PLANNING PROPOSAL CENTRAL COAST COUNCIL Zoning of Lot 1 DP 802041 Reads Road, Wamberal from 7(c2) to R2

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 Department of Planning and Environment.

Part 1 Objectives or Intended Outcomes

The objective/intended outcome of the Planning Proposal is to rezone the subject land from 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) to R2 Low Density Residential with a minimum lot size of 1,850sqm.

Part 2 Explanation of Provisions

The objectives/intended outcomes are to be achieved by amending the following maps under Gosford LEP 2014 as they relate to Lot 1 DP 802041:

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 U (i.e. lot size of 1,850 sqm)

Acid Sulfate Soils Map (ASS_017B)

include subject site in Class 5

The Appendices contains all relevant mapping to the Planning Proposal.

Part 3 Justification for objectives & outcomes

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 a strategic study or report.

Council's Environmental Land and Urban Edge Study is well underway to map the environmental features and infrastructure capacity to assess land suitability. The Study will make zone recommendations to allocate deferred land parcels into the most appropriate zone and finalise the transfer of all lands into the Gosford LEP 2014.

The following comments are made in relation to key zoning principles and criteria.

- The land parcel does not contain environmental criteria that would meet an Environment Protection Zoning and the land is not primarily used for environmental land use purposes. Therefore it is unlikely to be zoned E2 or E3.
- The land parcel does contain criteria suitable for an urban classification, based on assessment of the availability of water and sewer, proximity to urban centres, connectivity to transport, avoidance of environmental features and hazards.

Therefore, based on an initial assessment it appears the property merits transferral to an urban zoning as it is has limited environmental significance and it is strategically located for urban use. The suggested R2 Low Density Residential zone proposed in the planning proposal seems most appropriate.

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 this is the only process through which land zoning can be changed.

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)?

Central Coast Regional Strategy

The Central Coast Regional Strategy 2006 – 2031 provides a regional context for the proposal. 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 a number of actions of the Regional Strategy including the following:

Action 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.

Action 4.6 Land to be rezoned for housing during the life of this Strategy is to be located within existing urban areas.

There are limited opportunities for new residential development in the Wamberal area so this Planning Proposal will provide continued housing choice in the suburb. Even though the subject land is not within an existing urban area, it does adjoin an existing residential zone and the child care centre on the subject property is a use characteristic of an urban zone.

Central Coast Regional Plan 2036

The *Central Coast Regional Plan 2036 (CCRP)* applies to both of the former Gosford and Wyong local government areas (LGAs). The Planning Proposal will assist Council in meeting the targets set by the State Government in the Regional Strategy for provision of housing.

The CCRP is to provide the basis of the planning by the local government sets out a number of actions. This Planning Proposal is consistent with a number of actions of the Regional Plan including the following:

Action 19.3 - Monitor land and housing delivery and accelerate housing supply to meet a projected housing demand of 41,500 additional dwellings by 2036.

Action 20.1 - Improve housing choice by supporting housing delivery in and near the growth corridors and local centres

Action 21.1 - Provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and greenfield housing locations.

The proposed zone change to R2 Low Density Residential will accelerate the delivery of new dwellings in order to support the projected housing demand. The request is considered within proximity of the Wamberal Local Centre and the land release will support housing delivery in the locality. The request seeks to enable subdivision of land of 1850m² which will increase the dwelling potential of the land from 1 to 2 and thereby provide greater housing diversity across the area.

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?

The Planning Proposal has strategic merit in that it will ensure the zoning of the land is consistent with that of adjoining properties to the east. The proposal is consistent with the Central Coast Regional Strategy 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 Planning Proposal is compatible with the natural environment and surrounding land uses. The subject land does not contain environmental characteristics that are consistent with an Environment Protection Zoning and the land is not primarily used for environmental land use purposes. With limited environmental significance it is however strategically located for a residential use.

The Planning Proposal seeks a modest increase in housing density which takes account of the site being in the transition area between standard residential and rural residential development. The additional two (2) dwellings that will be permitted as a result of the proposal will not create a negative impact upon the existing landscape as the lots will be larger than those on the eastern side of Reads Road.

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

Community Strategic Plan

The Planning Proposal application appears consistent with the following strategies from the Community Strategic Plan – Gosford 20125:

A3.4 Increase the availability of appropriate housing.

B1.2 Identify and preserve areas of conservation value B6.3 Plan for population growth within existing developed footprint.

The Planning Proposal will provide continued housing choice in Wamberal. While the subject land is not within the existing developed footprint, it immediately adjoins an existing residential area. The existing child care centre on the site gives the site the character of an urban area.

The subject land is generally cleared and developed for a child care centre thus the Planning Proposal will not have any impact on threatened species, populations, ecological communities or their habitats. Therefore the Planning Proposal is consistent with the Community Strategic Plan.

Biodiversity Strategy

The Biodiversity Strategy (2008) provides a framework and guide for the management of biodiversity in Gosford area that is consistent with regional, state, national and international strategies, plans and policies. The following Action in the Biodiversity Strategy 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 purpose of this Action is to locate development in the urban footprint so as to protect land with environmental value. Even though the subject land is located outside the existing urban footprint it does adjoin an existing urban zone and does not contain any environmental constraints.

Residential Strategy

The Residential Strategy (1996) is aimed at containment of urban expansion and protection of the environmental quality of the Gosford area in accordance with State Government approach to urban consolidation.

The Residential Strategy contains the following Action for proposed low density residential land:

- 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
- Conservation and Scenic Protection areas are an acknowledged important element in the natural characteristics of Gosford and should not be seen as "future" residential land.

The Planning Proposal application proposes to extend the residential zone into the adjoining 7(c2) zoned area along the western side of Reads Road. However it should be noted that the subject land already contains a child care centre and the R2 zone is located on the eastern side of Reads Road. Therefore this part of Reads Road has a character consistent with a low density residential zone.

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.

SEPP19 - Urban 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 subject land is generally cleared of vegetation except for some trees along the Reads Road frontage. It does not contain any threatened species, populations, ecological communities or their habitats. Therefore the Planning Proposal is consistent with the SEPP.

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 was being used for orchards in 1954. By 1964 the orchards were in a state of decline and by 1986 there were some greenhouses on the site. 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. The land has been identified as being subject to SEPP 71. The broad aim of the SEPP is to ensure the effective management and protection of coastal areas and encourage a strategic, comprehensive approach to coastal management and development. It also sets out a range of matters for consideration, including public access, suitability of development, detrimental effects, scenic qualities, measures to conserve animals and fish and wildlife corridors, effects on coastal processes, cultural values, and water quality and for rezonings, the means to encourage compact cities and towns.

Under SEPP 71 most of the "matters for consideration" relate to land that directly fronts water bodies and thus are not applicable to the subject site. However the following issues are relevant:

- 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.

Stormwater runoff from urban areas has the potential to adversely affect coastal waterways, however such a scenario is ameliorated by imposing onsite stormwater detention measures, as per Council's requirements. An increased residential intensity with standard lot sizes (550sqm) would encroach into the rural small holdings precinct of Ocean Palms Close and result in an incongruous relationship between the two land uses. However if the minimum lot size of 1850sqm was applied to the subject land a satisfactory transition would be made between the standard residential and rural residential development. In this way the existing urban footprint would remain compact and be consistent with SEPP 71.

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

The following assessment is provided as to the consistency of the Planning Proposal with relevant Section 117 Directions applying to Planning Proposals lodged after 1 September 2009. Section 117 Directions are only discussed where applicable. The Planning Proposal is consistent, with all other Section 117s Directions or they are not applicable.

Direction 2.1 Environmental Protection Zones

This 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 objective of this Direction which is to protect and conserve environmentally sensitive areas, of which there is none on this site. The land is generally cleared and accommodates a 120 place child care centre and has development approval for one dwelling house.

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 Reads Road. In order to integrate with the adjoining rural residential land use to the west it is proposed to ensure that the minimum lot size of any future residential development on the site is 1850sqm. In this way only two additional dwellings would be able to be erected on the land; one more than what has already been approved under the current zone.

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).

Water is available to the land. The property is located within Councils defined water service area and a water supply main is located adjacent to the property in Reads Road.

Sewer is available to the south eastern corner of the property and was extended to service a proposed childcare facility on the land. The sewer main does not provide a gravity service to all the land proposed to be rezoned. Council's current level of service requires the developer to provide a gravity sewer system to service residential zoned land.

Should a Gateway be issued a condition of the Determination is to require connection of future development to Councils water and sewer reticulation systems as set out below:

- Connection of the proposed rezoned land to Councils existing sewer reticulation system shall be subject to each proposed parcel of land within the rezoned land being provided a gravity sewer connection to Councils sewer reticulation system.
- The applicant shall be responsible for the design and construction of water supply and sewerage works required to connect newly created lots within the rezoned land to Councils existing water supply and sewerage systems. The

water and sewer designs must be submitted to Council for approval and shall be in accordance with Council's water and sewer design standards.

- The applicant shall be responsible for obtaining written consent from the owners of any properties required to be entered upon to construct proposed sewer mains. A copy of relevant consents shall be provided to Council in conjunction with submission of design plans.
- Payment of the current water and sewer headworks / augmentation contributions, in accordance with Council's Services Charges policy.

The applicant has submitted information that approximately 1727sqm of land in the northeastern corner of the subject land could be serviced by a gravity sewer system. However, this is an extension of the internal sewerage system servicing the child care centre; it is not a Council main. Zoning land to residential that is unable to be serviced by Council's sewer system is contrary to Section 117 Direction 3.1 Residential Zones so will have to be addressed post Gateway.

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 adjacent to a bus stop on the Central Coast Highway at its intersection with Reads Road. A bus stop is also provided on the other side of the Highway and is accessed by pedestrian lights. This provides public transport to Bateau Bay Shopping 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 23m to 35m 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 not identified on the Rural Fire Service (RFS) Maps as being affected by bushfire. The Planning Proposal is therefore not required to be forwarded to the RFS for comment.

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 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 Planning Proposal is consistent with this Direction as the Planning Proposal does not impose any additional development controls.

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 adopted by Council shows that there is no vegetation on the site. Therefore, no critical or threatened species will be impacted by the Planning Proposal.

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 as being in Wamberal Character Precinct 10 – Rural Hamlets. The existing character of this precinct is separate rural residential parcels, with allotments of one to two hectares, on moderate slope and substantially cleared from past farming and grazing activities.

The desired character of the Rural Hamlets precinct is to retain the rural residential buffers surrounding the urban area and retain natural slopes and prevent further fragmentation of the tree canopy in order to maintain scenic character of the locality.

The proposal to zone the subject land to Low Density Residential will retain the rural residential buffer provided a minimum lot size of 1850sqm is also applied under the LEP. Such a minimum lot size will ensure the character of the area is not adversely affected but will act as a transition from standard residential to rural residential. Consequently the proposal is consistent with Chapter 2.1 of Gosford DCP 2013

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 Wamberal Landscape Unit. The Wamberal Landscape Unit is of Regional Significance.

Urban development in Wamberal is not intrusive as it is contained within the forested ridge formed by COSS lands, Environmental/Conservation zoned areas and Wamberal Lagoon. Within the Wamberal urban areas the landform is generally open and limited large scale vegetation results in a moderate to high level of visual exposure. Rural-residential areas of Wamberal consist of a small enclosed valley stretching between Matcham Road and Reads Road. The western portion of the valley is highly visible from The Entrance Road. This rural-residential area forms a significant part of the rural buffer between Erina and Wamberal.

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.
- Retain current subdivision standards in Environmental/scenic protection 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 zoned areas.

The proposed residential rezoning, with a minimum lot size of 1850sqm, does not represent an incremental extension into the adjoining area of 7(c2) zoned land but rather a transition from standard residential on the eastern side of reads Road to rural residential on the western side. This subdivision standard will result in the addition of one more dwelling house to that which has already been approved. Consequently the proposal is consistent with Chapter 2.2 of Gosford DCP 2013.

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

Council support for the Planning Proposal will lead to the subdivision of the land and construction of dwellings. Treated in isolation this will provide additional housing to the local area.

Section D State and Commonwealth interests

10 Is there adequate public infrastructure for the Planning Proposal?

Adequate State and Federal Infrastructure exists to meet the requirements arising from the Planning Proposal.

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

The Appendices contain all relevant mapping to the Planning Proposal. Maps will be prepared in accordance with the Standard Technical Requirements for the Local Environmental Plan post Gateway Determination.

Part 5 Community Consultation

Subject to Gateway support community consultation will involve an exhibition period of 14 or 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.

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 Gateway determination will confirm the level of information and consultation requirements should support be granted to the planning proposal. The following timeline provides an anticipated projection of the assessment should the gateway be supported:

Anticipated commencement date (date of Gateway determination);

February 2017

Anticipated timeframe for the completion of required technical information;

May 2017

Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination);

August 2017

Commencement and completion dates for public exhibition period;

September 2017

Timeframe for consideration of submissions;

November 2017

Timeframe for the consideration of a proposal post exhibition;

December 2017

Anticipated date RPA will make the plan (if delegated);

February 2018

Anticipated date RPA will forward to the Department for notification;

February 2018

APPENDIX 1 – Locality Map



APPENDIX 2 – Aerial Photograph



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APPENDIX 3- Existing Zoning







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APPENDIX 5 – Bushfire Hazard



APPENDIX 6 – Topography

