

PLANNING PROPOSAL

GOSFORD CITY COUNCIL

Part of Lot 201 DP 1212731 Belar Ave Terrigal

Zoning of a strip of land at the southern end of the Kings Ridge residential estate in Terrigal from RE1 Public Recreation to R2 Low Density Residential

This Planning Proposal has been drafted in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* and the Department of Planning & Environment's *A Guide to Preparing Planning Proposals* and *Guide to Preparing Local Environmental Plans*.

A gateway determination to proceed with the Planning Proposal has been issued by the Department of Planning and Environment.

Background

On 24 February 2015 Council resolved the following:

- B Council resolve to prepare a Planning Proposal to zone the proposed fire trail (approximately ten (10) metres wide) located along the Northern boundary of proposed lot 105 abutting Stage 1A and Stage 2, from RE1 Public Recreation to an appropriate zone. All associated batters/retaining walls are to be contained within this ten (10) meters wide area.*

On 8 December 2015 Council resolved the following:

- B Council's resolution B of 24 February 2015 be modified as follows:*

- B Council resolve to prepare a Planning Proposal to zone the proposed fire trail (approximately twenty five (25) metres wide) located along the Northern boundary of proposed Lot 105 abutting Stage 1A and Stage 2, from RE1 Public Recreation to an appropriate zone. All associated batters/retaining walls are to be contained within this twenty five (25) metre wide area.*

On the 21 March 2016 Deposited Plan (DP) 1212731 was registered which incorporated the proposed 25m wide fire trail within Lot 201 DP 1212731.

The Planning Proposal will not prevent the dedication of land zoned RE1 Public Recreation as stipulated by the Voluntary Planning Agreement, except for a strip of land to accommodate the fire trail along the Southern boundary of Lot 201 DP 1212731 abutting Stage 1A and Stage 2. The fire trail will be controlled and maintained by the Community Association Property.

The Planning Proposal will result in a reduction of approximately 13,000m² of RE1 zoned land. The quantum of land zoned RE1 Public Recreation that will be dedicated to Council, if the amendment is adopted, is considered to be generally consistent with the VPA. The planning proposal proposes to rezone the strip containing the fire trail from RE1 Public Recreation to R2 Low Density Residential Zone.

Part 1 Objectives or Intended Outcomes

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

The objective/intended outcome of the Planning Proposal is to rezone part of Lot 201 DP 1212731 from RE1 Public Recreation to R2 Low Density Residential zone.

Part 2 Explanation of Provisions

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

The zoning of a strip of land with a variable width up to 25 metres at the southern end of the Kings Ridge residential estate in Terrigal from RE1 Public Recreation to R2 Low Density Residential under the Gosford Local Environmental Plan (LEP) 2014.

Besides the zoning map, the following mapping layers are to be amended for the subject area as indicated.

Minimum Lot Size Map – minimum lot size of 550 sqm
Height of Building Map – maximum building height of 8.5m
Floor Space Ratio Map – maximum FSR of 0.5:1
Additional Permitted Use Map – adjust boundary of Kings Ridge

It should be noted 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.

Section 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

The Appendices contain all relevant mapping to the Planning Proposal.

Part 3 Justification for objectives & outcomes

Section 55(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?

The planning proposal is not the result of any strategic study or report.

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

A Planning Proposal is necessary to alter the zone boundary as *Clause 5.3 - Development Near Zone Boundaries* of the Gosford LEP 2014 does not apply to the land due to its RE1 zoning, location in the coastal zone and the extent of the zone variation.

The zoning of the land to R2 Low Density Residential zone will provide consistency with the zoning of the land contained within the Kings Ridge Estate and the extent of the land covered by the Community Association property.

Section B Relationship to strategic planning framework

3 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The following actions from the Central Coast Regional Strategy are relevant to the Planning Proposal;

Action 4.3 - Councils are to facilitate competitive land releases in the Region and to meet, as a minimum, the dwelling capacity targets and distribution by centres provided in this Regional Strategy, work to be done in conjunction with the Department of Planning and delivered through the timely preparation of LEPs.

The Planning Proposal will enable the release of this land to be completed in a manner that will maximise the available development potential.

Action 6.4 – LEPs are to appropriately zone land of high landscape value (including scenic and cultural landscapes).

There will be little impact on the scenic quality of the area particularly in the context of the remaining 25 hectares of land of higher more visually prominent land that is being dedicated.

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 Section 117 Directions?

The Planning Proposal does not have any strategic merit and is not strategic in its nature and involves a minor adjustment to a zone boundary that cannot be completed under the provisions of the local planning instrument.

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.

The detailed assessment of the physical characteristics of the land associated with the consideration of the development application has identified that the zone boundary delineating the RE1 and R2 zones needs to be amended to provide for a fire trail to service the residential estate. The proposed extension of the zone boundary does not impact adversely upon the physical or scenic qualities of the site.

4 Is the Planning Proposal consistent with the local Council's Community Strategic Plan (CSP), or other local strategic plan?

The Community Strategic Plan – Gosford 2025 has the following relevant strategies.

A3.4 Increase the availability of appropriate housing.

The amendment to the zone boundary will enable the subdivision of the land to proceed to achieve the maximum yield from the zoned land.

A4.1 Enhance the character of our local area through good design.

The amendment to the zone boundary will enable the creation of a subdivision that will contribute through good design to the character of the local area.

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

SEPP 71 – Coastal Protection

The relevant matters for consideration for the Planning Proposal are the following:

....the suitability of development given its type, location and design and its relationship with the surrounding area,

The Planning Proposal is considered to be appropriate in the residential setting that will be created as part of the land's subdivision.

SEPP 55 —Remediation of Land

Matters relating to SEPP 55 for the subject lots were assessed as part of the draft local environmental plan that zoned the subject land and the development application for subdivision of the land. The assessment did not indicate the presence of issues that result in the proposal being inconsistent with this policy.

SEPP 44—Koala Habitat Protection

Matters relating to SEPP 44 for the subject lots were assessed as part of the draft local environmental plan that zoned the subject land and the development application for subdivision of the land. The assessment did not indicate the presence of issues that result in the proposal being inconsistent with this policy.

SEPP 19—Bushland in Urban Areas

SEPP 19 requires that when preparing draft local environmental plans for any land to which this Policy applies, other than rural land, Council shall:

- (a) *have regard to the general and specific aims of the Policy, and*
- (b) *give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland.*

The aims of the policy that are relevant to the Planning Proposal are;

- (b) *its aesthetic value, and*
 - (c) *its value as a recreational, educational and scientific resource.*
- (2) *The specific aims of this policy are:*
- (a) *to protect the remnants of plant communities which were once characteristic of land now within an urban area,*
 - (b) *to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term,*
 - (d) *to protect habitats for native flora and fauna,*
 - (e) *to protect wildlife corridors and vegetation links with other nearby bushland,*
 - (f) *to protect bushland as a natural stabiliser of the soil surface,*
 - (g) *to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,*
 - (i) *to protect existing landforms, such as natural drainage lines, watercourses and foreshores,*
 - (k) *to protect the recreational potential of bushland,*
 - (l) *to protect the educational potential of bushland,*
 - (m) *to maintain bushland in locations which are readily accessible to the community, and*
 - (n) *to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.*

The Planning Proposal involves the rezoning of RE1 – Public Recreation zoned land. The land is characterised by a mix of cleared grass areas and remnant vegetation. The land forms part of over 25 hectares of land that was dedicated as part of the rezoning of the land. The assessment did not indicate the presence of issues that result in the proposal being inconsistent with this policy.

6 Is the Planning Proposal consistent with applicable Ministerial Directions (Section 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 1 September 2009. Section 117 Directions are only discussed where applicable. The Planning Proposal is consistent, with all other Section 117s Directions or they are not applicable.

3.1 Residential Zones

Objectives

- (1) *The objectives of this direction are:*
 - (a) *to encourage a variety and choice of housing types to provide for existing and future housing needs,*
 - (b) *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
 - (c) *to minimise the impact of residential development on the environment and resource lands*

The Planning Proposal is considered to be consistent with this Direction. The proposal increases the amount of residentially zoned land for the purposes of providing additional housing.

3.4 Integrating Land Use and Transport

Objective

- (1) *The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:*
 - (a) *improving access to housing, jobs and services by walking, cycling and public transport, and*
 - (b) *increasing the choice of available transport and reducing dependence on cars, and*
 - (c) *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
 - (d) *supporting the efficient and viable operation of public transport services, and*
 - (e) *providing for the efficient movement of freight.*

The Planning Proposal is considered to be consistent with this Direction. The proposal provides additional housing in an area that is served by a regular bus service on Kings Avenue.

4.4 Planning for Bushfire Protection

Objectives

- (1) *The objectives of this direction are:*
 - (a) *to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
 - (b) *to encourage sound management of bush fire prone areas.*

The Planning Proposal was referred to the RFS for comment to address this Direction. The RFS raised no objection to the proposal and their comments are below:

The Service has reviewed the plans and documents received for the proposal and subsequently raise no concerns or issues in relation to bush fire.

5.1 Implementation of Regional Strategies:

Clause (4) of the Direction requires Planning Proposals to be consistent with a Regional Strategy released by the Minister for Planning.

The Planning Proposal is considered to be consistent with the objectives and actions contained in the Central Coast Regional Strategy 2006 – 2031 as indicated in the response to the Planning Proposal's compliance with the strategy above.

6.1 – Approval and Referral Requirements:

Clause (4) of the Direction requires a Planning Proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development.

This Planning Proposal is consistent with this direction as no such inclusions, or designation is proposed.

6.2 Reserving Land for Public Purposes

Objectives

- (1) *The objectives of this direction are:*
 - (a) *to facilitate the provision of public services and facilities by reserving land for public purposes, and*
 - (b) *to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.*

The Planning Proposal will result in the loss of land that is zoned RE1 – Public Recreation. It is noted that the land has not at this stage been dedicated to Council hence is not classed as community land under the Local Government Act and therefore no public hearing is required to enable the Planning Proposal to proceed.

6.3 – Site Specific Provisions:

The Planning Proposal is consistent with this Direction as the Planning Proposal involves the zoning of land to a zone contained within the Gosford LEP 2014.

Section C Environmental, social and economic

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?

There is no critical habitat or threatened species, populations or ecological communities, or their habitats that will be affected by the Planning Proposal.

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

The Planning Proposal will result in the loss of vegetation. Moving the fire trail 25m south of its approved location will not have a significant impact upon threatened species, endangered ecological communities or the biodiversity of the area. The vegetation in this area is primarily cleared paddocks or mapped as disturbed canopy.

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

The Planning Proposal has insignificant social and economic impacts.

Section D State and Commonwealth interests

10 Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal will not impact upon existing public infrastructure.

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?

The Gateway Determination required the RFS to be consulted. The RFS raised no objection to the proposal and their comments are below:

The Service has reviewed the plans and documents received for the proposal and subsequently raise no concerns or issues in relation to bush fire.

Part 5 Community Consultation

Section 55(2)(e) Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

The Gateway Determination specified the community consultation period to be 14 days. The community will be notified of the commencement of the exhibition period via a notice in the local newspaper and on the web-site of Gosford City Council.

The written notice will:

- give a brief description of the objectives or intended outcomes of the planning proposal;
- indicate the land affected by the planning proposal;
- state where and when the planning proposal can be inspected;
- give the name and address of Gosford City Council for receipt of submissions; and
- indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection:

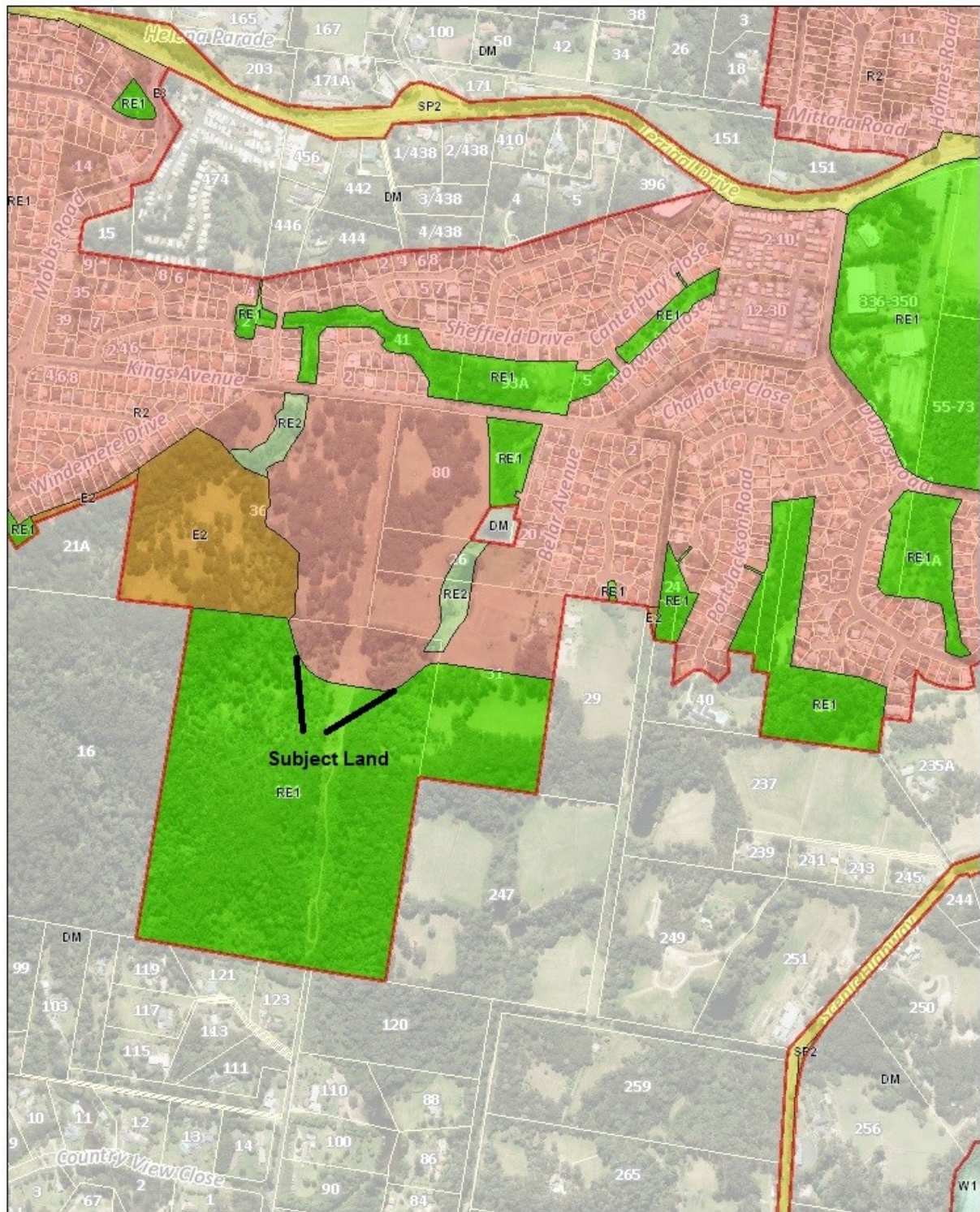
- the planning proposal, in the form approved for community consultation by the Director-General of Planning;
- the gateway determination; and
- any studies relied upon by the planning proposal.

Part 6 Project Timeline

The anticipated timeline for this Planning Proposal is set out below.

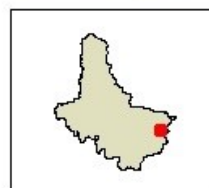
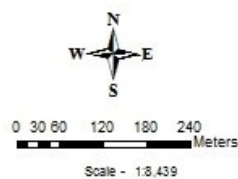
Gateway Determination	August 2015
Completion of required technical information	N/A
Government Agency consultation	March/April 2016
Public Exhibition	July 2016
Consideration of submissions by Council	August 2016
Date Council will make plan (delegated)	August 2016
Liaise with PC	August 2016
Forward Plan to Department for notification	September 2016

APPENDIX 1 – Locality Plan



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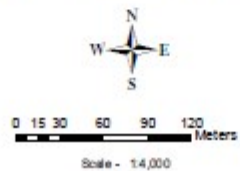
APPENDIX 2 – Aerial Photograph



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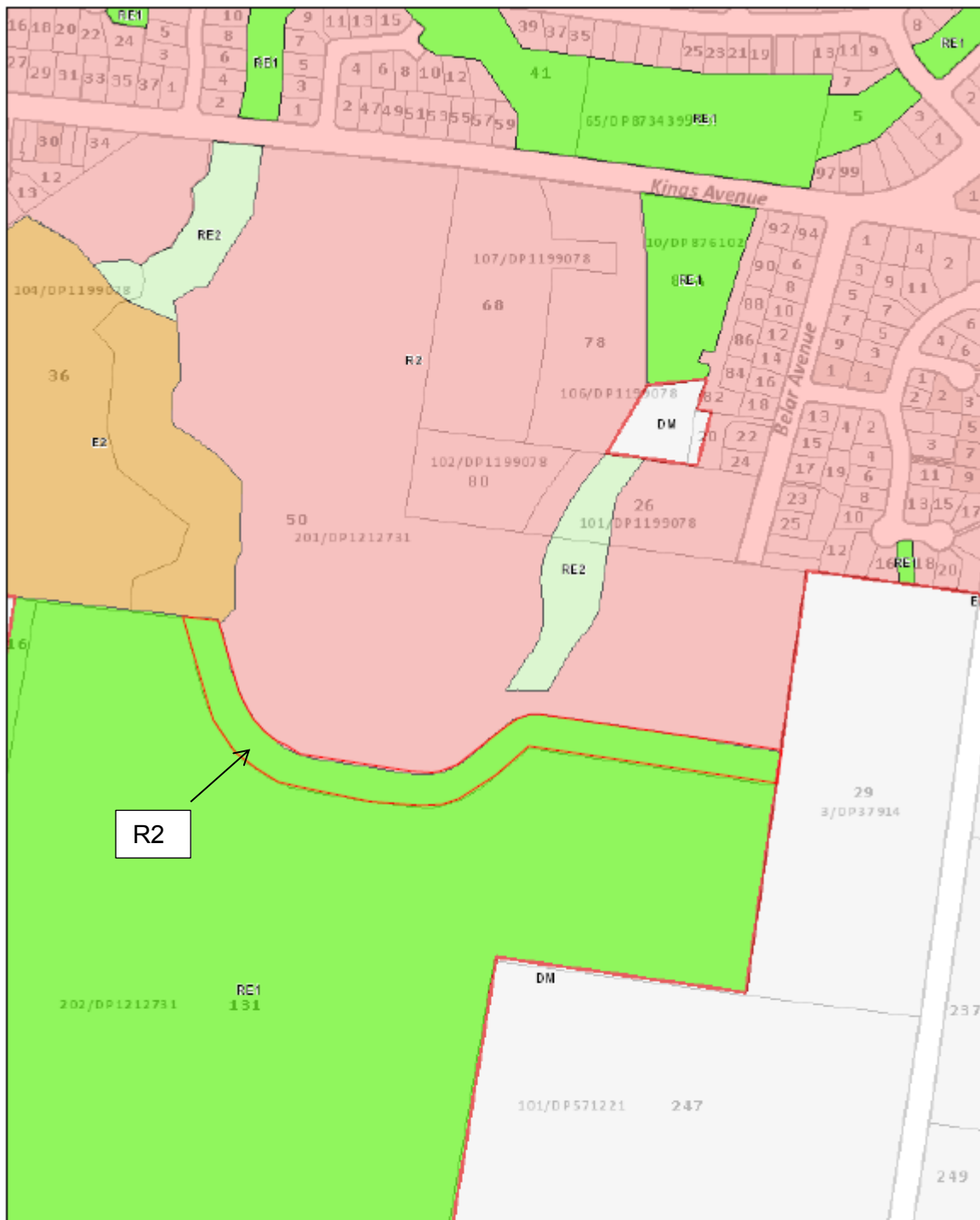
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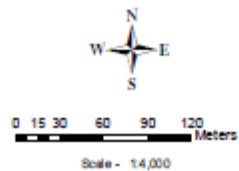
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APPENDIX 3 – Existing Zoning



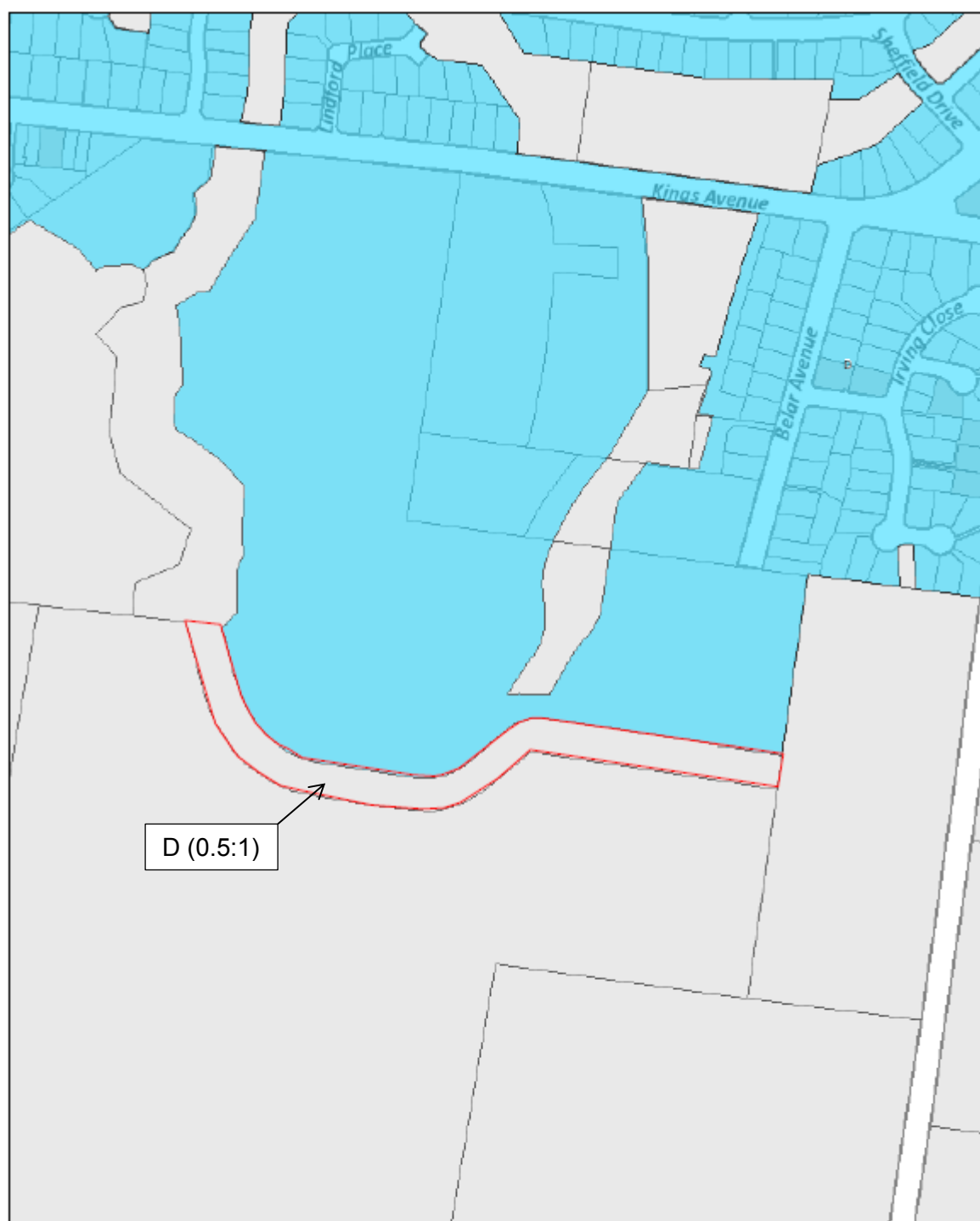
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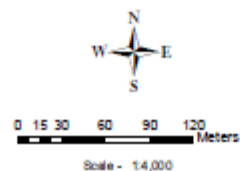
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APPENDIX 4 – Floor Space Ratio



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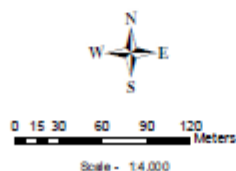
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APPENDIX 5 – Building Height

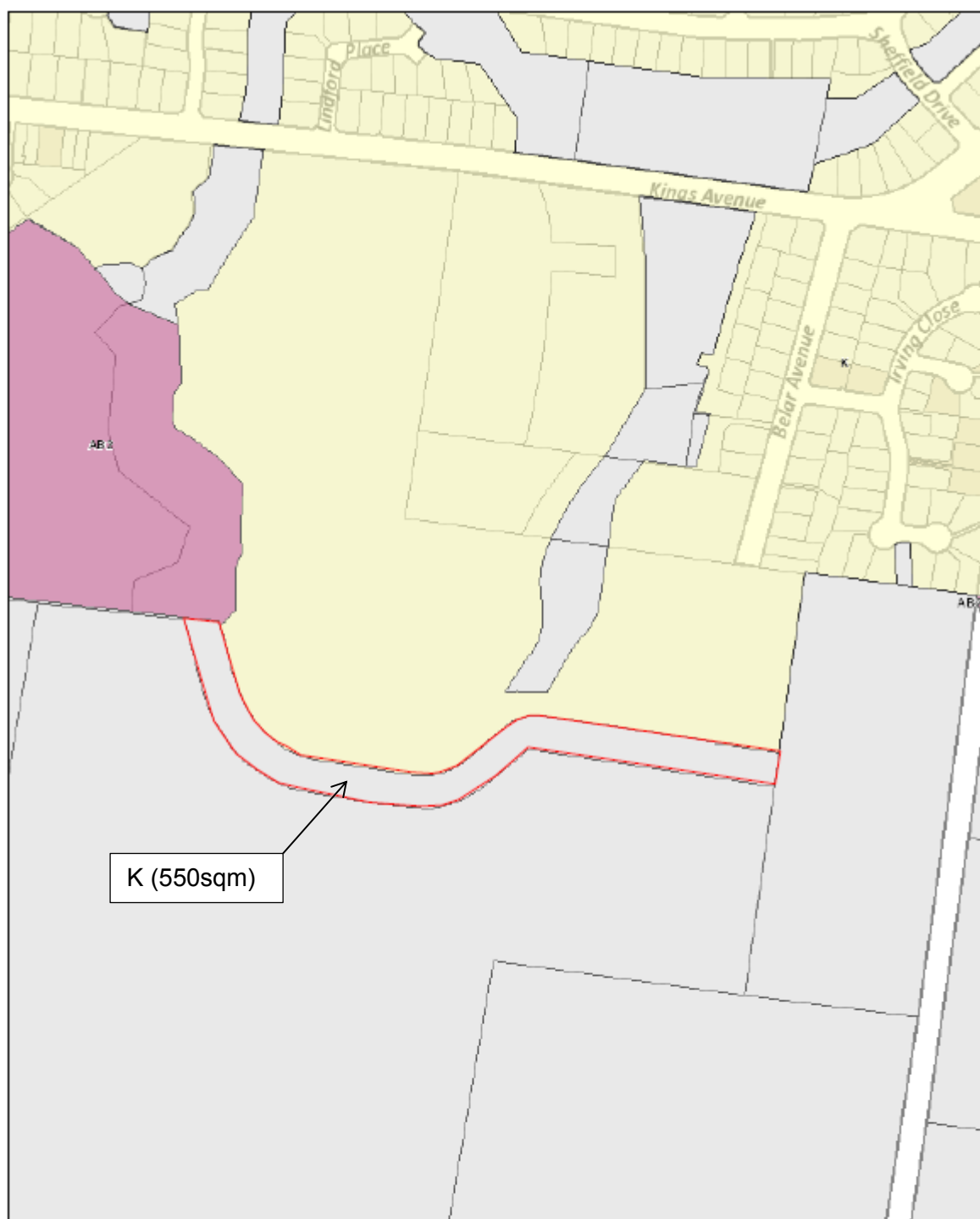


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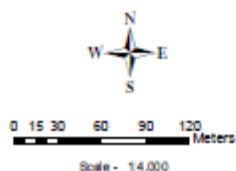


APPENDIX 6 – Minimum Lot Size



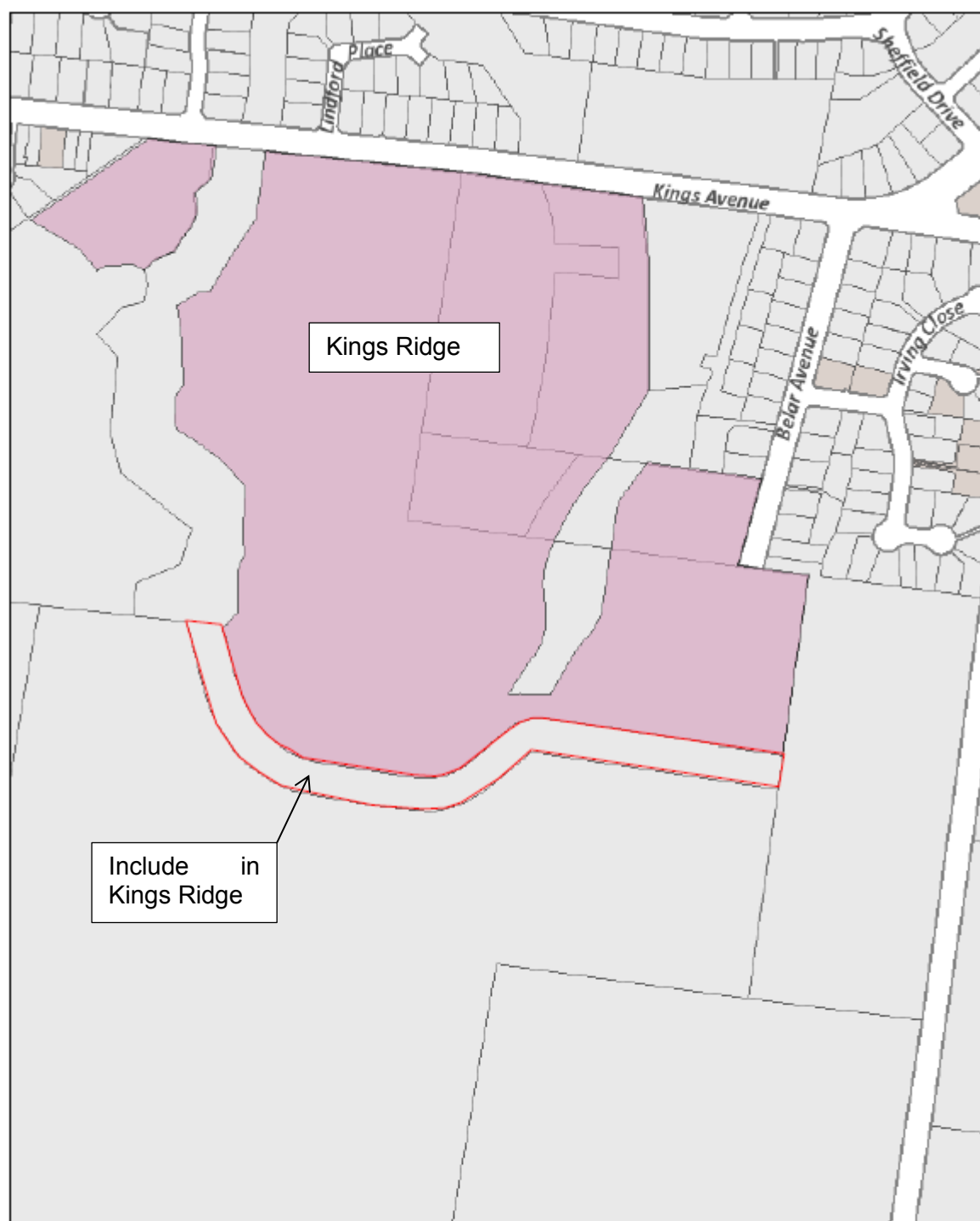
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APPENDIX 7 – Additional Permitted Use



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