

Planning Proposal to rezone land adjoining the Terrigal Village centre from a medium density residential zone to a business zone.

Proposal Title : Planning Proposal to rezone land adjoining the Terrigal Village centre from a medium density residential zone to a business zone.

Proposal Summary : To rezone Lot 1004 DP 793659, Ash Street, Terrigal from 2(b) Residential to a business zone to facilitate the redevelopment of the site for a mixed use development.

PP Number : PP_2012_GOSFO_012_00 Dop File No : 12/11477

Planning Team Recommendation

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

S.117 directions :

- 1.1 Business and Industrial Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

Additional Information : It is suggested that the PP be allowed to progress with the following conditions:

- Council to amend the Statement of Objectives to reflect the key landuse change that will result from the PP i.e. to rezone the subject site from a medium density residential zone to a commercial zone that will enable it to be developed for a mixed use retail, commercial and residential development.
- Council to amend the Explanation of Provisions to:
 1. Acknowledge that the PP could proceed as an amendment to the GPSO, as part of a re-exhibited SILEP or as an early amendment to the SILEP,
 2. State that, if the PP amends the GPSO, provisions in the table to Clause 49E that enable a tennis court on the subject site are to be deleted,
 3. Identify how the PP could be achieved through the SILEP, and
 4. Provide a comparison between the key development controls (e.g. height and FSR) that apply to the site now and that would apply under a commercial (i.e. either 3(a) or B2) zoning.
- Council to update the mapping package to include:
 - a. A map that shows the proposed zoning of the subject site under the GPSO. This map should also included a notation identifying that, 'depending on timing, it could also be zoned B2 under the Gosford comprehensive LEP'.
 - b. Adding a 'Subject Site' notation to both the Existing Zoning map (Appendix 1 to PP) and Aerial Photograph (Appendix 3 to the PP).
- Council is to satisfy itself that the proposal is consistent with Directions 4.3 Flood Prone Land and 6.3 Site Specific Provisions and update the PP accordingly.
- 28 day community consultation, 9 month timeframe.

It also recommended that:

Planning Proposal to rezone land adjoining the Terrigal Village centre from a medium density residential zone to a business zone.

Supporting Reasons :

- Justification:**
- The DG agree that the inconsistency with s.117 Direction 3.1 is of minor significance.
 - The Gateway letter to Council confirm that support for this PP should not be interpreted as being support for the development plans provided by the applicant.
 - To reflect the fact that Council is yet to make a decision on whether to re-exhibit the dLEP and to allow the PP to be finalised via one of several ways.
 - Assist the community to understand the outcome of the PP and the height and scale of development that could potentially occur on the site.
 - The current PP is not clear on whether it is consistent or inconsistent with these directions (4.3 and 6.3).
 - Community consultation and LEP timeframes suggested are appropriate for a PP such as this.
 - The PP is inconsistent with s.117 Direction 3.1.
 - The PP will provide a zone and development standards for the site but any future DA would be subject to merit assessment against all relevant controls.

Panel Recommendation

Recommendation Date : **02-Aug-2012**

Gateway Recommendation : **Passed with Conditions**

Panel

Recommendation :

The Planning Proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the 'statement of objectives' in the planning proposal to advise that the planning proposal will amend either the Gosford Planning Scheme Ordinance or the draft Gosford LEP 2012 to rezone the site from a residential zone to a business zone.
2. Prior to undertaking public exhibition, Council is to make the following amendments to the 'explanation of provisions' in the planning proposal:
 - a. advise that the planning proposal will either rezone the subject site from 2(b) Residential to 3(a) Business (General) under the Gosford Planning Scheme Ordinance, or rezone the site from 2(b) under the Planning Scheme Ordinance to B2 Local Centre under the re-exhibited draft Gosford LEP 2012 or rezone the site from R1 General Residential to B2 as an early amendment to the draft LEP;
 - b. advise that Clause 49E of Gosford Planning Scheme Ordinance, which enables the development of a tennis court on the subject site, will be deleted in the event that the planning proposal amends the Ordinance;
 - c. clearly identify the amendments which are to be made to the Gosford Planning Scheme Ordinance and the draft Gosford LEP 2012, including amendments to the land zoning, height of buildings and floor space ratio maps.
 - d. identify the development controls that currently apply to the subject site and the proposed controls that will apply to the site.
3. Prior to undertaking public exhibition, Council is to include a zoning map that shows the proposed zoning of the subject site under the Planning Scheme Ordinance with a notation that advises that the proposal may amend the zoning of the site to B2 Local Centre under the draft Gosford LEP 2012. Council is to add notation 'subject site' to the zoning map and aerial photograph.
4. Council is to amend the planning proposal to advise whether the proposal is consistent with s117 Directions 4.3 Flood Prone Land and 6.3 Site Specific Provisions or whether it seeks the Director General to be satisfied that inconsistencies are of minor significance.
5. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land and the

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Contaminated Land Planning Guidelines. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material

6. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

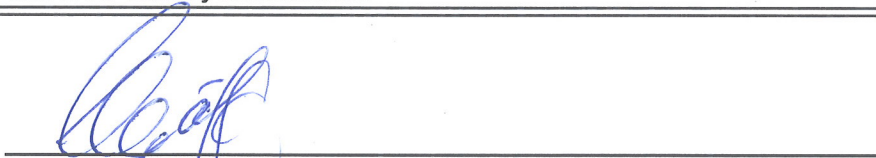
- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

7. No Consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

8. 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).

9. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McInnes

Date:

7.8.12