

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

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.

- 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

Supporting Reasons : -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.

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- 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.

Panel Recommendation

Recommendation Date : 02-Feb-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. The intent of the planning proposal can be achieved by utilising the current definition of 'Tourist and visitor accommodation' included in the Standard Instrument Order (SI Order) 2006 Dictionary. Council is therefore to proceed by amending the planning proposal to include the definition of Tourist and visitor accommodation from the SI Order Dictionary when referring to the proposed land use.
2. Council's proposal to amend Schedule 1 of IDO 122 to allow for tourist and visitor accommodation on the subject site is not supported. Instead, Council is to proceed with the planning proposal adopting one of the following two options:
 - a. Include Tourist and visitor accommodation as a permitted use in the 1(a) Rural Agriculture Zone of IDO 122 (which will translate into the RU1 Primary Production Zone of Council's SI LEP); or
 - b. Rezone the site to an appropriate private recreation zone under Council's current IDO 122 (which would translate into the RE2 Private Recreation Zone under Council's SI LEP) and make Tourist and visitor accommodation a permissible use under this zone.
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
 - National Parks and Wildlife Service
 - Transport for NSW – Roads and Maritime Authority
 - Catchment Management Authority

Each 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.

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5. In relation to Section 117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service and amend the planning proposal (if necessary) to take into consideration any comments prior to undertaking exhibition of the planning proposal.

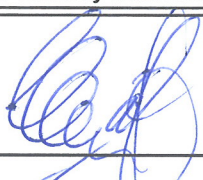
6. In relation to Section 117 Direction 6.3 Site Specific provisions, Council is to provide additional justification for the plan's consistency with this Direction prior to commencing public exhibition. Council should liaise with the Department's Regional Planning Team in relation to the information required to be provided.

7. 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).

8. 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: 6.2.12.