

## REGIONAL PLANNING PANEL (Hunter Central Coast)

### MEMO

<b>JRPP No</b>	PPS-2016HCC024
<b>DA Number</b>	DA49578/2016
<b>Local Government Area</b>	Central Coast Council
<b>Proposed Development</b>	Proposed mixed use commercial and shop top housing development with 182 units, including the demolition of existing structures and staged construction.
<b>Street Address</b>	No. 321, No. 325 & No. 331 Mann Street, GOSFORD
<b>Date lodged:</b>	1 April 2016
<b>Applicant:</b>	Mann St Enterprises Pty Ltd
<b>Council's Planner:</b>	Erin Murphy
<b>Date Prepared:</b>	28/04/2020

The Chair has requested a memo on the following issues:

- The original report referenced the Coastal SEPP but didn't mention how and if it was zoned under the SEPP or the applicable provisions. Is this the correct document to be referencing given when that application was lodged?
- The Draft Central Coast LEP 2018: is it relevant or does it not apply because of the SEPP?

Response:

### **State Environmental Planning Policy (Coastal Management) 2018 and State Environmental Planning Policy No 71 - Coastal Protection**

The *State Environmental Planning Policy (Coastal Management) 2018* into effect on 3 April 2018. The savings and transitional provisions contained within the *State Environmental Planning Policy (Coastal Management) 2018* state the *State Environment Planning Policy No 71 Coastal Protection* provisions continue to apply if a Development Application is lodged and not finally determined prior to the commencement of the SEPP Coastal Management.

An error has been made in the assessment report by referencing *State Environmental Planning Policy (Coastal Management) 2018* as the land does not fall within the maps identifying Coastal Land under State Environmental

Planning Policy (Coastal Management) 2018. In additions, this SEPP would not be applicable given the 1 April 2016 lodgment date and savings provisions detailed above.

The land did fall within land identified on maps for *State Environmental Planning Policy No 71 - Coastal Protection*. However, Clause 1.9 of the *Gosford Local Environmental Plan 2014*, at the time of lodgment, detailed that *State Environmental Planning Policy No 71 - Coastal Protection* does not apply to land within the Gosford City Centre and therefore is not applicable to the current proposal.

Extract from Gosford LEP 2014 – Historical version 11 March 2016-4 August 2016:

### **Gosford Local Environmental Plan 2014**

**Historical** version for 11 March 2016 to 4 August 2016 (accessed 28 April 2020 at 11:26) [Current version](#)

[Part 1](#) > [Clause 1.9](#)

#### **1.9 Application of SEPPs**

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies:
  - State Environmental Planning Policy No 1—Development Standards*
  - (2A) *State Environmental Planning Policy No 71—Coastal Protection* does not apply to Gosford City Centre.

### **Draft Central Coast Local Environmental Plan 2018**

The Draft Central Coast Local Environment Plan applies to the wider Central Coast Local Government Area, however does not apply to this land as it is covered by State Environmental Planning Policy (Gosford City Centre) 2018.