
**TITLE PLANNING PROPOSAL S55 EP&A ACT: Applicant Gat & Associates
in respect of Zoning of Lot 1021 DP 1054632 Wycombe Road Terrigal
from 7(C2) to R2 (IR 15392803)**

Directorate: Environment and Planning
Business Unit: Integrated Planning

The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979

Disclosure of political donations and gifts - s147 Environmental Planning and Assessment Act (EP&A Act).

“A relevant planning application means: (a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site”, i.e. a Planning Proposal. The object of Section 147 is to require the disclosure by a person of relevant political donations or gifts when a relevant planning application is made to Council per s147(4).

No disclosure was made by the applicant.

EXECUTIVE SUMMARY

The subject land, Lot 1021 DP 1054632 Wycombe Road, Terrigal, is currently zoned 7(c2) Conservation and Scenic Protection (Rural Small Holdings). The Planning Proposal seeks to include the land in Gosford LEP 2014 by zoning it to R2 Low Density Residential. This will entail making corresponding amendments to Height of Building Map (i.e. 8.5m), Floor Space Ratio Map (i.e. 0.5:1), Lot Size Map (i.e. 650sqm) and Acid Sulfate Soil Map (i.e. Class 5).

Lot 1021 DP 1054632 is rectangular in shape with a frontage to Wycombe Road of 158m and a width of 53m. The land is generally cleared of vegetation and has a slope of 15% to 20% with an easterly aspect. Under Gosford DCP 2013 the minimum lot size for residential land with slopes between 15% and 20% is 650sqm. To ensure this occurs, the minimum lot size is able to be mapped at 650sqm under Gosford LEP 2014.

The Planning Proposal has a strategic basis because the land is located directly adjacent to the existing urban footprint, is able to be serviced and the proposed zoning to R2 zone is consistent with the zone of adjoining residential land. The visual amenity of rural small holding lots on the opposite (western) side of Wycombe Road will not be affected as they are screened by vegetation on the lots and within the road reserve.

BACKGROUND

Reason for Referral to Council: This report discusses merits for Council's consideration and decision of whether or not to prepare a Planning Proposal (PP) *(which, if supported by Department of Planning & Environment would result in an amending LEP)*, pursuant to Section 55 Environmental Planning & Assessment Act, 1979 (State).

Application Received: 5 March 2014

Environmental Planning Instrument – Current Zone: Zone No 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) under Interim Development Order No 122 – Gosford.

Area: 8412m²

Recommendation: for support

Map:



Lots 1022 and 1023 DP 1054632

The level of capital investment (ie housing development) that has occurred on these properties together with the presence of endangered ecological communities on the land may inhibit future subdivision of these sites. Nevertheless, the owners are entitled to lodge an application for rezoning for Council's consideration.

Progression of this planning proposal for Lot 1021, should not be delayed as Council is not aware of any proposal by the owners to rezone Lots 1022 and/or 1023.

Additional information is provided under point 3 b later in this report.

Landuse History:

In 1968, the subject land was zoned 1(b) Non-Urban under the Gosford Planning Scheme Ordinance.

In 1979, the subject land was zoned 7(c2) Conservation and Scenic Protection (Rural Small Holdings) under Interim Development Order (IDO) No 122. The zone has remained unchanged since then.

In 1983, the adjoining land to the east was zoned 2(a6) Residential under Sydney Regional Environmental Plan No 6 – Gosford Coastal Areas.

In 1988, the adjoining land to the east was zoned 2(a) Residential under Local Environmental Plan No 200.

In 1998, the adjoining residential subdivision was registered and construction of the dwelling houses commenced.

In 2003, the subject lot (Lot 1021 DP 1054632) was created as part of a three lot subdivision of a 7(c2) zoned parcel of land. The other two 7(c2) zoned lots have since had dwelling houses erected on them. The subject land is vacant.

In 2014, the adjoining land to the east was zoned R2 Low Density Residential under Gosford Local Environmental Plan 2014. The subject site was deferred from this Plan so remains zoned 7(c2) under IDO No 122.

Overview of Applicant's Submission:

This Report has been prepared to explain the intended effect of, and justification for, a Planning Proposal in relation to Lot 1021 in DP 1054632 Wycombe Road, Terrigal.

This Planning Proposal seeks to have the subject site rezoned to R2 Low Density Residential under Gosford Local Environmental Plan 2014.

The subject site is currently zoned as a "Deferred Matter" under the new Gosford Local Environmental Plan 2014, which came into legal effect on 11 February 2014. As such, the previous zoning of 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) under the Gosford Interim Development Order No. 122 is still applicable.

There is currently a review of the E zones being undertaken, however Council is unable to give an indication of when this will be completed.

Therefore, we have submitted this Planning Proposal seeking a review of the subject site, as we believe this site is not typical of the broader environmental management plan. The site is of low ecological value and its location next to an existing residential zone means the rezoning makes sense in terms of strategic planning.

Changing the zoning of the site to residential is appropriate, as the site is not constrained by flooding, bushfire or ecological issues, and the site has access to services and infrastructure.

The Planning Proposal will contribute to increased housing. The Central Coast Regional Strategy 2006-31, released by the NSW State Government, has set a target of 2,000 dwellings to be provided on in-fill sites within Gosford. Gosford Council has also identified the need for providing increased affordable and adaptable housing within the Gosford Local Government Area.

The rezoning of the subject site will assist in meeting these targets.

The issues raised in the applicant's submission have been considered in the assessment of the proposal.

'Gateway' planning process

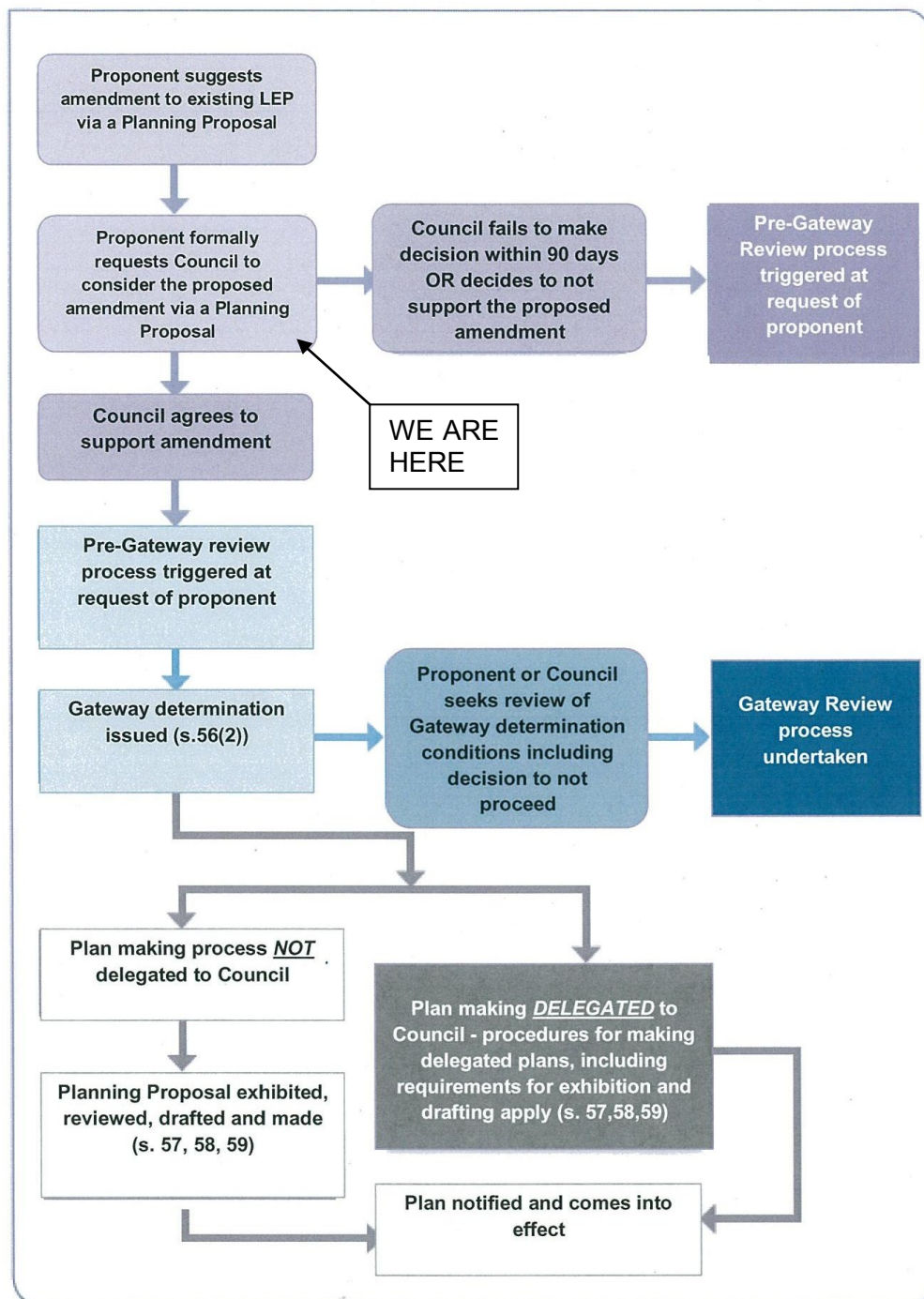
A Local Environmental Plan (LEP) is a legal instrument that imposes zoning of land, standards to control development and other planning controls.

A Planning Proposal application is the mechanism by which a LEP is amended.

The aim of the Gateway planning process is to enable early consideration by the Department of Planning & Environment (DP&E) and if supported then early public consultation. The Gateway process ensures that there is sufficient justification from a planning perspective to support a change to statutory planning provisions. The Gateway therefore acts as a checkpoint before significant resources are committed to carrying out technical studies, where these may be required.

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

LEP plan making process



PLANNING PROPOSAL ASSESSMENT

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 under Section 56 of the Environmental Planning and Assessment Act is requested from the DP&E.

Part 1 Objectives or Intended Outcomes

s.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 zone the Lot 1021 DP 1054632 Wycombe Road, Terrigal to R2 Low Density Residential as it appropriately reflects the land's proximity to residential zoned land and physical attributes.

Part 2 Explanation of Provisions

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

The objectives/intended outcomes are to be achieved by amending the following maps under Gosford LEP 2014 as they relate to Lot 1021 DP 1054632:

Land Zoning Map (LZN_017B)

- include subject site in R2 Low Density Residential zone

Floor Space Ratio Map (FSR_017B)

- include subject site in area D (i.e. FSR of 0.5:1)

Height of Building Map (HOB_017B)

- include subject site in area I (i.e. height of 8.5m)

Lot Size Map (LSZ_017B)

- include subject site in area O (i.e. lot size of 650 sqm)

Acid Sulfate Soils Map (ASS_017B)

- include subject site in Class 5

Currently there is no classification O (650sqm) in the minimum lot size mapping layer of Gosford LEP 2014. It is considered that such a classification is required because the subject site has a slope of 15% to 20% which, under Chapter 3.5 Residential Subdivision of Gosford DCP 2013, is required to have a minimum lot size of 650sqm. Hence to ensure consistency between the LEP and DCP it is reasonable to map the minimum lot size as 650sqm. Such a requirement will permit a maximum number of 12 residential lots, provided the minimum lot width of 18m is able to be achieved.

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 A to this report contains all relevant mapping to the Planning Proposal.

Part 3 Justification for objectives & outcomes

s55(2)(c) The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117).

Section A Need for the Planning Proposal

1 Is the Planning Proposal a result of any strategic study or report?

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?

The Planning Proposal is the only means of achieving the objectives/intended outcomes of rezoning the land.

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)?

Regional strategies include outcomes and specific actions for a range of different matters relevant to the region. In all cases the strategies include specific housing and employment targets also. The Central Coast Regional Strategy 2006 – 2031 is applicable to the subject land and the proposed rezoning. The Planning Proposal will assist Council in meeting the targets set by the State Government in the Regional Strategy for provision of housing. This Planning Proposal is consistent with the following objectives/actions contained within the Regional Strategy:

- 4.2 Councils are to provide for a mix of housing types, including housing that will accommodate an aging population and smaller household sizes through the preparation of LEPs and strategies.
- 4.5 Councils are to review their current residential development strategies, including a review of the adequacy and accuracy of existing urban boundaries and zonings in fringe areas, through the preparation of principal LEPs.
- 4.6 Land to be rezoned for housing during the life of this Strategy is to be located within existing urban areas, existing MDP (Metropolitan Development Program) areas, areas identified through the preparation of LEPs and Greenfield areas nominated in the North Wyong Shire Structure Plan.

Overall Council is providing a mix of housing types in the R1 and R2 zones in accordance with Action 4.2. This Planning Proposal seeks to contribute to the stock of single detached dwellings characteristic of the R2 zone. The proposed residential zoning of the subject land is a minor amendment to the urban boundary and therefore satisfies Action 4.5. The subject land is located directly adjacent to an existing Residential zone, thus is considered to be within an urban area in accordance with Action 4.6.

3a Does the proposal have strategic merit and is it consistent with the Regional Strategy and Metropolitan Plan, or can it otherwise demonstrate strategic merit in light of s117 Directions?

The Planning Proposal has strategic merit in that it will ensure the zoning of the land is consistent with that of adjoining properties and the physical characteristics of the land. The proposal is consistent with the Central Coast Regional Strategy (see Question 3 above) and Section 117 Directions (as addressed below).

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 proposed residential zoning of the subject land is compatible with the adjoining residential subdivision to the east. There are no significant environmental values on the site that would preclude it from being used for residential land. The land has a gradient of 15-20% which, according to the Gosford DCP 2013, requires a minimum lot size of 650sqm. The existing road system is able to accommodate the additional traffic generated by this planning proposal (i.e. potentially 12 lots) and the utility services are able to be augmented to handle the increased demand.

Wycombe Road is a rural road with a sealed centre strip and dirt shoulders and links Willoughby Road with Beaufort Road. It currently serves five (5) rural-residential dwellings. If Lot 1021 DP 1054632 is zoned to Residential it could potentially be developed for 12 residential lots which will triple the number of vehicles currently using the road. The road is able to accommodate the additional traffic and if the unformed road shoulders are able to be retained at the development application stage, the rural character of the road will be maintained.

There is another Planning Proposal under consideration in this locality, namely Lot 195 DP 159566 Willoughby Road. It is proposed to zone this lot from E3 Environmental Management to R2 Low Density Residential. Between this lot and the subject land are three (3) lots currently zoned 7(c2), namely, Lots 1022 and 1023 DP 1054632 and Lot 5 DP 207799. Should these Planning Proposals proceed it is likely to create a precedent for the remaining three (3) 7(c2) zoned properties on the eastern side of Wycombe Road to seek a residential zone in future. Should the owners of these lots wish to rezone their properties they are able to submit an application and undertake the necessary studies. The subject Planning Proposal should not be delayed awaiting the submission of these applications which may or may not be forthcoming given the level of capital investment and Endangered Ecological Communities (EECs) on the land.

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

Community Strategic Plan – Gosford 2025

The *Community Strategic Plan – Gosford 2025* applies to the subject land. The following strategies outlined in the Community Strategic Plan are applicable to this Planning Proposal:

A3.4 Increase the availability of appropriate housing

B6.3 Plan for population growth within existing developed footprint

The Planning Proposal is consistent with these strategies because the proposed R2 zone increases the availability of housing and the subject land is generally located within the existing developed footprint.

Biodiversity Strategy

The subject site does not accommodate significant vegetation. However, the following Action is applicable to the Planning Proposal:

- 7 Focus development around existing urban centres to maintain the urban development in the existing urban footprint to protect agricultural and environmentally sensitive lands.

The Planning Proposal is consistent with this Action in that it proposes to zone land for residential purposes generally within the existing urban footprint.

Residential Strategy

The Residential Strategy has the following Action applicable to this Planning Proposal which is to zone the subject site to R2 Low Density Residential:

- Proposed rezoning for low density residential land will be preferred where the result is the consolidation of existing residential zoned areas, rather than the extension of these zones as ribbon development or as incremental extensions into adjoining areas.

The Planning Proposal is an example of urban consolidation as it seeks to rezone a vacant site to the residential zone applying to adjoining lots. It is contained on the eastern side of Wycombe Road, thereby not incrementally extending into adjacent 7(c2) zoned areas.

Draft Residential Strategy

Under the draft Residential Strategy, the applicable Objectives, Goals and Actions are:

- Objective – ensure adequate supply of land and sites for residential development
- Goal – locating housing supply to minimise impact on physical characteristics and infrastructure
- Action - Council ensure all rezoning applications involving a residential component maintain the existing urban footprint.
- Objective – plan for a mix of housing near jobs, transport and services
- Goal – concentrating new housing near major transport and service hubs

The Planning Proposal provides additional residential land, hence housing supply, to the market. The future use of the site will not change the physical characteristics of the locality and is able to be serviced by existing utilities and infrastructure. The Planning Proposal applies to land generally within the existing urban footprint.

The site is located 330m from a bus service that operates on Willoughby Road and accesses Terrigal Town Centre, Erina Fair and Gosford. It is likely that most future

residents will have a private vehicle. However, public transport is available should it be required by the residents.

Section 65 Certificate for Draft Gosford LEP

On 25 September 2009 the DP&E advised Council in the Section 65 Certificate relating to the Draft Gosford LEP, to undertake the following matters after the Plan is gazetted:

- 2.4 Review of urban fringe zonings in accordance with CCRS (Central Coast Regional Strategy).
- 2.5 Address consistency with E zone practice note (PN09-002) and amend zones and other planning provisions as required.

The E zone review was held pending gazettal of Gosford LEP 2014 and the imminent any new State planning legislation. Also the Council resolution of 31 May 2011 to defer all privately owned 7(a) and 7(c2) zoned land east of the Freeway to allow the bonus lots provisions relating to the COSS to continue to operate for five years, has further delayed this E zone review. The urban fringe review is envisaged to comprise the last stage of this E zone review.

When the Draft Gosford LEP was placed on public exhibition in 2010, the applicant made a submission relating to Lot 1021 DP 1054632. Council's response, which was included in the Report considered by Council on 31 May 2011, is set out below:

Being located on the fringe of existing residentially zoned land, it is recommended that this lot, together with Lots 1022 and 1023, be included in the review of fringe lands.

There is nothing to prevent a Planning Proposal being submitted and assessed prior to the review of urban fringe zones.

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

The following assessment is provided of the relationship of the planning proposal to relevant State Environmental Planning Policies. No other SEPP has application to this planning proposal.

SEPP No 19 - Bushland in Urban Areas

The general aims of this Policy are to protect and preserve bushland within urban areas because of its value to the community as part of the natural heritage, its aesthetic value, and its value as a recreational, educational and scientific resource. When preparing draft local environmental plans for land, other than rural land, the council shall have regard to the aims of the Policy, and 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 majority of the subject land has been historically cleared of native vegetation through use of the land for agricultural and rural purposes. The remaining native vegetation mostly consists of scattered trees generally comprising of Blackbutt, Blue Gum, Cheese Tree and Wattle species.

A Flora and Fauna Assessment Report submitted in support of this application did not identify any threatened flora and fauna species or endangered ecological communities on the land. The report acknowledged limited habitat from a small number of highly mobile threatened and non threatened species although this habitat was deemed not to provide any significant habitat for the life cycle of locally occurring threatened species. Consequently the Planning Proposal is consistent with the general and specific aims of this Policy.

SEPP No 44 - Koala Habitat Protection

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:

- a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and
- b) by encouraging the identification of areas of core koala habitat, and
- c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.

The Flora and Fauna Assessment accompanying the application states that no Koala feed tree species listed under Schedule 2 of SEPP 44 occur on the site and as such the site does not constitute 'Potential Koala Habitat' as defined under Clause 4 of SEPP 44. This Assessment further states:

No Koalas were directly observed at the time of fauna survey, which included diurnal searches of trees and spotlighting. In addition, there was no secondary evidence of Koala habitation in the area including characteristic scratches on trees and scats beneath trees.

As the subject land does not contain core koala habitat nor does the site exhibit potential koala habitat, no further consideration of SEPP 44 is deemed warranted.

SEPP 55 - Remediation of Land

The SEPP requires council to consider whether the land is contaminated, if it is suitable in its contaminated state or whether remediation is required from previous land uses as identified in Table 1 of the Contaminated Land Planning Guidelines. Consideration has to be given as to whether or not the land is contaminated and if so that Council is satisfied that the land is suitable in its contaminated state for the future use or requires remediation.

SEPP 55 lists some activities that may cause contamination, one of which is agricultural or horticultural activities. Council's historical aerial photographs indicate that the subject land has been cleared since 1954. By 1964 most of the subject land was used as an orchard and by 1986 the orchard was in a state of neglect. By 1991 only regrowth was evident in the area previously used for orcharding. As the land has been used for agricultural and horticultural activities a preliminary contamination assessment is to be undertaken should the Gateway approve the Planning Proposal.

SEPP 71 - Coastal Protection

The "coastal zone" is generally 1km landward of any coastal water, bay, estuary, coastal lake or lagoon and the boundary is to be shown to the nearest cadastral boundary. All of

the subject land is within the coastal zone. Under SEPP 71 the relevant "matters for consideration" are:

- the suitability of development given its type, location and design and its relationship with the surrounding area,
- likely impacts of development on the water quality of coastal waterbodies,
- only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.

The subject site is located directly adjacent to an existing residential subdivision hence the future development on the site will be compatible with built form in the surrounding area and will serve to retain the compact nature of the urban boundary in this locality.

The subject land is approximately 700m from Terrigal Lagoon and the adjoining residential subdivision is located between the subject site and the lagoon. Development of the subject site will not have an adverse effect on the water quality of Terrigal Lagoon as all 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.

6 Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following assessment is provided regarding the consistency of the Planning Proposal with relevant Section 117 Directions applying to planning proposals lodged after 1 September 2009. S117 Directions are only discussed where applicable. The Planning Proposal is consistent with all other S117s Directions or they are not applicable.

Direction 2.1 Environmental Protection Zones

Clause (4) of the Direction requires the Planning Proposal to include provisions that facilitate the protection and conservation of environmentally sensitive areas. A Planning Proposal that applies to land within an environmental protection zone or land otherwise identified for environmental protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).

The Flora and Fauna Assessment Report, which was prepared in support of this Planning Proposal, did not identify any threatened flora and fauna species or endangered ecological communities on the land. The report acknowledged limited habitat from a small number of highly mobile threatened and non threatened species although this habitat was deemed not to provide any significant habitat for the life cycle of locally occurring threatened species. Such a report is consistent with the objective of this direction which is to protect and conserve environmentally sensitive areas, of which there is none on this site.

Direction 2.2 - Coastal Protection

This Direction requires a planning proposal to include provisions that give effect to and are consistent with:

- (a) the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, and
- (b) the Coastal Design Guidelines 2003, and

- (c) the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990).

The *NSW Coastal Policy* sets out the following goals relevant to the Planning Proposal:

- Protecting, rehabilitating and improving the natural environment of the coastal zone.
- Protecting and enhancing the aesthetic qualities of the coastal zone.
- Providing for ecologically sustainable human settlement in the coastal zone.

The subject land is generally cleared of native vegetation so the rezoning to allow closer human settlement is ecologically sustainable. The aesthetic qualities of the coastal zone are maintained as the subject land adjoins an area already used for low density residential development.

The *Coastal Design Guidelines* relate to design of dwellings and location of new settlements and is relevant to this Planning Proposal. The following objectives are relevant to this Planning Proposal:

- To protect and enhance the cultural, ecological and visual characteristics of a locality.
- To limit coastal sprawl by establishing separation and greenbelts between settlements.
- To integrate new development with surrounding land uses.
- To encourage new coastal settlements to be appropriately located.
- To create neighbourhoods centred around services and facilities.

The subject land adjoins an existing residential subdivision thus future development will be visually consistent with the residential character of the area and integrate with the adjoining land use. The Planning Proposal will retain the greenbelt between the urban areas of Terrigal and surrounding suburbs.

The *NSW Coastline Management Manual* provides "information to assist present and potential users and occupiers of the coastline to understand the nature of coastline hazards and the options available for their management." "Hazards peculiar to the coastline must be recognised in the design of new developments, in the planning of changed land use patterns and in the protection of present developments at risk." As the site is not subject to immediate coastal processes it is not relevant to the Planning Proposal.

Direction 3.1 - Residential Zones

This Direction applies when a planning proposal affects land within an existing or proposed residential zone. The draft LEP shall include provisions that will broaden the choice of building types, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing on the urban fringe and be of good design. The Direction also requires that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it).

The proposed R2 zone is consistent with the zoning of residential land in the locality and will make efficient use of existing infrastructure and services in the locality. The low density residential zone will not permit the broad range of housing types as is permitted in the medium density residential zones. However, such housing is considered unsuitable for this site as it is not located close to centres as specified in the CCRS.

The Planning Proposal to rezone the land will permit the range of housing permitted in the R2 zone such as dwelling houses, seniors housing (under LEP 2014 and SEPP Housing for Seniors or People with a Disability) and secondary dwellings (under LEP 2014 and SEPP Affordable Rental Housing). However, given the gradient of the site and its location away from major centres it is unlikely that the land would be used for substantial development such as seniors housing.

The requirements relating to servicing (outlined above) are to be satisfied by Council's requirement for the applicant to carry out a water and sewer systems capacity analysis for the design and full cost of any augmentation to both water supply and sewerage reticulation systems required as a result of extra loading from the proposed development for the proposed R2 Low Density Residential zoning over Lot 1021 DP 1054632 (subject to Gateway support).

Direction 3.4 - Integrating Land Use and Transport

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- (a) *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001), and
- (b) *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

These documents have objectives to:

- locate trip-generating development which provides important services in places that:
 - help reduce reliance on cars and moderate the demand for car travel
 - encourage multi-purpose trips
 - encourage people to travel on public transport, walk or cycle
 - provide people with equitable and efficient access
- minimise dispersed trip-generating development that can only be accessed by cars

The site is located within walking distance (i.e. 330m) from a bus service that operates on Willoughby Road and accesses Terrigal Town Centre, Erina Fair and Gosford. It is likely that most future residents will have a private vehicle. However, public transport is available should it be required by the residents.

Direction 4.1 Acid Sulfate Soils

This Direction applies when a Council prepares a draft LEP that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.

The Acid Sulfate Soils Planning Maps indicate that the subject land is within Class 5. As the site is 21m to 36m AHD there is no likelihood that acid sulphate soils will be present. The Acid Sulfate Soil layer in the Gosford LEP 2014 is to be updated accordingly as part of this Planning Proposal.

Direction 4.4 Planning for Bushfire Protection

This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination.

The subject land is classified as Rural Fire Service Bushfire Category 1 and Vegetation Buffer. Should Council and the Gateway support the Planning Proposal, then the gateway determination would require consultation with the Rural Fire Service.

Direction 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 Question 3 above.

Direction 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.

Direction 6.3 – Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The Planning Proposal must use an existing zone already applying in an environmental planning instrument and not impose any development standards in addition to those already contained in the environmental planning instrument. The proposal shall not contain or refer to drawings/concept plans that show details of the proposed development.

The Planning Proposal uses existing zones, floor space ratio, height of building and lot size requirements set out in the Standard Instrument LEP. It is therefore consistent with this Direction

Section C Environmental, social and economic impact

7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Bells vegetation mapping identifies the vegetation on site as Disturbed Regrowth. This is consistent with Council's historical aerial photographs which indicate regrowth occurring since the 1980s.

A Flora and Fauna Assessment Report submitted with the application did not identify any threatened flora and fauna species or endangered ecological communities on the land. The report acknowledged limited habitat from a small number of highly mobile threatened

and non threatened species although this habitat was deemed not to provide any significant habitat for the life cycle of locally occurring threatened species. An inspection of the site confirmed the findings of the Flora and Fauna Assessment Report.

It should be noted that future lot layout and subsequent development of this land for residential purpose will be subject to a merit based development assessment that will include the requirement to address *Section 5A* under Part 4 of the *EP&A Act 1979*.

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

Character

Chapter 2.1 Character of Gosford DCP 2013 identifies the subject land in Character Precinct 11 – Rural Hamlets. The existing character is:

Rural residential allotments of one to two hectares, on gentle to moderate slopes that have been substantially cleared, but surrounded by perimeters of woodland along ridges and common boundaries that form scenically-prominent backdrops.

A secluded and casual rural atmosphere is provided by narrow local access roads with unformed edges, often hemmed by tall forest remnants, running straight across undulating hillsides, or meandering along ridgetops. Open front paddocks along the street frontages allow vistas towards the woodland backdrops.

The desired character of the area is:

These should remain rural-residential buffers between surrounding urban areas, where the scenically-distinctive qualities and amenity of existing secluded settings are preserved by very low density residential development plus low-impact rural activities or businesses that are associated with a dwelling.

Retain natural slopes and prevent further fragmentation of the tree canopy in order to maintain habitat values and informal scenic characters of hillside or valley properties, plus meandering roads with unformed verges. Along creeks, ridges, slopes or road frontages, conserve all mature bushland remnants that provide scenically-prominent backdrops visible from any road or nearby property. Limit intrusion of structures upon their landscape setting by concentrating new buildings in existing clearings, and using low-impact construction such as suspended floors and decks rather than extensive cut-and-fill, particularly on elevated slopes or near bushland.

Even though the subject land is included in the Rural Hamlet character precinct, the site is not secluded as it is generally cleared and can be viewed from Wycombe Road and from the residential dwellings in the adjoining subdivision to the east.

The dwellings on the rural small holding lots on the opposite side of Wycombe Road are well screened from Wycombe Road by dense vegetation on the lots and in the road reserve. Consequently any future residential scale development on the subject land will not be visually intrusive for the residents on the western side of Wycombe Road.

Should the Planning Proposal be successful and the zoning of the land altered to Residential, Gosford DCP 2013 will have to be amended to align the Character Precinct boundary with the new zone boundary. The subject land will be in Terrigal Character Precinct 3 – New Estates.

Scenic Quality

Chapter 2.2 Scenic Quality of Gosford DCP 2013 identifies the subject land as being within the North Coastal Geographic Unit and in the Terrigal Landscape Unit. The Terrigal Landscape Unit is of Regional Significance. The rural-residential hinterland occupies higher ground in the landscape unit and provides a natural backdrop to the unit and a contrast to highly urbanised sections of the unit. The absorption capacity for future development is moderate to high for residential uses on lower slopes, lower on the upper slopes and ridges and low on the beach front, headland slopes and lagoon areas.

The development objectives applicable to this Planning Proposal are:

- Opportunities for increases in densities and scale are available in areas not subject to visibility constraints or other physical constraints. Visually constrained areas include land along beach front, sand spit at Terrigal, headlands and lagoon frontages as well as along main roads within Environmental Conservation and Environmental Management/scenic protection and conservation zoned areas and within Environmental Conservation and Environmental Management/scenic protection zoned areas and conservation zoned areas.
- Proposals for residential and retail/commercial rezonings be preferred where the result will be the consolidation of existing residential and retail/commercial zoned areas rather than the extension of these zones as either ribbon development or as incremental extensions into adjoining areas.

Even though the subject land is in an area zoned Conservation and Scenic Protection there is an opportunity for an increase in density and scale as the site abuts a residential subdivision on two sides which compromises the amenity of the conservation and scenic protection zoned site. As the land is generally cleared it has the appearance of a vacant residential lot and hence the Planning Proposal represents a rationalisation of the residential boundary rather than an incremental extension into an adjoining area. Furthermore Wycombe Road serves as a boundary dividing the residential land to the east from the rural small holdings to the west. This division is emphasised by the fact that the dwellings on the western side of Wycombe are visibly screened from Wycombe Road and the residential development on the eastern side by dense vegetation on the rural small holding lots.

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

The Central Coast Regional Strategy sets a target of 2000 dwellings to be provided on infill development sites within Gosford LGA. The Planning Proposal will contribute to the supply of residential land and therefore satisfying this target.

The implication of not proceeding at this time is to wait for the E zones review and the urban fringe review required by the Department of Planning & Environment to be undertaken by Council.

Section D State and Commonwealth interests

10 Is there adequate public infrastructure for the Planning Proposal?

Water and Sewer

Water and sewer is available to the land. However, connection of residential zoned land to these systems will require system analysis and availability of capacity to service the development.

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 less than 5% of capacity of the respective water or sewer systems.

Traffic

The current road system could support the Planning Proposal. The main feeder road, Willoughby Road, has recently been provided upgraded access with the installation of traffic signals at its intersection with Central Coast Highway.

The main access roads onto Willoughby Road for the Wycombe Road catchment are via Fairway Drive (existing right turn bay) and via Beaufort Road. These roads can accommodate the additional traffic generated by future residential development on the subject land.

Given the subject land frontage is on the low side of Wycombe Road then a barrier kerb across the frontage of the site may not be required for drainage collection or control of parking. However, this will be determined at development application for subdivision. The typical full road width of Wycombe Road in this location would be in the order of 5.5m to preserve the rural ambience and minimise traffic speeds and council's future road maintenance costs. No objections would be raised for residents to park on the street as this would tend to reduce traffic speeds in this location.

Drainage

According to the topography of the land the property is not located within the floodplain of a water course and therefore is not required to address flooding controls. The land, however, slopes eastward towards existing residential properties. Therefore any increase in intensity of development will make flooding from overland flows to existing residential properties worse if it is not addressed adequately. Increases in stormwater run-off from intensification of development on the site can be addressed by applying controls for Water Cycle Management in accordance with Chapter 6.7 of Gosford DCP 2013. Prior to exhibition an investigation should be undertaken to indicate what form of on-site stormwater detention (OSD) can be accommodated on the land so that there are no adverse effects on adjoining residents. Following discharge of water from the OSD, works are required to adequately discharge stormwater flows to a suitable outlet. This could involve constructing a stormwater drainage line along the eastern boundary of the property and discharging it through the Council reserve located immediately to the north of the property, and then connecting it into the existing stormwater drainage line that exists from the reserve down to Fairway Drive. This existing line and further sections downstream may need to be upgraded to cater for any increase in flows in accordance with Council's Stormwater Design standards.

The proposed stormwater line will need to pass through a Council's reserve to the north which will require consultation with Open Space and Leisure Services at the development application stage.

Recreation

A small public park, Wycombe Road Playground, is located directly to the north of the subject land. This piece of recreational infrastructure would be available and accessible for future residents.

11 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?

No consultations have yet been undertaken with State and Commonwealth agencies as the gateway determination has not yet been issued.

Part 4 Mapping

S55(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 A to this report contains all relevant mapping to the Planning Proposal.

Part 5 Community Consultation

S55(2)(e) Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

Subject to 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 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.

Conclusion

The subject land, Lot 1021 DP 1054632 Wycombe Road, Terrigal, is currently zoned 7(c2) Conservation and Scenic Protection (Rural Small Holdings). The Planning Proposal seeks to include the land in Gosford LEP 2014 by zoning it to R2 Low Density Residential. This will entail making corresponding amendments to Height of Building Map (i.e. 8.5m), Floor Space Ratio Map (i.e. 0.5:1), Lot Size Map (i.e. 650sqm) and Acid Sulfate Soil Map (i.e. Class 5).

Lot 1021 DP 1054632 is rectangular in shape with a frontage to Wycombe Road of 158m and a width of 53m. The land is generally cleared of vegetation and has a slope of 15% to 20% with an easterly aspect. Under Gosford DCP 2013 the minimum lot size for residential land with slopes between 15% and 20% is 650sqm. To ensure this is the case, the minimum lot size is able to be mapped at 650sqm under Gosford LEP 2014.

As the land was used as an orchard in the 1960s and 1970s a preliminary contamination assessment is required to be undertaken subject to a Gateway Determination. Also, subject to a Gateway Determination, is the requirement to undertake:

- a drainage study to ascertain whether OSD measures can be satisfactorily accommodated on the site with no adverse effects on adjoining residents,
- a water and sewer systems analysis for the design and full cost of any augmentation to both water supply and sewerage reticulation systems required as a result of extra loading from proposed development resulting from the Planning Proposal.

The Planning Proposal has a strategic basis because the land is located directly adjacent to the existing urban footprint, is able to be serviced and the proposed zoning to R2 zone is consistent with the zone of adjoining residential land. The visual amenity of rural small holding lots on the opposite (western) side of Wycombe Road will not be affected as they are screened by vegetation on the lots and within the road reserve.

Should Council wish to reconsider the matter after public exhibition where no submissions objecting to the matter have been received, Part D of the recommendation should be amended to include the words:

“After public exhibition of the Planning Proposal a report is referred to Council on the matter.”

FINANCIAL IMPACT STATEMENT

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

Attachments: A Planning Proposal Mapping
B Adjoining Owners to be Notified

Tabled Items: Nil

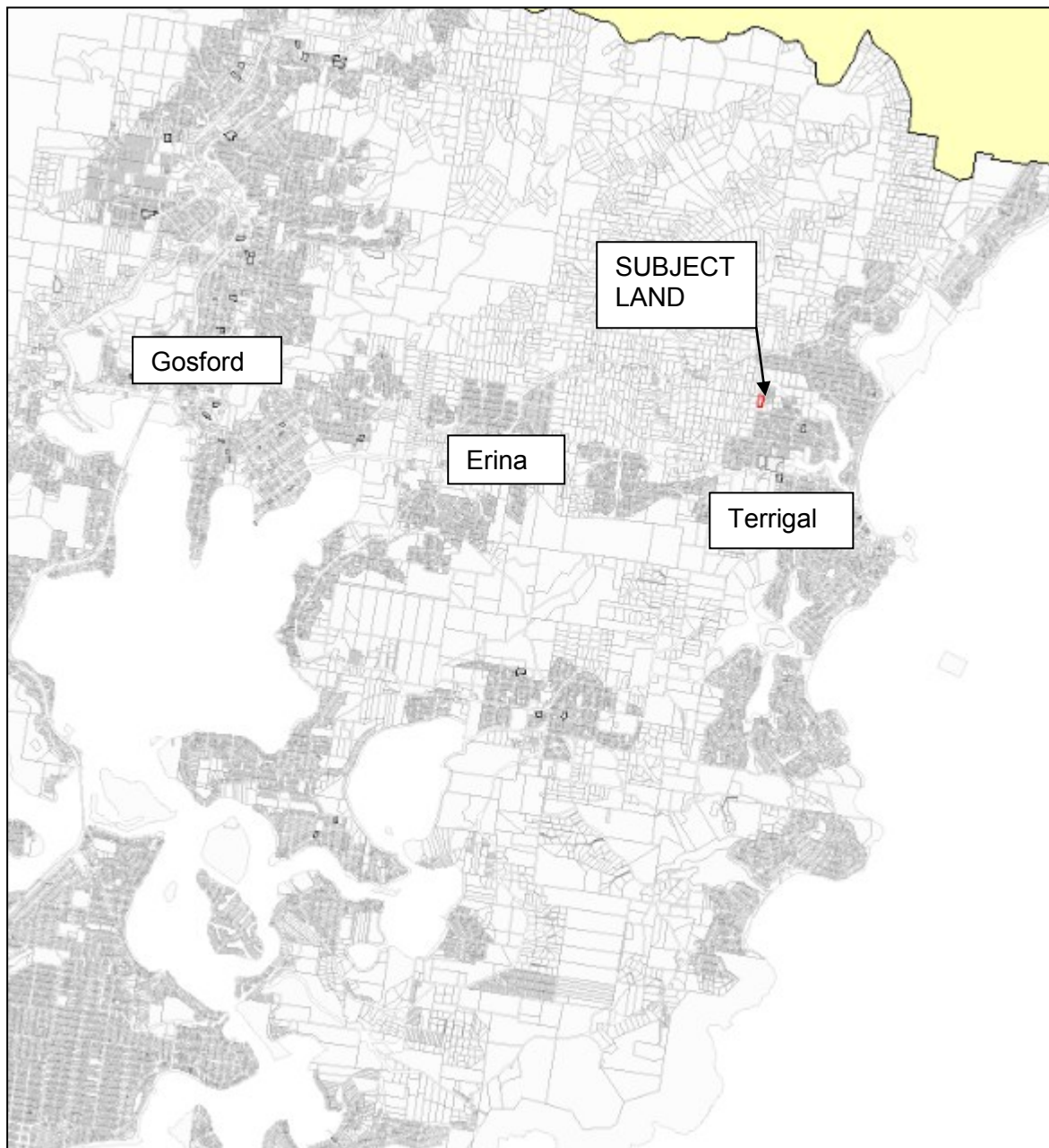
RECOMMENDATION

- A Council initiate the Local Environmental Plan 'Gateway' process pursuant to Section 55 Environmental Planning and Assessment Act by endorsing the preparation of a Planning Proposal as outlined in this report for zoning Lot 1021 DP 1054632 Wycombe Road, Terrigal to R2 Low Density Residential.

- B Council notify the Department of Planning & Environment of Council's resolution requesting a 'Gateway' determination pursuant to Section 56(1) Environmental Planning and Assessment Act and forward the Planning Proposal and all necessary documentation according to their requirements and this report.
- C Council request that the Gateway determination include a requirement to undertake the following studies:
- a preliminary contamination assessment
 - a drainage investigation addressing on-site detention of stormwater
 - a water and sewer systems analysis.
- D After public exhibition of the Planning Proposal, should the Minister for Planning support it, if no submissions objecting to the planning proposal are received, the Planning Proposal is to be sent to the Department of Planning & Environment in order to make the plan.
- E The applicant be advised of Council's resolution.
- F Council seeks delegations from the Department of Planning & Environment for this Planning Proposal.
- 1 Upon Council receipt of the Department of Planning & Environment's intention to issue delegation, Council will submit to the Department of Planning & Environment a "Written Authorisation to Exercise Delegation" for the same
 - 2 Any delegation to Council is to be delegated to the Chief Executive Officer - Paul Anderson, per s381 of the *Local Government Act 1993*, who will complete the "Authorisation" on behalf of Council and submit to the Department of Planning & Environment.
- G The boundary of the Character Precincts within Chapter 2.1 of Gosford DCP 2013 be amended to reflect the proposed R2 Low Density Residential zone. The amended Character Precinct map for Terrigal be exhibited with the Planning Proposal.

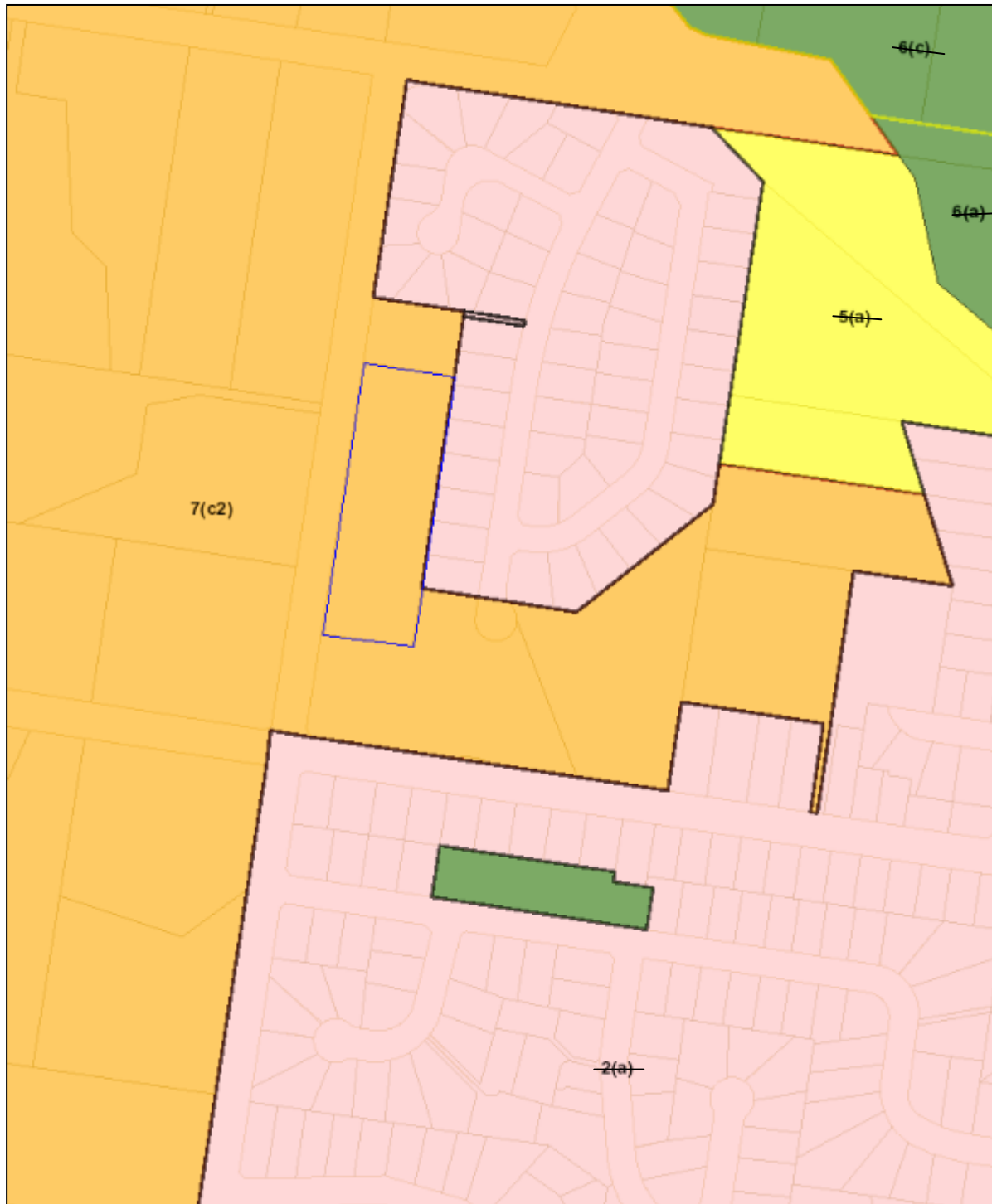
ATTACHMENT A – Planning Proposal Mapping

APPENDIX 1 – Locality Map

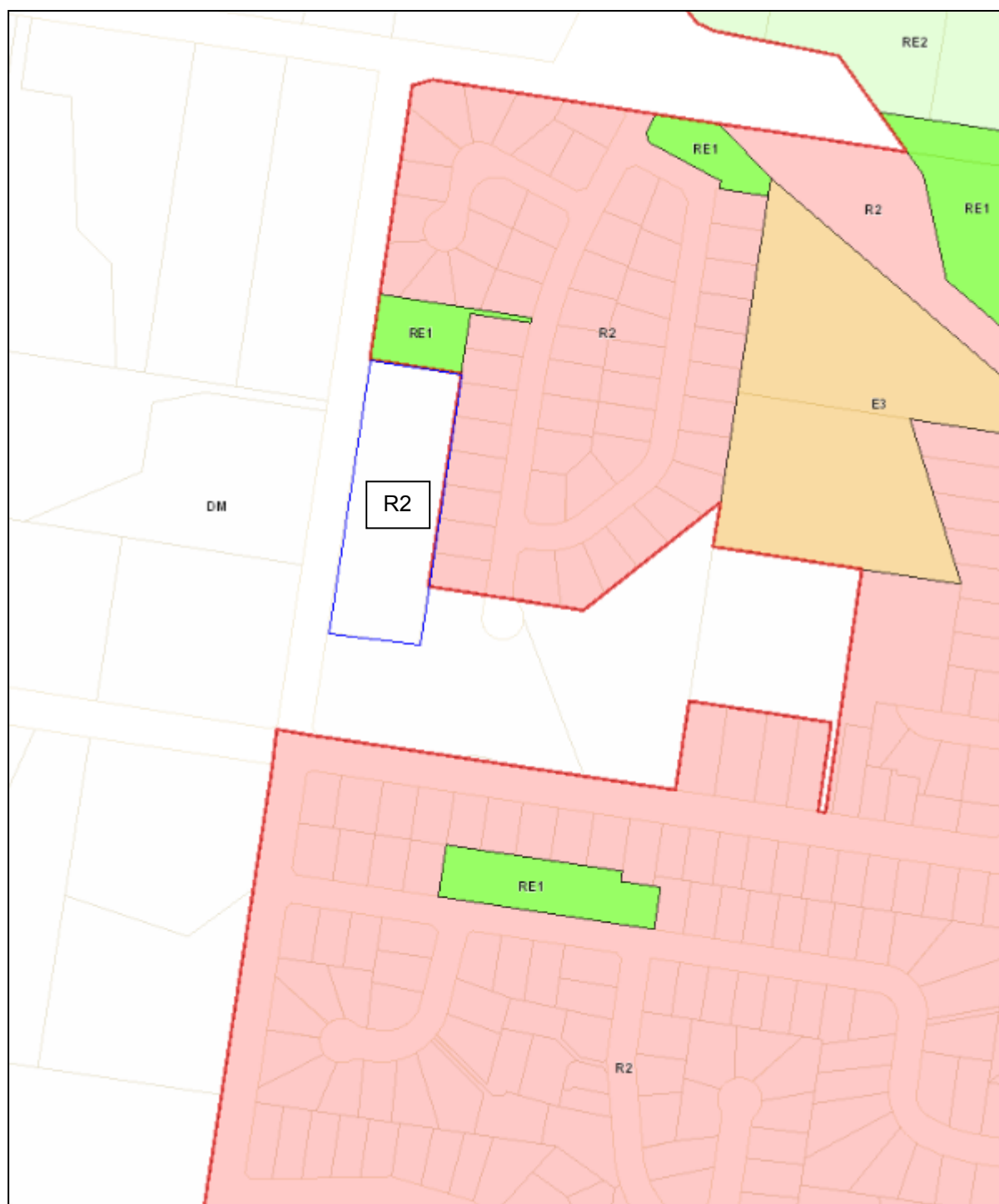


APPENDIX 2 - Aerial Photograph

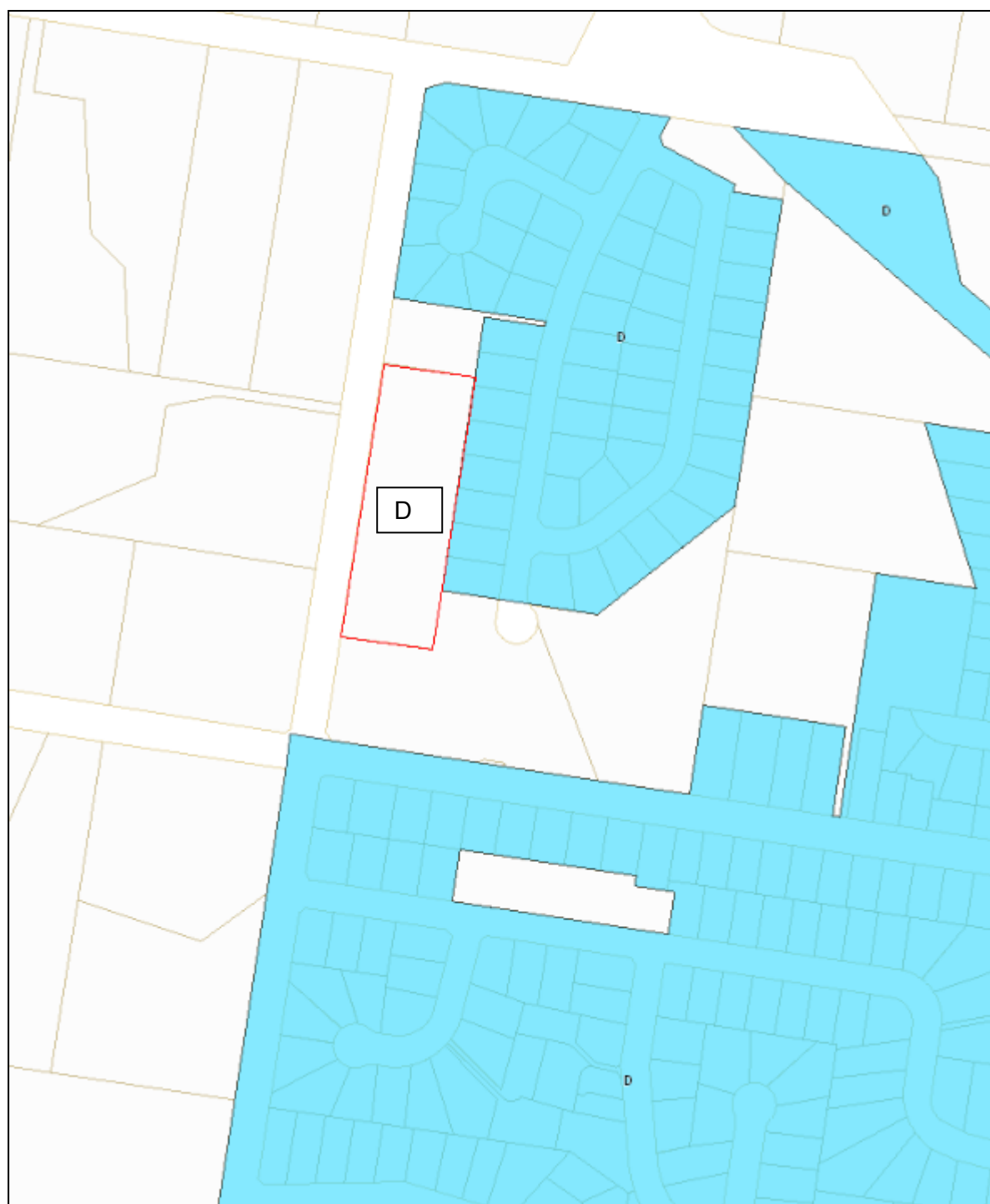


APPENDIX 3 - Existing Zoning under IDO 122

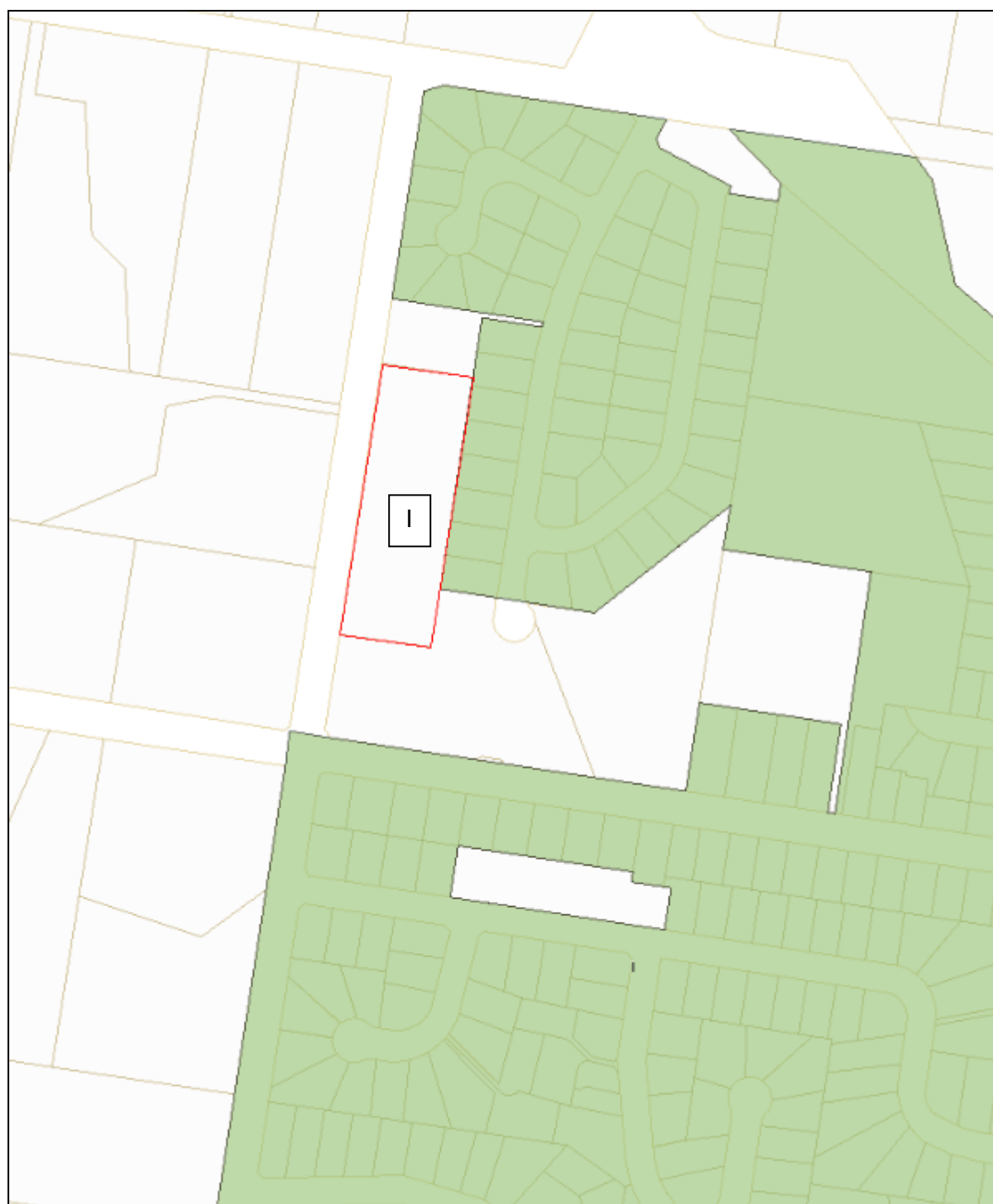
7(c2) = Conservation and Scenic Protection (Rural Small Holdings)

APPENDIX 4 - Proposed Zoning under Gosford LEP 2014

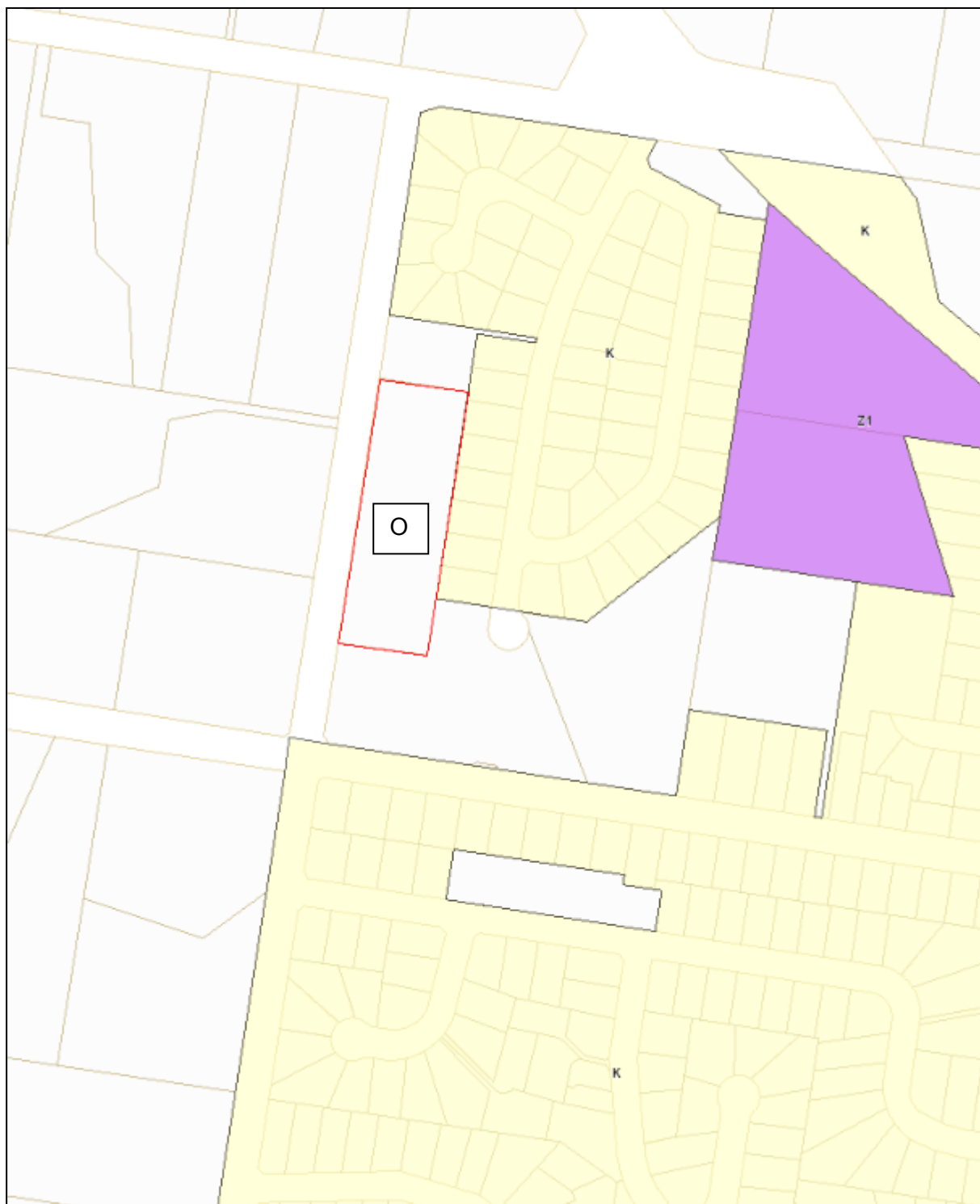
R2 = Low Density Residential

APPENDIX 5 - Proposed FSR under Gosford LEP 2014

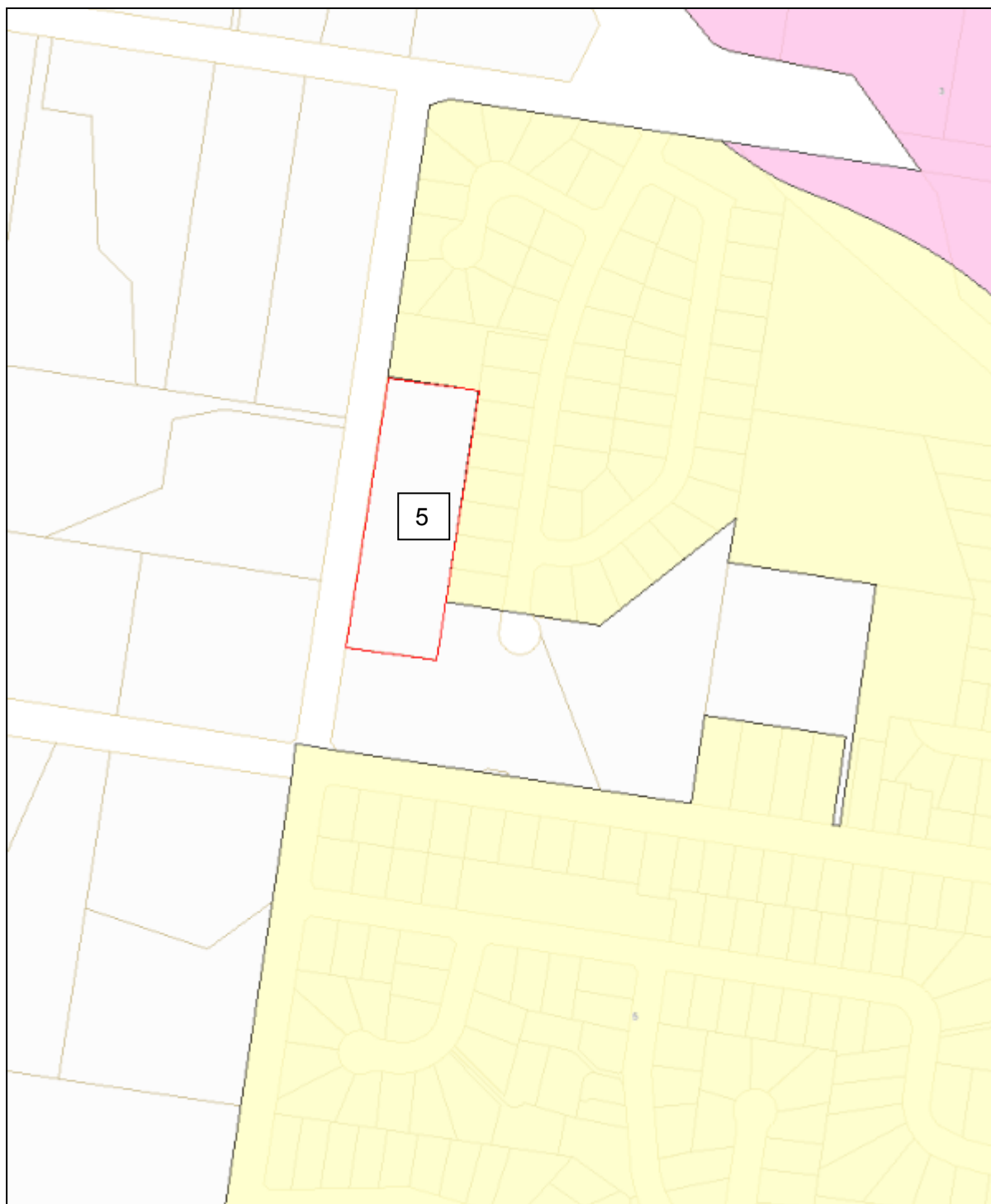
D = 0.5:1

APPENDIX 6 - Proposed Height of Building under Gosford LEP 2014

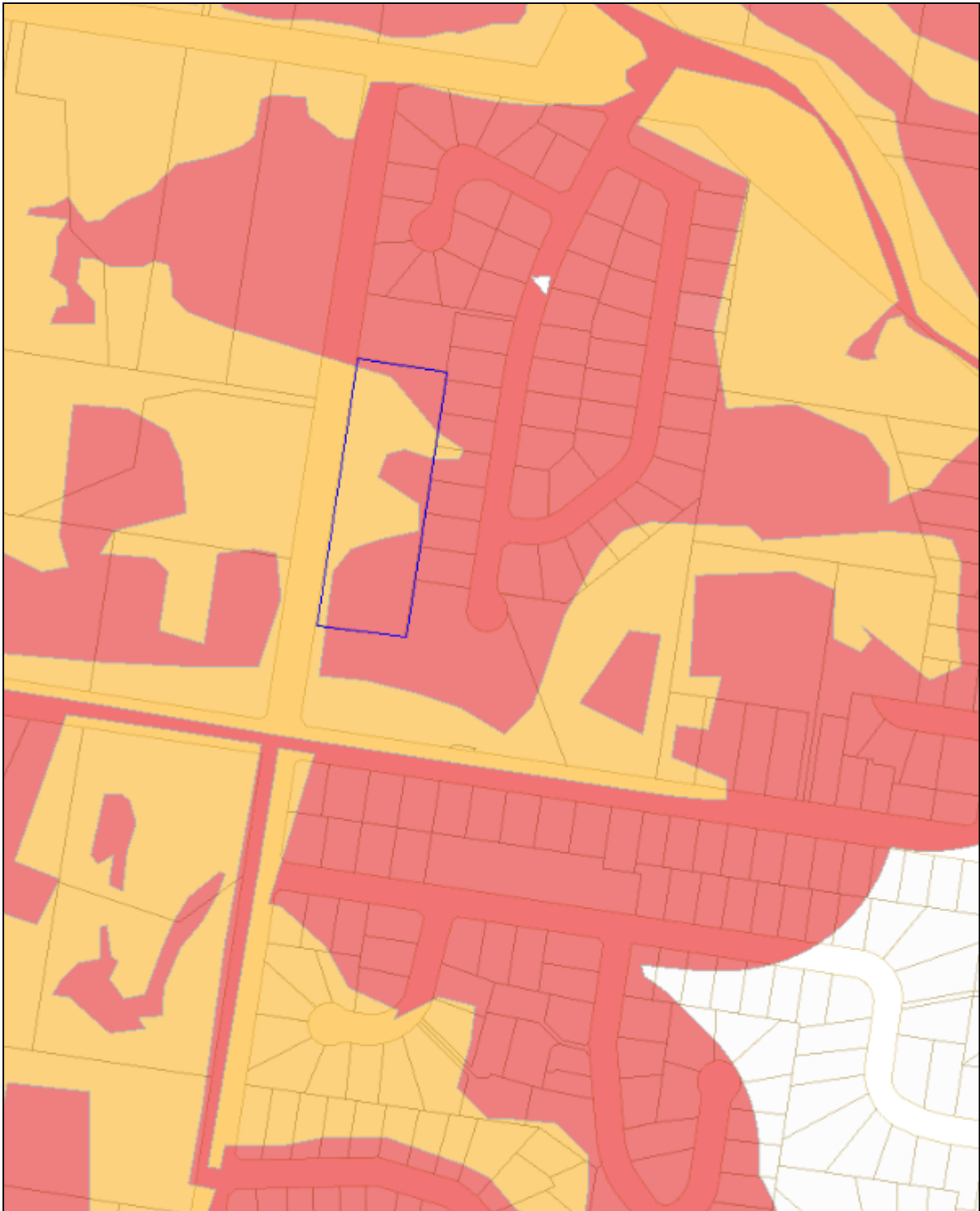
I = 8.5m

APPENDIX 7 - Proposed Minimum Lot Size under Gosford LEP 2014

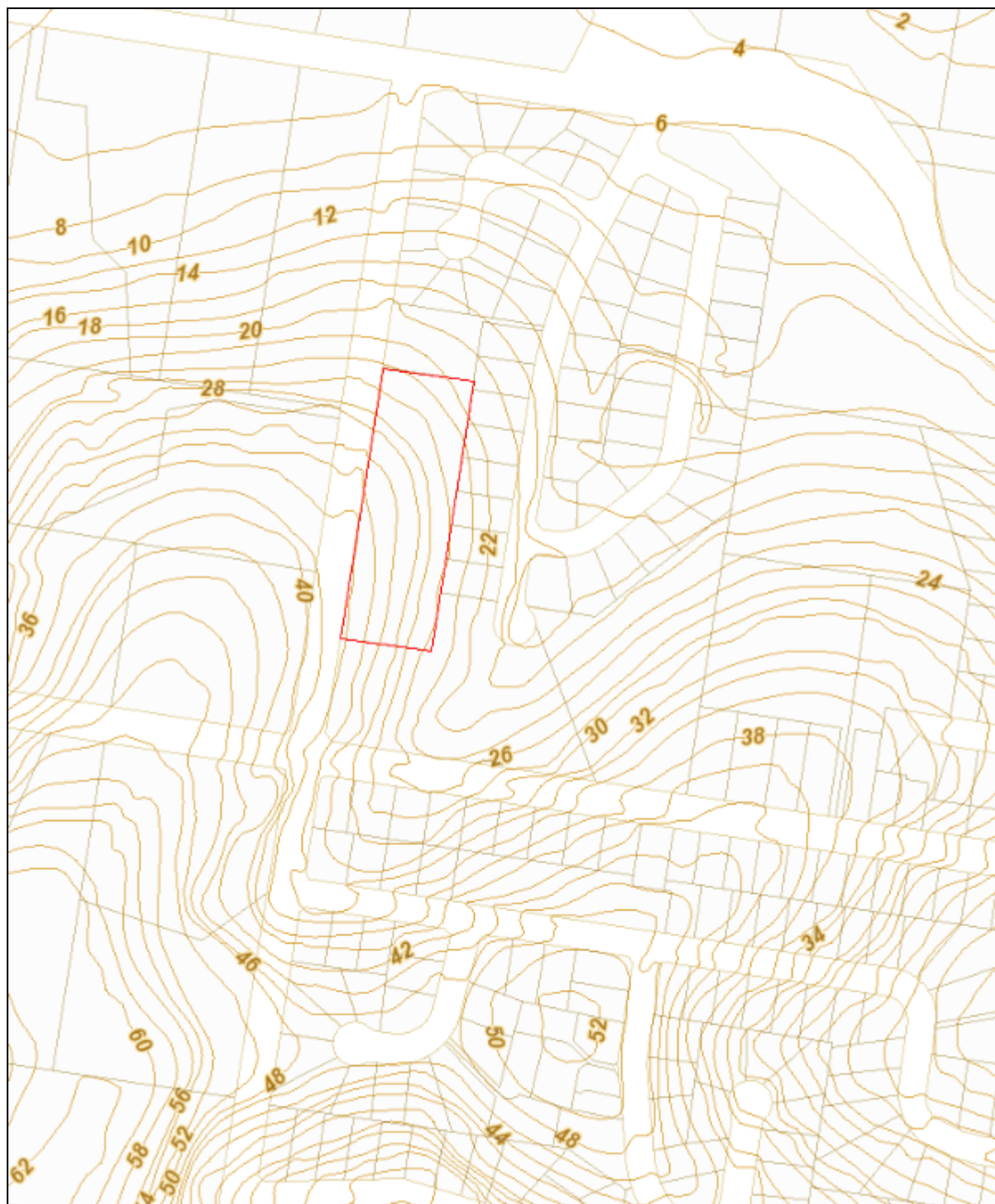
K = 550 sqm
O = 650 sqm

APPENDIX 8 - Proposed Acid Sulfate Soil under Gosford LEP 2014

Light Shading – Class 5
Dark Shading – Class 3

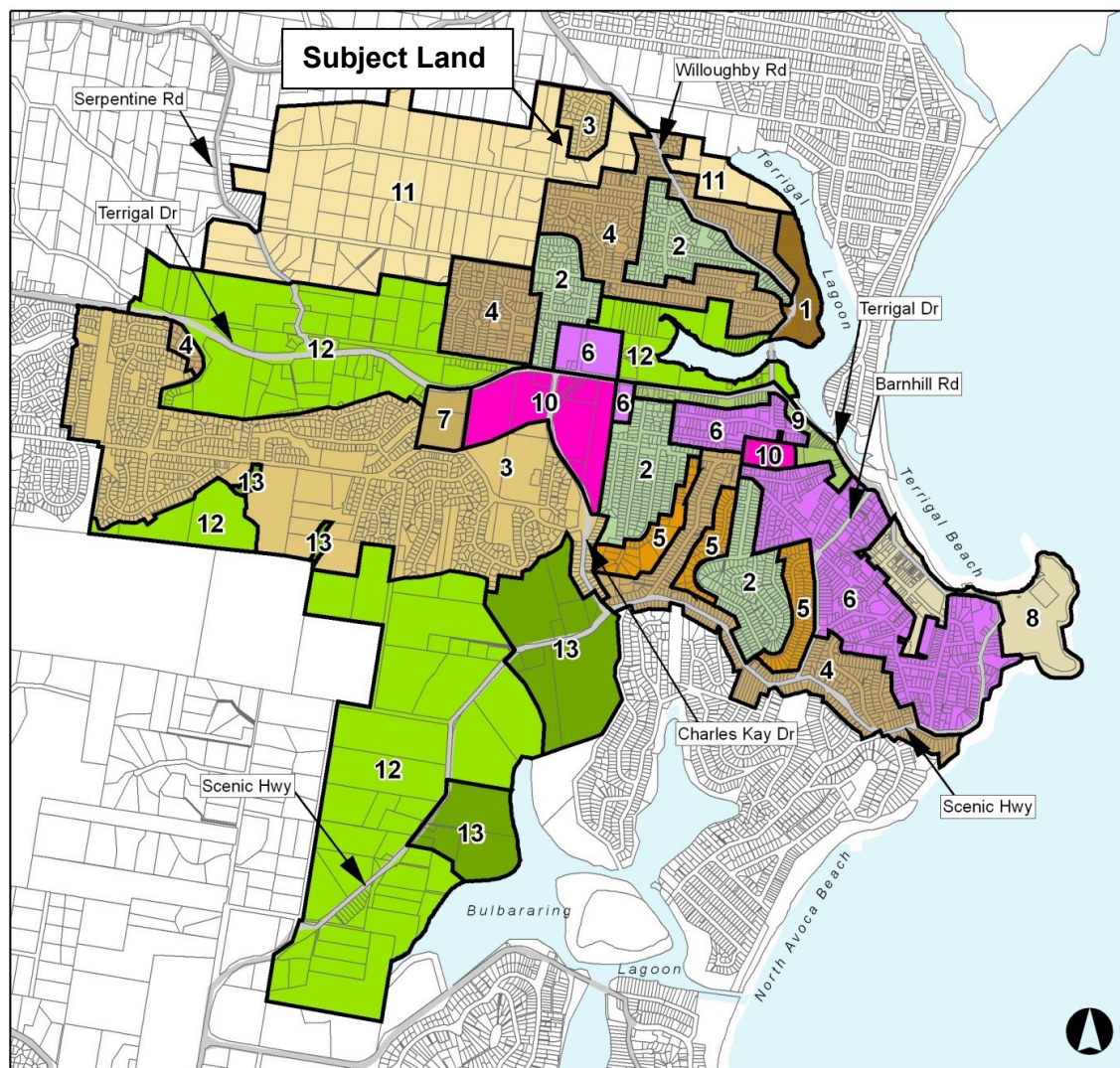
APPENDIX 9 – Bushfire Hazard

Light Shading – Category 1 Vegetation
Dark Shading - Buffer

APPENDIX 10 - Topography

Contours – 2 metre intervals

APPENDIX 11 – Character (Terrigal)



- | | |
|----------------------------|---------------------------------|
| 1: Woodland Foreshores | 8: Mainstreet Centre |
| 2: Open Parkland Hillside | 9: Mixed Use Corridor |
| 3: New Estates | 10: Community Centres & Schools |
| 4: Open Woodland Hillside | 11: Rural Hamlets |
| 5: Wooded Ridges | 12: Scenic Buffer |
| 6: Medium Density Hillside | 13: Scenic Conservation |
| 7: Mobile Home Estate | |

ATTACHMENT B – Adjoining Owners to be Notified