

Item No: 2.3
Title: Planning Proposal - Reads Road, Wamberal
Department: Environment and Planning



23 November 2016 Ordinary Council Meeting

D12521548

Report Purpose:

The purpose of this report is to consider a planning proposal which seeks to amend the Gosford Interim Development Order 122 (IDO 122) and the Gosford Local Environmental Plan 2014 (GLEP 2014) by converting 7(c2) Conservation and Scenic Protection (Rural Small Holdings) to R2 Low Density Residential under Gosford Local Environmental Plan 2014 (GLEP 2014).

This report recommends that Council prepare a Planning Proposal to amend the IDO 122 and GLEP 2014 and zone the site R2 Low Density Residential with a minimum lot size of 1850m².

Applicant	Doug Sneddon Planning P/L
Owner	Reads Group P/L
Application Number	PP 87/2016
Description of Land	Lot 1 DP 802041 Reads Road, Wamberal
Existing Use	Child Care Centre and Approved Dwelling House
Existing Zone	7(c2) Conservation and Scenic Protection (Rural Small Holdings). Minimum lot size 2Ha.
Proposal	R2 Low Density Residential. Minimum Lot size 550m ²
Recommended Zone and Lot size	R2 Low Density Residential. Minimum Lot size 1850m ²
Site Area	1.017 Ha

Recommendation:

- 1 That Council prepare a planning proposal for Lot 1 DP 802041 Reads Road, Wamberal, that seeks to amend the Gosford Interim Development Order 122 (IDO 122) and the Gosford Local Environmental Plan 2014 (GLEP 2014) by converting 7(c2) Conservation and Scenic Protection (Rural Small Holdings) to R2 Low Density Residential under Gosford Local Environmental Plan 2014 (GLEP 2014) with a minimum lot size of 1850m² pursuant to Section 55 of the Environmental Planning and Assessment (EP&A) Act 1979;***

- 2 That Council **forward** the planning proposal to the Department of Planning and Environment (DP&E) requesting a gateway determination, as well as requesting delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56 (1) of the EP&A Act, 1979;
- 3 That Council **undertake** community and public authority consultation in accordance with the gateway determination requirements.
- 4 That Council **consider** a further report on the results of the agency and community consultation.
- 5 That Council **request** from the Department of Planning & Environment delegations for the Chief Executive Officer (or delegate) to finalise and make the draft LEP.

The Site

The subject land is known as Lot 1 DP 802041 Reads Road, Wamberal and has an area of 1.017 Ha. The land is zoned 7(c2) Conservation and Scenic Protection (Rural Small Holdings). The former Gosford Council approved a childcare centre (constructed and operating) and a dwelling house (not constructed) on the site in 2013 (DA 44499/2013).

The site adjoins 7(c2) zoned land to the north, west and south. Land to the east on the other side of Reads Road is zoned R2 Low Density Residential. The land has a westerly aspect with slopes between 11% and 15%.



Figure 1 - Lot Description

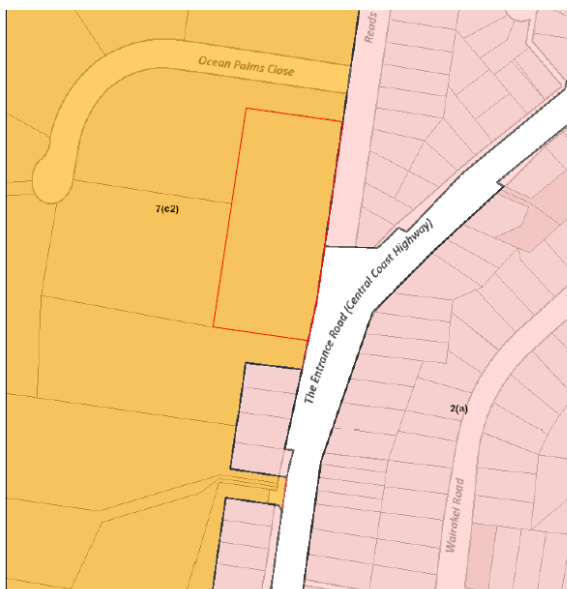


Figure 2 - Existing Zoning



Figure 3 – Aerial View of the site

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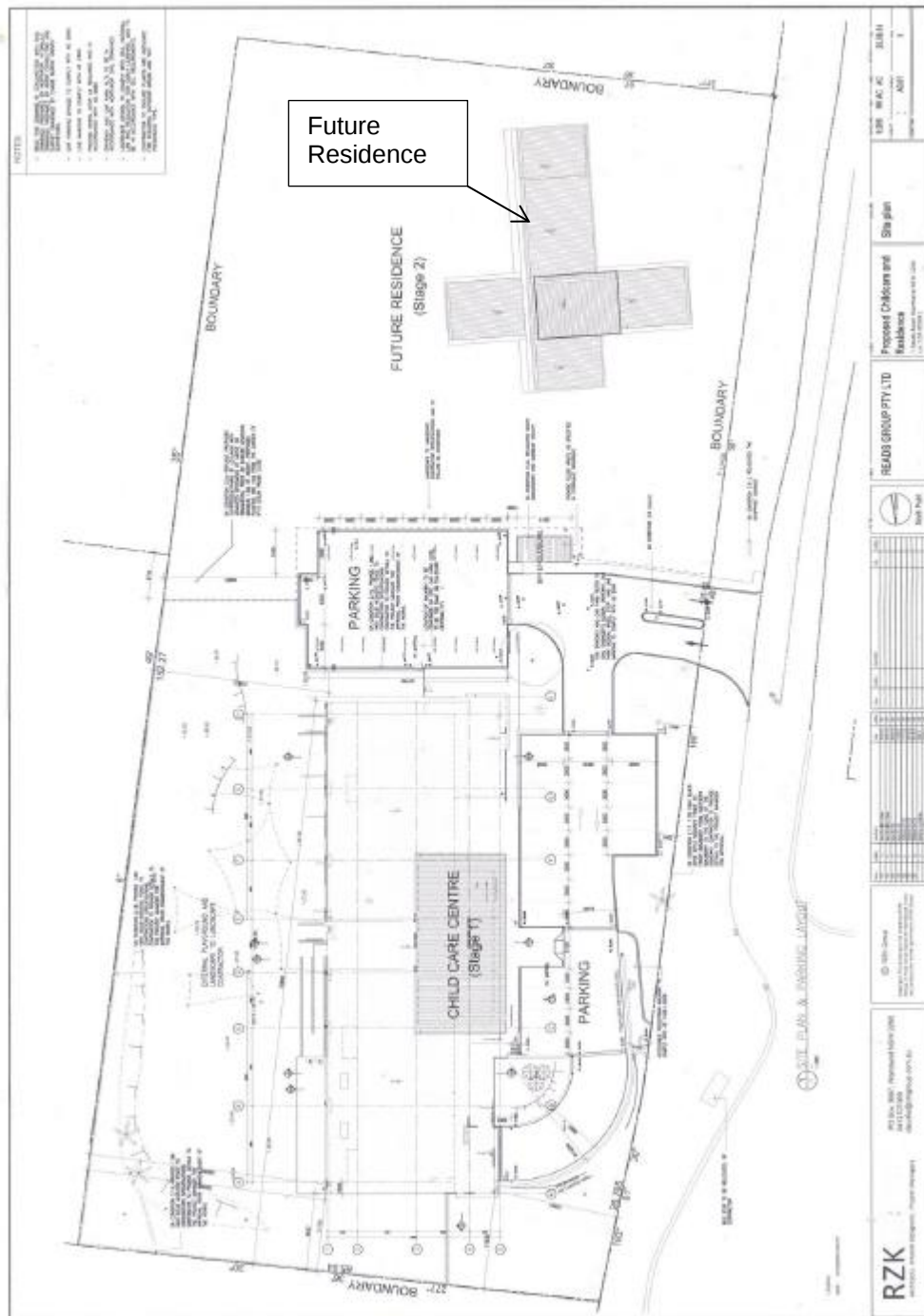


Figure 4 Approved Development Site Plan

Proposal

The applicant seeks to rezone the land to allow residential development consistent with the development approval and similar to residential development on the eastern side of Reads Road (i.e. minimum lot size 550m²) with a potential for subdivision into 6 lots.

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Assessment

The proposal submitted by the applicant is considered excessive in terms of the potential number of lots proposed, however, the site could act as a transition zone between the residential lands on the eastern side of Reads Road (south of Ocean Palms Close) and the surrounding rural residential lands west of the site if the number of potential lots was reduced from 6 to 2. It is therefore recommended that the planning proposal be amended and progressed in the following manner:

- The proposed R2 Low Density Residential Zone be maintained, however the minimum lot size be increased from 550m² to 1850m².

The preliminary assessment of the Planning Proposal application indicates that it has merit ahead of the Environmental and Urban Edge Zone Review as the lot does not contain environmental criteria that would satisfy the requirements of an Environment Protection Zoning but reflects an urban character similar to that of the adjoining residential land. As the application seeks the rezoning to enable land subdivision, several studies should be undertaken post Gateway Determination to ensure the land is suitable.

The outcome of the Planning Proposal, as amended would be the retention of the existing child care facility and the ability to subdivide the remaining vacant land (approximately 3800m²) to accommodate two future dwellings. This provides one additional residential lot to that already approved by Council. This outcome is considered to be an appropriate response to the site and the surrounding urban context.

The rezoning of the land to R2 has strategic merit on the basis that:

- The lot does not contain environmental criteria that would meet an Environment Protection Zoning;
- The lot achieves the R2 zone objectives in that it reflects an urban character;
- Future subdivision of the sites, if allowed under separate development application assessment, would enable 2 x 1850sqm lots located to the north of the existing child care centre, the lot size acting as a transition between the 550sqm lots to the east and the 1ha lots to the west;
- The R2 zone is consistent with adjoining lands.

Internal Consultation

The planning proposal was referred to the following sections within Council:

Water and Sewer

Water and sewer is available to the land, however, 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. Only the southern 1727m² of land in the north-eastern corner of the subject land could be serviced by a gravity sewer system. As this is an extension of the internal sewerage system servicing the child care centre and is not a Council main, any future development of the site (this would be the subject of a separate development application) would require connection to Council's water and sewer reticulation systems. Subject to a Gateway Determination, the applicant would have to show how a gravity sewer system could service the site.

Environmental Strategies

Council's Environmental Lands and Urban Edge Review will provide zone recommendations to allocate deferred matters into the most appropriate zone and to finalise the transfer of all Gosford lands into the Gosford LEP 2014. The aim of the study is to identify those lands that require environmental protection for allocation into one of the three Environmental Protection Zones (E2, E3 or E4 zones), and to identify those lands that have urban suitability for development (i.e. no environmental significance and are strategically located for urban uses).

Preliminary analysis of the site against this project indicates the following:

- 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 has limited environmental significance and it is strategically located for urban use. The proposed R2 Low Density Residential zone with a larger minimum lot size of 1850m² seems most appropriate.

The site is serviced by water and sewer and does not display any environmental characteristics consistent with an environmental or conservation zone. Preliminary review of the site under the Environmental and Urban Edge Zone Review indicates that the site displays urban suitability and that it has a role in providing a transition between residential and rural-residential lands.

External Referral

No consultation with public authorities or the general public has occurred to date. Requirements for consultation with agencies and public exhibition of the planning proposal will be detailed in the Gateway determination if issued.

Statutory Compliance and Strategic Justification

The rezoning of the land to R2 Low Density Residential has strategic merit on the basis that:

- The lot does not contain environmental criteria that would meet an Environment Protection Zoning;
- The lot achieves the R2 zone objectives in that it reflects an urban character;
- Future subdivision of the sites, if allowed under separate development application assessment, would enable 2 x 1850sqm lots located to the north of the existing child care centre, the lot size acting as a transition between the 550sqm lots to the east and the 1ha lots to the west;
- The R2 zone is consistent with adjoining lands.

On the basis that the GLEP 2014 does not contain a R5 Large Lot Residential Zone, it is recommended that Council amend the proposal to a R2 – Low Density Residential Zone with a minimum lot size requirement of 1850m².

The preliminary assessment of the Planning Proposal application indicates that it has merit ahead of the Environmental and Urban Edge Zone Review, however as the application seeks the rezoning to enable land subdivision, several studies should be undertaken post Gateway Determination to ensure the land is suitable.

The proposal has been assessed having regard to all State Environmental Planning Policies, Ministerial s.117 Directions and the relevant actions set out within the regional plans including the Central Coast Regional Strategy. The Planning Proposal satisfies all these statutory requirements subject to additional studies being satisfactory.

Budget Impact

There are no immediate budget impacts as the assessment of the Planning Proposal is being funded by payment of a Phase 1 Rezoning Fee. Further assessment work conducted by Council staff and all of the required supporting technical studies will be funded by the proponent.

Conclusion

A rezoning of the subject site from the existing 7(c2) Conservation and Scenic Protection (Rural Small Holdings) zoning to R2 Low Density Residential is an appropriate response to the current land use of the site, its location and its role as a transition between traditional residential and rural lands and also enables the economic and orderly use and development of land to provide additional housing options. Furthermore, the proposed residential zoning with a site area of 1850m² (minimum), responds to site conditions and the suitability of the site for urban development.

An assessment of the planning proposal request has not identified any issues that would prevent Council seeking a gateway determination for this proposal.

It is considered that a planning proposal should be prepared and forwarded to DP&E for a gateway determination.

Attachments

Nil.

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