

PLANNING PROPOSAL GOSFORD CITY COUNCIL

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

A gateway determination under Section 56 of the Environmental Planning and Assessment Act is requested from the DoP&I.

Part 1 Objectives or Intended Outcomes

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

The objective of the proposal is to rezone the site from 5(a) Special Use - Club to 3(b) Business (Special) under the provisions of the Gosford Planning Scheme Ordinance (GPSO), or depending upon timing amend the new city wide LEP when gazetted.

Under the current 5(a) zoning the subject land can only be developed for a club and associated infrastructure.

The 3(b) Business (Special) zone will provide the opportunity to provide a wide range of commercial and retail development, while limiting the residential encroachment of the existing commercial areas.

The outcome of the proposal is to redevelop the site. The applicant has stated that this will involve the demolition of all existing structures and the construction of four buildings. These include:

- Building 1 – a six storey building along the northern boundary of the site;
- Building 2 – a three storey complex located towards the Nunns Creek alignment;
- Gym/Recreational Facility – a two storey building and 25m swimming pool; and
- Club – a 3,500m² community facility.

The mixed use development will mainly be concentrated on the new club facilities and the proposed sports medicine precinct, with the motel, childcare and retail facilities.

The building height and density will be highest along the northern boundary and gradually decrease towards the proposed single storey club facilities towards the eastern boundary.

The streetscape will be improved by incorporating the six storey motel/medical building alongside the existing Platinum Complex, with the new club, being the visual centrepiece of the development, being located on the bend in Ilya Avenue.

It is proposed that the ground level of the commercial building be utilised for retail/commercial purposes, with the motel and medical facilities on the levels above.

Part 2 Explanation of Provisions

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

Gosford Planning Scheme Ordinance (GPSO)

The proposed rezoning of the site is to 3(b) Business (Special).

Floor Space Ratio (FSR)

Clause 29(B)(2) of the GPSO contains the relevant FSR requirements applicable to development in the 3(b) zone. Development is limited to a FSR of 1:1 under the provisions.

Building Height

The GPSO does not contain any specific building height requirements and development is assessed on merit.

Other provisions

The provisions of *Clause 30B(2)* require Motel development to provide 35% of the site area to open space.

Draft Gosford Local Environmental Plan 2009 (DLEP 2009)

Under the provisions of the DLEP 2009 the subject land is proposed to be zoned as RE2 – Private Recreation.

Under the DLEP 2009 when gazetted, if the Planning Proposal is supported and made by the Minister the land would be rezoned to B5 – Mixed Development commensurate with the zoning of business lands in Erina.

Attachment B to this report contains all relevant mapping to the Planning Proposal.

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.

Attachment B to this report contains all relevant mapping to the Planning Proposal.

Part 3 Justification

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?

Draft Gosford Centres Strategy

The strategy was prepared to inform Council's Draft Local Environmental Plan 2009 and set out the following:

- *Establishes the Central Coast centres hierarchy in relation to regional city, major centre, town centres and villages, and articulates the future roles of higher order centres;*
- *Identifies employment and housing targets for higher order centres;*
- *Identifies that villages and neighbourhoods may support increased densities but at a lower scale and focused within the centre itself;*
- *Acknowledges the role of centres in accommodating future residential growth and development.*

The above mentioned centres hierarchy (which implements the Regional Strategy's hierarchy) identifies Gosford as a Regional City with two town centres (Erina and Woy Woy) to the east and west supporting the outlying communities. The strategy identifies the town centre as Erina Fair Shopping Centre.

The strategy further identified Erina as *Business Employment Lands*. The recommendation of the strategy was to zone the development surrounding the Gosford and Erina centres as B5 – Mixed Use Development and to list residential development as a prohibited use. With this '*Council seeks to protect, promote and focus business development within business areas to ensure maximisation of opportunities for economic and employment growth and to have a clear set of land use hierarchies so that "predation" does not occur*'.

The planning proposal is considered consistent with the draft Centres Strategy.

Employment Lands Investigation 2010

The Central Coast Regional Strategy sets an employment target of 45,000 additional positions by 2031 to cater for the expanding population on the Central Coast.

Gosford City Council commissioned the Employment Lands Investigation to review the adequacy of industrial zoned land and identify possible expansion of those zones.

The investigation identified two areas in Erina for an expansion of industrial land, neither of which is located near Ilya Avenue, hence it is considered that the proposal is consistent with the investigation.

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

The Planning Proposal is the best means of achieving the objectives/intended of creating a sporting and related activity precinct.

The only alternative to the current planning proposal is to wait for Council to undertake a holistic review of the Erina locality. It is expected that this will take some time, thus delaying the redevelopment of the site.

3 Is there a net community benefit?

Will the LEP be compatible with agreed State and Regional strategic directions for development in the area?

Yes. The proposal will add to the viability of the *Erina Town Centre* and is therefore consistent with the Central Coast Regional Strategy.

Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?

No. The area is identified in the Central Coast Regional Strategy as a *Town Centre*.

Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landowners?

No. It is considered that the subject land is located at the edge of the Erina commercial area and would not lead to any similar proposal in the immediate vicinity of the site.

Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

The cumulative impacts have been considered and it is anticipated that the proposal will not have an overall negative impact on the locality.

Will the LEP generate permanent employment generating activity or result in a loss of employment lands?

The proposal will add to the economic activity in the area and it is expected that short and long term jobs would result from the proposal.

Will the LEP impact on the supply of residential land and therefore housing supply and affordability?

No. The proposal does not relate to residential land.

Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?

The site is also located in close proximity to the public transport network, resulting on high levels of utilisation levels. The Central Coast Highway, located a short distance to the north, provides excellent links to the Gosford CBD and the eastern part of the Central Coast.

Council's Water and Sewer section has indicated that the developer shall be required to undertake a water and sewer systems analysis to identify specific downstream works that require augmentation to accommodate the proposed rezoning. This requirement forms part of the recommendation to Council in relation to this Planning Proposal.

Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?

No. The proposal will not impact on greenhouse gas emissions, as it would not result in an increase in car distances travelled by the public.

Are there significant Government investments in infrastructure, or services in the area whose patronage will be affected by the proposal? If so what is the expected impact?

No. The proposal will not affect government investments.

Will the proposal impact on land that the Government has identified as needed to protect (eg land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?

These matters are addressed in latter sections of this report.

Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?

The LEP amendment will allow compatible and complementary uses at Council's sporting and recreational facilities and increase their attractiveness for users and serve their needs, together with contributing to the viability of sporting and community groups using reserves.

Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

The proposal will increase the choice and competition in the area. The high level medical facilities will diversify the range of services and add significantly to the economic activity in the area. The proposal will also contribute to the supply of retail and short term accommodation in the Erina locality.

If a stand alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

Not applicable.

What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

The LEP amendment is in the public interest as it will improve the economic viability of the existing club; generate significant private sector investment; and create more jobs for local residents. If the proposal is not supported, the club may become unviable in the long term resulting in a loss of the existing services to the community and local sports clubs. Support of the proposal is therefore considered in the public interest.

Section B Relationship to strategic planning framework

4 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)?

Central Coast Regional Strategy and Regional Economic Development & Employment Strategy

The proposed Business zoning is consistent with the guiding principles of the Central Coast Regional Strategy (CCRS) and Regional Economic Development & Employment Strategy (REDES).

The subject land is included in the Erina Town Centre and the proposal is therefore consistent with the Central Coast Regional Strategy.

The CCRS sets an employment target of 45,000 new jobs on the Central Coast by 2031, including 9,000 jobs in "town centres, villages and neighbourhoods".

The employment targets will complement future population growth of 100,000 people by 2031.

The CCRS and REDES seek to increase the level of regional employment self-containment by minimising the need for residents to commute to Sydney and the Hunter for work. Currently approximately 30,000 Central Coast residents commute outside of the area for employment.

A key recommendation of the strategies is to investigate, through the preparation of LEPs, options to expand existing employment land nodes and ensure future development occurring on employment land does not result in inappropriate fragmentation of that land.

Furthermore, the strategies seek to ensure new retail and commercial development is located in centres.

Future expansion of Erina to meet employment targets is physically constrained by Erina Creek and floodplains to the west; large scale retirement villages held under multiple land titles to the east; Nunns Creeks and Kincumber Mountain Reserve to the south; and fragmented residential land to the north.

Accordingly, expansion of the proposed Business zone over the subject land is one of the few remaining opportunities to provide additional employment opportunities in Erina.

The proposed Business zoning of the site will therefore be entirely consistent with the CCRS and REDES by:

- expanding existing employment land nodes;
- ensuring that new retail and commercial development is located in centres; and
- improving employment self-containment on the Coast.

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

It is considered that the Planning Proposal is consistent with the Gosford Community Strategic Plan.

A. Society & Culture

The redevelopment of the site will ensure the long term viability of the club that will assist in maintaining connections and relationships in the community and continue support of local cultural and recreational activities.

The proposal will also provide increased surveillance of the surrounding sports grounds and open space, resulting in less opportunity for crime and vandalism.

B. Environment

The proposal will support the objectives of the Plan, provisions to be included in a DCP for the land will ensure protection of the sites environmental characteristics.

C. Economy

The proposal will increase economic activity over the short term by creating an injection into the local economy and providing 280 construction related jobs according to the applicant.

The longer term economic stimulus will be created by the full/part time employment created by the future tenants of the development.

The applicant expects that the redevelopment of the site will attract high level medical services to the local area, provide much needed short term accommodation and add to the available retail floor space in the Erina locality.

D. Governance & Leadership

It is considered that the proposal will not have a significant impact on the public infrastructure that is currently connected to the site.

6 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.

SEPPs applicable

SEPP19 - Urban Bushland

Clause 10 of State Environmental Planning Policy No. 19 states:

When preparing draft local environmental plans for any land to which this Policy applies, other than rural land, the 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 and objectives of the SEPP are:

- (1) The general aim of this Policy is to protect and preserve bushland within the urban areas referred to in Schedule 1 because of:*
 - (a) its value to the community as part of the natural heritage,*
 - (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,*
 - (c) to protect rare and endangered flora and fauna species,*
 - (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,*
 - (h) to protect significant geological features,*
 - (i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores,*
 - (j) to protect archaeological relics,*
 - (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 subject land is currently zoned 5(a) Special Uses – Club. A change to a business zoning will not alter the potential for disturbance to bushland that exists under the current zone. To acknowledge the potential under the existing zone for disturbance to bushland but to reflect the changes to legislation since the zone was applied to the land in 1983 that aim to protect bushland, it is proposed that a development control plan be applied to the land to ensure bushland protection. Further details relating to the provisions of the DCP are contained in latter sections of this report.

The preparation of a DCP for the land with one of its aims being the protection of urban bushland will ensure that the proposed rezoning is consistent with the aims and objectives of SEPP 19.

SEPP 55 – Contaminated Land

Clause 7 of State Environmental Planning Policy No.55 – Remediation of Land requires the consent authority to consider whether land is contaminated during the development application process.

As stated above, the site has been zoned for club related development for over 35 years.

It is therefore considered that the potential for hazardous contamination would be minimal.

Council records do not indicate any evidence of contamination of the land.

SEPP No. 71 – Coastal Protection

SEPP 71 affects the site because the site is located within the “coastal zone” and “sensitive coastal location” as defined in the Coastal Protection Act 1979.

The aims of SEPP 71 are:

- (a) *to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and*
- (b) *to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- (c) *to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- (d) *to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and*
- (e) *to ensure that the visual amenity of the coast is protected, and*
- (f) *to protect and preserve beach environments and beach amenity, and*
- (g) *to protect and preserve native coastal vegetation, and*
- (h) *to protect and preserve the marine environment of New South Wales, and*
- (i) *to protect and preserve rock platforms, and*
- (j) *to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the [Protection of the Environment Administration Act 1991](#)), and*
- (k) *to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and*
- (l) *to encourage a strategic approach to coastal management.*

The land is subject to SEPP 71 and has been identified as being in a sensitive coastal location due to its proximity to Nunns Creek.(see map in attachments). Appropriate development provisions will be incorporated into a DCP for the land to ensure compliance with SEPP 71.

7 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. S117 Directions are only discussed where applicable. The Planning Proposal is consistent with all other S117s Directions or they are not applicable.

Relevant s117 Directions

SUMMARY OF RELEVANT S117 DIRECTIONS	COMMENT
1.1 Business and Industrial Zones	
<u>Objectives:</u> The objectives of this direction are to: encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	As shown on the attached mapping, Erina is mainly developed with retail development, with the Platinum Complex currently providing the only large stand-alone commercial development in the area. It is anticipated that the proposed development would function ancillary to the adjoining development, creating a business hub that will assist in attracting companies to the area. The diversity in development would further increase the viability of the Erina town centre.
2.1 Environment Protection Zones	
<u>Objective:</u> The objective of this direction is to protect and conserve environmentally sensitive areas.	The land contains the Endangered Ecological Community (EEC) the River – Flat Eucalyptus Forest on Coastal Floodplain. One threatened flora species, <i>Melaleuca biconvexa</i>, listed as vulnerable under Threatened Species Conservation (TSC) Act 1995 is located on the site. The site also provides for foraging habitat for a number of threatened fauna species including but not limited to the Grey – headed flying fox, Little bentwing – bat and Eastern bentwing – bat. The proposed change zoning of the site will not alter the existing potential for disturbance to the environment under the current zoning. To improve the

SUMMARY OF RELEVANT S117 DIRECTIONS	COMMENT
	environmental outcomes from the change of zoning and to ensure consistency with this direction a Development Control Plan will be prepared to address the identified environmental characteristics of the land.
2.2 Coastal Protection	
<u>Objective:</u> The objective of this direction is to implement the principles in the NSW Coastal Policy.	This direction applies to a Planning Proposal that applies to land in the coastal zone and requires that consideration is given to the NSW Coastal Policy. It is considered that the proposal is consistent with this direction.
2.3 Heritage Conservation	
<u>Objective:</u> The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The site is not identified as being part of, or containing any environmentally heritage and ecologically significant items and areas.
3.4 Integrating Land Use and Transport	
<u>Objective:</u> 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: - improving access to housing, jobs and services by walking, cycling and public transport, and - increasing the choice of available transport and reducing dependence on cars, and reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and - supporting the efficient and viable operation of public transport services, and providing for the efficient movement of freight.	The site is located in close proximity to public transport and is connected to the surrounding area by pedestrian footpaths. Further, the land is located adjoining the Erina Town Centre.
4.3 Flood Prone Land	

SUMMARY OF RELEVANT S117 DIRECTIONS	COMMENT
<u>Objective:</u> The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	A significant portion of the land is subject to low hazard flooding. The rezoning will be inconsistent with this direction for the reason that it involves a rezoning from Special Use to Business and the direction provides that <i>A draft LEP shall not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</i> A draft flood study is currently being prepared for the Erina Creek catchment of which this land is part. The flood study is being prepared in accordance with the Floodplain Development Manual. The applicant must supply hydraulic and hydrological information to assist in identifying the most appropriate uses for the flood liable sections of the land. This information will be assessed against the recommendations of the Erina Creek flood study. The recommendations from the assessment would be included in a DCP for the land and determination of extent of business zoning. An inconsistency with this direction can be justified if the draft LEP is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005. As indicated above, recommendations for appropriate development in the flood liable area will be incorporated into the DCP for the land and determination of extent of business zoning.
4.4 Planning for Bushfire Protection	
<u>Objective:</u> 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.	A Bushfire Threat Assessment concluded that the proposed commercial development on the site would be suitably protected from the threat of bushfires. This can be assessed by Rural Fire Service (RFS) as part of the provisions of a Gateway Determination for the Planning Proposal. Recommendations from the RFS could be included in a DCP for the land.
5.1 Implementation of Regional Strategies	

SUMMARY OF RELEVANT S117 DIRECTIONS	COMMENT
<u>Objective:</u> The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The proposal complies with the aims of the Central Coast Regional Strategy by providing infill commercial land within the Erina Town centre. The development will provide additional employment growth and complement the services currently provided in the area.
6.1 Approval and Referral Requirements	
<u>Objective:</u> The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent with this direction.
7. Metropolitan Planning	
<u>Objective:</u> The objective of this direction is to give legal effect to the vision, land use policy strategy, outcomes and actions contained in the Metropolitan Strategy.	Consistent with this direction. The Central Coast Regional Strategy has been considered as part of this report.

LEP Pro-forma Evaluation Criteria - Category 1 Spot Rezoning

Category 1 Spot Rezoning Criteria

	Criteria	Yes/No
1.	Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)? <i>Explain: The proposal is consistent with the Central Coast Regional Strategy; and the draft Gosford Centres Policy.</i>	Yes
2.	Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions? <i>Explain: The proposal is consistent with relevant s.117 directions or any inconsistency can be justified. Refer question 7 above.</i>	Yes
3.	Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy? <i>Explain: The site is located within the Gosford City LGA.</i>	Yes
4.	Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands? <i>Explain: The LEP will facilitate a large number of permanent jobs and add to the viability of existing businesses in the area.</i>	Yes
5.	Will the LEP be compatible / complementary with surrounding land uses? <i>Explain: As outlined throughout the report the LEP will be compatible with surrounding land uses and in particular the</i>	Yes

	Criteria	Yes/No
	<i>surrounding commercial development.</i>	
6.	Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders? <i>Explain: There is limited land available in the vicinity of the site of a similar area that has the capacity to be developed for commercial purposes.</i>	No
7.	Will the LEP deal with a deferred matter in an existing LEP? <i>Explain: N/A.</i>	No
8.	Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations? <i>Explain: We are not aware of any similar spot rezonings that would cause cumulative effects on the locality.</i>	Yes

Section C Environmental, social and economic impact

8 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?

A Flora and Fauna Assessment has been undertaken. The assessment concluded that:

- One threatened flora species, *Melaleuca biconvexa*, as listed within the TSC Act and the EPBC Act was observed within the subject site during surveys;
- The threatened fauna species, the Grey-headed Flying-fox (*Pteropus poliocephalus*), listed within the TSC Act and the EPBC Act and the threatened fauna species, Little Bentwing-bat (*Miniopterus australis*) and Eastern Bentwing-bat (*Miniopterus schreibersii oceanensis*), listed within the TSC Act were observed within the subject site during surveys;
- No endangered populations listed within the TSC Act were observed within the subject site;
- One migratory species, the Rufous Fantail (*Rhipidura rufifrons*), as listed within the EPBC Act, was observed within the subject site;
- The threatened ecological community, River-Flat Eucalypt Forest on Coastal Floodplains of the North Coast, Sydney basin and South East Corner bioregions, as listed within the TSC Act was observed within the subject site;

In addition, Council's Senior Environmental Officer has stated that Rainforest and riparian vegetation has been mapped within or in close proximity to the subject land (see attached mapping for location of rainforest)

The Senior Environmental Officer has concluded that *'in light of the above ecological constraints the planning proposal needs to consider and address the following;*

- *The aims and objectives of SEPP 19 – Bushland in Urban Areas*
- *The objectives of clause 7.10 of the draft Gosford LEP 2009 and in particular the matters contained in clause 7.10.3 and clause 7.10.4 of the draft LEP.*
- *Council's Rainforest Policy and setback buffers*
- *Riparian setbacks and buffers'.*

The current Special Use – Cub zoning of the land does not recognise the environmental characteristics of the land. A Business zoning coupled with an accompanying DCP can provide protection for the environmental characteristics of the land. This protection is not available under the current zoning hence a change of zoning together with a specific DCP can provide greater protection.

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

Flooding

The site is situated on the Erina Creek floodplain where the whole of the Nunn's Creek sub catchment (including several tributaries) converge. It should be noted that over 162 ha of steep undeveloped terrain will generate overland flows towards the proposed site which will generate considerable volumes of overland flow.

Current mapping shows that the 1% (1:100 year) flood extent is affecting the bulk of the subject site. Preliminary information from a draft flood study currently being undertaken by Council for the Erina Creek catchment indicates that although this site may be situated in a low hazard area, the flow depths and velocities could be sufficient to cause creek bank erosion, flotation of motor vehicles and knock the young and infirmed off their feet.

The applicant must supply hydraulic and hydrological information to demonstrate that there will be no adverse impact or increase in flow depths and velocities as a result of any future development on the site.

Bushfire

The site is located within a bushfire prone area, with the majority of the vegetated areas identified as bushfire prone and the remainder of the land within the buffer area.

The vegetation adjoining the subject site comprises *Open Forest* and *remnant riparian forest*. The vegetation is classified as a Forest or Rainforest Vegetation Formation according to the vegetation classification criteria used in Planning for Bushfire Protection (RFS 2006).

Aboriginal Archaeology

The site has been previously disturbed by means of tree clearing, levelling and filling. It is considered unlikely that any items of Aboriginal significance would be located on the site and further investigations are not required.

European Heritage

The site does not contain any items of European heritage and is not located in close proximity of any such items.

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

Economic Effects

The introduction of the proposed mixed use development will significantly increase the level of economic activity in the area and contribute to the economic diversity of Erina.

Capital Investment Value

The applicant estimates Capital Investment Value of the development at \$55M.

Construction Multiplier Effects

Multipliers refer to the level of additional economic activity generated by a source industry and can be divided into production and consumption induced growth.

The applicant states that the proposal will increase economic growth in the wider region by utilising goods and services during the construction process. The total expenditure will be filtered through the local businesses to create far more wealth than was initially injected. It can therefore be predicted that the \$55M cost of construction will significantly increase the size of the local economy.

The full/part time employment created by the finalised development will again trickledown into the economy, creating ongoing sustainable wealth that will drive economic growth into the future.

Employment

The club currently employs approximately 100 full time and part time staff.

In addition to the retention of existing jobs, the applicant expects that the proposed development will generate employment in two ways – by the initial construction activity and subsequently through the retail and commercial operations.

The applicant estimates that one full time construction position for 12 months is created for every \$178,900 of construction work undertaken. Based on the proposed developments estimated construction cost of approximately \$50m (GST excluded), on average 280 construction jobs will be directly created.

The operation of the completed development will also create employment opportunities. The applicant projects full time or part time job per square metre for each of the sectors as listed below:

Food and Drink (3,500m ² Club)	1 job / 26m ²	= 130 jobs
Health (2,000m ² approx.)	1 job / 52m ²	= 38 jobs
Professional Services (2,000m ² approx.)	1 job / 24m ²	= 83 jobs
Retail (2,000m ² approx.)	1 job / 45m ²	= 44 jobs
Gym / Swimming Facility		= 20 jobs
Motel		= 12 jobs
Childcare		= 12 jobs

The proposed development will therefore have the potential to create in the order of 339 positions (including the motel and childcare centre).

The applicant expects overall stimulus to the economy will therefore be significant and will provide local residents with employment opportunities and add to the multiplier effect discussed above.

Sustainability

The proposed development will provide complementary services to the local residents as well as those using the community and commercial facilities incorporated within. It is further considered that the development will support existing businesses and will create a flow-on effect that will strengthen the local commercial precinct.

Complementary Role

The proposal will complement existing businesses by providing a broader range of services in short supply in the Erina locality. For example, the motel will function as an attractor for business people and visitors to stay in Erina instead of lodging in the surrounding area or returning to Newcastle or Sydney. This will increase the amount of money spend in the development and also provide additional business to surrounding restaurants and service providers.

The complementary role of the future development can be attributed to the majority of the proposed uses included in the proposal.

Social Effects

Amenity & Relationship to Surrounding Land

The locality is characterised by a commercial, retail and residential development. The site currently contains the club facilities and associated open space.

The future business zoning is compatible with neighbouring land and will not cause unacceptable environmental impacts. In particular:

- the future buildings will be spatially separated from residential dwellings and will not cause privacy or overshadowing impacts;
- the site is located within the Erina town centre walking catchment and is easily accessible to the neighbouring Platinum/Fountain Plaza development, public transport; and Erina playing fields;
- high quality urban design, landscaping and architecture is proposed to contribute to the built form of the locality; and

The proposal is considered to be compatible with the amenity of the locality.

Community Benefit

Community benefits arising from the rezoning include:

- secure the club on the subject land and ensure the continued support of local sports clubs and community groups;
- provide a significant boost to the local economy; and increased employment and training opportunities.

Section D State and Commonwealth interests

11 Is there adequate public infrastructure for the Planning Proposal?

Council's Water and Sewer Directorate has advised that;

- *Payment of the current water and sewer headworks and augmentation contributions in accordance with Council's policy and in accordance with the Water Management Act 2000.*
- *The developer shall be required to undertake a water and sewer systems analysis to identify specific downstream works that require augmentation to accommodate the proposed rezoning. The analysis shall extend to where demands/loads from the proposed rezoned land represent 5% of capacity of the respective water or sewer system.*
- *The developer shall be responsible for the full cost of design and construction of specific downstream works required to enable connection of the rezoned land to Council's existing water and sewerage reticulation systems. Augmentation works will need to be completed before Council will allow connection to any development within the rezoned land. The water and sewer designs must be submitted to Council for approval and shall be in accordance with Council's water and sewer design standards.*
- *The developer shall be responsible for the design and construction of water supply and sewerage works within the rezoned area.*

12 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 consultations have yet been undertaken with State and Commonwealth agencies as the gateway determination has not yet been issued.

Part 4 Community Consultation that is to be undertaken

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 Gateway support community consultation will involve an exhibition period of 28 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. A letter will also be sent to the adjoining landowners (see last map in Attachment B).

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.

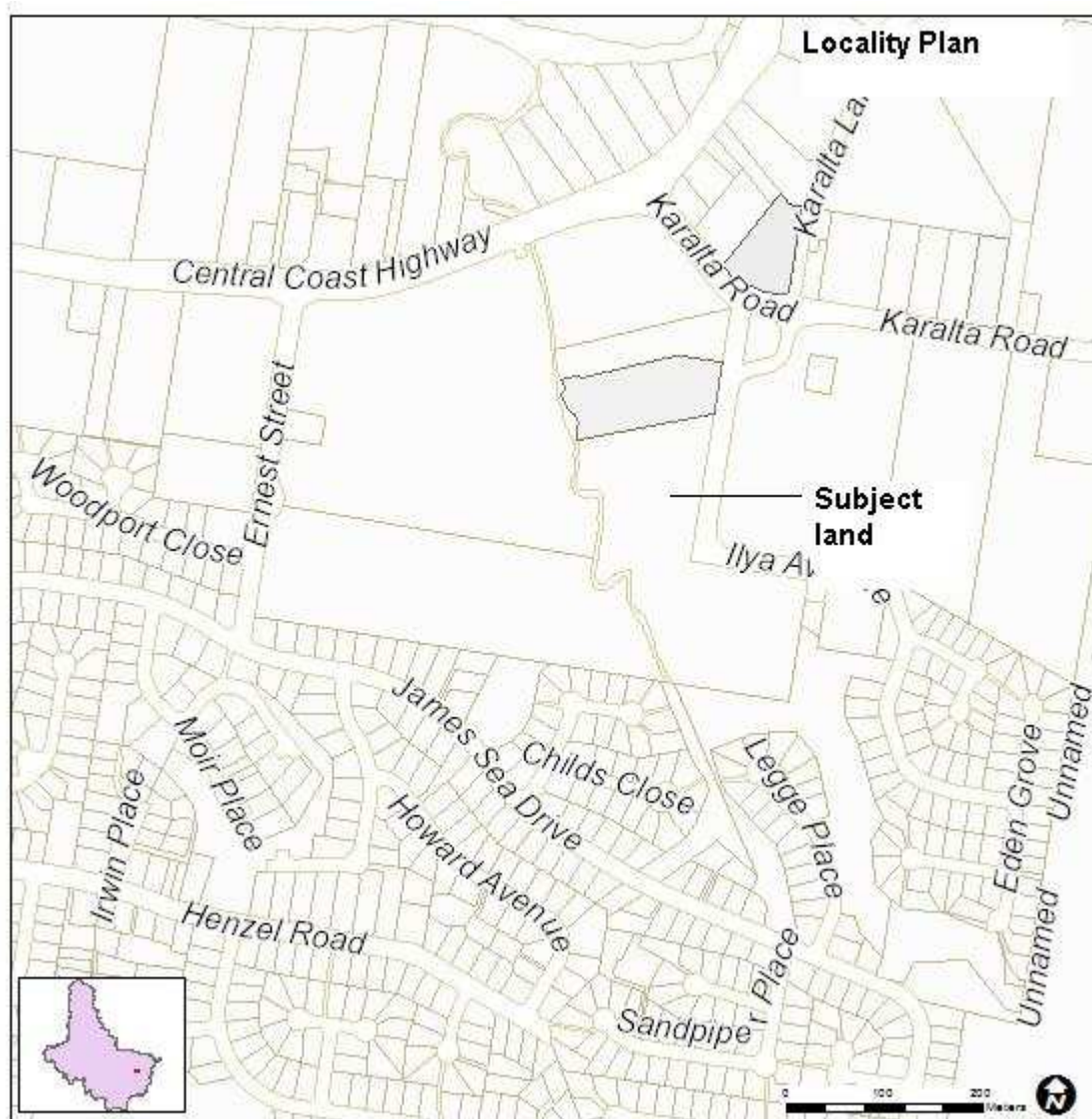
During the exhibition period, the following material will be made available for inspection:

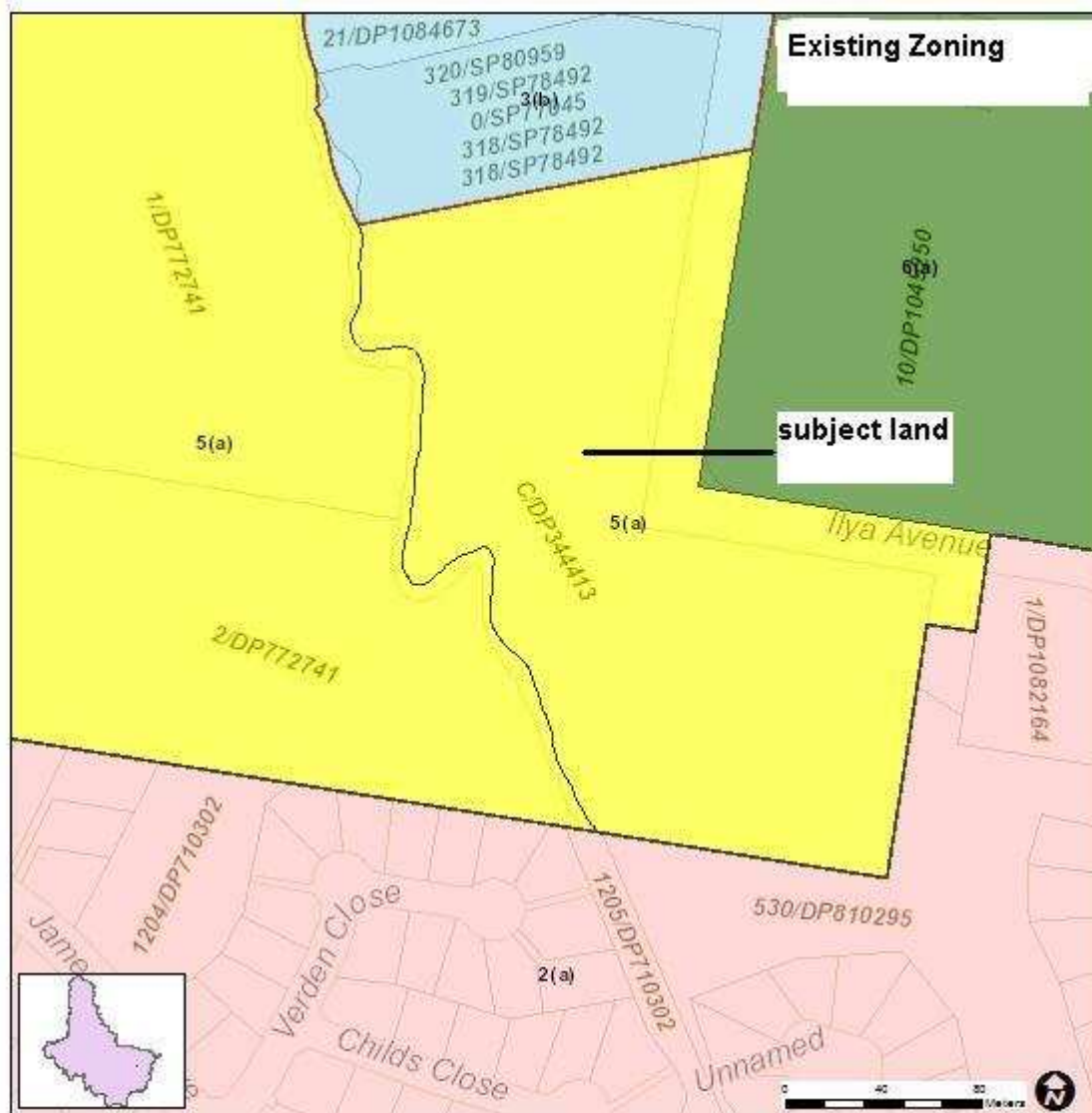
- the planning proposal, in the form approved for community consultation by the Director-General of Planning;
- the gateway determination; and
- any studies relied upon by the planning proposal.

Attachment A outlines the planning proposal process. All mapping associated with the planning proposal is located in Attachment B.

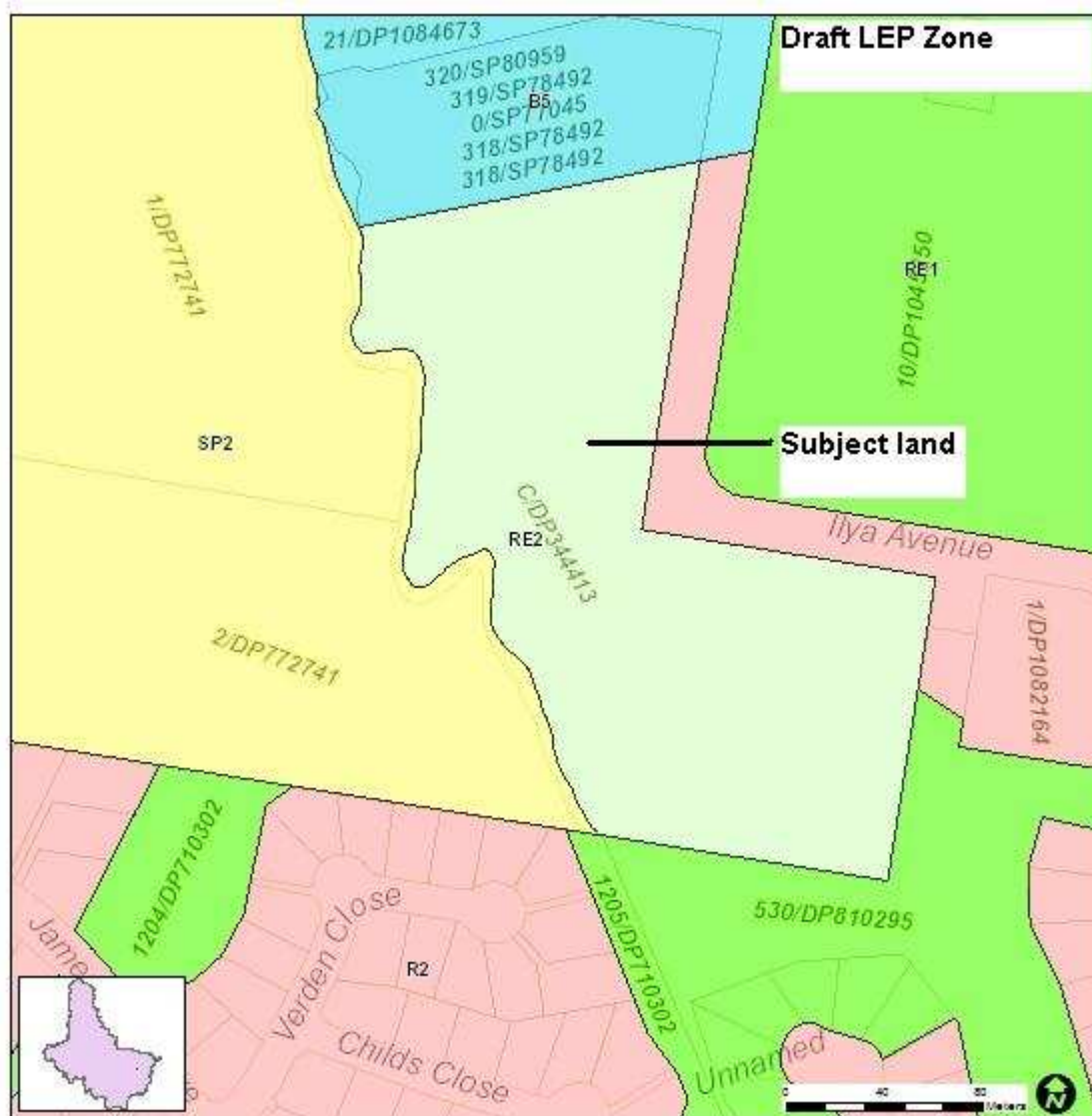
ATTACHMENT B – Planning Proposal Mapping

APPENDIX 1 Locality Map

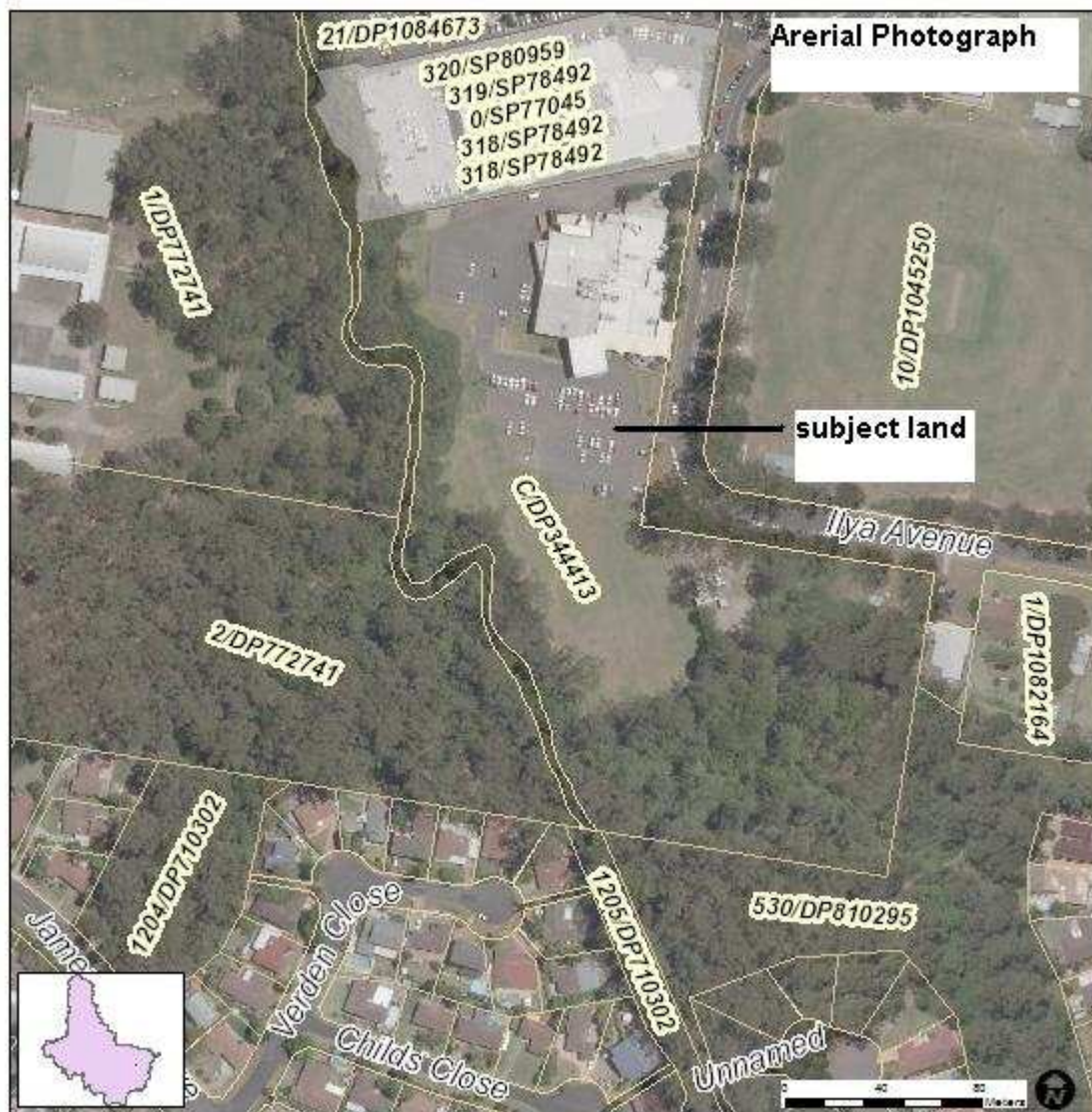


APPENDIX 2 Existing Zoning Map (west of the creek is 5a School and east is 5s Club)

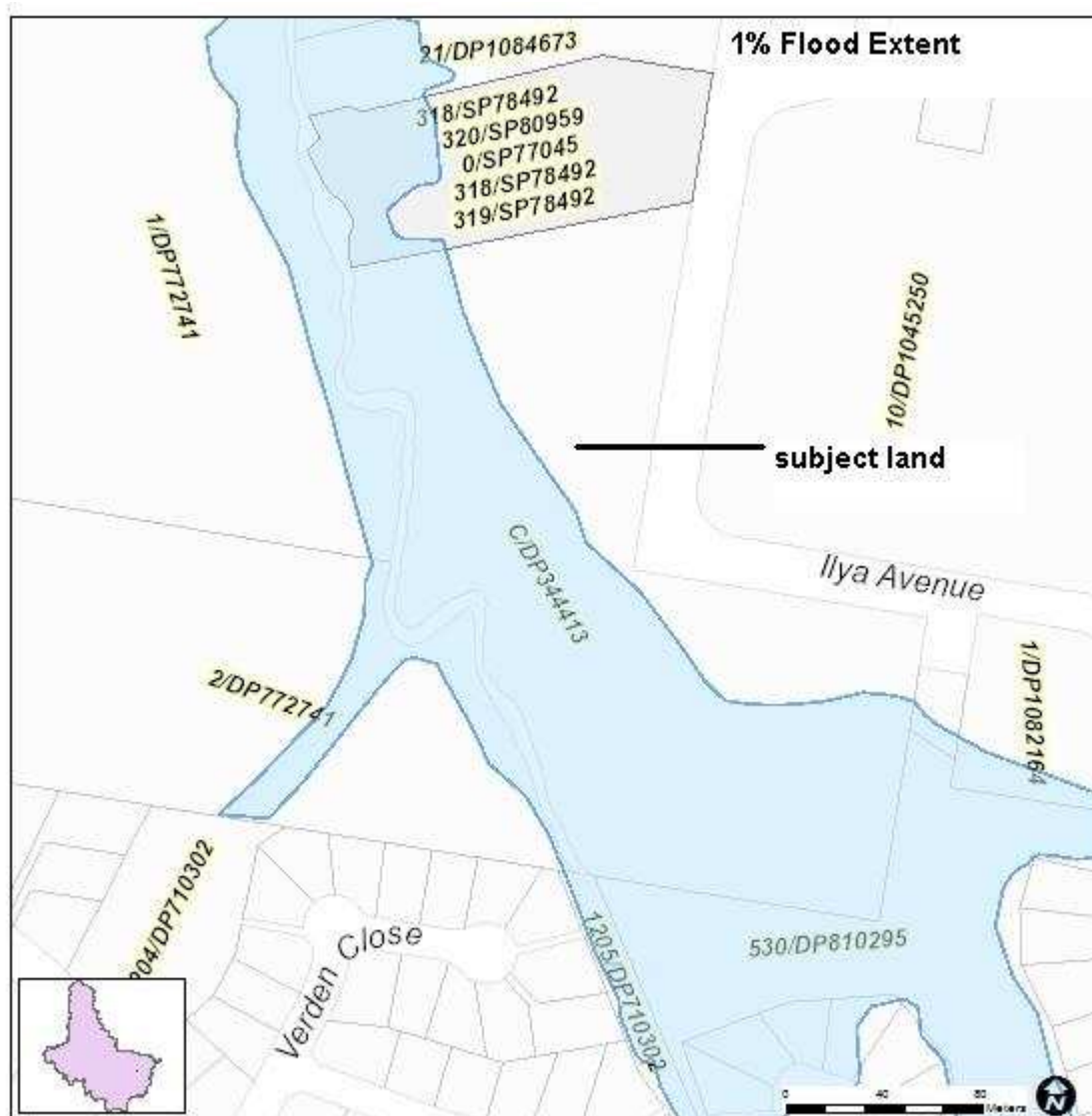
APPENDIX 3 Proposed Zoning under Draft Gosford LEP 2009

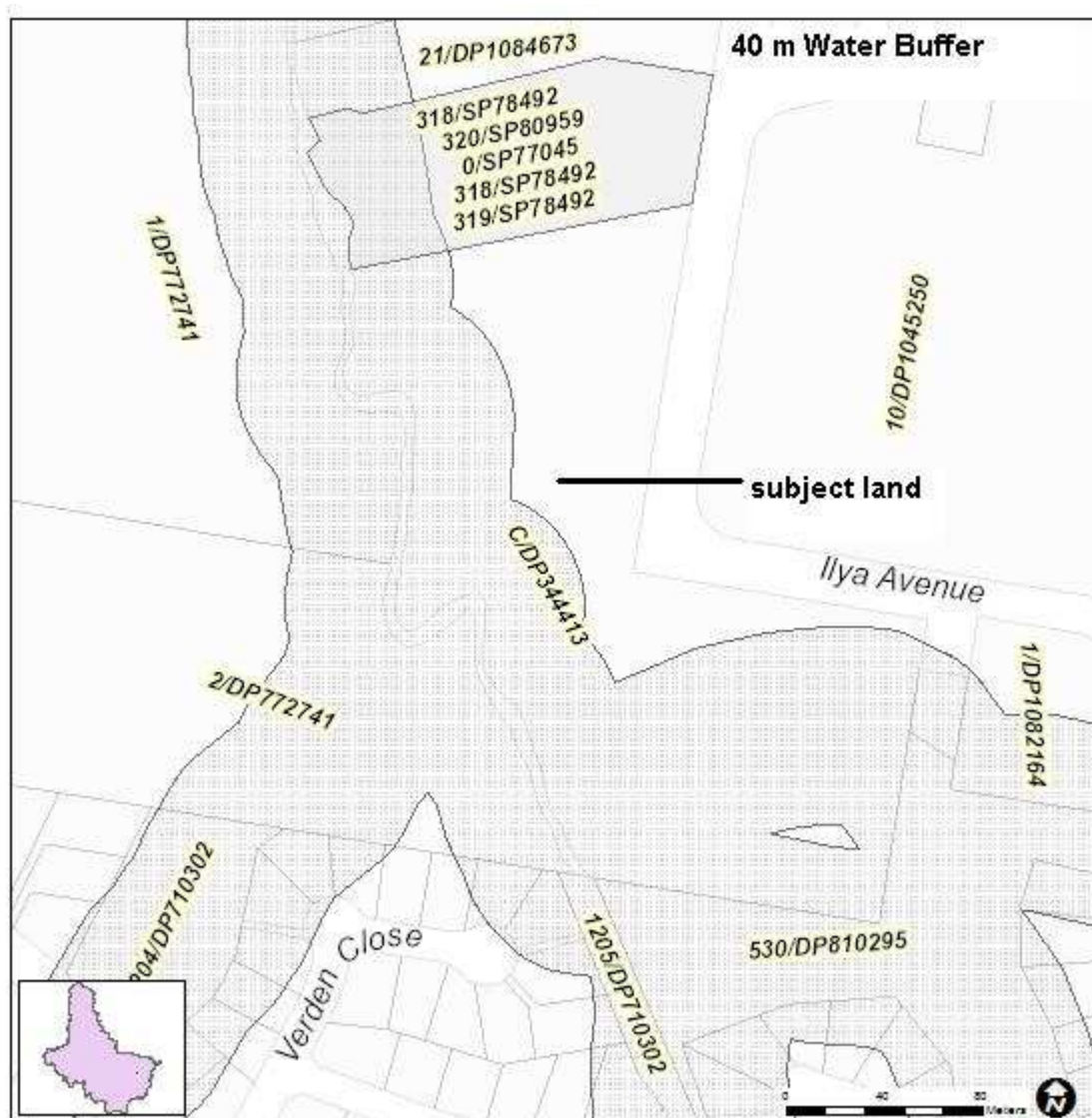


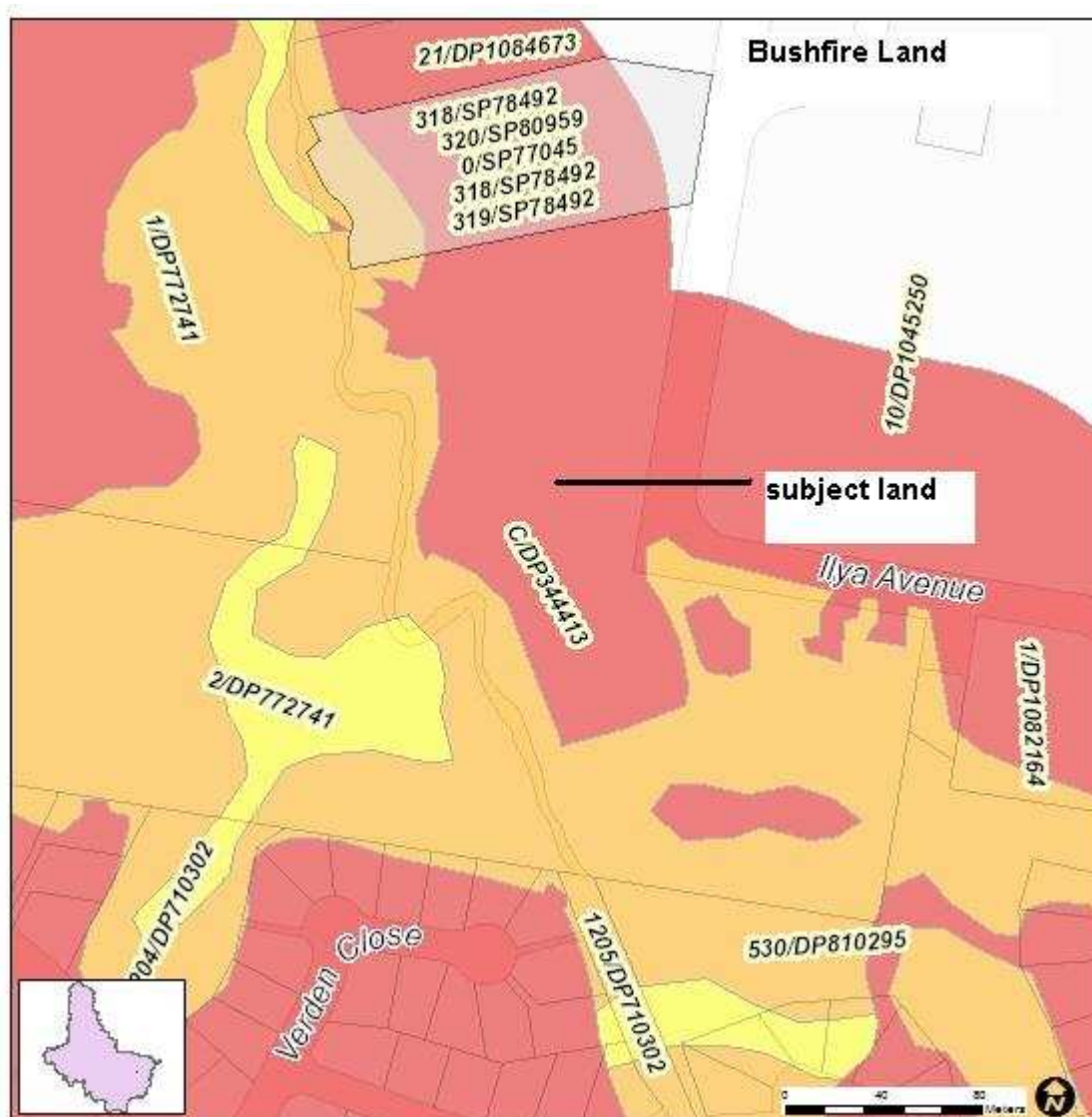
APPENDIX 4 Aerial Photograph

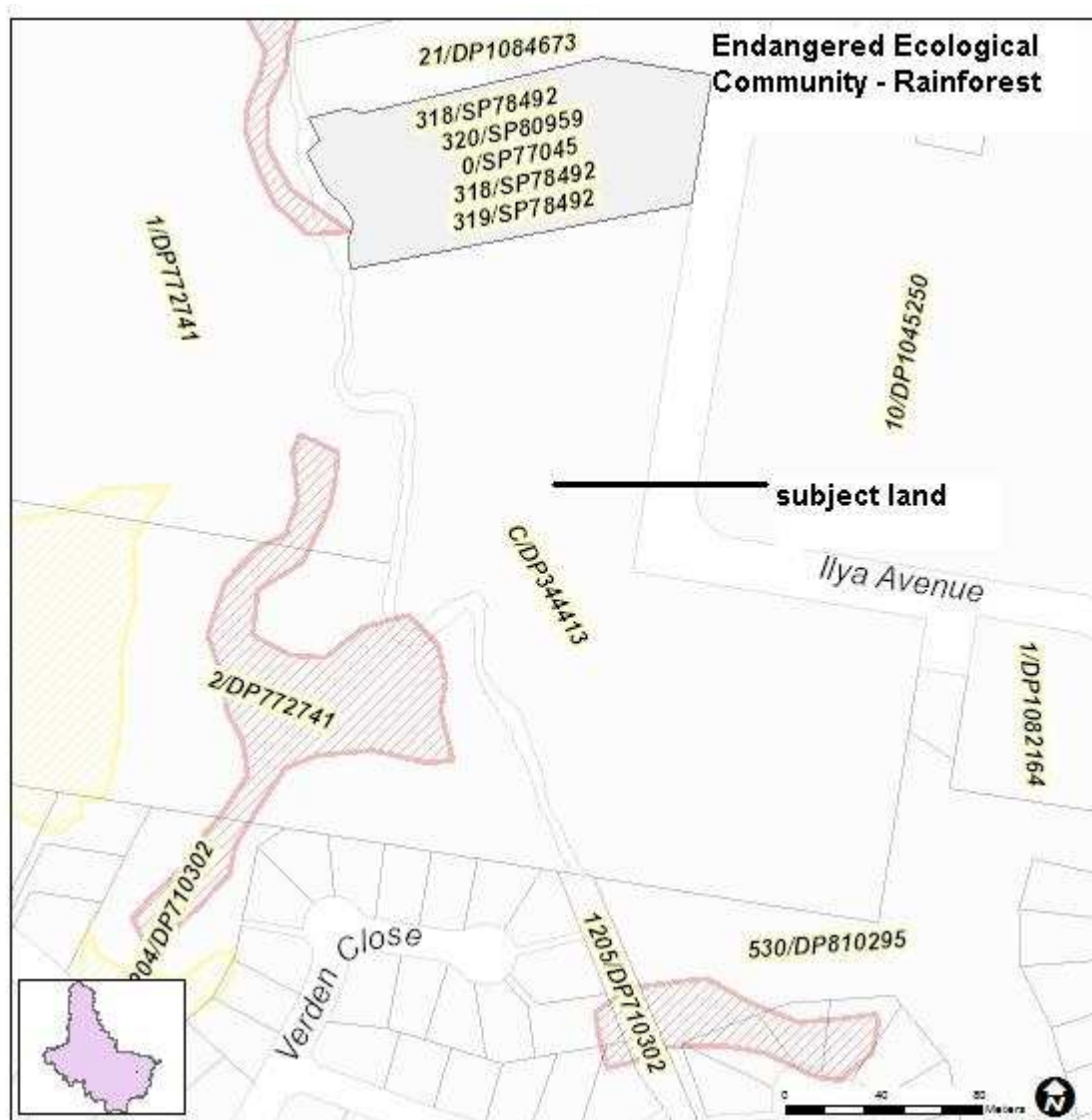


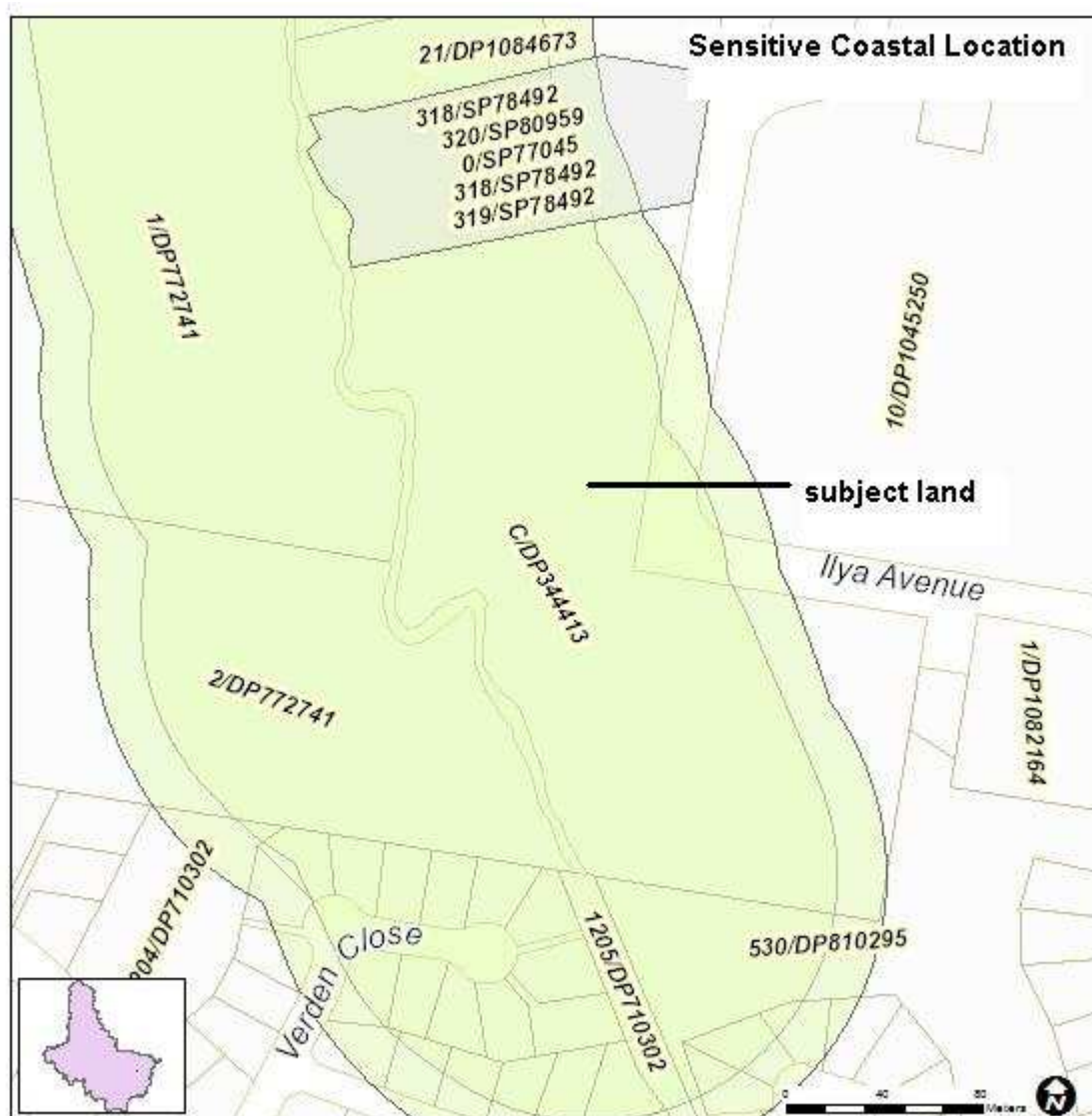
**APPENDIX 5 Relevant Council Dekho mapping layers (eg SEPP 71, SEPP 14, Land Classification)
Proposed LEP Map**











Properties to be Notified of Planning Proposal