

Mapping Amendments to Gosford LEP 2014

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

Proposal Summary : **The Planning Proposal seeks to amend mapping and heritage provisions in Gosford LEP 2014 by:**

- including deferred land that was exhibited as a zone other than E2 or E3;
- making miscellaneous mapping amendments including amendments to land zoning maps, minimum lot size maps, height of building maps and land reservation acquisition maps.
- amendments to the Heritage Maps and Schedule 5 - Environmental Heritage including the addition of heritage items, renaming items, correction of property descriptions and location of items.

PP Number : **PP_2014_GOSFO_003_00**

Dop File No : **14/06550**

Proposal Details

Date Planning
Proposal Received : **07-May-2014**

LGA covered : **Gosford**

Region : **Hunter**

RPA : **Gosford City Council**

State Electorate : **GOSFORD
TERRIGAL
THE ENTRANCE**

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

LEP Type : **Housekeeping**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Various lots in the LGA**

DoP Planning Officer Contact Details

Contact Name : **Glenn Hornal**

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Mapping Amendments to Gosford LEP 2014

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Central Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			
Have there been meetings or communications with registered lobbyists? : No			
If Yes, comment :			

Supporting notes

Internal Supporting Notes : **ADDITIONAL INFORMATION**
Council was requested to provide additional information to clarify:
- existing zones identified in the tables in the explanation of provisions ;
- Lot and DP numbers;
- clarification of zone inclusions that did not appear on maps;
This information was provided by Council on 7 May 2014.

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : Council has advised the intended outcome is to address issues and rectify mapping anomalies in Gosford LEP 2014 that have become evident.

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

Is an explanation of provisions provided? **Yes**

Comment : Council has identified a number of amendments will be required to the mapping layers and Schedule 5 - Environmental Heritage as follows:

"UN-DEFER" LAND ZONED 7(A) and 7(C2)

The table to 'un-defer' land zoned 7(a) and 7(c2) contains 18 rezonings to be included in the Gosford LEP 2014. These sites were excluded from the Gosford LEP 2014 due to a Council resolution to defer some 7(a) and 7(c2) lands to preserve Council's Coastal Open Space System (COSS) provisions relating to bonus lot subdivision. Council has advised these sites were unintentionally caught up by the resolution as they had been exhibited

with a zone other than E2 or E3 to which the bonus lot provisions would not apply anyway. Council is proposing to un-defer these lands and include them in the Gosford LEP 2014.

The table that relates to un-deferred 7(a) and 7(c2) land and contains a column "existing zones". The zones in this column do not contain all the current zones and contains zones prior to the gazettal of Gosford LEP 2014. Council should update this column to reflect the current zoning and applicable environmental planning instrument (EPI) as it applies to the land. Some sites have two instruments applying to the parts of the land (i.e. Gosford IDO No 122 and Gosford LEP 2014) and they should also be identified so it is clear to the community what changes are proposed to the zones and what EPIs will apply.

Lot 102 DP 832279 Narara Creek Road, Narara.

Council was asked to clarify the zoning on Lot 102 DP 832279 as the map submitted with the Planning Proposal indicated only the SP2 part would be rezoned. The table indicated it would be rezoned to SP2 and E2. Council confirmed the rezoning will only apply to the SP2 part of the site. The table will need to be updated prior to exhibition.

Lot 6 DP 3944 Nells Road, West Gosford.

Council was asked to clarify the rezoning of Lot 6 DP 3944 as the map submitted with the Planning Proposal indicated only the IN1 part would be rezoned however the table indicated the land would be zoned IN1 and E2. Council confirmed the rezoning will only apply to the IN1 part of the site. The table will need to be updated prior to exhibition.

There are other sites that are proposed to be part zoned and Council should clearly identify this in the proposed zones column in the 'explanation of provisions' so the community is aware of the proposed changes.

MISCELLANEOUS MAPPING AMENDMENTS

The table containing the 'miscellaneous mapping amendments' contains 30 rezonings to correct zoning errors, reflect ownership changes (public to private or vice versa) or to align zone boundaries to cadastre.

The table contains an 'existing zones' column which is not the current zoning of the land under the Gosford LEP 2014 but rather the zone prior to gazettal of Gosford LEP 2014. The 'exhibited zones' column contains the current zones under the Gosford LEP 2014 and the table should be updated to correct this error so the community is aware of the proposed changes to the zones. The table will need to be updated prior to exhibition.

Lot 130 DP 9508 Jacaranda Avenue, Patonga identified in the table has an incorrect DP. Council confirmed the correct property description is Lot 130 DP9408 and the table should be updated prior to exhibition and should also be zoned 'part RE1'. The remainder of the lot is to remain a deferred matter in accordance with the Council resolution.

Council has stated the zoning maps will be amended to reflect the new zones and the relevant mapping layers will be amended accordingly. The development standards maps will need to be identified in the 'explanation of provisions' and appropriate maps included for public exhibition to ensure the community is aware of amendments proposed.

HERITAGE MATTERS

Council resolved to rename a heritage item and include a new heritage item in Gosford LEP 2014 on recommendation from Council's Heritage Advisory Committee. In addition Council has identified 14 heritage amendments to the Gosford LEP. These relate to location changes of heritage items, correction of Lot and DP numbers, inclusion of new heritage items and separate listing of heritage items that are identified as one item in the Gosford LEP 2014. The changes proposed will require amendments to the heritage maps and/or amendments to schedule 5 Environmental Heritage on Gosford LEP 2014.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

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

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain : **Further discussion of SEPPs and s.117 Directions is contained later in the report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The mapping submitted is sufficient for assessment. Council should ensure the mapping to be exhibited includes an updated Land Application Map showing the proposed amendments to deferred matters.

Council should also update the mapping to include a title, north point and key block that identifies the attributes on each map and ensure the existing and proposed mapping to be exhibited is consistent with the proposed amendments detailed in the 'explanation of provisions'.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has indicated the proposal is to be exhibited between 14 and 28 days. Given the local significance of the amendments a minimum exhibition period of 14 days is recommended. Council should also consult with both private and public landowners affected by the proposed amendments to ensure they are aware of how the amendments will affect their land.

Additional Director General's requirements

Are there any additional Director General's requirements? **Unknown**

If Yes, reasons :

PROJECT TIMELINE

Council's timeline anticipates finalisation of the Planning Proposal in December 2014 (approx 7 months). It is recommended a 6 months timeframe is sufficient for Council to complete the plan.

DELEGATION AUTHORISATION

Council has accepted plan-making delegations for Planning Proposals generally however resolved to not seek delegations to make this plan. The proposal relates to minor local matters and it is recommended Council be granted delegation to make the plan.

Mapping Amendments to Gosford LEP 2014

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **February 2014**

Comments in
relation to Principal
LEP :

Gosford Local Environmental Plan 2014 was notified on 11 February 2014.

Assessment Criteria

Need for planning
proposal :

The Planning Proposal is not the result of a specific strategic study or report and seeks to address matters that have arisen since the Gosford LEP 2014 was exhibited.

Council resolved to defer privately owned land zoned 7(a) or 7(c2) east of the Freeway from Gosford LEP 2014. Council has advised the intention was to preserve its Coastal Open Space System (COSS) provisions related to bonus lot subdivision and some land that was exhibited with a zone other than the equivalent zone of E2 and E3 was unintentionally caught up in Council's resolution even though they would not be eligible for the COSS provisions. Council now seeks to amend the zoning maps related to these lands by "un-deferring" these lots from Gosford LEP 2014 and apply an appropriate Standard Instrument zone.

Council has identified a number of miscellaneous amendments to correct zoning errors, rectify zone boundaries not aligning with the cadastre or to reflect a change in ownership of the land.

In addition to the zoning amendments Council has also identified a number of heritage amendments required to the Gosford LEP 2014 which will result in some Schedule 5 amendments and heritage mapping alterations.

Consistency with
strategic planning
framework :

CENTRAL COAST REGIONAL STRATEGY (CCRS)

Council has advised the amendments proposed relate to minor operational issues and do not consider the proposal to be inconsistent with the outcomes or actions of the CCRS.

LOCAL STRATEGIES

Council has advised The Community Strategic Plan - Gosford 2025 applies to the subject land however the Planning Proposal is not inconsistent with the strategies outlined in the Plan.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

The amendments proposed are related to matters that were deferred from the Gosford LEP 2014; corrections to zone boundaries and cadastre alignments and correction of zones to reflect land ownership changes and land uses. Council has advised no SEPPs have application to the Planning Proposal. However Council should give consideration in the Planning Proposal to the following SEPPs.

SEPP 19 Bushland in Urban Areas

SEPP 44 Koala Habitat Protection

SEPP 55 Remediation of Land

SEPP 71 Coastal Protection

S.117 DIRECTIONS

The Planning Proposal is consistent with all relevant directions or they are not applicable except where discussed below.

2.1 Environment Protection Zones

The Planning Proposal identifies deferred land zoned 7(a) and 7(c2) to be rezoned another zone that will reduce the environmental protection standards that apply. The zones proposed reflect the existing land use or built form, or are isolated patches which are to be zoned to be consistent with adjoining zones or rationalise split zoned parcels. The zones proposed are generally consistent with the exhibition of the now gazetted Gosford LEP 2014. It is appropriate to include these deferred matters in a zone that is consistent with the land attributes and were unintentionally deferred by Council's resolution.

The miscellaneous mapping amendments proposes to zone some E1 or E2 land to RE1 (i.e. Lot 265 DP 755251 Mullet Creek, Wondabyne; Lot 15 Sec 9 DP 1905 Showground Road, Narara; Lots 32 & 34 Sec 11 DP 2163 Hammersmith Road, Erina; Lot 130 DP 9508 Jacaranda Avenue, Patonga; and Lot 102 DP 1171317 Carrak Road, Kincumber). These rezonings proposed are either now Council owned or crown land and consistent with a land use for public recreation or were previously wrongly identified as being part of a National Park (e.g. Lot 265 DP 755251 Mullet Creek).

The proposed rezoning from E2 and E3 to SP2 along the Central Coast Highway at Erina Heights and Wamberal will reflect the new zone boundary position of the widened Highway.

The Planning Proposal seeks to include appropriate zones or correct anomalous zones in the Gosford LEP 2014 and it is considered the Secretary could agree the inconsistency with the terms of the direction is of minor significance.

3.1 Residential Zones

There are three sites which downzone R2 Low Density Residential to SP2 or RE1 and reduce the permissible density of residential land.

-Lot 102 DP 747829 Kathleen Street, Woy Woy rezones R2 to SP2 Health Services Facility as the lot is part of the Woy Woy Hospital site.

-Lot 3 DP 786052 Newcastle Street, Springfield is Council owned R2 land fronting Erina Creek and is proposed to be zoned RE1. The zoning is consistent with Council approach to other reserves fronting waterways.

-Lot 102 DP 1171317 Carrak Road, Kincumber is zoned R2 and E2 and Council owns the land. Council has advised the deposited plan shows the land as a public reserve and should be zoned to RE1 to be consistent with reserves on either side of the lot.

Although the proposed rezoning reduces the permissible residential density on the land it reflects the built form and current land use of the lots. The zoning will correct inappropriate zones in the Gosford LEP 2014 the Secretary could agree the inconsistency with the terms of the direction is of minor significance.

4.1 Acid Sulfate Soils

Council has not identified this direction is applicable. The land on many of the lots has a probability of acid sulfate soils beings present and are identified on Council Acid Sulfate Soils planning maps. Given the zonings have either been previously exhibited or a minor corrections to zones and potential future development subject to a development application could address acid sulfate soils impacts. The Secretary could agree the inconsistency with the terms of the direction is of minor significance.

4.3 Flood Prone Land - Council has not identified this direction as applicable and has not advised if any of the lots or heritage provisions are identified on flood prone land. Council should investigate whether the direction is applicable and address the terms of the direction if required to demonstrate consistency or seek the Secretary's agreement for any inconsistency.

4.4 Planning for Bushfire Protection

Council has identified the Planning Proposal will affect land mapped as bushfire prone. The direction requires the RPA must consult with the NSW Rural Fire Service following receipt of a Gateway Determination. Consistency with the direction will need to be determined following consultation with NSW Rural Fire Service.

6.2 Reserving Land for Public Purposes

Council has advised the rationalisation of zone boundaries will affect several public agencies and the approval of the relevant public authority or the Secretary is to be sought should a Gateway Determination be issued.

The Planning Proposal affects a number of sites that will create, alter or reduce zonings of land for public purposes. Council has identified that some of the sites are in private ownership, Crown Land or Council land.

Given Council is the relevant public authority and the following sites Lot 15 Sec 9 DP 1905 Showground Road, Narara (E2 to RE1) and Lot 102 DP1171317 Carrak Road, Kincumber (R2/E2 to RE1) are Council owned public reserve the Secretary should approve the alterations for public proposes given they are consistent with Council's zoning for public reserves.

There are still other sites that require the approval of another public authority and Council should seek this approval under the terms of the direction before the Secretary can determine consistency with the direction.

Environmental social
economic impacts :

Environmental

Council has advised the proposed amendments seek to reflect the existing environmental characteristics of the land or seek to ensure they are retained.

Social and Economic

There may be some increase in economic activity and employment opportunities that will result from the zoning changes however they are considered to be minor given the changes proposed and generally bring in deferred matters, correct minor zonings anomalies and amend heritage provisions.

Mapping Amendments to Gosford LEP 2014

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - s56(2)(d) : **Department of Education and Communities
Office of Environment and Heritage
Office of Environment and Heritage - NSW National Parks and Wildlife Service
NSW Rural Fire Service
Transport for NSW
Transport for NSW - Roads and Maritime Services
Other**

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
Council Covering Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council Report.pdf	Proposal	Yes
Council Resolution.pdf	Proposal	Yes
Additional Information.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **2.3 Heritage Conservation
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 : **The Planning Proposal should proceed subject to the following conditions.**

1. Council update the 'explanation of provisions' and the Planning Proposal to:
 - identify the current 'existing zones' in the Tables under the applicable environmental planning instrument (i.e. Gosford Planning Scheme Ordinance; Interim Development Order No 122—Gosford or Gosford LEP 2014) and the 'proposed zones' in the tables under Gosford LEP 2014;
 - update the 'proposed zone' column for Lot 102 DP 832279 Narara Creek Road, Narara and Lot 6 DP 3944 Nells Road, West Gosford by deleting the reference to 'E2';
 - update an incorrect property description for Lot 130 DP9508 to Lot 130 DP9408 Jacaranda Avenue, Patonga. The proposed zone should be identified as 'part RE1';
 - update the Tables to clearly identify which lots are proposed to be 'part' zoned;
 - identify the relevant development standards maps to be included under Gosford LEP 2014;
 - include an updated Land Application Map
 - update the mapping to include a title, north point and key block that identifies the attributes on each map and ensure the existing and proposed mapping to be exhibited is consistent with the proposed amendments detailed in the 'explanation of provisions'.
2. Ensure all public and private landowners affected by the proposed amendments are consulted.
3. Council is required to include consideration of the Planning Proposal against the following SEPPs":
 - SEPP 19 Bushland in Urban Areas
 - SEPP 44 Koala Habitat Protection
 - SEPP 55 Remediation of Land
 - SEPP 71 Coastal Protection
4. Council is to address consistency with the following S.117 Directions and update the Planning Proposal accordingly:
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection - NSW Rural Fire Service
 - 6.2 Reserving Land for Public Purposes
5. Consultation is required with the following public authorities:
 - Department of Education and Communities
 - NSW Trade and Investment - Crown Lands
 - NSW Rural Fire Service
 - Transport for NSW - Roads and Maritime Services
 - Office of Environment and Heritage
 - Office of Environment and Heritage - NSW National Parks and Wildlife Service
 - Northern Sydney Central Coast Health Service
 - Telstra
 - Transport for NSW - NSW Trains
6. The Planning Proposal must be made publicly available for a minimum of 14 days.
7. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.
8. Council be granted delegation to make the plan.

Supporting Reasons :

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Mapping Amendments to Gosford LEP 2014

Signature:

 G HOPKINS

Printed Name:

22.5.2014

Date: