

Rezoning at Wycombe Road, Terrigal

Proposal Title : **Rezoning at Wycombe Road, Terrigal**

Proposal Summary : **The proposal seeks to zone Lot 1021 DP 1054632 to R2 Low Density Residential under Gosford Local Environmental Plan (LEP) 2014 and apply the following development standards to the lot:**

- floor space ratio of 0.5:1,
- maximum building height of 8.5m,
- minimum lot size of 650m², and
- include the site on Council's Acid Sulfate Soils Maps

The lot is identified as a deferred matter in Gosford LEP 2014 and is currently zoned 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) under Interim Development Order (IDO) No 122.

PP Number : **PP_2014_GOSFO_007_00** Dop File No : **14/09398**

Proposal Details

Date Planning Proposal Received :	25-Jun-2014	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 :	24 Wycombe Road		
Suburb :	Terrigal	City :	
Land Parcel :	Lot 1021 DP1054632		
		Postcode :	

DoP Planning Officer Contact Details

Contact Name : **Glenn Horal**
 Contact Number : **0243485009**
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RPA Contact Details

Contact Name : **Bruce Ronan**
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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) :	0.83	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	12
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

Have there been
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes : Additional information was requested from Council regarding delegation to make the plan
and agency consultation. This information was received on 25 June 2014.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : Council has stated its objective is to zone the land R2 to reflect the land's proximity to
residential zoned land and the physical attributes. The statement should also identify the
rezoning will enable development for residential purposes and should be updated prior to
public exhibition.

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

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

Comment : Council has identified the outcome will be achieved by amending the following maps
applicable to the lot under Gosford LEP 2014.

- Land Zoning Map (include the site in the R2 - Low Density Residential zone)
- Floor Space Ratio Map (include the site in area D (FSR 0.5:1))
- Height of Buildings Map (include the site in area I (height of 8.5m))
- Lot Size Map (include the subject site in area O (lot size 650m2))
- Acid Sulfate Soils Map (include site in class 5)

The 'explanation of provisions' should identify the land is a deferred matter under Gosford
LEP 2014 and an amendment to the Gosford LEP 2014 Land Application Map is required.

Council also needs to identify in this section the land is zoned 7(c2) under Interim Development Order No 122 with a 2 hectares minimum lot size so the community is aware of the proposed changes.

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

2.1 Environment Protection Zones

2.2 Coastal Protection

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

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

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 :

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The mapping is considered sufficient. Council should also include the site in the Gosford LEP 2014 Land Application Map and update the planning proposal accordingly.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council proposed a 28 day community consultation period. Given this is a matter of local planning significance it is recommended consultation be for a minimum period of 14 days.

Additional Director General's requirements

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

If Yes, reasons :

PROJECT TIMELINE

Council anticipates the plan to be finalised in July 2015 (approximately 12 months). The proposal is a minor spot rezoning for infill low density residential development. It is considered Council could achieve finalisation of the proposal within 9 months.

DELEGATIONS

Council resolved to seek delegations for this planning proposal. Given the planning proposal is of local planning significance it is recommended Council be granted delegation to make the plan.

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Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : February 2014

Comments in
relation to Principal
LEP :

Gosford Local Environmental Plan 2014 (Gosford LEP) was notified on 11 February 2014.

Assessment Criteria

Need for planning
proposal :

Council has advised the planning proposal is not the result of a strategic study or report and appears to be initiated by the proponents request for a rezoning.

Council has advised there is another planning proposal under consideration in this locality at Lot 195 DP159566 Willoughby Road which proposes to rezone E3 land to R2 (this has now been submitted to the Department and Council is requesting a Gateway Determination). Council has recognised the rezoning could create precedent for the remaining three lots in the locality (Lot 1022 and 1023 DP 1054632 and Lot 5 DP207799) to seek a rezoning in the future. Council has indicated that should these owners seek to rezone these lots they would be required to submit an application and undertake the necessary studies. Council has indicated the subject planning proposal should not be delayed awaiting submission of these applications.

Although Council's approach is generally supported Council should progress its review of urban fringe zonings as identified in the Department's letter to Council on 25 September 2009 for certification of its Principal Plan given the likelihood of a number of similar applications in the same locality.

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Consistency with strategic planning framework :

ECENTRAL COAST REGIONAL STRATEGY (CCRS)

Council has identified a number of actions in the CCRS that are relevant to the proposal:

- Provide for a mix of housing types
- review the adequacy and accuracy of existing urban boundaries and zonings in fringe areas.
- land to be rezoned for housing is to be located within existing urban areas, MDP areas, areas identified through the preparation of LEPs and Greenfield areas nominated in the North Wyong Shire Structure Plan.

The proposal will provide for low density residential housing, will require a minor amendment to the urban boundary due to its location adjacent to existing urban areas. Council has assessed the proposal against the above actions and considers the proposal to be consistent with the CCRS.

COUNCIL STRATEGIES

Council has identified local strategies that are applicable to the proposal and Council's assessment of consistency with each strategy is provided in brackets.

- Community Strategic Plan - Gosford 2025 (consistent)
- Biodiversity Strategy (consistent)
- Residential Strategy (consistent)
- Draft Residential Strategy (consistent)

Gosford LEP 2014 - Section 65 Certificate

The Department advised Council to undertake a review of urban fringe zonings in accordance with the CCRS and address consistency with the E zone practice note when the Draft Principal Plan was certified for exhibition. Council has advised the urban fringe review is envisaged to comprise the last stage of the E zone review however does not prevent a planning proposal being assessed prior to the completion of the review of urban fringe zones.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

SEPP No 19 — Bushland in Urban Areas

Council has advised the planning proposal is consistent with the SEPP as the majority of the site has been cleared of native vegetation for agricultural and rural purposes. A supporting Flora and Fauna assessment report identified the site provided limited habitat for a small number of threatened and non threatened species. However the study concluded there was not significant habitat for the life cycle of locally occurring species and consequently Council considers the proposal is consistent with the SEPP.

SEPP No 44 — Koala Habitat Protection

Council has advised the site does not contain core or potential Koala Habitat and no further consideration of the SEPP is warranted.

SEPP No 55 — Remediation of Land

Council has identified the land was used as an orchard which is an agricultural or horticultural activity that may cause contamination. Council has advised a preliminary contamination report would be undertaken should a Gateway be issued.

SEPP No 71 — Coastal Protection

The subject land is located approximately 700metres from Terrigal Lagoon. Council has advised the development of the site will not have an adverse effect on the water quality of the lagoon as stormwater runoff is able to be directed to an existing stormwater detention pond where pollutants and excess nutrients are able to be removed prior to release into the natural water system.

S117 DIRECTIONS

The planning proposal is considered to be consistent with all S117 Directions or they are not relevant except where discussed below:

2.1 Environment Protection Zones

The land is zoned 7(c2) and Council proposes a R2 zone. This will result in a reduction of environmental protection standards that apply to the land including the minimum lot size and is inconsistent with the Direction.

Council has provided a Flora and Fauna assessment report prepared in support of the proposal which did not identify any threatened or endangered species on the land. The limited habitat on site was not able to provide any significant habitat for locally occurring threatened species. The Secretary could agree the inconsistency with the direction is justified by the study given there are no environmentally sensitive areas on site.

4.4 Planning for Bushfire Protection

The land is identified as bushfire prone. As required by the Direction consultation is required with the NSW Rural Fire Service before consistency can be determined.

Environmental social
economic impacts :

Environmental

The Flora and Fauna Assessment did not identify any threatened flora and fauna species or EECs on the land however did identify the potential for some mobile threatened species to use habitat on site. The report considered the habitat was not significant for the life cycle of locally occurring threatened species. Council has advised a site inspection confirmed the findings of the report and noted that future DAs would still be subject to assessment under the EP&A Act.

Council has considered the impact on character and scenic quality requirements and found it to be generally consistent with the relevant chapters in its DCP 2013.

Social and Economic

Council has identified the proposal will assist in meeting dwelling targets and contribute to the supply of residential land within the LGA.

Infrastructure

Council has identified the developer should undertake a water and sewer system analysis to identify downstream works that require augmentation. Council also requires investigation into on-site detention methods and possible upgrades required to Council's existing drainage system to minimise adverse effects on adjoining residents.

Assessment Process

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

Timeframe to make LEP : **9 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. :

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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
Covering letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council Report.pdf	Proposal	Yes
Council Resolution.pdf	Proposal	Yes
Flora & Fauna Report.pdf	Study	Yes
Bushfire Report.pdf	Study	Yes
Additional Information.pdf	Proposal	Yes
Evaluation of Delegations.pdf	Determination Document	Yes

Planning Team Recommendation

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

S.117 directions:

- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

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

1. Council update the planning proposal prior to public exhibition as follows:

a. identify in the 'statement of objectives' the rezoning will enable development for residential purposes;

b. identify in the 'explanation of provisions':

- the land is a deferred matter under Gosford LEP 2014 and requires an amendment to the Land Application Map;
- the land is zoned 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) under Interim Development Order No 122;
- the minimum lot size of the site under IDO No 122.

2. Additional information regarding the following matters is to be placed on public exhibition with the planning proposal:

- Water and sewer system analysis;
- Drainage investigation addressing on-site detention of stormwater.

3. Council is to update the planning proposal to include sufficient information to adequately demonstrate consistency with S117 Directions 4.4 Planning for Bushfire Protection.

4. Council is to satisfy the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land and demonstrate the site is suitable for rezoning once

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information on contamination has been obtained.

5. The planning proposal be made publicly available for a minimum of 14 days.

6. Consultation is required with the NSW Rural Fire Service.

7. A public hearing is not required.

8. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

9. Plan-making delegation should be delegated to Council for this planning proposal.

Supporting Reasons : *

Signature:



Printed Name:

GARRY HOPKINS

Date:

2.7.2014