site to RE2 - Private Recreation to better reflect the existing land use as a golf course. The PP seeks to include an enabling clause that will permit cabins for short term tourist accommodation on the site. It is envisaged that the cabins will not contain kitchens or laundry facilities and the proponent has excluded these facilities to allay concerns that the cabins may be used for permanent occupancy in the future. Council advise this type of accommodation does not fit with the definitions contained in the standard instrument i.e. tourist and visitor accommodation, serviced apartments or eco tourist facility and as require a specific definition of cabins as an additional permitted use on the site.

Council advise the PP is the best means to achieve the objectives and intended outcomes. Council acknowledge that limiting the accommodation to golfers would be difficult to regulate and unreasonably restrictive. Council intends to enable the cabins to be used by other tourists thereby maximising the economic benefits of the development.

Council's net community benefit test advises that the PP will offer significant benefits for the viability of the golf course and flow on economic benefits to the broader Central Coast Plateaus area. The provision of cabins on the site is likely to provide positive economic effects and the scale of the development is compatible with the surrounding agricultural and rural land uses.

Amendment to Gosford IDO No 122 to enable short term tourist accommodation

Consistency with
strategic planning
framework :

Central Coast Regional Strategy

The site is identified in the CCRS as a Regional/State Park however the site has been extensively developed as a golf course and this designation does not reflect the current use or proposed zoning under the DLEP. The CCRS states that the Region's valuable rural and resource lands will be maintained for their agricultural, water supply, environmental, mineral and extractive resources and recreation and tourism opportunities. The PP will not impact on mapped rural and resource lands in the CCRS, not preclude adjoining sites being developed for agriculture and will support the ongoing viability of the golf course as a tourist facility. Council have advised the PP is not inconsistent with the CCRS as it will enhance the viability and encourage greater use of the golf course with broader benefits to the tourism sector.

Local Strategies

Council advise the PP is consistent with the Community Strategic Plan - Continuing our Journey. The land is not used for Agricultural Production and is unlikely to be used for farming in the future due the capital investment associated with the golf course. The provision of cabins may attract visitors outside of the region and are likely to produce economic benefits to existing and future tourist activities.

SEPPs

Council have advised the proposal is consistent with all SEPPs or they are not applicable.

SREP's

SREP No 8 - Central Coast Plateau Areas is now a deemed SEPP. Council advise the PP is consistent with the Special Provisions of SREP 8 and has provided an assessment in the PP. Council's assessment is generally consistent with the special provisions for draft local environmental plan applications and the PP is considered to be in conformity with the SREP.

s117 Directions

The following s117 Directions are applicable to the proposal, 1.2 Rural Zones, 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 2.4 Recreation Vehicle Areas, 3.2 Caravan Parks and Manufactured Home Estates, 3.3 Home Occupations, 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.

Council have failed to identify s117 Directions 2.1, 2.3, 2.4, 3.2, 3.3, and 6.2 as being applicable and incorrectly listed 3.4 as being applicable, however the PP is considered to be consistent with these s117 Directions and all other directions apart from the s117 Directions below which require further discussion.

1.2 Rural Zones

This direction applies as the PP will affect land within a 1(a) Rural Agriculture zone in Gosford LGA. The proposal must not contain provisions which increase the permissible density of the land within a rural zone. The proposal enables the site to be used for short term holiday accommodation and is therefore inconsistent with the direction as it will increase the permissible density on the site. The land is currently zoned for rural purposes, however IDO No 122 has enabling provisions that permitted the golf course to be developed on the site. The zoning no longer reflects the agricultural objectives of the 1(a) zone and is proposed to be zoned RE2 Private Recreation in the DLEP. The provision of cabins for golf or tourist purposes would be complimentary to this zone. Although the PP is inconsistent with the direction and will increase the permissible density of land in a rural zone it is considered that the DG should agree that the provision with this PP inconsistency with this direction is of minor significance as the site would be rezoned to RE Private Recreation upon gazettal of the DLEP and the direction would no longer apply.

3.4 Integrating Land Use and Transport

Council have incorrectly identified this direction as being applicable however it would only apply when a the RPA creates, alters or removes a zones or provision relating to urban land including land zoned for residential, business, industrial, village or tourist

purposes. The site of the golf course is zoned 1(a) Rural Agriculture and there cannot be considered urban land or land zoned for tourist purposes, the golf course is only permitted on the site by an enabling clause in IDO No 122 and therefore the direction would not apply.

4.4 Planning for Bushfire Protection

Consistency with this direction cannot be determined until consultation has occurred with the NSW Rural Fire Service. It is recommended that Council consult with the RFS should a Gateway Determination be issued.

6.3 Site Specific Provisions

This direction applies where a PP will allow a particular development to be carried out. Council have advised it would not be appropriate to allow to tourist or visitor accommodation to be permitted on an ad hoc basis in Rural 1(a) zones or RU1 zones. They also consider rezoning the site to a zone where it is permitted i.e. 7(c3) or E4 would also permit a range of other uses that are incompatible with the rural setting and could set an undesirable precedent for other PP that cumulatively could undermine the protection of agricultural land, resource lands and other rural activities. Council discuss the merits of the mechanisms available for the site specific planning provisions however they have not demonstrated that these provisions of the PP that are inconsistent are of minor significance.

Environmental social
economic impacts :

Environmental

Council's Environmental Officer raised no objections to the PP. Council also raised the issues of onsite effluent disposal and the ability of the on-site sewer disposal systems to operate over the longer term. The details of the sewer system would be a matter for assessment with a development application.

Popran National Park is located to the west of the site and any potential impacts that are not mitigated may have consequences for the Park and it is recommended the National Parks and Wildlife Service be consulted should a Gateway Determination be issued.

The site is also located within the Hawkesbury - Nepean Catchment Management Authority and it is considered they be consulted should a Gateway Determination be issued.

Traffic generation is not likely to be significant given that the accommodation is expected to be primarily used by golfers that are already using the site. It is considered a traffic impact study could be considered as part of a future development application. Council raised concerns regarding access into the site given the high speed limits (90km/h). Consultation with Transport for NSW - Roads and Maritime Authority should be conducted should a Gateway Determination be issued.

Social and Economic

Council have advised the PP will not have any adverse social and economic effects and will add to the 'attractiveness' for visitors. There may be some positive on flow economic effects due to increased tourist activity and additional jobs for servicing the cabins which may assist in providing some employment self containment in the area.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
Timeframe to make LEP :	6 Month	Delegation :	DDG
Public Authority Consultation - 56(2)(d) :	Hawkesbury - Nepean Catchment Management Authority NSW National Parks and Wildlife Service NSW Rural Fire Service Transport for NSW - Roads and Maritime Authority		

Amendment to Gosford IDO No 122 to enable short term tourist accommodation

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
Covering Letter and Planning Proposal.pdf	Proposal	Yes
Council Report.pdf	Proposal	Yes
Council Resolution.pdf	Proposal	Yes
Applicant Planning Proposal.pdf	Proposal	No

Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones**
 1.5 Rural Lands
 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 : **-The first paragraph of Part 1 Objectives or Intended Outcomes be retained and the rest of the discussion be moved to Part 3 Justification-Section A in the Planning Proposal. (this could be included in the letter accompanying the Gateway Determination)**

-A locality map be provided showing the site in context with the rest of the LGA prior to exhibition.

-The PP is consistent with s117 Directions 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 2.4 Recreation Vehicle Areas, 3.2 Caravan Parks and Manufactured Home Estates, 3.3 Home Occupations, 5.1 Implementation of Regional Strategies, 6.1 Approval and Referral Requirements, 6.2 Reserving Land for Public Purposes.

-the DG agree that the provisions of the Planning Proposal that are inconsistent with s117 Direction 1.2 Rural Zones are of minor significance.

-Consistency with 4.4 Planning for Bushfire Protection cannot be determined until consultation has occurred with the NSW Rural Fire Service.

Amendment to Gosford IDO No 122 to enable short term tourist accommodation

Supporting Reasons :

- Council is to demonstrate prior to exhibition that that the provisions of the Planning Proposal that are inconsistent with s117 Direction 6.3 Site Specific Provisions are of minor significance.

-Community Consultation for 14 days

-Agency Consultation with NSW Rural Fire Service, National Parks and Wildlife Service, Transport for NSW - Roads and Maritime Authority, Catchment Management Authority.

-6 month timeframe

-Objectives or Intended Outcomes contains discussion matters which should be relocated to the appropriate part of the PP.

-A locality map would assist in identifying the site for community consultation.

-The PP is consistent with the s117 Directions as recommended.

-The inconsistency with 1.2 Rural Zones is of minor significance.

-Consistency with 4.4 Planning for Bushfire Protection cannot be determined until agency consultation is complete.

-Council have not demonstrated that the inconsistency with 6.3 Site Specific Provisions are of minor significance.

-The proposal is a routine low impact proposal.

-The site is mapped as a bushfire buffer zone, is adjacent to a National Park, is accessed from a Regional Road and is located in the Hawkesbury - Nepean Catchment.

-The timeframe will either amend the IDO No122 or the Draft Principal Plan.

Signature:



Printed Name:

Robert Hodgkins

Date:

27/1/2012

A/Team Leader