

WAMBERAL - Planning proposal to rezone land zoned 7(c2) Conservation and Scenic Protection to R2 Low Density Residential under Gosford LEP 2014 at 8 Ocean Palms Close, Wamberal (1 dwelling)

Proposal Title :	WAMBERAL - Planning proposal to rezone land zoned 7(c2) Conservation and Scenic Protection to R2 Low Density Residential under Gosford LEP 2014 at 8 Ocean Palms Close, Wamberal (1 dwelling)		
Proposal Summary :	The proposal seeks to rezone part of a site zoned 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) under the Gosford Interim Development Order No. 122 (Gosford IDO No 122) to R2 Low Density Residential under the standard instrument Gosford Local Environmental Plan 2014 (GLEP 2014). The proposal would result in 1 additional residential lot.		
PP Number :	PP_2017_CCOAS_008_00	Dop File No :	17/08694

Proposal Details

Date Planning Proposal Received :	30-Jun-2017	LGA covered :	Central Coast
Region :	Hunter	RPA :	Central Coast Council
State Electorate :	TERRIGAL	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Ocean Palms Close		
Suburb :	Wamberal	City :	Postcode : 2260
Land Parcel :	Lot 23, DP 815468		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings 1 (where relevant) :
Gross Floor Area : 0	No of Jobs Created : 0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
If Yes, comment :

Supporting notes

Internal Supporting Notes : **Council provided revised documentation on 30 June 2017.**

The subject site is identified as a Deferred Matter (DM) under the Gosford LEP 2014. Council intends to create a Central Coast LEP (CCLEP) which will consolidate all Central Coast Environmental Planning Instruments (EPI).

The site is located at the edge of the Wamberal urban area. The surrounding properties are a mix of R2 Low Density Residential (R2) developed with urban sized lots and 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings), which are predominantly characterised by 1 and 2 hectare lots used for rural residential.

The subject site has an irregular shape with a pan handle that shares a boundary with Central Coast Highway. The site currently has vehicle access via Ocean Palms Close. The proposal seeks to rezone the pan handle to R2 while retaining the majority of the site for 7(c2).

Following rezoning it is intended that the land would be subdivided to create a new residential lot in the pan handle, which is proposed to have vehicular access from the Central Coast Highway.

The proposal has merit as it is within the existing urban footprint, can be serviced by water and sewer and has the potential to provide access via the Central Coast Highway. Progression of this proposal ahead of the draft CCLEP is supported as the CCLEP is only intended to consolidate existing EPIs, and not make amendments to the zoning of individual sites.

However the proposal should be updated to include further consideration of what will occur at subdivision. The planning proposal will lead to a split-zoned parcel in two different planning instruments and the land remaining in the 7(c2) zone will be less than

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the 2 hectare minimum lot size and will require justification that this is an appropriate outcome.

Council intends to rezone deferred land as part of the CCLEP based on an Urban Edge review which proposes SI zones. In order to avoid potential complications of the split-zoned parcel Council should consider bringing forward the proposed rezoning of the 7(c2) portion of this lot in this planning proposal to an appropriate conversion zone with supporting development standards.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : Council's stated objective is to rezone part of the subject land from 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) under the Interim Development Order No 122 to R2 - Low Density Residential under the Gosford Local Environmental Plans 2014.

The objective should be restated to be broader (eg. to allow subdivision to create an urban sized lot on the eastern portion of the land) so that all options for achieving the objective can be considered (eg. rezoning whole lot to an SI zone with corresponding development standards).

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

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

Comment : Council seeks to amend the GLEP 2014 for part of the subject site by amending:

- the Land Application Map, by removing the Deferred Matter notations so as to include the site in the LEP;
- the zone to R2 Low Density Residential;
- the Height of Building to 8.5m;
- the Floor Space Ratio to 0.5:1;
- the Minimum Lot Size to 550m²; and
- the Acid Sulphate Soil to Class 5.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

* May need the Director General's agreement

2.2 Coastal Protection

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

5.10 Implementation of Regional Plans

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP No 71—Coastal Protection

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e) List any other matters that need to be considered :

S117 DIRECTIONS

Inconsistency with the following S117 Directions is considered to be of minor significance:

2.1 Environment Protection Zones

The proposal seeks to rezone a conservation zone for residential purposes and reduce the protection of the land, as such the proposal is inconsistent with the direction.

The land is mostly cleared of vegetation and is predominantly used for rural residential purposes. Council's vegetation mapping has not identified any critically or endangered ecological communities or regionally significant vegetation on the site. The inconsistencies with the Direction are considered to be of minor significance.

3.1 Residential Zones

Council's supporting documentation notes water is available to service the proposed R2 lot. However, the R2 lot is not located within Council's defined sewer service area and the developer would be required to extend the existing sewer. Council's Development Control Plan includes adequate controls to ensure the site is serviced at the development application stage and as such inconsistency with S117 Direction 3.1 Residential Zones is of minor significance.

The following S117 Directions require further consideration:

2.3 Heritage Conservation

This direction applies when an RPA prepares a planning proposal. Council should update the planning proposal to address the terms of the direction.

4.4 Planning for Bushfire Protection

The western portion of the lot is identified as bushfire prone land (vegetation buffer), however the land which is subject to this planning proposal is not bushfire prone. Under Council's current proposal which would maintain the 7(c2) zone on the western portion of the site, consultation with the RFS would not be necessary. However as the Gateway requires Council to consider the alternative of rezoning the whole lot to an SI zone, consultation with the RFS as required by the direction should occur following which Council should address the terms of the Direction.

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)

The proposal is consistent with all relevant SEPPs except as identified below. Further consideration and assessment is recommended as part of the Gateway determination in relation to the following:

SEPP 55 - Remediation of Land

The site has previously been used for agricultural purposes, however is primarily used for residential purposes. Council must ensure the site is suitable for the R2 permissible uses and include the assessment findings in the public exhibition.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : The maps provided are adequate for Gateway assessment but maps of all proposed changes should be included in the planning proposal for public exhibition.

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Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has advised that the planning proposal will be exhibited for 14 days. A minimum exhibition period of 14 days is supported.

Additional Director General's requirements

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

If Yes, reasons : **PROJECT TIMELINE**
Council proposes a project timeline of 12 months. However, a timeframe of 9 months is considered sufficient to finalise the planning proposal.

DELEGATION AUTHORISATION
Council requested delegation to make the draft LEP. As the proposal is a minor spot rezoning and is consistent with the Central Coast Regional Plan, Council should be granted delegation.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **February 2014**

Comments in relation to Principal LEP : **GOSFORD INTERIM DEVELOPMENT ORDER NO 122 (GOSFORD IDO NO 122)**
The subject site is currently zoned 7(c2) under the Gosford IDO No 122 with a minimum lot size of 2ha. A bonus lot clause permits lots of 1ha in certain cases.

GOSFORD LEP 2014 (GLEP 2014)
Council adopted the Standard Instrument (SI) in 2014. However, the GLEP 2014 retained a number of sites within the Gosford IDO No. 122 as Deferred Matters.

Council's proposal will create a split zoned (7(c2)/R2) lot over two planning instruments (IDO 122/GLEP2014) with the intention that the lot would be subdivided along the zone boundary.

The planning proposal has not considered any procedural issues at subdivision stage, the suitability of a 7(c2) lot of this size at this location or whether alternative ways of achieving the same result are preferable (eg. rezone whole to SI zones under GLEP 2014).

The Gateway determination requires Council to consider these matters.

Assessment Criteria

Need for planning proposal : Council has advised the planning proposal is not the result of a specific strategic study or report.

DRAFT CENTRAL COAST LEP (DRAFT CCLEP)
The purpose of the draft CCLEP is to consolidate all relevant EPIs into a standard instrument LEP for the Central Coast Council local government area. All land currently deferred from Gosford LEP 2014 will be included in the new LEP based on an Urban Edge Review.

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Progression of this proposal has merit to continue ahead of the draft CCLEP as it is only intended to consolidate existing EPIs, and not make amendments to the zoning of individual sites.

DEVELOPMENT STANDARDS

The proposal recommends that the proposed R2 land adopt the same development standards as the surrounding R2 lots.

Consistency with strategic planning framework :

CENTRAL COAST REGIONAL PLAN 2016 (CCRP)

Council's assessment notes that the proposal is consistent with the CCRP, specifically Directions 19, 20 and 21, which relate to housing supply and choice.

COMMUNITY STRATEGIC PLAN - 2025 (CSP)

Council's assessment indicates that the proposal is generally consistent with the objectives of the CSP.

BIODIVERSITY STRATEGY

Council's assessment notes the proposal is consistent with the Strategy as it will provide additional residential development within the existing urban footprint on a site which is predominantly cleared of remnant vegetation.

RESIDENTIAL STRATEGY

Council's assessment notes the proposal is consistent with the relevant actions in the Strategy.

Environmental social economic impacts :

SOCIAL

The proposal will contribute to additional low density housing stock within an existing urban area close to commercial centres and services.

WATER AND SEWER

Water is available to service the site. The proposed R2 land is not currently connected to sewer or located within Council's servicing area and the proponent would be responsible extending the sewerage reticulation system to the boundary of the proposed lot. Council's Development Control Plan includes adequate controls to ensure the site is serviced at the development application stage, as such inconsistency with S117 Direction 3.1 Residential Zones is of minor significance.

TRAFFIC AND TRANSPORT

The proposed new lot has a frontage to the Central Coast Highway and any future development would require direct vehicular access from the NSW RMS classified road.

The proposal should be referred to NSW RMS for consultation.

The proposed lot will be serviced by a local bus network and two nearby bus stops.

ENVIRONMENTAL HAZARDS (FLOOD AND BUSHFIRE)

The proposed R2 lot is not bushfire prone.

The site is not identified as being flood prone land.

DRAINAGE

Council advised the site should be drained via an easement through the neighbouring property. Given the rezoning is minor, drainage issues can be resolved at the development application stage.

ENVIRONMENTAL PROTECTION

The site is generally cleared of vegetation, with the exception of planted vegetation along the boundary.

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Assessment Process

Proposal type :
Minor

Community Consultation Period :
14 Days

Timeframe to make LEP :
9 months

Delegation :
RPA

Public Authority Consultation - 56(2)(d) :
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services

Is Public Hearing by the PAC required?

No

(2)(a) Should the matter proceed ?

Yes

If no, provide reasons :

Resubmission - s56(2)(b) :

No

If Yes, reasons :

Identify any additional studies, if required. :

Bushfire

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan?

No

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Central Coast Council - Council Report.pdf	Proposal	Yes
Central Coast Council - Council Resolution.pdf	Proposal	Yes
Central Coast Council - Land Use Provisions.pdf	Proposal	Yes
Central Coast Council - Mapping.pdf	Map	Yes
Central Coast Council - Planning Proposal.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage :

Recommended with Conditions

S.117 directions:

2.1 Environment Protection Zones
2.2 Coastal Protection
3.1 Residential Zones
3.3 Home Occupations
3.4 Integrating Land Use and Transport
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5.10 Implementation of Regional Plans

Additional Information :

The planning proposal should proceed subject to the following conditions:

1. Council is to update the planning proposal prior to community consultation to:

- Broaden the Statement of Objectives so the planning proposal is to create an urban sized lot on the eastern portion of the site (this will allow alternative planning instrument solutions to be considered);
- Discuss the proposed subdivision process under Council's proposal where the land will be split-zoned in two planning instruments and a lot below the minimum lot size for the 7(c2) zone will be created;
- Consider alternate means of achieving the revised objective of the planning proposal (eg. zone entire lot to standard instrument zones with supporting development standards); and
- include maps of proposed instrument changes for exhibition.

2. Council is to update it's consideration of the consistency with the following S117 Directions:

- 2.3 Heritage Conservation
- 4.4 Planning for Bushfire Protection.

3. Council is to update it's consideration of the following State Environmental Planning Policy (SEPP):

- SEPP 55 - Remediation of Land

4. Minimum 14 day exhibition period.

5. Consultation is required with the following public authority:

- NSW Rural Fire Service; and
- Transport for NSW - Roads and Maritime Authority.

6. A public hearing is not required to be held.

7. The timeframe for completing the LEP is to be 9 months.

8. Council be granted delegation to make the plan.

Inconsistency with the following S117 Direction is considered to be of minor significance:

- 2.1 Environmental Protection Zones;
- 3.1 Residential Zones.

Supporting Reasons :

Signature:



Printed Name:

G P HOPKINS

Date:

19 July 2017