

Minor amendments to Gosford LEP 2014

Proposal Title : **Minor amendments to Gosford LEP 2014**

Proposal Summary : **The planning proposal addresses minor issues and rectifies errors and anomalies in Gosford LEP 2014. Matters addressed are:**

- 1. Removal of E4 from the list of zones where lots created by strata subdivision for residential accommodation or tourist accommodation must not be less than the mapped minimum lot size (cl. 4.1A).**
- 2. Amendment of cl. 4.1B so minimum lot sizes for certain residential development in R1 zones do not apply to Gosford City Centre.**
- 3. Permit recreation facilities (major) in the RE2 Private Recreation zone.**
- 4. Permit residential flat buildings in zone B6 Enterprise Corridor but only when the ground floor does not contain a dwelling.**

These are referred to as objective 1 to 4 throughout this report.

PP Number : **PP_2014_GOSFO_015_00** Dop File No : **14/14111**

Proposal Details

Date Planning Proposal Received :	20-Aug-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 land in E4, R1, RE2 and B6 zones		

DoP Planning Officer Contact Details

Contact Name : **G P Hopkins**
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RPA Contact Details

Contact Name : **Peta James**
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Contact Email : **peta.james@gosford.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
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 : **The proposal was lodged on 20 August 2014. Further information was requested on 21 August 2014 and was provided on 25th and 28th August 2014.**

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The statement does not provide details of the minor issues being addressed in the planning proposal however these can be inferred from the explanation of provisions.**

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

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

Comment : **For objectives 1, 3 and 4 the PP restricts discussion to one approach rather than considering multiple ways these objectives might be achieved.**

For 1, the references are to solving an issue with strata subdivision of tourist development in E4. There is no discussion of cl. 4.1AA (similar clause but for community title subdivision) about which the department and Council have had concerns raised and which may also need to be amended. The discussion also does not consider that cl. 4.1A applies to residential accommodation as well as tourist and visitor accommodation and whether the amendment could have any unforeseen consequences.

For 3, the objective appears to be to allow the existing Gosford racecourse to be permissible however the proposal is to include recreation facility (major) as a permissible use in all RE2 zoned land. Consideration should be given to whether this is appropriate in all RE2 land and if not an alternative could be considered (additional permitted use on racecourse site only).

For 4, it is not clear from the PP why shop top housing, which is already permitted, wouldn't allow the type of development proposed (residential accommodation without dwellings on the ground floor). Council provided further information advising that the situation to be addressed was residential development above a hotel and that the definition of shop top housing does not allow such development. Some discussion of this should be included in the PP.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones**
- 2.2 Coastal Protection**
- 3.1 Residential Zones**
- 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**

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

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land
SEPP No 71—Coastal Protection

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 : **117 4.4 requires consultation with RFS**

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **APU map may be required if alternative approach to 3 is adopted.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **14 days recommended**

Additional Director General's requirements

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

If Yes, reasons : **TIMELINE: Council anticipates a 6 month timeframe and this should be easily achieved.**

DELEGATIONS: Council has requested delegation to make the plan and this is supported.

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Amends Gosford LEP 2014**

Assessment Criteria

Need for planning proposal : **The need for the planning proposal arises due to errors and anomalies identified in Gosford LEP 2014. However there could be more discussion on the specific needs being addressed and exploration of other drafting options.**

Consistency with strategic planning framework : **Not inconsistent.**

Environmental social economic impacts : **Minimal impacts. Consideration needs to be given as to whether proposed means of achieving objective 3 is appropriate as not all RE2 zoned land may be appropriate for a major recreation facility.**

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Assessment Process

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

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

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service**

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 letter.pdf	Proposal Covering Letter	Yes
Council report.pdf	Proposal	Yes
Council resolution.pdf	Proposal	Yes
Planning proposal.pdf	Proposal	Yes

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
3.1 Residential Zones
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 : **Include more discussion on objectives 1, 3 and 4 including potential need to also amend cl. 4.1AA (1), potential use of additional permitted use provisions (3) and why proposal is needed even though shop top housing is already permitted (4). Make any adjustments to**

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the planning proposal.

Include an additional permitted use map if this approach is taken for objective 3

Consult with RFS as required by 117 direction 4.4

14 days community consultation

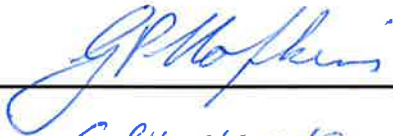
No public hearing required

6 months to complete

Delegation to Council

Supporting Reasons : *

Signature:



Printed Name:

G P HOPKINS Date: 28.8.2014