

## Planning Services

### Gateway Determination Report

|                                 |                                                                                                                                         |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| <b>LGA</b>                      | Central Coast                                                                                                                           |
| <b>RPA</b>                      | Central Coast Council                                                                                                                   |
| <b>NAME</b>                     | Include new local heritage items and archaeological sites in Gosford LEP 2014 and Gosford IDO No 122 (0 homes, 0 jobs)                  |
| <b>NUMBER</b>                   | PP_2017_CCOAS_009_00                                                                                                                    |
| <b>LEP TO BE AMENDED</b>        | Gosford Local Environmental Plan 2014 and Gosford Interim Development Order No 122 or the draft Central Coast Local Environmental Plan. |
| <b>ADDRESS</b>                  | Various addresses                                                                                                                       |
| <b>DESCRIPTION</b>              | Various Lots and DPs                                                                                                                    |
| <b>RECEIVED</b>                 | 11 August 2017                                                                                                                          |
| <b>FILE NO.</b>                 | 17/06492                                                                                                                                |
| <b>POLITICAL DONATIONS</b>      | There are no donations or gifts to disclose and a political donation disclosure is not required.                                        |
| <b>LOBBYIST CODE OF CONDUCT</b> | There have been no meetings or communications with registered lobbyists with respect to this proposal.                                  |

### INTRODUCTION

#### Description of Planning Proposal

The planning proposal seeks to amend Schedule 5 Environmental Heritage and the associated heritage maps within the Gosford Local Environmental Plan 2014 and Schedule 2 of Gosford Interim Development Order No 122 or, depending on timing, the draft Central Coast LEP, by listing new heritage items and archaeological sites.

#### Site Description

The planning proposal applies to various sites in multiple suburbs located throughout the southern part of the Central Coast LGA (formerly Gosford LGA).

#### Surrounding Area

The heritage items are located at various locations throughout the southern part of the Central Coast LGA.

#### Summary of Recommendation

The planning proposal should proceed with conditions.

## **PROPOSAL**

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### **Objectives or Intended Outcomes**

The planning proposal seeks to identify and protect 131 proposed heritage items and archaeological sites of local significance by listing these in Gosford Local Environmental Plan 2014 and Gosford Interim Development Order No 122 or depending on timing the draft Central Coast Local Environmental Plan.

Central Coast Council is currently progressing a planning proposal to consolidate its environmental planning instruments into a single standard instrument draft Central Coast LEP. Depending on timing the planning proposal may potentially amend the draft Central Coast LEP and the inclusion of this potential outcome in the objectives is considered appropriate. The objectives are considered adequate.

### **Explanation of Provisions**

The explanation of provisions seeks to:

- amend Schedule 5 of Gosford LEP 2014 to include 123 proposed heritage items and archaeological sites and amend the associated Heritage maps; and
- amend Schedule 2 of Gosford IDO No 122 to include 8 proposed heritage items.

One proposed item, the Gosfordia Fossil is located at the Australian Museum in Sydney and Council was asked to confirm whether the item should be included in the heritage list given it was not within the Central Coast LGA. Council identified it had no objection to removing the item from the planning proposal.

Subject to the planning proposal being updated to remove the Gosfordia Fossil prior to community consultation, the explanation of provisions is considered adequate.

### **Mapping**

The maps provided identify the location of the items proposed to be included in the heritage schedules and are considered sufficient for assessment.

## **NEED FOR THE PLANNING PROPOSAL**

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Council has advised the planning proposal originated from a Community Based Heritage Study and was undertaken to fulfil Council's statutory responsibilities to manage the heritage in the LGA. Council proposes to protect proposed heritage items identified in the study by listing them in the relevant environmental planning instruments.

Council has provided heritage inventory sheets which include statements of significance for each of the proposed heritage items. It is noted some of the sheets are identified as having State significance however are proposed to be identified as items of local significance in the planning proposal.

Council has included the Heritage Study as supporting information and Council's Report dated 24 May 2017 identifies Council has completed the initial stages of the study including the identification and exhibition of the proposed heritage items in accordance with the Office of Environment and Heritage Guidelines for community based heritage studies.

The listing of the heritage items in the relevant environmental planning instrument is supported however Council should consult with the Office of Environment and Heritage to

ensure the proposed listings as local heritage items are appropriate and to confirm the Heritage Study was conducted in accordance with its Guidelines.

## **STRATEGIC ASSESSMENT**

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### **Regional / District**

The Central Coast Regional Plan contains Action 8.2 which aims to identify and protect heritage values. The planning proposal has identified additional local heritage items from a community based heritage study and seeks to protect these items under the relevant environmental planning instruments. The planning proposal is consistent with the CCRP as it seeks to identify and protect heritage values within the LGA.

### **Local**

Gosford 2025 - Community Strategic Plan (CSP) contains Strategy A2.2 *Honour and celebrate Gosford's history and its people*. Council considers the identification of items for heritage listing is the first step in protecting and celebrating local heritage. The proposal identifies items important to the community and is consistent with Council's CSP.

### **Section 117(2) Ministerial Directions**

Council has identified the planning proposal is consistent with the following S117 Directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 4.1 Acid Sulfate Soils
- 4.4 Planning for Bushfire Protection
- 5.10 Implementation of Regional Plans
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

The S117 Directions identified technically apply due to the location of the proposed heritage items being on land zoned for business, rural, environmental, residential, special purposes and public purposes or subject to coastal, bushfire, flooding or acid sulfate soil constraints. The listing of heritage items does not propose any development and the planning proposal is considered to be consistent with these S117 Directions apart from 4.4 Planning for Bushfire Protection.

#### **4.4 Planning for Bushfire Protection**

The Direction applies as some of the proposed heritage items are located on or in proximity to bushfire prone land and requires Council to consult with the NSW Rural Fire Service following receipt of a Gateway determination. Council will need to address consistency with the Direction once consultation with NSW Rural Fire Service has occurred.

#### **5.10 Implementation of Regional Plans**

The planning proposal makes reference to Regional Strategies rather than Regional Plans and should be updated prior to community consultation.

## **State Environmental Planning Policies**

Council has advised the planning proposal is consistent with all SEPPs.

Given the proposal seeks to identify heritage items to be listed in the relevant Schedules of the environmental planning instruments it is not considered to be inconsistent with any SEPPs.

## **SITE SPECIFIC ASSESSMENT**

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### **Environmental**

Council has advised no environmental effects are likely to result from the proposal. Given the proposal seeks to list heritage items only, any potential environmental impacts would be assessed should a development application be lodged on or adjoining a heritage listed site.

### **Social/Economic**

Council anticipates the proposed heritage listings will provide community benefits including greater social sense of place, increased heritage and cultural tourism and opportunities for interpretation and urban renewal. Given the proposal seeks to list 131 heritage items Council's assessment of the potential positive economic and social benefits to the community is considered appropriate.

### **Infrastructure**

As the proposal seeks to list proposed heritage items there is no impact on the provision and funding of state infrastructure.

## **CONSULTATION**

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### **Community**

Council proposes to exhibit the planning proposal for 28 days. Given the proposal affects 131 heritage items throughout the southern part of the LGA, 28 days is considered appropriate.

### **Agencies**

Council has advised it consulted with a number public authorities when preparing its Community Based Heritage Study. These public authorities included:

- NSW Department of Education
- Sydney Trains
- NSW Department of Sport and Recreation
- National Parks and Wildlife Service
- Department of Industries – Lands

Council has advised it will consult with these public authorities again should the proposal progress. Consultation with these public authorities is supported given they have ownership or management interests in some of the proposed sites. To address 4.4 Planning for Bushfire Protection and to confirm the appropriateness of the heritage listings Council should also consult with:

- NSW Rural Fire Service
- Office of Environment and Heritage

## **TIMEFRAME**

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Council has proposed a 7 month timeframe to complete the planning proposal which appears to be a tight timeframe given there is a Council election in September. It is recommended the planning proposal be completed within 9 months.

## **DELEGATION**

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Council has requested delegations to make the plan. The planning proposal is considered a minor matter as the proposal seeks to include heritage items and archaeological sites of local significance. Council's request for delegations is supported.

## **CONCLUSION**

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The planning proposal is supported to proceed with conditions for the following reasons:

- the proposal fulfils Council's statutory responsibilities to manage heritage items in the LGA; and
- is consistent with actions in the Central Coast Regional Plan to identify and protect heritage values within the LGA.

## **RECOMMENDATION**

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It is recommended that the delegate of the Secretary:

1. Agree the proposal is consistent with Section 117 Directions; and
2. Note that the inconsistency with Section 117 Direction 4.4 Planning for Bushfire Protection will require justification.

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be updated before community consultation to:
  - remove the listing of the Gosfordia (fossil); and
  - correct the reference to 'Strategy' in S117 Direction 5.10 and replace with 'Plans'
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities:
  - NSW Department of Education
  - Sydney Trains
  - NSW Department of Sport and Recreation
  - National Parks and Wildlife Service
  - Department of Industries – Lands
  - NSW Rural Fire Service
  - Office of Environment and Heritage
4. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.

5. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan.

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