

TITLE PLANNING PROPOSAL S55 EP&A ACT REZONING VARIOUS LOTS REEVES STREET, GOLDSMITH, DEBENHAM AND TALLARA ROAD SOMERSBY TO ALLOW RURAL RESIDENTIAL SUBDIVISION - EAST SOMERSBY LANDUSE INVESTIGATION TRUST APPLICANT: PETER ANDREWS & ASSOC PTY LTD (IR 10906623)

Directorate: Environment and Planning
Business Unit: Integrated 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).

No disclosure was made by the applicant pursuant to s147 EP&A Act.

BACKGROUND

Reason for Referral to Council: This report discusses merits for Council's consideration and decision of whether or not 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).

Application Received: Original application lodged 14 December 2011, with additional information lodged 24 May 2013 (as consequence of meeting with Council officers on 15 March 2013), amendments on 12 July 2012 and further submission of additional information on 29 August 2013 (as consequence of meeting with Council officers on 12 August 2013).

Environmental Planning Instrument – Current Zone: 1(a) Rural (Agriculture) and 7(b) Conservation and Scenic Protection (Scenic Protection) under Interim Development Order No 122 (IDO No 122).

SYNOPSIS

The land forms part of a significant tract of land located to the east of the M1 Freeway at Somersby and has an area of 109 hectares. The proposal has been the subject of an amendment by the applicant and consideration by Council officers. The applicant has now requested the rezoning of the land to part E2 Environmental Conservation, with a minimum lot size of 20 hectares for subdivision, and part E3 Environmental Management, with a minimum lot size of 1.8 hectares for subdivision. The land is currently zoned 7(b), with one lot zoned 1(a). The land has a variety of characteristics, however parts of it remain significantly naturally vegetated, with known threatened species and archaeological sites and propensity for further threatened species and sites to be identified. Both precincts have areas of EECs. The southern precinct has characteristics similar to Somersby Business Park which has faced multiple threatened species constraints.

Notwithstanding this, there are some cleared and relatively unconstrained parts of the land that may be suitable for development. Further, the proposed RU2 zone (as the conversion zone for 7(b) land under DLEP 2013) does not reflect the environmental values of the land and the uses permissible in the zone may not be appropriate given its characteristics. The land is also physically isolated by the M1 from more significant rural and resource lands.

The minimum lot size for both RU1 and RU2, which applies to the majority of the land, is 20 hectares. Given the existing lot sizes, there is no potential for further subdivision (unless significant variations were sought to minimum lot sizes using the provisions of SEPP 1).

On the basis of the variable characteristics of the land, the potential inappropriateness of permissible uses in the RU2 zone, its overall environmental values and segregation by the M1, there may be merit in contemplating an alternative zoning scenario that better reflects the values of the land and responds (in part) to the applicant's submission requesting rezoning and subdivision.

A detailed assessment has been undertaken (as further discussed in this Report). The table below summarises dwelling yields that have been sought by the applicant (for both the original and revised proposal) and that which is now recommended to Council.

Original proposal	Revised Proposal	Recommended Proposal
Rezone both Precincts to 7(c2) Development to be certified as bio-diversity compliant	Rezone parts of both precincts to E2 and E3 with minimum lot size of 20 ha and 1.8 ha respectively No Biodiversity Certification	Rezone Northern Precinct to E3 (with 2 ha minimum lot size) and E2 (with 10 ha minimum lot size) Rezone Southern Precinct to E2 with minimum lot size/dwelling yield to be subject to DCP, however estimate average 8-10 ha minimum lot size No Biodiversity Certification
Total Dwellings (including existing) Northern Precinct 15 dwellings Southern Precinct 11 dwellings	Total Dwellings (including existing) Northern Precinct E2 (10.5 ha) - 1 dwelling E3 (21.5 ha) - 12 dwellings Southern Precinct E2 (46.8 ha) - 3 dwellings (as residue lots) E3 (31.1 ha) - 17 dwellings	Total Dwellings (including existing) Northern Precinct E2 (10.5 ha) - 1 dwelling E3 (21.5 ha) - 10-11 dwellings Southern Precinct E2 (77.9 ha) - 7-8 dwellings
Total: 26 dwellings Note: if zoned 7(c2) could be subdivided down to 1 ha bonus lots = 109 dwellings)	Total: 33 dwellings	Total: 18 - 20 dwellings with final yield to be informed by DCP preparation

Figures in the table above are "englob" estimates only. Final development potential would be subject to further consideration either as part of the Gateway Determination and/or through the Development Application process, which would include consultation with government authorities that may influence final development outcomes. Threatened species issues, and the effects of development on those values, will be dependent upon the scale and intensity of development. It is also recommended that "lot averaging provisions" be used, which is an approach that has been supported by DOP&I in other local government areas, and allows some flexibility in the lot sizes/location of dwellings, provided that overall average yields are not exceeded.

The applicant has suggested some adjoining lands be included in any rezoning proposal. A review of the wider area would be subject to consultation with landowners, and as such does not form part of this Planning Proposal.

The recommended proposal is considered sustainable and a better reflection of the environmental values of the land, having regard to relevant statutory considerations, Section 117 Directions and other matters that have been considered.

REPORT

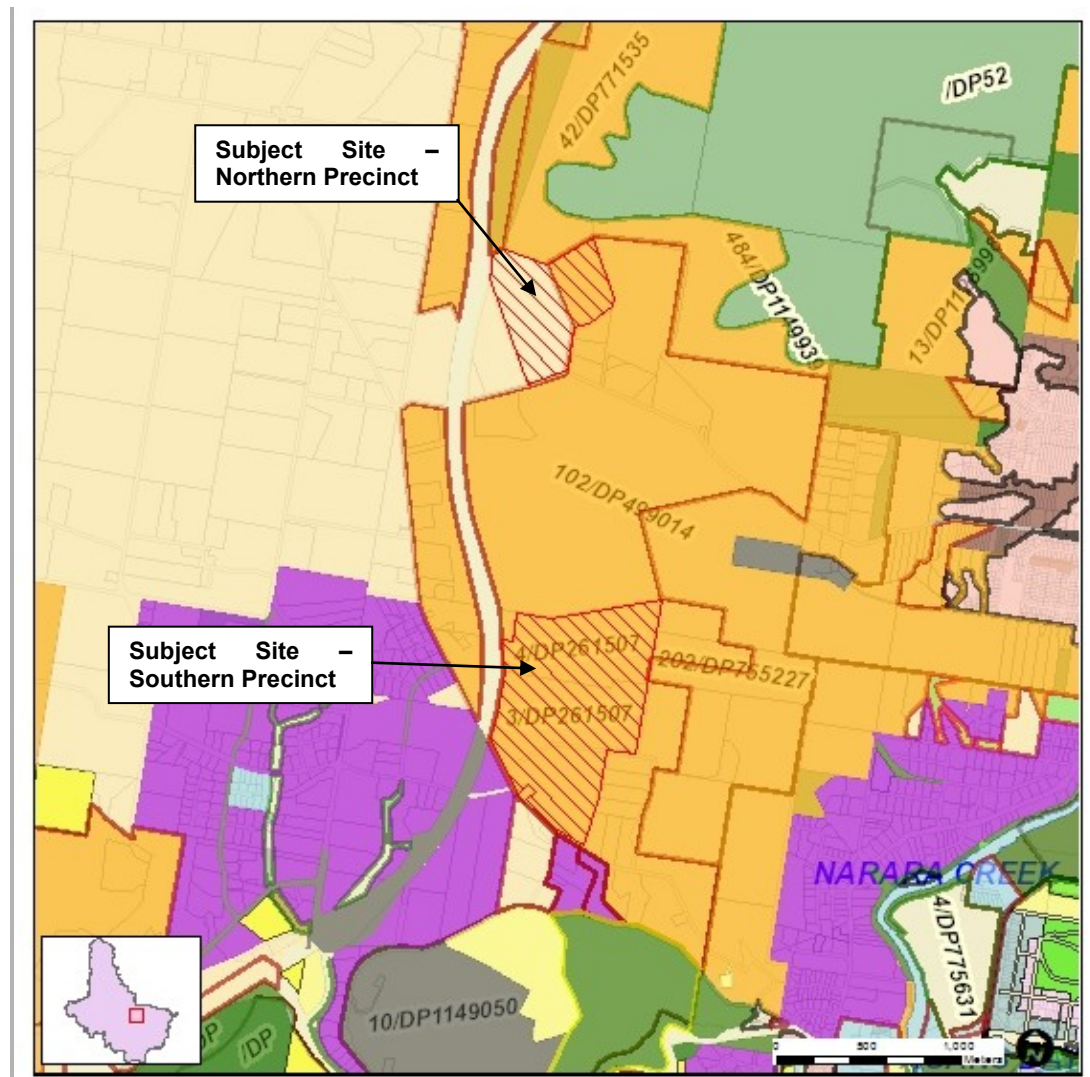
Lots subject to East Somersby Landuse Investigation Trust Proposal

The following table summarises lots that are the subject of the East Somersby Landuse Investigation Trust (ESLIT) proposal (where owners have consented to the application)

Lot/DP	Road	Owner	Area	Zone
12/263427	Reeves	MC Moylan and Silocoe	21.53 ha	1(a)
41/771535	Goldsmith	S M Dick	9.95	7(b)
3/261507	Debenham	Zurga Pty Ltd	30.25	7(b)
4/261507	Tallara	S P Cheng	30.55	7(b)
2051/559231	Debenham	PN W Young	17.14	7(b)
			109.425	

Map

The map below shows the land that forms the East Somersby Landuse Investigation Trust.



Background/Site Description

Development Application No 10142 for a 2 lot subdivision of Lot 12 DP 263427 was refused by Council on 31 January 1989.

In consideration of submissions lodged by the East Somersby Landuse Investigation Trust owners (ESLIT) in relation to draft LEP 2013 (then DLEP 2009), Council at its meeting held on 31 May 2011 resolved (in part):

- H The proponent be invited to lodge a planning proposal in relation to Lot 12 DP 263427 HN 79 Reeves Street, Lot 41 DP 771535 HN 20 Goldsmith Road, Lot 3 DP 261507 HN 239 Debenham Road North, Lot 4 DP 261507 HN 45 Tallara Road, Lot 2051 DP 559231 HN 252 Debenham Road South, Somersby, based on their submissions 941 and 989. (Minute No 2011224 refers)

The land to which the planning proposal applies is five separate allotments owned by different owners, under the common association of the ESLIT. It has a total area of approximately 110 hectares. The proposal is divided into two precincts, with the northern precinct at the western end of Reeves Street/Goldsmith Road (east of the F3 (now M1) having an area of approximately 32 hectares and the southern precinct in the vicinity of Debenham and Tallara Roads with an area of approximately 78 hectares. One lot is zoned Rural 1(a) Agriculture in the

northern precinct, and the remainder of the lots are zoned 7(b) Scenic Protection. A large lot with an area of approximately 170 hectares separates the precincts. This land is zoned in part 7(b) and is Crown land that is the subject of an Aboriginal Land Claim (Lot 481 DP 1184693 - ALC 980). It has also been identified as proposed COSS land and any acquisition would be subject to negotiation with the relevant landowner.

The landform on which the land is located forms the upper edges of the major north/south escarpment to the west of the city centre and Narara Valley and is immediately east of the M1 freeway. The escarpment is visually prominent, forming a backdrop to the city centre, Narara Valley and Brisbane Water. Historically, the Scenic Protection 7(b) zone was applied to transitional or peripheral areas between agriculturally productive lands and conservation lands. 7(b) lands have a diversity of characteristics, depending on their location, however generally have a greater extent of natural vegetation than agricultural lands, less productive soils types and do not form steep, sharply defined ridgelines, however have scenic values in a broad landscape setting. Overall, the escarpment at Somersby generally retains its visual integrity due to the extent of remaining native vegetation and its elevation.

The minimum lot size for both the 1(a) and 7(b) zone is 20 hectares and this standard will be retained in DLEP 2013. The Rural 1(a) lot is proposed to be zoned RU1 Primary Production and the 7(b) lots are proposed to be zoned RU2 Rural Landscape, as conversion zones in DLEP 2013.

Some 7(b) lots in the locality have been subdivided prior to the introduction of the 20ha minimum lot size in 1979, and these lots range from approximately 1.75 to 2.0 ha, up to 9 ha, whilst the lots subject of the original application are generally considerably larger, particularly in the southern precinct.

Land in both precincts is located within the boundary of Sydney Regional Environmental Plan No 8 - Central Coast Plateau areas (now a deemed SEPP), however only sections of the northern precinct have had detailed soil mapping undertaken, of which only part has been identified as being "prime agricultural land" (i.e. coloured pink) on the SREP 8 maps.

The **northern precinct** is more cleared than the southern precinct and has generally more regular topography and deeper residual soils. Its characteristics are also more alike to agricultural lands west of the M1. There are some areas of fragmented remnant vegetation (predominately Exposed Hawkesbury Woodland) and includes an area of Ecologically Endangered Community (Somersby Plateau Forest). An electrical easement approximately 60 metres wide dissects Lot 41, traversing the lot in a north-eastern direction. Transient threatened fauna species, being the *Calyptrorhynchus lathamii* (glossy black cockatoo) and *miniopterus australis* (little bentwing-bat), have been identified on Council's database in this precinct. The report "Proposed Dwelling Sites Environmental Biodiversity Considerations" prepared by Conacher Environmental Group (dated June 2012) supporting the application has also identified additional threatened species including red crowned toadlet, eastern pygmy possum, microbats and leafless tongue-orchid in this precinct. The majority of lots are being used for rural lifestyle purposes, with single dwellings and associated sheds/landscaped areas etc. Lot 12 has two dwellings erected on it, with the secondary dwelling approved as a workers cottage under DA 16851 on 4 March 1993. This precinct predominately drains to Strickland State Forest (which is being managed for its environmental values) and is located in the upper catchments of Narara Creek and its tributaries. The northern section drains into a significant tract of ecologically endangered vegetated (Coast Warm Temperate Rainforest) located along the upper reaches of Narara Creek.

To the immediate north of the northern precinct, Lot 42 DP 771535 (which is all zoned Conservation 7(a)) was the subject of negotiations in relation to COSS acquisition. The existing

dwelling house was to be excised and retained on a lot of 10.49 ha and the residue lot of 55.51 ha to be acquired however this did not proceed.

The **southern precinct** has significantly more native vegetation (predominately Exposed Hawkesbury Woodland and Hawkesbury Banksia Scrub), including a small area of EEC (Sandstone Hanging Swamp) and is an erosional soil landscape. Lot 4 has a large cleared area located on its northern boundary and several dilapidated structures/sheds on it, with the remainder of the lot being heavily vegetated. Lot 3 is currently vacant and predominately vegetated with natural bush, however has approval to build a dwelling house (to replace that which was destroyed in bushfires). Lot 2051 contains a substantial dwelling, landscaped areas and remnant bushland, with a smaller secondary dwelling. The main dwelling was approved on 9 February 1994 under DA 17819 with Condition 13 requiring the demolition or removal of the secondary dwelling. Other developments in this southern section (not the direct subject of the request to be rezoned) comprise dwelling houses within cleared areas/landscaped areas interspersed with remnant bushland. This precinct is also characterised by more rocky outcrops, variable topography and greater scenic value than the northern precinct. The vegetation and landform type is also supportive of more "in-situ" threatened flora and fauna species, with *Hibbertia procumbens* (spreading Guinea flower), *Prostanthera junonis* (Somersby Mint Bush), and *Pseudophryne australis* (red crowned toadlet), identified on Council's database. The consultant's report has also identified additional threatened species including giant burrowing frog, glossy black cockatoo, eastern pygmy possum and microbats. Hawkesbury Banksia Scrub Woodland, of which there are significant tracts present in the southern precinct, is recognised as having a very high propensity for Eastern Pygmy possums.

Both Precincts have a number of identified areas of aboriginal heritage sensitivity and archaeological potential. Features identified include two scar trees, mondos and grinding grooves.

Land to the further east of the 7(b) land is zoned 7(a), which reflects its more isolated location at the edge of the plateau and a change in grade as the plateau falls more steeply to the valley floor. Some rural residential lots on Reeves Street/Dawson Street are zoned 7(a) and were the subject of a designated development proposal that allowed the erection of approximately 20 dwelling houses out of a total of 32 lots that were held in common ownership. These lot sizes range from 1 to 2 hectares.

A large tract of 7(b) land lies between the two precincts, having an area in the vicinity of 170 hectares. This land comprises of Lot 481 DP 1184693 and was Crown land that has been the subject of an aboriginal land claim by the Darkinjung Local Aboriginal Land Council (DLALC). Transfer of the land has not yet occurred pending registration of the title. Council had intended to zone the land to E2 when DLEP 2013 was being formulated, given its environmental values however this was objected to by the DLALC and consequently is now proposed to be RU2 (i.e. the 7(b) conversion zone).

The land on the escarpment at Somersby is not consistent with the characteristics of other areas zoned 7(c2) in the Matcham/Holgate valleys due to its overall extent of native vegetation, landform, soils type, elevation, lack of enclosing ridgelines and location.

Initial Planning Proposal Application

The original proposal sought to resolve threatened species issues through the Bio-certification process. It purported to achieve a rural/environmental style landuse through the conservation of uncleared areas with selected rehabilitation of previously cleared areas to achieve significant biodiversity conservation outcomes, and resulting in an overall improvement for conservation of native vegetation while providing for a sustainable and compatible level of development. Noting that the proposal was to provide for an additional 20 dwelling sites whilst the theoretical dwelling

potential if zoned 7(c2) would be much higher, the rezoning of the five lots to 7(c2) or E3 raised significant concerns relating to the effect of the rezoning, given the land's inherent site characteristics, its biodiversity values, potential environmental effects and inconsistency with planning strategies and directions. A report to Council was prepared which recommended the planning proposal not be supported for the following reasons:

- 1 The Planning Proposal is inconsistent with the general and specific aims of State Environment Planning Policy No 19 - Bushland in Urban Areas.
- 2 The Planning Proposal is inconsistent with Clauses 10 and 11 of Deemed SEPP – SREP No 8 – Central Coast Plateau.
- 3 The Planning Proposal is inconsistent with Section 117 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries 2.1 Environmental Protection Zones, and 5.1 Implementation of Regional Strategies.
- 4 The Planning Proposal is inconsistent with the Central Coast Regional Strategy's Housing and Centres outcomes and actions which limit opportunities for rural residential development to those areas already identified.
- 5 The Planning Proposal is inconsistent with the Central Coast Regional Strategy's Environment, heritage, recreation and natural resources outcomes and actions which aims to ensure that rural and resource lands are not rezoned for urban or rural residential purposes.
- 6 The sites have been mapped as containing vegetation communities that are listed under the *Threatened Species Conservation Act 1995* as Somersby Plateau Forest and Sandstone Hanging Swamps in New South Wales North Coast and Sydney Bioregion. It is considered likely that the planning proposal would impact on these Ecologically Endangered Communities.
- 7 It is likely that any future development on the land as a result of the rezoning proposal is likely to result in the removal, modification and fragmentation of habitat of threatened species including the Giant Burrowing Frog, Red Crowned Toadlet, Glossy Black Cockatoo, Eastern Pygmy Possum and Microbats.
- 8 The planning proposal is inconsistent with the following Council Plans and Strategies:
 - Community Strategic Plan
 - Biodiversity Strategy
 - Residential Strategy
 - Draft Residential Strategy
 - Draft Landuse Strategy
- 9 The Planning Proposal is inconsistent with the development objectives for the Narara Valley geographical unit as set out in Development Control Plan No 89 - Scenic Quality.
- 10 The Planning Proposal is likely to adversely impact on the vegetation via the spread of edge effects post development due to additional vegetation being removed for future development and the existing corridor connectivity being eroded.

The original application undertook detailed site analysis to identify approximately 20 new dwelling envelopes and a conceptual subdivision layout (with northern precinct to be subdivided into 15 rural residential (with 12 additional dwelling envelopes) and southern precinct to be

subdivided into 11 lots (with eight additional dwellings) with a total of 26 lots, whilst requesting rezoning of all the lots to 7(c2). It was also proposed to use Biodiversity Certification Assessment Methodology (BCAM) under the provisions of *Part 7AA of the Threatened Species Conservation Act 1995 (TSC Act)* to "sign off" issues associated with threatened species at the rezoning stage (subject to agreement with the Office of Environment and Heritage).

A meeting was held between the applicant/one owner and Council officers, and the reasons for not supporting the proposal were provided. As a consequence, the application was amended so that instead of zoning the whole area to 7(c2)/E3, it would be zoned to a combination of E2 and E3, and also suggesting some immediately adjoining lands be considered by Council for rezoning. It is no longer pursuing biodiversity certification.

Overview of Applicant's Submission

The applicant has provided detailed commentary in relation to the proposal, which is now to rezone the 5 lots to a mix of E2 and E3, and has suggested other immediately adjoining lands for inclusion by Council. The relevant matters cited by the applicant to support the proposal are summarised below.

This Planning Proposal seeks the rezoning of approximately 109ha of land east of the F3 Freeway at Somersby to permit rural residential allotments including the retention of key habitat and riparian areas .It proposes to rezone the land to E2 Environmental Conservation and E3 Environmental Management in accordance with Standard LEP template. Council may wish to include land adjoining the site which has already been subdivided below the minimum lot size. The proposed zoning would enable a form of development that is consistent with the existing rural residential subdivision pattern in the area and conserve a significant amount of land. The land is located within close proximity to employment lands, existing services and schools and major transport corridors including the F3.

Preliminary investigations of the site have been undertaken including an agricultural assessment, flora and fauna, bushfire and the site's surrounding context. These preliminary investigations have determined a possible zone boundary layout for the subject sites, which enables the retention of significant areas of land, and provides the opportunity of being managed as a larger lot under one ownership.

Land adjoining both precincts to the south east has been previously subdivided well below the minimum of 20 ha required for the 7(b) zone. A strategic investigation has been undertaken of the broader area which indicates that the landholdings are unique in this area as the last larger parcels able to accommodate rural residential development and is not land proposed for high conservation values identified for COSS acquisition or employments lands. Land immediately adjoining the subject sites already incorporates smaller lots.

An indicative minimum subdivision plan has been prepared and is based on preliminary studies. This shows areas proposed to be E2 as having a minimum lot size of 20 hectares (AB1) and for the areas to be zoned E3 as having minimum lot size of 1.8 ha. This lot size is similar to lots adjoining the subject site. The northern precinct has an area of 31.48 ha and there are three existing dwellings. The southern precinct has an area of 77.94 ha and has three existing and approved dwellings.

The preliminary Biodiversity Assessment summarises the biodiversity conservation outcomes for the two precincts based on the proposed development layout as:

- *retention of riparian areas and buffer zones to riparian areas;*

- retention of key habitat areas for threatened species and significant ecological communities;
- retention of connectivity and habitat linkages to adjoining naturally vegetated areas and areas to be incorporated into the COSS,
- maintenance and improvement of areas retained and conserved for biodiversity outcomes throughout both precincts.

This can be achieved by incorporating an E2 zone over part of the land and E3 over the remainder to allow subdivision on areas of land that are cleared and have poor vegetation type.

A preliminary Agricultural Land Classification Assessment has been prepared which assessed the Agricultural land classification of the holdings as being low or even nil over at least 90% of the site. A small portion of the northern precinct is mapped as Class 3 (of moderate value for agriculture) however this is limited by its small area.

The intended outcome is the creation of an appropriate transitional landuse between the F3, industrial and agricultural lands of the Somersby/ plateau and the urban areas of Gosford and to subdivide the land for rural residential purposes which is consistent with adjoining lands.

The proposal is able to meet the objectives of the E2 and E3 zones in that it will provide a transition in landuse and subdivision and is consistent with immediately adjoining lots whilst ensuring environmental constraints are properly considered and managed.

The proposal has been considered in terms of achieving a net community benefit as outlined in the Department of Planning and Infrastructure's Draft Centres Policy. In particular, it will provide additional land for dwellings close to jobs and infrastructure, public transport and schools whilst retaining land for conservation purposes. The rezoning will complement surrounding landuses in Somersby and the wider Gosford area, and are unique in location and is not considered to impact on other spot rezoning.

The rezoning is consistent with the Central Coast Regional Strategy, in that it will not restrict the use of resource lands, and is also consistent with a Rural Residential Landuse Review which has looked at other lands in the area and is the only remaining suitable land for rural residential lots east of the M1 and west of Gosford. It is also based on providing a balanced approach to conserve significant areas of vegetation whilst also providing for additional housing. It is well located and will assist in creating a better, attractive, adaptable and self-reliant settlement as outlined in CCRS. The Planning proposal will assist in informing the revised CCRS (Central Coast Growth Plan) in relation to the location of additional rural residential land. It is also consistent with Council's Community Strategic Plan, and the Residential Strategy in that there is an identified need for rural residential lands and the need for a diversity of housing stock and to accommodate real estate market cycles for higher order housing.

The proposal is also consistent with relevant SEPP provisions, including SEPP 8. It is requested that Council consider the proposal on its merits and that the Department of Planning and Infrastructure be requested to consider rural residential in this area given that these two precincts are the last landholdings within this area that are suitable for rural residential landuses. It will not impact on rural lands as it is for rural purposes and lot sizes are consistent with surrounding lots and will also protect and enhance natural vegetation. It is also consistent with the principles of the Rural Lands SEPP Rural Planning Principles and Section 117 Directions.

The proposal has been supported by technical investigations in relation to dwelling sites, environmental/biodiversity considerations, including preliminary bushfire assessment report and feasibility report for on-site effluent disposal (information revised June 2012), together with Preliminary Agricultural Assessment Classification Assessment and Preliminary Indigenous Heritage Assessment. Dwelling sites have been based on biophysical characteristics and guidelines incorporated to provide for a number of protection measures, including:

- *bushfire protection*
- *protect riparian areas*
- *effluent disposal*
- *threatened species habitats.*

Any subdivision application would generally be in accordance with the principles of the developments plans and subject to approval by Council.

An assessment against Clause 55(2) of the Environmental Planning and Assessment Act 1979 as amended, being the requirements for a planning proposal for the subject development has been provided by the applicant which outlines objectives, provides an explanation of provisions, and justification for the proposal.

Planners Note: The amended application to rezone the land to E2 and E3 has not been supported by revised dwelling envelopes aligned to zoned areas, however is requesting that where land is to be zoned E2 a minimum lot subdivision of 20 hectares, and for E3, subdivision of 1.8 ha, be applicable.

The issues raised in the applicant's revised submission have been considered in the assessment of the proposal. The revised proposal intends to protect biodiversity values through the imposition of the E2 zone over part of the land (with a 20 ha minimum lot size) and managed by the landowner, and E3 with a minimum lot size of 1.8 ha in various sections over the remainder of the land. Notwithstanding the applicant's submission, the development that would be generated by the rezoning is greater than that which is considered suitable for the land.

Additional Lands for Inclusion in Rezoning

The revised application is now requesting that the original five lots be zoned a combination of E2 and E3 (to align with LEP 2013 which is expected to be gazetted in the near future) and has suggested some other immediately adjoining lots could be included in the rezoning, to both E2 and E3. Rezoning of RU2 land to an environmental zone may have some merit given its environmental values, inappropriateness of permissible uses in the RU2 zone, adverse and cumulative impacts of clearing as may be permitted under the *Native Vegetation Act 2003* and appropriateness of development outcomes under different zoning scenarios (see discussion below Appropriateness of Zoning and Permissible Landuses). As part of a broader strategic review, due to the physical separation by the M1, it is practical that other residue 1(a) lots in the northern section be included (which has been also suggested by the applicant).

Rezoning of the five lots would generate approximately 56 hectares of E2 land and 54 hectares of E3 land. With the minimum lot sizes as proposed by the applicant, particularly for the E3 land, there is still greater subdivision potential than the dwelling yield originally assessed as being sustainable for the land by the applicant in their consultant studies. With the rezoning of adjoining lots as suggested, there would be a further approximate 8 hectares of E2 land and 20 hectares of E3 land or total of 64 ha of E2 land and 74 ha of E3 land if all supported under the one Planning Proposal. In accordance with directions from Council officers, the applicant has not undertaken further investigations into these additional areas.

Owners of the additional lots suggested by the applicant to be rezoned have not been canvassed in relation to their views on the possible rezoning. These additional lots comprise:

Lot/DP	Road	Area	Current Zone	DLEP 2013 zone	Applicants proposed Zone
10/263427	Reeves	10,790m2	1(a)	RU1	E3
11/263427	Reeves	9.288 ha	1(a)	RU1	E3
1/624163	Goldsmith	1.754 ha	7(b)	RU2	E3
2/624163	Goldsmith	1.756 ha	7(b)	RU2	E3
3/624163	Goldsmith	1.756 ha	7(b)	RU2	E3
1/231866	Kowara	2.034 ha	7(b)	RU2	E3
2/231866	Kowara	2.034 ha	7(b)	RU2	E3
3/231866	Kowara	2.034 ha	7(b)	RU2	E3
4/231866	Kowara	2.054 ha	7(b)	RU2	E2
5/231866	Kowara	2.034 ha	7(b)	RU2	E2
6/231866	Debenham	2.023 ha	7(b)	RU2	E2
7/231866	Debenham	2.026 ha	7(b)	RU2	E2

The applicant's revised submission still references the original five allotments and commentary relates to these lots and not any additional lots.

It is noted that there are also several other larger holdings of 7(b) land in the southern precinct outside of that sought to be rezoned under this application that could be considered by Council in an overall strategic context. These lots compromise:

Lot/DP	Road	Area	Current Zone	DLEP 2013 zone
5/548027	Tallara	9.64 ha	7(b)	RU2
14/618324	Debenham	2.004 ha	7(b)	RU2
221/1094063	Debenham	3.4	7(b)	RU2
222/1094063	Debenham	7.809 ha	7(b)	RU2
1/562094	Debenham	0.4130	7(b)	RU2
21/746635	Kowara	8.832	7(b)	RU2

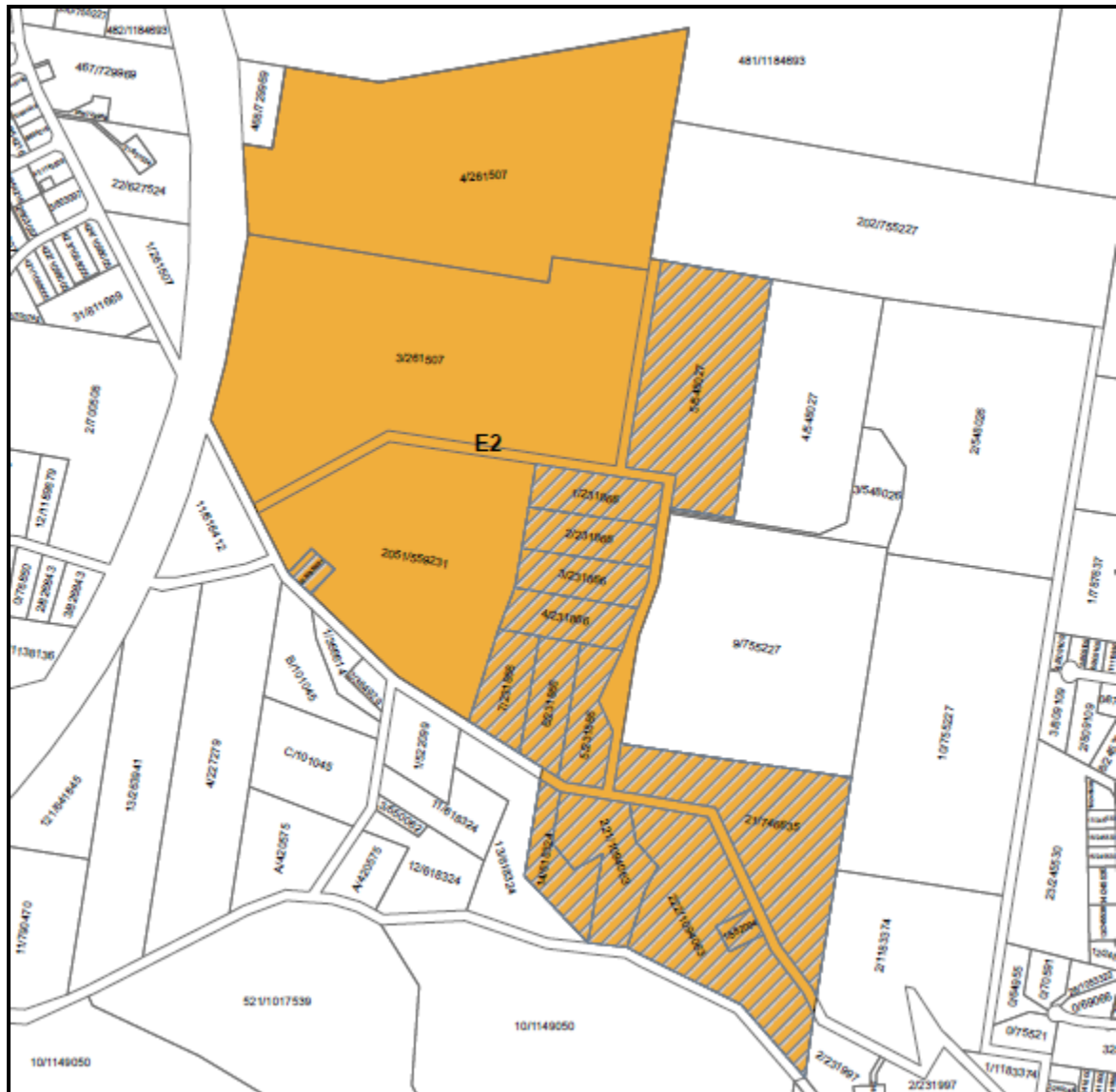
If all lots were included, the area could be reviewed in a strategic manner, if considered appropriate by Council. This is particularly so in consideration of the appropriateness of the existing/proposed zoning and the known environmental constraints to the land.

In relation to Lot 481 DP 1184693 (the land the subject of the ALC), given that the land is not as yet privately owned, and the complexities associated with its environmental values and land tenure, together with its significant size (170 hectares) it is not recommended that this lot be considered in any overall strategic review at this stage. To some extent, the determination of this planning proposal and zoning regime that may be supported by Council may set a precedent for any future uses and zonings of this land.

Given that the owners of additional lots identified by the ESLIT, together with the owners of broader 7(b) area in the southern precinct, have not been consulted, it would not be appropriate for lands outside of the ESLIT holding to be included in any rezoning until such time as consultation has occurred with property owners. This consultation could occur concurrently with the processing of the Planning Proposal for the ESLIT land, with any rezoning in the future (depending on consultation) as an adjunct to the ESLIT Planning proposal, as a separate planning proposal, or as part of a wider LEP amendment (depending upon timing and issues arising through the consultation process).

Northern Precinct



Southern Precinct**Assessment of Revised Proposal**

The discussion below is based on the consideration of the proposed zones and minimum lot areas sought by the applicant and biophysical characteristic of the land. This discussion is to aid in the determination of an appropriate landuse outcome for not only the ESLIT land, but the broader area, which could inform future zoning options.

The revised proposal is now requesting rezoning of ESLIT land to E2 and E3, and suggesting that some immediately adjoining lots also be rezoned, which is not supported at this stage until wider consultation has occurred.

The following table summarises development yields that would be generated if the applicant's revised E2/E3 proposal were supported (as it relates to ESLIT land):

Northern Precinct				
	Total Area	Area of E2	Area of E3	Lot creation @ 1/20 ha for E2 and 1/1.8 ha for E3
Lot 12 DP 263427 Reeves Street	21.53 ha	10.5	11.3	6 E3 lots + one residue E2 lot (two dwellings existing)
Lot 41 DP 771535 Goldsmith Road	9.95	0	9.95	5 to 6 lots E3 (one existing dwelling)
Southern Precinct				
Lot 3 DP 261507 Debenham Road	30.25	22.95	7.3	4 E3 lots + one residue E2 lot (one approved dwelling)
Lot 4 DP261507 Tallara Road	30.55	17.15	13.4	7 lots + one residue E2 lot
Lot 2051 DP 559231 Debenham Road	17.14	6.7	10.47	5 to 6 E3 lots + one residue E2 (two existing dwellings)

The revised proposal has also requested minimum lot sizes of 20 ha for the E2 zone and 1.8 ha for the E3 zone.

It is agreed that the land is in a unique situation given its segregation from the main body of the rural hinterland (Somersby/Mangrove Mountain/Peats Ridge/Kulnura) by the M1 Motorway and hence needs to be considered in a strategic context. This context, however, also needs to consider the locational characteristics of the land, its biophysical characteristics and suitability for alternative development than that permissible under the 7(b)/RU2 zone from an environmental and planning perspective.

The revised proposal would result in the ESLIT land having more development potential beyond that envisaged in the applicant's supporting information "Proposed Dwelling Sites Environmental Biodiversity Considerations". If the E3 zone were supported over part of ESLIT land as requested, and a minimum lot size for subdivision of 1.8 ha, there would be a theoretical capacity of approximately 30 rural residential type lots for land to be zoned E3 and another 4 potential residue E2 lots for the ESLIT land.

A significant portion of site is environmentally sensitive. The applicant's "Proposed Dwelling Sites Environmental Biodiversity Considerations" concludes:

"The detailed ecological surveys completed for the site and information provided from various databases and biodiversity reports for the local/regional area indicate that the naturally vegetated areas within the study area provide a range of habitats for protected and threatened flora and fauna species including preliminary listed endangered ecological communities. Large areas within the study area have been cleared for rural and agricultural purposes. The potential to change the land use towards a rural/environmental style land use provides opportunities to integrate the conservation of the uncleared areas of natural vegetation with selective rehabilitated of previously cleared areas to achieve some significant biodiversity conservation outcomes for the study area and result in an overall improvement for conservation of native vegetation while providing for a sustainable level of development..... The retention, revegetation and rehabilitation of the various areas of retained natural vegetation will be critical to achieving a positive maintain and improve outcome for native vegetation and biodiversity conservation, which is sustainable and compatible with future development within adjoining areas."

For any proposed rezoning, if threatened species issues are not resolved at the rezoning stage through the Bio-certification process, it is not possible to "sign" off on any legislative considerations in relation to the *Threatened Species Conservation Act*. All future DAs would be subject to consideration of impacts on a piecemeal basis (through the 7 part test and possible Species Impact Assessment) and there would be no certainty as to development outcomes,

whether for land subdivision or the erection of future dwellings. The greater the development potential of the land through subdivision, the greater the expected significance of impacts on threatened species. The revised submission (zoning to E2 and E3) does not directly align with dwelling envelopes identified in the original submission (albeit that it is not now proposed to zone the whole area to 7(c2)/E3). In particular for the southern precinct, the areas to be zoned E3 would have a greater development potential than that envisaged in the Environmental/Biodiversity Considerations report. As such, environmental outcomes and development yields cannot be specifically determined and there may be considerable uncertainty at the time of subdivision/erection of dwellings if the proposal were supported in its "englobo" form for the E3 component and a minimum lot size of 1.8 ha.

From a strategic perspective, it is desirable to have, as much as possible, resolved inherent development constraints, including environmental issues, as part of the Planning Proposal process. This provides certainty to development outcomes, a relative seamless transition from the rezoning to land development stage, and facilitates timely, cost-effective and consensual approval processes.

The holding is in different ownerships and has variable characteristics. Although parts of the northern precinct are more akin to rural farming land to the west of the M1, this precinct contains an area of EEC, however is generally more cleared than the southern precinct.

The following commentary discusses issues associated with the proposal as it relates to zoning components/development potential through subdivision potential that have now been sought under the revised proposal. Given the need to consult with other landowners in relation to any proposed rezoning, these additional areas should be deferred from the current planning proposal and hence discussion below only addresses issues specific to the ESLIT land.

Northern Precinct

The northern precinct has, in part, characteristics more alike agricultural lands to the west of the M1 and is generally more cleared and of higher agricultural value than the southern precinct. There are some areas with rocky outcrops and waterlogged soils, together with an area of EEC and other threatened species. It is located at the headwaters of a sensitive drainage catchment associated with Narara Creek and Strickland State Forest. The revised proposal seeks to rezone the majority of this precinct to E3, with a residue vegetated area at the rear of Lot 12 to be zoned E2. This would result in approximately 21 ha of land to be zoned E3 and 10 ha of land to be zoned E2. Additional areas that the applicant has now suggested Council could contemplate rezoning include an additional 2 lots of land zoned 1(a) to the west and three smaller 7(b) lots fronting Goldsmith Road to the south east. The main issues of concern in relation to this component of the proposal relate to the rezoning of land zoned Rural 1(a) together with allowing rural residential subdivision in an area where zoning has not previously allowed this to occur. The precedential affect on other more traditional rural areas on the western side of the M1 is of concern. There are also concerns in relation to the density of rural residential subdivision sought, with a minimum lot size sought of 1.8 ha.

Discussion in relation to strategic planning issues for other rural lands is addressed further in this report.

One constraint to development in this precinct is an electricity easement that traverses Lot 41. This easement is 60 metres wide and has an area of approximately 2 ha, which when taken out of the overall site area, leaves approximately 7 ha of land that is less constrained for development. The dwelling envelopes delineated in the Conacher report would result in irregularly configured lots, particularly as it relates to Lot 41 where dwelling envelopes are concentrated west of the easement, and resulting in inadequate separation between building areas. It is noted that lots to the south east generally have areas of 1.7 ha in size. On these lots,

there is very little remnant vegetation as it has been removed for rural residential activities. The ESLIT land, whilst containing some cleared areas, has a greater amount of remnant vegetation, including canopy cover that provides threatened species habitat. Given the need for on-site effluent disposal areas, landscaping, retention of canopy trees, the need to provide a reasonable separation between buildings and landscaping together with retaining the relative "rural" amenity and character, a minimum lot size of 1.8 ha is not supported. This would result in a potential of 12 rural residential lots to be created in this area, with one residue E2 lot (not including additional 1(a) land suggested by the applicant to also be rezoned). This land does not have the characteristics of land zoned 7(c2) albeit if the land is being used for rural residential purposes. Lands zoned 7(c2) are generally well located in terms of access to services and facilities (schools, shops, public transport etc) and are proximate to urban zoned lands, recreational opportunities, beaches and the like. This precinct at Somersby is located away from urban areas and services and facilities and is also within the boundary of SREP No 8 - Central Coast Plateau Areas (now a deemed SEPP) that specifically precludes the preparation of the draft LEPs (now Planning Proposals) for rural residential development.

Given that this land is now physically separated by the M1 from rural lands to the west, further subdivision could be supported provided there was an appropriate balance between new dwellings created by subdivision, retention of remnant vegetation, scenic quality and rural amenity. Larger lot sizes could be more suitable as they would provide greater flexibility and choice in housing design and location, and greater opportunities to be able to accommodate on-site effluent disposal areas, flexibility in building locations, opportunities to retain remnant vegetation, make allowances for more variable topography and accommodate bushfire requirements. At the density proposed however (i.e. 1.8 ha lots over the E3), the proposal if supported would be more akin to a large lot residential subdivision that is out of context with its rural setting. This would create an unreasonable juxtaposition between rural land to the west that has a minimum lot size of 20 ha (although a number of lots are smaller than this) and what could be a large "urban fringe" type rural residential subdivision. If subdivided into 1.8 ha lots over the whole area as proposed, there would be very limited opportunity to retain remnant vegetation, including canopy cover, in the long term, as individual owners would seek incremental clearing to facilitate lifestyle activities (grazing, horse riding, trail bikes, ancillary buildings, extensive landscaping etc). The land has more variable topographic variations and rocky outcrops, remnant vegetation etc than the smaller existing lots fronting Goldsmith Road.

If the subdivision into 1.8 ha lots were supported over the whole area this would result in restricting opportunities to provide some flexibility as to dwelling locations having regard to topography, vegetation, drainage and amenity and other constraints (such as the electricity easement). This would have the effect of an isolated pocket of small lots being located at the edge of an area that is being used for natural resource uses (agriculture, extractive industries, water catchments etc) and is undesirable from a landuse planning perspective.

Other landuses in the immediate area (RSPCA animal shelter, driver training facility, junior motor cycle track) may also adversely affect the amenity of any nearby lots, either existing or as would result through rezoning. The more lots created by subdivision, the greater potential for incompatibility between landuses with an increased number of residents subjected to potential nuisance noises. The RSPCA Animal shelter was located on Reeves Street due to the availability of crown land to accommodate the development and its suitability due to relative isolation from dwelling houses. Whilst traffic noise from the M1 would be present in the locality and may to some extent be ambient background noise, the frequency, intensity and unpredictability of nuisance noise from other landuses in the immediate locality may be more intrusive and pose a greater nuisance than that associated with the M1.

The existence of developments created prior to the introduction of a development standard (in this instance, the minimum lot size) does not provide, in itself, justification from a planning perspective to allow other "substandard" lots to be created. A more appropriate response is to

consider the merits of an application, consider its relationship to all surrounding lands, evaluate the biophysical characteristics (including threatened species), potential impacts of development that would result if rezoned, and relevant planning issues, and to then determine a development outcome that is best suited to the characteristics of the land.

Given that the land is now physically separated by the M1 from traditional rural areas and its somewhat unique setting, there is some merit in allowing an alternate development outcome than that permissible under current controls. This would only be supportable on the basis of it being at a scale that reflects its transitional characteristics, would facilitate the retention of remnant vegetation and canopy cover, not result in significant environmental impacts and not present an impost on level of service expectations.

As such, it is considered that an average lot size of 2 hectares could be substantiated given the issues associated with the precinct. Further, given on-site variations, a "lot averaging" approach could be adopted where smaller lots could be created on less constrained areas (such as the upper level sections of Lot 41 Goldsmith Road) and larger lots in the more constrained areas, however the overall yield would be based on a 2 ha lot size. There are provisions in the current standardised approach to LEP controls that have been used by other Councils which could be applied to this proposal. This could provide for the clustering of small lots on less constrained parts of the land, and larger lots on the more variable parts of the site to greater protect remnant vegetation, provide greater flexibility in building locations/effluent disposal areas etc, which when taken with an overall average of 2 ha, could produce a sustainable development outcome.

Southern Precinct

The southern precinct has a large extent of natural vegetation (including EEC), a high propensity for threatened species and identified and potential for archaeological sites. Approximately 2/3 of the area is proposed to be zoned E2. The main E2 zoned area as proposed by the applicant is a tract of land in the centre of the precinct ranging from approximately 360 to 630 metres wide, and running in an east west direction (which is located on Lot 3 and 4). Under the scenario sought, if created as a separate area of E2, this would have an area of 40 hectares however given that it would extend over two existing lots, could potentially create 2 residue E2 lots (given that the lots are in separate ownership) or otherwise 2 x 20 ha lots through boundary realignment (with 20 ha being the requested minimum lot size for E2 in this location). This area is in a predominately natural state and is dissected by two watercourses, has numerous sandstone outcrops, has areas of EEC and identified and potential archaeological sites. Due to its undisturbed condition, there would be a high propensity for archaeological relics and threatened species.

Overall, this section of the precinct has limited development potential and any development would be constrained by environmental factors. Impacts would be commensurate with the scale of development permissible, however if developed at a low intensity in discrete areas could offer more opportunities to minimise impacts and mitigate adverse effects. Environmental investigations would need to reflect the scale and intensity of development proposed. E2 is the most conservative zone for privately owned land, and given the environmental characteristics of this area, this zone would be the most appropriate zone to apply to the whole of lots 3 and 4. Given direct impacts as a consequence of the construction of dwellings/clearing for bushfire etc and on-going issues in relation to rural land use expectations particularly for such large lots (clearing/underscrubbing for ancillary activities, grazing, landscaping, horse riding etc), the provisions of the zone are the only protection to afford the long term protection of environmental values (noting that these could be supplemented with DCP provisions and/or property vegetation plans). The minimum lot size requested (i.e. 20 hectares) is the same which exists with the current zoning (7(b)/20ha). In theory, there is no further potential for subdivision, however an E2 zone would afford better protection than either the existing 7(b) or the proposed

"conversion" RU2 zone, given the different permissible uses in each zone and would permit one dwelling on each residue lot.

To the north of the large tract of E2, an area of approximately 13 hectares has been requested to be zoned E3, forming the northern section of Lot 4. This generally coincides with a cleared area and would form an elongated, isolated area of rural residential development amidst a significant tract of natural bushland that has been identified as a regional corridor. The original submission (Conacher Report) delineated four building envelopes in this area, however there would be potential for approximately 7 lots, if a 1.8 ha minimum lot size were supported. Access to this area is limited and would be by way of an extension of Tallara Road or by right of way along the existing bush track for a distance of approximately 400 metres through a residue E2 lot. Extensive works would be required to create satisfactory vehicle access to this area, particularly having regard to the need for safe access in the event of bushfire. Whilst it is physically possible to accommodate increased development/requisite radiation zones, effluent disposal areas etc in this cleared area, the creation of an isolated pocket of zoned land to allow rural residential development at the density proposed is not supported.

To the immediate south of the large E2 tract, another part of Lot 3, together with northern section of Lot 2051, has been requested to be zoned E3, also with a minimum lot size of 1.8 ha. This has a total area of approximately 19 ha and thus potentially could be subdivided into approximately 10 lots. Other than for the existing dwelling/landscaping area on Lot 2051, and the area which will accommodate the approved dwelling on Lot 3, this land is equally substantially naturally vegetated with substantial patches of Hawkesbury Banksia Scrub woodland which is known habitat for threatened species. Unlike the northern section of Lot 4, there are no clearly evident substantially disturbed areas on the remainder of these lots where dwellings could be accommodated. However, there may be limited areas that are the subject of previous disturbance containing regenerating bushland. As such, the intensity of the subdivision that would result from rezoning to E3 is not considered sustainable and would involve significant clearing works to accommodate dwelling houses, radiation zones, effluent disposal areas etc.

Another area of E2 has been designated at the southern end of the precinct, which forms the southern section of Lot 2051. This has an area of approximately 6 ha and has an older style dwelling house erected on it. It would form a residue E2 lot from the remainder of Lot 2051 if rezoned to E3 and subdivided.

Seven lots adjoin the land originally requested to be rezoned, and the applicant has suggested that these could also be included as part of any rezoning. These lots were created before the introduction of the 20 ha minimum lot size, and have lot sizes in the vicinity of 2 hectares. Where dwellings have been erected, vegetation removal and habitat modification has occurred that has diminished the overall environmental values of these lots, which are essentially "bush blocks" with dwellings interspersed with native vegetation and variable topography. Although the lot sizes are commensurate with 7(c2) zoned lands, they generally retain more natural landscape features and vegetation than other rural residential areas. Existing lot sizes should not necessarily be the determinant of zoning, particularly where they have been created prior to existing development standards which were designed to reflect the broad scenic attributes of the land and its location in the landscape. Although the existing 7(b) zoning of these lots may not be appropriate given the uses permissible in this zone and known environmental constraints, consultation with landowners would need to be undertaken before progressing any rezoning.

Overall, in the southern precinct, the zonings sought by the applicant are not supportable based on the development potential that would be generated and the overall environmental values of the land. The Conacher report originally submitted to support rezoning the ESLIT land identified eight "dwelling house" footprints in this precinct, which is substantially less than that which

would be generated if now zoned E3 with E2 residue lots. Rezoning tracts to E3 could result in approximately 17 rural residential lots and 4 residue lots. Although some parts of the areas sought to be zoned E3 are cleared or disturbed, the area when taken as a whole retains significant environmental values and development at the intensity proposed is not substantiated.

In summary, the revised proposal put forward by the applicant, as it relates to the 5 original lots would have potential theoretical lot generation of approximately 28 rural residential lots (based on a 1.8 ha lot size) and 4 residue E2 lots, all with a dwelling entitlement. This is greater than the number of dwelling envelopes delineated in the original application, which even though proposing to zone the whole area to 7(c2) only delineated 20 new dwelling envelopes and 6 existing dwellings (on four of the lots). Development at this scale is considered incompatible with the variable features of the land and would not lead to a sustainable planning outcome.

If Council supports a Planning Proposal and it proceeds to the Gateway, Council should be satisfied that sustainable development outcomes can be achieved. Once exhibited, or if it proceeds to be rezoned, it is unreasonable to expect future developments to be unreasonably stymied by environmental (or other) factors where Council itself has supported a proposal. Council should be satisfied that land identified for rezoning is not unduly constrained for the development proposed. It is noted that the proposal has not been to the Gateway, which may or may not require, future studies to further refine the proposal. These studies may be required either by the Gateway or to support future development applications, and should be used to inform development outcomes such as the siting of dwellings. It is considered that sufficient information has been provided at this time to confirm the overall high environmental values of the land and the propensity for threatened species to exist. In practical terms, there is no point in rezoning land if subsequent development cannot be supported. In supporting a rezoning, Council is essentially agreeing in principle to development that would emanate from the rezoning. Given the constraints in the southern precinct, it is noted that the number of dwellings that could be permissible may be further refined by the applicant through the preparation of information to support DCP type provisions that could supplement the rezoning and provide greater certainty as to dwelling potentials. These should be undertaken in the overall context of the land being zoned to reflect its environmental values and the effects of development.

Appropriateness of Zoning and Permissible Landuses

The 7(b) zone originally allowed some "urban support" type uses such as camping grounds or caravan parks, clubs, lawn cemeteries, motels, places of public worship and recreation establishments. The land has been zoned 7(b) for over 30 years, however in that time no significant "urban support" type uses have successfully been established primarily due to environmental constraints, servicing constraints and lack of demand in the market (with the exception of a low key restaurant/motel in Kowara Road). Consequently, as part of DLEP 2013 these uses were removed from the zone. The following table summarises proposed to be permissible uses under DLEP 2013.

RU2 Rural Landscape	E3 Environmental Management	E2 Environmental Conservation
Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Dwelling houses; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Garden centres; Home-based child care; Home industries; Landscaping material supplies; Open cut mining; Plant nurseries;	Animal boarding or training establishments; Bed and breakfast accommodation; Dwelling houses; Environmental protection works; Extensive agriculture; Home-based child care; Home industries; Roads; Roadside stalls; Secondary dwellings; Veterinary hospitals; Water storage facilities	Bed and breakfast accommodation; Dwelling houses; Environmental facilities; Environmental protection works; Home occupations; Recreation areas; Roads; Water storage facilities

Recreation facilities (outdoor); Roads; Roadside stalls; Secondary dwellings; Veterinary hospitals; Water storage facilities		
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The RU2 zone is the "conversion" zone for 7(b). The range of uses are generally reflective of those permissible in the existing 7(b) land, with the removal of "urban support" uses that have historically not been able to be established due to environmental impacts. It also recognises the potential for both agricultural activities and resource extraction opportunities that may exist on 7(b) lands elsewhere in the rural hinterland. 7(b) was used for transitional rural lands between areas of prime agricultural land and more environmentally sensitive lands that were zoned 7(a). The zone also recognised that these lands have higher scenic value than other agriculturally zoned lands and are hence in more marginal areas.

The high environmental values are now recognised for the southern and eastern edges of the main plateau at Somersby, both to east of the Freeway and in Somersby Business Park, particularly in relation to existing and potential threatened species and aboriginal archaeology. The range of uses as permissible under an RU2 zone may no longer be appropriate given these values. Issues surrounding threatened species and archaeological values have to some extent been resolved for the Somersby Business Park with the preparation of LEP 457 gazetted on 29 February 2008. This plan delineated ecologically significant and aboriginal heritage protection lands and the Plan of Management provides additional controls, however the formulation of the LEP and POM was a lengthy, protracted and costly process and required a "whole of government" approach to reach agreed outcomes. No such strategic approach has been taken for lands east of the M1 and the development/conservation outcome originally sought through the Bio-certification process is no longer being pursued. As such, given the relative undisturbed state of the land, the high propensity of threatened species and aboriginal archaeology, a conservative approach to zoning is advocated, whilst recognising that some limited opportunities for subdivision could be supported. It is unknown however, to what extent or if threatened species, populations or ecological communities or their habitats, will be adversely or significantly affected, as these effects would depend on the density of development that is supported.

The range of uses permissible in RU2, particularly in relation to agriculture and extractive industries (that would require broad-scale clearing) are no longer considered appropriate in this location.

Whilst the northern precinct has less intact bushland than the southern precinct, and is thus less constrained, it also has important remnant vegetation (including an EEC) that is not consistent with its rural zone. Further, given the relatively close settlement pattern in this area, some existing permissible uses for both the 1(a) and 7(b) zones may not be appropriate.

The *Native Vegetation Act 2003* and *Regulation 2013* may allow a number of concessions in relation to clearing, fencing, maintenance of routine agricultural activities and other activities that could have significant effects on the environmental values of the land if retained in a rural zone and developed for farming purposes. Further, SEPP (Infrastructure) prescribes some zones where uses are permitted, even if not allowed for in the zone table. For example in RU2, correctional centres, educational establishments, emergency services facilities, research and monitoring stations and waste or resource management facilities are permissible under SEPP (Infrastructure) even though not permitted under the LEP.

The use of an RU zone for all lands east of the M1 implies that they are suitable for agricultural and other resource land uses such as extractive industries. The land's location, its segregation from other resource lands and overall environmental (including threatened species and potential aboriginal archaeological values) and scenic quality, make the RU2 zone inappropriate and it

does not reflect contemporary landuse planning outcomes or environmental constraints. The RU2 also needs to be considered having regard to current legislative provisions such as the *Threatened Species Conservation Act* that have come into effect considerably later than the 7(b) zone, together with more recent understanding of the environmental value of the land, in addition to its scenic quality, together with works that may be permitted under the *Native Vegetation Management Act*.

Given these issues, it is considered more appropriate that the ESLIT land and potentially other lands in the locality (subject to landowner consultation) be included in an "E" (environment) zone. The objectives and permissible uses that are available in E zones are more appropriate having regard to the characteristics of the land and currency of legislation.

Alternative Zoning/Development Scenario

In consideration of any rezoning proposal, Council should consider not only the merits of the individual application, its strategic context and relationship to other land, and also the appropriateness of the existing zone and proposed zone. The Standard Instrument also provides for not only land zonings, but also a range of minimum lot sizes that may be appropriate having regard to the biophysical characteristic of the land. That is, land may be included in one zone, but there is no "standard" lot size for the zone - a zone may have a range of lot sizes based on detailed local analysis (noting that the approach of DLEP 2013 as a conversion LEP has been to transfer existing minimum lot sizes for each zone based on existing blanket minimum lot sizes). There are also now opportunities to utilise "lot averaging" provisions where an overall lot size is established, however individual lot sizes can be smaller or larger (particularly to achieve environmental objectives) through the lot averaging process. For example, a minimum lot size of 5 hectares is mapped, however on a lot of say 30 ha, six lots could be created, however their lot sizes would be variable over the 30 ha based on the individual characteristics of the lot - smaller lots in less constrained areas, and larger lots in more constrained areas. Where lot sizes are created that are bigger than the mapped lot size (e.g. in this example, 10 ha), a lot that normally could be subdivided cannot be further subdivided if it was created through the lot averaging process. These provisions have been endorsed by the State Government and successfully used in recent SI LEPs for Eurobodalla, Bega and other LGAs and are an effective mechanism in achieving improved environmental outcomes.

Any increase in development potential resulting from rezoning would also have a commensurate increase in the provision of Council services to accommodate the development. Depending on the number of lots that were created, this may necessitate upgrading and maintenance of road infrastructure to serve rural residential development. There would also be increased demands upon Council's services and facilities which need to be balanced with the overall merits of a proposal and whether a proposal represents a sound response to landuse and environmental issues.

An alternative **supportable** scenario for the **northern precinct** would be to support the rezoning to E2 and E3 as it relates to the ESLIT land and allowing subdivision, but at a larger minimum lot size than 1.8 ha sought in the application. This would be to ensure that impacts can be minimised and subdivision occurs at a density that is sustainable having regard to extent of remnant vegetation, on-site effluent disposal requirements, need to minimise effects and to retain a relatively non-urban character (noting that the smaller lots on the eastern side of Goldsmith Road essentially present as "residential" i.e. too small for grazing and other lifestyle pursuits). This land also has more variable topography and rocky outcrops than the small lots immediately fronting Goldsmith Road, and hence a larger lot size is justified to facilitate greater flexibility in location of dwellings, ensuring adequate separation between dwellings (given that the transmission line presents a hard constraint) and facilitate a more regular subdivision layout. Access is also an issue in this area both in terms of road standards and quality, intersection

safety and ingress/egress in the event of bushfire. Although dwellings can be built to achieve Bushfire Attack Levels (BAL), and less clearing would be required for radiation zones than in the southern precinct, significant intensification of the number of dwellings (and hence capital investment required to be defended during bushfire events) beyond that recommended is not supported. It is also considered appropriate to provide a transitional area between the existing smaller 7(b) lots and agricultural holdings to the west of the M1. Given these considerations a minimum lot size of 2 ha could be supported. The 2 ha minimum lot size would recognise that this area is less constrained than that the southern precinct, however should remain relatively "non urban" in character. It is also noted that bonus lot subdivisions will not be permissible in LEP 2013 and subdivision down to 1 hectare sized lots in this location is considered inappropriate. One hectare sized lots would not provide sufficient flexibility in the location of dwellings within the existing natural and infrastructure constraints (transmission easement, effluent disposal areas etc), nor provide an adequate transition to larger rural lots to the west. A lot averaging approach (with the "base" minimum size of 2 ha) could also be used to provide greater flexibility over the whole of proposed E3 area, whilst maintaining an overall density that reflects the transitional nature of this area. This would achieve better outcomes at the subdivision stage, given that State Environmental Planning Policy No 1 - Development Standards (SEPP 1), does not apply to land to which LEP 2013 applies. This approach is supported given the strategic context of the land and its significant alienation from other rural lands by the M1. This would yield approximately 10 lots on the ESLIT. The zoning of other 1(a) and 7(b) lots in the northern precinct would be the subject of landowner consultation and/or submissions lodged with respect to this planning proposal, depending on the circumstances of the submission.

An alternative **supportable** scenario for the **southern precinct**, based on the land's ecological values and relationship to surrounding land, could be instead of rezoning the ESLIT to part E2 and E3, to rezoning it all to E2 however then map a suitable minimum lot subdivision standard (that could be based on the preparation of a DCP by the applicant) and if necessary employ lot averaging provisions to achieve a balanced outcome over the whole ESLIT holding. This would then create some development potential on the least constrained parts of the precinct however recognise the environmental values of the land, that is not reflected in the RU2 zone. This would also facilitate a transitional, appropriate scaled landuse between public lands (including proposed COSS) located on the escarpment and Somersby Business Park. Development specific environmental investigations may be necessary as part of the planning proposal and/or DCP to identify suitable areas for dwellings however the E2 zone would be more reflective of the overall values of the land and afford a greater degree of protection than the existing 7(b)/proposed RU2 zoning. This would also reduce the range of landuses permissible over the area to be more reflective of the land's high environmental values. This scenario would represent a contemporary zoning response to the recognised environmental values in terms of threatened flora and fauna, potential for aboriginal archaeology and other constraints. It could, subject to appropriate sustainable development levels being established, be consistent with current legislation such as the *Threatened Species Conservation Act*, *Environmental Protection and Biodiversity Conservation Act (1999 Federal)*. This would recognise that 7(b) zoning only was also introduced well before other contemporary legislation that can in itself act as a determinant of development and activities.

The rezoning of other lots in the area (outside of ESLIT land) could also be considered for rezoning to E2 subject to consultation with owners. This would produce a similar development outcome to other areas zoned 7(a), such as Fagans Road/Dombley/Christie Roads, Lisarow or Excellsiior/Ourimbah Street, Lisarow, where lots have areas in the vicinity of 2 ha, and have been historically subdivided, however still posses overall environmental and landscape values when considered in a broader landscape setting. This would also represent a strategic approach to the assessment of the biophysical characteristics of the area and result in better planning outcomes that are more appropriate for the values of the land.

Conclusion

In **summary**, it is recommended that for the **northern** precinct, this land be zoned E3 (with the exception of the rear approximate half of Lot 12 DP 263427 to be zoned E2) on the land Zoning Map, and be mapped as having a minimum lot size of 2 hectares on the Minimum Lot Size map (and also including "lot averaging provisions"). For the **southern** precinct the ESLIT be zoned to E2 on the Land Zoning Map, and that lot averaging provisions be incorporated as part of the LEP. Further investigations that will be required as part of the Gateway and/or to support a DCP (to be submitted by the applicant after Gateway) can then be used to determine a suitable minimum lot size which can then be "averaged" over the southern precinct. At this stage the average lot size proposal for the southern site is 8-10 hectares. In the northern precinct, a minimum lot size of 2 ha can be substantiated on the basis of information provided and the less constrained attributes of the land, noting that future developments in both precincts will be subject to Gateway provisions, consultation with relevant agencies, and future DAs will also be subject to the legislative requirements such as the TSC Act.

It is also recommended that consultation be undertaken with private landowners for lands on the eastern side of the M1 in relation to possible future rezoning to more accurately affect the environmental values of the land.

This approach would represent a more sustainable outcome to strategic landuse planning in the area, given its unique setting and the inappropriateness of some uses permissible in the existing 7(b) land. It will ensure that development for ESLIT land is at a scale commensurate with the inherent values of the land.

'Gateway' planning process

A Local Environmental Plan (LEP) is a legal instrument that imposes 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 Infrastructure (DoP&I) 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.

Attachment A – Department of Planning and Infrastructure Planning Proposal 'Flow Chart' of processing shows the stage which this Planning Proposal has reached.

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

PLANNING PROPOSAL GOSFORD CITY COUNCIL - PLANNING PROPOSAL ASSESSMENT

The following discussion relates to the alternative zoning/development scenario that is considered supportable by Council for the ESLIT land on the basis of a strategic the review of 7(b) (and 1(a) zone) in this location and based on the overall environmental values of the land, noting that a further zoning review of other lands would be subject to landowner consultation.

Part 1 Objectives or Intended Outcomes

s.55(2)(a) A statement of the objectives or intended outcomes of the proposed instrument.

The intended outcome of the proposed instrument is to rezone the East Somersby Landuse Investigation Trust land to the east of the M1 to reflect its environmental values, and to facilitate limited subdivision for rural living purposes.

Part 2 Explanation of Provisions

s.55(2)(b) An explanation of the provisions that are to be included in the proposed instrument.

This Planning Proposal intends to rezone the land **from** Conservation and Scenic Protection 7(b) (Scenic Protection) or RU2 Rural Landscape and Rural 1(a) (Agriculture) or RU1 Primary Production under either Interim Development Order No 122 or Gosford Local Environmental (LEP 2013) Plan 2013 **to** E2 Environmental Conservation for the southern precinct, and E2 and E3 Environmental Management for the northern precinct under LEP 2013.

For both precincts, "lot averaging provisions" are to be included to provide greater flexibility in the location of dwellings, bushfire radiation zones, effluent disposal areas etc. For land to be zoned E3 a minimum lot size of 2 hectares is to be mapped to allow further subdivision. For E2, appropriate subdivision density is to be established upon consultations as required as part of the Gateway process, with the applicant to prepare a DCP (as agreed by Council) to establish baseline minimum lot sizes (which can then be subject to averaging over the whole of the southern precinct).

These zones and minimum lot size for E3, together with further studies etc to inform the proposal post-Gateway, are considered to appropriate given the range of constraints that are present on the land, the inappropriateness of the existing 7(b) zone as it applies to some of the characteristics of the ESLIT land, its relationship to surrounding lands and to provide a transitional area for between prime agricultural lands west of the M1 and urban uses in the valley floor. The zones proposed are considered to be more appropriate for the land having regard to its environmental values than the existing/proposed rural zone.

When the 7(b) zone was first introduced, the environmental values of the land were not known nor identified, however these are now recognised and need to be reflected in contemporary planning controls.

The rezoning of land that is within the boundary of Sydney Regional Environmental Plan No 8 - Central Coast Plateau Areas (now a deemed SEPP), including some land that has been mapped as prime agricultural land (or the purposes of the SEPP) in the northern precinct, is considered justified given the segregation by the M1 to more important resource lands to the west, and the overall environmental outcomes that will be achieved through the rezoning.

Although the applicant's revised submission is no longer pursuing Biodiversity Certification Assessment Methodology (BCAM), it is considered that through the zonings proposed and appropriate density of subdivision (by way of appropriate minimum lot sizes) there is reasonable certainty that development outcomes can be achieved within environmental constraints and environmental impacts can be appropriately managed and refined through the further studies associated with the Gateway, applicant provided/Council endorsed DCP to delineate dwelling locations in the southern precinct and future DA processes. The information that has been submitted to date is sufficient to progress the Planning Proposal in its current form as recommended to be supported.

The 7(b)/RU2 zone is no longer considered appropriate given the known environmental constraints and unsuitability of a number of permissible landuses that are permissible in RU2.

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.

Land Zoning Maps and Minimum Lot Size map will be provided to the Department of Planning and Infrastructure to support this proposal and are contained in Attachment B Statutory Maps. Council will also request that DOP&I include lot averaging provisions for both the precincts, as these will allow opportunities to further refine appropriate development envelopes.

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?

Yes. This report, in response to the submission by the ESLIT, has investigated the appropriateness of zoning in the area and determined that the 7(b)/RU2 zone is not appropriate given the known environmental and other constraints that exist in the area. A better response is to include the broader area into environmental zones and apply appropriate minimum lot sizes having regard to the unique circumstances of the land. As a consequence of fragmentation by the M1 rezoning is supported, notwithstanding that this includes a component of existing 1(a) land. Given the need for private landowner consultation in relation to the broader area, only those lots that form the ESLIT land are included in the Planning proposal at this stage.

The applicants' contention that the land is transitional is supported, however the overall development potential sought under ESLIT is not substantiated given its generally high environmental values and habitat values for threatened species, particularly for the southern precinct. A minimum lot size for the E3 zone proposed by the applicant of 1.8 ha is more akin to the less constrained valley floors in traditional "rural residential" areas. This land is not considered suitable for this intensity of development; however, the creation of larger lots within environmental zones can be supported. For the E3 zone, 2 ha lots are considered supportable, and the use of lot averaging provisions should be included for both precincts to improve the overall environmental management of the land.

Uses permissible in the 7(b) zone of a more intense nature have not occurred in East Somersby, which reflects the natural and environmental attributes of the land, access and servicing considerations which have constrained more intense development.

Consultation with landowners is required in relation to the broader 7(b) area, and this component can be progressed as an adjunct to the Planning Proposal for the ESLIT.

2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal to rezone the land will facilitate the subdivision of the land in accordance with the E2 and E3 zones. This will ensure that environmental outcomes are achieved, within the context of permissible subdivision, and that development is at an appropriate scale/density.

Rezoning of the broader 7(b) area will be subject to consultation with landowners.

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?

Yes. The Planning Proposal as advocated is considered generally consistent with the Central Coast Regional Strategy, when considered in terms of protecting environmental values and ensuring environmentally sustainable outcomes given the unique situation of the land.

The **Central Coast Regional Strategy (CCRS) 2006 – 2031** is applicable to the subject land and the proposed rezoning. The CCRS acknowledges that existing rural residential development will continue to provide a choice of housing in the region, however raises concerns that increasing rural small holdings will result in a number of issues including fragmentation of agricultural lands and subsequent loss of efficiencies, conflict with other resource land uses such as extractive industries, water rights issues and higher servicing costs. The CCRS states that *"opportunities for new rural residential development will be limited to those already provided in the region"*. Although the planning proposal is inconsistent with the CCRS, having regard to the segregation of the land from the broader area of SREP 8 land to the west of the M1, the land is sufficiently annexed from these more important natural resource areas so as to substantiate a case for its rezoning. Further, with the lot sizes proposed by Council, these lots would present as larger "rural-environmental" lifestyle lots. It would result in substantial areas of natural bushland (in the southern precinct) or smaller "environmental" lots with scope for retaining remnant vegetation, amongst low density subdivision (in the northern precinct), rather than conventional "rural residential" lots. Conventional "rural residential lots" such as are located in Matcham, Holgate and Lisarow valleys are characterised by substantial dwellings, sheds and lawn/landscaping areas, with little opportunity for other activities. Larger lots in this area will be able to better accommodate dwellings, effluent disposal areas etc, and also provide sufficient area for other activities (grazing, horse riding etc). Furthermore, remnant vegetation will be better retained together with providing sufficient separation between dwellings to ensure a high level of amenity and a balance between built form and natural landscape setting.

The land is not considered to be "fringe land" located on the edge of urban areas, given its segregation from the valley floor by a substantial tracts of E2 zoned land (which are now identified as Coastal Open Space System [COSS] lands) and Strickland State Forest, that form the edge of the escarpment to the plateau.

It is noted that the ESLIT submission has undertaken a *Rural Residential Land Use Review* desktop study which identifies this area as the only remaining suitable land for rural residential development located east of the M1. However, given the inherent environmental characteristics of the land and its location, development into conventional "rural residential" lots as occurs in the Matcham/Holgate area is not substantiated. A less intense scale of development can however be supported given the inappropriateness of the 7(b) zone and the unique location of the land.

The CCRS shows lands to the east of the M1 as Rural and Resource lands containing significant areas of existing vegetation, and also an indicative habitat corridor. The zoning and subdivision that would result from the recommended Planning Proposal would ensure that the significance of a large part of this broader tract of vegetation is retained through the use environmental zoning rather than a rural zoning. Rural and resources lands are considered important areas that contribute to employment, tourism, cultural and regional identity, character, biodiversity and catchment protection. This area is however alienated from the more significant rural and resource lands west of the M1 and as such Council can contemplate zoning change, where this change would support improved environmental outcomes, which would be achieved by the Planning Proposal as recommended to Council, as it relates to the ESLIT land.

The CCRS advocated various actions to better inform strategic planning and development, however it is noted that these have not been undertaken to inform any future strategic strategies for rural and resources land in the hinterland. Relevant actions include:

Action 5.12 *The Department of Primary Industries, Department of Water and Energy and Department of Planning, in conjunction with Department of Environment and Climate Change, is to review planning for the Central Coast plateaux and Wyong valleys to consider agriculture, extractive resources, water supply values and tourism uses and address and conflict between these uses.*

Action 6.1 *The Department of Primary Industries, in partnership with the Department of Planning, is to undertake mapping of regionally significant activities, including agriculture, mining, extractive industry and special uses, to identify rural activities and resource land for preservation.*

In accordance with Actions 5.12 and 6.1, NSW Trade & Investment (Resources & Energy) have recently undertaken a State-wide Resource Audit as part of an on-going mapping program to assist Councils throughout the state in strategic planning. Together with the rest of the more level 1(a) zoned lands in the hinterland, the northern precinct has been identified as being Potential Resource Area. A significant part of the southern precinct has been identified as being a Transition Area, where development could adversely affect or be affected by current or future resource development operations. The broad nature of this mapping appears to align with land zoned for primary production and given the annexation of the land by the M1, is not considered a significant strategic basis for precluding the Planning Proposal due to is physical separation from the main body of the hinterland. The quarry site at Debenham Road (Gosford Quarries) is reaching the end of its economic life (with investigations being undertaken into a possible industrial use) and as such, this equally diminishes the need to protect strategic resources. Formal consultation with NSW Trade and Investment should be undertaken as part of the Gateway process.

Action 6.3 *LEPs are to appropriately zone land with high state or regional environmental, agricultural, resource, vegetation, habitat, waterways, wetland or coastlines values*

Action 6.4 *LEP's are to appropriately zone land of high landscape value (including scenic and cultural landscapes)*

Action 6.5 *Councils, through preparation of LEP's are to incorporate appropriate land use buffers around environmentally sensitive, rural and resource lands.*

The Planning Proposal as recommended is to zone the ESLIT land to E2 and E3 with a minimum lot size of 2 ha for the E3 and appropriate size for the E2 zone, together with the use of lot averaging provisions. This would result in the land being more appropriately zoned, having regard to its environmental values, in addition to its scenic value, protection of areas high in biodiversity including threatened species. This would also provide a transitional scale of development between rural and resource lands to the west and urban development in the valley floor. The land is located in a key area of environmental sensitivity which forms part of/is an adjunct to a regional open space corridor. Appropriate minimum lot sizes are essential to ensure that development is at a sustainable and environmentally acceptable scale.

Action 6.9 - *Ensure LEP's do not rezone rural and resource lands for urban purposes or rural residential unless agreement from the Department of Planning is first reached regarding the value of these resources.*

The Regional Manager - Department of Planning and Infrastructure has advised that a meeting was held with the applicants in relation to the original proposal and the Department would "work to resolve these matters if the proposal has Council's support". The original proposal was not recommended to be supported due to the scale of rural residential development that would be created and its potential for significant environmental effect. The Planning Proposal with the reduced potential as a result of a broader investigation will result in larger lots than that traditionally associated with rural residential development. This is considered justified given the land's physical separation from more significant rural resource lands to the west. Agreement from DoP&I would form part of the Gateway Process.

The land is not considered to be buffer or fringe land for the purposes of reviewing existing urban boundaries. It is clearly separated from urban areas by the tract of COSS/Strickland State Forest, and this separation is reinforced by road access arrangements via Debenham Road or through the rural and industrial areas of Somersby (to the northern precinct).

In accordance with the more recent planning reform process, state government initiatives will now be focused on the preparation of the Central Coast Regional Growth Plan. Work has not progressed on this strategy whereby it could have any meaningful input into either the applicant's original and revised submission, or this Planning Proposal recommended.

The recommended zonings and density is considered to have demonstrable strategic merit in light of s117 Directions (see further discussion).

- 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.**

Yes. The subject lands are unique as they are large undeveloped parcels of land relatively close to urban areas (in the southern precinct) or otherwise are physically

isolated with limited access available by an overpass over the M1 (for the northern precinct). The intensity of development however needs to be balanced with the known significant environmental values, services, facilities and infrastructure. The regime (zoning/minimum lot sizes) is aimed at delivering sustainable planning outcomes in terms of the overall situation of both the precincts, relationship to surrounding land and issues associated with the existing zones and segregation from the broader hinterland resource lands. It should be noted that although a number of lots have historically been subdivided below the minimum lot size permitted in the 7(b) zone in both the northern and southern precincts, this should not act as a determinant of future lot sizes given known constraints and strategic landuse planning considerations.

Subject to landowner consultation, additional rezoning may also capture adjoining smaller 7(b) lots to ensure a more strategic approach to landuse planning in the area. This could be by way of an adjunct to this Planning Proposal, a new Planning Proposal or incorporated into a wider amendment. Given that these lots are already subdivided, any rezoning would not have any substantive change in subdivision potential than that which exists i.e. rural-environmental lots.

The proposal is **consistent with relevant strategic directions** and statutory considerations (as further discussed).

4 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Community Strategic Plan

The Community Strategic Plan (CSP) contains the following objectives and strategies as relevant to the recommended Planning Proposal:

B1 Objective - Diversity of the natural environment is protected and supported

B1.1 Strategies – Identify and manage threats to native flora and fauna

B6 Objective – Landuse and development protects the value and benefits provided by the natural environment

The proposal is consistent with the CSP in that it will recognise environmental values, whilst allowing for some rural-environmental lots at a relatively low density. Threats to native flora and fauna will be able to be effectively managed by only having limited development potential, and ensuring sufficient site areas and flexibility in allotment layout (through lot averaging provisions) to ensure effects are managed on-site. There would be sufficient land areas to balance development and environmental objectives. Further development would be subject to development specific investigations; however, these should not act as "show stoppers" or "red lights" to development at the recommended density of subdivision. It is noted that the applicant will be required to prepare a DCP for the southern precinct to further delineate dwelling potentials upon progression of the proposal and Gateway determination.

Biodiversity Strategy

The Biodiversity Strategy seeks to protect and conserve biodiversity and maintain ecological processes. One of the stated actions to achieve this outcome is:

“Environmental zoned lands need to be retained with current minimum lot area standards to enable the lot sizes to allow sufficient space for land uses to occur without loss of biodiversity.”

Managing the land through both zoning and subdivision controls will ensure that there is sufficient space for dwellings to be constructed and associated activities undertaken without unacceptable loss of biodiversity, that would result if smaller lot sizes were proposed. Both direct and indirect effects should be able to be managed on site through appropriate controls and regulation of development and density of development.

Draft Gosford Landuse Strategy

The proposal is consistent with the draft Gosford Landuse Strategy which was prepared to support DLEP 2013. It offers an appropriate development/conservation outcome and will not create a precedent for the rezoning of other rural and resource lands due to its physical separation from the bulk of the hinterland. Environmental zones are more appropriate than rural zones, given the inherent biophysical values of the land in the southern precinct and remnant values in the northern precinct. Although the northern precinct is less constrained (in terms of more cleared areas) it is still considered sensitive, given its location at headwaters of Narara Creek and the pristine quality of the downstream creek system in this part of the catchment.

Residential Strategy and Draft Residential Strategy

Council's adopted Residential Strategy (1996) states that *“Rural Scenic Protection and Rural Conservation zoned lands are key components in creating the character of the area, as well as being significant ecological elements in Gosford. These areas should not be seen as holding zones for residential subdivision or zones that allow more intense development....”*

Council Actions in the Strategy with regard to Rural and Scenic Protection zones are to *“Acknowledge Rural Conservation and Scenic Protection Areas as an ...important element in the natural characteristics of Gosford and should not be seen as “future” residential land.”* and to *“maintain existing subdivision standards... to ensure that the balance between the natural and man-made elements of the landscape are retained.”*

This approach is further supported by the Draft Residential Strategy which was exhibited with Draft Gosford LEP 2009, which states that:

“Conservation, rural and resource lands are those beyond the City's urban areas. They are lands that support the natural setting or are working lands that contribute to Gosford's quality of life and are an important resource in supporting a sustainable City.”

The proposal will achieve a better development/conservation outcome than if the land were retained in the 7(b)/RU2 zone. Zones proposed are a better reflection of the overall environmental values of the land and impacts of development can be adequately managed if subdivided at recommended densities (which is to be established for the E2 component by way of a DCP).

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

The following assessment is provided of the relationship of the planning proposal to relevant State Environmental Planning Policies.

(i) SEPP 19 – Bushland in Urban Areas - Clause 10 of State Environment Planning Policy 19 (SEPP 19) applies to the planning proposal. Council must take into account the following factors when undertaking an assessment:

- the need to retain any bushland on the land;
- the effect of the proposed development on bushland zoned or reserved or public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland; and
- any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.

The land does not adjoin land that is zoned or reserved for public open space. An assessment of the proposal in terms of bushland present on the site has been undertaken and used to inform proposed zonings. The proposal is consistent with SEPP 19.

(ii) SEPP No 44 - Koala Habitat Protection - This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. The applicant has not provided any information with regards to this SEPP, however the vegetation associations on the land are not associated with key feed trees and no concerns with regards to this SEPP have been raised.

(iii) SEPP 55 – Remediation of Land - SEPP 55 lists activities that may cause contamination, including agricultural or horticultural activities. Council's aerial photographs show that some areas have been used for agricultural purposes and other site disturbances including derelict buildings, potentially containing asbestos. The applicant has not provided any information with regards to this SEPP, previous uses or possible contamination of the site. Future developments may need to be supported by a Preliminary Contamination Report based on the location of specific proposals and history of site use.

(iv) Deemed SEPP - SREP No 8 - Central Coast Plateau Areas - In conjunction with the Standard Instrument LEP reform process, a number of Regional Environmental Plans were reviewed for currency and relevancy. Where still considered to be required, some REPs became deemed SEPPs, with the intention that they would eventually be reviewed by the State Government and provisions would then be embedded in local planning provisions as may be appropriate. SREP 8 is one of these deemed SEPPs, however any substantive actions to review it (as alluded to in the CCRS) have not been undertaken.

A minor review of SREP 8 was undertaken in 2001 that had the effect of making some prime agricultural lands available for extractive resources (which were previously excluded as a result of the REP), allowing some minor and ancillary tourist related activities and rural tourist units (to foster a diversity of uses that may

contribute to tourist and an alternative income stream for working farms) and setting further criteria for the consideration of draft LEPs.

As a deemed SEPP, the provisions of SREP 8 still apply.

All of the 1(a) and 7(b) zoned lots in the area are within the boundary of SREP 8. The southern precinct has not been the subject of detailed soil mapping undertaken to inform the REP and to map "prime agricultural land". In the northern precinct, soils have been the subject of detailed mapping, with soil classes being a mix of Class 3 (coloured in pink - prime agricultural land) and Class 4-5 which are not prime agricultural land.

One of the objectives of the Plan is to discourage the preparation of draft local environmental plans designed to permit rural residential development. Clause 10 of the REP requires that draft local environmental plans should not contain provisions to create a lot that is smaller than any minimum lot size prescribed for the land (that is, in the case of both 1(a) and 7(b), 20 hectares). One of the key causes of landuse conflict in rural and resource lands is where agricultural and other operations adversely impact upon the surrounding amenity through noise, smell, dust, etc. The greater the density of residential population (whether involved with farming or not) the greater potential for possible landuse conflicts. This principle is inherent in the provisions of the SREP in relation to draft LEPs that would create smaller lots, and hence increase residential population that could be adversely affected by rural and resource activities.

The planning proposal is inconsistent with the plan, in that it will create lot sizes less than 20 hectares, and as small as 2 ha in the northern precinct. The planning proposal is also however removing the land from the 1(a) and 7(b) zone and rezoning them into environmental zones, which is a better reflection of the overall value of the land. In particular, the southern precinct has no agricultural value, other than as adjunct land to more significant rural areas in the hinterland. Further, as there is only very limited agriculture undertaken and only in the northern precinct, significant rural and resource activities are not being undertaken could be impacted by increased residential population that would emanate from further subdivision. When SREP 8 was gazetted in August 1986, the F3 from Calga to Somersby was still under construction, and hence the divisive impact of this roadway was not considered in relation to planning and protection of agricultural lands in the hinterland. Clearing for agricultural purposes would result in significant environmental effect in terms of impacts on native vegetation and fauna habitat including threatened species. The M1 effectively acts as a fixed barrier to delineate between rural/natural resources land that should be protected for their on-going sustainable use. Conversely, this land has been marginalised by its physical separation and isolation by the M1. For this reason, the planning proposal is a unique situation and if supported, could not be used as a precedent for other rezonings of land affected by SREP 8.

(v) Deemed SEPP - SREP No 9 - Extractive Industry (No 2 - 1995) - This is also a deemed SEPP. The objective of this SEPP is to minimise reciprocal impacts between extractive industries and surrounding developments, to ensure that extractive resources are not sterilised in areas where they are important. Consultation requirements with extractive resource operators and state government are also provided for in the SEPP. For the rural hinterland, some specific and potential resource sites and adjoining lands that fall within the zone of influence of extractive operations are nominated in the SEPP.

The Gosford Quarries site located on the corner of Debenham and Acacia Roads is listed in SREP 9 and its operations would impact on any future development that may occur in the locality. In this respect, however, Council has received advice from the quarry operator that this resource is reaching the end of its economic life and the future zoning of the land is being considered as part of a possible expansion to Somersby Business Park.

As such, the planning proposal, that may have the effect of increasing the number of dwellings subject to the affects of the quarry, is considered reasonable given that continued operations of the quarry are not expected in the short to medium term.

(vi) Other SEPPs - No other SEPP has application to this planning proposal. It is noted that SEPP (Rural Lands) 2008 sets out a number of rural planning principles; however, this SEPP does not have application to the Gosford local government area, and therefore is not required to be considered.

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. Directions are only discussed where applicable. The Planning Proposal is consistent with all other S117s Directions or they are not applicable.

(i) Direction 1.2 Rural Zones - This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). A Planning Proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone, nor contain provisions that will increase the permissible density of land within a rural zone. The planning proposal seeks to rezoning land that is zoned 1(a) and proposed to be zoned RU1 under LEP 2013 (Lot 12 DP 263427 Reeves Street), with the remainder of the land to be zoned also to rural zone (RU2) under LEP 2013, the gazettal of which is expected in the short term. The land is also identified as rural and resource land under CCRS. It will also increase density by allowing subdivision below the current minimum lot size of 20 hectares.

Inconsistency with this Direction can be considered where the provisions of the draft LEP are justified by a strategy, an environmental study, is in accordance with the Regional Strategy or is of minor significance.

Given the inappropriateness of landuses that are/will be permitted in RU1 and RU2 and the significance of the environmental characteristics of the land overall (including the EEC on the one lot currently zoned 1(a)), and in the acknowledgement that some discrete areas constitute prime agricultural land, the inconsistency with this direction can be justified. This is on the basis that the land is physically separated from the bulk of rural and resource lands in the hinterland by the M1, which represents a fixed physical barrier isolating the land from other core rural and resource lands. It is also justifiable on the basis that environmental values will be better recognised by including the land environmental zones, and impacts can be managed due to lot sizes providing flexibility in relation to location of dwellings and works, particularly as achievable through lot sizes and lot averaging provisions.

(ii) Direction 1.3 Mining, Petroleum Production and Extractive Industries -

The objective of this direction is to prevent the sterilisation of important mineral, petroleum and extractive resources from inappropriate development through appropriate zoning. The Direction applies when a council prepares a Planning Proposal that would have the effect of:

- (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or
- (b) restricting the potential development of resources of coal, other minerals, petroleum which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

Mineral Resource Audit mapping issued by NSW Trade & Investment (Resources & Energy) shows an area of land in the Northern Precinct as being Potential Resource Area (generally consistent with the existing 1(a) zone), and a large area of the southern precinct as being a Transition Area (where development could adversely affect or be affected by current or future resource development operations).

Zoning the land to E2 and E3 would have the effect of extractive industries no longer being permissible. Given the overall environmental values, the existing number of dwellings in the area that would be impacted upon by quarrying activities together with adverse effects on scenic quality, it is considered unlikely that any future extraction industries could be supported, even if permitted in the zone.

The Direction requires Council to consult with NSW Department of Trade & Investment, Regional Infrastructure and Services when preparing a Planning Proposal. Whether formal consultation is required would be determined at the Gateway stage.

The inconsistency with this direction can be justified.

(iii) Direction 2.1 Environment Protection Zones - The objective of this Direction is to protect and conserve environmentally sensitive areas. The Direction requires that a planning proposal include provisions that facilitate this and that any proposal should not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).

The rezoning will incorporate the retention of large areas of native vegetation (that are known to have existing and potential threatened species, a high propensity to contain other threatened species/archaeological sites) and provide connectivity to other areas of native vegetation through zoning, in particular through the use of the E2 zone in the southern precinct. In the northern precinct, the E3 zoning recognises the values of remnant vegetation and the E2 zone recognises the EEC (Somersby Plateau Forest) on the rear section of Lot 12.

The Planning Proposal is therefore consistent with this planning direction.

(iv) Direction 2.3 Heritage Conservation - This direction applies when a Planning Proposal is prepared. A planning proposal must contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the

environmental heritage of the area. This includes items, areas, objects and places of indigenous heritage significance.

The applicant has submitted a Preliminary Indigenous Heritage Assessment to support the application. It identifies some items of Aboriginal heritage and purports that any subdivision application and dwelling approval would be subject to the protection of heritage conservation. The relatively large lot sizes for the two areas will allow flexibility in the location of building/works so as to avoid/minimise impacts on any archaeological sites of significance. Further consultation and input from Aboriginal stakeholders would inform further progression of the Planning Proposal and future DA assessment.

(v) Direction 4.4 Planning for Bushfire Protection - 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.

The land is classified as Rural Fire Service Bushfire Categories 1, 2 and Buffer. The applicant has provided a Preliminary Bushfire Assessment Report to support the proposal. This report recommends a range of measures to ensure asset protection, including Asset Protection Zones ranging from 35-43m, access and construction standards for all future dwellings, maintenance and dedicated water supply requirements. The reduced subdivision yield than that originally proposed will provide greater scope to minimise as much as possible clearing works that would be required for bushfire mitigation. Although not a statutory requirement at this point, Council forwarded the proposal to the NSW Rural Fire Service (RFS) who have not provided comments to-date.

Formal consultation should be undertaken with the RFS as part of the Gateway determination.

(vi) Direction 5.1 Implementation of Regional Strategies - Planning Proposals are required to be consistent with a Regional Strategy released by the Minister for Planning and Infrastructure. The Planning Proposal is considered to be consistent with the objectives and actions contained in the Central Coast Regional Strategy 2006 – 2031 as discussed in Section 3.

(vii) Direction 6.1 – Approval and Referral Requirements - Planning Proposals are to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development. The proposal does not have concurrence provisions and development will not be designated.

(viii) Direction 6.3 – Site Specific Provisions - This direction applies to the Planning Proposal as the Planning Proposal seeks to rezone the land. The Planning Proposal is consistent with this direction as it proposes to use zones as contained within LEP 2013 and the standardised approach allows mapping of different development standards where substantiated on a localised basis. Lot averaging provisions have been used by other LGAs in SI LEPs. It will not contain or refer to drawings/concept plans showing details of the proposed development.

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?

An inspection of the site confirmed that the vegetation is consistent with Bells mapping adopted by Council. The land contains areas of Ecologically Endangered Communities (being Somersby Plateau Forest in the northern precinct and Sandstone Hanging Swamp in the southern precinct) together with Exposed Hawkesbury Woodland and Hawkesbury Banksia Scrub. There are also a number of threatened species identified as being present, and significant tracts of habitat exist particularly for the Eastern Pygmy possums. The following threatened species have been identified:

Fauna	Flora
Giant burrowing frog Red-Crowned Toadlet Glossy Black-cockatoo Eastern Pygmy-possum Microbats	Somersby Mintbush Small Guinea Flower Leafless Tongue-orchid

Vegetation also provides suitable habitat for non-threatened flora and fauna species. It is currently unknown to what extent or if threatened species, populations or ecological communities, or their habitats, will be adversely or significantly affected as a result of the proposal. The extent of impacts will be contingent upon the level of development that occurs and mitigation measures. The planning proposal may need to be further supported by information as part of the Gateway process and in consultation with the Office of Environment and Heritage (OEH). Future DAs will also be required to comply with the TSC Act.

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

Environmental effects have been considered elsewhere in this Report. If the planning proposal is supported as recommended, future development/subdivision could be substantiated subject to site/development specific information to further support the planning proposal and/or at the time of development.

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

The applicant purports that the proposal will provide a net community benefit in particular through the provision of additional lands for dwellings close to jobs and infrastructure and the conservation of a large area of land. The creation of lots at the density proposed in the applicant's revised submission is not supported as this would have significant adverse environmental impacts and there is considerable uncertainty as to affects on threatened fauna and fauna. The recommended planning proposal, however, that seeks to achieve a more appropriate development/conservation outcome, would not raise any specific social or economic effects. This is as a result of it not creating a precedent for the rezoning of other rural resource lands due to the segregation of the area from the bulk of rural and resource lands in the rural hinterland and an improved outcome with zonings that are more reflective of the values of the land.

Section D State and Commonwealth interests

10 Is there adequate public infrastructure for the Planning Proposal?

The subject sites are accessible from existing roads. Limited public transport is available to the only to the southern precinct. Standard phone and electricity services are available in the area.

The land is not located within Council's defined water or sewer service areas, however Lot 2051 DP 559231 Debenham Road South is connected to the water supply system on a conditional basis. The land to which the planning proposal applies is not capable of being serviced by Council's existing water supply or sewerage reticulation systems due to location and system capacity/pressure issues. Servicing limitations for water and sewer are acknowledged and it is proposed that water and sewerage systems will be managed on site on a case by case basis.

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 formal consultations have yet been undertaken with State and Commonwealth agencies as the gateway determination has not yet been issued. It is recommended that consultation be undertaken with the following agencies:

- NSW Rural Fire Service
- Office of Environment and Heritage
- NSW Trade and Investment (Resources and Energy)
- NSW Trade and Investment (Primary Industries)
- Hunter Central Rivers Catchment Management Authority
- Local Aboriginal Land Councils (Darkinjung and Guringai)

Part 4 Mapping

S55(2)(d) If maps are to be adopted by the proposed instrument, such as maps for proposed landuse zones, heritage areas, flood prone land – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument.

Preliminary maps have been prepared to show the proposed zoning of the land and minimum lot size where established and these are contained in Attachment B Statutory Maps. Various maps used to inform the assessment of the proposal are also contained in Attachment C.

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 Council and Gateway support, community consultation would be undertaken in accordance with Council's standard practice, with the period specified in the Gateway Determination.

Further, in order to inform possible future zonings to be better reflect the environmental values of the land, consultation should be undertaken with all private landowners of land zoned 1(a) and 7(b) east of the M1.

Other Matters for Consideration

The consultation in relation to a proposed local environmental plan is to commence after a decision under section 56 (Gateway determination) that the matter should proceed, unless regulations otherwise provide.

Given the proposal's inconsistency with deemed SEPP, Sydney Regional Environmental Plan No 8 - Central Coast Plateau areas, and the possible need for state agency input into further consideration of the planning proposal, Council would not seek delegations for this planning proposal.

Conclusion

The applicant has submitted detailed specialist studies to address potential impacts of the proposal in support of the proposal to rezone the subject land, particularly in relation to environmental values of the land. Although the revised proposal now intends to zone a significant area to E2, development on the remainder of the land requested to be zoned E3 with a 1.8 ha minimum lot size, would have a range of unacceptable environmental effects, depending on characteristics of where development actually occurs. The current zoning of the land is, however, also generally not appropriate given known and potential extent of threatened species, archaeological sites, and broader environmental values. At the scale requested, the rezoning would represent an overdevelopment of the land and not represent a sustainable landuse planning outcome. Council's Policy for Rezoning Conservation zoned lands would not apply to the proposal as it does not relate to existing 7(a)/E2 zoned land.

Given the unique circumstances of the land and its segregation by the M1 however, it is considered that an alternative planning proposal could be supported as addressed in this report. This would represent a better outcome for the overall values of the land, ensure landuse is more reflective and responsive to the land's inherent values and provide some development that achieves an overall development/conservation outcome. A proposal of this nature would also be supportable having regard to strategic policy framework, Section 117 Directions and gateway planning assessment provisions. It is noted that future development would need to be assessed in terms of the *Threatened Species Act*, however it is more likely that a sustainable and supportable development would result particularly if lot sizes as proposed contain some inherent flexibility for the location of dwellings, effluent disposal areas etc. For the northern precinct, given its less constrained characteristics relative to the southern precinct, a 2 ha minimum lot size (together with lot averaging) would be supportable. For the southern precinct, it will be necessary for the applicant to prepare DCP type investigations to formulate a sustainable yield. It would be envisaged that a larger lot size would be required, in the vicinity of 10 hectares, given only very limited areas of cleared land exist. Density/subdivision standards for the southern precinct can be further resolved through consultation with government agencies as part of the Gateway process and negotiations with the applicant.

FINANCIAL IMPACT STATEMENT

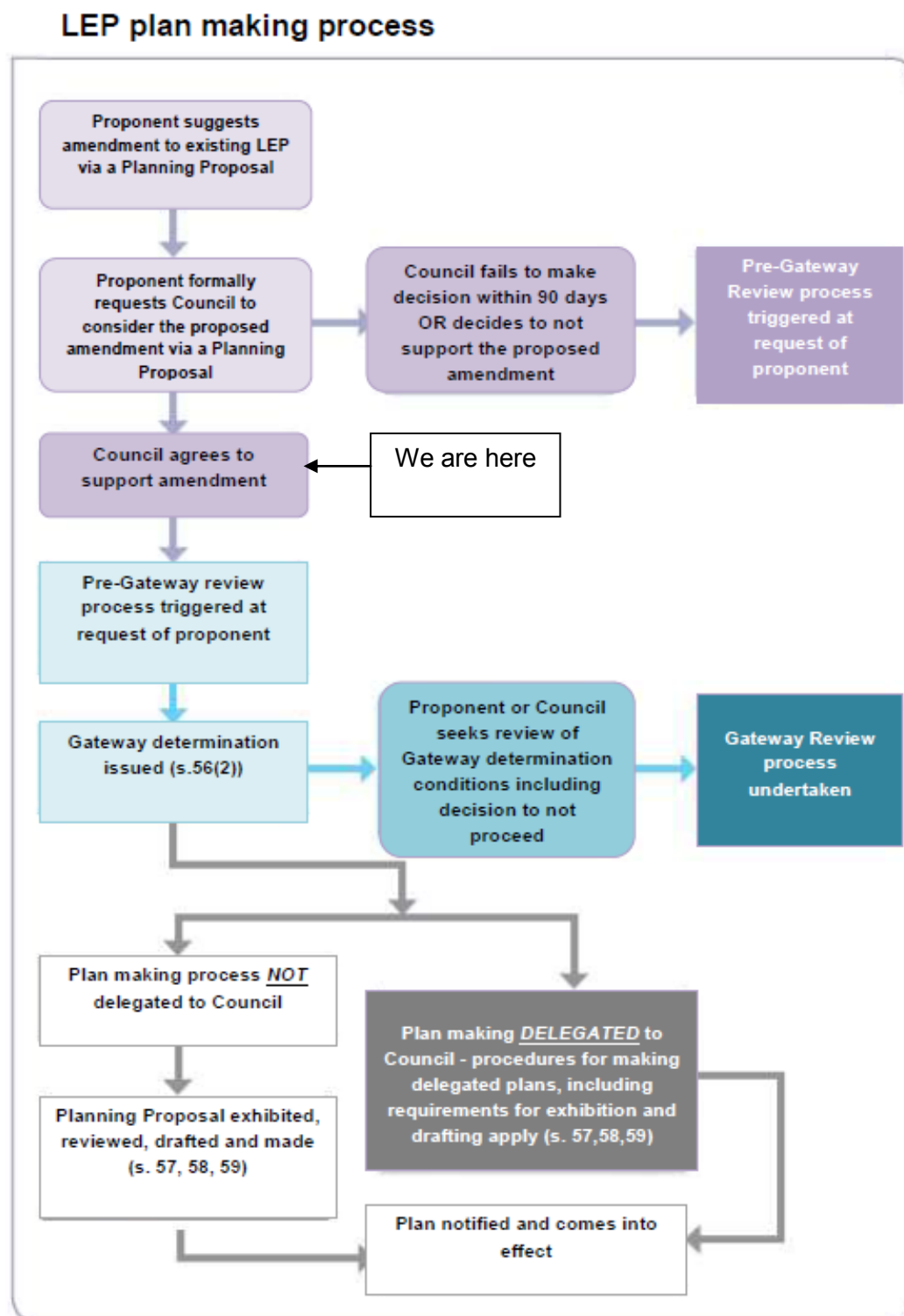
The direct cost to Council is the preparation of the Planning Proposal and Council's fee has been paid for this service.

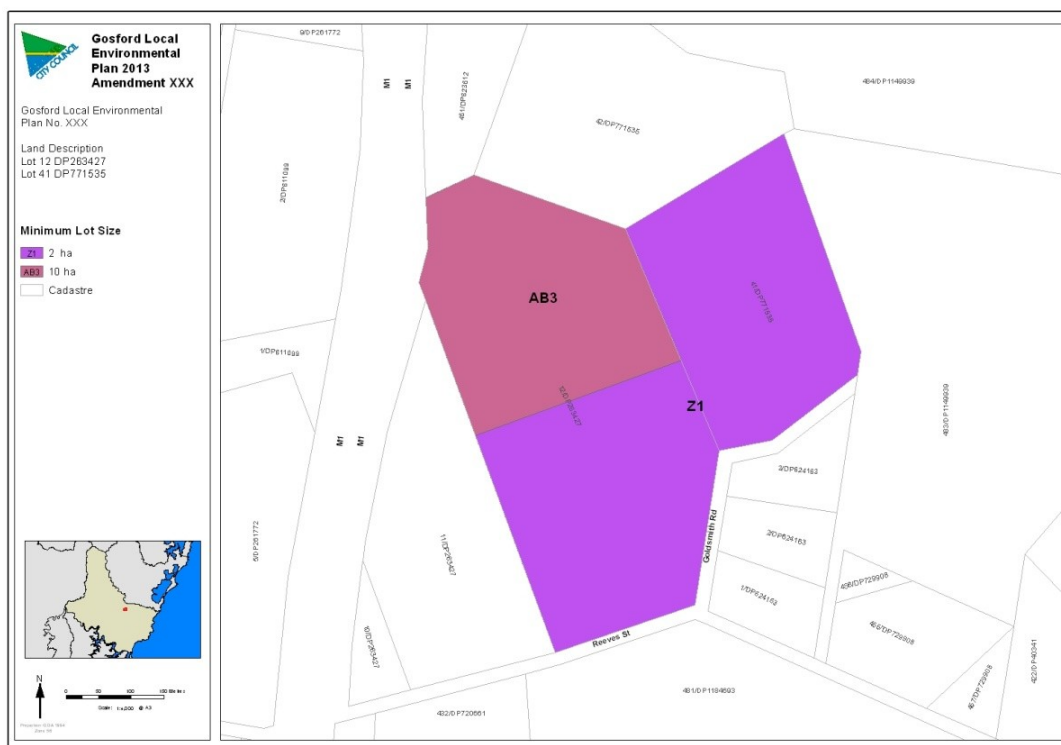
Attachments: A - Planning Proposal process
B - Statutory Mapping
C - Supporting Mapping

Tabled Items: Nil

RECOMMENDATION

- A Council support the preparation of a Planning Proposal to rezone:
- the northern precinct, being Lot 12 DP 263427 HN 79 Reeves Street and Lot 41 DP 771535 HN 20 Goldsmith Road, Somersby to part E2 Environmental Conservation and E3 Environmental Management, together with mapping the E3 component as having a minimum lot size of 2 hectares, with the LEP to incorporate lot averaging provisions.
 - the southern precinct, being Lot 3 DP 261507 HN 239 Debenham Road North, Lot 4 DP 261507 HN 45 Tallara Road and Lot 2051 DP 559231 HN 252 Debenham Road South, Somersby to E2 Environmental Conservation, with the minimum lot size for future subdivision to be further developed (incorporating lot averaging provisions) through the planning proposal process and to be informed by consultation with government agencies.
- B Council 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. Council recommends to DOPI that the Gateway require the following consultations:
- NSW Rural Fire Service
 - Office of Environment and Heritage
 - NSW Trade and Investment (Resources and Energy)
 - NSW Trade and Investment (Primary Industries)
 - Hunter Central Rivers Catchment Management Authority
 - Local Aboriginal Land Councils (Darkinjung and Guringai)
- C Upon consultation with government agencies, the applicant be requested to prepare a DCP for the southern precinct (comprising Lot 3 DP 261507 HN 239 Debenham Road North, Lot 4 DP 261507 HN 45 Tallara Road and Lot 2051 DP 559231 HN 252 Debenham Road South, Somersby) identifying suitable building/development envelopes to accommodate dwellings, bushfire radiation zones, effluent disposal areas, access and the like to demonstrate a sustainable outcome and that effects on threatened species can be managed. The DCP is also to specify areas suitable for the preparation of Property Vegetation Management Plans to ensure the long term improvement and protection of parts of the land. The DCP is to be to the satisfaction of Council.
- D An appropriate statutory planning framework be crafted to accommodate subdivision in the southern precinct, being Lot 3 DP 261507 HN 239 Debenham Road North, Lot 4 DP 261507 HN 45 Tallara Road and Lot 2051 DP 559231 HN 252 Debenham Road South, Somersby.
- E Council consult with private property owners of land within zone RU1 and RU2 located east of the M1 at Somersby.
- F Council does not seek delegations from the Department of Planning and Infrastructure for this Planning Proposal.

ATTACHMENT A – LEP Plan Making Process

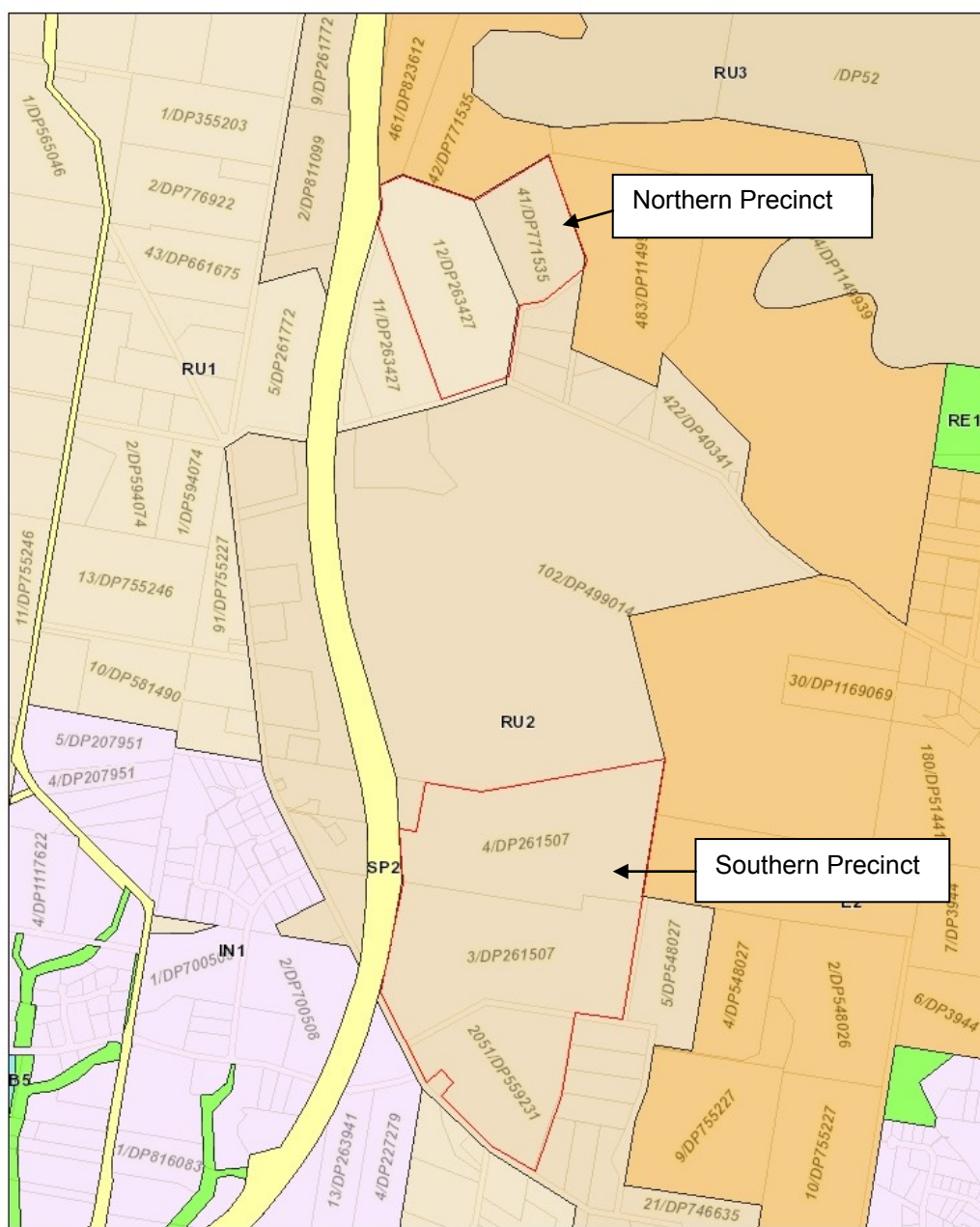
ATTACHMENT B - Statutory Mapping**Northern Precinct - Land Zoning Map****Northern Precinct - Minimum Lot Size Map
(Z1 - 2 hectares, AB3 - 10 hectares)**

Southern Precinct - Land Zoning Map



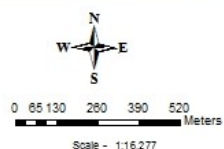
ATTACHMENT C - Supporting Mapping

Map 1 Land Zoning Map (LEP 2013)



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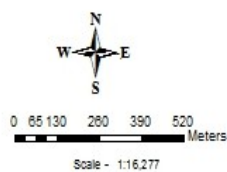
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Map 3 Aerial Photograph



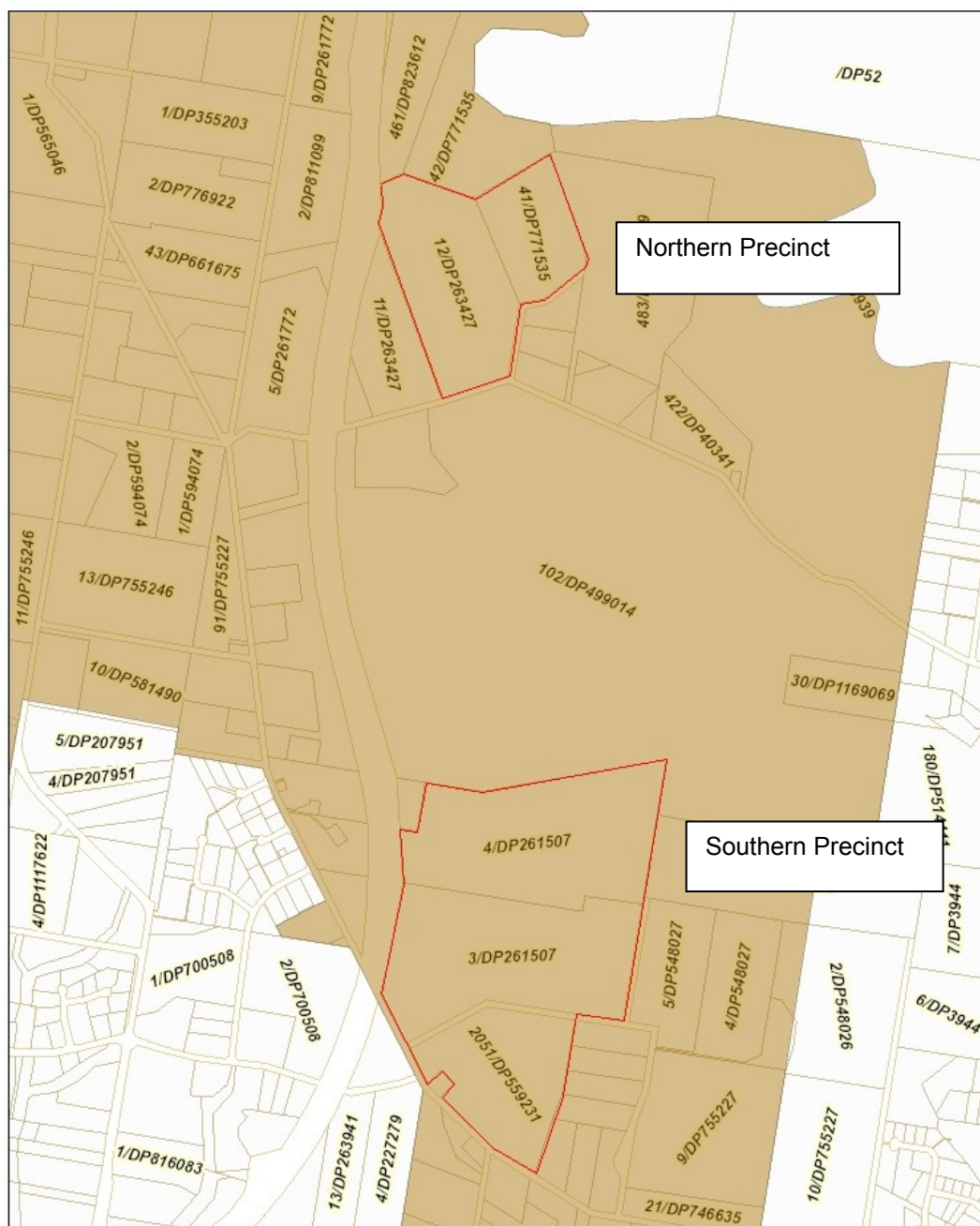
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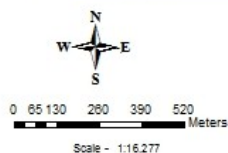
Gairloch City Council
Source: Gairloch City Council
Projection: GDA_1994_Transverse_Mercator, GCS_GDA_1994

Map 4 Sydney Regional Environmental Plan No 8 Boundary (deemed SEPP)



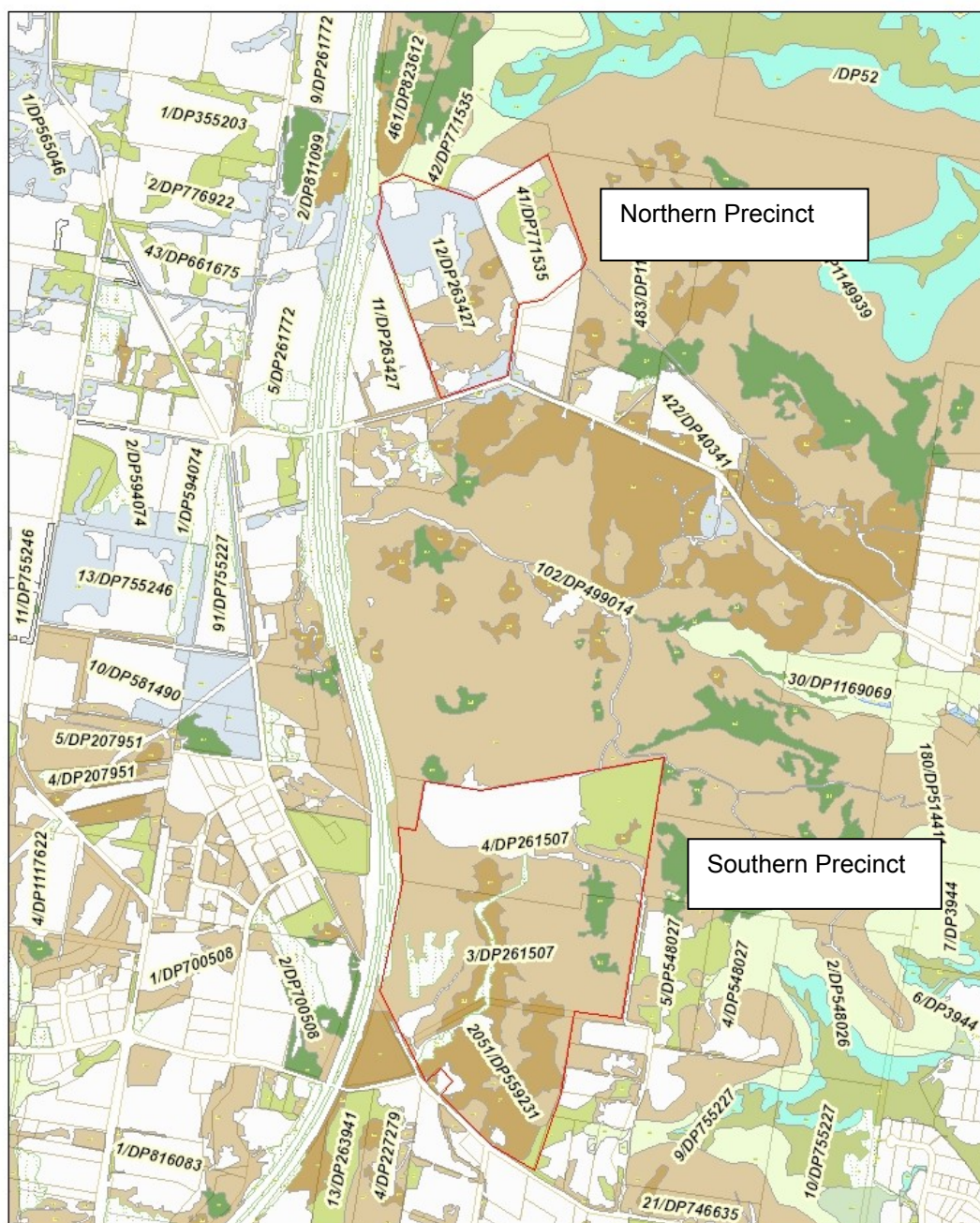
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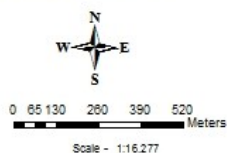
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GOSFORD CITY COUNCIL
Source: Gosford City Council
Projection: GDA_1994_Transverse_Mercator/GCS_GDA_1994

Map 5 Bells Vegetation Mapping 2009



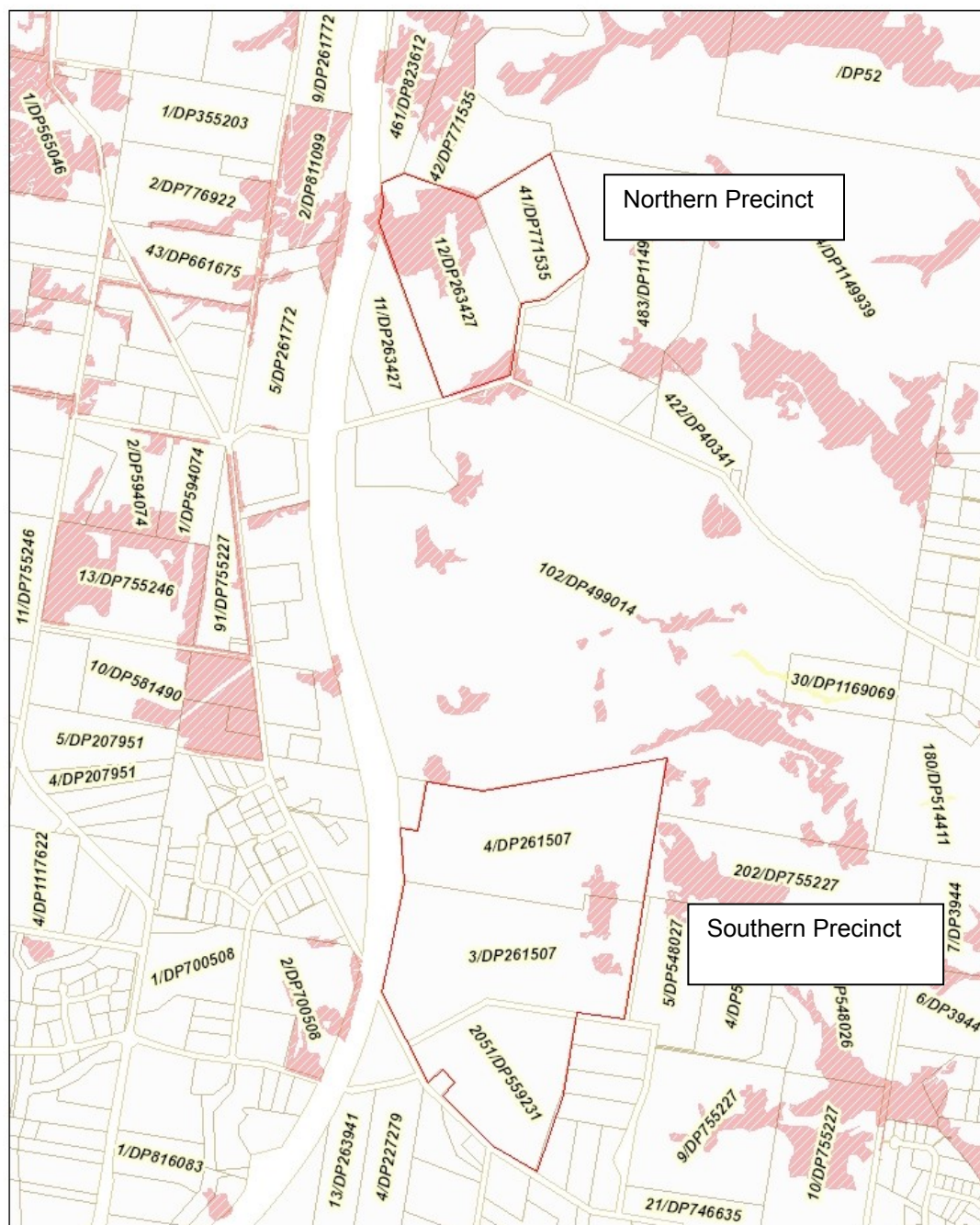
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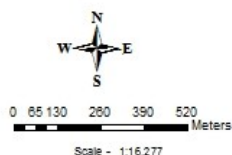
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Map 6 Ecologically Endangered Vegetation Communities



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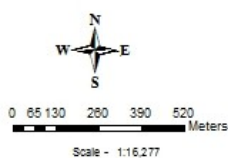
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Map 7 Coastal Open Space System (existing and proposed)



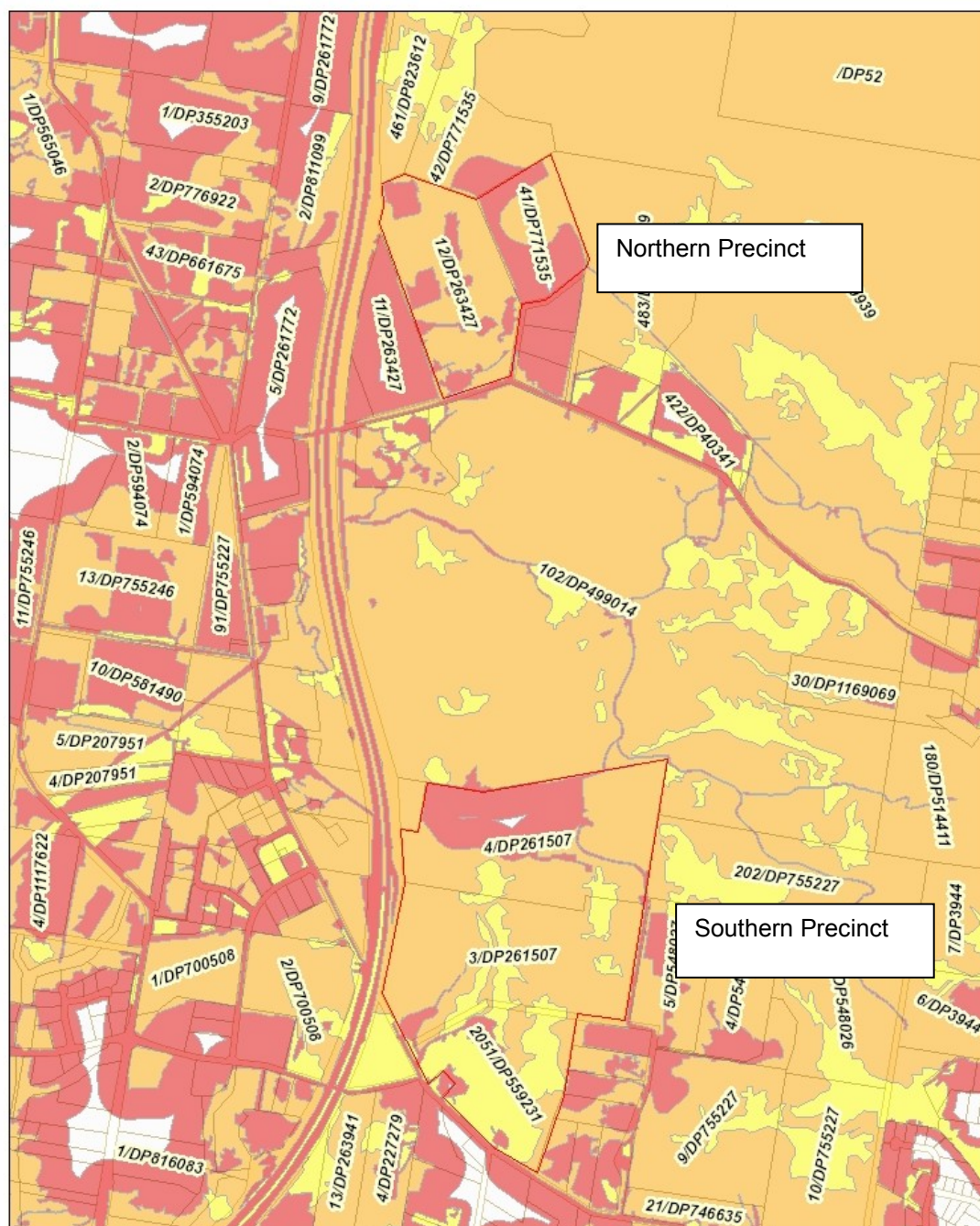
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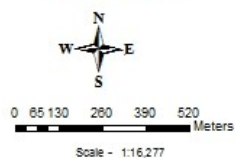
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Map 8 Bushfire Mapping



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