

# **PLANNING PROPOSAL GOSFORD CITY COUNCIL INCLUDING CERTAIN DIRECTIONAL REAL ESTATE SIGNAGE AS EXEMPT DEVELOPMENT IN GOSFORD LEP 2014**

This Planning Proposal has been drafted in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* and the Department of Planning & Environment's *A Guide to Preparing Planning Proposals* and *Guide to Preparing Local Environmental Plans*.

## **Part 1 Objectives or Intended Outcomes**

The objective/intended outcome of the Planning Proposal is to permit, as exempt development, the erection of off-site signage directing potential customers to housing estate developments

## **Part 2 Explanation of Provisions**

The objectives/intended outcomes are to be achieved by inserting in Schedule 2 Exempt Development of Gosford Local Environmental Plan 2014 the following:

### **Directional real estate signs on certain land**

- (1) Must be on land in a residential, business or industrial zone or on land in Zone RU1, Zone RU2, Zone RE2, or Zone SP2 that is not part of an approved subdivision that is being advertised for sale.
- (2) Must comply with the general requirements for signage and advertising specified in clause 2.83 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- (3) Maximum area:
  - (a) in a rural or residential zone – 4.5 m<sup>2</sup>
  - (b) in any other zone – 6.0 m<sup>2</sup>
- (4) Must be located within a 3 km radius of the subdivision.
- (5) Maximum - 4 signs per subdivision estate as a whole.
- (6) If the nearest arterial road is located outside the 3 km radius, 2 additional signs may be located outside the 3 km radius.
- (7) Must relate to the subdivision as a whole and not to individual lots.
- (8) Must only relate to land subdivision comprising more than 25 allotments.
- (9) Must not be an illuminated sign, nor comprise of moving text or images.
- (10) Must be removed within 14 days after all the land in the subdivision has been sold.
- (11) Must be maintained in good order, for example, graffiti free, safe and not in a state of disrepair.

## **Part 3 Justification for objectives & outcomes**

### **Section A Need for the Planning Proposal**

#### **1 Is the Planning Proposal a result of any strategic study or report?**

The Planning Proposal is not the result of a strategic study or report.

#### **2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The Planning Proposal is the only means of amending the Gosford LEP 2014 and thereby achieving the objectives/intended outcomes as stated above.

### **Section B Relationship to strategic planning framework**

#### **3 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

The Central Coast Regional Strategy (CCRS) applies to the Planning Proposal. The Planning Proposal consists of a minor operational issue which is not explicitly inconsistent with the outcomes or actions of the regional strategy. An individual provision relating to exempt development is unable to be specifically planned for in a document such as a regional strategy.

#### **3a Does the proposal have strategic merit and is it consistent with the Regional Strategy and Metropolitan Plan, or can it otherwise demonstrate strategic merit in light of Section 117 Directions?**

The CCRS has been addressed in Question 3 and Section 117 Directions are addressed in Question 6.

#### **3b Does the proposal have site-specific merit and is it compatible with the surrounding land uses, having regard to the following: the natural environment (including known significant environmental values, resources or hazards) and the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.**

The proposal will have the outcome of directing motorists from main roads to the housing estate. This is considered beneficial as it supports the economic activity of providing additional housing in Gosford. It is compatible with surrounding land uses as the size of the sign is smaller in residential and rural zones (4.5 sqm in area) and larger in other zones such as Business, Industrial and SP2 Road (6 sqm in area).

The dis-benefit would be the proliferation of third party advertising material with the consequent degradation of the visual environment, well removed from the subject land/activity being promoted. So that every small subdivision is not able to erect off-site directional signage, and thus cause visual pollution, it is proposed to prohibit them for subdivisions comprising less than a minimum of 25 lots.

#### **4 Is the Planning Proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?**

The Community Strategic Plan – Gosford 2025 applies to the subject land. The Planning Proposal is not explicitly inconsistent with the strategies outlined in the Community Strategic Plan. An individual planning provision is unable to be specifically accounted for in a document such as this; nor in any of Council's other strategic documents.

**5 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?**

The following assessment is provided of the relationship of the planning proposal to relevant State Environmental Planning Policies (SEPPs).

**SEPP No 64 – Advertising and Signage**

This SEPP controls signage in the State but is generally only applicable to signage that, under another environmental planning instrument that applies to signage, can be displayed with or without development consent. Given the current provisions in Gosford LEP 2014, this would not permit off-site directional real estate signs.

**SEPP (Exempt and Complying Development Codes) 2008**

This SEPP identifies real estate signs as exempt development but only if located on the land to which the signs apply. The off-site directional real estate signs are not exempt development under the SEPP.

**6 Is the Planning Proposal consistent with applicable Ministerial Directions (Section 117 directions)?**

The following assessment is provided of the consistency of the Planning Proposal with relevant Section 117 Directions applying to Planning Proposals lodged after 1 September 2009. Section 117 Directions are only discussed where applicable. The Planning Proposal is consistent, with all other Section 117s Directions or they are not applicable.

**Direction 4.4 Planning for Bushfire Protection**

This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service (RFS) following receipt of a gateway determination.

The Planning Proposal relates to making certain directional real estate signage Exempt Development and it is unknown on what land the signs will ultimately be erected. Consultation with the RFS will be dependent on the conditions of the Gateway Determination.

**Direction 5.1 Implementation of Regional Strategies**

Clause (4) of the Direction requires Planning Proposals to be consistent with a Regional Strategy released by the Minister for Planning.

The Central Coast Regional Strategy (CCRS) applies to the Planning Proposal. The Planning Proposal consists of a minor operational issue which is not explicitly inconsistent with the outcomes or actions of the regional strategy. An individual provision relating to exempt development is unable to be specifically planned for in a document such as a regional strategy.

**Direction 6.1 – Approval and Referral Requirements**

Clause (4) of the Direction requires a Planning Proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development.

This Planning Proposal is consistent with this direction as no such inclusions, or designation is proposed.

## **Section C Environmental, social and economic impact**

### **7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

It is likely that the directional signs will be erected within road reserves which, by their nature, are unlikely to be ecologically constrained.

### **8 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

None.

### **9 How has the Planning Proposal adequately addressed any social and economic effects?**

The Planning Proposal will assist in the sale of land and ultimately development of housing by advising people of the land release and directing motorists from main roads to the subdivision.

The proposed limitations on this exempt development are to benefit the community by preventing the proliferation of such signage. These controls relate to limiting the size and number of signs pertaining to any one land release subdivision and only permitting such signage for large subdivisions.

## **Section D State and Commonwealth interests**

### **10 Is there adequate public infrastructure for the Planning Proposal?**

No public infrastructure is required for this Planning Proposal.

### **11 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?**

No consultations have yet been undertaken with State and Commonwealth agencies as the gateway determination has not yet been issued.

## **Part 4 Mapping**

This Planning Proposal has no associated mapping. It relates to textual changes only.

## **Part 5 Community Consultation**

Subject to Gateway support community consultation will involve an exhibition period of 28 days. The community will be notified of the commencement of the exhibition period via a notice in the local newspaper and on the web-site of Gosford City Council.

The written notice will:

- give a brief description of the objectives or intended outcomes of the planning proposal,
- indicate the land affected by the planning proposal,
- state where and when the planning proposal can be inspected,
- give the name and address of Gosford City Council for receipt of submissions, and
- indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection:

- the planning proposal, in the form approved for community consultation by the Director-General of Planning,
- the gateway determination, and
- any studies relied upon by the planning proposal.

## **Part 6 Project Timeline**

The anticipated timeline for this Planning Proposal is set out below.

|                                              |               |
|----------------------------------------------|---------------|
| Gateway Determination                        | January 2016  |
| Completion of required technical information | n/a           |
| Government Agency consultation               | February 2016 |
| Public Exhibition                            | April 2016    |
| Consideration of submissions by Council      | June 2016     |
| Liaise with PC                               | July 2016     |
| Date Council will make plan (delegated)      | August 2016   |
| Forward Plan to Department for notification  | August 2016   |