

Rezoning of land at Central Coast Highway and Bakali Road, Forresters Beach

Proposal Title : **Rezoning of land at Central Coast Highway and Bakali Road, Forresters Beach**

Proposal Summary : **The planning proposal seeks to rezone land zoned 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) to 2(a) Residential and 7(a) Conservation and Scenic Protection (Conservation) by amending the Gosford Interim Development Order 122 and Gosford Planning Scheme Ordinance.**

Depending on timing of the draft Gosford LEP 2009 the planning proposal would rezone the land to R2 Low Density Residential and E2 Environmental Conservation.

PP Number : **PP_2013_GOSFO_004_00** Dop File No : **13/12043**

Planning Team Recommendation

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

S.117 directions : **2.1 Environment Protection Zones
2.2 Coastal Protection
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land
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 : **Council consider whether it could review its resolution to defer 7(c2) land from the draft Gosford LEP 2009 as applicable to the 31 residential lots fronting the Central Coast Highway and remove them from the planning proposal. This will enable the rezoning of these exhibited residential lots to progress under the draft Gosford LEP 2009. The planning proposal would need to be updated accordingly.**

The planning proposal be updated to:

-provide a short concise plain english statement setting out the objectives of what is planned to be achieved in order to aid community understanding of the proposal.

-remove from the 'Statement of the objectives' the extended discussion of the history of past rezoning and development applications, reasoning for zones and lot sizes and justification for bringing forward the planning proposal in advance of its SI Principal LEP. These matters are relevant however should be included in the 'justification' of the planning proposal.

-update the zoning and development standards maps once information regarding the land capability has been obtained and prior to community consultation.

-update the planning proposal's consideration of S117 Direction 5.1 Implementation of Regional Strategies and the CCRS, once information on bushfire, environmental, flooding, water quality and traffic impacts have been obtained.

-update the planning proposal's consideration of SEPP 71 Coastal Protection once information on land capability has been obtained.

-Council is to reassess the following S117 Directions once it has undertaken consultation with public authorities and/or information on land capability has been obtained:

**-2.1 Environment Protection Zones
-2.2 Coastal Protection**

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- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies

-Agency Consultation with:

Hunter - Central Rivers Catchment Management Authority
Office of Environment and Heritage including
Office of Environment and Heritage - NSW National Parks and Wildlife Service
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services

-28 days community consultation period.

-12 month timeframe to complete the plan.

-Council has not requested delegation to make the plan.

Supporting Reasons : *

Panel Recommendation

Recommendation Date : **15-Aug-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:

- provide a plain English explanation of the objectives or intended outcomes of the planning proposal and how the intended outcomes are to be achieved by means of amending the relevant local planning instruments;
- remove the discussion on the history of former rezoning and development applications, justification for zones, lot sizes and for bringing forward the proposal in advance of draft Gosford LEP 2009 from the 'objectives or intended outcomes' section of the planning proposal and instead include this information in the 'justification' section of the planning proposal; and
- update the land zoning and other development standards mapping, once information regarding land capability has been obtained.

2. Once Council has undertaken consultation with public authorities and obtaining relevant information on land capability, traffic, environment, flooding, water quality and bushfire, it is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions and other relevant documents and policies:

- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- State Environmental Planning Policy (SEPP) 71 - Coastal Protection
- Central Coast Regional Strategy

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

4. Consultation is required with the following public authorities under section 56(2)(d) of

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the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- Hunter - Central Rivers Catchment Management Authority
- NSW National Parks and Wildlife Service
- Transport for NSW – Roads and Maritime Services
- NSW Rural Fire Service (S117 Direction 4.4. Planning for Bushfire Protection)
- Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012.

Council has not requested to be issued with delegations for this planning proposal. Council should be issued with plan making delegation because the proposal is considered to be a matter of local planning significance.

Signature:



Printed Name:



Date:

