

TITLE **PLANNING PROPOSAL 2014.73 - LOT 46 SEC A DP 8872, NO12 ALFRED STREET AND LOT 47 SEC A DP 8872, NO 1 BULLION STREET UMINA BEACH, INCLUDE IN LAND RESERVATION ACQUISITION MAP FOR OFF-STREET CAR PARKING. APPLICANT: GOSFORD CITY COUNCIL. (IR 20176671)**

Department: Governance & Planning
Service Unit: Sustainable Corporate & City Planning

The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979

Disclosure of political donations and gifts - s147 Environmental Planning and Assessment Act (EP&A Act)

“A relevant planning application means: (a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site”, i.e. a Planning Proposal. The object of Section 147 is to require the disclosure by a person of relevant political donations or gifts when a relevant planning application is made to Council per s147(4).

Council is initiating the subject Planning Proposal, therefore it is not a ‘relevant planning application’ that requires disclosure per Section 147(4).

EXECUTIVE SUMMARY

Gosford City Centre and the Woy Woy Peninsula centres have been identified as the focus areas for future development activity. With this focus on centres it is necessary to develop plans to maximise the benefits this new development can bring to the centres. Such plans have the aim of integrating building design, traffic management and public domain improvements; improving sustainability outcomes and achieving good quality community planning. The goal is to provide attractive development and, importantly, the physical and commercial renewal of the centres.

Council began the planning for the Woy Woy Peninsula centres through the Peninsula Urban Directions Strategy (PUDS).

PUDS recommended the extension of the business zone that applied to the Umina Beach Village Centre. It was identified that the extension of the business zone would result in associated changes to landuse patterns and the addition of floor space potential in the village which will alter the traffic and pedestrian usage patterns and levels within the centre. Infrastructure changes were identified to accommodate the growth potential of the centre. Council resolved to prepare a Transport Management and Accessibility Plan for the Umina Beach Village Centre.

A Transport Management and Accessibility Plan (TMAP) is a comprehensive assessment of movement systems of a site or an area resulting in the identification of appropriate measures, including infrastructure, services and demand management initiatives.

With regard to the provision of additional car parking for the Umina Beach Village Centre, the TMAP recommended that two properties, which adjoin the northern side of the large Council

carpark located between Alfred Street and Bullion Street, be identified for car parking purposes. This recommendation was supported in a resolution of Council dated 12 August 2014;

B Numbers 12 Alfred Street and 1 Bullion Street Umina Beach be designated in Gosford LEP 2014 land reservation acquisition map and as off-street car parking under the Section 94 plan No. 68 – Umina Beach and Gosford Development Control Plan 2013 for Peninsula Centres that accompanies the Gosford LEP 2014.

This Planning Proposal provides the means by which the land can be included in Gosford LEP 2014 - Land Reservation Acquisition Map for off - street car parking purposes.

BACKGROUND

Reason for Referral to Council: This report discusses merits for Council's consideration and decision of whether or not to prepare a Planning Proposal (PP) (*which, if supported by Department of Planning & Environment would result in an amending LEP*), pursuant to Section 55 Environmental Planning & Assessment Act, 1979 (State).

Application Received: Council Resolution of 12 August 2014

Environmental Planning Instrument – Current Zone: B2 - Local Centre

Area: 1060m²

Map:

Recommendation: for support

Landuse History: The two properties are located respectively on lots of 530 sq.m. and contain small dwellings that are being used for professional consulting rooms. The land was zoned for residential purposes prior to the making of Gosford LEP 2014. The land was zoned B2 - Local Centre under Gosford LEP 2014 as a result of the recommendations from the Peninsula Urban Directions Strategy. The land has limited development potential under B2 - Local Centre zoning due to land size and the orientation of the blocks which make amalgamation with adjoining lots problematic.

Overview of Applicant's Submission:

The Peninsula Urban Directions Strategy, Gosford LEP 2014 and the Umina Beach Village Transport Management and Accessibility Plan and Council's resolution of 12 August 2014 have provided the basis for the preparation of the Planning Proposal to include the sites in the Land Reservation Acquisition Map of the Gosford LEP 2014.

'Gateway' planning process

A local Environmental Plan (LEP) is a legal instrument that imposes zoning of land, standards to control development and other planning controls.

A Planning Proposal application is the mechanism by which a LEP is amended.

The aims of the Gateway planning process are to enable early consideration by the Department of Planning and Environment (DP&E) (former Department of Planning and Infrastructure) and, if supported, allow early public consultation to begin. The Gateway process ensures that there is sufficient justification from a planning perspective to support a change to statutory planning provisions. The Gateway therefore acts as a checkpoint before significant resources are committed to carrying out technical studies, where these may be required.

Attachment A contains the former Department of Planning and Infrastructure Planning Proposal 'Flow Chart' and shows the stage which this request for a Planning Proposal has reached, plus the draft Planning Proposal and an overview of the Gateway process.

Certain plan-making functions may be delegated by the Department of Planning and Environment to Council (see Planning Circular PO12-006).

PLANNING PROPOSAL GOSFORD CITY COUNCIL

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*.

A gateway determination under Section 56 of the Environmental Planning and Assessment Act is requested from the DP&E.

Part 1 Objectives or Intended Outcomes

Section 55(2)(a) A statement of the objectives or intended outcomes of the proposed instrument.

The objective/intended outcome of the Planning Proposal is to include Lot 46 Sec A DP 8872, No.12 Alfred Street and Lot 47 Sec. A DP 8872, No. 1 Bullion Street Umina Beach, in the Land Reservation Acquisition Map of the Gosford LEP 2014 for the purposes of off - street public car parking.

Part 2 Explanation of Provisions

Section 55(2)(b) An explanation of the provisions that are to be included in the proposed instrument.

The objectives/intended outcomes are to be achieved by amending the Land Reservation Acquisition Map of the Gosford LEP 2014 to include the subject land.

Section 55(2)(d) If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones, heritage areas, flood prone land – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument.

Attachment B to this report contains all relevant mapping to the Planning Proposal.

Part 3 Justification for objectives & outcomes

Section 55(2)(c) The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117).

Section A Need for the Planning Proposal

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

The Peninsula Urban Directions Strategy supported the objectives and actions of the Central Coast Regional Strategy. The Umina Beach Transport Management and Accessibility Plan identified the parking improvements necessary to accommodate the expansion of the business zone for the Village Centre.

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 best means of achieving the objectives/intended outcomes as the NSW Government Standard Instrument requires that land that is to be brought into Council's ownership shall be included in a map entitled the Land Reservation Acquisition Map.

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)?

Regional strategies include outcomes and specific actions for a range of different matters relevant to the region. In all cases the strategies include specific housing and employment targets also. The Central Coast Regional Strategy 2006 – 2031 is applicable to the subject land and the proposed rezoning. This Planning Proposal is consistent with the following objectives/actions contained within the Regional Strategy for the reasons specified:

The designation of the subject land for off - street car parking purposes provides some of the necessary infrastructure to support the growth of a key centre. Support for the renewal and growth of existing commercial/retail centres is a major objective of the Central Coast 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 Planning Proposal has strategic merit as it is part of long term planning for a key centre on the Woy Woy Peninsula.

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.

Council has considered the planning issues associated with the designation of the land for off street car parking as part of the strategic planning undertaken for the Umina Beach Village Centre. The purpose of the Planning Proposal is to undertake the administrative process to formalise Council's resolution.

The land adjoins the existing large off - street car parking site in the Umina Beach Village centre. The land currently is developed for single occupancy dwellings which are being used for professional consulting rooms. The land is not able to be easily amalgamated with adjoining properties due to their street orientation and therefore has limited development potential under the B2- Local Centre zoning.

The land has no physical characteristics that would prevent it from being used for car parking purposes.

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

The Planning Proposal is consistent with Council's local strategies which include the aims of supporting the renewal of existing urban centres.

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.

(i) **SEPPs applicable:** No State Policies have application to this planning proposal.

(ii) **Other SEPPs:** No other SEPP has application to this planning proposal.

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.

1.1 Business and Industrial Zones

'Objectives

(1) *The objectives of this direction are to:*

(a) *encourage employment growth in suitable locations,*

(b) *protect employment land in business and industrial zones, and*

(c) *support the viability of identified strategic centres.'*

Comment: This Direction seeks to retain the total potential floor space area for employment uses. The subject land is zoned for business purposes. The designation of land for car parking purposes would remove opportunity for the ground level of the land to be used for business purposes. It is noted that it is possible that the air space above the carpark could be used for business purposes.

The provision of off street car parking in a central and convenient location is an important provision for the functioning of the Umina Beach Village Centre. Support for the provision of off - street car parking in this location is provided by strategic studies such as the Peninsula Urban Directions Strategy and Umina Beach Village Transport Management and Accessibility Strategy which support the objectives of this Direction.

In addition, the loss of business floor space potential is considered of minor significance in the context of the amount of new business zoned land created through Gosford LEP 2014 in the Umina Beach Village Centre.

For the above reasons any inconsistency with this Direction can be justified.

3.4 Integrating Land Use and Transport

'Objective

- (1) *The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:*
 - (a) *improving access to housing, jobs and services by walking, cycling and public transport, and*
 - (b) *increasing the choice of available transport and reducing dependence on cars, and*
 - (c) *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
 - (d) *supporting the efficient and viable operation of public transport services, and*
 - (e) *providing for the efficient movement of freight.'*

Comment: The provision of additional public off - street car parking does encourage access to the Umina Village Centre by private vehicle which is contrary to the objectives of this Direction. The inconsistency with this Direction can be justified if the Planning Proposal is -

- (b) *justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
- (c) *in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- (d) *of minor significance.'*

A Transport Management and Accessibility Plan (TMAP) is a comprehensive assessment of movement systems of a site or an area resulting in the identification of appropriate measures, including infrastructure, services and demand management initiatives. It addresses all forms of movement systems and therefore encourages a holistic approach to transport management. The TMAP therefore gives consideration to the objectives of this Direction.

The Central Coast Regional Strategy (CCRS) supports the renewal of existing centres through new development and the provision of supporting infrastructure. The provision of off street car parking is an essential infrastructure element in supporting the operation of the Umina Beach Village Centre. The Planning Proposal is therefore considered to be consistent with the CCRS and any inconsistency with this S117 Direction can be justified.

- (i) **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 Planning Proposal is considered to be consistent with the objectives and actions contained in the Central Coast Regional Strategy 2006 – 2031 as indicated in the response to Section A above.

- (ii) **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.

- (iii) **Direction 6.3 – Site Specific Provisions:** The Planning Proposal is consistent with this Direction as the zoning of the land is not being altered from the current B2 - Local Centre. Although the ground level is being set aside for carparking purposes the air space is available for business use.

6.2 Reserving Land for Public Purposes

'Objectives

(1) *The objectives of this direction are:*

- (a) *to facilitate the provision of public services and facilities by reserving land for public purposes, and*
 (b) *to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.'*

Comment: The Planning Proposal is consistent with this Direction.

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?**

Not applicable

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

Not applicable

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

The Planning Proposal seeks to implement the strategic planning previously undertaken by Council and generally supported by the local community. As the Planning Proposal is primarily administrative, social and economic effects are not relevant.

Section D State and Commonwealth interests

10 Is there adequate public infrastructure for the Planning Proposal?

Not applicable

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?

Not applicable

Part 4 Mapping

S55(2)(d) If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones, heritage areas, flood prone land - a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument.

Attachment B to this report contains all relevant mapping to the Planning Proposal.

Part 5 Community Consultation

Section 55(2)(e) Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

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. A letter will also be sent to the adjoining landowners (see map below).

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.

The owners of the land have previously been consulted in relation to the designation of their land for car parking purposes as part of the preparation of the TMAP for the Umina Beach Village. Council has considered their comments and resolved at its meeting of 12 August 2014 to designate the land for off - street car parking purposes. Council, as part of the community consultation process associated with this Planning

Proposal, will again be offering the owners an opportunity to provide comment to Council.

Other Matters for Consideration

Contributions Plan No.68 - Umina Beach Centre Car parking currently applies to the Umina Beach Village. The land proposed for use for off -street car parking has either been developed for car parking or in the case of land in Norman Street was developed for a residential flat building. The properties subject of this Planning Proposal will be included in an amended Contributions Plan No.68.

Conclusion

Council resolved at its meeting of 12 August 2014 in the following manner;

B Numbers 12 Alfred Street and 1 Bullion Street Umina Beach be designated in Gosford LEP 2014 land reservation acquisition map and as off-street car parking under the Section 94 plan No. 68 – Umina Beach and Gosford Development Control Plan 2013 for Peninsula Centres that accompanies the Gosford LEP 2014.

The Planning Proposal to include No.12 Alfred and 1 Bullion Street Umina Beach in the Land Reservation Acquisition Map of Gosford LEP 2014 for off-street car parking purposes is one of the implementation actions from a series of strategic planning documents covering the Umina Beach Village Centre.

These strategic planning documents are the Peninsula Urban Directions Strategy and the Umina Beach Village Transport Management and Accessibility Plan. The designation of the land for off - street car parking purposes will provide for some of the additional off -street car parking demand from the expansion of the zoned business area for the Umina Beach Village Centre.

The subject land is proposed to be included in an amended Contributions Plan No.68 for Umina Beach Village Car parking. This will enable Council to purchase the subject land.

The Planning Proposal is inconsistent with S117 Directions 1.1 Business and Industrial Zones and 3.4 Integrating Land Use and Transport. These inconsistencies can be justified as the Planning Proposal is part of the implementation of strategic planning to support the renewal of the Umina Beach Village centre which is a key action within the Central Coast Regional Strategy.

Should Council wish to reconsider the matter after public exhibition where no submissions objecting to the matter have been received, Part C of the recommendation should be amended to include the words: “After public exhibition of the Planning Proposal a report is referred to Council on the matter.”

FINANCIAL IMPACT STATEMENT

The Land Acquisition (Just Terms Compensation) Act 1991 will apply when the land is designated for off - street car parking purposes. Council under this Act will be required to acquire the land for a market price. The cost of this acquisition is proposed to be borne over a period of time through the application of the amended CP 68 - Umina Beach Car parking.

Attachments: Attachment A - Planning Proposal Flow Chart
Attachment B - Planning Proposal Mapping

Tabled Items: Nil

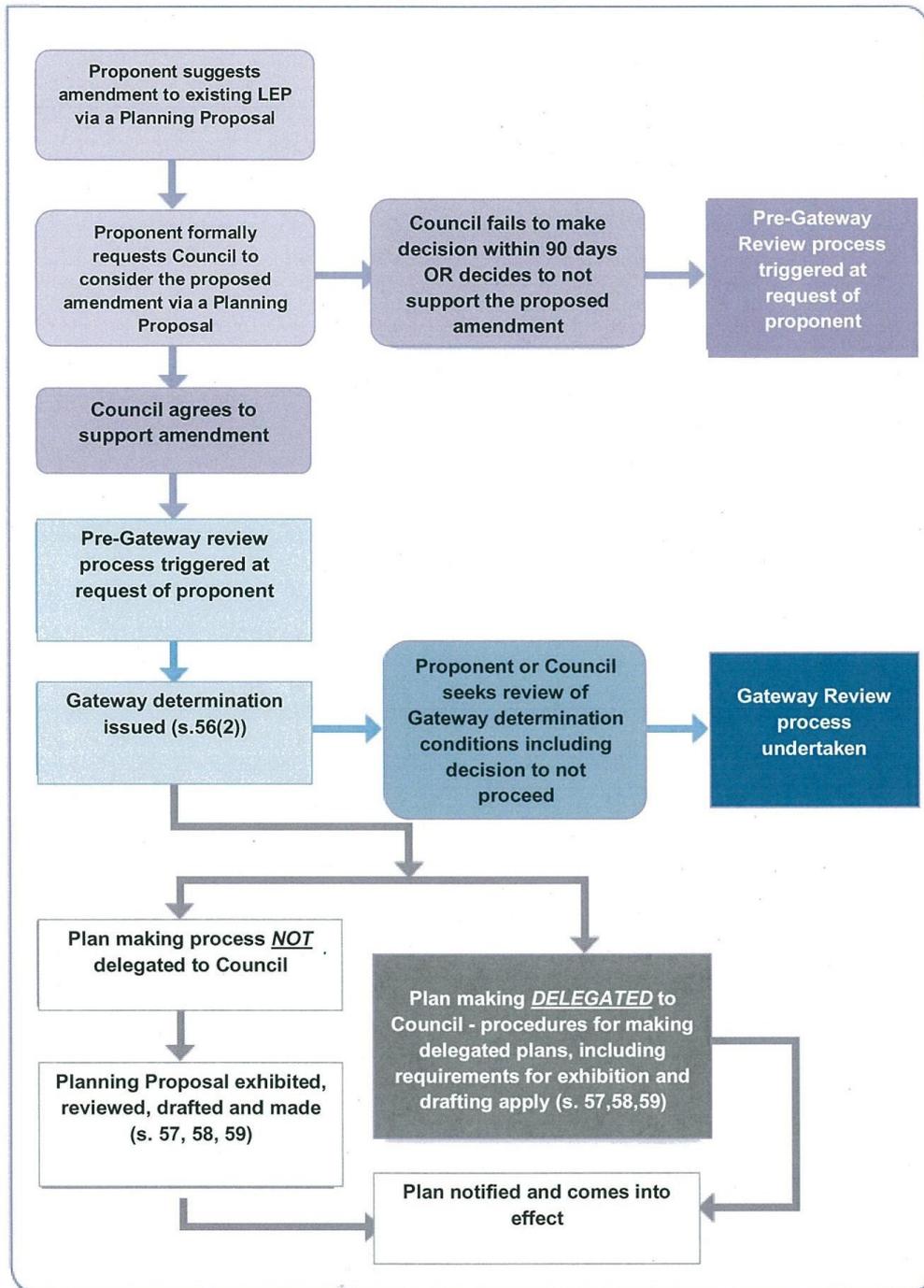
RECOMMENDATION

- A Council initiate the Local Environmental Plan 'Gateway' process pursuant to Section 55 Environmental Planning and Assessment Act by endorsing the preparation of a Planning Proposal as outlined in this report for Lot 46 Sec.A DP 8872, No.12 Alfred Street and Lot 47 Sec. A DP 8872, No. 1 Bullion Street Umina Beach, to include in land reservation acquisition map of Gosford LEP 2014 for off-street car parking purposes.
- B Council notify the Department of Planning & Environment of Council's resolution requesting a 'Gateway' determination pursuant to Section 56(1) Environmental Planning and Assessment Act and forward the Planning Proposal and all necessary documentation according to their requirements and this report. The Department be advised that inconsistencies with Section 117 Direction 1.1 Business and Industrial Zones and 3.4 Integrating Land Use and Transport can be justified
- C After public exhibition of the Planning Proposal, should the Minister for Planning support it, if no submissions objecting to the Planning Proposal are received, the Planning Proposal is to be processed in order to make the plan.
- D Council seeks delegations from the Department of Planning & Environment for this Planning Proposal.

Any delegation to Council is to be delegated to the Chief Executive Officer - Paul Anderson, per s381 of the *Local Government Act 1993*, who will complete the "Authorisation" on behalf of Council and submit to the Department of Planning & Environment.

ATTACHMENT A – Planning Proposal Flowchart

LEP plan making process



APPENDIX 2 Aerial Photograph

