PLANNING PROPOSAL
TO REZONE LOT 365 DP654892, 10 HILLSIDE ROAD, AVOCA BEACH FROM PART E4 ENVIRONMENTAL LIVING and PART 7(a) CONSERVATION TO E3 ENVIRONMENTAL MANAGEMENT
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 & 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

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

The objective/intended outcome of the Planning Proposal is to rezone the subject site to E3 Environmental Management and amend the minimum lot size map to permit the subdivision of the site into two rural-residential allotments.

Part 2 Explanation of Provisions

Section 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 amending the following maps under Gosford LEP 2014 as they relate to Lot 365 DP 654892, 10 Hillside Road, Avoca Beach as follows:

Land Application Map (LAP_001)
- Delete Lot 365 DP 654892 from Deferred Matter

Land Zoning Map (LZN_018A)
- Include Lot 365 DP 654892 in E3 Environmental Management

Height of Building Map (HOB_018A)
- Include the whole of Lot 365 DP 654892 in area I (Height of 8.5m)

Lot Size Map (LSZ_018A)
- Delete minimum Lot Size Z2 (40000m^2/4ha) from part of Lot 365 DP 654892
- Include Lot 365 DP 654892 in area Y (Lot Size 10000m^2/1ha)

Acid Sulfate Soils Map (ASS_018A)
- Include whole of Lot 365 DP 654892 in Class 5

Section 55(2)(d) If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones, heritage areas, flood prone land – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument.

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

Part 3 Justification for objectives & outcomes

Section 55(2)(c) The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117).

Section A Need for the Planning Proposal

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

The Planning Proposal is not the result of any strategic study or report.

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

The Planning Proposal is the best means of achieving the objectives/intended outcomes as it proposes to rezone the land to E3 Environmental Management and map the relevant minimum lot size on the Minimum Lot Size map to facilitate the subdivision of Lot 365 DP 6548926 into 2 lots. This density of development will better reflect the attributes of the land, as opposed to the recent development consent for fourteen (14) tourist units, a care takers cottage and a manager's residence.

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 by increasing the amount of rural residential zoned land in close proximity to services. This Planning Proposal is consistent with the following objectives/actions contained within the Regional Strategy for the reasons specified:

Action 6.4 LEP's are to appropriately zone land of high landscape value (including scenic and cultural landscapes),

Action 6.5 Councils, through the preparation of LEP's are to incorporate appropriate land use buffers around environmentally sensitive land.

The subject site is boarded by E4 Environmental Living zoned land to the west some of which has been developed for tourist related purposes such as a hotel, club, restaurant etc. Land to the south and east of the site is zoned 7(a) Conservation and Scenic Protection (Scenic Protection) which is one of Council's highest conservation zoned lands.

The proposal provides the opportunity to reduce the potential development occurring on the site in consideration of the land's attributes and provide a buffer between adjoining land zoned to permit tourist uses and the conservation zoned land to the east. It proposes to provide increased protection over the existing vegetation to the

rear of the site through a Restriction-To-User under Section 88b of the Conveyancing Act and a significantly reduced development outcome.

It is therefore consistent with the above Actions in the Regional Strategy.

3a Does the proposal have strategic merit and is it consistent with the Regional Strategy and Metropolitan Plan, or can it otherwise demonstrate strategic merit in light of Section 117 Directions?

Yes the Planning Proposal as advocated is considered generally consistent with the Central Coast Regional Strategy, when considered in terms of protecting environmental values and ensuring environmentally sustainable outcomes given the unique situation of the land and its physical attributes.

The Planning Proposal has strategic merit in that it will increase the amount of rural residential land available in the area and act as a buffer between the adjoining tourist development and the low density residential development in Hillside Drive. It will allow for increased protection of the Regionally Significant Vegetation to the rear of the site than if the site is developed for tourist uses as is permitted under the current zoning. The proposal is consistent with the Central Coast Regional Strategy (see Question 3 above) and Section 117 Directions.

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 subject site adjoins E4 Environmental Living zoned land to the west some of which has been developed for tourist related purposes such as a club, restaurant etc. Council records indicate that there have been some landuse conflicts in the form of noise complaints caused by these uses. Land to the south and east of the site is zoned 7(a) Conservation and Scenic Protection (Scenic Protection) which is one of Council's highest conservation zoned lands.

The proposal to rezone the site from E4 Environmental Living/7(a) Conservation and Scenic Protection (Scenic Protection) to E3 Environmental Management has site specific merit as it affords the opportunity to result in a more sympathetic environmental outcome on the site with a reduced development density than the previously approved tourist accommodation. It will also provide a buffer between the 7(a) Conservation land and the adjoining E4 Environmental Living Zone.

Mapping the minimum lot size at 1 hectare on this site is in effect aiming to achieve a bonus lot subdivision similar to that achievable under the provisions the IDO 122 for the 7(c2) zone. The result will be a 2 lot rural residential subdivision similar to others existing in the 7(c2) zone. It is not considered that this will create a precedent because as discussed above the circumstances of this site are unique.

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

The Planning Proposal is consistent with the Community Strategic Plan – Continuing our Journey which incorporates a number of strategies applicable to the subject Planning Proposal.

B1 – Diversity of the natural environment is protected and supported

Strategies

B1.1 Identify and manage threats to native flora and fauna
B1.2 Identify and preserve areas of conservation value
B1.3 Support the healthy function of our ecosystems

B6 Landuse and development protects the value and benefits provided by the natural environment,

The Planning Proposal is consistent with these strategies because the proposal will reduce development potential and the range of uses permissible on the site. It also proposes measures to increase protection of the regionally significant vegetation to the rear of the site, resulting in an improved environmental outcome for the site.

Conservation 7(a) Policy

Council's policy D2.02 of Land Zoned Conservation and Scenic Protection (Conservation Rezoning Conservation 7(a)/E2 Environmental Conservation provides objectives and criteria for the consideration of the rezoning of conservation zoned land. Policy Objective 2 states:

"To establish criteria to be used by Council to assess requirements to prepare a Planning Proposal (ie local environmental plan) primarily for the purpose of providing dedication of strategically environmentally/scenically important land for the community benefit in exchange for additional development rights having regard to the land's attributes pertaining to the zone boundary of the 7(a) conservation zone/E2 Environmental Conservation, but also for the purpose to alter the zone, uses, subdivision or other provisions."

For land zoned 7(c2) under the Interim Development Order, Clause 18 (4) (b) of the Interim Development Order No 122 allows a variation of the minimum lot size from 2 to 1 hectare for the dedication of valued conservation land (i.e. COSS) or monetary contribution *"the person agrees to contribute to the Council an amount of money to be used by the Council for the purchase for use as a public reserve of land within the Zone no. 7(a) or for the improvement or embellishment of any public reserve owned by the Council which is within Zone No. 7(a) or which was formerly within Zone No. 7(a) under this order".* The E3 Environmental Management zone is the closest comparable zone under GLEP 2013 to the IDO 122 7(c2) zone.

The effect of the proposal is to achieve a bonus lot subdivision to 1 hectare similar to those permitted under clause 18(4) of IDO 122 outlined above. The applicant does not propose the dedication of strategically environmentally/scenically zoned land or a monetary contribution to Council. Instead the proposal will result in a reduction in permissible uses on the site, which in effect reduce the development potential of the site. This is seen as an improvement from an environmental perspective. It also

includes a restriction-to-user to be placed on the 88b Instrument to protect the bushland corridor to the rear of the site and area greater than the land currently zoned 7(a). It is proposed that this offset the additional development entitlement with the change to the minimum lot size map from 2ha to 1ha.

The site is currently zoned E4 Environmental Living a zone which permits a range of tourist uses. The portion of the site zoned 7(a) Conservation is 0.5(ha) at the rear of the site and adjoining other privately owned 7(a) zoned land to the rear and E4 Environmental Living zoned land to the west. The site is not identified by Council for future Coastal Open Space System acquisition.

Whilst the proposal to rezone the whole site E3 Environmental Management will rezone the 7(a) portion of the site to a zone of lower environmental value this area of the site is small and currently managed in private ownership The Ecological Assessment provided by the applicant identifies that although the southern and southern western portions of the site which contain the remnant vegetation have a dense foliage cover which provides foraging habitat for birds and mammals the site does not contain a well formed mid stratum and ground cover. This is due to previous land clearing and weed invasion. The report provided by the applicant recommends that noxious and significant environmental weeds be managed using Bush Regeneration techniques and that plant species be restricted to locally native species and/or introduced species that do not have the potential to become environmental weeds. The proposed 88b Restriction to User is intended to “formalise” the protection of the vegetation.

Provided the applicant and Council can reach agreement as to the most appropriate method of protecting this vegetation i.e. Restriction to User/Vegetation Plan of Management/ Use of Building Envelopes etc then the proposal has the potential to improve the environmental outcome for the site and better achieve objectives of the 7(a) zone including:

- The conservation and rehabilitation of areas of high environmental value.
- The preservation and rehabilitation of areas of high visual and scenic quality in the natural landscape.
- The provision and retention of suitable habitats for native flora and fauna.
- The provision and retention of areas of visual contrast within the City, particularly the “backdrop” created by retention of the ridgelines in their natural state.
- The minimisation or prohibition of development so that the environmental and visual qualities of natural areas are not emasculated by the cumulative impact of incremental, individually minor develops.

It is therefore considered that the proposal is consistent with the objectives of Council's policy D2.02 of Land Zoned Conservation and Scenic Protection (Conservation Rezoning Conservation 7(a)/E2 Environmental Conservation.

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.

(i) SEPP 19 – Bushland in Urban Areas – Clause 10 of State Environmental Planning Policy (SEPP 19) applies to the Planning Proposal. Council must take into account the following factors when undertaking an assessment:

- the need to retain any bushland on the land;
- the effect of the proposed development on bushland zoned or reserved or public open space purposes and, in particular, on the erosion of soils, the siltation of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland; and
- any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.

The proposal is to rezone the site to allow subdivision to create two rural residential lots. Rural residential development of these lots would appear to result in a more sympathetic environmental outcome than the tourist development comprising of 14 units and separate caretakers and managers residences, access and carparking which had been approved under the current zone.

Additionally the applicant is proposing that a Restriction as to User pursuant to Section 88b of the Conveyancing Act be created over vegetated areas of the site requiring that existing trees within the area be retained and protected. It does however propose to allow for clearing of ground and understory vegetation to meet the requirements of Bushfire Protection.

Therefore the proposal is considered to be consistent with aims and objectives of SEPP 19

(ii) SEPP 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. The applicant has not provided any information with regards to the SEPP.

"Potential Koala habitat" is defined by SEPP 44 as areas of native vegetation where the trees of the types listed in Schedule 2 of the SEPP constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

The Flora and Fauna Assessment lodged as part of DA 946/1998 for the Tourist Development assessed the subject area for activity by Koalas using the following methodology:

- A search of the NPWS Wildlife Atlas Database,
- The site was surveyed on foot with all Koala food trees being inspected for signs of Koala usage. Trees were inspected and identified for presence of Koalas, scratch and claw marks on the trunk and scats around the base of each tree.
- Koalas were targeted during spotlight surveys and
- Identification and assessment of the density of tree species listed as Koala feed trees in SEPP 44 was undertaken across the site.

The report states that "no koala food tree species listed on Schedule 2 of SEPP 44 were found on the site. Therefore the site is not regarded as Potential Koala Habitat as the density of Koala feed tree species (0%) on the subject site is less than the 15% indicated by SEPP 44. No Koalas were observed during the fauna

survey and no evidence of Koala habitation, such as scats, claw and scratch marks, were located on the site. Additionally, there are no recent records for koalas within the local area."

The applicant subsequently lodged an Ecological Assessment as part of the Planning Proposal which also confirmed that "No listed feed trees were found upon the site, therefore the site is not considered to constitute Potential Koala Habitat under SEPP 44..."

Council's aerial photographs indicate that the vegetation coverage on the site has not changed significantly since this assessment was undertaken as part of the documentation lodged as part of the DA, therefore it is not considered that the site constitutes "Potential Koala Habitat" as defined by the SEPP.

(iii) SEPP 55 – Remediation of Land – lists activities that may cause contamination, including agricultural or horticultural activities. Council's aerial photographs indicate that part of the site has been cleared since 1954 and that surrounding the site was used for agricultural purposes (crops and orchards). Although it is unclear from the aerial photographs whether the subject site was used for these purposes. A preliminary contamination assessment should be undertaken prior to public exhibition should the Gateway support the Planning Proposal.

(iv) SEPP 71 – Coastal Protection – SEPP 71 requires the matters set out in Clause 8 of the Policy to be taken into account when it prepares a draft Local Environmental Plan / i.e. Planning Proposal in respect to land to which the Policy applies.

The proposal to rezone Lot 365 DP 654892 to E3 Environmental Management does not raise any concerns in relation to the matters identified in Clause 8(a) – (p) of the Policy as the subject land is not beachfront/foreshore land and is not scenically prominent. The lot is partly cleared of vegetation and the bulk and scale of any development resulting from an E3 Environmental Management zone will result in less visual impact than the previously approved Tourist Development, details of which can be addressed at the development assessment stage.

(iv) Other SEPPs: No other SEPP has application to this Planning Proposal.

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

The following assessment is provided of the consistency of the Planning Proposal with relevant Section 117 Directions applying to Planning Proposals lodged after 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.

(i) Direction 2.1 – Environment Protection Zones: Clause 4 of this Direction requires a Planning Proposal to include provisions that facilitate the protection and conservation of environmentally sensitive areas.

The proposal to rezone the site to E3 to allow subdivision into two rural residential lots will result in a more sympathetic environmental outcome to the tourist development previously approved on the site. Additionally the applicant has proposed additional measures via a Restriction as to User pursuant to

Section 88b of the Conveyancing Act to ensure protection of the vegetation at the rear of the site.

The Planning Proposal is therefore consistent with this Direction.

(ii) Direction 2.2 - Coastal Protection

The Planning Proposal is located within the Coastal Zone and must give effect to and be consistent with *The NSW Coastal Policy;* the *Coastal Design Guidelines;* and 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 proposed rezoning will result in less potential development over the site and additional protection over the vegetation is proposed (see response to Direction 2.1 above) and in this sense will protect and improve the natural environment and enhance the aesthetic qualities of the coastal zone.

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

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

The site is currently predominantly zoned E4 Environmental which allows a range of tourist related uses including pubs, registered clubs, restaurants, recreation facilities etc. The site is surrounded to the south and east by land currently zoned 7(a) Conservation and Scenic Protection (Scenic Protection) under the Interim Development Order NO 122, Council's highest conservation zone for private land. By zoning the land E3 Environmental Management and permitting subdivision into two rural residential lots, the development potential of the site is in effect being reduced, thus improving the transition from the E4 Environmental Living zoned land and the 7(a) Conservation and Scenic Protection (Scenic Protection) zoned land to the west, and thereby providing an improved integration of landuses.

The proposed reduction in potential development permissible on the site will also assist in protecting and enhancing the visual characteristics of the site and reinforcing the greenbelts between coastal settlements.

The *NSW Coastline Management Manual* has no practical application to this Planning Proposal as the subject land is not located within a coastal foreshore environment to which the manual principally applies.

(iii) Direction 2.3 – Heritage Conservation: This direction applies when a Planning Proposal is prepared. A Planning Proposal must contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area. This includes items, areas, objects and places of indigenous heritage significance.

The Direction has no practical application to this Planning Proposal as there are no items of European Heritage on the site and given the disturbed nature of the site it is unlikely that there are any remaining aboriginal relics if they originally existed.

(iv) Direction 3.4 Integrating Land Use and Transport: Clause 4 of the Direction requires a Planning Proposal to locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of *Improving Transport Choice – Guidelines for Planning and Development 2001* and *The Right Place for Businesses and Services – Planning Policy 2001.*

This Planning Proposal is consistent with the objective to integrate land use and transport by providing an additional housing opportunity within an established urban corridor offering a choice of transport and enabling people to make fewer and shorter trips. The subject land is well served by bus transport; and is located in close proximity to local service centres, schools and recreation areas.

(v) 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. If Council supports the Planning Proposal, formal consultation should be undertaken with the RFS as part of the Gateway Determination.

(vi) 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.

(vii) 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.

(vii) 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 Planning Proposal is consistent with this Direction as it uses existing zones, height of building and lot size requirements set out in the Standard Instrument LEP and it is not intended to restrict development of the subject land to a particular development proposal.

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?

An inspection of the site confirmed that the vegetation is consistent with Bell's mapping adopted by Council. A large area of Lot 365 DP 654892 is cleared as a result of previous land use. To the rear southern and south western portion of the site (part if which is currently zoned 7(a) Conservation) council's vegetation mapping indicates the vegetation type E6b – Coastal Narrabeen Ironbark Forest. This vegetation community has been listed as regionally significant within the Gosford LGA. Council's Environment Officer has advised under the approval for a tourist unit development on the site DA946/1998, Section 5A matters were considered as part of a Flora and Fauna Assessment Report (Integrated Site Planning & Management, Ref 8043, dated August 1998). This report did not identify any threatened flora species or endangered ecological community on the site although two threatened fauna species, the Masked Owl and Southern Bent-wing Bat (Common Bent-wing Bat) were identified.

The applicant is proposing that a Restriction as to User pursuant to Section 88b of the Conveyancing Act be created over vegetated areas of the site requiring that existing trees within the area be retained and protected. The area proposed to be protected includes a much greater area than the current area zoned 7(a) Conservation & Scenic Protection (Conservation). This would formalise the protection of the vegetation on the site.

Discussion with Council's Environment Officer highlighted that a Restriction as to User pursuant to Section 88b may not be the best way to protect the vegetation over the site. Although the applicant has suggested the use of a Section 88b Restriction To User as a means of protecting the vegetation on the site, this needs to be considered in conjunction with the recent 10/50 Vegetation Clearing Legislation which permits clearing in proximity to a dwelling. Prior to public exhibition, other options, such as Vegetation/Bushland Management Plan and identification of lot layout and building envelopes, may be preferred options of protecting the vegetation. Subject to approval at Gateway Determination stage alternate options should be explored prior to public exhibition.

Council's Environment Officer has commented that the current proposal to rezone the land from E4 and 7(a) to E3 would result in the potential to create two rural residential lots. Future rural residential development of these lots would appear to result in a

more sympathetic environmental outcome to that previously approved on the site and as such no objection is raised in principal to the proposal.

Further it should be noted that subsequent development will be subject to a merit based development assessment that will include the requirement to address Section 5A 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?

Chapter 2.1 Character of GDCP 2013

Chapter 2.1 Character of the Gosford DCP 2013 identifies the subject land in Character Precinct 12 – Scenic Buffer. The Planning Proposal supports the requirements of DCP 159 as it does not create a significant change to the settlement pattern of the area. It protects the rural-residential buffers and vegetated backdrops of the area through reduction in the potential development on the site and protection of existing vegetation.

The amended zoning will not require the Character mapping to be amended.

Chapter 2.2 Scenic Quality of GDCP 2013

Chapter 2.2 Scenic Quality of Gosford DCP 2013 identifies the subject land as being within the South Coastal Geographic Unit and in the Avoca/Avoca North Landscape Unit. The Avoca/Avoca North Landscape Unit is of Regional Significance.

The development objectives applicable to this Planning Proposal are:

- Retain current subdivision standards in Environmental zoned areas to ensure continuing dominance of landscape features over built environment.
- Maintain broad patterns of land use within area to ensure protection of landscape diversity and in particular Environmental/scenic protection and conservation zoned areas.

Although the proposal intends to reduce the minimum lot size of 4 hectares applicable in the E4 Environmental Living Zone (the subject site is 2.14ha) to 1 hectare, it is unique in that the proposed reduced lot size will decrease the potential development on the site and thereby create an improved environmental out come. The current E4 Environmental Living zone allows tourist uses and the applicant had an approval with substantial commencement for a development of 14 tourist units, manager's residence and dwelling house on the site. These uses will not be permitted in the proposed E3 Environmental Management zone, additionally the applicant proposes measures to ensure the protection of regionally significant vegetation to the rear of the site in an area exceeding the area of the currently zoned 7(a) under Interim Development Order No122.

It is therefore considered that the proposal is consistent with the objectives of the Chapter 2.2 - Scenic Quality of DCP 2013.

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

The Planning Proposal will provide social and community benefits in the form of reduced landuse conflicts in relation to adjoining residential land, reduced vehicular movements to and from the site compared with the previously approved tourist use. It will also provide for increased scenic protection and greater protection of conservation zoned land than if the site was developed for tourist uses.

Section D State and Commonwealth interests

10 Is there adequate public infrastructure for the Planning Proposal?

Existing infrastructure in the form of reticulated water, sewerage, gas, telephone and electricity are available in the locality to service future residential development on the land. Council's Water and Sewer Section have advised that the land is connected to Council's water supply and sewer reticulation systems and they have no objection to the proposed rezoning and two lot subdivision.

The site is readily accessible by the local road system and is served by public transport, with bus services to major centres including Terrigal, Erina and Gosford City Centre, providing connections to schools, retail facilities, community and medical centres and the rail system for interregional connections.

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

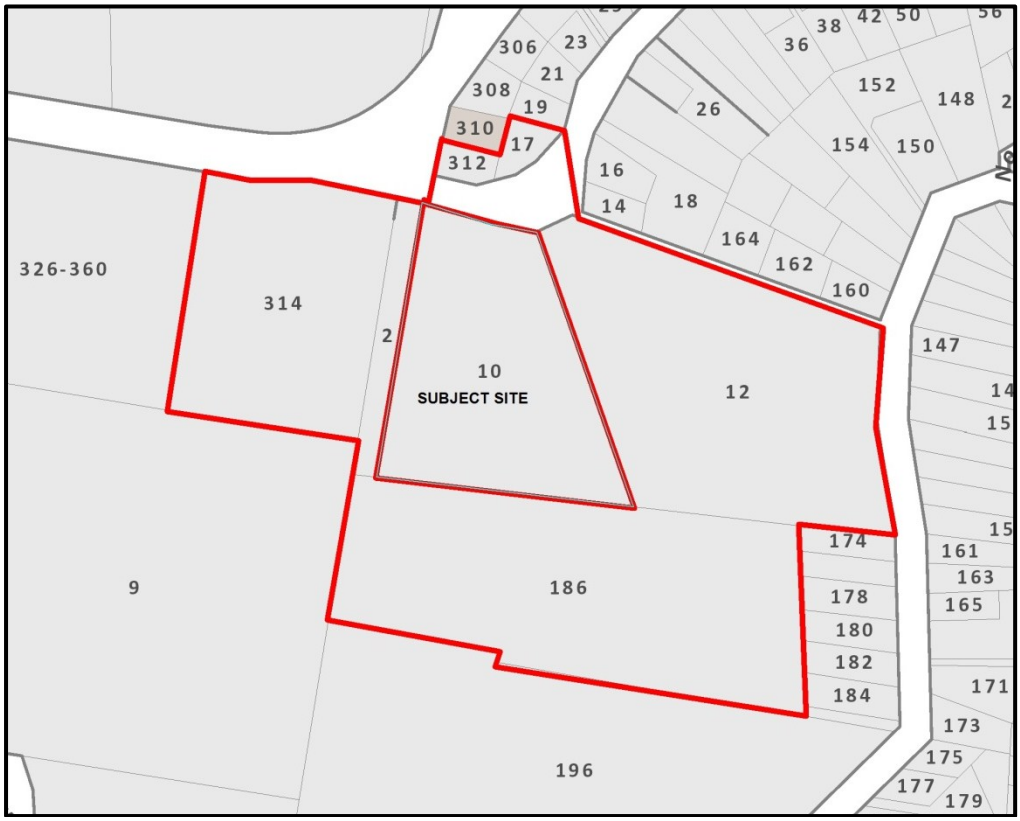
S55(2)(d) If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones, heritage areas, flood prone land - a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument.

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

Part 5 Community Consultation

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

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 below).



The written notice will:

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

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

- the Planning Proposal, in the form approved for community consultation by the Director-General of Planning,
- the Gateway Determination, and
- any studies relied upon by the Planning Proposal.

Part 6 Project Timeline

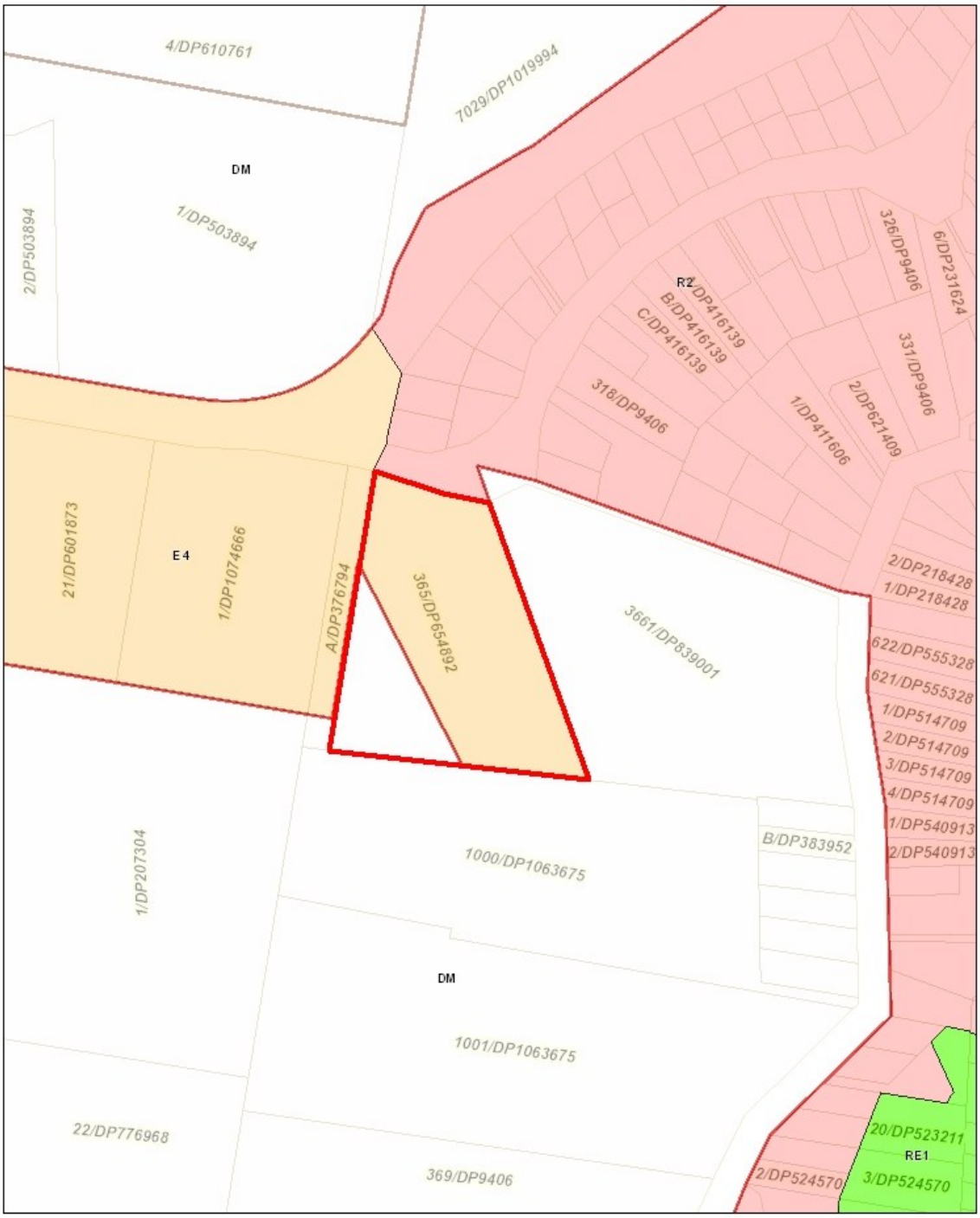
The anticipated timeline for this Planning Proposal is set out below.

Gateway Determination	December 2014
Completion of required technical information	March 2015
Government Agency consultation	March 2015
Public Exhibition	April 2015
Consideration of submissions by Council	June 2015
Liaise with PC	June/July2015
Date Council will make plan (delegated)	July 2015

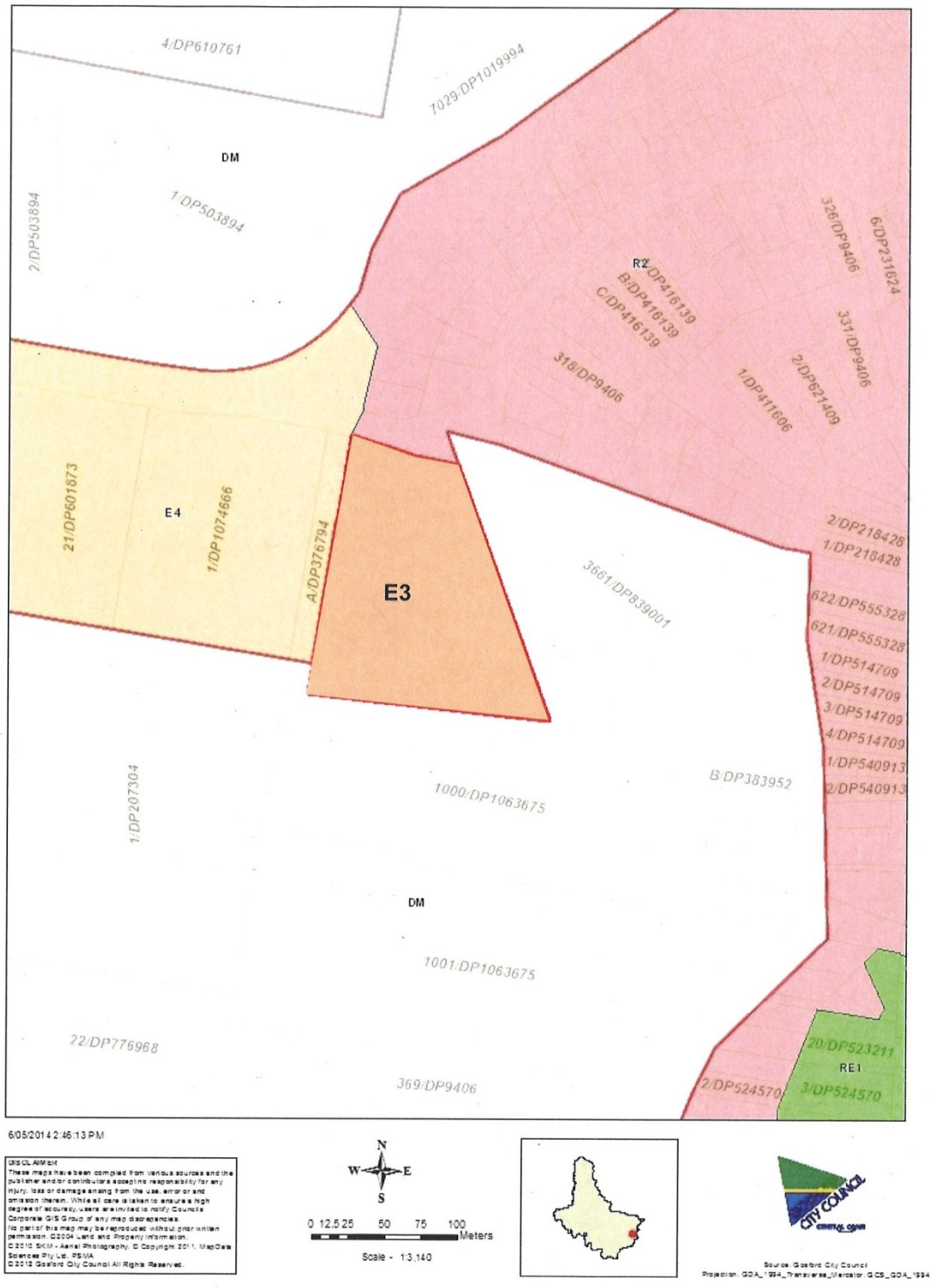
Forward Plan to Department for notification July 2015

ATTACHMENT A – Planning Proposal Mapping

APPENDIX 1 - Existing Zoning Map



APPENDIX 2 - Proposed Zoning under Draft Gosford LEP



APPENDIX 3 - Aerial Photograph

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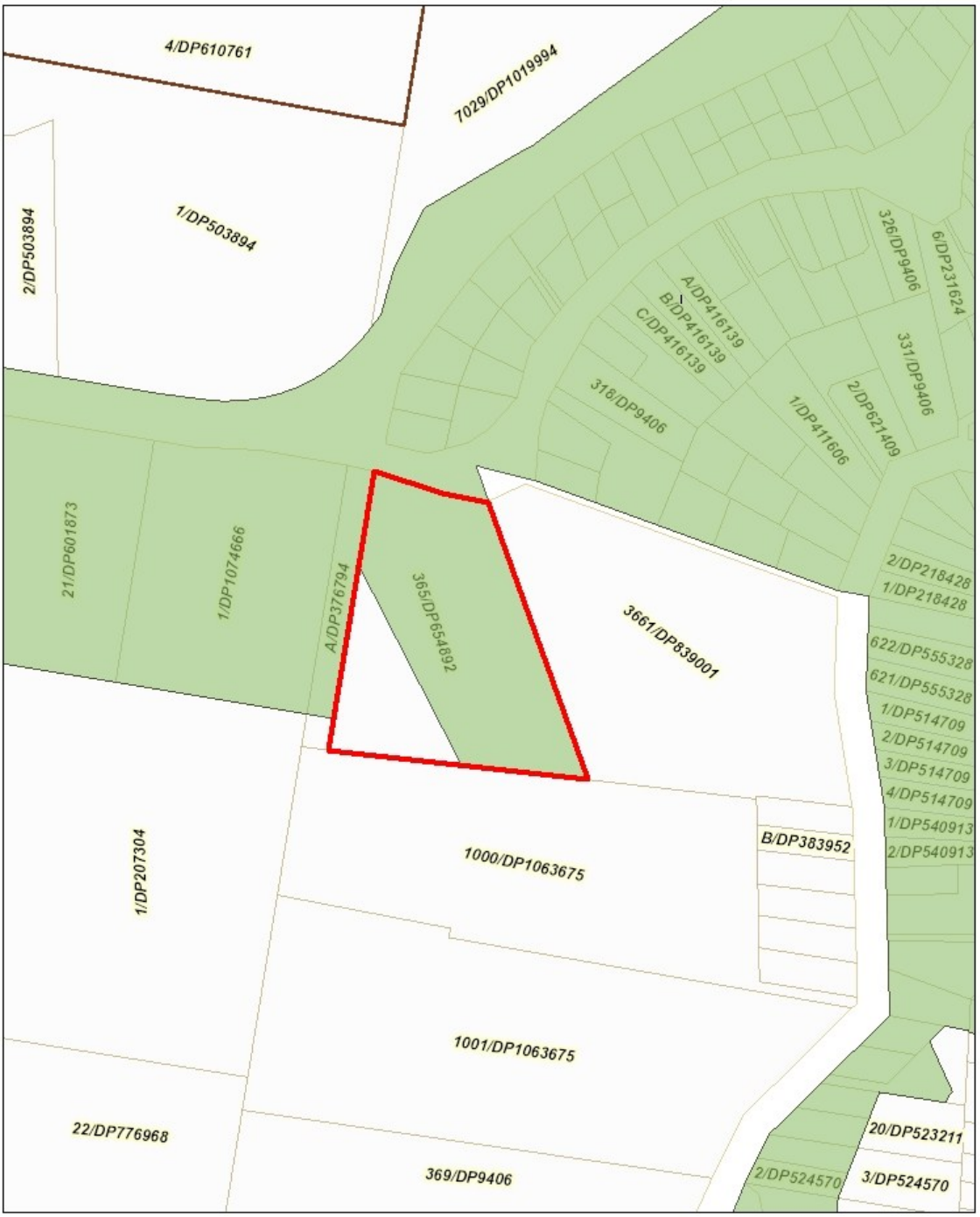
Scale - 1:3,140

Source: Gosford City Council
Projection: GDA_1994_Transverse_Mercator; GCS_GDA_1994

APPENDIX 4 - GLEP 2014 Height of Building Map



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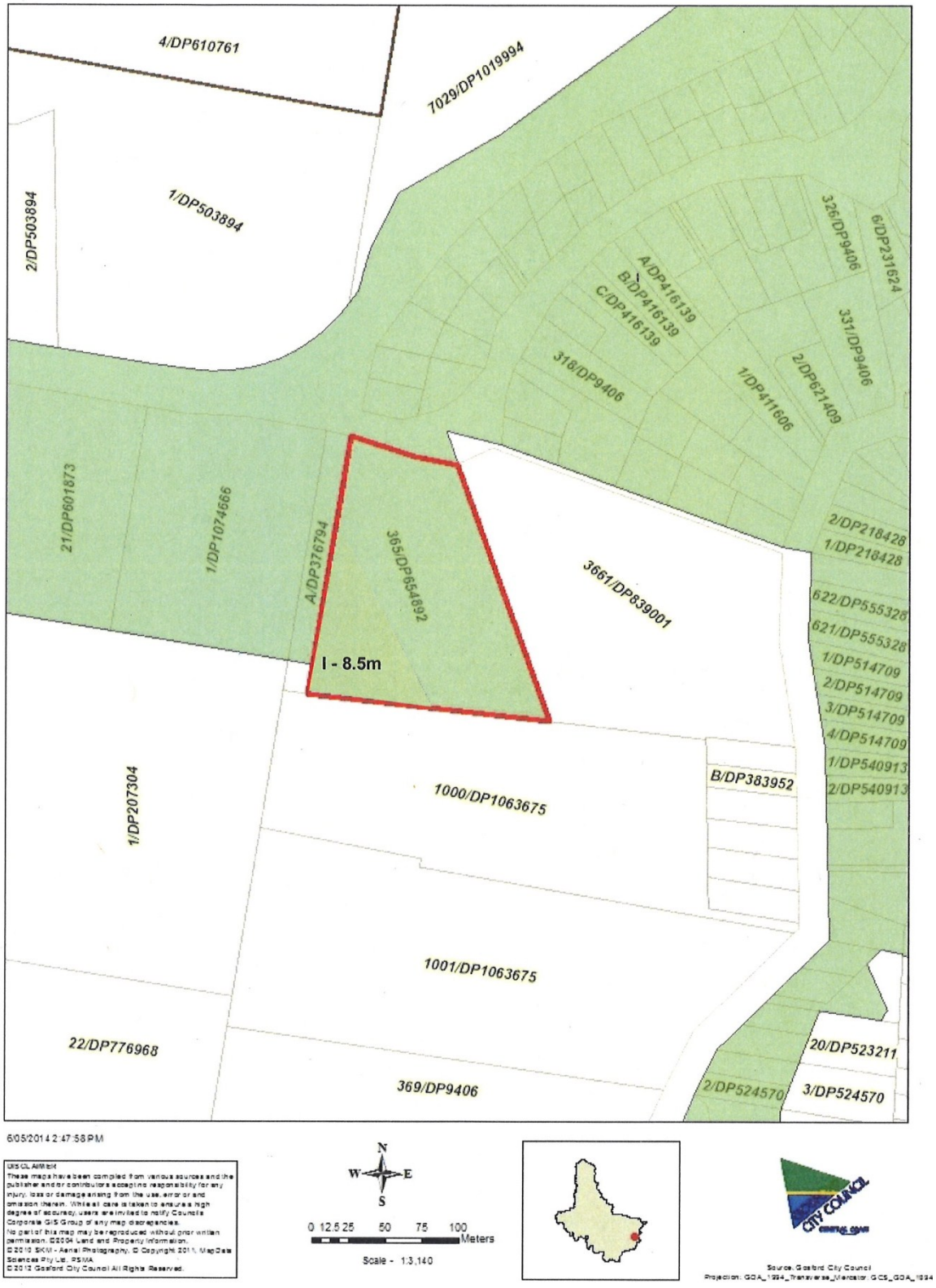
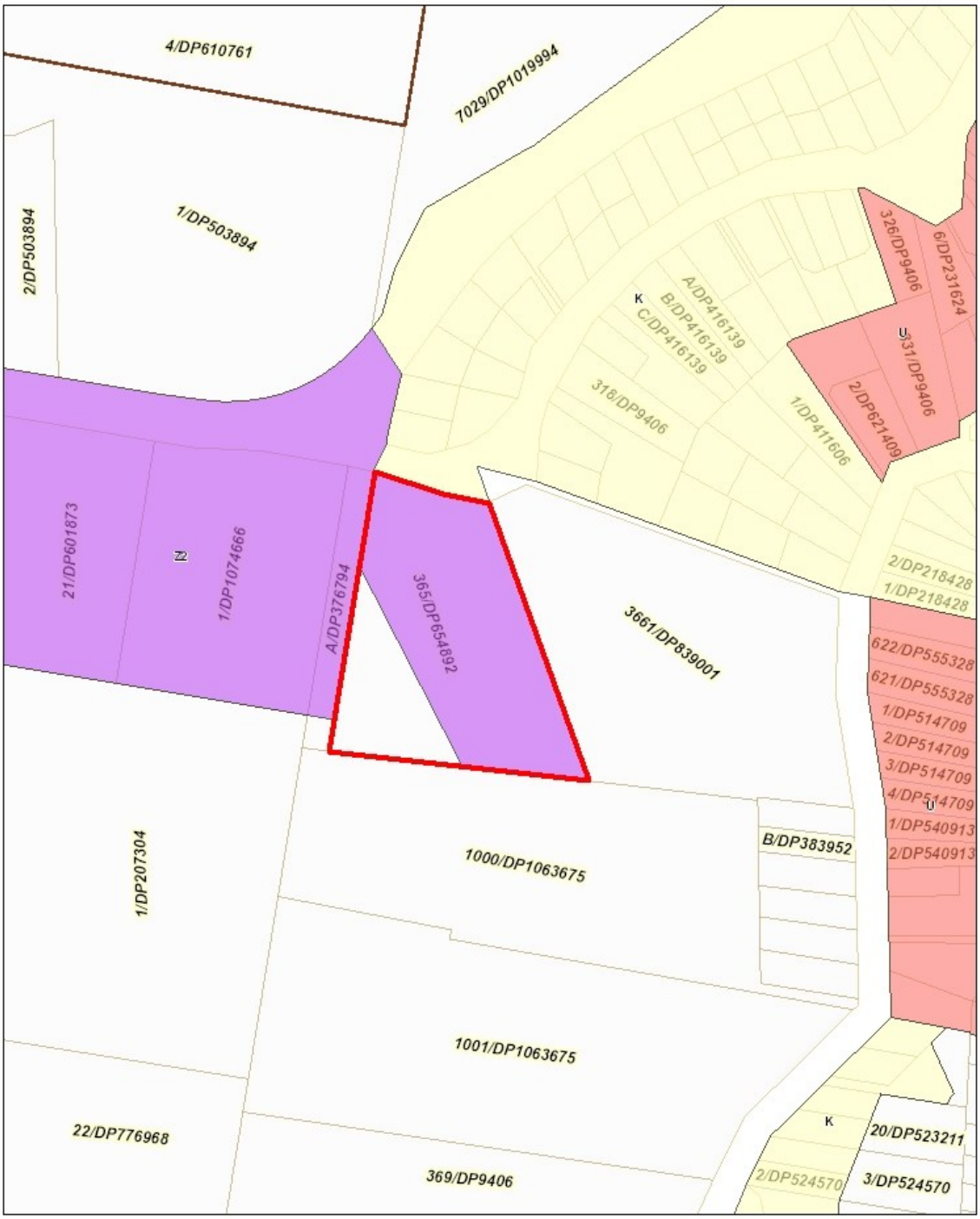
Scale - 1:3,140

Source: Gosford City Council
Projection: GDA_1994_Transverse_Mercator; GCS_GDA_1994

APPENDIX 5 - Proposed GLEP 2014 Height of Building Map



APPENDIX 6 - GLEP 2014 Minimum Lot Size



6/05/2014 2:48:59 PM

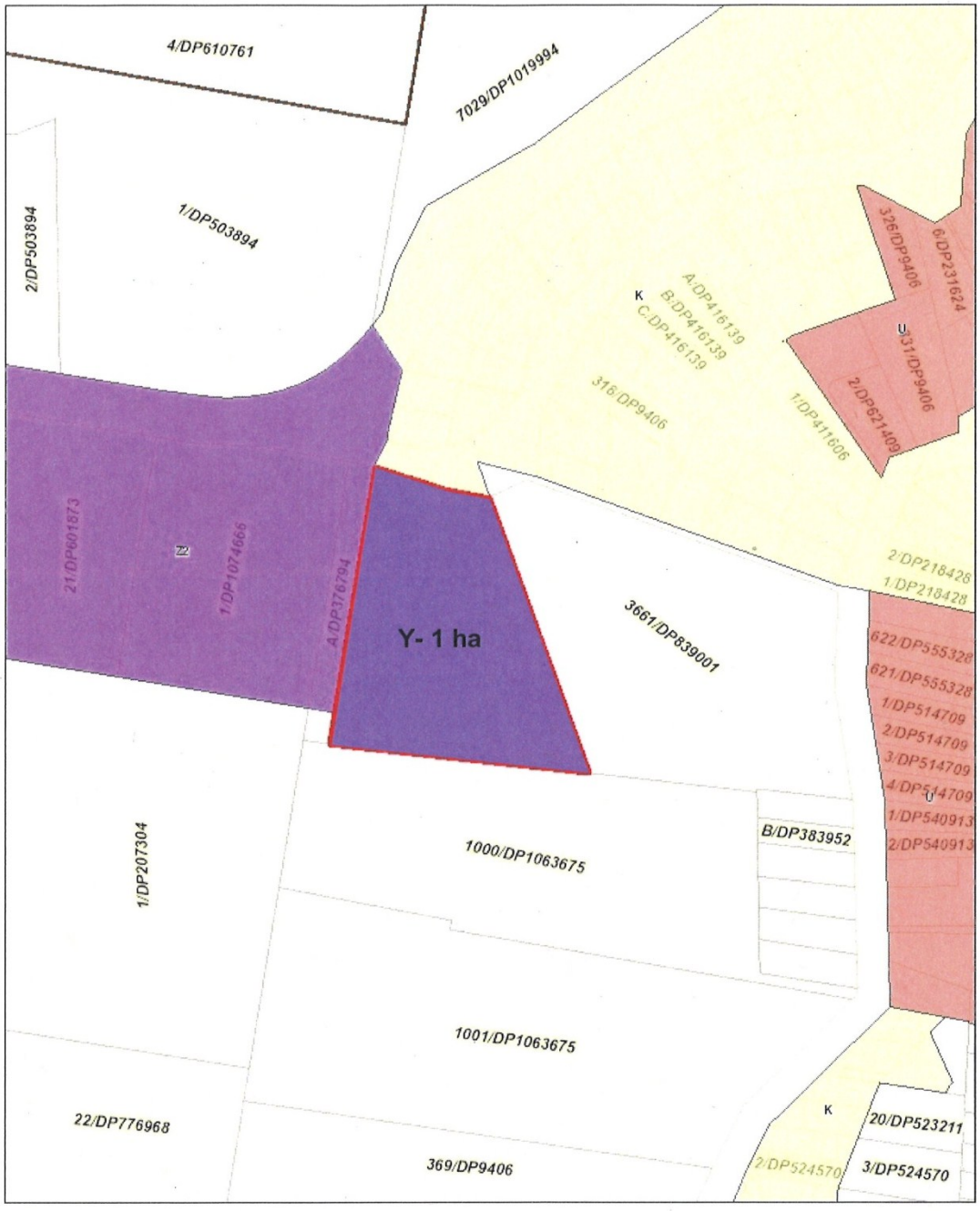
N
W E
S

0 12.5 25 50 75 100 Meters

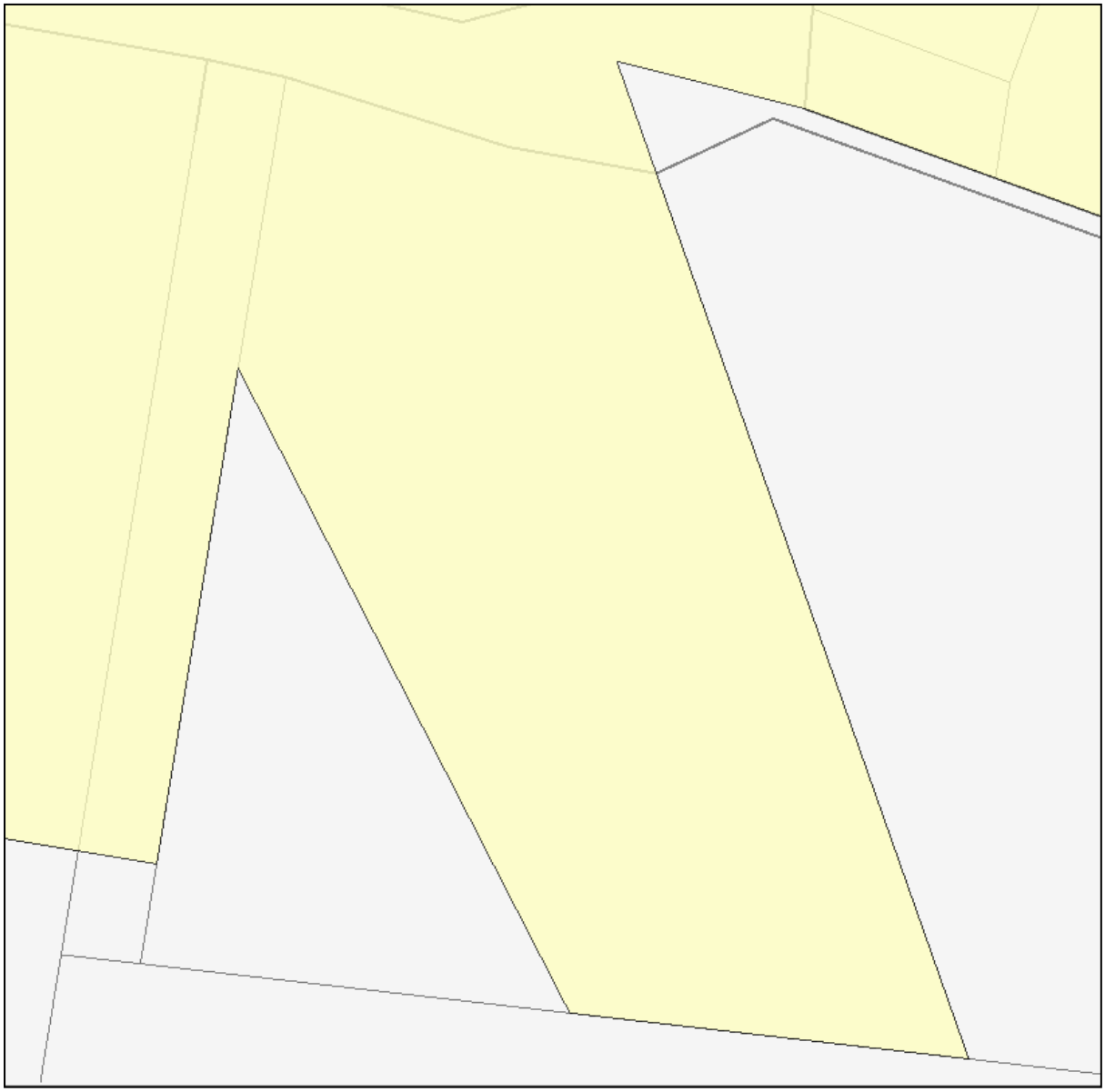
Scale - 1:3,140

Source: Gosford City Council
Projection: GDA_1994_Transverse_Mercator; GCS_GDA_1994

APPENDIX 6 - Proposed GLEP 2014 Minimum Lot Size



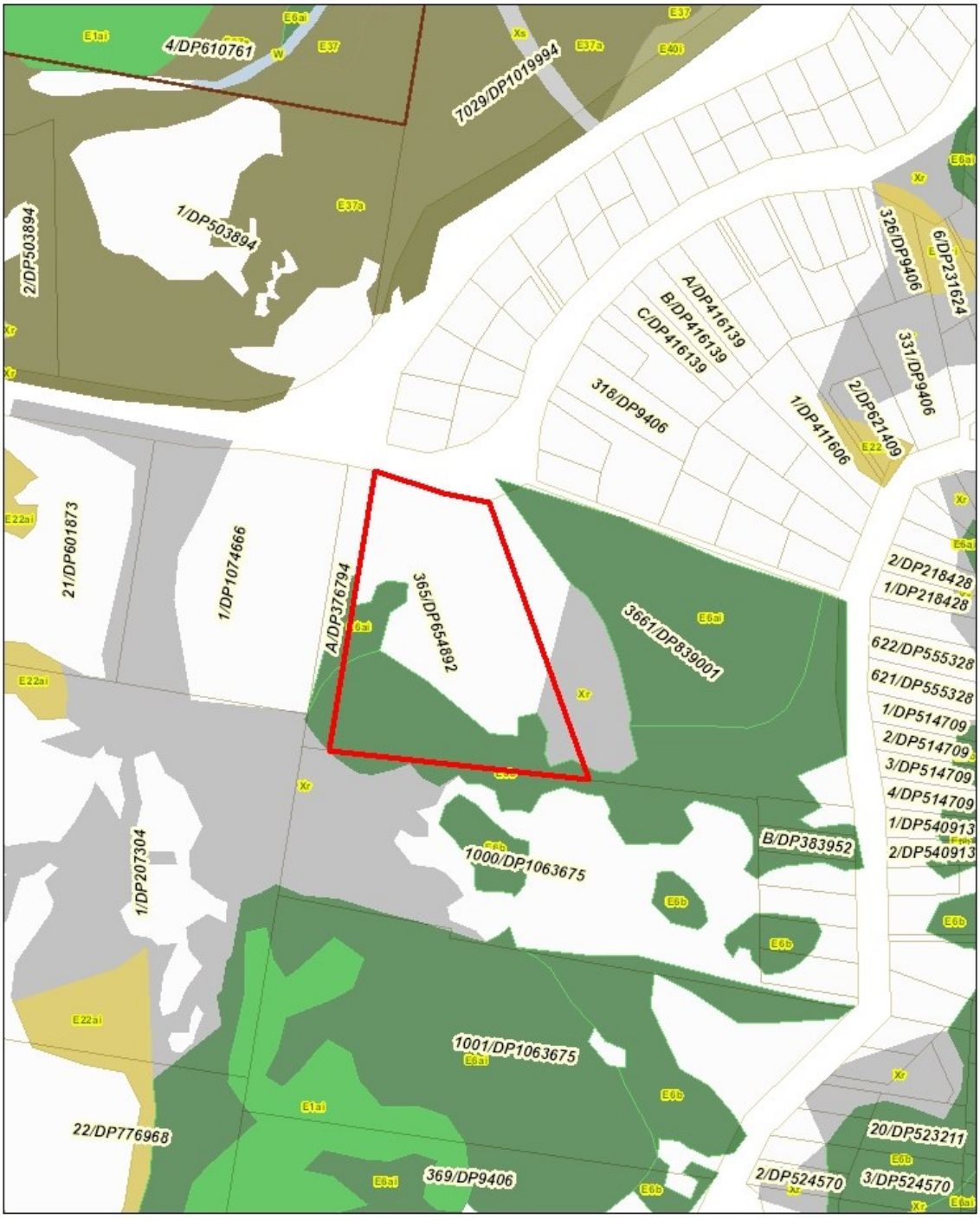
APPENDIX 7 - Acid Sulphate Soils



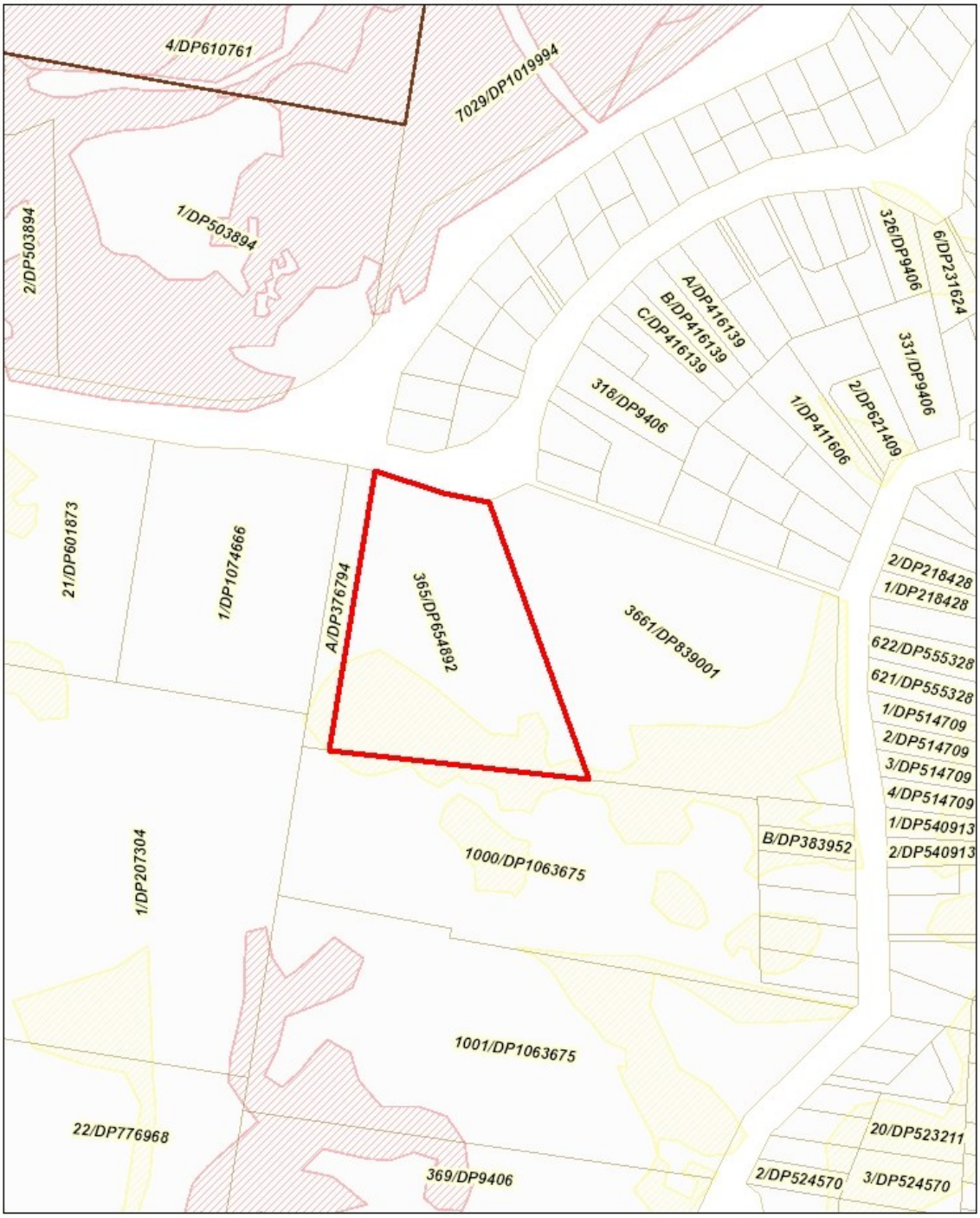
APPENDIX 7 - Proposed Acid Sulphate Soil

APPENDIX 8 - SEPP 71

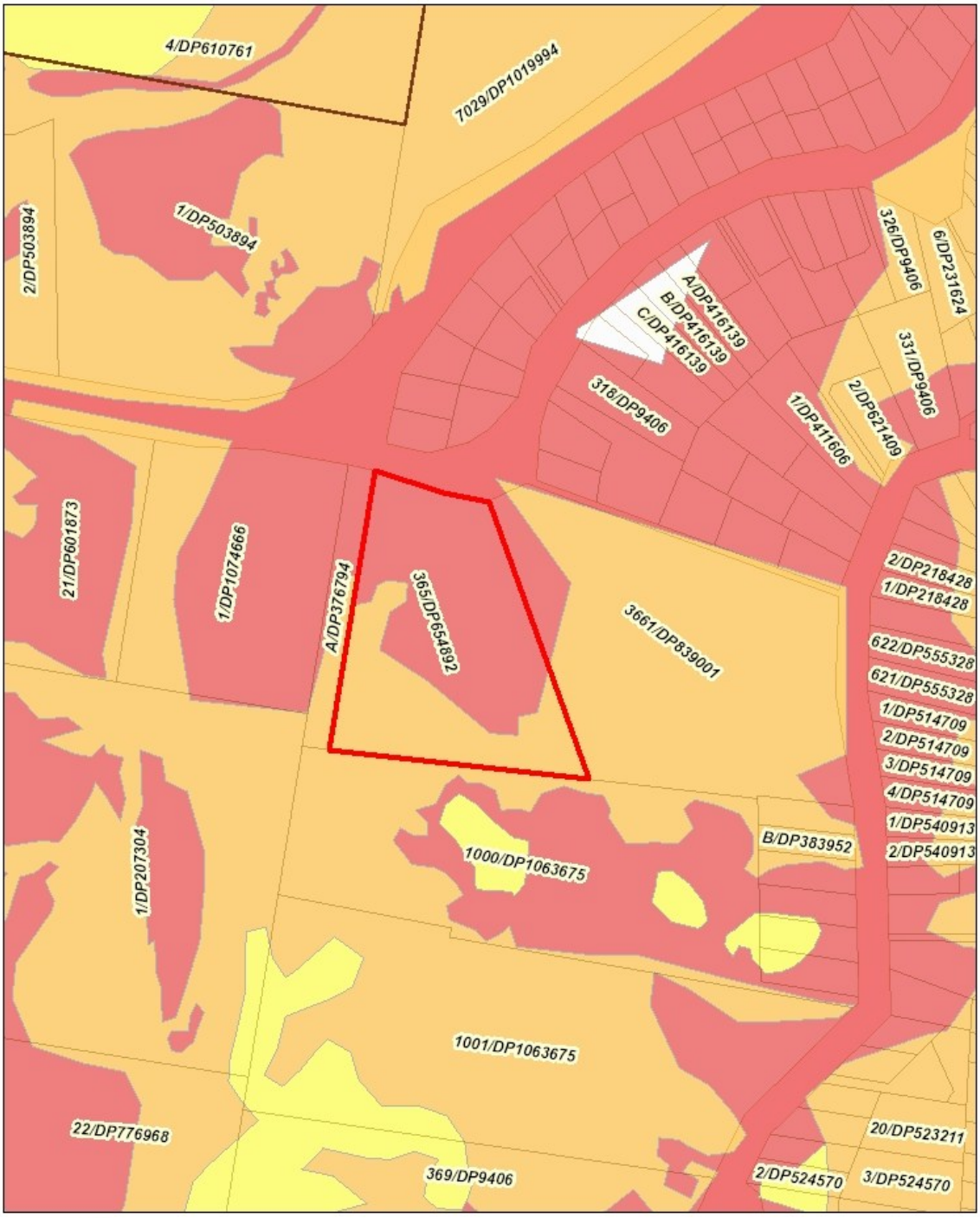
APPENDIX 9 - Vegetation



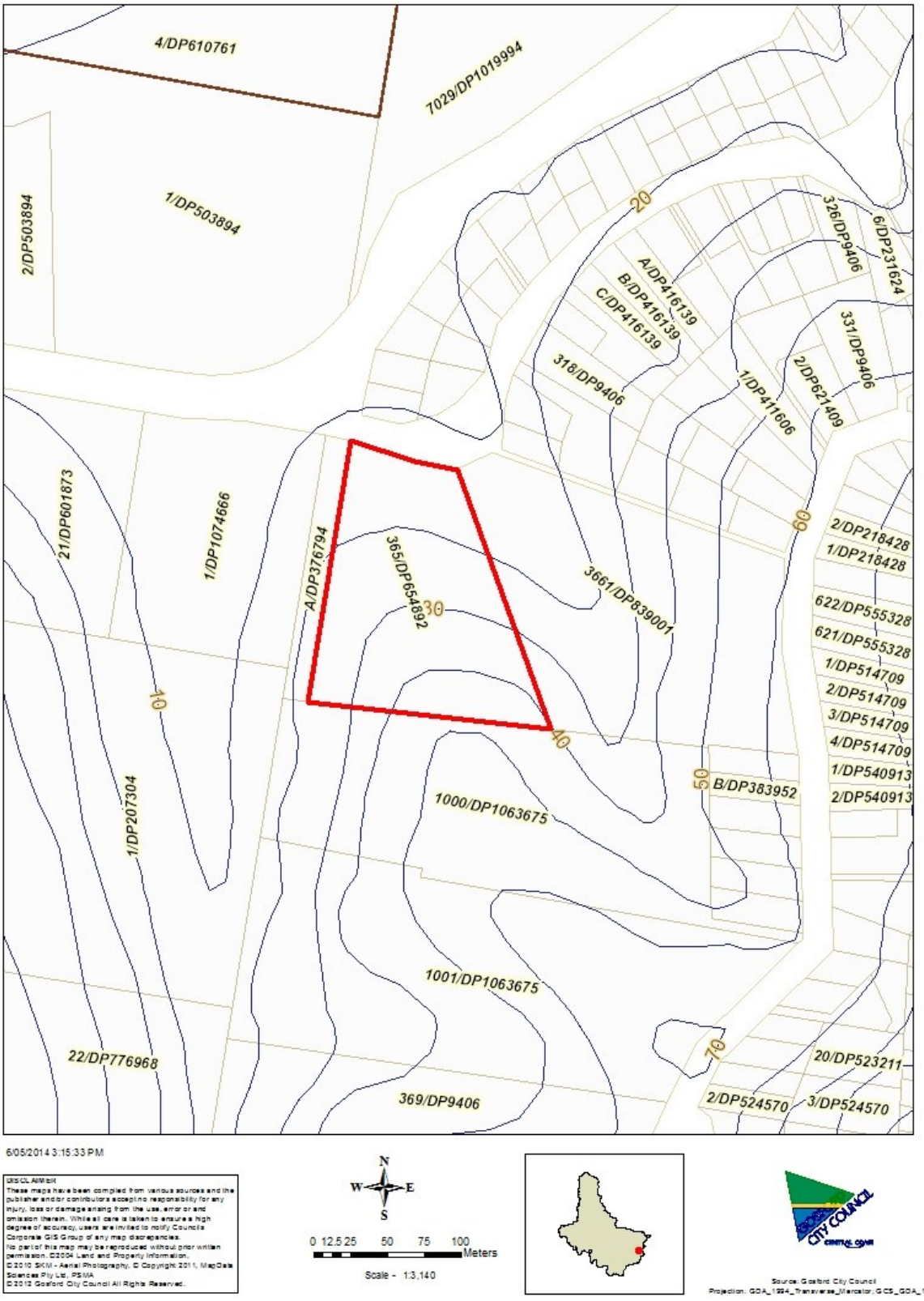
APPENDIX 10 - Regionally Significant Vegetation & EEC'S



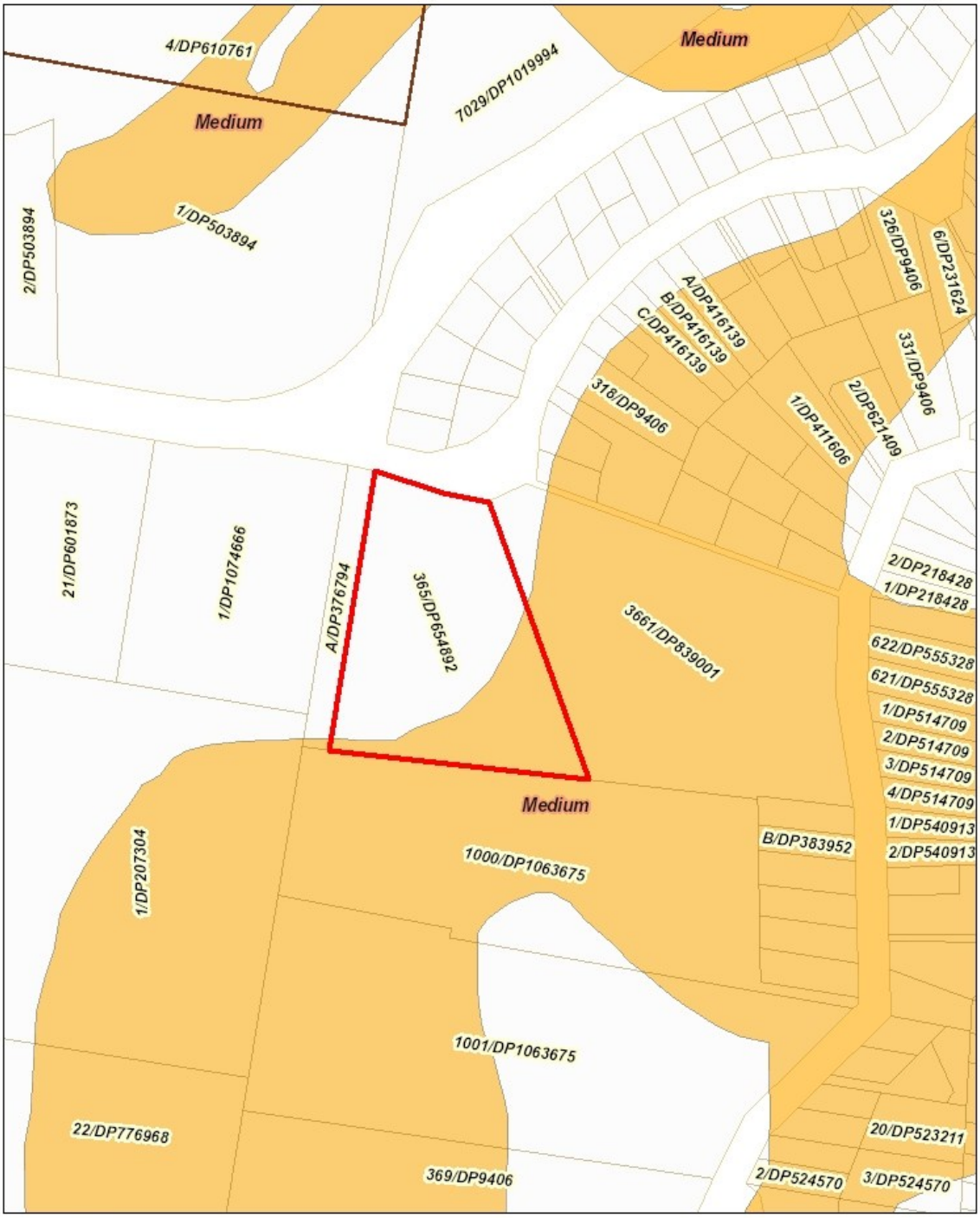
APPENDIX 11 - Bushfire



APPENDIX 12 - Topography



APPENDIX 13 - Landslip



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N
W E
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0 12.5 25 50 75 100 Meters

Scale - 1:3,140

Source: Gosford City Council
Projection: GDA_1994_Transverse_Mercator,GCS_GDA_1994