

**TERRIGAL/PICKETTS VALLEY, Belar Ave and Picketts Valley Road - Rezoning from RE1
Public Recreation to R2 Low Density Residential**

Proposal Title : **TERRIGAL/PICKETTS VALLEY, Belar Ave and Picketts Valley Road - Rezoning from RE1 Public Recreation to R2 Low Density Residential**

Proposal Summary : **Rezone a variable width strip of land at Belar Ave, Terrigal and Picketts Valley Road, Picketts Valley from:**
- RE1 Public Recreation to R2 Low Density Residential to accommodate a fire trail;
- include applicable lot size, height of buildings and floor space ratio development standards;
and
- include the land on the additional permitted uses map identified as 'Kings Ridge'.

PP Number : **PP_2015_GOSFO_009_00** Dop File No : **15/11136**

Proposal Details

Date Planning Proposal Received : **03-Aug-2015** LGA covered : **Gosford**

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

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

LEP Type : **Spot Rezoning**

Location Details

Street : **31 Belar Avenue**

Suburb : **Terrigal** City : Postcode :

Land Parcel : **Part of Lot 4 DP37914**

Street : **131 Picketts Valley Road**

Suburb : **Picketts Valley** City : Postcode :

Land Parcel : **Part of Lot 1 DP381971**

DoP Planning Officer Contact Details

Contact Name : **Glenn Horal**

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RPA Contact Details

Contact Name : **Brian McCourt**

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Contact Email : **brian.mccourt@gosford.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Central Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.60	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **Adequate.**

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

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

Comment : **The proposal should identify the planning instrument to be amended (i.e. Gosford Local Environmental Plan 2014).**

Council seeks to amend zoning, lot size, height of buildings, floor space ratio and additional permitted uses maps however Council has not specifically identified the standards it will be applying and this should be clarified for public exhibition.

The land identified as 'Kings Ridge' on the Additional Permitted Uses Map is subject to cl 7.8 Development at Terrigal and Picketts Valley in Gosford LEP 2014. The extension of the R2 zone and subsequent inclusion in the APU Map will result in additional local provisions applying to the proposed R2 zoned land (i.e additional considerations for home businesses in dwellings of between 10m2 and 60m2). Council should identify this in the 'explanation of provisions'.

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The strip of land proposed to be zoned to R2 only applies to part of 2 lots as shown on Council's site identification plan (Lot 1 DP381971 and Lot 4 DP37914). Council should include the property descriptions of the affected lots in the 'explanation of provisions'.

The planning proposal includes incorrect references to 'Kings Park' residential estate and should be corrected to 'Kings Ridge'.

Subject to the above matters the 'explanation of provisions' is adequate.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP No 71—Coastal Protection

e) List any other matters that need to be considered :

S117 Directions

4.4 Planning for Bushfire Protection

The land is identified as being bushfire prone land. Consistency with the direction will need to be determined following consultation with NSW Rural Fire Service.

5.1 Implementation of Regional Strategies

The proposal seeks a minor expansion of the R2 zone to accommodate a fire trail at the southern end of Kings Ridge residential estate. Council has advised it will result in the loss of a small amount of scenically significant recreation zoned land and is inconsistent with Action 4.6 in the CCRS which seeks to ensure LEPs are to appropriately zone of high landscape value. Given a large proportion of RE1 land is being retained with higher landscape values the Secretary could agree the inconsistency is of minor significance.

6.2 Reserving Land for Public Purposes

The planning proposal seeks to reduce RE1 land and, as required by the direction, requires the approval of the RPA and the Secretary. Council does not own the land however the land is to be dedicated to Council through a VPA and given Council supports the rezoning to residential it is considered to have given its approval to reduce the RE1 land. Given the reduction of RE1 land is to accommodate a fire trail to be managed by the community association and approximately 25 hectares of RE1 land will still be dedicated to Council at the Kings Ridge site the Secretary could agree to approve the reduction of RE1 land on the basis there is sufficient RE1 land in the vicinity of the Kings Ridge site.

SEPPs

Council's consideration identified the proposal is not inconsistent with the applicable SEPPs and is considered adequate.

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain :

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Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The mapping provided identifies the lots affected by the rezoning and an existing zoning map. Council should include a proposed land zoning map and identify the specific development standards it will be applying for public exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : Council was requested to include community consultation requirements in the planning proposal but has failed to do so. The proposal is considered a minor local matter and a minimum 14 day exhibition period is considered sufficient. Council should identify community consultation requirements in Part 5 of the planning proposal prior to public exhibition.

Additional Director General's requirements

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

If Yes, reasons : **TIMELINE**
Council anticipates completion of the draft LEP by February 2016 (approximately 6 months). This is supported.

DELEGATIONS
Council has not advised whether it seeks delegations to make the plan. Given the proposal is a minor spot rezoning Council should be given delegation to make the plan.

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The planning proposal seeks to amend Gosford LEP 2014.

Assessment Criteria

Need for planning proposal : The planning proposal is not the result of a strategic study or report.

Council has advised the rezoning to R2 will be consistent with land zoning in Kings Ridge Residential Estate and the extent of land covered by the community association.

The extension of the R2 zone is a thin strip between 10m and 15m in width to accommodate a fire trail and will result in the loss of approximately 6000m² of RE1 land. The remaining RE1 land at Kings Ridge (25 hectares) is to be dedicated to Council via a VPA.

The previous planning proposal which rezoned the Kings Ridge site (previously known as Parkside) was not supported by OEH as it did not maintain or improve biodiversity. Council, and ultimately the Minister's delegate, supported the previous rezoning on the basis that the economic benefits outweighed environmental impacts. The proportion of RE1 land to be rezoned is relatively minor in relation to the land to be dedicated to Council

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and it is considered the proposal is still consistent with Council's and the Minister's delegate previous support for the rezoning of the Kings Ridge site.

Consistency with strategic planning framework :

CENTRAL COAST REGIONAL STRATEGY (CCRS)

Council has indicated the proposal is inconsistent with the CCRS in regard to Action 6.4 which identifies LEPs are to appropriately zone land of high landscape value. The planning proposal will enable the land currently zoned RE1 to be rezoned to R2 to maximize development potential at the Kings Ridge site by including the fire trail within the residential zoned land to be managed by the community association. The rezoning represents a minor encroachment into the RE1 land and will still provide housing and 25 hectares of RE1 land dedicated to Council at the Kings Ridge site and the inconsistency is considered minor.

Environmental social economic impacts :

ENVIRONMENTAL

Council has advised the proposal will result in the loss of vegetation for the fire trail however will not have a significant impact upon threatened species, endangered ecological communities or the biodiversity of the area. Council's vegetation mapping shows the area to be rezoned is located clear of any ecologically endangered vegetation.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
PLANNING PROPOSAL (3 Aug 15).pdf	Proposal	Yes
Timeline.pdf	Proposal	Yes

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Site Identification Map.pdf	Proposal	Yes
Council Report and Resolution.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : The planning proposal should proceed subject to the following:

1. Prior to undertaking public exhibition Council is to update the planning proposal to:
 - replace references to 'Kings Park' with 'Kings Ridge';
 - include community consultation requirements in Part 5 of the planning proposal;
 - include a proposed land zoning map which is at an appropriate scale to clearly identify the subject land;
 - identify in the 'explanation of provisions' the planning instrument to be amended is Gosford Local Environmental Plan 2014;
 - identify in the 'explanation of provisions' the property descriptions of the affected lots (i.e. part of Lot 1 DP381971 and part Lot 4 DP37914);
 - identify in the 'explanation of provisions' what development standards for lot size, floor space ratio and building height will apply to the proposed R2 Low Density Residential land; and
 - identify in the 'explanation of provisions' that clause 7.8 Development at Terrigal and Picketts Valley will apply to the land once it is included in the Additional Permitted Uses Map at Kings Ridge.
2. The Secretary agrees that the provisions of the planning proposal that are inconsistent with S117 Directions 5.1 Implementation of Regional Strategies is of minor significance.
3. The Secretary agrees to the reduction of land for public recreation purposes under S117 Direction 6.2 Reserving Land for Public Purposes.
4. Consultation with NSW Rural Fire Service is required to address S117 Direction 4.4 Planning for Bushfire Protection.
5. 6 month timeframe to complete the plan.
6. 14 exhibition period.
7. Council be granted delegation to make the plan.

Supporting Reasons : *

Signature:


 Printed Name: G P HOPKINS Date: 13 August 2015