

Amendment to Gosford PSO to rezone land from 2(b) Residential to 3(a) Business (General) at Painters Lane, Terrigal

Proposal Title : **Amendment to Gosford PSO to rezone land from 2(b) Residential to 3(a) Business (General) at Painters Lane, Terrigal**

Proposal Summary : **To rezone land from 2(b) Residential to 3(a) Business (General) at Lot 3 DP 829025, 6-8 Painters Lane, Terrigal and assign a height limit of 23.6m and a floor space ratio of 2.3:1 to facilitate the redevelopment of the site and adjoining sites for retail, commercial and residential purposes.**

PP Number : **PP_2012_GOSFO_001_00** Dop File No : **11/22519**

Proposal Details

Date Planning Proposal Received : **14-Dec-2011** LGA covered : **Gosford**

Region : **Hunter** RPA : **Gosford City Council**

State Electorate : **TERRIGAL** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **6-8 Painters Lane**

Suburb : **Terrigal** City : Postcode : **2260**

Land Parcel : **Lot 3 DP 829025**

DoP Planning Officer Contact Details

Contact Name : **Glenn Hornal**

Contact Number : **0243485003**

Contact Email : **glenn.hornal@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Peta James**

Contact Number : **0243258871**

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 : **Central Coast Regional Strategy** Consistent with Strategy : **Yes**

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 500

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 : **There has been no meetings or communication with any registered lobbyists.**

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The statement of objectives adequately describes the purpose of the Planning Proposal(PP).**

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

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

Comment : **The explanation of provisions is generally consistent with the Department's 'A Guide to Preparing Planning Proposals'**

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

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

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? **No**

If No, explain : **S117 Direction 2.2 and 6.3 have not been justified. (Refer to further assessment in the
assessment tab).**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping shows the subject lot and existing zoning under the Gosford PSO and the
proposed zoning under the Draft LEP as well as an aerial map and map showing the
site affected by SEPP 71 - Coastal Protection. The mapping provided is sufficient for the
PP to proceed.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **Council have requested that community consultation be waived as the site was publicly
exhibited in the draft LEP. Clause 57 of the EP&A Act does not permit the option of
waiving community consultation requirements and it is recommended the PP be
exhibited for 14 days.**

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment : **The PP is considered to meet the adequacy criteria and is of sufficient merit to proceed.**

Proposal Assessment

Principal LEP:

Due Date : **June 2012**

Comments in relation
to Principal LEP : **Council resolved in May 2011 to forward the draft plan to the Department for the Minister to
make the plan. The plan was received in September 2011 and is currently being reviewed
by the Department.**

Assessment Criteria

Need for planning
proposal : **The PP is not the result of any adopted strategic study or report. Gosford City Council
resolved to zone the site to B2 Local Centre with height limits of RL23.6 and a floor space
ratio of 2.3:1 as part of the Draft Principal LEP (DLEP) in May 2011. The proponent seeks to
bring forward the height and FSR provisions in the DLEP by amending the Gosford PSO to
rezone the site to 3(a) Business (General). The rezoning will enable early development for
the purposes of a retail, commercial and residential complex on this site and the adjoining**

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sites (referred to as Rapedo).

Although the proponent wants to bring forward the provisions related to height and FSR there are other bonus provisions that would be applicable upon gazettal of the Principal LEP. Clause 7.8 in the DLEP allows an additional height of 2.75m above the RL shown on the Building Height Map (i.e. up from 23.6 to 26.35) and additional floor space provided sites are greater than 2000m² with a street frontage of 20m or more. The gross floor area of any extra floor as a result of the increased height is limited to a maximum of 25% of the development's site area and also requires the provision of a publicly accessible outdoor space if the bonus clause is utilized. It is not clear whether it was Council's intention to apply this bonus clause to the broader Rapedo site (including the subject lot) and it is recommended that Council clarify this prior to public exhibition of the PP.

Council have advised the rezoning under the GSPO is the best way to achieve the objectives of the PP. Council have not advised whether there are any other PPs within Terrigal Town Centre Precinct which could also proceed in advance of the DLEP.

Council conducted a net community benefit test and advised that:

1. The amending LEP has the potential to create employment opportunities and economic benefits as part of the broader Rapedo redevelopment, and
2. If the LEP does not proceed quickly the supermarket component of the development may not be realised. Council have also advised of the potential of the lost opportunity of a major retailer as a tenant of the supermarket should there be delays.

Although Council has indicated that the site would be developed as part of the Rapedo complex the rezoning would not prevent the site from being developed separately. This would reduce the expected economic benefits significantly yet the site would still benefit from higher height and FSR controls than the surrounding Terrigal Town Centre Precinct.

Given the likely timing of the DLEP in June 2012 and the 6 month timeframe for this PP, it would be reasonable to expect that timing issues would not play a significant part in the need for the PP to proceed other than providing some certainty to the developer should a Gateway Determination be issued.

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Consistency with
strategic planning
framework :

Central Coast Regional Strategy

Council have advised the PP is consistent with the CCRS as it will assist in meeting job targets for the Central Coast and promote economic and employment growth in the region as well as ensuring new retail and commercial development is located in centres. The redevelopment of the site and adjoining sites is estimated to create 500 full and part time jobs. Terrigal is identified as village in the CCRS centres hierarchy and the PP is consistent with the type and scale of development for a village centre.

Council's Strategic Policies

Council have identified that the PP is consistent with their Community Strategic Plan-Continuing Our Journey.

The Draft Gosford Centres Strategy is applicable to the proposal and Council indicated that peripheral sites could be included in the zoned centre under this strategy. The rezoning from 2(b)Residential to 3(a) Business (General) would be consistent with this strategy and it was recommended that the site be zoned to B2 Local Centre in the DLEP.

The adjoining Rapedo land holdings were subject to a site specific rezoning under Gosford amending LEP No 432. This LEP established heights of 23.6m and an FSR of 2.2:1 however the subject lot was excluded as it was not owned by the developer. The PP seeks to include this lot as it is now owned by the developer and to establish controls that are consistent with the other Rapedo lots.

A later LEP, Gosford LEP No 442 was the result of a strategic study to establish development controls in the Terrigal Town Centre precinct. Neither the Rapedo lots or the subject site were included or subject to the development controls that were established elsewhere in the Terrigal Town Centre precinct.

There is no consideration given as to why the subject lot should not be subject to the development controls which apply to the adjoining Terrigal Town Centre precinct (ie maximum heights from 18.5m to 20.8m and maximum FSR of 1.8:1) other than that the site now forms part of the broader Rapedo land holdings and the proponent has a particular development in mind. The issue of timing and providing certainty for the tenancy of the supermarket is questionable and the justification for this PP's height and FSR controls appear to lack a strong strategic basis.

S117 Directions

The following s117 Directions are applicable to the proposal, 1.1 Business and Industrial Zones, 2.1 Environment Protection Zones 2.2 Coastal Protection, 2.3 Heritage Conservation, 2.4 Recreation Vehicle Areas, 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates, 3.3 Home Occupations, 3.4 Integrating Land Use and Transport, 5.1 Implementation of Regional Strategies, 6.1 Approval and Referral Requirements, 6.2 Reserving Land for Public Purposes, 6.3 Site Specific Provisions.

Council has failed to identify s117 Directions 2.1, 2.4, 3.2, 3.3 and 6.2 as being applicable to the proposal however the PP is considered to be consistent with these and all other directions apart from 2.2 Coastal Protection and 6.3 Site Specific Provisions.

There are some s117 Directions that require further discussion.

2.2 Coastal Protection

Council have advised the PP is consistent with Council resolution in May 2011 however the direction does not require consistency with a Council resolution. It requires the PP to give effect to and be consistent with, in addition to the other guidelines and manuals, the Coastal Design Guidelines 2003. Council advise that the guidelines recommend heights up to 4 storeys and be subject to a place specific urban design study. The heights proposed are not subject to a place specific urban design study or comply with recommended heights for centres on this scale. The PP is inconsistent with this direction and Council is required to justify this inconsistency as required by the direction or demonstrate the provisions of the PP that are inconsistent are of minor significance.

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3.1 Residential Zones

Council have advised the PP is inconsistent with the direction as it proposes to remove land zoned residential. However given the PP is to enable the redevelopment of the site and surrounds for a mixed use development which includes a residential flat building which is permissible in the 3(a) Business zone it is considered the PP would be consistent with the direction and would not reduce the permissible residential density of the land.

6.3 Site Specific Provisions.

Council have advised the PP is inconsistent with the direction as height and FSR controls are not consistent with other 3(a) zoned land within the Terrigal Village Centre. Council advise the site is consistent with the adjoining Rapedo site and with the adopted DLEP and have not justified the inconsistency. Council are required to provide justification that the provision of the PP that are inconsistent with the direction are of minor significance.

Environmental social
economic impacts :

Environmental

Council have advised the site has been used for urban development purposes for a number of years and the site does not have any significant ecological communities or species on site. The site is located within an existing urban centre and other than being in the coastal zone has no other environmental constraints on the site.

Social and Economic Effects

Council have advised that the PP would result in economic benefits and jobs as a result of the potential for the site to be redeveloped with the broader Rapedo site. Council's social planner advised the PP has not fully considered other effects such as the impact on existing businesses, transport, and amenity impacts. These matters could be considered at the development application stage. It is likely that development would have positive effects in creation of jobs if the site and adjoining sites are developed, however as a stand alone proposal Council acknowledge the economic and employment benefits may be significantly reduced. Reported benefits of 500 full and part-time jobs and \$10 million injected into the local economy relate to the broader Rapedo development if the supermarket is developed in conjunction with the adjoining lots.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
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Timeframe to make LEP :	6 Month	Delegation :	DDG
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Public Authority
Consultation - 56(2)(d)

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. :

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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 Resolution.pdf	Proposal	Yes
Proponents Planning Proposal.pdf	Proposal	No

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**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**

Additional Information : **Council is to clarify prior to public exhibition of the PP whether the Rapedo lots (identified on the Buiding Height Map as RL5 in DLEP) were intended to be eligible for the bonus height and FSR standards in clause 7.8 upon gazettal of the of the draft Gosford LEP 2011.**

-Council to consider and provide justification prior to exhibition as to why the subject lot is not included in the Terrigal Town Centre precinct and be subject to the same development controls.

-Council are required to provide justification that the provisions of the PP that are inconsistent with the direction 2.2 Coastal Protection are of minor significance.

-Council are required to provide justification that the provisions of the PP that are inconsistent with the direction 6.3 Site Specific Provisions are of minor significance

-No agency consultation required.

-Community consultation for 14 days.

-6 month timeframe.

Supporting Reasons : **-The PP seeks to bring forward height and FSR standards in the DLEP however has not confirmed whether the Rapedo site will also be eligible for the bonus height and FSR after gazettal of the DLEP.**

-Council has not considered including the site in the Terrigal Town Centre precinct.

-The PP is inconsistent with s117 Direction 2.2 Coastal Protection.

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-The PP is inconsistent with s117 Direction 6.3 Site Specific Provisions.

-No agencies affected by the rezoning.

-The proposal is a routine low impact proposal.

-The timeframe will allow the PP to either amend the Gosford PSO or become obsolete if the Principal LEP is gazetted first.

Signature:



Printed Name:

Robert Hodgkins

Date:

17/01/2012

A/Team Leader