
TITLE PLANNING PROPOSAL S55 EP&A ACT - GOSFORD LEP 2014 MINOR AMENDMENTS AND UPDATES (IR 15725941)

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, hence it is not a ‘relevant planning application’ that requires disclosure per s147(4).

EXECUTIVE SUMMARY

In the course of monitoring the implementation of the new LEP and DCP, certain matters have been identified which require investigation for potential change to improve assessment processes, understanding of the controls and development outcomes. As a result, this is the second report to Council this year which overviews various minor matters that require amendment or updating in order that Council's intentions are better reflected, changed information is updated or errors are corrected in the Gosford LEP 2014 (GLEP 2014). The four minor LEP changes are:

- Removing the E4 Environmental Living zone from Clause 4.1A relating to minimum lot sizes for strata subdivision
- Amending Clause 4.1B so as not to apply to Gosford City Centre
- Adding “recreation facility (major)” as a permissible use with consent in the RE2 Private Recreation zone
- Adding “residential flat buildings” as a permissible use with consent in the B6 Enterprise Corridor zone. With a qualifying clause excluding dwellings at the ground floor level.

Environmental Planning Instrument – Current Zone: Gosford LEP 2014

Recommendation: That Council support preparation of this Planning Proposal to update and amend GLEP 2014.

'Gateway' planning process

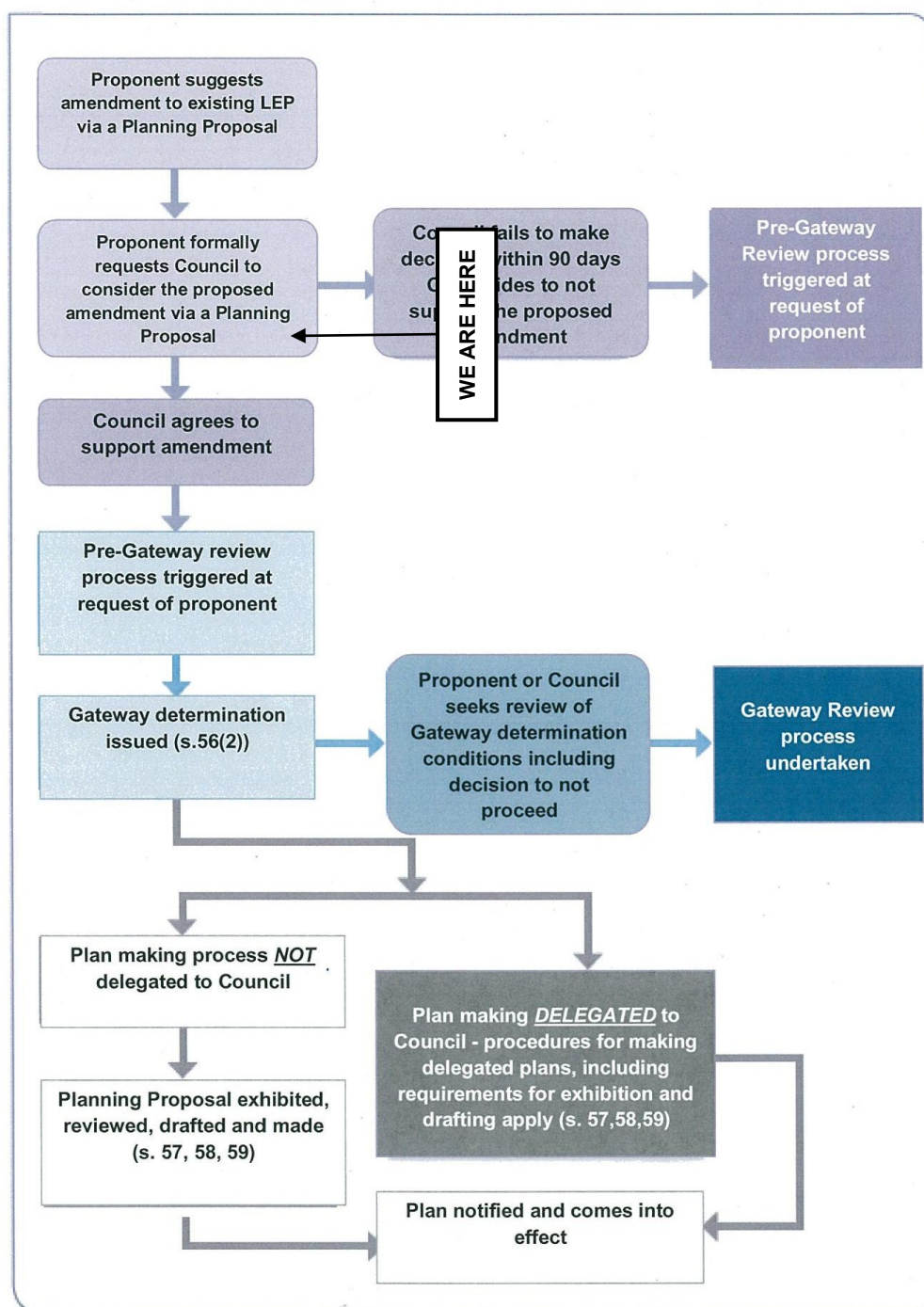
A Local Environmental Plan (LEP) is a legal instrument that imposes zoning of land, standards to control development and other planning controls.

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

The aim of the Gateway planning process is to enable early consideration by the Department of Planning and Environment (DP&E) and if supported then early public consultation. 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.

Certain plan making functions may be delegated by Department of Planning and Infrastructure to Council (see Planning Circular PS12-006).

LEP plan making process



BACKGROUND

Reason for Referral to Council: This report discusses the merits of proposing amendments to the GLEP 2014 and seeks Council's decision as to whether to prepare a Planning Proposal

(PP) (which, if supported by Department of Planning and Infrastructure would result in an amending LEP), pursuant to Section 55 Environmental Planning & Assessment Act, 1979 (State).

In relation to the ongoing implementation of GLEP 2014, amendments are recommended to update some property information/descriptions pertaining to heritage items, address minor mapping anomalies and clarify some clauses through altered wording.

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 and Infrastructure'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

s.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 address minor issues and rectify anomalies and errors in the Gosford LEP 2014 gazetted on 11 February 2014.

Part 2 Explanation of Provisions

s.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 GLEP 2014 in the following manner.

i/

Clause 4.1A Minimum subdivision lot size for strata plan schemes in certain rural, residential, recreation and environment protection zones (see clause outlined below)

When Council commenced preparation of the draft LEP 2009 (DLEP) it was intended to be a comprehensive new LEP to apply citywide.

Council's preparation of the DLEP and its zones and development standards, was informed by strategic studies carried out by SGS Consultants, Council prepared draft strategies and existing strategies. In many cases a similar zone or development standard under the Standard Instrument draft LEP to that existing was adopted by Council, as this best reflected the directions of Council's informing strategies. It should be noted that whilst the LEP certainly has many 'like for like' provisions, there are also many 'other' new provisions. When the Department issued the Section 65 Certificate to allow exhibition of the DLEP the Department considered that the draft plan was '*primarily*' a conversion.

Interim Development Order Number 122 permitted Tourist Units in the 7(c3) zone. IDO No: 122 clause 24 set the maximum density (FSR) and height of such buildings and also permitted strata subdivision of tourist units. Under GLEP 2014 the lands zoned 7(c3) were converted to the most equivalent Standard Instrument LEP zone, being E4 Environmental Living.

Under LEP 2014 *Clause 4.1 Minimum subdivision lot size*, the minimum lot size for various zones are established as shown on the *Lot Size Map*, however sub-clause (4) states: "*This clause does not apply in relation to the subdivision of individual lots in a strata or community title scheme*". As such, if an allotment is to be strata subdivided under this clause it in effect has no 'minimum lot size' and it would be assessed on its merits having regard to LEP and zone objectives, Section 79C of the E.P. & A. Act and the DCP. In consideration of this, at the meeting held on 31 May 2011 when Council adopted the DLEP, many amendments were made, including those addressing this issue. Within the report was a section discussing a proposed new clause regarding strata subdivision in certain zones. The subject clause was considered and resolved on 31 May 2011 by Council for inclusion in the DLEP to apply to the E4 zone. The objective of clause 4.1A is to allow strata subdivision of tourist accommodation in the E4 zone only where any lot resulting is not less than the minimum lot size of 4 hectares, to ensure that the land is not fragmented and would not create additional dwelling entitlements.

It is considered that for strata subdivision of tourist accommodation development in the E4 zone, given that the development would already exist and the generally larger size of such zoned lands (minimum lot size of 4 hectares for subdivision), that fragmentation and dwelling entitlements would not generally be an issue of concern. It is therefore recommended that strata subdivision of tourist accommodation under GLEP 2014 below the minimum lot size of 4 hectares in the zone E4 should be made permissible.

Comment – This outcome could be achieved by deleting the E4 zone from clause 4.1A (see bold strikeout below).

Clause 4.1A Minimum subdivision lot size for strata plan schemes in certain rural, residential, recreation and environment protection zones

- (1) *The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.*
- (2) *This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation:*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU2 Rural Landscape,*
 - (c) *Zone RU5 Rural Village,*
 - (d) *Zone R2 Low Density Residential,*
 - (e) *Zone RE1 Public Recreation,*
 - (f) *Zone E2 Environmental Conservation,*
 - (g) *Zone E3 Environmental Management,*
 - ~~(h) *Zone E4 Environmental Living.*~~
- (3) *The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the Strata Schemes (Freehold Development) Act 1973 or Strata Schemes (Leasehold Development) Act 1986) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*
Note. Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that strata subdivision of a building in certain circumstances is specified complying development.

iii/

GLEP 2014 Clause 4.1B re Zone R1 General Residential (see clause outlined below)

Lands situated in the Gosford City Centre have a raft of planning provisions applying to them which evolved out of two lengthy community engagement processes resulting in two LEPs, the first gazetted in 2005 and the second in 2007. These provisions were to be brought into GLEP

2014. The intention of clause 4.1B was that the controls apply to all 'new' lands to be zoned R1 General Residential under GLEP 2014, e.g. Erina, Terrigal, Narara Valley, East Gosford and the Peninsula, but that they should not apply to those lands already zoned R1 under Gosford City Centre LEP 2007 subject to a suite of existing provisions. However, the 'wording exception' for the clause to those lands within the Gosford City Centre is not present in the clause and should be inserted.

Comment – LEP 2014 clause 4.1B(2) should be amended by inserting words to exclude those lands within the Gosford City Centre, as outlined in bold text below.

*(2) Development consent may be granted to development on a lot in Zone R1 General Residential **except for that land identified in Gosford City Centre on the Key Sites Map** for a purpose shown in Column 1 of the Table to this clause if the area of the lot is equal to or greater than the area shown opposite that purpose in Column 2 of the Table.*

Clause 4.1B Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing and residential flat buildings

*(1) The objective of this clause is to achieve planned residential density in certain zones.
(2) Development consent may be granted to development on a lot in Zone R1 General Residential for a purpose shown in Column 1 of the Table to this clause if the area of the lot is equal to or greater than the area shown opposite that purpose in Column 2 of the Table.*

<i>Column 1</i>	<i>Column 2</i>
<i>Dual occupancy (attached)</i>	<i>550 square metres</i>
<i>Dual occupancy (detached)</i>	<i>800 square metres</i>
<i>Multi dwelling housing</i>	<i>750 square metres</i>
<i>Residential flat building</i>	<i>750 square metres</i>
<i>Attached dwelling</i>	<i>750 square metres</i>

iii/

RE2 Private Recreation zone - recreation facility (major)

The RE2 Private Recreation zone applies to a few sites such as the Gosford Racecourse, Terrigal Memorial Country Club, Everglades Country Club and Ettalong Memorial Bowling Club.

The RE2 zone permits uses such as; Community facilities; Environmental facilities, Environmental protection works, Kiosks, Recreation areas, Recreation facilities (indoor), Recreation facilities (outdoor), Registered clubs, Restaurants or cafes and Roads.

With respect to the Gosford Racecourse particularly, it would be beneficial to make the additional use of *recreation facility (major)* permissible with development consent in the RE2 zone, as this would reflect current and historic use of the site.

There are three *Recreation Facilities* definitions under LEP 2014:

- recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

- recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).
- recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

Comment – Include “*recreation facilities (major)*” as a permitted use with consent in the RE2 Private Recreation zone.

iv/

B6 Enterprise Corridor zone

The B6 zone only applies to Gosford City Centre and only to an area generally lying between Racecourse Rd and Moore St on the Central Coast Highway, and north along Racecourse Rd and Young St at West Gosford.

One objective which Council added to the zone is ‘*to provide for residential uses, but only as part of a mixed use development*’. One permissible use Council sought to be brought over from Gosford City Centre LEP 2007 was ‘*Multi dwelling housing (but only as a component of a development containing other uses permitted in this Zone)*’. However, Parliamentary Counsel’s current procedures do not permit the stated qualification (in brackets) to be replicated in new Standard Instrument LEPs such as GLEP 2014. It is noted however that Warringah LEP 2011 contains a clause which would address this issue, being; “**6.7 Residential flat buildings in Zone B4 Mixed Use** - Development consent must not be granted to a residential flat building in Zone B4 Mixed Use with a dwelling at the ground floor level”.

In the B6 zone, it is considered likely that a ‘mixed’ development including some type of commercial development and residential development would be suitable, as per the above stated zone objective. It is considered that residential development in the form of a *residential flat building (means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing)* should also be permissible in the B6 zone, together with currently permissible *Multi dwelling housing* and *Shop top housing*, in order to provide a wider choice to fulfil the objective.

Comment - Include “*residential flat building*” as a permitted use with consent in the B6 Enterprise Corridor zone and add a new associated clause, e.g. “**8.11 Residential flat buildings in Zone B6 Enterprise Corridor** - Development consent must not be granted to a residential flat building in Zone B6 Enterprise Corridor with a dwelling at the ground floor level”.

s.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.

There are no maps associated with this planning proposal.

Part 3 Justification for objectives & outcomes

s55(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 amendments proposed are minor wording matters which did not result from any 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 achieving the objectives/intended outcomes.

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. The Planning Proposal will assist Council in meeting the targets set by the State Government in the Regional Strategy for provision of housing and/or jobs. This Planning Proposal is minor and is consistent with the objectives/actions contained within the Regional Strategy, as it seeks to reinforce planning provisions derived for the city centre, hence implementing Actions such as 4.2 to provide a 'mix of housing types' and 4.16 to prepare 'locally response design guidelines'. Also to recognise an existing major landuse i.e. racecourse, in its zone, which implements Action 5.1 to 'promote economic and employment' growth.

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 s117 Directions?

See detailed responses below 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 seeks to maintain previous planning provisions and add two uses, one in each zone, through minor text amendments to the LEP.

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 the

- Community Strategic Plan by reinforcing Objective C1 to attract people to live in the city centre (housing provisions) and to visit by supporting Gosford Racecourse
- Draft Gosford Landuse, Residential Strategy 1996, Draft Residential Strategy and Draft Centres Strategy by encouraging a variety of residential development in and around the city centre and by encouraging a greater variety in recreation / entertainment in the city centre.

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

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

SEPPs applicable

SEPP 55 – Contaminated Land was gazetted on the 28th August 1998 and introduced state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires Councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: *Planning Guidelines*.

The proposal applies new provisions to various lands already zoned B6 or RE2, all of which are currently developed for urban purposes that are unlikely to cause contamination. Therefore, the requirements of SEPP 55 do not apply.

SEPP 71 – Coastal Protection

The "coastal zone" is generally 1km landward of any coastal water, bay, estuary, coastal lake or lagoon and the boundary is to be shown to the nearest cadastral boundary. Some of the lands subject of this proposal are identified as being in the coastal zone.

Under SEPP 71 most of the "matters for consideration" relate to land that directly fronts water bodies, thus are not applicable to the subject site. However, applicable matters for consideration are:

- the suitability of development given its type, location and design and its relationship with the surrounding area,
- measures to conserve animals (within the meaning of the Threatened Species Conservation Act, 1995) and plants (within the meaning of that Act), and their habitats,
- existing wildlife corridors and the impact of development on these corridors,
- likely impacts of development on the water quality of coastal waterbodies,

SEPP 71 - Coastal Protection does not apply to the Gosford City Centre, which includes most of the lands subject to this proposal, hence only the proposed additional use to zone

RE2 outside the city centre is relevant. Given the current zoning of such lands, there is not considered to be any impact of this SEPP.

Other SEPPs: No other SEPP has application to this planning proposal, primarily as the proposal applies to various lands already zoned R1, B6 or RE2.

6 Is the Planning Proposal consistent with applicable Ministerial Directions (s.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 1st September 2009. S117 Directions are only discussed where applicable. The Planning Proposal is consistent, with all other S117s Directions or they are not applicable.

Direction 1.1 – Business and Industrial Zones

Direction 1.1 was issued on the 1st July 2009 and applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

The objectives of the Direction are:-7

- (i) encourage employment growth in suitable locations,
- (ii) protect employment land in business and industrial zones, and
- (iii) support the viability of identified strategic centres.

The insertion of the additional use of 'residential flat building' into the B6 zone in Gosford Local Environmental Plan 2014 may appear to be inconsistent with the Direction's objectives, however given the B6 zone objective '*to provide for residential uses, but only as part of a mixed use development*', it is considered that the use will facilitate more commercial development through encouraging 'mixed use' development, hence achieving the direction's objectives.

Direction 2.2 Coastal Protection

Clause (4) of the Direction requires the Planning Proposal to include provisions that give effect to and are consistent with:

- (a) the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997
- (b) the Coastal Design Guidelines 2003, and
- (c) the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990).

The NSW Coastal Policy sets out the following goals relevant to the Planning Proposal:

- Protecting, rehabilitating and improving the natural environment of the coastal zone.
- Providing for ecologically sustainable development and use of resources.

The Coastal Design Guidelines relate to design of dwellings and location of new settlements. It is not relevant to this Planning Proposal.

The NSW Coastline Management Manual provides "information to assist present and potential users and occupiers of the coastline to understand the nature of

coastline hazards and the options available for their management. Hazards peculiar to the coastline must be recognised in the design of new developments, in the planning of changed land use patterns and in the protection of present developments at risk."

The subject lands do not experience any coastal hazards.

The Planning Proposal is considered to be consistent with this direction, as all subject lands are currently zoned for urban uses. The proposed two additional uses should not impact on the SEPP.

Direction 3.1 Residential Zones

This direction applies to all relevant planning authorities and to when that relevant planning authority prepares a planning proposal that will affect land within:

- an existing proposed residential zone (including the alteration of any existing residential zone boundary);
- any other zone in which significant residential development is permitted or proposed to be permitted.

The objectives of this direction are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) to minimise the impact of residential development on the environment and resource lands.

The Planning Proposal where it applies to the R1 General Residential zone is consistent with this direction as it will result in fewer controls (i.e. removal of controls which were not developed to apply to the City Centre) for City Centre lands so zoned, in line with previous LEPs.

Direction 3.4 – Integrating Land Use and Transport

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 providing for the efficient movement of freight.

A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- (a) *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001), and

(b) *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

The B6 and R1 zones are located within the boundaries of the Gosford City Centre and near the major entrance thoroughfare to the City Centre. Additionally, the remaining R1 zoned lands to which the proposal applies are proximate to various centres close to major transport routes. The few sites zoned RE2 have limited potential for the additional permitted use, except Gosford Racecourse located near major transport routes.

The Planning Proposal is considered to be consistent with this direction.

Direction 4.4 – Planning for Bushfire Protection

This direction applies to all local government areas in which the responsible Council is required to prepare a bush fire prone land map under Section 146 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act. 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 following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.

A Planning Proposal must:

- (i) have regard to Planning for Bushfire Protection 2006;
- (ii) introduce controls that avoid placing inappropriate developments in hazardous areas; and
- (iii) ensure that bushfire hazard reduction is not prohibited within the APZ

The proposal applies to various areas of the LGA, some of which under the Council's *Bushfire Prone Land Map* are shown as being affected. As some of the land is bushfire prone the Planning Proposal will have to be referred to the Rural Fire Service (RFS) for comment as required under this Direction

Direction 5.1 – Implementation of Regional Strategies

This direction applies when a relevant planning authority prepares a planning proposal. Planning Proposals must be consistent with a regional strategy released by the Minister for Planning.

The *Central Coast Regional Strategy* applies to the subject site. The Planning Proposal is consistent with the actions of the regional strategy under Chapter 5 – Economy and Employment which, in part, states under "Outcomes" on Page 27:-

"A strong policy framework is required to provide capacity for over 45 000 new jobs between 2006 and 2031, particularly for key employment areas such as professional services. Careful attention and priority must be given to planning, economic development initiatives and infrastructure planning to maximise results for the Region. A coordinated plan for economic development and employment growth on the Central Coast is needed to capitalise on its position between the global city of Sydney and the regional city of Newcastle, while strengthening its own

sense as a Region. The gap between forecast labour force growth and job growth will be managed via:

- *local planning – which needs to respond to the dynamics of economic change ensuring there are sufficient strategic sites and employment lands to meet industry demand and to attract new investment.....”*

The current proposal contributes by amending local planning laws to allow two additional uses throughout the B6 and RE2 zones, and removing some controls from the development of R1 zoned lands in the city centre.

Relevant actions under the CCRS (Page 29) are:-

“5.1 Promote economic and employment growth in the Region to increase the level of employment self containment and achieve capacity for more than 45 000 new jobs on the Central Coast over the next 25 years”

The Planning Proposal will facilitate additional development potential in the R1, B6 and RE2 zones.

“5.18 Enterprise corridors to be investigated and, if appropriate, implemented through principal local environmental plans – possibilities include West Gosford and Long Jetty. Detailed guidelines on enterprise corridors will be issued by the Department of Planning”

Gosford City Council implemented the creation of B6 – *Enterprise Corridor* zone (particularly in West Gosford) through the Gosford City Centre LEP 2007 which was gazetted on the 21st December 2007. The provisions of the Gosford City Centre LEP were incorporated in the Gosford Local Environmental Plan 2014 including the B6 – *Enterprise Corridor*. The Planning Proposal seeks to include the ‘residential flat building’ use as a permissible use in the B6 zone. The inclusion of the additional use will not significantly impact on the objectives of the B6 zone in that:-

- (i) it will continue to enable the promotion of businesses along the main road (i.e. Central Coast Highway) and adds to the mix of compatible uses;
- (ii) it will not inhibit other uses such as business, office, retail and light industrial use as ample opportunities still exist for such development in existing floor space or new developments; and
- (iii) the proposal will not impact on the economic strength of the Gosford City Centre

Direction 6.1 – Approval and Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development and applies when a relevant planning authority prepares a planning proposal.

In accordance with the provisions, the planning proposal:-

- (i) does not contain provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
- (ii) does not identify development as designated development

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

Direction 6.3 – Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls and applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.

The proposal as recommended to Council for support is consistent with the Direction as no site specific provisions are 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?

The subject zoned land is located across the city in existing urban zoned and developed areas, generally in and around centres. In the unlikely event that any land is subject to the above matters, the matter would be dealt with at the development application stage.

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

All affected lands have been in urban zones and generally developed for some urban use for many decades, hence there should be no environmental impacts from the Planning Proposal. Should the use be pursued, relevant assessment will occur at the DA stage.

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

Support for the Planning Proposal and subsequent development anywhere in the affected zones will have many positive socio-economic benefits for the local community, including facilitating a greater variety of residential dwellings, mixed use development and additional recreational use within existing zoned urban areas.

Section D State and Commonwealth interests

10 Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal will not unreasonably increase the demands upon existing public infrastructure, as these areas have been zoned and urban development planned for many decades.

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

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.

There is no mapping associated with the Planning Proposal.

Part 5 Community Consultation

S55(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 between 14 and 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.

Other Matters for Consideration

Council will seek delegations for the ongoing preparation of the Planning Proposal.

Conclusion

The Planning Proposal involves minor changes to the landuse provisions that apply to the B6 - Business Enterprise zone to permit a "residential flat building" and the RE2 Private Recreation zone to permit a 'recreation facility (major)'. It also removes provisions that should not apply within the Gosford City Centre to the R1 General Residential zone. The proposed changes will further assist in facilitating a variety of development in areas so zoned. The Planning Proposal is in accordance with the objectives of the zones.

The Planning Proposal does not present any environmental, social or economic issues and can be supported to be forwarded for a Gateway Determination.

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 direct cost to Council is the preparation of the Planning Proposal. The recommendation does not impact on Council's financial position.

Attachments: Nil

Tabled Items: Nil

RECOMMENDATION

- A Council instruct the CEO to initiate the Local Environmental Plan 'Gateway' process pursuant to Section 55 Environmental Planning and Assessment Act by endorsing the preparation of a Planning Proposal to amend Gosford LEP 2014 as outlined in this report to:
- delete the E4 zone from *Clause 4.1A Minimum subdivision lot size for strata plan schemes in certain rural, residential, recreation and environment protection zones*
 - insert the words 'except for that land identified in Gosford City Centre on the Key Sites Map' in clause 4.1B, as outlined in the report
 - include "*recreation facilities (major)*" as a permitted use with consent in the RE2 Private Recreation zone
 - include "*residential flat building*" as a permitted use with consent in the B6 Enterprise Corridor zone and insert a new associated clause "*8.11 Residential flat buildings in Zone B6 Enterprise Corridor - Development consent must not be granted to a residential flat building in Zone B6 Enterprise Corridor with a dwelling at the ground floor level*".
- B Council instruct the CEO to notify the Department of Planning and Infrastructure 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.
- C Council instruct the CEO to send the Planning Proposal to the Department of Planning and Infrastructure in order to make the plan after public exhibition, subject to support from the Minister for Planning and Infrastructure and if no submissions objecting to the planning proposal are received
- D Council seek delegations from the Department of Planning and Infrastructure for this Planning Proposal.
- 1 Upon receipt of the Department of Planning & Infrastructure's intention to issue delegation, Council will submit to the Department of Planning & Infrastructure a "Written Authorisation to Exercise Delegation" for the same
 - 2 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 & Infrastructure.

